

Also, memorial of the National Grange, Patrons of Husbandry, to prohibit adulteration of foods, etc.—to the Committee on Agriculture.

Also, memorial of the Board of Trade of Peoria, Ill., favoring measures for enlarging and extending the merchant marine—to the Committee on Merchant Marine and Fisheries.

Also, memorial of the Board of Trade of Chicago, Ill., in favor of the creation and adoption of a naval reserve—to the Committee on Naval Affairs.

Also, memorial of the Farragut Naval Association, in favor of the Whitthorne bill—to the Committee on Naval Affairs.

Also, memorial of the council of administration of the Grand Army of the Republic, department of Illinois, in favor of Chicago for the world's fair—to the Committee on Foreign Affairs.

Also, memorial of the Board of Trade of Chicago, Ill., relative to statistics of farm mortgages, etc.—to the Select Committee on the Eleventh Census.

By Mr. PRICE: Memorial of the Board of Trade of New Orleans, relative to the improvement of the Southwest Pass of the mouth of the Mississippi River—to the Committee on Rivers and Harbors.

By Mr. RAINES: Petition of veterans residing in Ontario County, New York, for further pension legislation—to the Committee on Invalid Pensions.

By Mr. REED, of Iowa: Papers relating to pension claim of John Lindt (H. R. 4254)—to the Committee on Invalid Pensions.

Also, papers relating to the case of Lewis C. Murphy (H. R. 4257)—to the Committee on Invalid Pensions.

Also, papers relating to the case of Joseph S. Henderson (H. R. 4250)—to the Committee on Invalid Pensions.

Also, papers in the case of James B. Hazleton (H. R. 4249)—to the Committee on Invalid Pensions.

Also, papers relating to the claim of N. E. Palmer—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: Petition of heirs of Varner D. Cowan, that claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. ROWLAND: Petition of Arch. S. McNeil, that his claim be referred to the Court of Claims—to the Committee on War Claims.

Also, memorial of certain Indians of North Carolina, for aid to educate their children—to the Committee on Indian Affairs.

By Mr. RUSK: Petition of I. M. Bandell & Sons, to grant an American register to a vessel—to the Committee on Commerce.

Also, petition of the Merchants and Manufacturers' Association and Board of Trade of Baltimore, for a new custom-house at Baltimore, Md.—to the Committee on Public Buildings and Grounds.

Also, petition of G. F. Garnett, for relief—to the Committee on Claims.

By Mr. SAYERS: Petition of citizens of Coleman County, Texas, for the payment of Indian depredation claims—to the Select Committee on Indian Depredation Claims.

By Mr. SPRINGER: Papers in the claim of Lorenzo Durham—to the Committee on War Claims.

Also, papers in the claim of Alexander McNary—to the Select Committee on Indian Depredation Claims.

By Mr. STONE, of Missouri: Papers in the claim of Mrs. W. C. Lucas—to the Committee on War Claims.

By Mr. STUMP: Petition of Letitia Carter, formerly Bidwell, that the charge of desertion be removed from William J. Bidwell—to the Committee on Military Affairs.

Also, petition of William B. Price, that the charge of desertion be removed—to the Committee on Military Affairs.

Also, petition of Luke Goodyear, that the charge of desertion be removed—to the Committee on Military Affairs.

By Mr. TAYLOR, of Illinois: Petition of George H. Barbour and others, praying for the passage of a bankrupt law—to the Committee on the Judiciary.

By Mr. TAYLOR, of Tennessee: Petition of C. M. Dyse Post, department of Tennessee, Grand Army of the Republic, and of ex-soldiers of Greene County, Tennessee, for the service-pension bill—to the Committee on Invalid Pensions.

Also, papers in the case of John B. Walker—to the Committee on Invalid Pensions.

By Mr. EZRA B. TAYLOR: Petition of Carlos P. Lynam, for pension—to the Committee on Invalid Pensions.

Also, memorial of Don Juan Filhiol, relative to the Hot Springs of Arkansas—to the Committee on Private Land Claims.

By Mr. TRACEY: Petition in favor of a national bankrupt law—to the Committee on the Judiciary.

By Mr. TUCKER: Petition of Charles Richardson and others, to increase the compensation of fourth-class postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. TURNER, of New York: Memorial of George C. Jenks, relative to street mail-boxes—to the Committee on the Post-Office and Post-Roads.

By Mr. VAN SCHAICK: Petition of the Northwestern Traveling Men's Association, favoring Chicago as the site for holding the world's fair—to the Committee on Foreign Affairs.

Also, petition of the Vessel-owners' Association of the City of Milwaukee, for the removal of sand-bars obstructing the commerce of said city—to the Committee on Commerce.

By Mr. WALKER, of Missouri: Petition of citizens of Dent County, Missouri, for increase of the pension of Rebecca Bailey—to the Committee on Invalid Pensions.

By Mr. WHITING: Petition of Marathon Association, No. 342, Patrons of Industry of North America, for incorporating in the eleventh census statistics of farm mortgages and of tenant farmers—to the Select Committee on the Eleventh Census.

Also, petition of George McCormick and 18 others, of St. Clair County, Michigan, to prohibit option dealing—to the Committee on Agriculture.

Also, memorial of Marathon Association, No. 342, Patrons of Industry of North America, for the removal of the duty on woolen manufactures in case the duty on wool is removed—to the Committee on Ways and Means.

By Mr. WILLIAMS, of Ohio: Petition of Dayton Typographical Union, favoring Senate bill 232—to the Committee on Printing.

Also, petition of John S. Williams and 100 soldiers, that sons of veterans be eligible on the Metropolitan police force of the District of Columbia—to the Committee on the District of Columbia.

By Mr. WILSON, of Washington: Petition of Charles H. Kegley and others, relative to lands on the line of the Northern Pacific Railroad—to the Committee on the Public Lands.

SENATE.

TUESDAY, January 14, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.
The Journal of yesterday's proceedings was read and approved.

GOVERNMENT GROUNDS AT BANGKOK.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report of the Secretary of State of the 13th instant, recommending that the necessary means be provided to erect suitable buildings on the grounds so generously presented in the year 1884 to this Government for the use of its legation at Bangkok by His Majesty the King of Siam.

I commend the matter to the favorable consideration of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, Washington, January 13, 1890.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of December 21, 1889, a list of officers of the Army who have been placed on the retired-list since March 31, 1888, and stating that there is no increase of pay by reason of retirement, retired officers being allowed by accompanying papers, was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of December 16, 1889, a statement showing the stations and annual salaries of all officers, men, and employes in the Signal Service, etc.; which, on motion of Mr. CHANDLER, was, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a letter addressed to that Department by the secretary of the Territory of Arizona, forwarding a copy of the laws enacted by the fifteenth Legislative Assembly of that Territory, as required by section 1844 of the Revised Statutes of the United States; which, with the accompanying papers, was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting the second annual report of the commissioner of schools in Utah, submitted to that Department through the governor of the Territory, as provided in section 25 of the act of March 3, 1887; which, with the accompanying papers, was referred to the Committee on Territories, and ordered to be printed.

CENTENNIAL CELEBRATION OF WASHINGTON'S INAUGURATION.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution received yesterday from the House of Representatives; which was read, and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring): That there be printed 25,000 copies of the address of Chief-Justice Fuller, delivered December 11, 1889, on the occasion of the commemoration of the inauguration of George Washington, the first President of the United States, of which 16,000 copies shall be for the use of the House, 8,000 for the use of the Senate, and 1,000 for the use of the Chief-Justice.

PETITIONS AND MEMORIALS.

Mr. WILSON, of Iowa, presented the petition of 161 employes of the Government Printing Office, praying for the establishment of a library for the use of the employes of that office; which was referred to the Committee on the Library.

He also presented the petition of B. F. Milligan, of Washington, D. C., praying for the passage of an act making an appropriation to enable him to demonstrate the efficiency of his invention to prevent accidents on railroads; which was referred to the Committee on Railroads.

Mr. CAMERON presented resolutions adopted by Typographical Union, No. 86, of Reading, Pa., praying for the passage of the Chace international copyright bill; which were referred to the Committee on Patents.

He also presented three petitions of the National Association of Stove Manufacturers, praying for the passage of a uniform and general bankrupt law; which were referred to the Committee on the Judiciary.

Mr. CALL presented the petition of Hester Perrine Walker and Henry E. Perrine, praying for the restoration of a grant of land made to their father, Dr. Henry Perrine, who was massacred by Indians during the Seminole war; which was referred to the Committee on Public Lands.

Mr. INGALLS presented resolutions adopted by McPherson Post, Grand Army of the Republic, No. 4, of Independence, Kans., in favor of the passage of the bill donating the Fort Hays military reservation to the State of Kansas for a soldiers' home; which were referred to the Committee on Public Lands.

Mr. HALE presented the petition of William G. Alden and 48 other citizens and business firms of Camden, Me., interested in the building and sailing of ships, praying that an immediate appropriation be made by Congress for the removal of obstructions in Camden Harbor; which was referred to the Committee on Commerce.

Mr. FRYE presented a resolution adopted by the Lewiston (Me.) Board of Trade, in favor of the erection of a public building in that city; which was referred to the Committee on Public Buildings and Grounds.

Mr. PIERCE presented a petition of ex-Union soldiers, citizens of North Dakota, praying for the passage of pension legislation recommended by the Grand Army of the Republic; which was referred to the Committee on Pensions.

Mr. DAWES. I present the memorial of Neopet, head chief, and quite a number of other Indians of the Menominee tribe, remonstrating against the passage of the bill now pending in the Senate for the sale of the timber upon their reservation. I move that the memorial be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. SHERMAN presented a petition of the Springfield (Ohio) Typographical Union, No. 117, praying for the passage of Senate bill 232, relating to copyright; which was referred to the Committee on Patents.

Mr. PLUMB presented two petitions of ex-Union soldiers, citizens of Kansas, praying for the passage of such pension legislation as is recommended by the Grand Army of the Republic; which were referred to the Committee on Pensions.

He also presented a petition of the Wichita (Kans.) Typographical Union, No. 148, praying for the passage of Senate bill, No. 232, relating to copyrights; which was referred to the Committee on Patents.

Mr. CULLOM presented a resolution, adopted by Typographical Union, No. 29, of Peoria, Ill., in favor of the restoration of the pay of employees of the Government Printing Office to what it was prior to March, 1877; which was referred to the Committee on Printing.

He also presented a petition of citizens of Beecher City, Ill., praying that a pension be granted to William Sweazy, late a private in Company H, One hundred and fifty-fourth Illinois Volunteers; which was referred to the Committee on Pensions.

He also presented the petition of Thomas Richardson, late a private in Company B, Seventeenth Regiment Illinois Volunteers, praying to be allowed an invalid pension; which was referred to the Committee on Pensions.

Mr. QUAY presented a petition of the National Association of Stove Manufacturers, praying for the enactment of a general and uniform bankrupt law; which was referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Reading (Pa.) Typographical Union, No. 86, favoring the passage of the Chace copyright bill; which were referred to the Committee on Patents.

He also presented the petition of Sarah J. Thomas, daughter of John R. Thomas, late a private in Company D, Two hundred and fourteenth Pennsylvania Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. CULLOM presented the petition of Charlotte Turner, of Quincy, Ill., praying to be allowed a pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (S. 1) to declare unlawful trusts and combinations in restraint of trade and production, reported it with amendments.

Mr. FAULKNER, from the Committee on Pensions, to whom was referred the bill (S. 123) granting an increase of pension to John F. Ballier, reported it with an amendment, and submitted a report thereon.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the petition of Minerva Jane Olive, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. 1982) grant-

ing a pension to Mrs. Minerva Jane Olive; which was read twice by its title.

He also, from the same committee, to whom was referred the petition of George B. Smith, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. 1983) granting a pension to George B. Smith; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 609) granting a pension to Mrs. Catharine Tittle, widow of Ephraim Tittle, reported it with an amendment, and submitted a report thereon.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 697) authorizing the purchase of a site for a building for the accommodation of the Supreme Court of the United States, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 140) for the erection of a bronze statue of Spencer F. Baird, late Secretary of the Smithsonian Institution, reported it without amendment.

Mr. QUAY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1755) for the erection of a public building at the city of Allegheny, Pa., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1638) to provide for the erection of a public building for the use of the post-office and Government offices at the borough of Beaver City, Pa., reported it without amendment, and submitted a report thereon.

Mr. PLUMB. The Committee on Public Lands instruct me to report an original bill upon the same general subject as the one introduced by the Senator from North Dakota [Mr. PIERCE], which I ask may be read the first and second times and be placed upon the Calendar.

The bill (S. 1984) to create the offices of surveyor-general in the States of North Dakota and South Dakota was read twice by its title.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 1137) granting an increase of pension to James McGowan, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 765) granting a pension to Daniel A. Culman, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 784) granting a pension to Nicholas Moy, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. INGALLS introduced a bill (S. 1985) to increase the pension of Felicie Artaud, widow of Theodore Artaud, late an assistant surgeon, United States Army; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 1986) to provide for the payment of bounty to District of Columbia volunteers; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. COKE introduced a bill (S. 1987) for the relief of Mrs. Elizabeth A. Gill; which was read twice by its title, and referred to the Committee on Claims.

Mr. EDMUNDS introduced a bill (S. 1988) to establish a hospital and home for inebriates in the District of Columbia; which was read twice by its title.

Mr. EDMUNDS. I ask the indulgence of the Senate to say a single word; and I wish my friend, the chairman of the Committee on the District of Columbia, would listen to me. This bill, for an inebriate home here, has been carefully prepared by a committee appointed last spring at a meeting of citizens interested in that kind of good work in this city, of which Judge Walter S. Cox was the chairman. So it is a very carefully prepared bill, and I commend it with great earnestness to the Committee on the District of Columbia, and feel safe in saying, from my inquiry and from what I have heard about it in the two or three years that the matter has been spoken of, that the substance of it, the idea of providing this thing, is earnestly wished for by at least nine-tenths of the people of the District. The measure is perfectly clear, and I hope the Committee on the District of Columbia will give it very early attention.

Mr. INGALLS. My recollection is that the Committee on the District of Columbia reported a similar bill favorably at the last Congress.

Mr. EDMUNDS. They certainly did.

Mr. INGALLS. I can assure the Senator from Vermont that the matter shall receive early and careful consideration.

Mr. EDMUNDS. I did not mean to imply that there had been any want of interest or zeal in the committee before, but I said this rather for all the Senate than for the committee itself.

The VICE-PRESIDENT. The bill will be referred to the Committee on the District of Columbia.

Mr. EDMUNDS introduced a bill (S. 1989) to provide for ascertaining and settling private land claims in certain States and Territories; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. SHERMAN introduced a bill (S. 1990) granting a pension to Samuel Brooks; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1991) for the relief of John Kalbfleisch; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 1992) to amend chapter 136, act of June 20, 1876, relating to custom-house bonds; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 1993) to give to Henry K. Cady an honorable discharge from military service, dating as from November 18, 1865; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FARWELL introduced a bill (S. 1994) to increase the pension of Henry Sommers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1995) for the relief of John Stewart; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 1996) for the relief of Archibald Hunley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 1997) to so amend sections 4693 and 4695 of the Revised Statutes of the United States as to extend the right of pensions to steam-boat men and others acting under orders from United States officers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 1998) to authorize the construction and maintenance of a high-level railroad bridge across the Detroit River, at Detroit, in the State of Michigan; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MANDERSON (by request) introduced a bill (S. 1999) to place upon the retired-list of the Army of the United States certain persons; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2000) to increase the appropriation for the purchase of site and the erection of a public building at Omaha, Nebr.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. COLQUITT (by request) introduced a bill (S. 2001) for the relief of John M. Johnson, of Arnold, Milton County, Georgia; which was read twice by its title, and referred to the Committee on Claims.

Mr. CALL introduced a bill (S. 2002) for the relief of William Mickler; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. HARRIS introduced a bill (S. 2003) for the relief of William Garrett; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also (by request) introduced a bill (S. 2004) to amend an act entitled "An act to extend the free-delivery system of the Post-Office Department, and for other purposes," approved January 3, 1887; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. WILSON, of Iowa, introduced a bill (S. 2005) to remove the charge of desertion from the military record of George W. Hardwick; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. QUAY introduced a bill (S. 2006) granting a pension to Henry H. Schrawder; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2007) restoring to the pension-roll the name of Fredericka Kurtz; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2008) granting a pension to David Rentchler; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 2009) granting a pension to Mrs. Alice Miller; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2010) granting an increase of pension to Andrus Seamens; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2011) granting an increase of pension to Clinton Dayton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HISCOCK introduced a bill (S. 2012) granting an increase of pension to Pardone H. Morey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 2013) to confer the rank of lieutenant by law on Nathaniel Johnson Coffin; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MITCHELL introduced a bill (S. 2014) for the relief of certain settlers on the public lands of the United States and to authorize the taking and filing of final proofs in certain cases; which was read twice by its title.

Mr. MITCHELL. I desire to have a communication, which I will send to the desk, read in connection with the introduction of this bill. The bill has been prepared by the Commissioner of the General Land Office, and I desire to attract the attention of the Committee on Pub-

lic Lands to it as one that ought to receive early consideration, if it receives consideration at all. The communication from the Commissioner will explain the purpose of the bill. I ask that it be read.

The VICE-PRESIDENT. The communication will be read.
The Secretary read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 13, 1890.

SIR: I have the honor to acknowledge the receipt of your letter of the 7th instant, inclosing a communication to you from Henry Kinehart, register, and A. C. McClelland, receiver, La Grande, Oregon, of date January 1, 1890. You ask my special attention to the communication "with a view of seeing whether it is possible under the law to change, in the interest of the settlers, the ruling recently made by me referred to." You also say "that if this can not be done, would you (I) recommend a bill in the interest of the settlers referred to?" and ask me, if so, to suggest a form, etc.

The register and receiver, in the communication to you, say that on October 29, 1889, J. T. Outhouse, receiver of public moneys, died. The office remained vacant until A. C. McClelland received a commission, December 31 ultimo. In the mean time business of the office was generally suspended requiring the joint action of both officers.

At the date of the death of the receiver there were a vast number of final-proof notices being published and quite a number were to be taken after his death.

It appears from the letter that notwithstanding the death of the receiver, and the vacancy in the office, the register proceeded to take final proofs on the days named in the notices, reducing the testimony to writing, and filing it away for the joint action of the register and receiver, when one should be appointed. They state that something over fifty cases were in this condition when, being called on for instructions, I, in my letter of November 15 ultimo, ruled that the proofs in said cases were void, that new proofs would be required without republication.

As stated in said communication, my decision was based on a well-considered case, *Graham vs. Carpenter*, 9 L. D., 365, rendered by honorable Secretary of the Interior. In that case it is distinctly held that "where death invades the office and removes either of the officers, the machinery thereof at that moment stops, and can not be put in motion again until the office is filled." The honorable Secretary says: "It very clearly appears that upon a vacancy in the office in either of these officers, who constitute the tribunal for the transaction of business, the tribunal itself ceases to perform any of the functions over which it is given jurisdiction by statute. In fact, so far as the performance of the public duties is concerned it is as though it did not exist."

From this you will readily observe that it is not possible, under the law, to change the ruling referred to.

In my decision I did not require republication, but new proof only. I realize to the fullest extent the inconvenience, expense, and vexation which result to the settlers in these and kindred cases, but as a mere executive officer the remedy is beyond my control.

The remedy, if there be one, as to these particular cases lies alone in the power of Congress. I respectfully suggest, however, that action on the part of Congress should be general and not special, such that not only should give relief to these settlers, but to all others similarly situated and affected. And if a remedy of this kind is proposed, I respectfully submit that the law be so changed that in the future in all cases where a vacancy shall occur by reason of the death, resignation, or removal of either register or receiver, the remaining officer, in the absence of contest or protest, may proceed to take final proofs, reducing the same to writing, during the vacancy, in all cases in which the day set in the notices arrives during the vacancy, and that the same may be considered by both officers when the vacancy is filled.

I inclose, according to your request, a form of bill which will, in my opinion, meet the above requirements.

Very respectfully,

W. M. STONE,
Acting Commissioner.

HON. JOHN H. MITCHELL,
United States Senate.

The VICE-PRESIDENT. The bill will be referred, with the accompanying paper, to the Committee on Public Lands.

Mr. WILSON, of Iowa, introduced a bill (S. 2015) to amend and alter an act entitled "An act to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Burlington, Iowa," approved August 6, 1888; which was read twice by its title, and referred to the Committee on Commerce.

Mr. COCKRELL introduced a bill (S. 2016) for the relief of Charles Wagemann; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2017) to increase the pension of Henry H. Penrod; which was read twice by its title, and, with the accompanying petition and papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2018) for the relief of Aaron Bell; which was read twice by its title, and, with the accompanying petition and affidavits, referred to the Committee on Claims.

Mr. HAMPTON introduced a bill (S. 2019) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861; which was read twice by its title, and referred to the Committee on Finance.

Mr. CAMERON introduced a bill (S. 2020) granting an honorable discharge to John Cunningham; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 2021) granting a pension to Ellen Miller; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 2022) granting a pension to Sarah C. Hurlbutt; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2023) to restore the pension of Mrs. Helen S. Spring; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. JONES, of Arkansas, introduced a bill (S. 2024) for the relief of W. Jasper Blackburn; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2025) for the relief of John P. Moore; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2026) authorizing the construction of a free bridge across the Arkansas River, connecting Little Rock and Argenta, Ark.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SHERMAN introduced a bill (S. 2027) granting a pension to Sarah Riheldarfer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 2028) granting a pension to Mary J. Wright; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a resolution (S. R. 34) instructing the Secretary of War to cause an examination to be made of the practicability and expense of tunneling or bridging the Straits of Mackinac; which was read twice by its title, and referred to the Committee on Commerce.

MISSOURI RIVER BRIDGE.

Mr. PADDOCK. During my absence from the Senate yesterday the bill (S. 940) to authorize the construction and maintenance of a bridge across the Missouri River at a point to be selected in the county of Douglas or in the county of Sarpy, in the State of Nebraska, and the county of Pottawattamie, in the State of Iowa, and to make the same a post-route, was passed by the Senate. I desire to make a motion to reconsider the vote by which that bill was passed for the purpose of asking a question or two of the Senator from Wisconsin [Mr. SAWYER], the member of the Committee on Commerce who reported the bill. I move to reconsider the vote by which the bill was passed.

The VICE-PRESIDENT. The Senator from Nebraska moves to reconsider the vote by which Senate bill 940 was passed yesterday. The question is on the motion to reconsider.

Mr. PADDOCK. I understand that in the bill as originally drawn and introduced in the Senate there was a provision authorizing the construction of a low bridge, a draw-bridge, at Omaha, or at some point below Omaha, between the counties of Douglas and Sarpy. I should like to inquire of the Senator from Wisconsin if that provision remained in the bill when it was passed by the Senate. I think I am authorized to say that my colleague [Mr. MANDERSON], who is not at this moment in the Chamber, would not desire the passage of the bill if it should give authority to construct a low bridge.

Mr. SAWYER. No, sir; that provision was stricken out. There is no authority in the bill to build any bridge except a high bridge.

Mr. PADDOCK. The bill is carefully guarded in respect to that particular kind of construction?

Mr. SAWYER. Yes, sir.

Mr. PADDOCK. I desire to say that a movement is on foot at Omaha, as I am informed, to largely increase the commerce of the Missouri River between that prosperous city and St. Louis, and it would be a very serious obstruction, in my judgment, if a low bridge were to be constructed there. If the bill authorizes the construction of a high bridge only, I am for the bill.

Mr. SAWYER. That is all there is in it. The bill was referred to the War Department, and they referred it to the local engineers, who recommended that the clause for a low bridge be stricken out. That view was acquiesced in by the committee and adopted by the Senate.

Mr. PADDOCK. With this explanation by my distinguished friend, I will withdraw the motion to reconsider.

The VICE-PRESIDENT. The motion to reconsider is withdrawn, and the bill stands passed.

CIGAR MANUFACTURERS' BOND.

Mr. GEORGE. I offer a resolution for reference to the Committee on Finance, and as the reading clerks have some difficulty sometimes in reading my handwriting, with the permission of the Senate, I will read it myself before I send it up.

Resolved, That the Committee on Finance be instructed to inquire into the propriety of reducing the penal bond required by law of the manufacturers of cigars in all cases, or in cases where the manufacture is carried on by the manual labor of the manufacturer, and that they report by bill or otherwise.

I ask the indulgence of the Senate for a moment or two to explain the cause of the introduction of the resolution and to make some explanation of the resolution itself. Yesterday I received a letter from a gentleman who is unknown to me, but who writes from Boyertown post-office, Berks County, Pennsylvania, dated January 7, and is in the following words:

BOYERTOWN, PA., January 7, 1890.

DEAR SIR: We, the undersigned, do earnestly and respectfully request that you will take prompt and effectual action on the following questions of national interest and importance. We, as laboring cigar-makers of this country, desire that you abolish the internal-revenue tax on cigars this coming session. We are waiting patiently for it, and if it be found impossible or inexpedient to abolish the aforesaid revenue tax at the coming session, then we most earnestly desire that you will use all your influence in an honorable way to secure the reduction of the penal sum of the bond of cigar manufacturing from \$500 to \$50. At the present amount of bail or bond it is far above the reach of the poor man to procure the amount of bail the Government requires now. The poor is only a slave.

This \$500 bond prevents us poor laboring class of cigar-makers from the opportunity of going into cigar manufacturing for ourselves. It compels us to

seek work at large factories and monopolists and work for low wages, and this cigar business is monopolized in every community. Here in the Northern States the poor man is crowded out of the cigar business as long as the tax remains or either the penal bond of cigar-manufacturing remains so high.

Hoping you will give this matter your earnest consideration, I remain, Your obedient servant,

GEORGE G. FOLL,
Laboring Cigar-Maker, Boyertown P. O., Berks County, Pennsylvania.
Hon. J. Z. GEORGE.

I trust I may be indulged, Mr. President, in stating that I hope the Committee on Finance will give this subject their earnest consideration at an early day. It is true that our present economic and industrial conditions are such that it is almost impossible for men of small means, individual workers laboring for themselves, to compete successfully with the large establishments. I do not know that it is in the power of Congress to remedy this condition, but certainly where there is a law on the statute-book which contributes to make this condition more harmful to the individual laborers, which contributes to give the large capitalists greater and greater advantage over the laboring classes of the country, I think it is the duty of Congress, if it is in its power, to remove that obstacle.

I ask that the resolution and the accompanying letter which I have read be referred to the Committee on Finance.

The VICE-PRESIDENT. That order will be made.

MESSANGER TO COMMITTEE ON TRANSPORTATION ROUTES.

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

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, authorized to appoint a messenger to the Committee on Transportation Routes to the Senate, whose services shall be devoted exclusively to the business of said committee, and the messenger to be appointed shall be selected by the said committee, and shall be paid at the rate of \$1,440 per annum out of the contingent fund of the Senate.

BILL RECOMMITTED.

Mr. SAWYER. I ask to have the bill (S. 1137) granting an increase of pension to James McGowan recommitted to the Committee on Pensions.

The VICE-PRESIDENT. It will be so ordered in the absence of objection.

FLORIDA LANDS.

Mr. CALL. I gave notice yesterday morning that I would ask the Senate for the consideration to-day of the resolution which was pending before the Senate when it adjourned last Thursday, and also the resolution relating to the public lands which I then formally introduced. I now ask that they may be taken up, so that I may submit some observations to the Senate.

The VICE-PRESIDENT. The resolutions referred to will be stated.

The CHIEF CLERK. A resolution by Mr. CALL in relation to the claims of Florida under the swamp-land grant; also, a resolution in relation to the alleged unlawful selections of lands in Florida.

Mr. CALL. I suppose the resolutions are now before the Senate properly by unanimous consent. I understand that to be the order.

The VICE-PRESIDENT. That is the understanding of the Chair.

Mr. PLUMB. Will the Senator yield to me for a moment?

Mr. CALL. Yes, sir.

Mr. PLUMB. I wish to give notice that at the conclusion of the Senator's remarks I will ask the Senate to proceed to the consideration of Order of Business 5 on the Calendar, being the bill (S. 598) relating to homestead entries in the Indian Territory.

Mr. CALL. I desire to say that I should like to have a vote on these resolutions, not interfering with the Senator.

Mr. PLUMB. After this matter is disposed of I shall claim the floor.

Mr. CALL. I ask that the resolution be read.

The VICE-PRESIDENT. Which resolution does the Senator desire to have read?

Mr. CALL. The resolution we had up for consideration on Thursday last when we adjourned.

The Secretary read the following resolution submitted by Mr. CALL January 8, 1890:

Whereas the Commissioner of Public Lands states in his annual report to Congress as follows:

"In the report for 1888 (page 45) special mention was made of the frauds that had been perpetrated in regard to the claims of Florida under the swamp grant. There can be no doubt that large quantities of lands, amounting to millions of acres, have been patented to this State erroneously as being swamp, when, in fact, they were and are good agricultural lands.

"It would seem that before action is taken for the approval of current claims by this State the lands claimed should be carefully scrutinized and examined by reliable agents of the Government in the field, and that some action should be provided for by Congress to recover for the public domain the lands fraudulently obtained before any more lands are patented under these grants. The total area of Florida is 37,331,520 acres, while the lists already filed from that State amount to 22,221,469 acres, of which amount 16,061,129.98 acres have been patented. Only 711.59 acres were patented to Florida during the past year. I call attention to the fact that no lists have yet been filed for lands in that part of the State most notoriously swampy in character, namely, in the extreme southern part of the peninsula, in the vicinity of the Everglades.

"It is probable, therefore, that in the future several million acres more will be claimed of lands that may be more genuinely swampy than the bulk of those previously claimed.

"It thus appears that fully two-thirds of the public lands in the State have

been or will be claimed as swamp, a claim which I am not prepared to admit by any means."

And whereas the trustees of the board of internal improvement of the State of Florida deny the statements of the report and assert that the selections of land under the act of 1850, made since the confirmatory act of 1857, are swamp and overflowed land unfit for cultivation, and that the statements of the report impute a fraud to the State of Florida: Therefore,

Be it resolved by the Senate, That the Secretary of the Interior is directed to report to the Senate all the evidence in the General Land Office touching this subject, and upon which the statements of this report were made.

The VICE-PRESIDENT. The question is on the motion of the Senator from Vermont [Mr. EDMUNDS] to refer the resolution to the Committee on Public Lands.

Mr. CALL. Mr. President, at the last session of Congress I introduced a resolution similar to the one which is now upon the Calendar, and which has not been read, asking for an investigation by the Committee on Public Lands of the petitions and complaints of citizens of Florida in reference to the location or selection of their homes upon the dry and arable lands of the United States in the State of Florida, and under obsolete and antiquated land-grants in that State, and the consideration of the question of the legislation that was necessary and expedient for the protection of the citizens of the United States and the people of Florida in their right, under the laws, to free homes upon the public lands.

The resolution was referred to a subcommittee of the Committee on Public Lands, and by them a report was made to the Senate, which, so far as there is any evidence upon its face, was not submitted to the general Committee on Public Lands, nor was it ever considered by the Senate. I presented that resolution in response to the recommendations of two Administrations and the statements contained in the annual reports of two Secretaries of the Interior. These recommendations and reports stated that the entire public domain in the State of Florida, or at least two-thirds of it, as again repeated in the annual report of the present Commissioner of the General Land Office, had been selected under the swamp and overflowed-land grant of 1850, and that the reports of the General Land Office contain evidence that these selections were in many respects mistaken and improper; that they were selections not of swamp and overflowed land, but of dry land fit for cultivation.

These reports—and I will not delay the Senate by reading them, for I design to make my remarks brief upon this occasion, and I will ask consent of the Senate to print without reading such documents as I shall indicate—these recommendations of two Administrations, one Republican and one Democratic, stated that the files of the General Land Office were surcharged with complaints and protests against these entries and these selections.

Going as far back as 1833, the Secretary of the Interior reported, in response to a resolution of the Senate:

In respect to that portion of the Senate resolution relative to the number of contested homestead entries in Florida that are now pending in this Department, and the length of time each case has been pending, I have to state that the number of such cases not in conflict with any railroad or other grant is 150, 1 of which dates from 1877, 8 from 1878, 11 from 1879, 13 from 1880, 55 from 1881, and 61 from 1882. The number of homestead cases in Florida that are in conflict with railroad, swamp, and other grants can not be accurately ascertained without an examination that would consume more time than would be warranted by a respectful answer to the Senate resolution. As an estimate, I might say that there are probably two or three thousand of such cases.

In this connection I may say that there are probably two or three thousand of such cases, where letters and petitions have been sent to me. These two or three thousand cases, together with the petitions which I have here, which I will ask to have printed as an appendix to my remarks without reading them, represented at a reasonable estimate from twelve to fifteen thousand people in the State of Florida, asking for this investigation, and asking for it upon the recommendation and statement of two Administrations that the greater part of the public domain bought from Spain was being appropriated by these swamp-land selections and old railroad grant of May 17, 1856, which I have time and again explained to the Senate had never been granted by the State of Florida to the railroad corporations which were disposing of them by virtue of an assignment from an individual claimant.

Mr. President, I propose to examine this report of this subcommittee, which I undertake to say is the most extraordinary document that has ever been presented to this body.

The Senate will bear in mind that this report of this subcommittee is made upon a resolution asking an investigation and a consideration of the legislation necessary for the protection of these twelve or fifteen thousand citizens of the United States—only an investigation, and upon the recommendation of two Administrations, of alleged improper and unlawful appropriation of the public domain.

Now, Mr. President, what ground can any one conceive that could justify a report of a committee that where two-thirds of the area of a State for which the United States has paid six millions of dollars, where there was a report from two Administrations that two-thirds of this area was to be withdrawn from the operation of the land laws of the United States, giving free homes to the people, and where from twelve thousand to fifteen thousand people were before the Department asking for that investigation—upon what conceivable ground could there be a denial of so clear a right? Now, I propose to examine this extraordinary document, and in doing so I do not desire to reflect in any respect

upon the ability or the public spirit or the correct purposes of the members of the committee.

The grounds upon which this committee deny this investigation and refuse to consider the request of this large number of American citizens are, in the first place, that it is impracticable; in the second, that it is unnecessary; in the third, that there is ample protection in the existing laws.

Well, Mr. President, the fact that these people are here protesting against the selection of this vast area of the public lands is a sufficient answer to the question of impracticability. Why impracticable? Can any one conceive why an intelligent committee of this body can not investigate and consider and report some measure by which the citizens of the United States can be protected in their rights under the laws? That is an extraordinary and wonderful proposition.

But the committee further say that it is a question of doubt whether Congress has the power to protect citizens of the United States after the Secretary of the Interior has approved the selection of these lands under the law. That opinion, as well in regard to the vast selections of the public domain in the State of Florida as to those selections in other States, rests upon the supposed force and effect of a decision of the Supreme Court of the United States, and if that decision has such a meaning, which it has not, then the highest duty of that subcommittee and of every other member of the Senate would be to consider the legislation which was necessary to correct and withdraw a power given to the Secretary to dispose of the entire body of the public domain without appeal to or supervision by either court or Congress. Such a proposition as that reported by a committee of this body is more revolutionary than the attempt of the Confederate States to supplant the jurisdiction and power of the Government over them. It is absolutely destructive of the power of Government and of the proper execution of the laws.

The proposition is that the Secretary by an approval of land, as swamp and overflowed, can convey the land belonging to the people of the United States and any other public property, and that his construction of the law is absolute and final. But the decision of the Supreme Court does not bear such an interpretation and meaning. It is true that the decision of the Supreme Court in the case of French against Bryan has been the foundation of this misappropriation of a territory greater than the continent of Europe, and its withdrawal from the public domain and from occupancy and inhabitancy by the people of the United States, but the decision does not warrant such a construction.

Here was an area of some four or five million acres of the public domain unpatented and resting solely upon the approval of a selection which this committee were asked to investigate and report upon, and yet they report—three out of this entire body say that there is no necessity for further investigation or further legislation; that it is difficult, if not impossible, at this period of time to ascertain whether the selections were properly made or not; and yet the selections were made within the last four or five years, and if it was possible then to ascertain of what character they were, surely it is possible now to ascertain that the fact thus found was an erroneous conclusion. They are contemporaneous; the selections have scarcely been made; they have not yet been patented. This is the committee's report upon the evidence. The only evidence contained in the report in support of this assumption of the committee is the written statement of Mr. Wailes, a State agent, under whose supervision and direction the selections were made, and Mr. Hamilton Disston, of Pennsylvania, a most estimable gentleman, who has been a grantee of the State, and to whom the State of Florida owes something for his enterprise and his liberal investments.

These gentlemen speak from their opinions and not from their knowledge, and on the other hand are two Secretaries of the Interior, two Commissioners of Public Lands, and two agents appointed for this investigation, whose report is here, and the letters of many individuals. Mr. Åker's testimony, a special agent, contained in this very report of the subcommittee, states that in his examination he found that vast areas of these lands were dry and fit for cultivation instead of being swamp and overflowed and rendered thereby unfit for cultivation. The letter of Dr. Kellum, the letter of the surveyor, Mr. Williams, and all these statements are contained in these reports, with the offer to produce hundreds of witnesses to prove the character of these selections, and here is an array of a great number of the people of the State of Florida asking for the investigation. And yet the subcommittee report that no investigation should be had.

Mr. President, it is a matter of sufficient importance for the subcommittee and the Senate to ascertain whether an area nearly as great as England, with its vast population, can be withdrawn upon erroneous and manifestly improper constructions of the law, by the act of executive officers, from the occupation and use of the people to which it was dedicated by law, by a solemn act of Congress, and by the pledges of both the political parties of this country.

I have here, and I will print with my remarks, the resolutions of the several conventions, Democratic and Republican, pledging the people of this country that these lands should be preserved as a sacred heritage for homes for themselves and their children, and recommending that

there shall be adopted by Congress measures to prevent the withdrawal of this vast body of public lands and their appropriation for the individual uses of a few men.

The twelfth resolution of the national Democratic convention of 1880 is "Public land for actual settlers."

The fifth resolution of the national convention of the Republican party of 1880 is "That no further grant of the public domain shall be made to any railway or other corporation." In 1884 national convention, Republican party, declares "Public lands should be reserved, as far as possible, for small holdings of actual settlers." "We demand of Congress the speedy forfeiture of all land grants which have lapsed by reason of non-compliance with acts of incorporation in all cases where there has been no attempt in good faith to perform the conditions of such grants."

The national convention, Democratic, 1884, declares public land ought, as fast as possible, to be kept in homesteads for actual settlers; * * * all unused lands * * * granted to railroad corporations * * * shall be restored to the public domain; * * * no more grants of public land shall be made to corporations, * * * or * * * fall into the ownership of alien absentees."

Mr. Cleveland, in his message of '86, says: "It is not for the common benefit that a large area of public lands should be acquired directly or by fraud in * * * one individual." Three-fifths of national domain has been sold; of remaining two-fifths a considerable portion is desert or mountainous. In 1888 Democratic national convention declared: "It had reversed improvident and unwise policy of Republican party touching the public domain; has restored to the people nearly 100,000,000 acres of valuable land, to be sacredly held as homesteads for our citizens."

Republican national convention said: "We reaffirm policy of appropriating public lands for homesteads for American citizens and settlers. * * * The restoration of unused railroad land grants to public domain for use of actual settlers."

What further consequences arise from this refusal to investigate the selection of so vast an area of the public domain and its withdrawal from the operation of the laws dedicating it to the use of the people? It will be borne in mind that the reference here is not to the land that was confirmed by the confirmatory act of 1857, but to selections that have been made since that time. The report of the trustees of the internal improvement fund of Florida agrees that a body of some 23,000,000 acres—between twenty-two and twenty-three millions—has been selected under the designation of swamp and overflowed lands, rendered thereby unfit for cultivation, and that two-thirds of the area of the State of Florida is absolutely unfit for human inhabitancy. That fact is placed beyond all doubt.

What is the duty imposed upon Congress when the Department of the Interior, when two Administrations affirm, when two special agents sent there for examination have declared that in respect to the selections under the confirmatory act of 1857 they are not embraced in the terms of the law? What is to become of the title to this vast body of the public domain? The last Administration brought that question before Congress and before the country, and asked, if there be by an Executive officer not an execution but a denial and a violation of the law, and public property is conveyed without authority of law, what is to become of the titles of those who hold that property and claim it? There is no statute of limitations against the United States. There is no statute of limitations against a State unless provided by her law. And when this growing public opinion shall mature which forbids the aggregation of great quantities of lands in the hands of an individual, will they or will they not control the powers of government to the end of executing the law and protecting the rights of the people, no matter how long it may be? Certainly that is not a question which can be dismissed with contempt, and it behooves, therefore, Congress at this time to have the question settled as to the title of this land.

Mr. President, the title is obtained under a selection of a vast area of dry and arable lands by a mistaken or erroneous representation in reference to its character, by representing it to be swamp and overflowed and unfit for cultivation, when the fact is otherwise. In reference to an individual or an isolated case it might be well said that the law cares not for small, insignificant things; but suppose it applies to the whole area of the public lands of the United States; what shall Congress do then? Suppose the Secretary of the Interior shall undertake to certify as swamp and overflowed the entire body of public lands of the United States, and it shall be done when those States have, under policies which they may have deemed wise for themselves, conveyed this entire area to great corporations and transportation companies, what would be the duty of Congress in such a case as that, and what is the duty of Congress now, when two-thirds of the area of a State has been taken, one-third of which, or eleven millions of acres, were confirmed under the act of 1857 and some five or six million acres have been approved, I believe, since that time, and there remain now four or five millions of acres selected, but yet finally unapproved?

Mr. President, to show how very extraordinary the report of this committee is, here is a book containing the decisions of the Interior Department, and here is a decision by Mr. Lamar, late Secretary of the Interior, in respect to Oregon, in which he sets aside selections which had been approved in the State of Oregon. He sets them aside upon proof that they were not embraced in the act of Congress, and it is somewhat curious that the same agent of the General Land Office who reported these selections as swamp and overflowed has been largely concerned in the report of the selections in the State of Florida, as swamp and overflowed land, against which the people protest and to which they object.

I will read, briefly, from the report of one of the land agents of the United States appointed to examine and select these lands. I am in-

formed that he is a man of character. I am not acquainted with him, but that is the information which I have in regard to him. His name is Joseph B. G. Hester, special agent. In a part of his report made from Live Oak, Fla., on the 18th of November, 1877, to the Hon. J. A. Williamson, Commissioner of the General Land Office, the following statement is contained:

Information has come to me of other wrongs against the United States relative to public lands which I feel would be a neglect of duty were I to permit it to pass unnoticed. I therefore have the honor to invite your attention to the following: It appears that 896,915 acres of swamp and overflowed lands were granted to the State of Florida under act of Congress approved September 28, 1850. I refer to list No. 8, selections for the State of Florida, approved June 28, 1876. The lands included in this list are situated mainly in Manatee and Monroe Counties, on the Caloosahatchie Creek, Brush Creek, Peace Creek, Tsalapopka Creek, Josh Creek, Prairie Creek, Halpatahatchie Creek, Cakloosahatchie River, and along the coast of Charlotte Harbor.

Much of these lands have been sold, and not one dollar has been expended as the law requires (section 2480, Revised Statutes), and in fact the lands in question, or at least a very small proportion of them, needed no such drainage, it being nearly all as high and dry as any lands in Florida. As evidence of this fact Mr. R. S. Fuller, of Gainesville, was recently in the State land office at Jacksonville where he heard Mr. William H. Kendrick, a salesman in the State land office, negotiating the sale of some of these lands, state that he aided in the selection of the said lands, and that they were not overflowed or swamp lands. Any amount of evidence can be obtained to confirm the fact.

Evidence can also be had to fully establish the fact that the affidavits upon which the selections in this list (No. 8) are based were false. The facts in the foregoing are the same, to a great extent, in other lists and other grants previously made; this I assert from personal observation.

Having recently traveled over much of the State land which was granted to the State of Florida, I can positively state that three-fourths of all the land granted to Florida under the act of September 28, 1850, is high dry land and has never been subject to overflow.

It is perfectly clear that the act of Congress, September 28, 1850, so liberal in its provisions, has been greatly abused by a set of land sharks, swindlers, and railroad rings, perverting its true intent and using it to their own personal advantage by making up lists of alleged swamp and overflowed lands and furnishing proof of the same as required by law, which is in most instances wholly or in part false. A recent selection of this kind has been made. I refer now to the list of State selections (No. 101), amounting to 530,176 acres, which I understand has been submitted to the honorable Commissioner of the General Land Office asking for approval and patent. Three hundred and ninety-one thousand acres of this land is situated on the coast of the Gulf of Mexico, between latitude 26° and 27°; it embraces the mouth of Corkscrew River and Ostego Bay; the greater portion of it is represented by persons who were well informed to be high dry land and very valuable for the growth of sugar-cane and tropical fruits. One hundred and fifteen thousand acres of this land is located on the Atlantic coast, between latitude 25 and 26, and embraces the whole of the coast with some of the adjacent islands from Barnes Sound to Biscayne Bay. It is represented by persons well informed to be high dry land and only a very small portion of it swamp or in any way subject to overflow; it embraces one of the best harbors on the peninsula, and with slight improvement on the bar would be the best south of Fernandina. Twenty-four thousand one hundred and seventy-six acres is located on the Caloosahatchie River, at the head of navigation, and is represented by persons well informed to be one of the best timbered bodies of land on that river and not in any way subject to overflow. It embraces the land around Fort Thompson. It is the head of navigation, and if owned by a ring or set of land-sharks would give them the complete monopoly of the timber on the river above that point.

In view of the foregoing I would respectfully recommend that this selection of land (No. 101) be not approved and that a patent be not issued for the same until a proper investigation can be had or contest made.

That is the report of an agent of the Land Office in reference to 600,000 acres of these selections, and it is on file in the General Land Office, and yet the subcommittee of this body refused the application of these thousands of citizens asking simply for an investigation and a decision of the fact whether or not their homes upon these lands and their right to homes upon them had been taken away by these selections and approvals.

But I said it was one of the extraordinary features of this case that this same gentleman whose selections in the State of Oregon have been set aside and the approval withheld for that reason was the person whose action as to the selections in Florida has been sustained.

Mr. MITCHELL. I should like to inquire of the Senator from Florida, who is the person to whom he refers?

The PRESIDING OFFICER (Mr. DAWES in the chair). Does the Senator from Florida yield to the Senator from Oregon?

Mr. CALL. Yes, sir. I will give the name in a moment.

Mr. MITCHELL. Is it a special agent of the General Land Office from whose report the Senator is reading?

Mr. CALL. I have been reading from the report. I am now reading from a memorandum of facts contained in the papers.

Mr. MITCHELL. What I wish to know is the name of the special agent.

Mr. CALL. I stated to the Senator that I would read it to him as soon as I found it.

Mr. MITCHELL. All right.

Mr. CALL. "Capt. J. G. Hester," says this memorandum of evidence on file in the General Land Office, which has been given to me, "was sent to examine these lands;" and I said that this is a memorandum of evidence on file in the General Land Office, not made by me, but presented to me for the purpose of making this statement:

In the first place, I find that the custom has grown up in the General Land Office of allowing "State agents" to select legal subdivisions which they report as swamp land, and then the General Land Office sends a special agent "to examine the list" and report whether it is or is not swamp land.

You can readily see how easy it would be to commit great frauds by collusion between these "State agents" and the special agents of the General Land Office.

Unfortunately there is unquestionable evidence of this collusion in many cases where "legal subdivisions" no part of which was "wet and unfit for cultivation" have been certified to the States.

Louisiana, Arkansas, and Florida are the States having the most swamp lands, and in these the greater wrongs have been committed. Of these States, Florida takes the lead in fraud, millions of acres of land having been patented or certified to that State as "swamp and overflowed land unfit for cultivation" over which no water ever flowed except that which fell from the clouds.

Of the 37,550,000 acres of land in Florida, 16,046,000 acres have been claimed and certified to the State as swamp land. That is, according to this statement, nearly one-half of the land in the State of Florida is unfit for cultivation, or, to be more explicit, out of the \$39,000 legal subdivisions of 40 acres each, 404,150 have each more than 20 acres "unfit for cultivation."

I can refer you to one instance where the evidence of collusion and fraud is on file in the Interior Department, and I have no doubt that this is but a sample of numerous cases that could be unearthed if the proper measures were taken.

The records of the Department show that in 1877 a list, numbered 101, was made out by the State agent, containing 652,320 acres which was claimed as swamp land. This list was sworn to and filed in the General Land Office. Under what color of law this State agent had any power to make this list or the Land Office to receive it, I am unable to say. I only state a fact as it exists.

Capt. J. G. Hester was sent by the General Land Office to examine this land and see whether it was "swamp and overflowed and unfit for cultivation." On November 19, 1877, he reported that it was not swamp land, and this report is now on file in the office.

Captain Hester found that so many wrongs had been committed in regard to Florida lands and so much timber cut from Government lands that he communicated with the United States district attorney, and upon his evidence a number of influential residents were indicted by the United States grand jury.

Immediately after this, Captain Hester and other agents were recalled and sent to Florida to examine this land.

These new examiners were * * * R. V. Ankeny.

Ankeny made a report in August, 1879, shortly after their arrival in Florida, that the lands contained in list 101 "were not swamp and overflowed lands;" but it seems that, like Saul of Tarsus on his journey to Damascus, these men heard a voice which caused in them as great a change as was that wrought when Saul, the persecutor, became Paul, the apostle; for in November they made another report, in which they declared that 536,995 acres of land which in August were not swamp and overflowed had become quagmires in November.

Feeling that some evidence was necessary to sustain the last report, a number of affidavits were sent to the Department by Messrs. Protois and Ankeny, purporting to be from citizens who knew all about the swamp and overflowed lands in list 101. But, singular as it may appear, no persons bearing the names signed to these affidavits can be found at the places where they claimed to reside. Probably, like the Arabs, of whom the poet wrote, after making these affidavits, they concluded to "silently fold their tents and steal away." It is very evident there was a "steal" somewhere in regard to these lands.

In November, 1879, Ankeny reported that the lands in list 101, all situated in Dade, Manatee, and Monroe Counties, amounting to over 900 square miles, were "wet and unfit for cultivation." Yet the census for 1880, taken a few months afterwards, shows that these three counties contained 14,737 inhabitants, and I am informed by parties who have visited these counties that they are among the highest lands in the State.

I have called your attention to this case particularly because the evidence is all within your call, being on file in the Interior Department. It is only one of a number of similar cases.

As you are aware, the Government can at any time vacate land patents that were wrongfully or even inadvertently issued, and severe penalties are prescribed for the punishment of men who engage in the business of obtaining lands by wrongful devices.

Nor does the act of March 3, 1857, which confirmed all selections to that date, make any change in regard to wrong committed anterior to that time.

And there is the name of another person which it is not necessary to mention here. I have myself read within the last few days the case before Secretary Lamar, in which a large body of selections in the State of Oregon were, upon a rehearing, refused to be patented because of the alleged improper conduct of the agent in making the selection. That is all that I know in regard to this matter.

But here is a statement upon the files of the General Land Office that the same agent whose selections have been disapproved and set aside as to the selections in the State of Oregon is the person by whom the selection of a large portion of this land in the State of Florida has been made. This memorandum contains other matters which I do not think proper to present to this body. They might be proper matters for the investigation of a committee, and, if they were found true, for some proceedings in regard to them.

The question has been suggested what is the duty of a Senator in such a case, where the people of the State claim the right to homes and free homes upon the public lands of the United States, and request him to present their petitions and assert their rights to the consideration of Congress? I have been assailed in the State, and the parties interested in these obsolete railroad grants and improper swamp-land selections have made me the target because I say here, and I say there and everywhere, that the humblest citizen has a right to have his claim for and his right to a home on the public lands investigated, and to have such legislation had on the part of Congress as will protect him. Whose interest is it? Is it the interest of the State of Florida and her people that the public lands within her borders shall be withdrawn from the public land laws of the United States and free homes on the public lands to her people denied?

If the committee and those who agree with it desire the nullification of the land laws of the United States, as this report assumes that they do—for they can not justify themselves in any other manner when they report in favor of suppressing inquiry and investigation and against legislation for the protection of these people in this vast portion of the public domain, upon the idea that it can not be ascertained now whether the land was swamp and overflowed in 1850 or not, though the selections have been made within the last few years—then I can understand the position.

Why, Mr. President, it requires but little perception to see that if it can not be ascertained now it could not a few years ago, and the first step towards acquiring any right under this law is the proof that the lands are embraced within the terms of the act of Congress, and the

selections would therefore be unauthorized and void. But what is a State? The committee assume that a State is the land agent that makes the selection; that it is the executive officer, not the people of the State; that it is the persons who temporarily perform its executive functions. That is a wonderful proposition for a committee of this body to make, that a State is not the people present and future speaking through their laws, but is an executive agent with a compensation increasing with the amount of his selections and the amount of the indemnity paid!

The Secretary of the Interior of two administrations, and the honorable Secretary [Mr. TELLER] whom I see sitting before me—I have his report here, and the report of the Secretary under the last administration—and the two Commissioners of Public Lands have, in their reports, called attention to the fact that vast bodies of the agricultural lands of this country which had been devoted to homes for the people of this country were being converted into indemnity lands, until the last Commissioner of Public Lands and the last Secretary of the Interior report that this indemnity, under the act passed to indemnify the States for selections of swamp and overflowed lands claimed to have been sold by the United States since 1850, the date of the passage of the act, threatened to swallow up the entire proceeds of sale of the public lands which have been sold by the Government.

There can be no question that the Senate will do itself a great injury and the country a great injury if it accepts the proposition that the people do not constitute the State, that the interests of the people in the execution of the laws can be suppressed by the violation of the law by an executive officer, or if it accepts the conclusion of the report that the Secretary of the Interior can change the law in respect to one case, or that the Supreme Court has decided that an approval of a selection of land made without authority of law is valid and binding everywhere and can not be reversed, or even a patent, although the question of patents is not involved in this resolution. If such propositions as these can be maintained in regard to so important a question as the unlawful disposal of an area of the public lands as great as some of the states of Europe, selected and converted into swamp and overflowed lands without being so in fact, and thus withdrawn from the operation of the land laws of the United States, and from the use, occupation, and inhabitation of the people under the land laws of the United States, then the Republic and the people's government has already been displaced, and the artifices and technicalities of a corrupt administration of the powers of government will take its place.

I have here a book which I will not detain the Senate by reading; but it contains this significant and valuable idea, which may well serve as a warning to us. It says:

The voice of Pliny, "*Latifundia perdidit Italiam*," has sounded like a warning voice across the centuries. The *latifundia* (great estates) of the Roman aristocracy first devoured the small estates, then the small proprietors, and when the barbarians made their appearance the empire had become a solitude.

Great estates ruined Italy until when the barbarians came they found nothing but squalor, want, discord, and discontent amongst the people. If we are to permit, by this course of policy in the interest of private individuals, the entire body of the public lands of a State, or a half of it, or a third, or any considerable portion of it to be withdrawn from the land laws and from the opportunity of the people to acquire free homes upon it, we shall have progressed very far in the direction of utterly corrupting and prostituting the executive and legislative powers of this Government. "We shall have already reached in one century the beginning of that decline which it required centuries for the Roman Republic to reach."

Mr. President, I have no hesitation in deciding what is my duty in the premises. I do not conceive that there has been any fraud whatever in the selection of these lands by any of the officials of the State of Florida. I do not believe they know anything about the specific character of these lands except what everybody knows as a matter of general notoriety.

Mr. TELLER. I should like to ask the Senator a question if he will permit me.

Mr. CALL. With great pleasure.

Mr. TELLER. Who, then, has been guilty of the frauds in the selections?

Mr. CALL. I will tell the Senator. It was no fraud in the Secretary of the Interior, who approved these selections, because he did not know. He was advised by others. It was no fraud in the executive State officer who appointed a State agent to allow that State agent to make reports. It was no fraud in the man who made the report, because for a month in the year a territory or region of country is more or less wet owing to heavy rains, that any person should strain a point and decide that it comes within the designation of the law. Those are not frauds. They may perhaps be termed frauds in law, but they are not frauds in fact, and I have no doubt the executive officer of the State of Florida and the honorable Secretary himself when they permitted the selection and he approved these selections were not guilty of fraud, but were animated by an honest and patriotic purpose. The fraud, in law even, if such there be, or mistake or error of fact was in the agent, either State or Federal, who personally examined the land and stated its character—examined these selections and made these reports.

Mr. TELLER. I should like to ask the Senator if these selections have not been made by Florida people—by persons appointed in Florida.

Mr. CALL. Though I do not think it is of any consequence whether the man is a Florida man or a Colorado man who made these selections, to my course of argument, I say to the Senator that they have not been made, as I am informed, altogether by citizens of Florida. I believe the practice has been for a Mr. Wailes, in this city, who, I think, was a general agent of the State, to have some persons employed by him to make these examinations, and they were forwarded here; and I think since that time there has been a citizen of Florida who has occupied the position of agent, but who has not himself, if I am correctly advised, personally examined into the character of these selections.

Mr. TELLER. Will the Senator state who that is?

Mr. CALL. I think Mr. Henderson is the State agent now?

Mr. TELLER. Mr. John A. Henderson, is it not?

Mr. CALL. Yes, John A. Henderson.

Mr. TELLER. Was not Mr. Williams also one of the agents.

Mr. CALL. I think there was a Mr. Williams.

Mr. TELLER. And Mr. Hugh Coverly.

Mr. CALL. Yes, sir.

Mr. TELLER. And Mr. Randolph?

Mr. CALL. Yes, Mr. Randolph, I believe before the act of 1857. I do not know of any Randolph since.

Mr. TELLER. I do not understand exactly what the Senator is driving at. I understood him to say it was a fraud. I do not know whether it is laid at the door of these agents or whether it is laid at the door of public officials. I understand him now to say he does not lay it at the door of any public officials here.

Mr. CALL. I will state to the Senator that I do not lay it upon anybody. It is not material to me; I am not prosecuting anybody. All I say is that when he was the Secretary and approved a list of lands which were not swamp and overflowed and thereby rendered unfit for cultivation, he did not commit a fraud; but I do say that he approved a selection of lands not embraced in the act of Congress. Now, I do not know who were his agents. I have stated that I do not believe that the officers of the State of Florida had any personal knowledge in regard to the selections, and I do also believe that they were honest in the opinion that lands which might be temporarily, for a month or a few weeks, wet lands thereby became permanently swamp and overflowed and could be brought within the meaning and terms of the act.

Be that as it may, I say that the people in Florida who claim the right to homes upon these unpatented lands have a right to an investigation and a right to a report; and if the land is not swamp and overflowed and is not embraced in the act of Congress, they have a right to be protected and to have their homesteads recognized and patents granted to them.

The Secretary knows very well that 200,000,000 acres, a territory as great as Europe, has been selected and approved as swamp and overflowed land in all these States, and that these selections have been by citizens and agents of the different States North and South; and yet we know that there are not 200,000,000 acres, no territory as great as Europe, within the limits of the States where these selections have been made, that is swamp and overflowed and thereby rendered unfit for cultivation, and we know very well that in the majority of the cases these selections were not made for the purpose of committing a fraud. That is the familiar way in which, when a friend of the people seeks to assert the people's rights, he is sought to be driven off. "Do you impute fraud?" "Surely you would not impute fraud to your own State."

I do not. I have no idea but that the officials of the State of Florida are as honest as any public officials in any State, and that they are honest in their opinion and believed it was for the interest of the State that this great area should be selected for the State and become the State's property, to be used as an incentive to different corporations for the construction of railroads, and I am glad to see these improvements made. I desire to protect every corporation in its rights. But when the question comes up between the poor man and his right to his home on the public lands, I feel obliged to side with him when he asks of me, "Will you protect me or will you protect this title in the hands of some foreign syndicate, or non-residents of the State, passed to foreigners to impose a tribute upon me and upon my labor (for land is worthless except it is occupied and cultivated), and carries with it the power to take from me, a citizen of the United States to whom the law has given it, some part of my labor—to take it from me, to exact from me in the form of a purchase a portion of my labor for years?" In all cases and everywhere it means a burden imposed on the man who makes his living from it; and therefore when that burden in tax is imposed on him, it should be for some benefit conferred on him, and be limited carefully to such uses.

I insist that 16,000,000 acres of public lands in the State of Florida bought from Spain with the money of the people is enough to satisfy the State and her people, enough to satisfy every public interest, and that as to the remaining public lands unpatented and unapproved it is the duty of Congress to protect the people in their rights under the law; and to this manifest truth, Mr. President, I did not suppose, when I offered this resolution, there was a man in the world, except the agents, who would or could object.

But, Mr. President, who is it that gets the benefit? Nobody in the Senate will say that he is in favor of such a construction of the law as will deny to the people the right to their homes upon the public lands. The subcommittee has been the only portion of this body that has affirmed such a proposition, or assumed it, though they did not do it in terms. This evidence shows the fact that these people are here protesting, that they are deprived of their homes; two Administrations have called attention to it and have asked for legislation, and even the late Secretary himself, who interrupted me, asked Congress to act and provide the means for protecting these people. I have here that Secretary's report calling attention to these irregularities and these improper withdrawals of the public land from the homestead policy of the country, and asking Congress to give him such additional aid as would enable him to prove these wrongs and protect these people.

I say, then, that nobody denies the right of the people to such legislation as will furnish them an adequate and complete protection. Why, then, do you not give it to them? Who is interested? No one can affirm the public policy of appropriating the lands of this country, so that they shall be held by a small number of persons, who may impose at their will tribute upon the labor of this country, is wise and for the good of the people, because he who owns the soil owns the people; he who has the control of the great production and also the transportation of the country has absolute authority over the people; and were it not that the free spirit of our people will not permit nor tolerate such a condition of things it would be in effect a subversion of our form of government. But that is not the policy.

Both political parties have pledged themselves that the public lands shall be held as a sacred heritage for the people for free homes for themselves and their children. Is it pursuing this policy to allow, upon a mistaken and incorrect and untrue statement, that land is of a kind that will bring it within the terms of the act of Congress, when the truth and the fact is otherwise, and in so doing not only deprive the man living on it of his home, but also those who have a right to homes upon it? There can be no two sides to this proposition.

Well, what then? I have here a letter, which I will print without reading it more than to allude to a single clause, in which a citizen of Florida says: "My God"—to use his forcible expression—"what shall we do? We are told that 750,000 acres of this land selected as swamp and overflowed lands have been sold to a foreign syndicate. How shall we and our children make our living when the land upon which we have lived for years shall be in the hands of foreigners?"

That is the result of this policy. Now, Mr. President, there is no man who is more disposed to promote the construction of railroads and transportation and protect the private interests invested in them than I am. There is no man more willing to take every acre of land and every man for the construction of a railroad which will be useful to him and improve the value of his land. Every acre of land that the State has promised to give, and has the right to give, I am desirous of confirming to the railroad and canal corporations that have received it, and it is known that I am not afraid to appear before the people, and often against their views and opinions, and advocate the rights of property or corporations when they are in the right; but I do not conceive that in this matter their interests are touched at all except that they are interested that the title to these lands should be selected, and that the people should have every acre of land which belongs to them and the railroads every acre which belongs to them.

Only 4 per cent. of the vast area of this State, as reported by the Agricultural Department, is under improvement and cultivation. I think the estimate of the Department is erroneous. I believe it is double that. But assuming it to be double that—8 per cent. or 12 per cent. of this thirty-seven or nearly thirty-eight million acres of public lands—it is almost an infinitesimal portion, a small fraction. How shall we settle that vast area of the most delightful and blessed country in the world, where health is almost universal, where every species of attraction can be found in the climate and in the productions of the soil, of the garden, of the forest, and of the sea? How shall that vast area be settled? Shall it be done by withdrawing it from the policy of the Government for free homes—16,000,000 of acres already costing the Government and people of the United States over \$4,000,000? Shall the people upon it be protected or not? I conceive that it is the interest of the people of the State of Florida, and especially of any corporation in the State, and of any man, that every acre of the dry land of that State yet unpatented shall be reserved, as the two parties have pledged themselves, for homes for the people. Under the conditions of the law the State would then become settled with wonderful rapidity and her great resources be rapidly developed.

Permit me to say that I have the record here of the proceedings of the two houses of the Legislature of Florida. Here is a joint resolution, which I will not take time to read, which passed both houses of the Legislature of Florida, which I will print with other papers as an appendix to my speech.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business of yesterday, which is the bill (S. 370) to further provide for the disposal of certain public lands in the State of Alabama.

Mr. BUTLER. I ask that the regular order of business be informally laid aside, so that the Senator from Florida may conclude his remarks.

The VICE-PRESIDENT. Is there objection to the request of the Senator from South Carolina? The Chair hears none, and the Senator from Florida will proceed.

Mr. CALL. Here is a joint resolution of the Legislature of Florida which passed both houses without a dissenting vote. That resolution declares that the Senators shall be instructed and the governor of the State directed and the members of Congress requested to have an investigation made and to prevent the patenting of any more of the lands of the State which are not permanently swamp and overflowed and unfit for cultivation. This resolution passed both houses of the Legislature without a dissenting vote. It was vetoed by the governor of the State for reasons which seemed to be satisfactory to him, but which, as stated by him in the veto message, are that the existing law of the State is sufficient to protect the citizen in his right to a home upon the land; that he concurs, to use his own expression, that he would gladly concur in eliminating from selections any part of the land that was not properly embraced within the terms of the act of Congress.

But the fact remains that this vast body of lands is selected and removed from the people's right and opportunity of entry, and that, however beneficent the laws of the State may be, it is only at the moment between the issuing and the approval of the patent and the passing of the title from the State by acts of legislation which have already been passed—it is only at that instant, and before a deed or patent of the State conveys the land to some third person, that the homesteader or the citizen can exercise his right and have an opportunity to protect himself; and he will have, in the majority of cases, no knowledge of the fact.

Here are three letters, three statements, one from a citizen of West Florida who was for nineteen years a resident upon a piece of land, who grew up a generation of children there, supported them in the cultivation of that soil, improved it. Here is a petition signed by all the neighbors and citizens of his county, sent to me to make the fact known, and yet, under a swamp-land selection, perhaps approved in the confirmatory act of 1857—but whether or not I do not know—but under this selection this man's home is passed from him, passed into the hands of a resident of a different State, and his improvements, his labor of a lifetime, gone without redress and without the opportunity on his part of protection, though he made his application for the land; but that is immaterial. I merely wish to show the condition in which these selections leave the men in this county, to the end that Congress may be impressed with the necessity of some action.

In another instance, in which I have the papers here, of Mr. Bullard, in Putnam County, Florida, under one of the old railroad grants selected in like manner in defiance of law, he entered the land from the United States, paid his money for it, and afterwards this old railroad selection of the Florida Railway and Navigation Company came in, and it was approved by the Department, although he had entered into possession, made an orange grove upon it, sold it; and this poor man, with a young wife and a young family of children, who, by the labor of a lifetime, had acquired this little property, was held responsible, and came to me to show me a demand upon him of \$4,000 for the failure of title to the purchaser of this land which he had bought from the United States. And yet the company that claimed that land and every other company preceding it had never had a word in the legislation of the State of Florida conferring any right or interest whatever in this land upon it; and so of hundreds and thousands of others.

I say, therefore, that there is a necessity for some legislation for the protection of these people. I say the patenting of an area of 16,000,000 acres of the public domain—a country nearly as large as England, with its thirty millions of people—the greater part of which is high and dry, although eleven millions of it did pass under the confirmatory act of 1857—I say that fact, if we are to preserve the homestead laws of this country, shows that some legislation should be provided.

But I wish to show now who it is that is interested, and who alone, in the grants, and I will detain the Senate but a very brief time. I ask to print such portions of the statements here as I conceive to be important.

In relation to the Florida swamp lands the report of the Secretary of the Interior of August, 1884, says:

It is obvious that some decisive action by Congress is called for by every consideration of public policy and administrative expediency.

If it is the legislative purpose to adhere to the policy of preserving the remaining public lands for actual settlers, and to prevent the acquisition of great bodies of land in fraud of law by single individuals and corporations, American or foreign, sufficient means should be placed at the disposal of the Land Department to prevent the vast and widespread violations of law which have been brought to the knowledge of this Department and the notice of Congress.

I have discharged my own duty in presenting this subject, as I have, from time to time, in my annual reports and in special reports submitted to Congress, as clearly and forcibly as I could, and I leave to the higher power of that body the responsibility of determining the course to be pursued.

In his report of 24th November, 1888, the Commissioner of the General Land Office says:

Among the worst aspects of this matter is the entail of mischief which lies in the words of description of the grant from which will spring an inheritance of litigation to generations not yet born unless some measures be taken to put a

limit on the perpetuation of this evil. The original act was a grant *in present*, and by its own force passed the title directly to the State of every legal subdivision, "the greater part of which is (then was) wet and unfit for cultivation." This has been decided by the Supreme Court to be a question of fact to be tried by a jury, and thus there abides as a continuing menace to the holder of many a tract of land, whether by Government or by State title, the possibility of this inquiry. It is my opinion that the claims of justice and the requirements of public interest would be promoted by an act providing that no more swamp-land selections shall be approved to any State which has been or shall hereafter be found to have made selections of land not swamp and overflowed, and rendered thereby unfit for cultivation, until the illegal and fraudulent selections have been relinquished or set off against pending claims.

Grover Cleveland, President, in the Guildford-Miller case, on 28th April, decides the law to be as follows:

Our public domain is our national wealth, the earnest of our growth, and the heritage of our people. Their effect has been the withdrawal and reservation since 1872 of thousands if not millions of acres of these lands from the operation of the land laws of the United States, thus placing them beyond the reach of our citizens desiring under such laws to settle and make homes upon the same. In this manner the beneficent policy and intention of the Government in relation to the public domain has been thwarted.

Mr. President, who is it that does derive any benefit from these selections? It is not the State of Florida; it is not the Republic of the United States, which donates these lands to actual settlement and cultivation; it is not the railroad corporations, which need people and which are worthless unless the soil is cultivated and inhabited, unless something is produced from the land by labor.

This is from the official report of the trustees of the internal improvement fund of the State of Florida:

REPORT OF TREASURER INTERNAL IMPROVEMENT FUND.

JANUARY 1, 1883.

S. I. Wailes	\$2,122.09
Do	829.94
Do	1,016.50
Do	2,855.45
Do	16,913.66
Do	10,096.52
Do	5,642.34
Do	240.00
Do	1,703.93
Do	126.48
Do	43.20
Do	209.14
Do	983.41
Do	25.00
Do	88.08
Do	148.28
Do	76.80
Do	228.00
	43,452.00

Page 155 of P. W. White's report as commissioner of immigration, 1881-82:

INDEMNITY CERTIFICATES ASSIGNED S. I. WAILES FOR SERVICES IN ADJUSTING INDEMNITY CLAIMS.

	Acres.
No. 2	4,656.71
No. 5	5,162.07
No. 6	1,214.76
No. 8	1,677.92
No. 11	1,276.61
Special No. 1	1,013.96

To which add..... 15,002.03
60,008.19

Total..... 75,010.22

\$36,004.90.
Of the lands reported above as sold 70,782.97 acres were sold to Sydney I. Wailes for \$47,901.84, on his account as agent of the State at Washington in adjusting land.

Page 156:

Three thousand six hundred and fourteen and sixty-six hundredth acres were sold to Williams, Swan & Earley for \$4,518.91.

Page 154:

Entered by S. I. Wailes during years 1881 and 1882 under his contract with trustees of April 13, 1878, 21,664.03.

Note: For selecting lands.

On page 132:

Certificate No. 1, for 1,013.96 acres, being 20 per cent. of the whole amount, was ordered to be assigned to S. I. Wailes in consideration of procuring said certificate, he being entitled to 20 per cent. thereof under his contract with the board of trustees.

On page 131:

November 1, 1881, the governor laid before board following patents for swamp lands received from the General Land Office, 24,461.50 acres. Said patents having been obtained through the agency of Sydney I. Wailes, who under his contract with the board is entitled to 8 per cent. upon all lands patented of selections made by the State prior to 1861, the said Wailes is allowed to select the quantity of 1,956.92 acres, being 8 per cent. of the lands so patented, in compensation for his services.

That the lands selected by Charles Pomeroy (clerk and agent of L. G. Dennis), in compensation for his services in procuring patents for 58,454.01 acres of swamp lands, which have not already been entered, be reserved from sale until the question at issue between said Pomeroy and L. G. Dennis shall be decided, or until the further order of the board.

Note: Elsewhere it appears that 5,800 acres were so conveyed July 25, 1881. Page 130.

That Sydney I. Wailes be appointed agent of the board to select any further swamp lands to which the State may be entitled under the act of September 28, 1850, and that in compensation he shall receive 2 cents per acre for all lands selected by him and patented to the State, to be paid in lands at current prices.

Under this authority it is believed 7,000,000 acres have been selected at Washington, and this, at 2 cents an acre, would be \$140,000 in land at current prices.

Page 130:

May 31. Governor laid before board swamp-land indemnity certificates, etc. Certificate No. 8, embracing 1,677.92 acres, assigned to said Wailes for his services.

[129. Patent No. 21, Tampa district.]

Two hundred and fourteen thousand two hundred and seventy-one and seventy-six hundredths acres, selected prior to 1861, obtained through the agency of S. I. Wailes; 17,141.76 acres Mr. Wailes entitled to locate as his percentage, embraced in Tampa patent, No. 21.

Twenty-five thousand eight hundred and ten dollars and thirty-six cents, 20 per cent. to S. I. Wailes for his services, or 5,162.07 acres.

April 23, 4,639.51 acres to S. I. Wailes for services.

Report of C. L. Mitchell, commissioner in 1885-'86, states:

Of lands reported above as sold, 32,546.76 acres were sold to S. I. Wailes for \$21,465.80 on his account as agent for the State, at Washington, in adjusting land claims under his contract with the trustees of October 19, 1878, and 29,547.53 acres were sold to John H. Henderson for \$20,580.21 on his account as agent of the State for selecting swamp lands under his contract with board of trustees of internal improvement fund.

This is a large sum of money, or land estimated at a low money value, an amount, as I estimate it, something like \$100,000, paid to Mr. Wailes and others. I have printed the statements of the report, and any one can estimate the amount.

Here follows a long list of other selections by one or two other State agents, and payments made to them. A part of the statements and arguments upon which the subcommittee denied this investigation are the statements and opinions and arguments of these gentlemen who received and own these immense interests in the land, which they very naturally desire to have approved and patented to them, covering, I believe, about 100,000 acres.

Mr. DOLPH. What subcommittee does the Senator refer to?

Mr. CALL. The subcommittee of which the Senator was chairman.

Mr. DOLPH. What is the statement made by the Senator from Florida?

Mr. CALL. I say that the evidence and statements of Mr. Wailes and others, who received this land as compensation for selecting it, is the evidence in part, and the most important evidence, if it is evidence at all, upon which the subcommittee made the report denying the investigation.

Mr. DOLPH. I understood the Senator to state that the committee rejected some evidence or declined to take some evidence or to examine in regard to it that was suggested to the committee to be examined.

Mr. CALL. I say they refused to investigate and to examine into the subject beyond the statements contained in the report. That is what their report says.

Mr. DOLPH. I will call attention to the fact of a cross-examination, if it might be called such, of the Senator from Florida, and try to have it examined and have the report read to see if everything that the committee was asked to examine was not examined.

Mr. CALL. Let us see. The examination that was required was to inquire whether the statements of these people who were claiming homes and the statements of the Commissioner of Public Lands that the lands which they claim and which they desire for homes were dry lands or swamp and overflowed lands and unfit for cultivation in the meaning of the act. Now, let us see what the Senator's committee did about that.

In view of the fact that by the terms of the grant of the swamp and overflowed lands to the States the Secretary of the Interior was empowered to pass upon and determine the question of the character of the lands; of the fact that most of the lands patented to the States have been sold and conveyed by them, and are now held by persons who have purchased them upon the faith of the United States patents; in view of the impracticability of determining at this time with certainty the character of lands selected by the States as swamp and overflowed lands at the date of the grant, the committee believe that as a matter of sound public policy the United States should be bound by the action of the Secretary of the Interior, and that it would be unwise to throw a cloud over the title of these lands by any legislation authorizing proceedings to set aside and cancel the patents heretofore issued for them to the States.

Nobody asked for any proceedings to set aside and cancel any patents. These people asked an investigation of these four or five million acres of land which were unpatented, but had been selected. That was the application of these citizens; that was the recommendation of two Presidents, two Secretaries, and that was the suggestion of the agents who reported these selections to be erroneous. I do not know myself whether that land is wet or dry. I think I know; at least, I believe that instead of two-thirds of the State of Florida being unfit for cultivation four-fifths of it is fit for cultivation, and the most delightful country for the inhabitation of man that can be found. That is my own opinion.

I am not prepared to be a witness, but I do say that here is the testimony of Mr. Akers, a special agent, and here is the testimony of Dr. Kellum; here is the testimony of Mr. Hester, a special agent, and, I believe, the testimony of another special agent by the name of Shackelford is on file in the Interior Department—all these concurring in the statement that this vast body of four or five million acres of land is not embraced within the terms of the granting act.

Now, I ask, why can not, and why will not, the Senate protect the people in their right to homes on this part of the land? No good reason can be given why they shall not. I insist that a failure to do so will be a wrong for which there can be neither justification nor excuse.

That is a matter for investigation. These citizens have a right to it. They have a right to such legislation as will protect them in whatever rights they may have, and if they have no right, then the persons claiming to hold under the State have a right to have the law settled and their rights made clear. I take the responsibility of saying that there is nothing in this to the detriment of the State of Florida and the people of Florida. The people of Florida are the State of Florida; not the persons who temporarily exercise its functions, but the people, present and future, speaking through her laws; and there is not a law nor a word in any of her acts granting to anybody the authority to select lands which are not swamp and overflowed and embraced within the terms of the act of 1850, and there is no law of Florida granting to any one any land not embraced within the meaning of the act of 1850, and I insist that no act of an executive officer can nullify or annul an act of Congress.

Why, Mr. President, the subcommittee and the Senator from Oregon distance the old doctrine of nullification. It had something to stand upon, something in the claim of the sovereignty of the States as a predicate; but this theory of his and of the committee's that the Secretary of the Interior can annul an act of Congress, and that the act itself has a provision which authorizes him in his discretion to set it aside or to obey it, is a most wonderful proposition.

There is an act of Congress, where lands have been or may hereafter be granted by law of Congress to any one of the several States and Territories, and where such law does not convey the fee-simple title of the lands or require patents to be issued therefor, the list of such lands which have been or may hereafter be certified by the Commissioner of the General Land Office, under the seal of his office, either as originals or copies of originals, or records, shall be regarded as conveying the fee-simple of all the lands embraced in such lists that are of the character contemplated by such act of Congress and intended to be granted thereby; but where lands embraced in such list are not of the character embraced by such acts of Congress, and are not intended to be granted thereby, the lists, so far as these lands are concerned, shall be perfectly null and void, and no right, title, or interest shall be conveyed thereby. What does that act mean? Does it not impose an obligation on Senators and Representatives to enact such legislation as will protect the people against the unauthorized acts of executive officers? It is plain that this is its language and its intention.

Mr. President, I do not propose to delay the Senate for any great length of time. If there be no objection, I will print the references to these papers, documents, and statements to which I have made reference, without detaining the Senate to read them.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. PLUMB. Mr. President—

Mr. CALL. One moment, if the Senator will allow me. I desire to say, before concluding these remarks, that in reference to the land-grant act of 1856, under which an area of two million and some hundred thousand acres, as reported by a committee of the House of Representatives, is claimed in addition to the twenty-two or twenty-three millions under the swamp and overflowed-land grant, making, as they estimate it, Mr. PAYSON being the chairman of that committee, twenty-seven millions of the area of Florida withdrawn from the operation of the homestead laws, and the laws that give free homes to the people—I desire to say, in reference to that and the resolution which I have introduced, asking that this matter may be investigated still further as to the rights of those people under that grant, that the Legislature of the State of Florida at its last session passed a resolution which I will not read, but will print. I shall speak more correctly if I say that each house passed a resolution, intended to be a joint resolution, but which met with the approval of both houses, but did not become a law, because of the shortness of the time at which it passed the senate before the Legislature adjourned.

That resolution, I desire the Committee on Public Lands of the Senate to understand, recited the history of the Legislature of the State, and declared, and truly declared, that no act of the Legislature had ever been passed disposing of this land to any railroad company whatever, except that after many years after the expiration of the grant, for the part of the grant in West Florida, the Legislature granted that part of it then to the Pensacola and Atlantic Railroad Company. They declared, as the governor of the State in the letter which I have here, and which is on file in the Land Office, in 1858-'59 declared in notifying the Department, that the lists could not be finally accepted and approved until the Legislature made some disposal of the land according to the act of Congress.

They further declared that in 1868 the Legislature, having up to that time made no disposition of the land, notified the Congress of the United States that they made no claim to this grant, that they had not complied with the conditions of it, and asked Congress to make a new grant upon the express condition that the companies organized before that time should have no right, claim, or interest under it. They further declare that in the subsequent history of the State no validity has been given to these claims of these railroad companies, and recite the circumstances under which Mr. Dickinson, who claimed these lands and had this reservation made in the name of the Old Florida Railroad Company, stood to this grant.

The proceedings in the circuit court of the United States at Jacksonville will show that this grant of 1856 has been used for the personal interest of individuals and not for the construction of a railroad. They show that Mr. S. I. Wailes, by his own sworn statement in this record, received 82,000 acres as a fee as a lobbyist, claimed by him, which he swears is worth \$3 an acre—82,000 acres—and that 85,000 other acres of these 600,000 acres of the best and most desirable land in the State of Florida had been conveyed and mortgaged to one Mr. Johnson, of New York, to raise the money to pay the taxes upon the completed road, instead of applying it to the construction of a road.

They further show by the proceedings in this case, which is a record of the United States court, that these 600,000 acres of land from Waldo to Tampa was claimed to be the property of the individuals who had become the purchasers of the old Florida Railroad. Under these circumstances, Mr. President, with no act except that part of the road that runs from Pensacola to Chattahoochee, in the western part of the State, where the Legislature did give in 1882, fifteen years after the grant expired and years after the surrender of the State and the refusal to claim it—they did say whatever rights they had should be given to a company thus organized, so far as the land lay alongside of the road.

Now, I desire to call the attention of Congress and of the country to this fact: The last Congress passed an act—and it was agreed to by a committee of conference—in which they declared, first, that patents should be granted to all settlers upon this public land who applied for it. That was right. Secondly, that patents should be given by the United States to all purchasers in limited and reasonable quantities from the railroad companies. Thirdly, that patents should be given to all owners of town sites, or lots in them. Fourthly, that the remaining land should be open to actual settlers under the land laws of the United States.

That is a beneficent and wise and proper policy, in view of the fact that the entire body of public lands in the State of Florida, with the exception of those 4,000,000 acres, and that they will soon be gone, too, unless some action is taken to arrest it; in view of the fact that 16,000,000 of these acres have passed—from six to ten millions, I believe, to corporations, against which I have nothing to say except that it is not the policy of this country, and it ought not to be the policy of the railroads, and it is not for their benefit that they should own the entire soil, or great bodies of the soil, and at the same time owning as private property the franchises of transportation of everything that is grown upon the soil and everything that is consumed by the people.

Mr. President, I will not detain the Senate any further, but I beg of them to give their serious consideration to this question and to the character and nature of the propositions affirmed in the report of the subcommittee, which I undertake to say are thoroughly revolutionary and destructive of every form of government and the obligations of law.

Mr. PLUMB. Mr. President, the United States has granted to the State of Florida at various times, in trust, more than half the area of all the lands within its limits. If my memory serves me aright, there are about 40,000,000 acres in Florida, all told, and the United States has granted to that State—

Mr. CALL. Nearly thirty-eight millions.

Mr. PLUMB. I said about forty millions.

Mr. CALL. Not quite thirty-eight millions.

Mr. PLUMB. The United States has granted to that State for various purposes, in trust, fully one-half of the area of the State. Every single acre of land so granted was placed under the control of the Legislature of the State of Florida. Not an acre of it could be disposed of in any way or for any purpose except as the Legislature of the State of Florida should direct. If there has been any misappropriation of a single acre of land of this great area granted to that State, it is simply and only because the Legislature of the State of Florida has been derelict in the performance of its duty. The United States has had nothing whatever to do with the lands so granted since the granting acts were passed, except in regard to the approval by the executive authorities of selections certified by Florida. The Senator from Florida should draw these facts to the attention of the public.

Mr. President, of those lands some sixteen or eighteen million acres were granted to the State as swamp and overflowed lands. Four-fifths of those lands were confirmed to the State under the act of 1857, an act passed thirty-two years ago. Every single administration of that State, Republican and Democratic, from the beginning of the time when the first swamp-land act was passed down to the present day, has belabored the United States with lists of selections of lands claimed to be swamp, and demanded deeds for them, because the State was entitled to them under the legislation of 1857, as it was said, and of prior years; and whatever the United States has done, it has generally yielded, weakly I have no doubt oftentimes, to the clamor and demand of the Florida Legislature and the authorities of that State, whereby they have had lands that were not swamp, although they claimed that they were swamp lands and treated them as such.

The United States has been thus defrauded by the State of Florida, and for the benefit of the State of Florida, and this condition which attaches to the swamp lands attaches to all the lands conveyed for railroad purposes, because the title to not one single acre could pass unless the Legislature of the State of Florida designated the railroad

company to which it should go and gave to the railroad company the authority to build its road and receive the lands on condition of its building the road.

Then it was that the lands were first conveyed by virtue of the act of Congress or other muniment of title from the State of Florida to the companies.

The State of Florida has had thus in trust an immense domain. The Senator says it is not swamp land, but arable land. So much the greater the trust, and so much the greater the dereliction of the Senator's State, through all its authorities, legislative and executive, for it has betrayed this trust, as he says it has. I wish that I could believe he said so in Florida, and not merely in Washington. I wish he might say so on the stump in his own State and to the Legislature which sent him here, and which had its part in this dereliction of duty, and to the governor whom his party elected and whom the people of that State put in power, and to all the other authorities in that State, whereby this waste of the public domain has been committed.

Mr. President, every single acre of this land, about which the Senator has grown so eloquent, either is now or was under the control of the Legislature of his State. If there is any settler on it who ought to have had title to it and has not got that title, it is because the Legislature of the State did not give it to him, and not because the United States was disposed to prevent it or had any authority whatever in the premises. The State of Florida, in possession of this great area of public land, saw fit to give it in large measure to certain railroad companies to build their lines of railroad. I do not say now whether that was a wise action or not on the part of the Legislature of the State of Florida; but they did it. They took the lands that we gave them for reclamation, as well as the lands we gave them for railroad purposes, and donated them to railroad companies, bestowed on those companies vast areas, greater areas than were ever given anywhere else in any other State or under any other form of legislation. And now that the State has got the railroads, presumably at least, because it parted with the title to these lands, the Senator from Florida comes up here and wants the United States to go in and take these lands from the railroad companies, to whom this Legislature of his gave them; and for the purpose of working up a little sympathy about this he parades the case of some settlers on these lands whom his own State could have protected and ought to have protected in virtue of the title which it, and it alone, had the power to give, and with which the United States had nothing whatever to do.

Mr. President, I do not care how much of the dirty linen of Florida is washed here or elsewhere; that is a question to be settled between the Senator from Florida and his own constituents; but he has not uttered a word here to-day that is not a denunciation of the criminal conduct of the Legislature of his own State, and not a word of it applies to anything else except the weakness of the United States in yielding to the blandishments of Florida and certifying as swamp and overflowed lands that were not such, although the State claimed that they were. Having thus, through the instrumentalities of the State, got possession of this great area of the public domain, having thus taken it away from the settlers and having given it to the corporations who have despoiled the State, as the Senator says, he now comes and declares, "we lied to you when we said that they were swamp lands; we deceived you when we received these lands for the purposes of reclamation; and now that we have given them over to railroad companies and got the railroads built, will you not come in and play the part of a sneak-thief and take them away from these railroad companies in order that we may have them?"

That is the logic of it, and it has been said over and over and over again, with iteration and reiteration, accompanied by some remarks which I think the Senator in his cooler moments will not repeat here or elsewhere, reflecting upon the motives of those who have had nothing to do with the transactions, but who have been mindful of the logic of the situation and of the obligations of their oaths, and who are willing that this thing shall remain where it belongs, with the State of Florida, which he thus assails meanly in the Senate of the United States.

Mr. President, I would resign my seat in the Senate in one single instant if I should bring here a complaint of that kind against my own State which I was too cowardly to proclaim upon the stump within its own limits. Let the Senator go back to the people who sent him here, let him go back to the Legislature which has despoiled the public domain of the United States and of Florida of this area, and say there the things he has said here about the crime which has been the result of this despoiling.

The United States lost jurisdiction of this case when it conveyed these lands to Florida. They were not swamp lands, and the more the pity for the morals of those who received them; and, whatever may be said about those who conveyed them, when once they were conveyed the jurisdiction of the United States ceased absolutely and entirely, and it became a sacred trust in the hands of the State of Florida, a trust which the Senator from Florida should be the last one who ought to say has been criminally abused. At all events, whatever it may be, well or ill, the responsibility is with his own people, and not with the people of the United States and not with its legislative body.

Now, Mr. President, I want to say something for the State of Florida, because it failed to be voiced here from among those who were chosen to represent it. I find that the State of Florida did do something for the settler. I believe the State is better to-day than it has been here represented to be. If I did not believe so, if Spain wanted it back she could have it again. Under the statutes of the State of Florida, while they have given empires to railroads, and done that which perhaps they would not do again, and done it weakly and possibly wickedly, at the same time that State did accompany that legislation with other legislation of a beneficent character concerning the persons who should settle upon these lands. It did provide, as I now remember, that no one of these acres should go to the railroad companies if any settler was upon it at the time of the grant, or if any one should go upon it within three months thereafter; and it further enacted that any person might buy these lands for a dollar an acre, and that any citizen of Florida who was the head of a family or twenty-one years of age might buy 80 acres of land at 25 cents an acre and pay therefor in installments, covering a period of three years. So 8½ cents an acre was the annual payment required in order to obtain 80 acres of these lands in the State of Florida under the legislation of that State where that purchase was accompanied by settlement and cultivation. That legislation was beneficent. Whether that was the measure of the value of the land according to the judgment of the Legislature of Florida I do not know. If it was, then I call attention to the fact that the Legislature of Florida said that land should be worth 25 cents an acre and no more, and the Senator might have given to these men the land about which he is talking, and thus close the account against the United States, and save the United States Government thousands of dollars in useless printing on this subject.

But if it were worth a dollar an acre, it still was not, so far as the mere value is concerned, a thing which interfered between the acquisition of the land and the man who wanted to acquire it. The State made more liberal legislation so far as it went than the United States Government ever had done, because this 25 cents an acre was not the equivalent of the fees charged by the United States in such cases. And so the Senator from Florida, denouncing the United States in one breath and his own State in the other, has lacked the candor to state fully the case of his own State upon this important question, affecting not people primarily citizens of the United States, but people who are citizens of the State of Florida.

I do not belong to the school that believes in the doctrine of State rights, but I do hold that no State which has failed to do its duty to its own people should complain of the United States because it has not done its duty. Let the State of Florida first do its duty; let it provide, as it should have done, at any rate, for the disposal of these lands to the citizens of its own State, present and prospective; and, failing to do that, it has no occasion to complain of the United States or of anything it may do or not do. Let the State of Florida first wash its own hands, let it first stand up in the light of day as having done its own duty. The Senator from Florida says it has not done it. I ought not to appeal from him, perhaps, to the Legislature of his State, but I have done so because I have felt that so weak and insignificant a member of the National Union as the State of Florida ought not to be slandered upon the floor of this Senate without somebody at least saying what may be said in its favor, whether that be much or little.

Out of what there was left to the State out of these great areas granted to the railroads it did provide amply for the rights of settlers upon the remainder, and it did take good care, and surprising care, under all the circumstances, that no man who was on the land as a settler at the time of the grant should be dispossessed; it gave ample time to all those within the State who wanted these lands to go upon them within the three months, before which time the grant could not take effect as against them.

The Senator has said something about the Public Lands Committee, against which he has had an old grudge. About that grudge I do not care; but the subject to which the Senator refers was committed to a subcommittee by that committee, the testimony was taken, the Senator himself was called, and I venture to say that any one who searches the pages of that testimony can not find in all the verbiage presented to the committee truth enough to hold up its head in the sight of day bearing upon this question. There was not anything to do. It was a wild raid. It had neither beginning nor ending; it was nebulous, disconnected, disjointed, worthless, incredible, discreditable. The committee patiently heard it all, and all the witnesses the Senator asked to have summoned, paid them out of the contingent fund of the Senate, had what they said printed, along with its report, duly considered it in committee, and reported upon it.

It will not do for the Senator to come in and say it was the action merely of a subcommittee. Suppose it was. Let him take that volume, and if he will find any jury in Florida or elsewhere to whom he will commit that case who will give a different verdict than was then given by this committee I will pay the expenses of it. There was not anything in it. He was simply weakly endeavoring to unload upon the United States the wrong, if any, which was committed by his own State. It was a noisy (I might characterize it otherwise) method of getting before the public, unworthy, as I think, of a man representing

a State; unworthy in the sense of the relation which he exercises to it. Of that he is to be the judge, not I; but it does not become him, unless he has taken the stump in his own State, at every cross-roads, on every hustings, and at every place where men assemble together to denounce this action of his own State and the people there who committed it, to appeal to the Senate upon that subject; and it especially does not become him, as I think, to impugn the motives of men on this floor who do not agree with him, and who have not been able to find in the terse, compact, orderly sentences of the charges which he has made that pith and marrow which he imagines could be found there. They gave to it their attention. They sealed what they did with their judgment. It was not done under a bushel. It was not hidden. It was done publicly, and the report was publicly made and the responsibility for it assumed. So far as I know there is no member of that committee who is not willing to retain the responsibility which the making of that report put upon him.

Now, Mr. President, in so far as what I have said relates to the relationship which exists between the Senator and his people, perhaps I have transgressed. It is one of those things about which one is to judge for himself; but what I have said is based upon the undeniable fact that every single complaint which the Senator has made, although nominally to the Government of the United States, is against his own State, and that not one single thing of all the wrongs he has talked about here could under any circumstances whatever be remedied by the United States. The Commissioner of the General Land Office is helpless in the matter to-day; he has no authority over it at all. The lists have been certified, the State has accepted them, and has disposed of the lands by the solemn act of the Legislature.

I have not read the resolution which the Senator says he has got, and which conveniently passed both houses of the Legislature. It is a burning question in Washington. It probably had less fervor in Tallahassee. So, notwithstanding the session of the Legislature of considerable length, it did not have time to get it through. There was time for each house to pass a separate resolution, which, of course, all of them knew did not amount to anything, and yet which, in my judgment (although, not having seen the resolution, I may be mistaken), was a cowardly way of evading the responsibility of the State and putting it upon the General Government.

The chairman of the Democratic State central committee of the Senator's State (whom I do not speak of to disparage; I have seen him; he has a good eye and he has a straight figure; he has a wholesome face; he may be a villain; the Senator can tell and I can not) has himself been the agent of the State in selecting these lands and in taking these deeds from the General Government. Let the Senator characterize him, if he will, as a thief; let him say that he is a robber; that he is participating in the spoils of this robbery, if he will. He need not be particular about saying it here. I would rather he would say it in Florida. Enamored as I am of his State, I would rather he would say it there. There is the place to say it. Let us see if there is a public opinion in that State which responds to what the Senator says. It is convenient sometimes to talk about things of that kind a long way from home. Let him say it to the legislators of that State, past, present, and to come. "This is robbery, it will be found. Repair it." The treasury of the State is at their disposal. Some of these lands probably remain in their hands. There are a hundred ways in which they can make reparation to those poor and humble people who, lacking the 25 cents an acre which the State requires on these lands, have apparently appealed to the Senator to give them a remedy. He has not chosen the right forum. He is in the wrong court. He is 1,500 miles away, not only from the cause of action, but from the tribunal which alone can apply a remedy.

If I were disposed to find minor cause of difference with the Senator from Florida or criticism upon him, I think I could find it in the fact that he himself moved an amendment here to confirm the titles to a large portion of the lands issued to railroad companies and begged of me that I would let it go upon a bill which I then had in charge. This is big or little according to the stand-point which the Senator happens to view it from at the time; a thing to be condoned under certain circumstances; never, however, to be condoned in speech. The condonation is that of action, not of speech. When the Senator approaches it his imagination is on fire; it becomes the crime of the century and of the ages; but when he has some other purpose in view he can move to condone a part of it, and ratify the titles which he says have been fraudulently acquired, which titles are in the hands of whom I do not know now.

But, Mr. President, this is a matter of detail. I would not refer to it but that the Senator has never spoken upon this question that he has not chosen covertly or openly to impugn the motives of Senators upon this floor. He has done it under circumstances which have appealed most powerfully to me, not for reply, but for conviction of falsehood. But there are some accusations which are lost in the accuser. So I come back to this one fundamental point. The United States has given in trust to the State of Florida more than half the area of that State. It did it in the faith that the State could be trusted to dispose of it. It believed more fully and firmly in the virtue of that State than the Senator from Florida does. We can take his words. At all events

it gave the lands to a sovereign State. I hope I do not offend by making use of that term. It had more significance once than it has now, and it had it at the time, too, when four-fifths of these lands were given to the State. Florida held up its head then among the galaxy of States, and if one of its people were found astray in Europe or elsewhere he did not say he was a citizen of the United States, but with an upright figure and his hand on his heart he boasted that he was from the State of Florida.

It is this self-same State of Florida that has misused this trust. The United States can, does, and ought to wash its hands of all of it. It can only say, as good men and good women have said, "I trusted one whom I thought to be honorable; I was mistaken." It trusted the State of Florida, and now upon the testimony of the senior Senator from that State we are warranted in believing that the trustee was faithless to his trust and that the lands that were of no use for the purpose of reclamation, the public lands, were devoted to speculation, and that the poor people of that State were denied the privilege of settling upon them, and that thus there has been the most conspicuous rape of the public domain ever known in the history of the country.

I hope, as I said before, that when next the Senator is moved to speak he will speak where speaking means instruction and where speaking means risk. Let him speak to his own people.

Mr. CALL. Mr. President, I shall not be moved by this extraordinary exhibition of the Senator from Kansas to follow his bad manners or his contemptible methods. He can not have a poorer opinion of me than I have of the Senator from Kansas.

Mr. President, I have not been in the habit of violating the decorum of debate and discussion; but if the Senator thinks by his idle bravado, by his defense of this vast spoliation of the public domain in the interest of those who have profited by it, that he can intimidate me from defending the rights of the people of the State, I treat him with the scorn and contempt that he deserves.

Mr. President, the Senator from Kansas has spoken without the truth. My record in the State of Florida is known. The boodler whom he defends could attack me with similar language and denunciation to that which he has used to-day, and with the same reasons and motives. Every person in the State of Florida has heard these declarations from me. As to the idle and contemptible and weak subterfuge of the Senator, that they who happen temporarily to perform the public functions of a State by mistake or error can stain the character of the people of a State, I pity him for the poor intellect which his State allows to represent her here.

Why, sir, what is a State? Is it the men who temporarily perform the functions of office or is it the people speaking through their laws?

Is it not remarkable that the Senator from Kansas should get up this wonderful zeal in the defense of these boodlers? Is it not remarkable that he should make this attack upon me? What have I done but said that the State of Florida's land agents had, as the State of Minnesota, the State of Kansas probably, and every other State, selected swamp and overflowed lands which were not embraced within the act, and that for those not yet patented the people had a right to such legislation on the part of Congress as would enable the poor people who are not able to defend themselves to be protected in their rights?

The Senator from Kansas accuses me of misrepresentation. Mr. President, the force of an accusation is in its truthfulness; if the accusation be false, then it rests upon the accuser and not upon the accused. Assertion is easy; bravado is easy. It is unbecoming the dignity of this place or of argument and reason. He who resorts to abuse has a foul cause as well as a foul heart.

The Senator from Kansas says that I appealed to him to put an amendment in a bill here for a confirmation of the titles to some of these lands. As stated by him, I pronounce it false. As stated with the purpose and intention of the Senator, I pronounce it false.

The fact was, and the fact is, that the county of Columbia, where the Arredondo grant covered a portion of this land grant of May 17, 1856, was reserved from entry, but the road being completed within the time required by the law and the land having been sold, although the act of the Legislature had not disposed of it, they had a right to have patents as an act of equity, and I asked of the Senate and asked of the Committee on Public Lands, and ever since I have been here I have sought to obtain in my place in the Senate—not secretly applying to him, although as the chairman of the committee I did ask him to perform a duty resting on him equally with others to allow the amendment to be made—I have sought openly and in every way to obtain the confirmation of the title of those purchasers to that portion of the grant in Columbia County and the Arredondo grant where the road was completed within the time designated in the act, although technically their titles had not been perfected. I have done it openly. Thus I confute and dissipate with scorn the allegations of the Senator here that I had secretly done that contrary to my public declarations. The bills are here shown in the record, and have frequently been urged on the members of the Committee on Public Lands.

What becomes of the Senator's statement, then, when the bills are here upon the record? There is not a member of the Committee on Public Lands who does not know that I have appealed to him in public and in private to pass the bill I had introduced and urged for the

confirmation of the title to this land; and further I have asked to give a patent from the United States to every purchaser in limited quantities upon that grant of May 17, 1856, and thus confirm the title.

What object has the Senator in defending the right and interest of the boodlers against the peace and repose of the entire country which this beneficent legislation that I have asked for would bring about? What object has he to attack me in common with the men who have profited by the arts which I oppose? Ah, Mr. President, that is the whole of it. There is no public interest in it. What idle absurdity, unbecoming you or anybody else, to shake your head at me with this kind of language.

Mr. President, I am not afraid to canvass Florida or Kansas or anywhere else with the Senator upon that question. My position is well known in regard to it. The State of Florida and its officials are more honorable and able than the Senator from Kansas. By their side he would sink into insignificance. The State of Florida has not yet descended to the degradation of being represented by such a man. But shall they be infallible? If the public interests, the interests of the people, in his judgment, demand that a course shall be pursued different from their opinions, shall a Senator upon this absurd proposition submit to whatever may be their will and opinion? No language is too strong to characterize this stupidity.

I say again the statements of the Senator are entirely untrue. As chairman of the Committee on Public Lands he should be ashamed not to be better informed in reference to the history of the country and the special subject committed to his jurisdiction. It is disreputable to the Senate that there should be a chairman not only defending the interests of the boodlers in the misappropriation of the public lands, but also showing his ignorance of the subjects which have been specially committed to him.

Mr. President, the legislation of the State of Florida, beneficent to the actual settler as it is, has never authorized the selection of one acre of land which is not embraced within the terms of the act of 1850. Nor have I asked that the patents should be taken away from these railroad companies; nor have I asked to interfere with the legislation of the State; nor have I reflected upon the motives of that committee; nor have I any grudge against that committee. All that the Senator has gotten up is utterly false and untrue, and is for the purpose of making this attack upon me; and I had expected it. It is true he has his place well by the side of those who have drawn these enormous profits from this misinterpretation of the law. It has not been the officials of the State of Florida. It has not been the Legislature of the State of Florida.

The State of Florida has done nothing, even in that point of view, but what Kansas has done, what Minnesota has done, what all the recipients of these 200,000,000 acres of land have done. They have thought that it was proper for them to get all the land they could, and they have taken it, but nowhere has the Legislature of Florida authorized the selection of an acre of that land which is not swamp and overflowed, and thereby rendered unfit for cultivation. It has been a little game between the agents and the Department and the officials. I read to-day from the records here that Secretary Lamar had set aside a large number of selections in the State of Oregon, approved to the State, upon the ground of improper selection, not embraced in the act and not intended to be granted.

The Senator from Kansas really does not know the law. Strange as it may seem, it is audacious assumption of superiority. His swaggering attempt at intimidation, his shaking his head and speaking of Senators not being suited to their places, and not being entitled to respect, as if it was argument, proves him as ignorant of proper and decorous behavior as he is of the subjects which come before the Senate. The Senator from Kansas is entirely ignorant of what the law of 1850 is. Let me teach him a little lesson. I shall not try to teach him propriety. I care not for his language, nor his assumption, nor his demeanor; but as a Senator here, pertinent to the discussion of a public question, let me seek to teach him a little knowledge about the law of 1850.

The act of 1850 requires the Secretary of the Interior to send lists to the governors of the different States to initiate the selection of swamp and overflowed lands. The language of the act is to send lists of what? Not of dry land, but of swamp and overflowed land, thereby rendered unfit for cultivation, to the governors of the States. Under that act and the act supplemental to it, inasmuch as before a final selection was made it had to meet with the approval of the governor of the State or some State authority, it became allowed as an alternative for the State to take these lists or make selections herself.

In 1857, there being a diversity of opinion—and it was not regarded as dishonest or dishonorable or a breach of trust in the State at that time—but it being regarded as a matter upon which there was diversity of opinion, the Government of the United States, by an act of Congress, in deference to the general idea that the State ought to be the proprietor of all the public lands within her boundaries, confirmed all the selections without reference to what they were. The better opinion of the law, I think, is that it was then exhausted in its power of selection, and it was not contemplated that it should commence a new series of selections, but that it had exhausted its faculty. That is an opinion about which there might be a difference of opinion.

Nevertheless, the record here shows how the selections commenced in the State of Florida. The State agent, Mr. Wailes, wrote from here to the trustees and asked them to send a selection here that they might test the judgment and conclusion of the Interior Department and its officers upon the subject. He did so, and the selections have continued to be made by State agents.

Now, Mr. President, how unfair, how untrue, how absurd it is to attempt to differentiate the State of Florida from all the other States. The State of Florida has received 16,000,000 acres of these swamp and overflowed lands selected by an agent approved by the Interior Department. The other States have received nearly 200,000,000 acres, including swamp and overflowed lands. They have received \$2,000,000 (about) money paid in indemnity. The report made by Mr. PARSON, a distinguished member of Congress from Illinois, shows that the same errors (which the Senator sees fit to denounce as frauds—I do not) have been committed in every other State, the same amount of indemnity money, and it is peculiar that I should be denounced because I here undertake to do what I have done everywhere in my State for years and that everybody knows I have done—for I have not the reputation of being afraid to do what I think is right, nor have I the reputation, I am proud to say, either here or among the people of my State, of having any sympathy with those who do commit wrongs and errors in the performance of public or private duty, nor of being one of those who sacrifice the public good and the people's right for their own personal advantage. Let the Senator from Kansas concern himself with these questions for himself, rather than assail the State of Florida and me with indecent language and manner.

Mr. President, I have taken the same position in regard to the people's right to the public lands everywhere. Then why is it that the Senator from Kansas should assail me with this violence of manner, with these disrespectful allusions? It is not in the public interest. It is not upon any ground that can be defended of the dignity of a State. The dignity of a State is in the character of her people. It is in their industry, their intelligence, their courage, their devotion to right. It is not in the mistaken judgment of an official, or the prejudiced judgment of an official, or the weak judgment of an official, but it is in the people of a State and their devotion to right.

Mr. President, that is all I have to say upon this subject. I have made a plain, distinct proposition, and if everything the Senator from Kansas said was true, and I were as bad a man as he is, and as weak a man as he is, and as vain a man as he is, even if I were all that he is himself, still it would remain true that a large number of the people of the United States, who have a right to the execution of the laws of the United States, in respect to their rights upon the public lands, have been—whether intentionally or unintentionally, whether by executive action or by failure to pass proper laws, whether by the State or the United States, is not a question of any importance—but a large number of citizens of the United States, upon the recommendation of two Presidents of the United States, two Secretaries of the Interior, two Commissioners of Public Lands, have asked for an investigation of the facts in regard to the right and title to certain lands, and I have asked that it should be allowed them.

The question is, Should they or should they not have it? The only interest that can be promoted by denying it to them is not the interest of the people, not the interest of the United States, not the interest of the execution of the laws, not the interest of purity, and honesty, and justice, but it is the interest of a few men who have made and are to make enormous profits out of this improper execution of the laws, and of these the Senator from Kansas is the representative and defender.

The State of Florida, sir, is the equal of any other State. Her executive and judicial officers and her representatives are equal in intelligence to those of other States. I should scorn myself with infinite scorn if I could come down to the level of the manhood and character of the Senator from Kansas. I have contempt for the Senator from Kansas. The State of Florida has a people from all parts of the United States, intelligent, virtuous, truthful, earnest in the discharge of duty, scorning wrongdoing and those who participate in it. The people of the State of Florida do not conceive that the errors of opinion or judgment of her officials are to give character to the people of the State or to suppress further inquiry and proper judgment in regard to their acts. Nor do I.

The State of Florida has committed no breach of trust if her legislation has not met fully the evils of the corrupt practices of the Executive Departments here, or of the loose practices of the Executive Department, or of the improper constructions of law which have passed away from the people 200,000,000 acres of public land dedicated by law to be free homes for them. While the Senator has been in charge of the legislation in respect to the lands of the country, in defiance of the pledges of his own party a territory greater than Europe, largely since he had charge of the legislation of the Government in regard to it, has passed away from the operation of the land laws into the hands of corporations and foreign syndicates.

Mr. President, I have had nothing to say against the corporations of the State of Florida. They are beneficent. I have defended them and the men who are interested in them. I will not, however, aid them, nor do I believe they desire it, to take possession of the homes of the people or of the land yet unpatented which ought to be secured to

them. I shall not aid them in that purpose, but I shall defend them in every right they have and in every interest, and seek to promote harmony and a proper exercise of the great functions which their corporate power has given them.

Mr. President, I have nothing more to say.

Mr. DOLPH. Mr. President, I had not the pleasure of hearing the whole of the remarks of the Senator from Florida. I regret that I had not, because I have listened to some things since I came into the Chamber that sounded very much like an unjust criticism of the report of the Committee on Public Lands upon the resolution introduced by the Senator in the last Congress.

When I want Congress to legislate concerning some subject affecting public or private interests in my State I prepare a bill which I suppose will answer the purpose. I make some direct proposition to Congress of what I suppose is wanted. But the Senator from Florida, on the 18th of April, 1888 (at least that is the date of the passage of the resolution), introduced a resolution in words, omitting the preamble, as follows:

Resolved, That the Committee on Public Lands, or a subcommittee of their number, be, and is hereby, directed to investigate all the facts bearing upon the general allegations referred to—

That is, in the preamble—

and that for the purpose of such an investigation said committee is authorized to employ a stenographer, and shall have power to administer oaths, send for persons and papers, to sit in Washington or such other place as may be necessary, the expenses of the same to be paid from the contingent fund of the Senate; and said committee shall report, by bill or otherwise, as the circumstances shall seem to require, such plan for remedy of the evils, if any shown, as they may deem necessary.

It will be observed that that is a very broad resolution. Perhaps I ought to read the preamble to show more particularly what the scope of the inquiry was. It is as follows:

Whereas it has been alleged by the Senator from Florida that he is satisfied, from petitions presented by reputable citizens of Florida, that illegal and fraudulent conveyances of public lands have been made in said State, in derogation of the rights of the United States and of settlers upon said lands, and that a remedy for such evils can be provided by law.

That is as the resolution was reported back by the Committee on Public Lands, and passed by the Senate.

The Committee on Public Lands appointed a subcommittee to hear testimony and report in regard to the matters covered by this resolution. The subcommittee consisted of Senators PADDOCK and BERRY and myself. Owing to the fact that the resolution was so general in its provisions, Senator CALL was asked to come before the committee to specify what lands he had reference to. I read now from the report of the committee of the testimony taken before them:

Senator CALL, of Florida, appeared before the subcommittee.

The CHAIRMAN. Senator CALL, we are a subcommittee of the Senate Committee on Public Lands appointed to investigate matters referred to in the Senate resolution of the 18th of April, which is as follows.

Here follows the resolution.

The committee is desirous—I think I can speak for the other members of the subcommittee as well as myself—of thoroughly investigating the matters covered by the resolution; but it seems to them that it is so general in its statement of the matters to be investigated that it is impossible, without some further statement, for them to undertake the investigation. They, therefore, as you are familiar with the matters referred to, desire to ask you to state in a concise way what particular conveyances or what class of conveyances are claimed to have been fraudulent and, in your judgment, should be investigated.

Senator CALL. All cases where there is a grant of any part of the public domain, under the swamp and overflowed grants, which is high and dry and never was swamp and overflowed, but subject to entry under the pre-emption and homestead laws.

The CHAIRMAN. Are there any other lands which are covered by this resolution the conveyance of which to your State or to corporations and individuals from the General Government should be investigated?

Senator CALL. I do not know of any. There may be others, but I do not know.

The CHAIRMAN. You did not design this resolution, then, to cover grants made to the State of Florida for railroad purposes?

Senator CALL. I understand there have been no such grants in the proper sense of the word. If there have been that is a matter to be further considered. I have not been referred to any such. The bill which was before the Senate yesterday and the bill which passed the Senate some time ago referring the matter of unearned land grants to the judiciary seem to cover all the cases in regard to railroad grants. But there may be, and I have complaints from people here in regard to indemnity selections.

It will be observed that the committee was desirous of having Senator CALL specify what was to be investigated in order that after the investigation was over and the report made there should be no complaint that anything had been omitted which ought to have been investigated by the committee; and Senator CALL emphatically limits the questions to be investigated to questions affecting the swamp lands in the State of Florida.

These were not all the questions propounded to the Senator. He was examined further in regard to railroad grants, to make certain that the committee were called upon to investigate nothing besides the swamp lands. The committee then proceeded to take the testimony of Mr. Edwards, the chief of the swamp-land division in the General Land Office, in regard to the swamp lands in the State of Florida, the manner in which they were selected, what occurred when there was a contest by the pre-emption or homestead settler, and every other matter pertinent to the inquiry. They then took the testimony of Mr. Albert Akers, who was an agent of the General Land Office to select swamp lands in the State of Florida and who, it appears, had written letters

claiming that lands had been patented to the State that were not swamp lands. They took the testimony of other witnesses, reduced it to writing, and made a report from which it appears that the State of Florida undertook to select her own swamp lands in the field under the act of 1857; that the total number of acres of swamp lands and overflowed lands selected as inuring to the State under the swamp-land grant of September 28, 1850, reported to the Commissioner of the General Land Office by the United States surveyor-general of Florida, to June 1, 1888, was 20,259,323.59 acres, the total area of the State being something over 37,000,000 acres; that the amount so selected and reported prior to March 3, 1857, was 11,630,271.51 acres.

As is well known, this amount, nearly 12,000,000 acres of swamp lands, was confirmed to the State by the act of 1857; and from that date there has been no power in any department of the General Government to question the title of the State of Florida to an acre of it; and any wrongful or improvident disposition which has been made of that land has been by the fault of the State of Florida. For thirty-three years those lands have belonged to the State of Florida by an express grant of the General Government. She has had the title to the same, the right to dispose of them, and she has made whatever disposition of them she chose.

Mr. CALL. Will the Senator from Oregon allow me to interrupt him?

Mr. DOLPH. Certainly.

Mr. CALL. I will ask the Senator why he engages in that long discussion about the 11,000,000 acres confirmed under the act of 1857 when nobody has ever claimed or asked that it should be disturbed or interfered with? Further, let me ask him why he alludes even beyond that to the 5,000,000 acres patented, which nobody has ever asked to be interfered with?

Mr. DOLPH. The Senator probably knows what he does ask to be interfered with, but I can not say that anybody else does; and if that is the kind of a question the Senator desires me to yield for, I will not yield further at present.

Mr. CALL. All right.

Mr. DOLPH. I repeat that nearly 12,000,000 acres out of the 16,000,000 acres which have been patented to the State of Florida were granted to the State thirty-three years ago by an act of Congress. Since that time there has been no power that could interfere with the disposition of them by that State.

The Senator read a statement of the wrongs which had been perpetrated upon some pre-emption or homestead settler on some of these lands, and stated that the land referred to was a part of the 11,000,000 acres, or probably so, which was confirmed to the State by the act of 1857.

I think the discussion of the title to the 12,000,000 acres confirmed by the act of 1857 is quite as pertinent to this debate as the letter which he read in regard to this homestead settler; and I do not know why that was pertinent unless he supposes that Congress can now interfere in some way with that grant.

Under the act of 1850 two methods of ascertaining what were swamp and overflowed lands were provided. The State could either take the lands which were designated as swamp and overflowed lands upon the plats and field-notes of the United States surveyors or it could make its own selection. The State of Florida elected to make her own selections of swamp lands, and if any lands have been selected or approved to the State that were not swamp lands, of course the selection was fraudulent on the part of the State agents and on the part of the State, because the State is to be charged with the acts of her own agents.

Of the 8,629,052.08 acres reported since March 3, 1857, there have been approved by the Secretary of the Interior, or at the time of this report, 5,131,944.32 acres. Of the lands so improved there have been patented to the State 4,953,333.50; and there are remaining unpatented of such selections 3,675,718.58 acres. But a comparatively small quantity of lands have been approved or patented to the State since September, 1879. That, at the date of the making of this report by the Committee on Public Lands, was the condition of the swamp lands selected on the part of the State of Florida. It appeared from the testimony of Mr. Edwards, chief of the swamp-land division, that under the present practice of the General Land Office a pre-emption or homestead claimant who would contest the right of the State to these lands may do so, and the burden of proof is upon the State, even when they have been approved as swamp land, and in all cases where they have not been patented.

It also appears that there was at that time, and I presume there is now, employed in the State of Florida an agent appointed by the State and an agent appointed by the General Government, whose duty it is to go upon these lands and ascertain the fact as to whether they are swamp lands or not, within the meaning of the act of 1850, the duty having been devolved upon the Secretary of the Interior by that act determining that question. It also appeared by the testimony before the committee that the State of Florida had disposed of all—I believe all, all or substantially all—of these lands, and I will read from the report of the committee what disposition had been made of them.

There had been received by the State patents for 15,902,251 acres; there had been disposed of by sales, pre-emptions, homesteads, etc., 6,158,610 acres; con-

veyed to railroads, 5,940,010 acres; conveyed to Florida Coast Line Canal and Transportation Company, 92,156 acres; conveyed to Atlantic and Gulf Coast Canal and Okechobee Land Company, on drainage contract, 1,174,942 acres; and that of the patented lands the title to 2,626,532 acres remains in the trustees of the internal improvement fund of Florida.

Florida is not alone in this fraudulent disposition of the public lands and of swamp lands. There is no doubt that there was conveyed to the State of Florida by the act of 1857 a great deal of land as swamp land—land, however, which has been selected and was claimed by the State as swamp land—that was not swamp land in fact. It is more than probable that there has been patented to the State of Florida and selected and approved to the State since 1857 lands which are not swamp lands in fact. It is so in many of the other swamp-land States. There have been lands selected and approved, selected fraudulently and approved probably upon fraudulent representations to the Secretary of the Interior, to the States which are not swamp lands. These lands in the State of Florida, and probably other States, have been sold to individuals or have been granted to persons and corporations.

Then of what were swamp lands in 1850 in Florida the proof goes to show that many of them to-day are not swamp lands. The construction of railroads, the improvement of farms, the digging of canals, and other public improvements have changed the character of lands until many which were undoubtedly swamp lands in 1850 are not now swamp lands.

In the face of all this, of this condition of affairs in Florida, of the fact that the swamp lands had been granted and were held by the grantees of the State, the Senator complains because that committee did not originate some measure and report some bill to Congress requiring the United States to go to work and inquire as to the character of every quarter-section of land in Florida which was alleged to have been swamp land in 1850. As is suggested to me by a Senator, if that was the case, if the lands were dry lands instead of swamp lands, the State got better land than it was entitled to under that act. If it got good agricultural lands where it should only have swamp lands, so much greater the responsibility of Florida, and so much greater the crime that is laid at the door of Florida for having disposed of the lands in such a manner that the actual settler could not get them.

I say the Senator complains because the committee concluded that there was nothing which was now practicable to be done in the premises. I read the concluding portion of the report by the subcommittee, which was made the report of the Committee on Public Lands, because it was submitted and examined by them, and reported by their authority. The committee say:

In view of the fact that by the terms of the grant of the swamp and overflowed lands to the States the Secretary of the Interior was empowered to pass upon and determine the question of the character of the lands; of the fact that most of the lands patented to the States have been sold and conveyed by them and are now held by persons who have purchased them upon the faith of the United States patents; in view of the impracticability of determining at this time with certainty the character of lands selected by the States as swamp and overflowed lands at the date of the grant, the committee believe that as a matter of sound public policy the United States should be bound by the action of the Secretary of the Interior, and that it would be unwise to throw a cloud over the title of these lands by any legislation authorizing proceedings to set aside and cancel the patents heretofore issued for them to the States.

That was the conclusion of the committee. That was the recommendation they made, not in a corner, but to the Senate of the United States, upon the resolution; and in order to refute any suggestions of unfairness or want of thoroughness in regard to that report (because I am willing to stand upon every proposition of law and every proposition of fact therein contained, if the truthfulness of the fact is to be determined by the testimony), I will ask leave to submit as a part of my remarks the entire report, which is only about six pages long, omitting the testimony.

The VICE-PRESIDENT. If there be no objection, the matter referred to will be printed in the RECORD. The Chair hears none.

The report submitted by Mr. DOLPH, from the Committee on Public Lands, September 26, 1888, is as follows:

The Committee on Public Lands, to whom was referred the Senate resolution, passed April 18, 1888, directing said committee or a subcommittee of their number to investigate the facts concerning alleged illegal and fraudulent conveyances of public lands in the State of Florida, have had the same under consideration, and respectfully report:

The following is a copy of said resolution:

"IN THE SENATE OF THE UNITED STATES,

"April 18, 1888.

"Whereas it has been alleged by the Senator from Florida that he is satisfied, from petitions presented by reputable citizens of Florida, that illegal and fraudulent conveyances of public lands have been made in said State, in derogation of the rights of the United States and of settlers upon said lands, and that a remedy for such evils can be provided by law: Therefore, be it

Resolved, That the Committee on Public Lands, or a subcommittee of their number, be, and is hereby, directed to investigate all the facts bearing upon the general allegations referred to, and that for the purpose of such an investigation said committee is authorized to employ a stenographer, and shall have power to administer oaths, send for persons and papers, to sit in Washington or such other place as may be necessary, the expenses of the same to be paid from the contingent fund of the Senate; and said committee shall report, by bill or otherwise, as the circumstances shall seem to require, such plan for remedy of the evils, if any shown, as they may deem necessary.

"Attest:

"ANSON G. MCCOOK,
"Secretary."

In order to ascertain the class of lands concerning which an investigation was desired by the author of the resolution, the senior Senator from Florida [Senator CALL], he was invited to appear before the committee and make a

statement. From his statement it appeared that an investigation was only desired in regard to swamp and overflowed lands granted to the State by the act of September 28, 1850.

The committee thereupon proceeded to take the testimony of certain witnesses, and have received a statement from the trustees of the internal improvement fund of the State of Florida, and from Mr. Hamilton Disston, on behalf of the Florida Land and Improvement Company, all of which are appended to this report.

By the act of September 28, 1850, above referred to, there was granted to the State of Florida the whole of the swamp and overflowed lands within her borders made unfit thereby for cultivation, which remained unsold at the date of the passage of the act, to enable said State to construct the necessary levees and drains for their reclamation.

By the second section it was made the duty of the Secretary of the Interior, as soon as practicable after the passage of the act, to make accurate lists and plats of the lands described in the grant, and to transmit the same to the governor of the State, and at the request of the governor to cause a patent to be issued to the State therefor. By the third section it was provided that, in making out lists and plats of such lands, all legal subdivisions the greater part of which was wet and unfit for cultivation should be included in said lists and plats, but when the greater part of a subdivision was not of that character the whole of it should be excluded therefrom.

A circular of instruction as to the manner of proceeding under said act was issued by the Secretary of the Interior November 21, 1850, to the surveyor-generals of the several swamp-land States in which that office had not been discontinued, and to the registers and receivers in the other States to which the grant applied. Copies of this circular were sent to the governors of all the States in interest, with the request that the State authorities would elect which of the two methods for the selection of the swamp lands therein proposed they would adopt. These methods were:

(1) The field notes of the Government survey to be taken as the basis for selection, and all lands shown by them to be swamp or overflowed within the meaning of the act to be placed in the lists to be reported to the General Land Office.

(2) The States to select the lands by their own agents and report the same to the surveyor-general, with proof as to the character of the lands.

The State of Florida elected to select the swamp lands granted to her under said act by her own agents. The total number of acres of swamp lands and overflowed lands selected as inuring to the State under the swamp-land grant of September 28, 1850, reported to the Commissioner of the General Land Office by the United States surveyor-general of Florida, to June 1, 1888, was 29,259,823.59 acres; amount so selected and reported prior to March 3, 1857, was 11,630,271.51; amount reported since March 3, 1857, 8,629,052.08.

By the act of Congress approved March 3, 1857 (11 Stat., 251), selections of swamp and overflowed lands under the act of 1850 theretofore made and reported to the General Land Office, so far as the lands remain vacant and unappropriated and not interfered with by an actual settlement under any existing law of the United States, were confirmed to the States, and the approval and patenting of the same to the several States was directed and required. By this act 11,630,271.51 acres of swamp land selected and reported to the Commissioner of the General Land Office prior to March 3, 1857, were confirmed to the State of Florida, whether in fact swamp lands or not. Of the 8,629,052.08 acres reported since March 3, 1857, there have been approved by the Secretary of the Interior 5,131,944.32 acres. Of the lands so approved there have been patented to the State 4,963,333.50; and there are remaining unpatented of such selections 3,675,718.58 acres. But a comparatively small quantity of lands have been approved or patented to the State since September, 1879, and none have been approved or patented since June, 1885.

Among the witnesses examined before the committee was Mr. S. R. Edwards, chief of the swamp-land division in the General Land Office. From his statement it appears that in every case where the lands selected by the State of Florida as swamp and overflowed lands have not passed beyond the control of the General Land Office, either by confirmation of the selection, by the act of 1857, or by approval and patent of selection since that date, persons filing affidavits alleging that lands selected by the State are not swamp or overflowed lands within the meaning of the grant are allowed to contest the State's claim to the lands; and that in such contest for lands which have not been patented the burden of proof of the character of the land is upon the State. It appears also that the State makes no defense, but allows her claims to be rejected in such cases without protest or objection. Before selected lands are approved or patented to the State they are thoroughly and carefully examined in the field by an agent of the Government appointed by the Secretary of the Interior, and are not approved to the State unless his report shows them to be in fact swamp and overflowed lands.

Under this state of the law and of the practice in the Department, it does not appear to the committee that any further legislation is required to secure to settlers upon the public lands in Florida the right to assert their claims and to secure title to lands which have been selected by the State as swamp lands, but have not been approved to it.

The next subject of inquiry is whether any legislation should be had to authorize the institution of legal proceedings to set aside patents which have been issued to the State for lands selected by the State under said act of 1850 as swamp and overflowed lands. As to the manner of selecting these lands we quote the following from the statement of the trustees of the internal improvement fund of Florida above referred to:

"As to the selection of swamp and overflowed lands, we have only to say that they are selected by agents under the employment of this board, but the proof of their character is made not to us, but to the Secretary of the Interior of the United States, who considers the proof, causes the land to be examined by his own agents, and determines whether or not the lands selected are swamp and overflowed."

A serious question arises as to the power of Congress in the premises, if it shall be proposed to authorize proceedings to be instituted to set aside patents which have been issued to the State for lands selected in the manner above described. By the act of September 28, 1850, it was made the duty of the Secretary of the Interior to pass upon the question of the character of the lands selected under it, and to make out accurate lists and plats of the lands granted by the act when they had been selected, and to cause a patent to be issued to the State therefor.

Without passing upon the question as to whether the approval of the selections of lands under this act is not a final and binding adjudication between the State and the General Government as to the character of the lands selected by the State, the committee will proceed to consider the question of the policy of legislation authorizing the institution of legal proceedings for the purpose of canceling such patents.

It appears from the statement of the trustees of the internal improvement fund of Florida that there have been received by the State patents for 15,992,251 acres; that there have been disposed of by sales, pre-emptions, homesteads, etc., 6,158,610 acres; conveyed to railroads, 5,940,010 acres; conveyed to Florida Coast Line Canal and Transportation Company 92,156 acres; conveyed to Atlantic and Gulf Coast Canal and Okechobee Land Company, on drainage contract, 1,174,942 acres; and that of the patented lands the title to 2,625,532 acres remains in the trustees of the internal improvement fund of Florida.

It appears further that the lands so conveyed to corporations have been largely pledged for the moneys which have been expended in their works or sold to in-

dividuals, including not only speculators, but large numbers of settlers and immigrants, all of whom have purchased upon the faith of the patents of the United States issued after a determination of the question of the character of the land by the Secretary of the Interior, who was, by the act making the grant, invested with the power to finally determine the character of the land so far as the United States is concerned; that as to the lands the title of which remains in the trustees of the internal improvement fund, a large portion is involved in contracts with drainage and canal companies who have invested their money on the faith of the patents for the same, and that other portions of said land are held by said trustees to pay the liabilities of said fund.

It appears that the swamp lands granted to the State by the said act of September 28, 1850, were, by a statute of Florida of January 6, 1855, vested in the trustees of the internal improvement fund, and that the governor, controller, treasurer, attorney-general, and commissioner of lands and immigration are *ex officio* such trustees. The trusts to which the lands are devoted by the original act and all amendatory acts may be stated as follows:

- (1) Internal improvements, by railroads and canals.
- (2) Drainage, by work devoted immediately to that purpose.
- (3) Encouragement of actual settlement and cultivation of said lands, by allowing premiums of not exceeding one section to any one settler.

A number of railroad companies in the State have special land grants from this fund varying in quantity, but subject to the general trusts of the act creating such fund and its amendments; and every railroad, or canal, or company incorporated under the general corporation acts of the State becomes entitled to receive the alternate sections of State land within 6 miles of its line, and indemnity within 20 miles of the road or canal, as the road or canal is completed in sections of 6 miles.

It further appears that, under the statutes of the State and the rules of the board, any person may acquire swamp lands still held by the trustees and not reserved by paying \$1 per acre therefor; that any citizen of Florida who is the head of a family, or is twenty-one years of age, can acquire 80 acres of such land, at 25 cents per acre, by making affidavit that he desires it for his own settlement and cultivation; that any person who is an actual settler on such land can pre-empt and acquire the title to such land, not exceeding 160 acres in a compact form in legal subdivisions, by applying for the same and paying \$1 an acre therefor in three installments, one-third on entry, one-third in two years thereafter, and one-third in three years thereafter.

It appears, also, that in the grant of these lands to railroad companies, and in the sales of lands in large quantities, the rights of settlers have been protected. Upon this point the committee quote the following from the statement of the trustees of the improvement fund:

"The policy of the laws of Florida as to actual settlers on these lands has been liberal, and the administration of the trustees has been and is governed by an earnest and diligent solicitude for the interests of such settlers and to secure to them all the rights, privileges, and opportunities possible, and any intimations to the contrary, or that action is required of Congress or otherwise to secure the rights of actual settlers in lands of which these trustees have control, they repel as gratuitous and without any foundation of fact. Of course this board is not able to authorize persons to now enter upon or to convey to them lands which have been previously conveyed to some one else; but in all contracts, reservations, and conveyances the board has been careful and diligent in protecting the interests of all actual settlers, whether occupying under color of any right or merely as squatters. Previous to the Disston sale, above mentioned, the most of these lands were unoccupied, but here and there persons had squatted on them, who lived on them without paying anything for them and without making any effort to acquire title. This may have been in some cases on account of poverty and in some cases because of ignorance of the method of proceeding to get title, but in some cases it was because of a desire to enjoy the use of land without paying anything for it in purchase or in taxes.

"When the sale was made to Disston in 1881 the trustees entered into an agreement with him that all persons settled on any of the lands bargained or conveyed to him should have the lands on which they were settled at the State prices, the maximum of which was \$1 per acre, and that they should have until January 1, 1883, to pay for such lands. Notice of this was published by the trustees in the newspapers of the various counties where the lands were situated, and blanks or forms of application sent to all persons so situated who made application to purchase such lands, and deeds were executed to them free of any cost other than the schedule price as aforesaid.

"In fact the limitation to January 1, 1883, has never been enforced, but upon a showing of bona fide settlement prior to the sale to Mr. Disston he has always been willing, if the land remained subject to his control, to convey it to the settler and to receive other lands from the trustees instead thereof, and the trustees have always been willing and anxious to make such arrangements. If any cases of individual hardship have occurred to settlers they have not arisen from any lack of care or provision by the board for their protection. There have been contests alleging attempts fraudulently to take advantage of these provisions for the protection of actual settlers by land speculators and persons having no bona fide settlements on the lands; also contests as to who of several was the actual settler on a certain piece of land; and the board has from time to time sent out agents to investigate and report upon these matters free of cost to the alleged settlers, and in determining whether or not a person was an actual settler their decisions have been liberal to the settlers.

"The general rule as to all reservations for railroads made since 1881, since which time nearly all the reservations under which railroads have acquired lands have been made, has been and is that the reservation is made 'subject to the rights of actual settlers and subject to the further order of the board.' And the board has exercised their reserved power liberally and freely in favor of actual settlers in all meritorious cases brought to their attention, and these opportunities of relief are generally known in the localities where the lands are situated, and settlers frequently and freely avail themselves of them. There are no fees, costs, or technical requirements in these proceedings, nor is there anything strict or difficult in the proof of settlement required.

"Where reservations have been made for railroads or canals and by reason of delay in the work it has appeared to the board that the settlement of the lands was being impeded, the board has in several such reservations allowed actual settlers to go into such reservations and purchase homesteads at the schedule price of \$1 per acre."

It seems more than probable that considerable tracts of land were confirmed to the State of Florida by the act of March 3, 1857, which were not swamp lands in fact, and that there have been since selected and approved and patented to the State lands which did not fairly come within the description of land granted to the State by the act of 1850. But it would be impossible at this late day to ascertain with any degree of precision what lands have been so erroneously patented to the State or the relative proportion of the same. It appears that large bodies of land are swamp or overflowed at certain seasons of the year, generally in the summer and fall, and during wet years, so as to be periodically too wet for cultivation or habitation, which in dry seasons or in dry years are dry.

It also appears that lands which, at the date of the swamp-land act, September 28, 1850, were undoubtedly swamp and overflowed within the meaning of the act, have since that date, by the construction of railroads, canals, and ditches, by the settlement, clearing, and cultivation of the land, and in some cases by trails made by stock, become comparatively dry and fit for cultivation.

The committee believe that in other States which received the benefit of the act of September 20, 1850, large quantities of land have been selected and patented to the State which were not swamp lands in fact, and if legislation is to be had authorizing legal proceedings for the purpose of setting aside patents issued for land in the State of Florida, it should be extended to such States.

In view of the fact that by the terms of the grant of the swamp and overflowed lands to the States the Secretary of the Interior was empowered to pass upon and determine the question of the character of the lands; of the fact that most of the lands patented to the States have been sold and conveyed by them, and are now held by persons who have purchased them upon the faith of the United States patents; in view of the impracticability of determining at this time with certainty the character of lands selected by the States as swamp and overflowed lands at the date of the grant, the committee believe that as a matter of sound public policy the United States should be bound by the action of the Secretary of the Interior, and that it would be unwise to throw a cloud over the title of these lands by any legislation authorizing proceedings to set aside and cancel the patents heretofore issued for them to the States.

Mr. DOLPH. Then the Senator from Florida said in the most emphatic manner, when he was asked about railroad grants in the State of Florida, in his statement before the committee: "I understand there have been no such grants in the proper sense of the word." Notwithstanding the Senator had said that to the committee, when the Committee on Public Lands had reported a general forfeiture bill intended to cover every railroad grant in the United States, which provided that all railroad grants adjacent to uncompleted portions of the road should be forfeited and restored to the public domain, that measure was not satisfactory to the Senator from Florida, but he wanted Florida made an exception. He wanted a saving clause in the grant that would save some of the lands of the railroad companies in Florida that would be otherwise forfeited under such a grant. I have not had time to refer to the debate on that bill. I had occasion to call his attention to the fact then, and I will read what did find its way into the bill as it passed the Senate.

Mr. PLUMB. On motion of the Senator from Florida.

Mr. DOLPH. And on the motion of the Senator from Florida. I read a part of section 8 of the bill "to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," reprinted as it passed the Senate.

Provided, That the title to the land described in the act entitled "An act granting lands to the States of Alabama and Florida to aid in the construction of certain lines of railway in said States," approved the 17th of May, 1856, which lies adjacent to the part of the lines of railroad built under and in pursuance of the act of the State of Florida entitled "An act to encourage a liberal system of internal improvements in the State of Florida," approved January 5, 1855, within the time limited by Congress in the granting act, and which were granted to any of the said companies by the Legislature of the State of Florida in accordance with said act of Congress, and are held by purchase in good faith from said companies, made before the year 1866, are hereby confirmed to such purchasers.

I repeat, the Senator was not willing to allow the passage of the bill which forfeited lands simply adjacent to uncompleted portions of the road without this amendment. I believe the reason for it was (I think I do not misquote him when I state it as the reason for it) that when this road was built, although it had been built within the time specified in the act making the grant, the railroad company was not entitled to the grant, and therefore not entitled to the benefit of the granting act, and that this amendment was necessary to give them the land. That is, after all that had been said in regard to railroad grants, he proposed affirmative legislation at this late day, conferring upon railroad companies what they would not otherwise have if that general forfeiture act passed.

I do not say this for the purpose of criticising the Senator. I think that so far as his remarks criticised the subcommittee or the Committee on Public Lands in regard to the treatment of his resolution, they were unjust. I have none but the kindest feelings towards the Senator from Florida, and I am very sorry that my duty to myself and my own self-respect have seemed to render it necessary for me to make these remarks and to place upon the record the report which was made by the committee.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

Mr. CALL. I ask the Senator to let me say just one word before he makes that motion.

Mr. EDMUNDS. It is getting late.

Mr. CALL. It is a personal matter, and I appeal to the Senator.

Mr. EDMUNDS. I will withdraw the motion for three minutes, Mr. President.

Mr. CALL. I hope the Senator will not be very precise.

I merely want to remark that I have not said one word which attacked the motives of any member of the Committee on Public Lands, and such statements are entirely unfounded. I criticised under the light of argument, without desiring to reflect upon and without my language being capable of any possible misconstruction or application to the motives of any member of that committee. My observations upon that report were made with the most entire fairness of purpose, and without imputing to them any negligence in the performance of their duty.

Now, Mr. President, one word more. I reciprocate the consideration and personal esteem and friendship which the Senator from Oregon has expressed in regard to me, and if I have said anything which looked like an imputation upon him I beg leave to withdraw it and assure him it was not my purpose.

I do say, however, that in the amendment which I moved, which I

shall repeat again, to confirm the title of every purchaser, irrespective of the fact that the railroad companies have no grant from the State, I was referring to the act of 1856, and I was acting as reason and law and good policy demanded; and that it is the highest interest of the State of Florida that repose and security should be given to titles which have been acquired under these railroad companies in limited quantities; and that I do that upon the ground that so far as the grant of 1856 was concerned and so far as the unpatented selections, which are all that are in controversy here, are concerned the United States has absolute power and control; and that a wise and beneficent use of that power is to confirm the titles in reasonable and limited quantities to the people who are settled and living upon the land.

EXECUTIVE SESSION.

Mr. EDMUNDS. I renew my motion.

The VICE-PRESIDENT. The Senator from Vermont moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 20 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 15, 1890, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate the 14th day of January, 1890.

UNITED STATES ATTORNEY.

Benjamin S. Baker, of Nebraska, to be attorney of the United States for the district of Nebraska, *vice* George E. Pritchett, to be removed.

FIRST AUDITOR.

George P. Fisher, of Delaware, to be First Auditor of the Treasury, to succeed James Q. Chenoweth, resigned. Mr. Fisher was temporarily commissioned, during the recess of the Senate, May 31, 1889.

COLLECTOR OF CUSTOMS.

Henry C. Warmoth, of Louisiana, to be collector of customs for the district of New Orleans, in the State of Louisiana, in place of Benjamin F. Jonas, removed. Mr. Warmoth was temporarily commissioned, during the recess of the Senate, September 10, 1889.

PROMOTIONS IN THE ARMY.

Fourth Regiment of Infantry.

Second Lieut. James A. Leyden, to first lieutenant, December 16, 1889, *vice* True, who resigns his line commission from the date of his confirmation as assistant quartermaster.

Thirteenth Regiment of Infantry.

Second Lieut. Marion B. Saffold, regimental quartermaster, to be first lieutenant, December 16, 1889, *vice* Fornance, promoted.

POSTMASTERS.

Leonidas W. Fee, to be postmaster at Calistoga, in the county of Napa and State of California, in the place of Mary A. Camp, resigned.

E. J. McBride, to be postmaster at Dixon, in the county of Solano and State of California, in the place of Alfred R. Storey, whose commission expires January 20, 1890.

D. W. Irwin, to be postmaster at Akron, in the county of Washington and State of Colorado, in the place of Charles E. Flanery, removed.

Henry Dryhurst, to be postmaster at Meriden, in the county of New Haven and State of Connecticut, in the place of William H. Miller, whose commission expires January 13, 1890.

Richard D. Locke, to be postmaster at Macon, in the county of Bibb and State of Georgia, in the place of Thomas Hardeman, whose commission expires January 12, 1890.

Jerome Chipman, to be postmaster at Normal, in the county of McLean and State of Illinois, in the place of Wilber C. Scanland, removed.

Benjamin F. Dysart, to be postmaster at Franklin Grove, in the county of Lee and State of Illinois; the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1890.

Freeman D. Rosebrook, to be postmaster at Rock Falls, in the county of Whiteside and State of Illinois, in the place of Robert McNeil, whose commission expires January 13, 1890.

George A. Root, to be postmaster at Lanark, in the county of Carroll and State of Illinois, in the place of Henry F. Tallman, whose commission expires January 13, 1890.

James N. Miller, to be postmaster at Sac City, in the county of Sac and State of Iowa, in the place of Joseph H. James, deceased.

Hugh A. White, to be postmaster at Mount Ayr, in the county of Ringgold and State of Iowa, in the place of Samuel Henderson, resigned.

Fred Crafts, to be postmaster at Alma, in the county of Wabunsee and State of Kansas, in the place of Matthew Thompson, removed.

H. P. Dow, to be postmaster at Manhattan, in the county of Riley and State of Kansas, in the place of John Q. A. Sheldon, removed.

Walter S. Hebron, to be postmaster at Kinsley, in the county of Edwards and State of Kansas, in the place of James P. Alcorn, resigned.

Samuel H. Nesbit, to be postmaster at Anthony, in the county of Harper and State of Kansas, in the place of Cyrus A. Reider, whose commission expires January 13, 1890.

Hugh Mulholland, jr., to be postmaster at Paducah, in the county of McCracken and State of Kentucky, in the place of William C. Clark, whose commission expires January 12, 1890.

Madison T. Pedigo, to be postmaster at Glasgow, in the county of Barren and State of Kentucky, in the place of James A. Smith, removed.

Hiram Brown, to be postmaster at Chestertown, in the county of Kent and State of Maryland, in the place of Lewin S. Fowler, whose commission expires January 13, 1890.

William W. Johnson, to be postmaster at Baltimore, in the county of Baltimore and State of Maryland, in the place of Frank Brown, removed.

Christina D. Fosdick, to be postmaster at Graton, in the county of Middlesex and State of Massachusetts; the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1890.

Jeffrey T. Stanley, to be postmaster at Manchester, in the county of Essex and State of Massachusetts, in the place of William J. Johnson, removed.

Theodore E. Clapp, to be postmaster at White Pigeon, in the county of St. Joseph and State of Michigan; the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1890.

Andrew P. Glaspie, to be postmaster at Oxford, in the county of Oakland and State of Michigan; the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1890.

Thomas G. Switzer, to be postmaster at Howell, in the county of Livingston and State of Michigan, in place of Isaac W. Bush, whose commission expires January 20, 1890.

John C. Eckles, to be postmaster at Tupelo, in the county of Lee and State of Mississippi; the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1890.

Jennie J. Berrie, to be postmaster at Lexington, in the county of La Fayette and State of Missouri, in the place of Putnam S. Fulkerson, whose commission expires January 13, 1890.

Henry G. Rising, to be postmaster at Marshall, in the county of Saline and State of Missouri, in the place of William E. Woodson, removed.

Clark F. Barnes, to be postmaster at Ainsworth, in the county of Brown and State of Nebraska, in the place of Orlando B. Rippey, resigned.

John W. Boggs, to be postmaster at Blair, in the county of Washington and State of Nebraska, in the place of Miss Cardora Clark, whose commission expires January 13, 1890.

George L. Jameson, to be postmaster at Creighton, in the county of Knox and State of Nebraska, in the place of Josiah B. Miller, removed.

James H. Logan, to be postmaster at Ponca, in the county of Dixon and State of Nebraska, in the place of Isaac Conner, removed.

James H. Perry, to be postmaster at Atkinson, in the county of Holt and State of Nebraska, in the place of Willard A. Wheeler, removed.

Charles S. Spearman, to be postmaster at Crawford, in the county of Dawes and State of Nebraska; the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1890.

Victor E. Taylor, to be postmaster at Superior, in the county of Nuckolls and State of Nebraska, in the place of George J. Spohn, whose commission expires January 13, 1890.

Julius Klumpp, to be postmaster at West Hoboken, in the county of Hudson and State of New Jersey, in the place of John H. Middleton, removed.

W. E. Bassler, to be postmaster at Middleburgh, in the county of Schoharie and State of New York; the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1890.

J. W. Day, to be postmaster at Waterloo, in the county of Seneca and State of New York, in the place of George Donnalley, whose commission expires January 27, 1890.

George L. Tubbs, to be postmaster at Hornellsville, in the county of Steuben and State of New York, in the place of William H. Greenhow, removed.

Horace P. Bogue, to be postmaster at Bismarck, in the county of Burleigh and State of North Dakota, in the place of Michael P. Slattery, whose commission expires January 20, 1890.

Sylvester J. Small, to be postmaster at Casselton, in the county of Cass and State of North Dakota, in the place of La Fayette J. Fulton, removed.

Nelson Ozier, to be postmaster at Mansfield, in the county of Richland and State of Ohio, in the place of George W. Statler, whose commission expires January 20, 1890.

James W. Bartlett, to be postmaster at Doylestown, in the county of Bucks and State of Pennsylvania, in the place of John G. Randall, whose commission expires January 20, 1890.

John R. Nowland, to be postmaster at Thurlow, in the county of Delaware 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, 1890.

James C. Postlethwaite, to be postmaster at Somerset, in the county of Somerset and State of Pennsylvania, in the place of J. K. Coffroth, whose commission expires January 20, 1890.

Herbert P. Worth, to be postmaster at West Chester, in the county of Chester and State of Pennsylvania, in the place of John A. Pyle, removed.

W. Walker Russell, to be postmaster at Anderson C. H., in the county of Anderson and State of South Carolina, in the place of Charles W. Webb, whose commission expires February 10, 1890.

William L. Anderson, to be postmaster at Plankinton, in the county of Aurora and State of South Dakota, in the place of George H. James, resigned, Aldemar M. Andrews, who was confirmed by the Senate March 21, 1889, not having been commissioned.

L. P. Jenkins, to be postmaster at Lead City, in the county of Lawrence and State of South Dakota, in the place of Frank Abt, removed.

Alden Sampson, to be postmaster at Woonsocket, in the county of Sanborn and State of South Dakota, in the place of Cornelius Carr, whose commission expires January 26, 1890.

William Spellings, to be postmaster at McKenzie, in the county of Carroll and State of Tennessee; the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1890.

Guilford M. Taylor, to be postmaster at Covington, in the county of Tipton and State of Tennessee; the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1890.

George E. Dilley, to be postmaster at Palestine, in the county of Anderson and State of Texas, in the place of Alex. Ferguson, whose commission expires February 15, 1890.

Christopher Hill, to be postmaster at Shawano, in the county of Shawano and State of Wisconsin; the appointment of postmaster for the said office having, by law, become vested in the President on and after January 1, 1890.

William Knelling, to be postmaster at Shullsburg, in the county of La Fayette and State of Wisconsin; the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1890.

John B. Nugent, to be postmaster at Menasha, in the county of Winnebago and State of Wisconsin, in the place of Curtis Reed, whose commission expires January 13, 1890.

Martin P. Rindlaub, to be postmaster at Platteville, in the county of Grant and State of Wisconsin, in the place of William H. Elgar, whose commission expires January 21, 1890.

Sidney E. Shepard, to be postmaster at Mineral Point, in the county of Iowa and State of Wisconsin, in the place of George Crawford, whose commission expires January 27, 1890.

COLLECTORS OF INTERNAL REVENUE.

William H. Sears, of California, to be collector of internal revenue for the first district of California, to succeed Asa Ellis, who has resigned.

Christopher Mamer, of Illinois, to be collector of internal revenue for the first district of Illinois, to succeed Rensselaer Stone, to be removed.

SUPERVISING INSPECTOR OF STEAM-VESSELS.

Joseph Cook, of Michigan, to be supervising inspector of steam-vessels for the eighth district, to succeed William M. Daly, to be removed.

SURVEYOR OF CUSTOMS.

Henry G. Heffron, of Colorado, to be surveyor of customs for the port of Denver, in the State of Colorado, to succeed John H. P. Voorhies, resigned.

NAVAL OFFICER OF CUSTOMS.

Edward P. Danforth, of California, to be naval officer of customs in the district of California, in the State of California, to succeed Stuart Taylor, whose commission will expire by limitation February 16, 1890.

COLLECTORS OF CUSTOMS.

Tomlinson F. Johnson, of Georgia, to be collector of customs for the district of Savannah, in the State of Georgia, to succeed John F. Wheaton, to be removed.

John M. Clark, of Illinois, to be collector of customs for the district of Chicago, in the State of Illinois, to succeed Anthony F. Seeberger, to be removed.

George H. Hopkins, of Michigan, to be collector of customs for the district of Detroit, in the State of Michigan, to succeed Daniel J. Campan, resigned.

Charles F. Johnson, of Minnesota, to be collector of customs for the district of Duluth, in the State of Minnesota, to succeed Horace B. Moore, resigned.

Marco B. Gary, of Ohio, to be collector of customs for the district of Cuyahoga, in the State of Ohio, to succeed William J. McKinnie, whose commission will expire by limitation January 23, 1890.

Edward A. Taylor, of Oregon, to be collector of customs for the dis-

trict of Oregon, in the State of Oregon, to succeed John Hobson, whose commission will expire by limitation January 21, 1890.

Frank A. Stewart, of Oregon, to be collector of customs for the southern district of Oregon, in the State of Oregon, to succeed John Flanagan, whose commission will expire by limitation January 21, 1890.

REGISTERS OF LAND OFFICES.

Ozro A. Bowen, of Skamokawa, Wash., to be register of the land office at Vancouver, Wash., vice Winfield S. Austin, whose term of office will expire January 26, 1890.

Lyman P. Hotchkiss, of Eau Claire, Wis., to be register of the land office at Eau Claire, Wis., vice Emmett Horan, whose term of office will expire January 26, 1890.

RECEIVERS OF PUBLIC MONEYS.

A. J. Wiley, of Eureka, Cal., to be receiver of public moneys at Humboldt, Cal., vice Robert W. Hutchins, to be removed.

Otis Perrin, of Stockton, Cal., to be receiver of public moneys at Stockton, Cal., vice John E. Budd, whose term of office will expire January 26, 1890.

Frank R. Farr, of Eau Claire, Wis., to be receiver of public moneys at Eau Claire, Wis., vice Sylvester S. Kepler, whose term of office will expire January 26, 1890.

Charles U. Snider, of Lakeview, Oregon, to be receiver of public moneys at Lakeview, Oregon, vice William M. Townsend, whose term of office will expire January 19, 1890.

INDIAN AGENTS.

Egbert Nasholds, of Idaho, to be agent for the Indians of the Lemhi agency, in Idaho, vice John M. Needham, resigned.

José Segura, of Santa Fé, N. Mex., to be agent for the Indians of the Pueblo agency, in New Mexico, vice Melmoth C. Williams, removed. The nomination of William P. McClure, who was commissioned during the recess of the Senate, has been withdrawn, he having died December 16, 1889.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 14, 1890.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Clerk proceeded to read the Journal of yesterday's proceedings. Mr. BUCHANAN, of New Jersey. Mr. Speaker, I ask unanimous consent that so much of the Journal as relates to the introduction of bills be omitted from the reading.

There was no objection, and it was so ordered.

The remainder of the Journal was read and approved.

LEGATION AT BANGKOK.

The SPEAKER laid before the House the following message from the President; which was read, and, with accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report of the Secretary of State of the 13th instant, recommending that the necessary means be provided to erect suitable buildings on the grounds so generously presented in the year 1884 to this Government for the use of its legation at Bangkok by His Majesty the King of Siam. I commend the matter to the favorable consideration of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, Washington, January 13, 1890.

WASHINGTON AQUEDUCT.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting, with accompanying papers, an estimate from the commissioners of the District of Columbia of an additional appropriation for the Washington Aqueduct; which was referred to the Committee on Appropriations, and ordered to be printed.

REFITTING CASH-ROOM OF TREASURY.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, submitting estimates of appropriations for refitting the cash-room of the Treasury, and for miscellaneous expenses of the office of the Treasurer; which was referred to the Committee on Appropriations, and ordered to be printed.

NATIONAL ROAD TO MOUNT VERNON, VIRGINIA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of a survey for a national road from the Aqueduct Bridge to Mount Vernon, Virginia; which was referred to the Committee on Appropriations, and ordered to be printed.

MUSKEGON AND LUDINGTON HARBORS, MICHIGAN.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in response to a resolution of the House, a report relative to the further improvement of Muskegon and Ludington Harbors, Michigan; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

PETOSKEY HARBOR, MICHIGAN.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting reports upon the survey and preliminary exam-

ination of Petoskey Harbor, Michigan; which was referred to the Committee on Rivers and Harbors.

REPORT OF COMMISSIONER OF SCHOOLS FOR UTAH.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting the second annual report of the commissioner of schools for Utah; which was referred to the Committee on the Territories.

LAWS OF ARIZONA.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a copy of the laws of the Territory of Arizona enacted by its fifteenth Legislative Assembly; which was referred to the Committee on the Territories.

REMOVAL OF OBSTRUCTIONS TO NAVIGATION IN THE MISSOURI RIVER.

The SPEAKER also laid before the House joint resolution (S. R. 37) for the removal of obstructions to navigation in the Missouri River. Mr. TARSNEY. I ask consent for the present consideration of that resolution, and should there be objection I will explain it.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the present consideration of the resolution, which the Clerk will read, after which the Chair will ask for objection.

The resolution was read at length.

The SPEAKER. The question is upon granting unanimous consent. Is there objection?

Mr. GROSVENOR. I object.

Mr. DOCKERY. Will the gentleman from Ohio yield for a moment to the gentleman from Missouri [Mr. TARSNEY] to explain the resolution? The passage of this measure is of paramount importance to the business interests of the Missouri Valley, and I hope that the objection will be withdrawn.

The SPEAKER. Objection is made, and the resolution will be referred to the Committee on Rivers and Harbors.

COLLECTION OF REVENUE.

Mr. MCKINLEY. I rise to make a privileged report from the Committee on Ways and Means. I report back a bill as a substitute for the bill (H. R. 4) to simplify the laws in relation to the collection of the revenue, with an accompanying report, and I ask that it be printed and recommitted.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 4970) to simplify the laws in relation to the collection of the revenue.

The SPEAKER. The question is upon recommitting the bill.

Mr. BRECKINRIDGE, of Kentucky. Is there any report with it?

Mr. MCKINLEY. There is a report accompanying the bill.

Mr. BRECKINRIDGE, of Kentucky. Would it not be better that we make some temporary order directing the Public Printer to send these reports to our houses? I do not think there is any order by which we can get them now.

Mr. MCKINLEY. I desire to give notice that at some time this week I will call up this bill for consideration.

Mr. BRECKINRIDGE, of Kentucky. It is on that account that I would like to see the report on the bill, so that we may have an opportunity to study it.

The SPEAKER. Reports can be procured at the document-room by any gentleman who desires them.

The bill was ordered to be printed and recommitted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced the passage of a bill and joint resolution of the following titles, in which concurrence was requested, namely:

A bill (S. 940) to authorize the construction and maintenance of a bridge across the Missouri River at a point to be selected in the county of Douglas, or in the county of Sarpy, in the State of Nebraska, and the county of Pottawattamie, in the State of Iowa, and to make the same a post-route; and

Joint resolution (S. R. 34) authorizing the marshal of the Supreme Court of the United States to loan the portraits of the Chief-Justices to the New York State Bar Association for exhibition at the judiciary centennial to be held on the 4th of February, 1890.

COMPAGNIE GÉNÉRALE TRANSATLANTIQUE.

Mr. FLOWER. Mr. Speaker, I ask unanimous consent that the Committee on Claims be discharged from the further consideration of the bill (H. R. 3516) for the relief of the Compagnie Générale Transatlantique, and that the same be referred to the Committee on Foreign Affairs.

The SPEAKER. That bill properly goes to the Committee on Claims.

Mr. FLOWER. It has been twice considered by the Committee on Foreign Affairs.

The SPEAKER. Under the rule, it would properly go to the Committee on Claims. The gentleman from New York [Mr. FLOWER] asks unanimous consent that the Committee on Claims be discharged from the further consideration of the bill indicated by him, and that it be referred to the Committee on Foreign Affairs.

Mr. McCREARY. I should like to hear the reasons, Mr. Speaker, why this change of reference should be made.

The SPEAKER. The Chair does not know.

Mr. FLOWER. Because twice already the bill has been referred to the Committee on Foreign Affairs and they are familiar with the subject.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. FLOWER]?

Mr. BURROWS. I think, Mr. Speaker, the bill had better stay with the Committee on Claims, where it belongs under the rule.

PENSIONS IN ACCORDANCE WITH RANK AT TIME WHEN DISCHARGED.

Mr. COGSWELL, by unanimous consent, introduced a bill (H. R. 4971) to pension in accordance with the rank held at time of discharge from service; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXTRADITION.

On motion of Mr. STEWART, of Georgia, the Committee on the Judiciary was discharged from further consideration of the resolution of the House of January 6, 1890, relative to extradition, and the resolution was referred to the Committee on Foreign Affairs.

CONFEDERATE LINES AT GETTYSBURGH.

Mr. BINGHAM, by unanimous consent, introduced a bill (H. R. 4972) for marking the lines of battle and the positions of troops of the army of northern Virginia at Gettysburg, Pa.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OCEAN MAIL SERVICE.

Mr. BINGHAM also introduced a bill (H. R. 4973) to provide for ocean mail service between the United States and foreign ports; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SALARIES IN RAILWAY MAIL SERVICE.

Mr. BINGHAM also introduced a bill (H. R. 4974) to reclassify and fix the salaries of persons in the railway mail service known as railway postal clerks; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ASSISTANT GENERAL SUPERINTENDENT RAILWAY MAIL SERVICE.

Mr. BINGHAM also introduced a bill (H. R. 4975) providing for the appointment of an assistant general superintendent and a chief clerk, railway mail service; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ARREARS OF PENSION.

Mr. BINGHAM (by request) also introduced a bill (H. R. 4976) to grant arrears of pensions in certain cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POSTAGE-STAMP REDEMPTION CARD.

Mr. BINGHAM (by request) also introduced a bill (H. R. 4977) to provide a postage-stamp redemption card; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ADDITIONAL CLERK FOR COMMITTEE ON MILITARY AFFAIRS.

Mr. CUTCHEON offered a resolution to allow an assistant clerk to the Committee on Military Affairs during the present session; which was read, and referred to the Committee on Accounts.

PRINTING THE PRESIDENT'S MESSAGE.

Mr. RUSSELL, from the Committee on Printing, submitted the following report, and asked for its immediate consideration:

The resolution of the House that there be printed—copies of the President's annual message for the use of the House has been considered by the Committee on Printing, who have directed that the same be reported back with an amendment, namely, the insertion of the words "twenty thousand" after the word "that." So that the resolution as amended will read:

"Resolved, That twenty thousand copies of the President's annual message be printed for the use of the House."

And as so amended the committee recommend that the resolution do pass. The estimated cost of printing 20,000 copies in paper covers is \$441.40. The total approximate cost of printing for Congress, for which estimates have been previously sent, for the present fiscal year is \$175,557.

The amendment recommended by the committee was agreed to.

The resolution as amended was then adopted.

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

The latter motion was agreed to.

BRIDGE ACROSS THE MISSISSIPPI NEAR BURLINGTON, IOWA.

Mr. GEAR, by unanimous consent, introduced a bill (H. R. 4978) to amend and alter an act entitled "An act to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Burlington, Iowa," approved August 6, 1888; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. BAKER, the Committee on Commerce was discharged from the further consideration of the bill (H. R. 450) to transfer the revenue-cutter service from the Treasury Department to the Navy Department, and the bill was referred to the Committee on Naval Affairs.

ORDER OF BUSINESS.

Mr. PERKINS. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole on the state of the Union for the further consideration of the bill (H. R. 1015) in relation to town sites in Oklahoma.

Mr. ADAMS. I consider it my duty, Mr. Speaker, to endeavor to bring up the matter which I brought before the House yesterday—

The SPEAKER. The gentleman from Illinois is not in order. The question is not debatable. The question is on the motion of the gentleman from Kansas [Mr. PERKINS] that the House now resolve itself into Committee of the Whole.

The question was taken; and the Speaker declared that the yeas seemed to have it.

Mr. PERKINS. I ask for a division.

The House divided; and there were—ayes 65, yeas 97.

Mr. BLAND. I raise the point of no quorum in order that we may have tellers. I think we ought to go on with public business involving the interests of 100,000 people in preference to taking up a measure concerning only the interests of members.

Tellers were ordered; and Mr. ADAMS and Mr. BLAND were appointed.

The House again divided; and the tellers reported—ayes 96, yeas 108. So the motion of Mr. PERKINS was not agreed to.

SILCOTT DEFALCATION.

Mr. ADAMS. I desire to call up the report and bill presented yesterday (and recommitment) from the select committee appointed to investigate the accounts of the office of Sergeant-at-Arms. The report of the committee, together with the views of the minority members of the committee, is published in the CONGRESSIONAL RECORD of this morning. As the bill was read yesterday for the information of members—

The SPEAKER. Before the gentlemen proceed the bill will be read. The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of \$75,000, or so much thereof as may be necessary, be, and the same is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, for the purpose of supplying the deficiency in the appropriation heretofore made for the fiscal year ending June 30, 1890, for the pay and mileage of Delegates and Members of the House of Representatives occasioned by the recent defalcation in the office of the late Sergeant-at-Arms of the House, said sum to be immediately available, and that the same be paid to the Sergeant-at-Arms of the House, upon the requisitions of the Speaker: Provided, That the Sergeant-at-Arms of the House shall first give bond to the United States, with two or more sureties, to be approved by the Speaker of the House in the sum of \$50,000, with condition for the faithful keeping, application and disbursement of all moneys that shall come into his hands under the provisions of this act or by virtue of his office, said bond to be filed with the First Comptroller of the Treasury.

SEC. 2. The Sergeant-at-Arms of the House, after making and filing bond as aforesaid, shall take into his possession all the money and other assets lately in the office of the Sergeant-at-Arms, and now on deposit with the Treasurer of the United States by order of the House, and out of the same, together with the sum hereby appropriated, he shall pay the Delegates and Members of the House of Representatives the amount due them, respectively, on account of salaries for the period ending December 4, A. D. 1889, and now remaining unpaid, as shown by the books of the office of the Sergeant-at-Arms.

SEC. 3. The said Sergeant-at-Arms, out of the money now on deposit with the Treasurer of the United States, as aforesaid, shall pay all sums appearing by the books of his said office to be due on account of deposits of private funds made with the late Sergeant-at-Arms of the House.

Mr. TURNER, of Georgia. Before the gentleman from Illinois [Mr. ADAMS] proceeds I would like to ask him whether the bill to which he is now about to address himself is before the House, and whether, if it were before the House, it does not contemplate an appropriation which would have to be considered in the Committee of the Whole? I call his attention to these two matters, knowing that he will do whatever is right.

Mr. ADAMS. The bill and report were presented yesterday; they were sent to the Clerk's desk; they have not in fact been returned to me; but the order of recommitment was made in order that under the original resolution constituting the committee I might have the right to call them up at any time. The bill, I presume, is in the possession of the Clerk.

As for the second point raised by the gentleman, the propriety of going into the Committee of the Whole, I know no rule of general parliamentary law under which that is necessary. As for the propriety of that proceeding, it is a matter for the House to decide. It is a matter of indifference to me. If we do go into Committee of the Whole we must, as I suppose, establish some form of procedure there. My own impression is that we can proceed in the House and give to the bill and report all the debate which the House seems to think necessary; that after a brief explanation by myself those members who do not agree with the majority of the committee would explain their views. I have communicated with them on that subject, and they agree with me that this is a proper course. After that the subject will be in the possession of the House for such discussion as the House

chooses, and for final action on the bill, which, as I understand, is before the House.

The report of the majority of the committee, as printed in the RECORD of to-day, shows that the question now before the House came before this House and a committee of the House fifty years ago—the question, that is, of the relation of the Sergeant-at-Arms in his official capacity to the individual members of the House in regard to the payment of their salaries. It appears from that report presented in 1838 that the mode of payment of members by the hands of the Sergeant-at-Arms, making him in practice and in fact a disbursing officer of the Government, arose almost as soon as the first Congress was organized. That appears in the committee report of 1838. But there were in that report some paragraphs which perhaps ought to have been presented yesterday, showing the utter impossibility of pursuing any other course. I desire now to send to the Clerk's desk and have read certain paragraphs from that report.

The Clerk read as follows:

The last act fixing the pay of members of Congress, and which is now in force, passed January 22, 1818, and contains the same directions as to the mode of payment that was originally established by the act of December 22, 1793; that is, that the Speaker should certify the amount due a member, which should be passed as public accounts and paid out of the Treasury; and this is the law as it is now in force. It is not, however, literally complied with.

From this reference to the several laws as they have at all times existed, and now exist, for the payment of members of Congress, it will be observed that by a strict compliance with the letter of the law the Speaker is required to issue a certificate to a member certifying that a given sum is due him; this certificate would be taken to the Treasury, and must be there passed upon by the accounting officers as other public accounts, with all the forms and all the checks and regulations established for the settlement of public accounts; which forms, checks, and regulations require that it should be examined, entered, and certified in the offices of the First Auditor, the First Comptroller, and the Register of the Treasury, being entered at least half a dozen times. A warrant would then issue by the Secretary of the Treasury upon the Treasurer of the United States, which warrant is also passed through all the same offices, and is entered and recorded in each of them before it reaches the Treasurer for payment; this officer takes up the warrant and gives his check for the amount on his depository.

From this short and imperfect description of the manner by which members of Congress would be paid if resort were had to the course actually prescribed by law, it is evident that it would not only be attended with much inconvenience and delay at all times, but that it would be found almost impracticable in practice at others. It would also involve much expense; for, if all the official forms of the Treasury which have been imperfectly referred to were gone through with on every payment as now made to members of Congress, it is evident that it would require several additional clerks in the Treasury.

Mr. ADAMS. It will thus be seen, Mr. Speaker, that to have members of Congress paid at the Treasury in the ordinary way in which payments were made at that time was seen then in the First Congress to be attended with intolerable annoyance not only to members of Congress but to the Treasury Department itself. And it was undoubtedly at the instance of the Treasury Department itself that the mode of paying members was instituted which in its substantial features has lasted to the present day. It is also stated in the report which I submitted yesterday and presented again this morning that in 1832 the same question had been decided that is now before the House. A defalcation then occurred in the office of the Sergeant-at-Arms.

The amounts which ought to have been paid by the Sergeant-at-Arms to the individual members, and were not in fact paid, were made good to these members out of the contingent fund of the House. The amount was so made good, after full discussion, pursuant to a resolution of the House on a ye-and-nay vote, by a majority of two-thirds. I happened to notice that John Quincy Adams, Rufus Choate, and James K. Polk voted in the affirmative, and probably other men who have since become prominent. The payment to members at that time was made on the statement prepared by each individual member as to his dealings with the Sergeant-at-Arms. This statement was submitted by the member to the Committee on Accounts, and after approving that statement the Committee on Accounts ordered the payment out of the contingent fund.

The entire amount of the defalcation at that time amounted to between \$8,000 and \$9,000; and the loss, if it had been a loss to the individual members, would have fallen only on eight or nine members. That is my opinion, because I find more than one member who lost an amount exceeding \$1,000. In voting on the proposition, therefore, a very large majority of the House acted without any pecuniary interest to bias their decision.

I now desire to send to the Clerk's desk and have read certain extracts from the Journals of the House at that time. There is, first, a letter of the Speaker, of June, 1832, for the information of the House, stating in detail the manner in which members were paid. After that, on June 25, this defalcation had occurred and had to be exposed. The Sergeant-at-Arms then was the son of the former Sergeant-at-Arms, a very popular man and the son of an equally popular man. He sends his letter to the House stating his condition of affairs. Mr. Richard W. Johnson then moves a resolution, and it was adopted; and there follows here in this exhibit copies of documents on file in the Treasury Department, being statements of members of the Twenty-second Congress relative to the defalcation of John O. Dunn, the Sergeant-at-Arms. So that what will now be read is, first, an extract of the Journal, and afterwards copies of original documents which I obtained from the Treasury Department, and which I myself have seen. Read pages 77 and 78.

The Clerk read as follows:

Extracts from the Journal of the House of Representatives, first session Twenty-second Congress.

[Thursday, June 7, 1832.]

The Speaker made the following communication, namely:

"In giving the information asked for from the Chair, as to the manner in which the members draw their pay for attendance and mileage, the Speaker informs the House that, as its presiding officer, he has during the present session made four requisitions upon the Treasury Department for the following sums and under the following dates, namely:

December 8, 1831.....	\$50,000
January 12, 1832.....	100,000
March 20, 1832.....	100,000
May 16, 1832.....	100,000

"In these requisitions the Secretary of the Treasury was requested to order a warrant to be issued from the Treasury in favor of the cashier of Branch Bank of the United States in Washington for the sums required to pay the members of the House of Representatives for mileage and attendance at the present session of Congress.

"Copies of these requisitions have been obtained and are now presented to the House. When members wish to draw for the whole or any part of the amount of pay due to them (and they can not draw in advance), they apply to the Sergeant-at-Arms (whose duty it is to keep the books and accounts and prepare checks), who fills up a check for such amount, not exceeding the sum then due to the member, which the Speaker signs, and the money is then drawn from the bank (under the authority of the requisition upon the Treasury Department) by the Sergeant-at-Arms, and paid to the individual members.

"The bank advances no money to pay the members for their attendance or mileage until the Speaker issues his requisition upon the Treasury for that purpose.

"This has been the course heretofore pursued (as the Chair is informed) with the banks in which the Government deposits were made before the establishment of the present Bank of the United States, in 1817, and with that bank since that period."

Mr. Letcher moved the following resolution:

"Resolved, That the statement now made by the Speaker as to the manner in which the members of this House draw their compensation for attendance and mileage be entered upon the Journals, printed, and appended to statement No. 2 of the minority bank report in explanation thereof."

After debate, the resolution offered by Mr. Letcher was adopted.

Tuesday, June 26, 1832, the Speaker laid before the House the following communication:

"To the Speaker of the House of Representatives:

"SIR: I beg leave, through you, to tender to the House of Representatives the resignation of my office as their Sergeant-at-Arms. A long course of kindness, first shown to my father and then extended to me from my earliest years, demands an expression of gratitude which I feel at this moment very inadequate suitably to make. I have fallen into unexpected misfortunes which I am but too sensible have led me into error. The books and papers commended to my charge are herewith surrendered to the Committee of Accounts for settlement."

"J. O. DUNN.

"WASHINGTON, June 25, 1832."

The letter being read, it was, on motion of Mr. Richard M. Johnson,

"Resolved, That the Committee of Accounts be instructed to examine the accounts of J. O. Dunn and ascertain how much of the daily compensation and mileage of the members has been drawn by him and not paid over to the members, and what disposition has been made by him of the same, and that they be paid out of the contingent fund to the amount drawn by said Dunn and not paid over by him."

A motion was made by Mr. Gordon that the House do reconsider the vote of this day by which the resolution moved by Mr. Richard M. Johnson in relation to the accounts of John O. Dunn, late Sergeant-at-Arms, was agreed to; when

A motion was made by Mr. Vinton that the said motion do lie on the table. Lost.

And then, by consent of the House, the said resolution was modified to read as follows:

"Resolved, That the Committee of Accounts be instructed to examine the accounts of J. O. Dunn and ascertain how much of the daily compensation and mileage of the members has been drawn by him and not paid over to the members, and what disposition has been made by him of the same, and to inquire into the expediency of providing by law or otherwise for the payment to the several members of this House, on whose account the said Dunn shall have received sums of money as aforesaid, the sums of money so received and not paid over."

[June 28, 1832.]

Mr. Richard M. Johnson moved the following resolution:

"Resolved, That the Committee of Accounts be instructed to order to be paid, out of the contingent fund of the House, to the Members and Delegates thereof the amount of their per diem allowance and mileage which John O. Dunn, late Sergeant-at-Arms, received on checks drawn in their behalf and which he has failed to pay over to them, upon certificate of the Member or Delegate."

Passed.

Copies of documents on file in Treasury Department, being statements of members of the Twenty-second Congress relative to the defalcation of John O. Dunn, Sergeant-at-Arms.

HOUSE OF REPRESENTATIVES, June 26, 1832.

On Thursday last I applied to John Oswald Dunn to procure me a check from the Speaker for \$150. I wished a draft on New York for a part of that sum on Saturday. On that day, not having procured the check or the money, I again spoke to Mr. Dunn, the Sergeant-at-Arms, and informed him that I must have at least a portion of it that day to send to New York. He inquired how much I wished to send to New York. I told him \$51.41. He said I should have it in time. About 4 o'clock on that day (23d inst.) he brought me a draft on New York for \$51.41, and at the same time presented me the Speaker's check for \$150 for my indorsement. I received the draft and indorsed the check and gave it back to Mr. Dunn. I have received no other money on said check, and I understand from Mr. Carr that it has been paid at the bank. The balance due me on that check is \$98.59. I believe the remainder of my account is correct in the Sergeant's books. The check was drawn from my wages and mileage.

Yours, respectfully,

FREDERICH WHITTLESEY, of New York.

COMMITTEE OF PUBLIC ACCOUNTS.

The Clerk of the House will pay to the Hon. F. Whittlesey the sum of \$98.59 out of the contingent fund, in pursuance of the resolution of the House, 28th June, 1832.

June 30th, '32.

ROBT. ALLEN,
Chr. Com'tee of Accts.

Received of Matthew St. Clair Clark, Clerk of the House of Representatives, the sum of money mentioned in the above order June 30, 1832.

F. WHITTLESEY.

I certify that I am charged by the late Sergeant-at-Arms with \$230 more than I was entitled to receive, and which I never did receive.

THOS. D. ARNOLD.

July 14, 1832.

The above allowed and accepted.

GEO. BURD, Com.

The Clerk of the House of Representatives will pay the above.

GEO. BURD.

Hon. T. D. Arnold allowed by us at two hundred and thirty-two dollars (\$232).

GEO. BURD.

B. J. LUNNIE, Com.

16 July, 1832.

Received the above this 16th July, 1832.

THOS. D. ARNOLD.

Mr. ADAMS. The statement just read by the Clerk, Mr. Speaker, is, as will be seen, one of six or eight made by individual members under which payments to them respectively were made out of the contingent fund of the House. What the Clerk has read shows conclusively that then as now the members of Congress were not obliged to go to the Treasury to draw their money, but their time was freed for public business by having their money kept for them by an official until they needed it, and that they were in the habit, and it has been customary for many years, to allow each member of Congress to draw such sums as he should from time to time need, and until these sums came into the hands of the members they did not receive that amount as salary.

This system was adopted during the First Congress, and it is practically the same system to-day. It is also the only practical system that could be devised. When that defalcation of 1832 occurred, it was made good out of the contingent fund of the House on the ground that the Sergeant-at-Arms of the House was a public official and was not the private agent of the members of the House in getting their money from the Treasury Department or from the bank where it had been deposited by the Speaker of the House.

As to the general discussion on the report submitted by the committee, I intend to be very brief. I may have occasion to answer what shall be said against it, but at this time I do not care to go further over the ground generally covered by the committee's report, in which I concur. The real question, as I suppose it will be presented to the minds of members, is not a question of technical right or technical wrong, but whether the members of Congress have been in some way to blame in signing receipts at the foot of the certificates, whether the Government has lost money by reason of their fault, and whether they shall forfeit that portion of their salary which they have not in fact received, as a penalty therefor.

I want gentlemen first to place themselves in the position of nearly one hundred members of this House who never were members of any other House of Representatives.

We know very well that we have all gone through the experience once ourselves and can understand exactly how they came to sign these receipts at the foot of the Clerk's certificate. It was done last winter or spring, before they had any power of legislation or any responsibility for the existing rules of the House or regulations of the Treasury Department. The certificates were presented to them, and they were requested to sign them as the sole condition on which they could receive the salaries which the law said they should receive. If any member of Congress at that time had protested against signing that certificate, he would have been reminded that he must either sign the certificate or go without his salary.

I do not see, therefore, Mr. Speaker, how any one can claim that the new members of Congress who signed the certificates during the last winter or spring were in any degree to blame. If that be so, I do not see how any old member of the House can vote against an appropriation to pay these new members the salary to which they were entitled. Any old member believing that, because he was an old member of Congress, he himself is in some way to blame, must feel that the only proper and logical course for him to pursue is to vote for this appropriation and afterwards determine as a question between himself and his own conscience whether he can draw the money under the appropriation or not.

But, Mr. Speaker, I want every member on this floor to place himself in the condition of the man who comes here to the city of Washington as a member of Congress for the first time in his life, sees these certificates for the first time in his life, receives them from the hands of an official, receipts for them in the hands of an official whom he supposes, and has reason to suppose, has something to do with the way in which he shall get his salary, and has something to say about the way in which his salary shall be paid, and who is probably informed by this official that unless he complies with that requirement his salary can not be paid at all—

Mr. LODGE. The old members tell him so.

Mr. ADAMS. The old members tell him so, but the official tells him also. And so far as I can remember, when I first saw these certificates and they were presented to me—it was some years ago—but they were presented by an official whom I did not know, except as an offi-

cial of the House. I think very likely they were presented by Mr. Selzer, the book-keeper for the Sergeant-at-Arms. I never knew until I was appointed upon this special committee and on the subcommittee in this House, in what part of the organization of the House that gentleman belonged. I am informed in some cases that these certificates are mailed to the members. At all events, I know that the certificate is that of the Clerk, that it is not a certificate at all until the Clerk has signed it, and hence that it comes from an official whose duty it is under the law to aid the member in the collection of his salary.

Mr. BUTTERWORTH. Will the gentleman permit me a question?

Mr. ADAMS. Certainly.

Mr. BUTTERWORTH. Have you found any member of this House who believes or affects to believe that the Sergeant-at-Arms was his personal agent in drawing that money?

Mr. ADAMS. I believe there is no such member.

But many members may believe, they may be sure in their own hearts, that they never intended to appoint an agent; but they may believe that by some technical rule of law he is made their agent against their will.

If the new member of Congress were to have protested against signing the receipt at the foot of this certificate, the answer to him from the official would be that the only law under which he could draw his salary at all was that he should draw his salary upon the certificate "now in use." That law was passed in 1873. The condition of his receiving his salary at all was that he should receive it on the certificates which were in use in 1873. Now, I have been to the Treasury Department and examined the certificates of various parties with my own eyes from the present time back to the beginning of the Government. The certificates in use at the time of the passage of the act of 1873 were precisely the certificates on which the money is collected now.

I saw the certificate for the last month before the act of 1873 took effect signed by the Speaker, James G. Blaine, signed by the member, James A. Garfield, antedated a few days before the money became due—a certificate precisely the same as that used to-day. If any one had said when the certificate was presented to him for his signature under that act that he thought he would not be compelled to sign it, the answer would be that the certificate presented to him was the certificate contemplated by the law under which his monthly salary could be received, and of course the dilemma presented to him was whether he should decline the salary which the law said should be paid to him monthly, or to comply with the condition imposed by the official whose duty it was under that law to see that that salary was paid.

Now, if any member of Congress proposes to take upon himself the responsibility of defective legislation and defective customs, or defective rules and regulations of the Treasury Department, so far as to say that he can not take his money because he objects to the conditions imposed upon him by the very official who the law said should dictate the terms on which he should receive his salary, that is a question that neither this House nor the Court of Claims nor any other court can decide. Such a man is a court unto himself. It may be thought that a different measure of responsibility is imposed on the older members of the House. It may be thought that those who have been members of former Congresses are, to a certain extent, responsible for the defective system, because they had at least the power to propose a change of that system and the substitution of another system.

That part of the question I do not care to argue except very briefly. I say if there is any member of this House who deems himself so wise and so strong in legislative power that he ought to be personally responsible, even to the forfeiture of a part of his salary, for the defective legislation of this House or for defective rules of this House, and for the defective regulation of the Treasury Department, he also is a court unto himself, and no court, even the Court of Claims or any other court, could lay down a law to govern his action. But I myself do not profess to be responsible for defective legislation or for defective regulation of this House, even although I have been here for several years, and believe I have tried to do my duty as a legislator; and I should not for a moment think that in honesty I was bound to surrender part of the salary allowed me by law simply because by the system under which that salary has been paid for a hundred years part of the money has been lost.

But suppose, Mr. Speaker, the old member agrees to that; suppose he should impose upon himself that degree of responsibility, and say that he can not honestly draw the unpaid portion of his salary simply because he ought to have devised another system than the present. What other system could he have devised? What other system is there under which this loss could not have occurred? I maintain that the loss occurred not because this member or that signed his receipt at the foot of his certificate. The money would have been drawn, and if Silcott had been the same man that he was it would have been lost whether drawn in the name of Congressman A or Congressman Z.

Mr. STEWART, of Vermont. On the warrant of the Sergeant-at-Arms.

Mr. ADAMS. On the certificate of the Clerk, delivered by him to the Sergeant-at-Arms. The whole question comes down to this, that he is the official organ of the Treasury Department. It is his duty to take the money from the Treasury Department and disburse it to the mem-

ber. If there has been a loss it has been lost in the process of the disbursement. If it has not been received by the members at all, the members are entitled to receive that which they have not yet received.

I have not had time to read with care the views of the minority of the committee, as printed in the CONGRESSIONAL RECORD of this morning; but I see that the gentleman from Indiana [Mr. HOLMAN], in his views on the subject, adheres to the position that the Sergeant-at-Arms is the private agent of the member.

To me there is one consideration which would answer that argument almost in a sentence. There was a bond filed; there has been a bond filed for nearly fifty years. The first bond of the Sergeant-at-Arms filed in the Treasury Department was filed in 1843. The exact condition of that bond I do not know. What the rules of the last House required we do know. What the bond of the Sergeant-at-Arms has been for the last ten years we do know. We do know that the bond of Sergeant-at-Arms Leedom, who was the Sergeant-at-Arms elected by the Fiftieth Congress, was made upon the condition that he should pay over the salaries of members of the Fiftieth Congress which should come into his hands.

Now, there is no question that that bond being prepared by the authority of the House and filed in the Treasury Department it could be sued upon. It must be construed to have some purpose and some validity. What purpose or what validity can it have on the theory that the Sergeant-at-Arms takes the money from the Treasury official as the private agent of members?

There is a period of time during which the obligation of that bond attaches. It must be assumed that during a certain period of time the Sergeant-at-Arms was under some duty or some obligation by reason of the giving of that bond. That period was the time during which the money was in his hands after its receipt from the Treasury Department until its payment to the members. And that was a bond to the United States.

Now, imagine yourself in the Treasury Department, near the cashier's window, at the time Silcott was there. There was a pile of currency inside the window; there was Silcott's hand outside outstretched to receive it. The obligation of the Sergeant-at-Arms under that bond has not yet accrued, for the Sergeant-at-Arms has not yet received the money. The money is pushed through the window; it touches the hand of Craven E. Silcott. Now what? Now the Sergeant-at-Arms has received the money and the obligation of the bond accrues. But according to this theory the moment the money touches the hand of Craven E. Silcott it touches the hand of the individual member of Congress; and the theory is that the Sergeant-at-Arms not only pays the money to the members on the very infinitesimal instant in which he receives it from the Treasury Department, but that he pays it by the very act of receiving it. And if that theory were true and if the bond were for a million of dollars, with responsible bondsmen, not a dollar could be collected on it, because you could not prove that the Sergeant-at-Arms had failed to pay over to the members the money which he had received from the Treasury Department on a theory which implies that the very act of receiving it from the Treasury Department is the act of paying it to members.

Mr. ALLEN, of Michigan. Will the gentleman allow me a question?

Mr. ADAMS. Certainly.

Mr. ALLEN, of Michigan. Suppose that to-day the Sergeant-at-Arms should come into the House by his clerk and ask each member to sign a blank receipt, as we did; suppose then, after drawing the money he ran away with it; in that case will the gentleman tell us who he thinks ought to stand the loss—the Government or the man who put it in the power of that officer to get away with the money?

Mr. ADAMS. I think the Government should.

Mr. ALLEN, of Michigan. In other words, all that we may know shall not count except it counts against the Government.

Mr. ADAMS. I do not understand the gentleman's remark.

Mr. ALLEN, of Michigan. In other words, no matter how much or how little a member may know, nothing shall count except what counts against the Government.

Mr. ADAMS. Oh, that is an inference of the gentleman which he can make in his own time.

Mr. ALLEN, of Michigan. Will the gentleman state whether that is true or not in his judgment?

Mr. ADAMS. There is no practicable system under which members of Congress can receive their money except through the hands of a disbursing officer of the Government. If each member of Congress were compelled to go to the Treasury Department to collect his money a large amount of his time would be occupied, which would be at the expense of the constituency that he represents. The theory has been that it is in the interest of the people of the United States that members of Congress whose time during the session is entirely occupied with their public duties should not have any of their time consumed by the duty of drawing their salaries or watching over the money due them on account of salary, which duty can be conveniently and safely performed by means of an official. And that is the reason why during the first fifty years of the existence of this Government the Speaker was the nominal and the Sergeant-at-Arms the actual disbursing officer for the payment of the salaries of members. And the Sergeant-at-Arms,

because he is the man who handles the money between the Treasury Department and the private claimant on the Treasury and because he derives his authority to handle that money not from the private claimant himself, is in fact a disbursing officer, to be so regarded by the House and the Treasury Department itself.

We could not tolerate a system which would require each individual member to go up to the Treasury Department and be identified as he is identified at a bank in his own city. The mere duty of identifying three hundred and thirty gentlemen, one-third of whom during the last twenty years have been changed every time a new Congress came in, would be a considerable annoyance. Even in 1838 it was judged that that duty would impose upon the Treasury the necessity of employing several additional clerks. How much of a corps of clerks would be necessary under the present circumstances I do not know. It would impose a very considerable expense on the Treasury Department. The economical way, and the way which ought to be and which might be the secure way, is the very way which has been in force for the last hundred years, and which was in force when Silcott ran away with the money.

Mr. McKENNA. Will the gentleman from Illinois yield for a question?

Mr. ADAMS. Certainly.

Mr. McKENNA. Section 38 of the Revised Statutes reads as follows:

Representatives and Delegates elected to Congress, whose credentials in due form of law have been fully filed with the Clerk of the House of Representatives, in accordance with the provisions of section 31, may receive their compensation monthly from the beginning of their term until the beginning of the first session of each Congress, upon a certificate in the form now in use, signed by the Clerk of the House.

Mr. ADAMS. Yes.

Mr. McKENNA. There is another provision of the statute which declares that no member can receive his salary until he has taken the oath. Now, I ask the gentleman from Illinois whether his committee has had under consideration these two sections with reference to their effect on the status of the November salary of the members of this House? In other words, as the law says that we are to receive our salaries monthly, did the November salary become due until after the session of Congress had commenced? As our terms of office commenced on the 4th of March last and as we were to receive our salaries monthly, the salary for the month of November was not due until the 4th of December. Before the 4th of December arrived Congress met, and after Congress met this law which authorizes the Sergeant-at-Arms to draw, or any member to draw, from the Treasury upon the Clerk's certificate became virtually *functus officio*, and we could not get our salaries until after we had taken the oath and upon the certificate of the Speaker. Now, what is the effect of these provisions and this statement of the law, if it be a correct statement, upon the November salary of members?

Mr. ADAMS. Well, it certainly can not have this effect: They can not be held to have actually received their salaries because it is proved that they could not lawfully receive them. [Laughter.]

Mr. McKENNA. Is not this the effect of it, that when the Treasurer paid Silcott he paid him upon a false voucher, and that when Silcott or the Sergeant-at-Arms got those certificates from us we signed just one certificate too many, not stopping to consider the number of months which elapse from the end of the last session of one Congress to the beginning of another, and that when he paid it he paid it upon a voucher upon which he was not authorized to pay it? We had a right to assume that the Sergeant-at-Arms would follow the law, and that the Treasurer would not pay him until after we had taken our oaths and upon the presentation of the Speaker's certificate.

Mr. ADAMS. However that may be, I will say that the question whether the failure of members to take the oath at their homes or early in the recess did not clearly come before the committee. But the other question suggested by the gentleman from California [Mr. McKENNA] has been raised informally in conversation among members and proposed before the committee. My own judgment is, and I speak only for myself in this, that the act of 1873 must be construed according to its evident intention. Its evident intention, I believe, was that members should receive their salaries on the 4th of April and the 4th of May, and so on during their Congressional term. It was intended that the Speaker should sign the certificates when he was on hand to sign them, and that the Clerk should sign them during the recess when the Speaker could not. It was intended, I think, that each member should actually receive his salary on the morning of the 4th of the month.

Therefore my individual judgment is that it was the plain purpose and intention of that law that all those steps should have been taken theretofore which were necessary to enable the member to receive his salary on the morning of the 4th day of the month. I have gone back to find out whether there was any precedent in the case. There is one. In 1883 Congress organized on a day in December earlier than the 4th, and on that occasion the November salaries were paid on certificates made by the Clerk of the outgoing House, just as in the present case.

Mr. ROGERS. Will the gentleman yield to me for a moment?

Mr. ADAMS. Yes, sir.

Mr. ROGERS. I think the gentleman from Illinois makes a concession not warranted by the statute. If I remember correctly—and the gentleman will remember it when his attention is called to it—the Clerk has no power to make certificates except when there is no Speaker. From the 4th of March up to the election of the present Speaker there was no Speaker of the Fifty-first Congress. During that period the Clerk had the right to make a certificate, but after the election and qualification of the Speaker his power ceased. Therefore, I say that, in stating that the Clerk could make a certificate when the Speaker was called away, it was, in my judgment, a concession on the part of the gentleman which the law does not authorize.

Mr. ADAMS. I meant during the recess.

Mr. ROGERS. Not even during the recess.

The SPEAKER. Inasmuch as the House is somewhat interested in this dialogue, the Chair hopes gentlemen will take their seats and preserve order.

Mr. ROGERS rose.

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Arkansas?

Mr. ADAMS. Yes, I will yield for a question.

Mr. ROGERS. I wish to bring out the point that the Clerk of the Fiftieth Congress had no power to make a certificate for the salary of members belonging to the Fifty-first Congress after the Speaker of that Congress had been elected and qualified. With a view of elucidating this point, permit me to say that I remember distinctly at some period during Mr. CARLISLE's Speakership of the House the payment of members of Congress was delayed materially by the fact that it was unable to reach his address. I myself wrote to find what the cause of the delay was, and found that the Speaker at the time was traveling in the West and was unable to send forward these certificates. I state this fact merely to elucidate the point which I have made.

Mr. ADAMS. There has never been but one occasion when that question could have arisen. That was in 1883, when Mr. CARLISLE came in and when Mr. John B. Clark came in as Clerk and when Mr. McPherson went out. At that time the House did organize on a day in December earlier than the 4th, and except in such a contingency I do not see how the question could have arisen.

At all events, Mr. Speaker, if we argue this question on substantial rather than technical grounds, I doubt whether members of Congress are honestly bound to forego their salaries because they did not remember during the spring of 1889 when they signed these certificates whether the first Monday of December, 1889, would occur prior or subsequent to the 4th of that month. I can conceive of some complications which might arise when the first Monday of December occurs on the 4th of the month itself. At all events it has been the custom, so far as there has been a custom, and in my judgment it was the plain intention of the law, that the outgoing Clerk should sign the November certificates, even where the House organized before December 4.

So far back as 1873 the certificates were antedated. If it was the duty of the Clerk to make certificates in order that the money might be paid to the member on the morning of the first day he was entitled to receive it, then the question for the Clerk of the Fiftieth Congress was whether the November salaries could be collected as the law evidently intended unless he made the certificates during the last days of November. There may be a delay in the organization of the House; the House may elect its Speaker and may not elect its Clerk. If the House meets on the 3d of the month it is not clear whether the organization will be perfected at that time or the next day. The organization has been sometimes postponed for six weeks, and the Clerk of the House, whose duty it is to act in order to enable members to receive their November salary when due, can hardly be absolved from the discharge of his duty by guessing whether the House will become organized before or after the 4th day of December.

Mr. JOSEPH D. TAYLOR rose.

Mr. ADAMS. I will finish my statement before yielding. Mr. Speaker, to my mind the plain purpose and meaning of the law is that members of the House shall receive their salaries regularly on the 4th day of each month, and that purpose can not be carried out if you prevent the Clerk from making certificates in time to enable the Sergeant-at-Arms to obtain the money before the day when the salary falls due.

Mr. JOSEPH D. TAYLOR. What I wanted to suggest to the gentleman was this: I signed my certificate on the 2d day of December for the month of November. It was not used, I presume, by Mr. Silcott, for I was subsequently paid. Now, if my voucher was a good one and entitled me to draw my money subsequently and I have received it, how could the others be good which were signed differently from mine? I did not happen to have as many certificates as the others, perhaps. I did not sign any until the 2d day of December, the day that Congress began, and therefore my certificates were different and differently signed from the certificates of the other members.

Mr. ADAMS. Was the certificate signed by the Clerk?

Mr. JOSEPH D. TAYLOR. I do not know; it was subsequently signed by the Speaker of the House.

Mr. ROGERS. Ah, that is all right.

Mr. CHADLE. But it was for the November pay.

Mr. ADAMS. The simple question, Mr. Speaker, is whether the

meaning of the law is that the member should receive his salary on the 4th day of every month. My own impression is that that was the purpose of the law, but I can see that it could not be well carried out in some cases—if the Clerk of an outgoing House should decline to make the certificates where organization of the House might occur prior to the 4th day of the month.

Mr. ROGERS. Will the gentleman permit another interruption?

Mr. ADAMS. Certainly.

Mr. ROGERS. I think, with all due respect, the gentleman avoids the irresistible logic of the situation. When we sign the certificates they are in blank. They are not certified then either by the Speaker or the Clerk. That occurs afterwards. The power of the outgoing Clerk ceases absolutely (even though his successor were elected and qualified as such) by the election of the Speaker of the House. Hence the Clerk could not certify. If he had any power to certify the Treasury had no power to pay on the certificate, and it seems to me the logic of the situation is that the certificates should have been signed by the present Speaker on the 2d day of December, after his election to the Speakership, before the Treasury could have recognized the authority or had warrant of law to pay the salaries to anybody. If that be true, what right had the Treasury Department to recognize the certificates of an officer who was not only *functus officio*, but even if not *functus officio* had no power under any law or statute to sign the certificates?

Mr. ADAMS. I do not see that I need answer that question. Certainly it does not appear in either view of the case that the member has received his salary, and that after all is the hinge question. The theory is that he did receive it when Silcott got it, and if he did not receive it when Silcott got it then he ought to receive it from the Treasury.

I notice, Mr. Speaker, that the gentleman from South Carolina, Mr. HEMPHILL, has also filed dissenting views. He believes that this question should go to the Court of Claims. At one time I thought so too. I thought that there were complications in the matter which the committee would not be able to solve.

But the committee made an effort in good faith to analyze the accounts on the books of the Sergeant-at-Arms, and came to a conclusion about which I think that there will be little doubt in the minds of any of the members, namely, that the loss is a loss of the public money, and that the liability for that loss should not rest upon the members; also that the liabilities of that office, on account of private deposits, can be properly met out of the \$16,000 taken from the Metropolitan Bank and lodged in the safe of the Sergeant-at-Arms. There was some doubt in my mind as to the exact amount of liability on account of private funds, but it was a doubt as to a single check for \$25. The subcommittee went through each one of the accounts, one after the other, and we determined to the satisfaction of the committee exactly how much of each account ought to be charged to salaries and how much to private deposits. The entire amount—I have forgotten the exact figures—is a little over \$8,000, and I have no doubt as to the accuracy of the total, except, as I have said, with regard to a single check amounting to \$25.

It is clear to my mind that there are far more than eight or nine thousand dollars of money there which the Government of the United States ought to apply to the payment of them. At all events, the presumption is so strong that that money is derived from the deposit of private funds that substantial justice requires that the liabilities on account of private deposits, amounting to about \$8,000, should be paid in full. If that theory is adopted, then we know exactly the deficiency of public funds. It is stated in the committee's report.

Mr. Speaker, I have no desire to either shorten or prolong the debate on this bill. I propose now to yield the floor. I trust that the members of the committee who dissent from our views will first explain their position. After the question has been sufficiently discussed by the House, I shall ask to be again recognized to move the previous question on the third reading and engrossment, and on the passage of the bill.

Mr. LA FOLLETTE. Before the gentleman yields the floor I would like to ask him a question.

Mr. ADAMS. I will answer it if I can.

Mr. LA FOLLETTE. Was it developed in the investigation in your committee just how these vouchers were taken up at different times by Mr. Silcott, on which the money was paid?

Mr. ADAMS. It was; and it appears in the evidence which was printed for the information of the committee and which will be printed as an exhibit to the report.

Mr. LA FOLLETTE. I have obtained some information in regard to the facts, and I do not know whether it is correct or not. I would therefore like to ask the gentleman so as to clear my own mind on the subject. I was informed that on November 27, which was Thursday, Mr. Silcott took the vouchers signed by all the members of Congress, beginning at the beginning of the alphabetical roll and down to and including the voucher of Mr. DAVIDSON, and that it was out of the money drawn on these vouchers that he paid the \$16,000 to the bank to take up the forged notes; that the balance was brought back and turned over to the proper officer of the Sergeant-at-Arms, either the teller or some one else.

Mr. ADAMS. I will look that up and inform the gentleman later.

Mr. PAYNE. That is substantially accurate.

Mr. LA FOLLETTE. That is substantially accurate, you say; and that on Friday, the 29th of November, he took the vouchers of all members beginning with Mr. DE HAVEN down to and including Mr. MASON, of Illinois, and that the money he received upon these vouchers he brought back and turned over to the Sergeant-at-Arms, and that the money is in the hands of the Sergeant-at-Arms.

Mr. PAYNE. Except what has been paid out.

Mr. LA FOLLETTE. Except what has been paid out on the vouchers of members. That on Saturday, the 30th of November, he took the vouchers of all members from Mr. MCADOO, and including his voucher, through the remainder of the alphabet, and that that is the money he took with him when he went away. Is that substantially correct?

Mr. ADAMS. He did not take all the money, but that is substantially correct. I now yield the floor to the gentleman from South Carolina [Mr. HEMPHILL].

Mr. HEMPHILL. Mr. Speaker, not finding myself able to agree with the majority of the committee in the report which they have submitted to the House on this question, nor in the views of the distinguished gentleman from Indiana [Mr. HOLMAN], who has also submitted a minority report, it is proper that I should give my views to the House very briefly in order that they may know the reasons which have actuated me in making the report and submitting the bill I have.

The main question arising out of this matter is whether or no Mr. Leedom, late Sergeant-at-Arms of the House, was a disbursing officer or whether he was the private agent of the members of this House. So far as my judgment as a lawyer is concerned, I incline strongly to the opinion that Mr. Leedom was a disbursing officer; but while I form that opinion I can not be forgetful of the fact that by statute he is not positively declared to be a disbursing officer of the Government, and that the Secretary of the Senate, who pays the members of the Senate of the United States, is by law expressly declared to be a disbursing officer. He is required to give bond and conduct his office in the receiving of money from the Treasury and the payment of money to the Senators as any other disbursing officer of the Government does; whereas the immemorial practice of the Sergeant-at-Arms of the House of Representatives, both in drawing the money and paying it over to the members of the House, has been entirely separate and distinct from that which is the practice in reference to any other officer who is by statute expressly declared to be a disbursing officer.

In addition to that, while on one occasion, in 1832, when there was a deficit arising from misconduct of the paying officer of the House the House did vote to pay the members the amount that had been lost out of the contingent fund of the House, yet when this question came up in the Forty-sixth Congress, if I remember correctly, where it was very fully and freely discussed, Mr. Garfield, who was, I believe, at that time one of the leading members of the House and whose ability is acknowledged in all parts of this country, held the following language in reference to this subject:

Now, the Sergeant-at-Arms of the House is not a disbursing officer of the United States. He is only our agent, and if he should be robbed or should make way with the money in his possession we as members would have no recourse whatever, for the Treasurer of the United States holds our receipts. The only way in the world that we could have any recourse at all would be by getting Congress to appropriate enough money to pay us over again what we already had put into the hands of our agent, and what our agent had either lost or stolen.

If Mr. Garfield had had the power of prophetic vision he could not have predicted the situation before us to-day more clearly than he did upon that occasion.

The occasion of those remarks was when the House was adopting the rules in, I believe, the Forty-sixth Congress. Mr. Garfield had read a letter from Mr. Gilfillan, the Treasurer of the United States, who was at that time requesting the House of Representatives to pass a law expressly defining the powers and duties of the Sergeant-at-Arms, and who, in that letter, stated that that officer occupied an anomalous position to the Treasury, and that there was great danger of loss between the Treasurer and the pockets of members of the House.

Mr. BOUTELLE. Will the gentleman permit a question?

Mr. HEMPHILL. Yes, sir.

Mr. BOUTELLE. Is it not true that General Garfield, in his argument on that occasion, was seeking to show that these circumstances might arise under the provisions of general laws, and that the result would be such a wrong to the members of the House that they would be obliged, in justice, to resort to exactly such special action as we are called upon to resort to here to-day?

Mr. HEMPHILL. I will come to that—

Mr. BOUTELLE. I have heard that argument cited several times before, with the evident intent on the part of gentlemen to represent General Garfield as having argued in a way that would be inconsistent with the proposed action of the House in refunding this money to members; but, as I understand it, he was only arguing that the existing system was insufficient and faulty, and was illustrating his argument by pointing out that in case of defalcation or embezzlement there would be no remedy for members under the general law, so that the House would be obliged, in equity and in justice to the members, to resort to some special act, such as we are asked to adopt here to-day. General Garfield never pretended that in such a case the money should not be re-

paid to the members. There is nothing in his remarks to indicate that he took that view.

Mr. HEMPHILL. I did not yield for an argument; I yielded for a question.

Mr. BOUTELLE. Well, is not that the fact?

Mr. HEMPHILL. I have read what General Garfield said, and every gentleman must interpret it for himself. I do say that General Garfield said that the only way by which, in such a case, members could avoid losing the money would be to get the House to reappropriate the money which had been lost or stolen in the hands of their own agents. Further on he says:

The money thus drawn out is the money of the members. If the Sergeant-at-Arms should run away with it or should lose it the real loss would be upon us, for he is only our agent, and he is not a regularly bonded officer of the Treasury.

Mr. CATCHINGS. Was not the speech of General Garfield, from which the gentleman from South Carolina has read, delivered prior to the passage of the act of June, 1882, which amounts to an express declaration that the Treasurer shall not pay out the salaries of members unless when the person specially charged with that disbursement is unable to do so.

Mr. HEMPHILL. Yes; this was in 1880, and the act was passed in 1882.

But it all comes to this. I do not say that there is not some law which seems to lead to the conclusion that the Sergeant-at-Arms is a disbursing officer, but I do say that it is not clear that he is a disbursing officer. The law does not say that he is such an officer. The statute does not require him to give bonds to the United States Treasury as a disbursing officer. He has never been so treated by the Treasury, and if we have treated him so it has been rather as a matter of habit and practice on the part of members than because of any statute.

Now, while my own conclusion as a lawyer is that he is a disbursing officer, still I say there is very grave room for doubt upon that question. If there were not room for doubt the chairman of this committee would not have occupied three or four closely-printed pages of the RECORD to prove to the satisfaction of the House and of the country that the Sergeant-at-Arms is a disbursing officer. And, Mr. Speaker, when you have a committee of the House arguing a question of this consequence in a long written report, and when you find another able and distinguished member of the House—the gentleman from Indiana [Mr. HOLMAN]—arguing the other side of the question with as much force and at as great length, then I ask what is the proper thing for us to do? Are we, under such circumstances, to sweep away all the arguments which may be made against the position that the Sergeant-at-Arms is a disbursing officer and decide the question in our own favor, or are we to refer it for decision, as we would the case of any other claimant against the United States, to the properly constituted tribunals of this Government?

Mr. BUTTERWORTH. Does not my friend from South Carolina know that the gentleman to whom he refers, who has submitted this long argument in opposition to the views of the committee, refused some time ago upon this floor to abide by the decision of the Supreme Court of the United States in a case which the House had referred to that tribunal, and maintained that this House must decide in such cases for itself?

Mr. HEMPHILL. I do not know about that, and of course I can not be responsible for it.

Mr. BUTTERWORTH. Well, the gentleman was a member of the House at the time, I think.

Mr. HEMPHILL. No, sir; I never served here with Mr. Garfield.

Mr. BUTTERWORTH. I do not mean Mr. Garfield; I mean our distinguished friend from Indiana, Mr. HOLMAN. [Laughter.]

Mr. HEMPHILL. Oh, I beg pardon. I misunderstood the gentleman.

Mr. BUTTERWORTH. I call my friend's attention to that fact because I understand him to desire to have his question referred to the courts partly for the reason that our honored friend from Indiana [Mr. HOLMAN] expresses doubt as to whether we are entitled to have this money refunded, and, as I have already said, I think my friend from South Carolina was a member of this House when by a vote it referred a certain question to the Supreme Court of the United States for its decision, and my friend from Indiana [Mr. HOLMAN] refused to regard that decision, saying that the court was not a tribunal whose decisions we were called upon to regard on a matter of that kind, but that we should act on our own judgment. Cases of this kind are numerous; but I merely referred to this one.

Mr. HEMPHILL. It is not a question whether we are to go into the record of every gentleman on this floor; it is not a question whether the gentleman from Indiana has doubts upon this subject; but the question is, does he not submit an argument here, and produce law and facts in support of it, which address themselves to the reason of members in such a way as to raise a doubt in their minds as to what should be the proper conduct of members on this question? If this man were clearly and distinctly a disbursing officer of this Government, he would have given bond under the statutes of the United States Government for the proper discharge of his duty. We know the fact that, while he may be regarded as a disbursing officer, he is an officer of our own election; he

was appointed by this House; and this House, together with the other, is the law-making body of this Government; and we have utterly failed, although the matter has been brought to our attention by report after report from the Treasurer of the United States, to make any proper provision for the protection of the Government in case there should be a defalcation.

Mr. BOUTELLE. Was there not a provision in the rules for a bond in the sum of \$50,000?

Mr. HEMPHILL. Yes, sir; there was a provision in the rules of this House that this officer should give bond to the United States Government in the sum of \$50,000; but that is not the statute law; and whether or not it would be binding is a very serious legal question. As a matter of fact, according to the testimony taken before the committee, it has been the practice for the Sergeant-at-Arms to give a bond for the disbursement of money for the Congress for which he was elected; and the money coming into his hands during the succeeding Congress, the pay of members of the House for a period of nine months would not be covered by the bond which he has given.

Mr. BOUTELLE. Is there any doubt in the gentleman's mind that if the bond had been drawn accurately, in accordance with the language of the rule of the House, the Sergeant-at-Arms would have been safely held for \$50,000? I ask the gentleman that question as a lawyer.

Mr. HEMPHILL. Well, I will say I think he would be; but I do not know that my opinion would govern the court upon that question. I say there was a plain duty resting upon us as lawmakers to provide that the money taken out of the Treasury should be safely guarded, and we have not discharged that duty by passing a statute which would make this matter perfectly clear and unquestioned.

Mr. BOUTELLE. Would not the security of that \$50,000 bond be as ample as the security thrown around any other disbursing officer; for instance, the disbursing officer of the Senate, who, I understand, is under bond for \$20,000, although he handles funds amounting to \$50,000 or \$60,000 at one time?

Mr. HEMPHILL. It is not worth while for us to argue all the cases which may be supposed. As a matter of fact the paying officer of the Senate is a disbursing officer of the Government; he has given bond under the statute law; while our paying officer is not declared by statute a disbursing officer; he is not required by statute to give bond; there has not been thrown around the money in his hands the security that ought to have been and which we know ought to have been. The House of Representatives, together with the Senate, is responsible for whatever neglect has occurred in connection with the want of proper legal safeguards.

Mr. BOUTELLE. Right there I desire to ask my friend whether he does not think that if the rules and provisions, such as they are, which have been thrown around the disbursing of money by the Sergeant-at-Arms had been carried out in letter and in spirit we would have had as absolute security for the funds handled by the Sergeant-at-Arms as we have in relation to the funds handled by any fiscal officer of the Government.

Mr. HEMPHILL. In reply to that question I might give my opinion; but it would be simply the opinion of one lawyer out of hundreds in this House. All I can say is that this Sergeant-at-Arms has given exactly the same kind of a bond that all other Sergeants-at-Arms have given; and as a matter of fact it turns out that it is not a protection to the Government; that is the amount of the matter.

Mr. BOUTELLE. Because the bond does not cover the period during which the officer in fact handled the money.

Mr. HEMPHILL. I do not want to be discourteous to my friend; but I can not submit to so many interruptions—

Mr. BOUTELLE. I simply want to bring out the fact that the fault is not with the rule, but with the administration of the rule.

Mr. HEMPHILL. Well, it is the fault of the House of Representatives that they have not passed a statute on this subject. That is what I say, and I do not think it can be denied.

Mr. COBB. If my friend from South Carolina [Mr. HEMPHILL] will yield to me a moment—

Mr. HEMPHILL. Certainly.

Mr. COBB. If the gentleman from South Carolina will yield to me a moment—

Mr. HEMPHILL. Yes, sir.

Mr. COBB. I will say to the gentleman from Maine that there are lawyers on this floor who incline to believe that if the bond executed by the Sergeant-at-Arms had been in the exact terms of the rule of the House it would not have had legal force.

Mr. BOUTELLE. And I understand other lawyers here hold a directly opposite opinion.

Mr. HEMPHILL. Yes; and that raises the very question which I say this House of Representatives ought to submit to a proper tribunal for its decision.

But, Mr. Speaker, if it were decided by this House that this officer is a disbursing officer, the question would then be only half settled, because, while we may regard him so far as public funds are concerned as a disbursing officer of the House, I do not suppose there is any difference among members on the point that so far as private funds are concerned he is the private agent of every man who has intrusted him

with money. We know it has been the custom of various members of the House, not only in the Fiftieth Congress, but in previous Congresses, to deposit with this officer their private funds, which were taken into the hands of the paying teller if they happened to be cash, or, if they were checks, were carried to the National Metropolitan Bank and entered to the account there; and it has been the custom of a great many members to have this officer discount their notes, either out of his own funds or out of the public funds or out of the bank funds; and all these transactions have been entered up in the one account kept by the Sergeant-at-Arms with the member of Congress. That has been knowingly and willfully done by members of this House.

Therefore, Mr. Speaker, if the members of the House have made a disbursing officer their private agent and he has mingled private and public funds, and it comes about that these funds are not distinguishable one from the other, I wish to know whether we are going to appropriate money out of the public Treasury to reimburse private parties for what they have chosen to leave with this agent?

Mr. CATCHINGS. Will the gentleman yield to me?

Mr. HEMPHILL. Certainly.

Mr. CATCHINGS. I understood you to say that members of the House have been in the habit of making him their private banker.

Mr. HEMPHILL. Yes, sir.

Mr. CATCHINGS. Your intimation is that this has been the universal custom. Now, how many members of the House have been in the habit of so doing?

Mr. HEMPHILL. It is impossible for me to say how many gentlemen from time to time have deposited money.

Mr. CATCHINGS. Has it not been an inconsiderable number?

Mr. HEMPHILL. It depends upon whether you take the cash and checks deposited or the notes this Sergeant-at-Arms has had discounted for members.

Mr. CATCHINGS. The reason I ask the question is to give emphasis to what I deny, and what you seem to imply as a fact, that the whole House has been in the habit of doing this.

Mr. HEMPHILL. I beg the gentleman's pardon; I do not mean to imply that. I say a number of members have done it. So far as I am concerned I seldom have any money on deposit, but draw it out usually as soon as it is due. The Sergeant-at-Arms has never discounted a note for me. Whenever my salary is due I have taken it out promptly, because I needed it. But what I have said is that the testimony shows the fact that there has been quite a number of gentlemen who made private deposits from time to time, and there must have been on the average from ten to fifteen members who every month had their salaries discounted by note, which was paid out of his own funds or out of the public funds, or which he had rediscounted at the National Metropolitan Bank of this city.

Mr. STEWART, of Vermont. Will the gentleman from South Carolina permit me to ask him a question?

Mr. HEMPHILL. Yes, sir.

Mr. STEWART, of Vermont. If members have made these deposits, I ask what is the relationship between the depositor and the agent? If he makes default, what is his relationship; is it that of debtor and creditor?

Mr. HEMPHILL. I think so.

Mr. STEWART, of Vermont. I would like to ask my friend how his bill is going to relieve the creditor? I do not understand there is any provision in his bill which will relieve the creditor. If there is I have not discovered it.

Mr. HEMPHILL. My bill provides that every man who has any demand against the Sergeant-at-Arms shall go into court and have his claim adjudicated.

Mr. STEWART, of Vermont. But you do not make the Sergeant-at-Arms a party defendant.

Mr. HEMPHILL. He can be made a party defendant without trouble. I don't say that I have drawn a perfect bill, but it is better to adopt it than to appropriate the public money to pay private debts.

The committee ascertained that \$7,000 or \$8,000 of private funds had been deposited with the Sergeant-at-Arms. But it left out one item, quite a large amount, probably two-thirds as much as all of the others combined, which it did not take into consideration at all, and the committee makes allusion to it in its report, as follows:

Now, as to what principle of law should apply to this, your committee have been unable to agree.

That is, the subcommittee made that report to the full committee, and, so far as the report of the chairman of the committee submitted to the House is concerned, I have not seen that point elucidated.

Now, Mr. Speaker, if there are \$4,000 or \$5,000 of funds there as to which the committee has been unable to determine whether they are private or public in their character, how can we appropriate money from the public Treasury until it is first ascertained whether that sum is to be repaid out of the Treasury or not?

Mr. BLOUNT. Will the gentleman allow me?

Mr. HEMPHILL. Certainly.

Mr. BLOUNT. I wish to know what fund that is. Who is the person to whom allusion is made?

Mr. HEMPHILL. It is Mr. M. A. SMITH.

Mr. BLOUNT. I thought so.

Mr. HEMPHILL. I will say, Mr. Speaker, that it has been stated that this account would show there had never been a private deposit made to it. I went myself and examined it and found that the gentleman who made that statement was in error; that there had been a private deposit of \$1,000 at one time.

Mr. SMITH, of Arizona. How many checks against it?

Mr. HEMPHILL. Ah, that is just the point, whether the checks were against that or against the salary fund. That is just the question that I have not been able to decide; and as I have just stated, the subcommittee report that they have not been able to find a solution of it, and it is certainly not elucidated in the report of the committee.

Mr. SMITH, of Arizona. Do you mean to say that a private deposit, made probably a year ago, against which check after check has been drawn and more than the amount of the private deposit has been exhausted—that you or your committee say that you are unable to determine against which amounts the checks should be counted equitably? Is that your position?

Mr. HEMPHILL. I would say without hesitation that on equitable grounds it should be counted as against the funds in the Sergeant-at-Arms' office as an officer, because the check says, in so many words, "the Sergeant-at-Arms will pay," etc. It does not say your private agent will pay, but the Sergeant-at-Arms, an officer of the House. So if you look at the record it is against the position that I understand gentlemen to assume.

Mr. SMITH, of Arizona. Of course checks are drawn in that manner, because it is a Sergeant-at-Arms' check.

Mr. HEMPHILL. But you do not draw on him as your private agent, but as an officer of the House, and it is a presumption at least that you draw upon him by virtue of the official position he occupies when you so designate him in your check.

If one person were the Sergeant-at-Arms of the House of Representatives and the disbursing officer of the Senate of the United States—if he occupied a double position—and a gentleman should draw a check upon him as "Sergeant-at-Arms," would not the presumption of law be that it was on funds he held in that capacity? Manifestly, there could be no other assumption which would be reasonable, and I think the same presumption of law would apply to him acting in the double capacity of private agent and officer of the Government.

Mr. BUTTERWORTH. Let me interrupt the gentleman a moment longer to say that of course this same trouble would be as liable to occur if the Sergeant-at-Arms had been a statutory disbursing officer.

Mr. HEMPHILL. Exactly.

Mr. BUTTERWORTH. And therefore we would not be extricated from the difficulty. In that event would my friend from South Carolina want all the members of the House to go to the Court of Claims because the Sergeant-at-Arms of the House had not kept his accounts correctly or because he had mixed up the private funds which happened to be in his possession with the public funds drawn to pay members?

Mr. HEMPHILL. I would not want the members to go there on that account, but I do want to see them there rather than to vote public money to pay private indebtedness.

Mr. BUTTERWORTH. Then there is no reason for that course any more than if he had been a disbursing officer; and the gentleman would not tie up the funds of the House and require members to go through the Court of Claims to recover their rights because the Sergeant-at-Arms had succeeded in mixing up the public funds with the private funds in some cases. Do I understand that to be the position of the gentleman?

Mr. HEMPHILL. My position is this: If we are to vote an appropriation to pay the balances of salaries to members, we should be able to satisfy the Treasury and the country that the amount is for the unpaid salaries only; and I say that, until it has been ascertained how much of the fund of eighty thousand and odd dollars still remaining in our possession is applicable to private funds, we can not ascertain how much is required to make up the balance due the members.

Mr. BUTTERWORTH. Now—

Mr. HEMPHILL. I must object to being further interrupted.

Mr. BUTTERWORTH. But I want to get at the pith of my friend's argument.

Mr. HEMPHILL. Very well.

Mr. BUTTERWORTH. If I understand my friend, then, if at any time the Sergeant-at-Arms should mix up the accounts there he would not vote the salaries of members or an appropriation to pay them on account of that trouble?

Mr. HEMPHILL. Oh, no; not at all.

Mr. BUTTERWORTH. Then what is left of the argument?

Mr. HEMPHILL. The position is simply this: Suppose that the members of this House, or quite a considerable number of them, should constitute this man a banking officer and devolve on him the care and custody, not only of the public money drawn from the Treasury for the payment of their salaries, but of private funds placed on deposit, and a defalcation should occur and these accounts should become mixed. Then, before you vote to pay a member's salary withheld, would it not be proper first to ascertain how much of this fund was private and how

much public, and then vote only an appropriation to pay the public money?

Mr. BOOTHMAN. Is it not proved, and does not the evidence show, that the only money that Silcott carried away with him is the money that he drew out of the Treasury upon the warrants of members?

Mr. HEMPHILL. Oh, no; that is not true at all.

Mr. BOOTHMAN. I so understood.

Mr. HEMPHILL. That is the mistake that a great many gentlemen have fallen into. I will come to that directly.

Now, gentlemen, not only in the discount of these notes and the disposition of these private funds, but a large sum of money has been at times deposited and drawn out of the National Metropolitan Bank on an account kept between that bank and C. E. Silcott, cashier. The books of the office of the Sergeant-at-Arms and the books of the National Metropolitan Bank differ in very many particulars. The deposits entered upon the bank-book amount to over \$29,000 more than on the books of the Sergeant-at-Arms, and so, likewise, the credits are some \$29,000 more than entered up here.

In addition to that the books of the Sergeant-at-Arms—that is, his bank-book, as I understand it, kept by Mr. Silcott, shows that there is a balance of \$19,000 due Silcott in the bank, which belongs really to the office of the Sergeant-at-Arms. The bank officials say that there is only about \$16,000, and one of the experts in his testimony says, according to the Sergeant-at-Arms' books, there is only \$9,000 which the bank owes us.

We have taken possession of \$16,000, and it is locked up with the other funds in the Treasury of the United States. Now, then, here is a question between an official of this House, Silcott the cashier, and the National Metropolitan Bank as to funds variously arising from discounts of notes, from deposits, checks, and from other sources, according to the testimony.

Mr. PAYNE. What further?

Mr. HEMPHILL. A deposit of \$65,000.

Mr. PAYNE. Did not the evidence show that \$65,000 was drawn out in a very few days, so that the balance of the account was either made up of notes discounted or of those checks that had been collected from members?

Mr. HEMPHILL. Yes; that is it. It shows, so far as the testimony goes, that there was one deposit of \$65,000 that was actually drawn out within four or five days after it was made, but I do not understand that this exhausted the balance of this account. Therefore there must have been others sums deposited, and the reason I make that statement is this: Mr. Leedom testified that this account was made up of checks deposited and of notes discounted, and the amount of private funds that is ascertained to be due members is between seven and eight thousand dollars, so far as we have been able to report.

Mr. PAYNE. May I ask the gentleman a question?

Mr. HEMPHILL. Just a moment. And right here I can not understand how, if they were private funds and nothing else, it happens that there are \$19,000 for the payment of \$7,000 of debts, and therefore I say—

Mr. PAYNE. Let me ask a question.

Mr. HEMPHILL. In a moment. And therefore I say there must have been something more than the checks and notes deposited there.

Mr. PAYNE. Does not the gentleman know that these notes of members were first discounted at the Sergeant-at-Arms' office and they were credited with the amount on his books, and afterward the notes were taken down to the bank and discounted by the bank, and credited to this account of Silcott's, and drawn upon by check, so that if the checks do not call for the whole amount of the discount of the notes it would account for this difference of \$16,000 as against \$7,000?

Mr. HEMPHILL. Still that is not the whole of it.

Mr. PAYNE. That is part of the facts.

Mr. HEMPHILL. Yes; but there are a good many facts in the case.

Mr. PAYNE. Is not that one of them?

Mr. HEMPHILL. It is part of the facts. The facts, as I understand them, are these: When a gentleman of this House took a check upon his private bank to deposit, he took it to the cashier and it was entered upon the books there to the credit of the gentleman along with his salary. That check was taken down to the National Metropolitan Bank, and if it was good it was collected by them. If a gentleman had his note discounted it was either paid out of the private funds of Mr. Leedom or Silcott or it was paid out of the public fund; but in any event if it was not paid to him in cash it was credited to the general account in which was kept his salary. Now, all of these notes were not discounted at the National Metropolitan Bank. Some of them were and some of them were not. In some cases the money was not paid over to the member, but he was given credit for the amount on the books, and the funds were commingled there with notes, discounts, and checks. I defy any man in this House or on that committee to explain to the country or to the House how you can separate the private accounts from the public accounts by means of the evidence we have up to this time. I do not know of any better way of saying that we can not do it than by saying there is \$9,000 according to one state of facts, \$16,000 according to another, and \$19,000 according to another, for the payment of \$7,000 of private debts.

Mr. PAYNE. Will the gentleman yield for a question?

Mr. HEMPHILL. Yes, sir.

Mr. PAYNE. Are not the moneys that were received from the bank for the discount of members' notes private funds?

Mr. HEMPHILL. Yes, sir.

Mr. PAYNE. And the moneys that were received on collections made from drafts deposited by members with the Sergeant-at-Arms and credited to the account of Silcott in the National Metropolitan Bank, were not those private funds?

Mr. HEMPHILL. Yes, sir.

Mr. PAYNE. Then why does the gentleman say that the bank account is made up of a mixture of public and private funds, when it only comes from those two sources of private funds?

Mr. HEMPHILL. I do not say that the funds are mixed down there. What I do say is, that, if the statement is correct that that fund is made up entirely of notes discounted and of checks, then there is something wrong in these accounts, because there can not arise nineteen thousand dollars' worth of money out of seven thousand dollars' worth of assets.

Mr. PAYNE. Could there not be fifteen thousand dollars' worth of notes discounted on one day and only \$5,000 of the amount drawn on by the check of Silcott as cashier?

Mr. HEMPHILL. Yes, sir.

Mr. PAYNE. Then would there not still remain \$10,000?

Mr. HEMPHILL. Yes, sir.

Mr. PAYNE. And does not the examination of the books of the bank show that that is the fact generally, that the money was not usually drawn from the bank at the date of the discount of the note, but was drawn generally upon the account?

Mr. HEMPHILL. That is exactly what I have said.

Mr. PAYNE. Leaving it in such shape that there is a balance, about which there is no doubt, of nearly \$16,000 of money which was put in a separate package.

Mr. HEMPHILL. I can not yield for an argument, Mr. Speaker.

Mr. PAYNE. Was not that \$16,000 put in a separate package and is it not separate to this day?

Mr. HEMPHILL. Now, I want to make my position plain to the House.

Mr. PAYNE. I was trying to help you to do that. [Laughter.]

Mr. HEMPHILL. Well, you were not succeeding very well, however good your intentions may have been. When a note was discounted the money was put to the credit of the member whose note was discounted, and he drew his check upon it that very day if he pleased, and the check was paid out of the public funds. Then, the day after, or perhaps two weeks after, the note was taken to the bank and rediscounted there and the money was either left there or brought back here. Now, if the member was to get that particular fund, of course he has no right to have the credit entered up to his general account and to be checking upon it two or three weeks before the note was rediscounted. Therefore, I say this book-keeping is not clear, and the fact that there are these differences between the different sets of books makes it obvious that there is something mysterious about the matter which the committee have not explained and which I do not understand and can not explain.

Mr. BOATNER. If the House appropriates enough money now to repay the amount of the November salaries stolen by Silcott, will there not be enough funds in the office of the Sergeant-at-Arms to pay all demands against him, including the salaries and the amount due to private individuals?

Mr. HEMPHILL. There is no doubt about that. If we are going to make a general blanket appropriation to cover everybody's deficit, undoubtedly there will be money enough to pay everybody.

Mr. BOATNER. That is not my question. My question is, if the House appropriates the portion of the November salaries of members that was stolen by Silcott, will not that put money enough into the Sergeant-at-Arms' pockets to pay all demands?

Mr. HEMPHILL. No, sir.

Mr. BOATNER. It will not?

Mr. HEMPHILL. No, sir; it will not.

Mr. BOATNER. Then I have been misinformed.

Mr. HEMPHILL. We will come to that question directly. Then, too, there is to be taken into consideration not only this bank account, but also \$14,500 of forged notes, or notes largely forged, which were discounted by Silcott at the bank and the money repaid to the bank out of the public moneys which Silcott drew from the Treasury on the 27th of November last. Now, I think it is hardly fair to the Treasury of the United States that we should appropriate \$14,500 to be put into our own pockets without at least having some legal investigation of the question of whether or not the bank received that money properly, because I hold, as a matter of law, that if the bank either knew that money to be public funds or knew enough to put it upon inquiry, it had no right to accept public funds in payment of private debts.

Mr. ARNOLD. Does the investigation show that any member of this House is indebted to the Sergeant-at-Arms?

Mr. HEMPHILL. Yes, sir; it shows that there are some overdrafts of members there; I forget how much they amount to, but not a great

deal. There were some overdrafts which were more nominal than real, because there were certificates which ought to have been drawn and were not, and if they had been drawn and entered up to the credit of the members these overdrafts would not appear. It is rather a matter of book-keeping than anything else. There are, however, some overdrafts which members owe to the Sergeant-at-Arms.

Now, an idea has prevailed that all the money which Silcott took away with him was money which he drew from the Treasury on the 27th, 28th, or 30th of November last, but that is an error. If gentlemen have had time to read the report, they will see that on the 27th of November he drew \$36,000, and that of that sum he paid the bank \$14,500, and that he turned over the remainder of it to Mr. Ballentine, the paying teller of the Sergeant-at-Arms' office.

On the 29th he drew \$36,206.70, and he turned that all over to Mr. Ballentine, so that those two sums have been fully accounted for. The last he drew was on the 30th of November, 1889, the amount being \$60,627.40, and of that sum he paid over to Mr. Ballentine \$252, which left a little over \$60,000 of the funds which Mr. Silcott drew on the 30th of November, 1889, unaccounted for. The proof is that Mr. Silcott did go to his safe after he came back from the Treasury on the 30th of November; that he put into the safe two packages of money of \$200 each. Those packages we know he put into the safe. How much more he put in there, if any, we are not able to say from the fact that he opened the safe and went to it, and from the further fact that the cash in the safe had not been counted for four years at least, probably six, so that it is impossible to say what was in there when Mr. Silcott went and opened the safe and put in these two sums. The total deficit is seventy thousand and some hundred dollars.

We know that if Mr. Silcott took away every cent of what he drew on the 30th of November, except the \$252 that he paid to Mr. Ballentine and the two packages of \$200 each, he could not have had more than about \$60,000 of that money. Where the other \$10,000 came from, whether he took it out of the safe on the day he left, whether it was an immediate defalcation, or whether it is the result of irregular and illegal transactions running through many months, growing out of these forgeries and other things of that kind, there is not a particle of testimony to show, and there is nothing by which we can throw any light upon it.

Mr. STEWART, of Vermont. The gentleman has already stated that of what Mr. Silcott drew on the 28th he took \$15,000 and applied it to the discharge of the forged notes.

Mr. HEMPHILL. Yes, sir.

Mr. STEWART, of Vermont. Does not that account for the \$15,000?

Mr. HEMPHILL. Exactly.

Mr. STEWART, of Vermont. Well, he stole it on that day?

Mr. HEMPHILL. Yes, sir.

Mr. STEWART, of Vermont. Then he stole \$75,000.

Mr. HEMPHILL. But I say that \$14,500 went for the payment of those notes.

Mr. STEWART, of Vermont. He stole that money, then, did he not?

Mr. HEMPHILL. After the payment of those notes, the deficit is only \$70,000.

Mr. STEWART, of Vermont. But he stole the money to pay the forged notes.

Mr. HEMPHILL. He did not steal it and carry it away with him.

Mr. STEWART, of Vermont. The case is just the same as though he had carried it away.

Mr. CATCHINGS. So far as the Government is concerned, the case is exactly the same as if he had absolutely carried all that money away.

Mr. HEMPHILL. No doubt that was a misappropriation of money, just as illegal as if Silcott had carried it away. And the majority of those notes have been proved to be forgeries; but all have not been so proved. We do not know whether they are all forgeries or not. The notes that he paid amounted to \$14,500; that money is accounted for. The difference between \$60,000 and \$70,000 has not been accounted for.

Mr. BUTTERWORTH. What difference does it make what Silcott did with the money that he took or what he did not do with it? If, as a disbursing officer, he received from the Treasury money for the salaries of members and did not pay it to us, what is the difference whether he spent it in playing faro, or in betting on horse races, or in paying forged notes? How does that become a question of any importance?

Mr. HEMPHILL. It is important in this view: I am trying to show that we do not know how much Silcott did take away; and we can not make an appropriation until we do.

Mr. BUTTERWORTH. That is a question between the Government and Mr. Silcott. What we want is what is due us. [Laughter.]

Mr. HEMPHILL. Yes, that is what we want. But we must remember that we are here not only to represent ourselves, but to represent the Government as well [applause]; that the Government must be protected as well as members of the House.

Mr. BUTTERWORTH. And when a member is afraid to vote himself what is due to him, what he knows to be due to him, may not the Government feel a little anxious in the presence of moral cowardice of that character? [Applause.]

Mr. HEMPHILL. There will be plenty of opportunities here for us to show our moral courage; there need be no difficulty on that point. But there is a great deal of difference between the kind of independence which the people admire and the kind which prompts a man to put his hand into the Treasury and put money into his own pocket. There will be many occasions when we can exhibit moral courage on this floor which will not be tinged with the suspicion that we are trying to put into our own pockets money to which we may not be entitled and to which a great many people think we are not entitled.

Mr. BUTTERWORTH. Has my friend any doubt that he is entitled to his pay?

Mr. HEMPHILL. Not a particle, because I have it. [Laughter.]

Mr. BUTTERWORTH. Then this is an exhibition of virtue that does not cost my friend any sacrifice. [Renewed laughter.]

Mr. HEMPHILL. That is very true; and I do not know any time when a man can be more virtuous than when it does not cost him anything.

Mr. BUTTERWORTH. Let me ask my friend whether or not he thinks it a fair division of labor for him to present the virtue and for us to make the sacrifice? [Great laughter.]

Mr. HEMPHILL. I am perfectly willing for that. It is the best I can do under the circumstances.

Now, Mr. Speaker, I have attempted to exhibit to this House, so far as I could, the facts that we have been able to gather and the lack of facts which prevents me from coming to a conclusion in conformity with that to which the majority of the committee have arrived.

A gentleman has asked me to state how much money it will take to pay the salaries of members so far as those salaries are involved in this defalcation. That is something I am not able to do from the testimony, and I think the gentlemen who compose the majority of the committee will acknowledge a similar inability in this respect, because they propose in this bill to appropriate "\$75,000, or so much thereof as may be necessary."

Who is to determine how much is necessary? The very object of the House in appointing this committee was to ascertain the state of the accounts of Mr. Leedom and to determine how much is necessary. That we have not been able to do. And the majority of the committee have by their bill confessed they have not been able to do it. If \$70,000 is all that is gone, why then should we appropriate \$75,000? If the amount of the salary due is as stated, why then should we appropriate \$75,000? The truth is, Mr. Speaker, there will have to be some tribunal to settle in exact figures the excess to be taken out of the Treasury or the Treasury officials must settle it.

Mr. CUTCHEON. Why should not the Treasury officials determine these accounts, as they determine so many others?

Mr. HEMPHILL. A Treasury official is simply an accounting officer. His duty does not require him to be acquainted with legal principles governing the law of private agency, and he is not the best man to whom this matter can be referred.

Mr. CUTCHEON. Will the gentleman permit me to ask him a question?

Mr. HEMPHILL. Yes, sir.

Mr. CUTCHEON. If we appropriate \$75,000, or, as the bill states, so much as may be necessary, does the gentleman from South Carolina apprehend that any member of the House will draw any more than what is due him?

Mr. HEMPHILL. If that is the fact, then the appointment of this committee was utterly useless, because if we are going to allow each gentleman to go to the Treasury and draw whatever is necessary, according to his own estimate, what was the necessity of appointing a committee; what is the use of having an accounting officer to determine the matter? The first question, Mr. Speaker, is how much is due. That is what we are trying to get at.

Mr. CUTCHEON. The gentleman seems to have a fear that if we appropriate \$75,000, or so much thereof as may be necessary, the whole amount will be taken out of the Treasury, whether it is due or not.

Mr. HEMPHILL. It proposes to leave it to the Treasury to decide how much is due.

Mr. PAYNE. The only point at issue in reference to the Sergeant-at-Arms' books was not how much was due to each member, but as to how much were the available assets left by Mr. Silcott. The question of how much is due was not raised before the committee.

Mr. HEMPHILL. That was one of the questions we were appointed to investigate.

Mr. PAYNE. The question was not as to the amount of salary due to each member, but as to the amount of available assets on deposit.

Mr. HEMPHILL. That was one of the questions we were appointed to investigate, how much was due.

Mr. PAYNE. Not upon salaries, but as to the value of deposits. The only question was to distinguish between salary and deposit. The books show the amount due for salary.

Mr. HEMPHILL. In other words, you hold the Sergeant-at-Arms' books show how much is due both as to salary and on private account; but it is not so. How much did Mr. Silcott leave?

Mr. PAYNE. Did we not agree as a committee on the amount due to the members and on deposit in his hands?

Mr. HEMPHILL. I have already stated I did not think we reported that to the committee fully.

Mr. PAYNE. Did not you and myself, as a subcommittee, make that report? I think, if you will refer to the RECORD, you will answer my question in the affirmative. The only question was as to available assets of the Sergeant-at-Arms' office. There was a check of John P. Leedom for \$850. How much of this was available? Was not that the only difficulty about the amount of the appropriation?

Mr. HEMPHILL. I will say to the gentleman that I do not care to make my speech over again. I have endeavored to state the difficulties which surround us and the trouble that we have in ascertaining the amounts due the members for salary. If I have failed in that I can not help it.

Mr. STEWART, of Vermont. But the question of my friend from New York, if the gentleman from South Carolina will permit me, is the special occasion of that difficulty. It is the gist of the whole subject, it seems to me, and the answer to the question might relieve the minds of many members who would otherwise possibly be embarrassed.

Mr. HEMPHILL. Well, we do not know what belongs to the House fund or what to the public funds.

Mr. PAYNE. Oh, I think we do.

Mr. HEMPHILL. We do not know, for instance, about the \$14,500 on the forged notes. That we have not settled or even reported upon; and I think that until these matters are clearly settled in a judicial manner the House ought not to be expected to appropriate public money to meet a mass of obligations, some of which may be private for all we know. If these sums belong to the Government we ought to know that fact.

Mr. PAYNE. But were not the vouchers returned from the bank, showing what had been drawn, and the statements of the bank presented to the committee on which we were able to ascertain the precise penny due the Government?

Mr. HEMPHILL. Oh, if you are going to let the bank make its own statement and determine these questions for you, that is another thing.

Mr. PAYNE. But did not they present the vouchers?

Mr. HEMPHILL. I do not know; I think not. I did not see them, at all events.

A MEMBER. We can use that money, at all events.

Mr. HEMPHILL. Of course you can take the money and tell the Government to look out for its own interests; but, gentlemen, we are here to represent the Government, as well as our individual interests, and it seems to me that we should not go to the public Treasury and pay out Government money until we know it is for public purposes.

Mr. KENNEDY. Will the gentleman yield to me for a question?

Mr. HEMPHILL. I will yield to the gentleman for a question, and will then ask to be excused from yielding further.

Mr. KENNEDY. The gentleman stated that he had got his money from the Sergeant-at-Arms and was not interested in the appropriation.

Mr. HEMPHILL. Yes, sir.

Mr. KENNEDY. Is it not true that the Sergeant-at-Arms, or some one for him, at least, before this deficit was announced before the bar of the House, gave tips or points to a great many members on that side of the floor which enabled them to receive their money?

Mr. HEMPHILL. I never heard of it, sir. If members got tips from the Sergeant-at-Arms, I do not know it. All I can say is that I did not sign the receipt for my money as others did. That is the reason it was not lost.

Mr. KENNEDY. But is it not true—was it not developed before your committee in the testimony that many members on the Democratic side of the House had obtained information by which they received their money?

Mr. HEMPHILL. I will state, emphatically, no. I never heard of such a thing; and the chairman of the committee, the gentleman from Illinois, who does not happen to be on the same political side as myself, is in the same position that I am in; that is to say, he had not signed his certificate.

Mr. ADAMS. There was nothing of the kind appearing in the testimony before the committee.

Mr. STEWART, of Vermont. There was never a hint of it.

Mr. HEMPHILL. I never heard of it myself until now.

I do not know, Mr. Speaker, that there is anything further I desire to say in this connection. I had purposed to submit some remarks upon the propriety of voting upon our own compensation. But that is a matter for each individual member, and I shall not advert to it now.

Mr. STEWART, of Vermont. Will the gentleman from South Carolina permit me to ask a question? because I want to ascertain his opinion and to have his position clearly defined.

Mr. HEMPHILL. I will yield with pleasure.

Mr. STEWART, of Vermont. I understand the gentleman to say that he believes the Sergeant-at-Arms was a disbursing officer of the Government.

Mr. HEMPHILL. Yes, sir.

Mr. STEWART, of Vermont. I want him to say further whether,

in his judgment, if that position be true, he does not think the United States Government ought to be responsible and to pay the unpaid salaries.

Mr. HEMPHILL. I will say this, although I have said it before, that my judgment is that the Sergeant-at-Arms is a disbursing officer.

Mr. SPRINGER. Of what?

Mr. HEMPHILL. There are gentlemen on the floor for whom I have great respect who take an entirely different view. It raises, then, the question as to whether he is or is not a disbursing officer, and if I were personally interested in the matter I would certainly prefer, for my own part, that somebody else should decide for me a question of such delicacy. This is, however, a matter on which gentlemen may differ with me.

Mr. STEWART, of Vermont. I asked the gentleman that question because we all have great respect for his candor and intelligence. The gentleman says that the Sergeant-at-Arms is a disbursing officer, in his judgment. Now, I want him to say whether he thinks, that being the case, in his personal judgment the United States Government should not reimburse these gentlemen who have not received their salaries.

Mr. HEMPHILL. My opinion is that this man being a disbursing officer, if these amounts are clearly due—

Mr. STEWART, of Vermont. Mine is—

Mr. HEMPHILL. And I knew what the exact amount was, and I had no personal interest in the matter, I would vote to pay the money without question.

Mr. HOLMAN. Mr. Speaker, the gentleman from Illinois [Mr. ADAMS] has very ably presented the views of the majority of the committee, and I think that gentlemen will find that the views presented by the gentleman from Illinois, the chairman of the committee, in the report made by him yesterday, the views and arguments he has presented before the House to-day, and the authorities which he has submitted in favor of the proposition that the Sergeant-at-Arms is a disbursing officer have completely covered the whole ground, and are the strongest presentation that can be made in support of the report of the majority. I do not know, sir, of a single suggestion or argument in support of the position he has occupied that has not been submitted by him.

My friend from South Carolina [Mr. HEMPHILL] favors the reference of this subject to one of the courts for adjudication, in view of the delicacy of the position in which members find themselves placed by reason of their personal interest in the question, and although he submits his views frankly and declares he believes as a lawyer that the Sergeant-at-Arms is a disbursing officer, yet presents a very strong argument, and one that seems to me almost unanswerable, in support of the proposition that the Sergeant-at-Arms is not a disbursing officer of the United States.

I will only attempt to add a few facts and arguments in support of the proposition that the Sergeant-at-Arms of the House is not a disbursing officer of the United States. I can not concur with the majority of the committee, and I regretted it very much, for I am very well aware of the ability of those members composing the majority and of their earnest desire to reach the truth.

I can not see that any good result can flow from the reference of this question to a court for adjudication. I think it is a question that this House must meet and must decide.

More than that, sir, it is a question which every individual member of this House must decide for himself; it is a question for his own conscience, and his action will be controlled by his own sense of public duty under the obligation he owes to his constituents and the whole country. These considerations of public duty ought to control.

I am not able to reach the conclusion that the Sergeant-at-Arms is a disbursing officer of the House. If he is a disbursing officer that is an end of the controversy. If he is a disbursing officer the money involved in this contention was in the hands, or at least under the control, of the Treasurer of the United States. It was under the safeguard of the provisions of law enacted from time to time during all the years of our history for the safety of the public funds. The money must be regarded in that event as in the Treasury of the United States, and if it was embezzled the loss must fall upon the Government. If, on the other hand, this money was in the hands of an agent of the members of this House and was embezzled, it seems inevitable that the loss must fall upon the gentlemen to whom the money belonged. I am not able, even after listening to the able argument of the gentleman from Illinois [Mr. ADAMS], to see any point where the duties performed by the Sergeant-at-Arms of the House coincide with the duties of a disbursing officer of the United States.

A disbursing officer of the United States gives his bond; the bond is approved by and filed with the First Comptroller of the Treasury, the highest accounting officer of the Government; the disbursing officer draws his requisition upon the funds appropriated, and which he has a right to disburse; that fund from time to time is placed to his credit, and upon that he draws his checks and applies it to the public purpose for which the appropriation was made. Those, in brief, are the characteristics of a disbursing officer of the United States as I understand them. Every safeguard of law is thrown around the money in his hands.

One of the most interesting and instructive chapters of the revised

code of the United States is the chapter containing the provisions enacted from time to time for a hundred years past for the purpose of hedging public funds of the United States to secure their safety.

Now, as to the Sergeant-at-Arms of the House, there is no law that authorizes him to receive a dollar of money for any purpose or from any source except his own salary. There is no law that requires him to give bond for any purpose. There never has been. There is a rule of the House, adopted in the first instance in 1838, which requires him to give a bond; and inasmuch as that is the foundation for this entire system I will ask the attention of gentlemen to its provisions. The report to which my friend from Illinois [Mr. ADAMS] referred, that made by Mr. Johnson, of Maryland, to the House in 1838, a very able and interesting report in regard to the employés of the House, concluded with two propositions—there were three, but only two of them are pertinent to this inquiry:

Resolved, That it shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of members of the House and to prepare checks for members, and if required to do so—

And if required to do so—

to draw the money on such checks for the members, the same being previously signed by the Speaker and indorsed by the member in whose favor the same may be drawn, and pay over the same to the member entitled thereto.

That the Sergeant-at-Arms give bond with surety to the United States in the sum of not less than \$5,000, nor more than \$10,000, at the discretion of the Speaker, with such security as the Speaker may approve, faithfully to account for the money coming into his hands for the pay of members of the House; that he receive for compensation the sum of \$300.

That is the foundation of this entire system of paying the compensation of Members and Delegates of the House. He shall "keep the accounts for pay and mileage of members, prepare checks for members, and, if required to do so, draw the money of members," and shall pay over that money when he has so collected it. I know nothing, Mr. Speaker, in the whole run of our legislation, that in any substantial degree changes that rule of the House of 1838. Surely this does not make the Sergeant-at-Arms a disbursing officer of the United States.

Mr. SAYERS. Will the gentleman allow me to ask him a question there?

Mr. HOLMAN. Certainly.

Mr. SAYERS. Does not the gentleman know that the Treasurers of the United States under successive administrations have time and again called the attention of the House to the fact that the Sergeant-at-Arms was not a disbursing officer of the Government?

Mr. HOLMAN. Certainly; and I will have occasion to refer to that at a later moment.

Now, sir, how are the funds now drawn from the Treasury for compensation of Members and Delegates? The funds appropriated for salaries and mileage of members of the House are in the Treasury of the United States.

The Sergeant-at-Arms comes around with a blank voucher; that voucher, when signed by the Speaker, or, in the absence of the Speaker, by the Clerk of the House, has imparted to it the highest degree of verity of any draft drawn upon your public Treasury. It is declared by law to be a public account, and I shall have occasion to refer to that again in a moment. That public account, in the language of the law, "shall be conclusive upon all Departments and officers of the Government," and that account, signed by the Speaker or the Clerk, and receipted by the member, is the voucher through which this money, appropriated for the pay and mileage of Members and Delegates, is drawn from the Treasurer of the United States, by the disbursing officer of the House.

Mr. CATCHINGS. What is that voucher conclusive of? Is it conclusive merely of the amount named in the certificate or does it carry with it the right on the part of whoever has it in his possession to collect the money? Is it not merely conclusive as to the amount named in the certificate?

Mr. HOLMAN. It is conclusive of two things. It is conclusive of the amount due to the particular member to whom it is issued. It is conclusive upon the officer holding the fund appropriated for the payment of the member.

Mr. CATCHINGS. That is to say, the officer can not go into the question as to how much is actually due to that particular member.

Mr. HOLMAN. Certainly.

Mr. CATCHINGS. The conclusiveness goes no further than that, does it? It simply ascertains the amount.

Mr. HOLMAN. It is what would be called ordinarily an audited account, but the law puts it upon higher ground and makes it an audited account, conclusive upon every department and officer of the Government.

Mr. CATCHINGS. That is to say, the Department or the officer shall not inquire as to whether the amount stated in the certificate is correct or not.

Mr. HOLMAN. The law, I think, means that there shall be no inquiry, but that the certificate shall be paid. I do not speak of instances where a suspicion of fraud might arise. Now, what is the method of collecting our salaries? We place these certificates thus certified and receipted by us in the hands of the Sergeant-at-Arms, and he goes with them to the disbursing officer, the Treasurer of the United States, to

whose credit has been placed the funds appropriated for our salaries and mileage, and there the certified account is paid. I have stated the process by which a disbursing officer draws money from the public Treasury and disburses it.

I have stated also how the Sergeant-at-Arms gets money for Members and Delegates from the public Treasury, how it come under his control, and through what agencies. What point of resemblance is there between the two methods? Where do the two lines of procedure meet? The one is a disbursing officer of the United States; the other is inevitably, it seems to me, the agent of each one of us who places these conclusive certificates in his hands.

Mr. OWENS, of Ohio. Is it not the fact that no Speaker of the House had signed any of those receipts at all, and that the money was drawn before it was due to any member?

Mr. HOLMAN. That is true; and in the absence of this legislation there would be some embarrassment upon that point; but that question can not, I think, be raised by us. Of course, upon the 4th day of December the Speaker had been elected and the Clerk had had long before that our vouchers in his hands. I presume those vouchers bore date the 27th day of November.

The SPEAKER. They were signed in blank.

Mr. OWENS. They were dated in March last.

Mr. PAYNE. When they were presented at the Treasury they bore the date of the 27th of November.

Mr. HOLMAN. Did not all of them bear the same date?

Mr. PAYNE. Yes, they all bore the same date as they appeared in the Treasury, but they were all blank when signed by members.

Mr. HOLMAN. Yes, we signed them in blank. Now, if it had not been for the high credit given to such vouchers, there might be some embarrassment about the matter.

But here are these certificates bearing date the 27th of November; they are presented at the Treasury, having been placed in the hands of the Sergeant-at-Arms by ourselves. We have placed these conclusive certificates in the hands of the Sergeant-at-Arms, with the purpose that he should receive the money. Can we raise the question whether that money was paid a few days in advance? Can we undertake to escape the responsibility and throw it elsewhere?

A MEMBER. Why not?

Mr. HOLMAN. We have authorized the Sergeant-at-Arms to receive the money.

Mr. PAYNE. Had we not the right to assume that the officer of this House would do his duty and that the Treasury Department would do its duty?

Mr. HOLMAN. Certainly; but it was we ourselves who indulged that presumption.

Mr. PAYNE. We violated no law.

Mr. HOLMAN. We violated no law, but we put this authority in the hands of the Sergeant-at-Arms, who presented our certificates, duly receipted, and received the money. Are we not estopped from going back upon the power we gave him to receive the money?

Mr. OWENS, of Ohio. Have we not the right, at any time before the agent executes the authority we give him, to revoke that authority?

Mr. HOLMAN. Certainly.

Mr. OWENS, of Ohio. Were there not four days between the time when he drew the money and the time when it was due, and during that time had we not the right to revoke the authority which had been given him?

Mr. HOLMAN. Certainly; but this loss must fall either upon us or upon the Treasury, which means the Treasurer of the United States. Now look at the equity of the case. We have signed these certificates, which by law are conclusive.

A MEMBER. They were not signed by the Speaker.

Mr. HOLMAN. They were not signed by the Speaker, but we signed these certificates and placed them in the hands of the Sergeant-at-Arms; we put those certificates in blank thus signed into the hands of this Sergeant-at-Arms and they were signed by the Clerk of the House and dated November 27, 1889, and upon them the disbursing officer has paid the money. I submit the question whether we are in a condition to raise the point whether the money was paid a few days in advance of the time when it became due. Was not this all done by the officers of the Treasury for the convenience of members of the House? Did we not so arrange this matter by the execution of those certificates as to enable the Sergeant-at-Arms to draw that money from the hands of the disbursing officers of the Treasury Department? Was it not our act? Can we complain that the money was paid to our agent a few days before it became due?

Mr. PAYNE. Did we ever receive our money from the Sergeant-at-Arms until the 4th day of the month?

Mr. HOLMAN. I did not receive mine for November at all. [Laughter.]

Mr. OWENS, of Ohio. Did you not receive a part of your pay for the month of November?

Mr. HOLMAN. I think I received \$16. [Laughter.] I am glad my friend has called my attention to that point. I saved \$16 out of the wreck.

Mr. PAYNE. What I wish to ask is whether before December last

my friend from Indiana was in the habit of receiving his money from the Sergeant-at-Arms before the 4th day of the month.

Mr. HOLMAN. I really can not speak positively in that respect. I know that I drew my money when it was due, and I always had use for it. [Laughter.]

Mr. SPRINGER. Is it not the custom of the Chief Clerk, as a disbursing officer of the House, to take the receipts of the subordinate officers of the House in advance of the actual payment of their salaries? And is it not the custom of the Treasury Department to take receipts from pensioners in every case before those pensioners receive their money? Now, if a disbursing officer, after obtaining the receipt of the pensioner, should go off with the pensioner's money, does my friend say that the pensioner would be estopped by his receipt from making claim for his pension?

Mr. HOLMAN. Oh, no; certainly not. I am very much obliged to my friend for suggesting that question. I am glad my friend from Illinois has called my attention to that matter.

Mr. SPRINGER. I ask it for information.

Mr. HOLMAN. That involves a point to which I wish to refer. When a disbursing officer of the United States has money in his hands the Government is responsible for it up to the moment it is actually paid on a demand against the Government. Therefore, the funds in the hands of a disbursing officer are surrounded by safeguards of law which prevent a dollar going into the hands of such an officer unless it is secured by proper bond. The receipt ordinarily is executed in advance, but there is no payment by a disbursing officer until actual payment is made by him, and if the money is meanwhile lost or embezzled the liability falls upon the disbursing officer, for his bond covers and must cover the amount. There is the difference. The pensioner signs his receipt in advance, but it is a receipt to the disbursing officer; it is a receipt for money which at the time is in the public Treasury, and until the money is actually paid there is no payment. And there is no chance of loss unless by the negligence or defalcation of some accounting officer of the Treasury. The bond in all such cases makes the Government secure.

Mr. SPRINGER. We thought there was a sufficient bond in this case.

Mr. HOLMAN. I am glad my friend calls my attention to that point. The bond of the Sergeant-at-Arms has no possible similarity to the bond of a disbursing officer.

A MEMBER. Why not?

Mr. HOLMAN. Is there any law for this bond of the Sergeant-at-Arms—any law requiring or authorizing the execution of a bond given to the United States by the Sergeant-at-Arms and approved by the Speaker?

Mr. PAYNE. It is a bond given to the United States.

Mr. HOLMAN. It was filed formally with the Clerk of the House under a rule of the House.

Mr. ADAMS. Does the gentleman from Indiana speak from knowledge when he says that this bond was filed with the Clerk?

Mr. HOLMAN. Yes, sir.

Mr. ADAMS. When was it so filed?

Mr. HOLMAN. I will not speak with certainty as to the source of my information. That statement was made to me by some person on whom I could rely.

Mr. ADAMS. From 1838 to 1843 that may have been done. Since that time the bond has been filed with the Government.

Mr. HOLMAN. I think perhaps the gentleman's statement is correct, but that bond rested upon a rule of the House. In 1838 it rested upon the rule which I have read. It rests upon a rule of the House up to this day. Was there any bond at all of the Sergeant-at-Arms between the 4th day of last March and the meeting of the present Congress? Was there any law or any rule of the House requiring the execution of such a bond? Not at all; not up to the present hour, for no rule has been adopted by this House requiring such a bond. Since the 4th day of last March there has been no bond of the Sergeant-at-Arms and no authority in him to receive public money.

Mr. CATCHINGS. Why could not the bond have been extended up to the meeting of the Fifty-first Congress?

Mr. HOLMAN. It could have been by law, but not by the rule of the House.

Mr. CATCHINGS. I will ask my friend by what authority this House, at the opening of a new Congress, is called to order by the Clerk elected by the preceding House?

Mr. HOLMAN. Is not that done in accordance with law?

Mr. CATCHINGS. But there is no law which says that the Clerk shall hold over.

Mr. HOLMAN. I think my friend will find that there is such a law, but I am not certain.

Mr. CATCHINGS. No, sir; there is no statute on the subject; he holds over by virtue of a rule of the House.

Mr. HOLMAN. The law devolves this duty upon the Clerk of the last House.

Mr. CATCHINGS. But he holds over by a rule of the House.

Mr. HOLMAN. The question here is as to the authority of the Sergeant-at-Arms.

Mr. CATCHINGS. And he holds over by a rule of the House.

Mr. HOLMAN. No, not necessarily.

Mr. MORGAN. By what authority does the Sergeant-at-Arms, chosen by the preceding House, keep order while the Clerk of the previous House opens the proceedings of the new House?

Mr. HOLMAN. The law can confer authority just as well upon an officer of the former House as on an officer of the present House. The law provides that the Clerk of the former House shall perform certain duties, and that in his absence those duties shall be performed by the Sergeant-at-Arms—the Sergeant-at-Arms of the last House.

Mr. CATCHINGS. Perhaps the gentleman does not understand me.

Mr. HOLMAN. The gentleman will excuse me a moment. The law provides further that in the absence of the Sergeant-at-Arms of the last House the duty shall be performed by the Doorkeeper of the previous House. Duties may thus be devolved by law upon these several officers without any embarrassment whatever, and without continuing their official existence, except for specific purposes. But does that make them public officers for any other purpose than those which are named?

Mr. CATCHINGS. There are statutes which prescribe duties to be discharged by the Sergeant-at-Arms, by the Doorkeeper, and by the Clerk of the House during the vacation of Congress.

Mr. HOLMAN. Certainly.

Mr. CATCHINGS. Yet there is no statute declaring that either of those officers shall hold over until his successor is qualified; they all hold over by virtue of a rule of the House.

Mr. HOLMAN. But my point is that they are continued for these purposes, and not for any other.

Mr. CATCHINGS. How do they get their salaries?

Mr. HOLMAN. I have already suggested the answer to that question. Except for specific purposes the Sergeant-at-Arms is not the Sergeant-at-Arms after the expiration of the Congress for which he was elected. He is not the Sergeant-at-Arms even for the purpose of keeping our accounts; he is not declared so by rule of the House or by any law.

Mr. CATCHINGS. The gentleman seems to lay great stress on the character of the certificates as being conclusive upon the Department. I will ask him whether the Sergeant-at-Arms can derive any right to collect money by reason merely of any words used in those certificates?

Mr. HOLMAN. Certainly not.

Mr. CATCHINGS. If I should give my certificate to the gentleman from Indiana, instead of giving it to the Sergeant-at-Arms, could he go to the Treasury and collect the money upon it?

Mr. HOLMAN. I think so.

Mr. CATCHINGS. By what authority?

Mr. HOLMAN. By the mere fact of the certified account and receipt.

Mr. CATCHINGS. But—

Mr. HOLMAN. One moment. This question was presented before the committee. It was intimated that no person could collect money on those certificates except the Sergeant-at-Arms. It has been so stated, I think, upon this floor.

Mr. CATCHINGS. Is it not a fact?

Mr. HOLMAN. Let me finish my sentence. It has been so stated. I knew it was contrary to the practice years ago. It has been different in recent years, at least the practice. The question was propounded to Mr. Whelpley, an able and accomplished officer of the Treasury, the Assistant Treasurer of the United States, who entered the Treasurer's office in 1861, coming here from New York, I think, with General Spinner, so long the Treasurer of the United States, who before the war was a member of this House. I know no one in the Treasury more competent to speak on this subject than Mr. Whelpley. The question was put to Mr. Whelpley in the following form by Governor STEWART, of Vermont: "Suppose a member should present his certificate himself at the Treasury, would you pay it?" Mr. Whelpley answered, "Most assuredly we would."

Mr. CATCHINGS. But that would have to be signed by the Speaker.

Mr. HOLMAN. Certainly; but I have not finished with the answer of Mr. Whelpley. He says further:

When there was a little trouble here in 1881 about the Sergeant-at-Arms, a rumor being afloat that his accounts were short, stoppages of these certificates were sent to the Treasury in a number of cases, and there was a considerable correspondence with members about it. Mr. Willis, a member of Congress from Kentucky, would not allow the Sergeant-at-Arms to draw his money. He sent his certificate through the bank. We had an order also from Mr. Aldrich to stop payment. If the certificates are properly presented it is not absolutely necessary they should go through the Sergeant-at-Arms. All the Treasury wants to know when a member gets his pay is whether he has authorized the money to be paid to the party who presents the certificate.

If gentlemen will examine this report made by Mr. Johnson, of Maryland, in 1838, they will find the common practice was for the Speaker to draw the money and deposit it in a bank. Out of that grew this habit of drawing pay certificates in this form. They were prepared under this rule and presented to the bank for payment.

Mr. CATCHINGS. Does any official of the Treasury say that any one could have gone to the Treasury with the certificate of a member for his pay and drawn the money?

Mr. HOLMAN. Why, Mr. Willis, according to the testimony of Mr. Whelpley, sent his certificate and collected his pay through the bank.

Mr. CATCHINGS. That was his own salary.

Mr. HOLMAN. Yes. Now, if the certificate could be collected through the bank, could it not also be collected through a private party?

Mr. CATCHINGS. He did not collect the certificate from the bank.

Mr. HOLMAN. Why?

Mr. CATCHINGS. Mr. Whelpley did not testify the money was paid on the certificate to the bank.

Mr. HOLMAN. I will read what Mr. Whelpley says:

Mr. Willis, a member of Congress from Kentucky, would not allow the Sergeant-at-Arms to draw his money, but he sent his certificate through the bank.

Mr. CATCHINGS. Yes, he sent it through the bank, perhaps.

Mr. HOLMAN. He might have sent it through the gentleman from Mississippi as well as through the bank.

Mr. KERR, of Pennsylvania. Do you hold that from the 4th of March the Sergeant-at-Arms was not a disbursing officer? I think you stated that if the Treasurer of the United States paid out this money to a person unauthorized to receive it he did it illegally. Is not that true?

Mr. HOLMAN. That does not follow.

Mr. KERR, of Pennsylvania. If they pay to a person not legally authorized to receive it, to one who was not a disbursing officer under the law, was it not an illegal act?

Mr. HOLMAN. The Treasury could pay it, knowing the person, and as Mr. Whelpley has stated, if a member should present a certificate himself most assuredly it would be paid. I find no difficulty in getting money from the Treasury when known to the officials and I present my own certificate.

Mr. KERR, of Pennsylvania. It does not cover the status as it is. The resolution should be to reimburse the Treasury of the United States for having paid out money illegally owing to a custom which has grown up in the House through negligence in not providing a proper rule to regulate this disbursing officer.

Mr. LACEY. Will the gentleman allow me a question for information?

Mr. HOLMAN. Certainly.

Mr. LACEY. I understand the gentleman is a member of the select committee. I have been told that on the 29th of November Mr. Silcott drew the pay of all the members in their alphabetical order on the list, beginning with the name of DE LANO and ending with LACEY, inclusive; that that was turned over to the teller and that that identical money, including the amounts due to all gentlemen whose names begin with "H," is on deposit in the Treasury of the United States at this time—the identical money. Is that correct?

Mr. HOLMAN. I will come to that later.

Mr. LACEY. I want to get that information, if possible.

Mr. HOLMAN. My friend will please excuse me; I will speak of that later.

Mr. Speaker, the last time this subject of the relation of Sergeant-at-Arms to the pay of members was before the House was on the 16th day of June, 1882, and I shall ask the Clerk to read the title and first section of the bill, which I have marked.

The Clerk read as follows:

A bill (H. R. 6518) making the Sergeant-at-Arms of the House of Representatives a disbursing officer, and for other purposes.

Be it enacted, etc., That the moneys which may be appropriated for the compensation and mileage of Representatives and Delegates shall be paid at the Treasury on requisitions drawn by the Sergeant-at-Arms of the House of Representatives, and shall be kept, disbursed, and accounted for by him according to law; and the said Sergeant-at-Arms shall be deemed a disbursing officer, but he shall not be entitled to any compensation additional to the salary now fixed by law.

Mr. HOLMAN. The bill was introduced in the House by Hon. George B. Robinson, of Massachusetts, one of the most prudent and able Representatives who have honored this floor, I think, for many years. He asked unanimous consent to introduce the bill. This was near the close of the long session of the Forty-seventh Congress. It is a bill making the Sergeant-at-Arms of the House of Representatives a disbursing officer, and gentlemen will observe that the first section of the bill is in the exact language of the section of law long in force making the Secretary of the Senate the disbursing officer of that body.

Mr. CATCHINGS. What year was that?

Mr. HOLMAN. Eighteen eighty-two, on the 16th of June. Let me call the attention of gentlemen to what Governor Robinson said, the gentleman who has so recently occupied the gubernatorial chair of the State of Massachusetts. I made some inquiry of him, as also did Mr. Kasson, of Iowa, as to the purpose and scope of the bill. He replied as follows:

In the first place, as to the necessity of such a law as this. Although it may not have been noticed by all members, there is at present no provision of law under which the Sergeant-at-Arms can draw the pay of members and pay it over or transmit it to them, either during the session or in vacation. He does this at the present time irregularly, as we all must see upon reflection, by taking in advance the personal receipts of members.

Within the next few weeks he will, in anticipation of the long vacation, take our receipts until December next, holding them in blank; so that he is simply from month to month the agent of members in drawing their salaries; and he is under no obligation to the law of the United States. We have in our rules a clause providing that the Sergeant-at-Arms shall give a bond to the United States in the sum of \$50,000, to be approved by the Speaker, with the condition

that he shall perform all his obligations to the United States; but he is under no obligation to the United States; he does not draw a cent of money upon any authority of law. When, for instance, I want my money, I give him my receipt in advance and he goes to the Treasury and gets the money. So with the other two hundred and ninety-two Members and the Delegates. The aggregate amount which the Sergeant-at-Arms thus handles is of course very large.

Now, gentlemen, the fact is disclosed by this record made only seven years ago that that bill was brought into the House and passed the House by unanimous consent. It went to the Senate and was referred there to the Committee on Appropriations, but failed to become a law. While I agree with the gentleman from Illinois that no individual member of the House can be held responsible for the failure to legislate on necessary subjects, in many instances it requiring joint action of the two Houses, yet the fact is manifest that the House by the failure of the bill to pass the Senate and become a law is now confronted with the present embarrassment.

Mr. SPRINGER. Then the Senators ought to pay the loss. [Laughter.]

Mr. BLAND. Will the gentleman allow me an interruption?

Mr. HOLMAN. Certainly.

Mr. BLAND. While I sympathize with the position of the gentleman, I do not understand that he has offered any proposition by which the money on hand, and which was deposited and not stolen, may be distributed to the members of the House to whom it belongs. Have you a proposition of that sort?

Mr. HOLMAN. I have not.

Mr. BLAND. Why not?

Mr. HOLMAN. I will state the reason in a moment.

Mr. SPRINGER. Let me ask the gentleman whether it is not a fact that during the vacation of Congress it has been the rule of the Treasury Department during all these years that the member's voucher is to be presented to the Treasury Department, and the Treasury Department issues to the order of the member a draft upon the Subtreasury at New York, and that the Sergeant-at-Arms simply transmits that draft to the member, which can only be paid on his personal indorsement.

Mr. HOLMAN. Oh, yes.

Mr. SPRINGER. And is that not the rule also as to other claims against the Government where money has been appropriated or allowed?

Mr. HOLMAN. Of course; but the member can have it sent anywhere or any way that he pleases.

Mr. SPRINGER. Then, that being the custom, was it not the duty, under the rules of the Department, to issue the warrant payable to the order of the individual member, and not pay the money to the Sergeant-at-Arms? The attorney, the gentleman knows, can never collect money from the Government, but simply obtains the certificate payable to the member. Is not that the custom?

Mr. HOLMAN. It is.

Mr. SPRINGER. Then if in this case the Government had adhered to the rules we would not have been deprived of this money.

Mr. HOLMAN. But no technical rule should be permitted to control us, it seems to me, in deciding a question like this. On the other hand, I think that no method of procedure which has grown up out of the long neglect of Congress to legislate upon the subject should be permitted to ripen into the force of law and become binding upon the action of Congress. The truth is, no Sergeant-at-Arms ever receives, in his official capacity, a dollar of money except his own salary from the public Treasury, by virtue of law, and there has never been a law or rule of the House under which he could draw a dollar of money on any account except his own during the term of his office and for his salary alone. The relation of the Sergeant-at-Arms to the compensation of members is personal and not official, and has been kept up for years for the convenience of Members and Delegates of the House.

Mr. SMITH, of Arizona. Is there any law whereby the Treasurer had a right to pay to anybody as my agent any money without my indorsement, on a mere certificate?

Mr. HOLMAN. Certainly not.

Mr. SMITH, of Arizona. Then how did they pay it at all, if they had not that power?

Mr. HOLMAN. It could only have been paid on a certified account, duly receipted. The Treasurer of the United States has been in fact the disbursing officer practically of this House from the beginning, and exclusively since the Thirty-second Congress. I have received statements from the First Comptroller of the Treasury showing through what public officer the salaries and mileage of Members and Delegates of the House have been paid since the organization of Congress, which statements are embodied in the minority report I submitted on this subject on the 14th instant, and various settlement sheets of the settlement of the compensation of Members and Delegates made with the First Comptroller down to the last settlement made on the 7th day of last September, which I presented to the House to illustrate the fact that the Sergeant-at-Arms of the House has never had any official relation whatever with the Treasury Department at any time.

It appears from these settlements that from the organization of Congress down to the 4th of March, 1853, the termination of the Thirty-second Congress, of which Lynn Boyd was Speaker, the Speaker of the

House drew the money from the Treasury on his own warrant for the compensation of members, and that from that time to this such settlements of the accounts of Members and Delegates had been made by the Treasurer of the United States with the First Comptroller; and in view of these official statements can not my friend appreciate the significant fact that through all this period the Sergeants-at-Arms have never been known to the Treasurer of the United States officially or had any official relations to that Department? How then could the Sergeant-at-Arms have been in any sense a disbursing officer of the United States? His name does not appear on the book of the Treasury. The name of each individual Member and Delegate is there credited with the amount due him, and he is charged with the amount paid him by the Treasurer just exactly as in the case of the accounts of any other disbursing officer, and I have been forced to the conclusion that at least from the 4th of March, 1853, down to the present time the Treasurer of the United States has by law and in fact been the disbursing officer for the payment of the compensation of the Members and Delegates of this House. Now, Mr. Speaker—

Mr. BLAND. If the gentleman will allow me—

Mr. WILLIAMS, of Illinois. I would like to ask the gentleman a question.

Mr. HOLMAN. Certainly.

Mr. WILLIAMS, of Illinois. The question I desire to ask is, what disposition should be made of the money now on special deposit? Under the report of the gentleman from South Carolina it is proposed that the Court of Claims shall ascertain to whom or to what members and in what amount that money belongs, and what objection the gentleman from Indiana can have to such disposition, and whether we can determine that for ourselves.

Mr. HOLMAN. I will answer the question propounded. The fact appears before the House that there are two propositions pending.

Mr. WILLIAMS, of Illinois. You state that the Treasurer is the disbursing officer of this House. I will ask you by what act of mine was the Treasurer authorized to pay my salary to John P. Leedom or to Silcott if he was the disbursing officer? By what act of mine did he do that?

Mr. HOLMAN. Why, by the authority of your receipted voucher.

Mr. WILLIAMS, of Illinois. Please to examine the receipt.

Mr. HOLMAN. Certainly. The paper in the following form filled out and attested by the Speaker of the House, when there is one, and by the Clerk of the House when there is no Speaker, is made by law a certified public account conclusive on every Department and official of the Government:

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington,....., 1889.

I certify that there is due to the Hon
Four hundred and..... dollars, as a member of the
House of Representatives for the Fifty-first Congress.

This paper so attested and receipted by the Member or Delegate is a public account against the Treasury, and absolutely conclusive, and upon these certified accounts the Sergeant-at-Arms receives on presentation the money from the Treasury without question.

Mr. WILLIAMS, of Illinois. What validity does that give to his receipt? The receipt is below.

Mr. HOLMAN. Certainly.

Mr. WILLIAMS, of Illinois. That is my act. Is there anything in that which creates him an agent or directs him to pay to any one?

Mr. HOLMAN. His possession of the paper implies that.

Mr. WILLIAMS, of Illinois. Is that negotiable?

Mr. HOLMAN. It is not, perhaps, a negotiable paper. It is an audited public account upon which a member can receive his pay without question.

Mr. WILLIAMS, of Illinois. Could you have gone there with that and drawn my pay on it?

Mr. HOLMAN. I think so. It is made by act of Congress a public account, and conclusive.

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

Mr. HOLMAN. Certainly.

Mr. SPRINGER. If that receipt is true you have already got your money. Then would the Treasurer pay you again?

Mr. HOLMAN. I have been receiving and so have my predecessors for many years our compensation as members of Congress on just such certificates without any question.

Mr. SAYERS. I would suggest to the gentleman that that is done when there is no opposition.

Mr. BROSIUS. I desire to ask the gentleman from Indiana whether if on the 4th of March all the members of this body signed papers like that and handed them to the Sergeant-at-Arms, covering the eight months, the Sergeant-at-Arms carried these papers thus signed to the Treasurer of the United States and presented them, and the Treasurer paid him the entire salaries, aggregating over a million of dollars, and the Ser-

gent-at-Arms ran away with the money—whether all of us should lose the eight months' salary, and that the Government be discharged by the signatures carried by the Sergeant-at-Arms to the Treasury Department.

Mr. HOLMAN. All at one time?

Mr. BROSIUS. All at one time.

Mr. HOLMAN. I take it for granted, although I do not think that an answer to that question will be of any value, it is always to be supposed that a public officer will exercise reasonable caution in the payment of public money, even on certificates declared by law to be conclusive, and would not permit a palpable fraud.

Mr. SAYERS. The gentleman is supposing a case that could not happen.

Mr. HOLMAN. Of course it could not. If the vouchers of all the members of this House were presented to any public officer, covering an unusual period, at once he would know that there was some mistake. We must suppose a reasonable degree of prudence and vigilance on the part of a public officer. But here is a certificate properly presented to the Treasury, properly filled up, and attested by the proper officer, and receipted by the proper person, and presented two or three days before it is due, and the Treasurer is told, perhaps truthfully, that the payment of it will be a great convenience to a member, and the Treasurer pays it. Now, who, under such circumstances, should bear the loss, if loss occurs?

Mr. BROSIUS. Then the reason why he would not be justified in paying the amounts is that the Treasurer could see that those payments had not matured and were not due, and that therefore there was no warrant in law for his paying the money. Now if that is true in the case of seven receipts covering seven months, why is it not equally true of the eighth month, the certificate for which was presented before maturity and which the Treasurer must have seen there was no warrant in law for him to pay until it had matured.

Mr. HOLMAN. If my friend wants to raise a question of the liability of the officers of the Treasury, I must say this for myself, that if I should sign this receipt and the Treasury officers should pay the money for my accommodation (and they could have no other motive for paying it in advance), and the person to whom I had intrusted the certificate should embezzle the money, I should feel that I was forever estopped from opening my mouth on the subject.

Mr. CUTCHEON. Will the gentleman permit me a question?

Mr. HOLMAN. Yes, sir.

Mr. CUTCHEON. Supposing that we, the individual members of this House, had gone to the Treasury Department upon the 27th, 28th, or 30th of November, each carrying his individual receipt, does the gentleman believe that the Treasurer would have been authorized to pay us personally and individually that salary?

Mr. HOLMAN. I can not say as to whether he would be authorized or not, but if he did make the payment we could not complain.

Mr. CUTCHEON. If the Treasurer would not be authorized to make such payments to us personally, is there any possible doctrine of agency by which the Sergeant-at-Arms could go there in our behalf and collect our money for us before it was due?

Mr. HOLMAN. My friend overlooks my former answer. I say that if the money has been paid to me or my agent, it is not for me to complain. It is paid to my agent manifestly for my accommodation, and therefore I have no right to complain.

Mr. CUTCHEON. I submit that what the members of this House can not do themselves no agent can do in their behalf.

Mr. HOLMAN. Oh, I suppose the Treasury Department would accommodate members, as it accommodated the Sergeant-at-Arms.

Mr. FITHIAN. I desire to inquire of the gentleman from Indiana [Mr. HOLMAN] whether it is true that this money was drawn from the Treasury by Silcott in three separate draws, the first commencing with the names beginning with A and ending with those beginning with D, the second commencing with the names beginning with D and extending down to those beginning with M, and the third extending from the names beginning with M, down to the bottom of the list. Was the money drawn in that order?

Mr. HOLMAN. There is testimony tending to prove that.

Mr. FITHIAN. Then, if that be true and the position is taken that Mr. Silcott, or Mr. Leedom, was the agent of the members individually, upon what rule of law or equity would it be proper to prorate the amount of money that is on hand in the office of the Sergeant-at-Arms? If the Sergeant-at-Arms was my individual agent and he drew my money and placed it in his office and it is there now, I think I am entitled to draw it, and nobody else has any right to ask that I shall prorate with him.

Mr. SPRINGER. Your name begins with F. [Laughter.]

Mr. FITHIAN. My name begins with F.

Mr. HOLMAN. Mr. Speaker, it has been suggested that the fortieth section of the Revised Statutes, directing the Secretary of the Senate and the Sergeant-at-Arms of the House to make deductions from the pay of the Members and Senators, is a statutory recognition of the official character of the Sergeant-at-Arms. So far as the Sergeant-at-Arms is concerned, that provision of law is consistent with the fact that members were collecting their pay through him and leaving money in his hands, and it would be consistent with a law which would make him

a disbursing officer, but the section referred to does not make the Sergeant-at-Arms a disbursing officer. That, I believe, will be admitted by every gentleman. But further, it has been argued, and argued I think by my friend from Illinois [Mr. ADAMS] that the thirty-four hundred and seventy-seventh section of the Statutes, rendering void the transfer or assignment of claims against the Government, repels the idea that the Sergeant-at-Arms acted in this case as the agent of the members. I think my friend from Illinois referred to that section.

Mr. ADAMS. I referred to section 3477 of the Revised Statutes, which prohibits the payment of a claim to an agent, except under certain conditions.

Mr. HOLMAN. I wish to say to my friend from Illinois that that section could not possibly have any relation to these certified public accounts which are made conclusive by law. I hope I will have the ear of my friend for a moment. When he comes to examine the section as originally enacted, he will find it was enacted in connection with provisions of law touching ordinary private claims against the United States manifestly for the purpose of preventing champerty. Let me read:

SEC. 3477. All transfers and assignments made of any claim upon the United States, or of any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or of any part or share thereof, shall be absolutely null and void, unless they are freely made and executed in the presence of at least two attesting witnesses after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof. Such transfers, assignments, and powers of attorney must recite the warrant for payment, and must be acknowledged by the person making them, before an officer having authority to take acknowledgments of deeds, and shall be certified by the officer; and it must appear by the certificate that the officer, at the time of the acknowledgment, read and fully explained the transfer, assignment, or warrant of attorney to the person acknowledging the same.

My friend, on reading that statute and considering the connection in which it stands, will see it refers to ordinary claims against the United States and to prevent champerty being practiced against the Government. It could not refer to the certified accounts declared by law to be conclusive.

Mr. ADAMS. From what does the gentleman from Indiana read?

Mr. HOLMAN. I read from the Statutes at Large, section 3477.

Now, Mr. Speaker, there are two measures pending before the House, one the bill of the committee—

Mr. MANSUR. Before you go to that I desire to ask a question.

The SPEAKER. Does the gentleman from Indiana yield?

Mr. HOLMAN. I do for that purpose.

Mr. MANSUR. Is it not true that a member has no legal or technical claim for his pay until the 4th of each succeeding month?

Mr. HOLMAN. Certainly. I have referred to that.

Mr. MANSUR. If the claim does not ripen before, should not the Treasury have taken notice and repudiated every one of these certificates for the month of November?

Mr. HOLMAN. I have answered that question half a dozen times. I agree that the money was not due before the 4th of December; that it was paid on vouchers dated the 27th of November. Yet these certificates are conclusive, and payment was made for our benefit. We assumed the responsibility when we placed in the hands of a subordinate officer of the House the power to get the money? We certainly can not complain that it was paid too soon.

Mr. PAYNE. If the vouchers of the month of November should have been signed by the Speaker and not by the Clerk, where is the statute that makes a voucher signed by the Clerk and not by the Speaker conclusive for the November pay? No matter where signed, where is the statute that makes that conclusive?

Mr. HOLMAN. On the 27th of November there was no Speaker of the House.

Mr. SPRINGER. And no Clerk, either.

Mr. HOLMAN. On the 27th there was no Speaker. The Clerk certified the accounts; our agent filled up the blanks—that is, the Clerk of the previous Congress. My friend places in the hands of the Sergeant-at-Arms this voucher filled up in accordance with law. It is made conclusive. On that conclusive paper the money is drawn. Will my friend contend the Government or officials of the Treasury should lose that money?

Mr. PAYNE. The statute says the Clerk's certificate shall be conclusive only up to the time of the first meeting of Congress, not up to the time the Speaker is sworn in; and the Clerk has no right to make a certificate, and there is no law to make that certificate conclusive on anybody.

Mr. HOLMAN. Are we not fairly estopped from making that point. I think we certainly are.

The committee report a bill, Mr. Speaker, the first section of which appropriates the sum of \$75,000 to make up the amount lost. My friend from South Carolina proposes to refer the question as to whether or not the Sergeant-at-Arms is a disbursing officer of the United States to adjudication. One other motion covers the whole ground and enables the House to vote without embarrassment on the subject. That is the motion to strike out the first section of the bill reported by the majority of the committee, the section which makes the appropriation.

Then if the House shall strike out that section, and not adopt the proposition of the gentleman from South Carolina to refer to the Court

of Claims, or some other court, as a matter of course it is obvious that this matter must be recommended for the purpose of devising some just and fair means or proposition for the distribution of the money now on special deposit with the Treasurer of the United States, the remaining \$83,000. That can not be disposed of here on the pending bill. I should have submitted now, in this connection, a proposition for the distribution of that fund, but from the fact that it is not germane to the pending bill; it is not in order here. This is a bill for the action of both Houses of Congress, while the motion to which I have referred would be a simple resolution for the action of the House alone.

Now, I propose to make a motion that the first section of the bill be stricken out, which presents the question whether or not the reappropriation shall be made by Congress. If the House does not agree to strike out that section, of course the question recurs as between the two propositions pending, and if the matter is not referred to the Court of Claims the question will be, Shall this bill pass?

My conclusion upon the whole matter, then, is this: That we can not trace with certainty any of this fund; that, whether it was deposited by members or other gentlemen or whether it was collected as the November compensation of members by the Sergeant-at-Arms, in fact it constitutes a common fund, except funds deposited in bank after Silcott left this city. Some money you may trace to the bank. You can find how many warrants were cashed on the 27th, 29th, and 30th of November, and the names of the members who lodged them with the Sergeant-at-Arms, but there is no testimony that shows conclusively to whom the money left by Silcott belongs, because there was no one who could testify with certainty on that subject, unless it was Silcott himself, what particular money went to the bank or into the part of the safe over which he had control or into the safe of Mr. Ballentine, the paying teller. I speak of money deposited before he absconded.

I do not think, therefore, that you can discriminate between these funds, except as to the later bank deposits. I think gentlemen ought to treat the office of the Sergeant-at-Arms as a depository, as it was, where funds are deposited, part in bank, part in the two different compartments of the safe, the whole constituting a common fund, and ought in equity and fairness to distribute it pro rata amongst the members who did not receive their compensation and those who had deposits, except as to deposits made after Silcott absconded; they should be paid in full.

Mr. SMITH, of Arizona. That is to give the biggest amount to the man who had drawn the most money, by giving him a pro rata of the amount belonging to other people.

Mr. HOLMAN. I have stated, Mr. Speaker, the best conclusion that I have been able to reach from a full consideration of this question. If, I repeat, the House refuses to pass either the bill or substitute, it will be necessary to recommit the bill to the committee or some other committee to prepare a proposition for the distribution of the \$83,000, which would pay about 52 per cent. on the various deposits, after paying the deposits I have above excepted in full.

I concede that from my stand-point the House has nothing to do with the matter except by the acquiescence of the members themselves. This money was not public money when it was embezzled. It was our money; money in the hands of the Sergeant-at-Arms, placed there by the voluntary action of the various gentlemen interested in the fund. Let it be distributed pro rata, except as before suggested, as a common fund, and thus you will have reached as nearly as practicable an equitable and just disposal of the fund. I feel certain that upon the facts and the law before us the Government ought not to be held responsible for this loss. It seems to me clear that it must fall upon ourselves to the extent of the deficit.

Mr. SMITH, of Arizona. Let me suggest to the gentleman if it would not strike him as a little fairer that everybody should lose his November salary and not try to divide the money belonging to other people among them all pro rata. Does it not seem fairer to the gentlemen to give to depositors there what they had actually on deposit, and let those lose what they lost, and not increase their pro rata by distributing money belonging to other members amongst them? Does the gentleman want me to pay a part of his loss?

Mr. HOLMAN. I am sorry my friend has lost a single dollar, and I have made the best suggestion I can as to what would be just and fair.

Mr. SMITH, of Arizona. That is the practical effect of your suggestion.

Mr. CLARKE, of Alabama. Will the gentleman permit me to ask him a question?

Mr. HOLMAN. Certainly.

Mr. CLARKE, of Alabama. If I understand the gentleman aright, he thinks the House should make a pro rata distribution of the amount on hand?

Mr. HOLMAN. I think that ought to be done on the basis I have named.

Mr. CLARKE, of Alabama. To be done by the House?

Mr. HOLMAN. I will not pretend to say to what extent the House may exercise control over that fund.

Mr. SMITH, of Arizona. That does not meet the question. If he

held the money as an individual and not as an official, as Sergeant-at-Arms, what has the House to do with that? What right has it to the money deposited?

Mr. HOLMAN. I concede that all the time I have suggested what I believe is just and proper to do, and if the House should conclude not to appropriate this money out of the public Treasury—this reappropriation—if the House should determine not to refer the matter to a court, then there is but one other course to pursue, which is to devise some reasonable plan for the distribution of the fund.

Mr. SMITH, of Arizona. What has the House to do with it?

Mr. PAYNE. What has the House to do with it?

Mr. HOLMAN. My friend does not want me to repeat that half a dozen times. I said that in my judgment the money was the money of each individual member who placed the funds within the reach of the Sergeant-at-Arms. I do not believe that the House should refer this matter to a court. I do not think we can take money out of the Treasury to reimburse this loss.

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

Mr. HOLMAN. Yes, sir.

Mr. SPRINGER. I understand that my friend, the gentleman from—

The SPEAKER. The gentleman from Illinois must address the Chair if he desires to interrupt the gentleman from Indiana.

Mr. SPRINGER. Mr. Speaker, I desire to ask the honorable gentleman from Indiana a question.

The SPEAKER. Does the gentleman from Indiana yield for a question?

Mr. HOLMAN. I yield for a question.

The SPEAKER. The gentleman from Illinois.

Mr. SPRINGER. Will the gentleman from Indiana allow me to ask by what authority he could take the money which had accumulated in the Sergeant-at-Arms' office belonging to the Delegate from Arizona, an amount of several thousand dollars, and which money was still in the vault when Mr. Silcott left this city, was no part of the money that was stolen by him—by what authority can you take this money that is still there and divide it pro rata among the members of this House?

Mr. HOLMAN. If he has any special deposit there or made a deposit after Silcott absconded—

Mr. SPRINGER. This was not a special deposit. It was undrawn salary.

Mr. HOLMAN (continuing). It ought to be paid, and the fact that these special deposits were made shows to me how untenable is the position that any of these were public funds; that these deposits were really in the hands of a disbursing officer. I do not wish injustice done to any.

Mr. WILLIAMS, of Illinois. I would like to ask the gentleman a question.

Mr. HOLMAN. I yield to the gentleman from Illinois for a question.

Mr. WILLIAMS, of Illinois. The question that I desire to ask is as to the responsibility of the committee or the responsibility of the Treasurer of the United States. I care not whether Mr. Silcott was a disbursing officer or an agent. The question is this: Had Mr. Silcott or the Sergeant-at-Arms the right to take that blank paper, after he had filled it up, to the Treasurer of the United States on the 27th of November and draw our pay? And if he had the right to go on the 27th of the month, had he not also the right to go on the 15th of November, and would the Treasurer have been justified in paying out money not then due?

Mr. HOLMAN. I have answered that question a number of times. I answer it simply in this way: We place these public certificates in the hands of the Sergeant-at-Arms, who drew the money from the Treasurer of the United States for us, and the cashier embezzled it. That is the whole case. If the Treasurer paid it a few days before it was due, he did it for the benefit of the members, for their accommodation. I mean to say as a matter of fairness and justice that, in my judgment, when you place a voucher like that in the hands of any person, and he draws the money on it, and it is lost, its loss falls upon you, for you enabled him to draw the money.

Mr. ENLOE. I wish to ask the gentleman if it is not a fact known to the committee that this defaulting officer took an alphabetical list of names and the certificates down to the name of Mr. DAVIDSON, of Florida, on the 27th of November, and drew \$36,168, \$14,000 of which went to the bank to redeem the forged notes; that on the 29th he takes the certificates of a list of names in alphabetical order, embracing my name and his own, deposited our certificates, and drew our money. That money was deposited in the hands of Mr. Ballentine, the paying-teller. Then on the 30th he took the remaining 146 names on the roll and drew their money, and all of that money, except \$252, was stolen.

Now, I want to know if the gentleman from Indiana proposes to take my money and his money and prorate it to make good the losses of other gentlemen.

Mr. HOLMAN. No man can say, certainly, I think, from the testimony, that exactly the same money which was drawn upon the 27th, the 29th, or the 30th was or was not the money that was embezzled. No person can testify positively to that fact unless it be Silcott himself.

Mr. BUTTERWORTH. Will the gentleman yield for a question?

Mr. HOLMAN. Certainly.

Mr. BUTTERWORTH. Does not my friend know, touching the presentation of signed receipts or vouchers, that in every department of the Government before the disbursing officer receives the money from the Treasurer he takes the receipted vouchers and presents them?

Mr. HOLMAN. Yes, sir.

Mr. BUTTERWORTH. Does that make the disbursing officer the personal agent of those who sign the pay-rolls?

Mr. HOLMAN. No.

Mr. BUTTERWORTH. Then how does that case differ from ours?

Mr. HOLMAN. My friend ought not to ask me that question, for the simple reason that I have answered it several times, and also because General Garfield answers it in a most satisfactory manner in the extract from his remarks which has been read here, and in which he points out the difference between the two cases. General Garfield points out that it is clear that the Sergeant-at-Arms is not a disbursing officer.

Mr. BUTTERWORTH. That it is clear to his mind.

Mr. HOLMAN. I am quoting General Garfield. He points out, I say, that the Sergeant-at-Arms is not a disbursing officer, but that he is the agent of the individual members of the House to collect their money. He points that out, just as Treasurer Gilfillan has said, and just as any number of Treasurers have said, and just as this whole House said in the closing hours of the first session of the Forty-seventh Congress when they passed the bill brought in here by Mr. George D. Robinson, of Massachusetts. General Garfield shows that the Sergeant-at-Arms is the agent of the members, and then points out that he gives no bond, that he is authorized to make no draft upon the Treasury, and that in no shape or form is he a disbursing officer.

If he were a disbursing officer the money he drew would have the bond behind it on deposit in the First Comptroller's Office. Until the money was paid it would be in the hands of the Treasurer. Although the receipt was given, the money would be in the hands of the Treasurer until it was actually paid, and if it was embezzled before it reached the person or persons entitled to receive it nobody would sustain any loss, because the Government would be protected by the bond. There is the difference between the two cases, and it shows that the Sergeant-at-Arms could not have been a disbursing officer, because if he had been the money could not have been lost.

Mr. BUTTERWORTH. The question whether the Government takes a bond does not settle the question whether an officer is a disbursing officer or not.

Mr. HOLMAN. I think it does in a large measure.

Mr. BUTTERWORTH. Suppose the Government omits to take the bond, are we derelict because the Government is guilty of that omission?

Mr. HOLMAN. I think if my friend will examine the various provisions of the statute on the subject he will find that the execution of the bond is indispensable to a disbursing officer, except in special instances, and this is not one of those instances.

Mr. BUTTERWORTH. My friend will recollect that in the early history of the disbursing officers of this Government no bond was required at all.

Mr. HOLMAN. I know that; but I am speaking now of the law as it is at present and as it has been for the past twenty-five or thirty years.

Mr. BUTTERWORTH. There are disbursing officers now who do not give a bond.

Mr. HOLMAN. There is none unless in some special case by order of the President or in some case which is exempted by the statutes.

Mr. BOUTELLE. I wish to ask the gentleman a question before he makes that motion. Do I understand the gentleman from Indiana to propose that the \$80,000, more or less, now in the hands of the Treasurer, the money which has been deposited there as a special deposit from the safe of the Sergeant-at-Arms, shall be divided pro rata; and, if so, pro rata among whom?

Mr. HOLMAN. Among all the depositors.

Mr. BOUTELLE. Among the members who have claims on the books of the Sergeant-at-Arms?

Mr. HOLMAN. Yes, sir; all of them, except as I have mentioned.

Mr. BOUTELLE. That would involve, it seems to me, this anomaly. From a perusal of the testimony I understand that my friend from Indiana [Mr. HOLMAN] is entitled by the books to some \$400 and other gentlemen are entitled to sums ranging from \$3,000 down.

Mr. SMITH, of Arizona. Five thousand dollars.

Mr. BOUTELLE. Yes, I understand that there is one gentleman from one of the Territories [Mr. SMITH, of Arizona] who has due him several months' salary.

Mr. SMITH, of Arizona. Five thousand dollars.

Mr. BOUTELLE. Now, as I understand, the gentleman from Indiana [Mr. HOLMAN] drew his salary for April?

Mr. HOLMAN. I presume so.

Mr. BOUTELLE. You drew your salary for May?

Mr. HOLMAN. I suppose I did.

Mr. BOUTELLE. And for June, and for July, and for August, and for September, and for October, and you have had the benefit of all that money?

Mr. HOLMAN. Yes; the money is all gone. [Laughter.]

Mr. BOUTELLE. And yet the gentleman, after having received the benefit of all that salary due him for all those months, proposes that the gentleman from Arizona and the other gentlemen who have not received their pay, to whom the Government of the United States is indebted for the compensation to which they are entitled by law, shall throw all the pay which they have not received into a common pool to be devoted to increasing the pro rata on his \$400.

Mr. HOLMAN. I answer, in the first place, that the law seems to favor the vigilant; I do not know that that is a good maxim, but it is a maxim of the law. In the second place, I would like to ask my friend what he himself would do?

Mr. BOUTELLE. I would simply require that the Government of the United States pay each and every Representative and Delegate in Congress the compensation which the laws of the United States entitle him to receive. [Applause.]

Mr. HOLMAN. But supposing that was not done, then what?

Mr. BOUTELLE. Furthermore, if there had been any laches—

Mr. HOLMAN. The gentleman will excuse me; he is not answering my question. The question I designed to ask was this: If this House declines to reappropriate this money, then what would my friend do with that \$83,000? He thinks I am proposing to dispose of it unjustly; how would he dispose of it?

Mr. BOUTELLE. I am not proposing to deal with that hypothesis, because I can not conceive that an intelligent House of Representatives will vote to pick its own pocket, or refuse to pay the salaries to which members are entitled by law, for the sake of posing before the country as special guardians of the public Treasury. I do not believe that I or any other member should be punished for any dereliction or laches committed by the gentleman from Indiana or other members of this House, who claim that their attention has been called in past Congresses to the imperfections in the law, but who admit that they have failed to remedy those defects.

I have simply, like other members, done that which we had to do in order to get our pay. We have done precisely that which we have been obliged to do within the past two weeks. Since this whole discussion has directed public attention to the situation, every member of this House who has had any money due to him as his December salary has obtained it by signing exactly the same kind of a voucher that we signed before, and which enabled Silcott to run away with our money. There has been no change in this respect. I presume that the gentleman from Indiana probably signed in advance for his December pay just as I did.

Mr. HOLMAN. Certainly, and I expect to do the same thing in the future. It is my affair. I take the risk.

Mr. BOUTELLE. And because we did in regard to our November salary that which all of us have since done in regard to our December pay, the gentleman proposes that we shall be mulcted for the entire amount.

Mr. HOLMAN. I do not propose anything of the kind. I stated simply that the money embezzled was our money.

Mr. BOUTELLE. I ought to amend my last remark by adding except in so far as the gentleman intends to recoup his loss by making a forced loan from the gentleman from Arizona, myself, and others who have not drawn our pay. [Applause.]

Mr. HOLMAN. I do not propose to reappropriate this money from the Treasury which has been already appropriated and paid to us. I for one do not think it becomes this House to make that reappropriation. The gentleman from Maine and other gentlemen will undoubtedly act according to the dictates of their consciences and do what honor demands shall be done, and with a desire to act fairly toward the public Treasury. But I trust that gentlemen who think it consistent with their sense of duty and honor to vote for the reappropriation of this money will not feel themselves called upon to criticize the conduct of other gentlemen who take a different view of public duty; for, even without posing in the character of reformers or anything of that kind, it is possible that gentlemen may differ with my friend from Maine and yet be just as honest and sincere as he is.

Mr. BOUTELLE. But if the gentleman wants to occupy a position of entire fairness he should propose to put into this common fund the entire salary which he has drawn since last March, so as to put himself on a plane of equality with other gentlemen with whom he proposes to share.

Mr. HOLMAN. Let the gentleman if he pleases submit that proposition.

Mr. BOUTELLE. I wish I were in that position. I am not so thrifty as my friend from Indiana. I was not so fortunate.

Mr. HOLMAN. Not quite so needy, perhaps.

Mr. BOUTELLE. I left my salary there for several months.

Mr. HOLMAN. I have occupied, by reason of many interruptions, an unreasonable amount of time, and conclude with this remark: The members of the House will, of course, act in perfect good faith towards the public Treasury. If in their opinion the Sergeant-at-Arms is a disbursing officer of the United States, then of course it will be held that the loss of the money embezzled while under his control must fall on the Government. If, on the other hand, it is found that under the law

he was not a disbursing officer, but only collected from time to time from the Treasurer of the United States for Members and Delegates money due them on accounts against the Treasury duly certified, and that money thus collected was afterwards embezzled, it would seem to be inevitable that the loss must fall on the gentlemen for whom the collections were made. No technical rules should control in such an inquiry, nor should irregular methods resulting from a long-continued neglect of proper legislation be recognized as having the force of law, for legislators can not afford to be unjust to their Government.

Mr. BLOUNT. Mr. Speaker, to my mind a good many difficulties have been thrown around this question which can easily be disposed of on examination of the testimony and the law. On the 27th, 29th, and 30th of November Mr. Silcott repaired to the Treasury Department and on the vouchers of members of the House took on one day \$36,608, on another \$36,000, and on another \$60,000, making an aggregate of \$132,608 of money drawn on vouchers for members' salary. Thirty-six thousand six hundred and eight dollars of that money was paid over to the paying teller of the House; \$15,000 of that money on the 27th day of November, the very day it was drawn, according to the testimony before the committee was taken to the bank, and it was there paid on a number of fraudulent notes. The gentleman from South Carolina [Mr. HEMPHILL] says it does not appear that all these notes were fraudulent. Whether they were all fraudulent or not the sum of money paid at that time substantially agrees with the amount drawn from the bank on that day. And there does not appear to be any other transaction so far as Silcott is concerned.

Now, you have \$75,000 left in the possession of Mr. Silcott after he disposes of the residue in his dealings with the bank. I submit that had he placed that \$75,000 where it belonged there would have been no deficit or any question about private deposits or salaries or anything else. The whole trouble comes from taking the salary of members. If so, what is the use of going to the Court of Claims about the private deposits of members? They play no part at all. The damage was done when the theft was made, when the \$75,000 was taken. Why, then, do you want to compel certain gentlemen who made certain deposits to go to the Court of Claims?

When were these deposits made? Nearly every one of them was made after Mr. Silcott had got the money and gone away. Here they are. On the 30th of November Mr. SENEY deposited \$75. The next was on December 2 and the next on December 3, etc. Nearly every one of these deposits was made by these depositors after Mr. Silcott had taken this money and disappeared with it.

My friend from Indiana [Mr. HOLMAN] talks about taking a part of this deposit fund which is left out of which to pay our salaries. Why, sir, in my judgment that would be a dishonest proceeding on the part of this House. For one I would scorn to take any part in it. Therefore, away with this idea of taking the fund we find there and dividing it pro rata, as the gentleman suggests. You have no right to do anything of the kind.

Now, Mr. Speaker, I think it quite clear, after a consideration of the facts presented by the committee, that there has been no carelessness on the part of its members in this matter. Your committee met and commenced the investigation of this subject. They sent to the Treasury Department and had experts examining all the books of the Sergeant-at-Arms. They made an examination of them themselves through their subcommittee. They inquired into the condition of affairs in the bank, and they reported to you the result, which appears in the testimony as set forth in the report of the committee and found on page 75. They find that salaries due to the members of the House amount to \$150,288.95; the private deposits of members, \$7,216.59; draft of T. M. BAYNE, in the safe, \$557.50; balance due L. Dalton, \$20; balance due J. P. Leedom, \$188; being a total of \$158,271.04. We also find that there is on hand enough to pay this indebtedness except the sum of \$70,708.96, being the balance of liabilities, or a less sum than was taken by Silcott.

Now, the question arises in my mind and the only question is whether or not Mr. Leedom was Sergeant-at-Arms of the House of Representatives and as such a disbursing officer of the Government. I wish to say in the outset of my remarks that I concede, what the gentleman from Indiana [Mr. HOLMAN] has alleged, that there is no express statute declaring him a disbursing officer. But I maintain, sir, that there is a custom existing from the beginning of the Government down to the present time, that there were rules of the House providing for the disbursing of the pay and mileage of members, and that there has been by legislation of Congress a recognition of this custom that has constructively made him a disbursing officer as much as if he had been expressly so declared by statute. In the report of the chairman of the committee attention is called to several statutes which I will briefly bring to your attention.

Section 40 in the Revised Statutes provides:

The Sergeant-at-Arms of the House shall deduct from the monthly payments of each Member or Delegate the amount of his salary for each day that he has been absent.

Here is a statute requiring the Sergeant-at-Arms to deduct from the monthly pay of each member the money, or a portion of the money, that is in his hands. The law-making power conceived that it was in

his hands, and rightly provides that under certain circumstances he may withhold certain portions of it from the members.

Again, sir, section 45 of the statutes provides:

The compensation of Representatives and Delegates, as provided in section 35, shall be in lieu of all pay and allowances except actual individual traveling expenses from their homes to the seat of Government and return by the most direct route of usual travel, once for each session of the House to which such Representative or Delegate belongs, to be certified under his hand to the disbursing officer and filed as a voucher.

I ask members of the House, and the gentleman from Indiana particularly, to whom has the practice been to certify except to the Sergeant-at-Arms? That has been so ever since I have been here, from the Forty-third Congress down. He is the person recognized by this statute. Again, sir, by the annual appropriation bills there has been provision made by law for paying the Sergeant-at-Arms and his deputy, for paying the cashier, paying his book-keeper, paying the paying teller, paying for his safe, paying for his books of accounts out of the public Treasury. For what purpose was this done? Does this mean anything? Did it mean anything when the law was enacted or when the duties of the Sergeant-at-Arms and the duties of the employés of his office were prescribed in your rules?

Again, by section 53, it is provided:

There shall be employed in the House of Representatives "one clerk and one paying teller and one messenger to the Sergeant-at-Arms."

Again, sir, by an act passed in 1882, it is provided that wherever the salaries of members of the House could not be paid to them—and I invite the attention of the House to the language—

by the disbursing officer of these bodies—

the disbursing officer of the House and Senate—provision was made that it might be paid under certain conditions by the Treasurer of the United States. And yet my friend from Indiana, although here is the express recognition that he is a disbursing officer of the Treasury of the United States, tells us that from 1853 on he has regarded the Treasurer of the United States as the disbursing officer of the House. Why, Mr. Speaker, to my mind it is perfectly clear—

Mr. HOLMAN. Will you yield for a moment?

Mr. BLOUNT. Presently. I say it is perfectly clear that no other persons were contemplated except officers of the Senate and House who paid the members. Now I will yield to the gentleman.

Mr. HOLMAN. I only wish to call your attention to the fact as to this clause of the law to which you refer, that on account of the disability of the Secretary of the Senate—

Mr. BLOUNT. I know what my friend was going to say: that the Secretary of the Senate was sick. I am construing a statute of the United States, which recognized in terms the disbursing officer of this House as the Sergeant-at-Arms, and it excluded by implication the idea of my friend that the Treasurer of the United States was the disbursing officer.

Mr. HOLMAN. My friend does not catch the point. It is this: that in view of the sickness of the Secretary of the Senate such a provision was rendered necessary as to the Senate. That was the question in that act. The House had nothing to do with it. It did not create a disbursing officer of the House.

Mr. BLOUNT. Mr. Speaker, I do not know of any rule of law, in construing statutes, which permits an inquiry into the condition of the health of the Secretary of the Senate so as to dispense with the language of an act of Congress made by both Houses. It was passed in 1882; and by the bye, Mr. Speaker, allow me to say just here, for weight has been given to it, that prior to this act of 1882 there occurred in this House action with reference to the relation of the Sergeant-at-Arms, in which General Garfield expressed the opinion as to the character of this officer, and that if he should abscond with the salary of members the loss would fall on them.

I say that opinion came out casually, and was based upon a note signed by an officer in the Treasury, addressed to him. It was a mere off-hand opinion, thrown out, and the House of Representatives never acted on it. And then my friend tells us, with a great deal of persuasive power, that a gentleman from Massachusetts (Mr. Robinson), a very excellent and able gentleman, asked unanimous consent to, and the House did, pass a bill making the Sergeant-at-Arms a disbursing officer. Why, we would have no objection to its being passed now, nor would any one at any time. There was no debate to develop the relations of this officer to the House. There is no significance, therefore, in that.

Now, Mr. Speaker, I wish to call attention to a matter which occurred in 1832, in a brief way. The House has already had its attention called to it. I will repeat it. On June 7, 1832, the Speaker made the following communication, namely:

In giving the information asked for from the Chair, as to the manner in which the members draw their pay for attendance and mileage, the Speaker informs the House that, as its presiding officer, he has, during the present session, made four requisitions upon the Treasury Department for the following sums and under the following dates, namely: December 8, 1831, \$50,000; January 12, 1832, \$100,000; March 20, 1832, \$100,000; May 16, 1832, \$100,000.

In these requisitions the Secretary of the Treasury was requested to order a warrant to be issued from the Treasury in favor of the cashier of the Branch Bank of the United States in Washington for the sums required to pay the members of the House of Representatives for mileage and attendance at the present session of Congress.

When members wish to draw for the whole amount or any part of the amount of pay due them (and they can not draw in advance), they apply to the Sergeant-at-Arms (whose duty it is to keep the books and accounts and prepare checks), who fills up a check for such amount, not exceeding the sum then due to the member, which the Speaker signs, and the money is then drawn from the bank (under authority of the requisition upon the Treasury Department) by the Sergeant-at-Arms, and paid to the individual members.

The bank advances no money to pay the members for their attendance or mileage until the Speaker issues his requisition upon the Treasury for that purpose.

This has been the course heretofore pursued (as the Chair is informed) with the banks in which the Government deposits were made before the establishment of the present Bank of the United States in 1817, and with the bank since that period.

Mr. Letcher moved the following:

Resolved, That the statement now made by the Speaker as to the manner in which the members of this House draw their compensation for attendance and mileage be entered upon the Journals, printed, and appended to statement No. 2 of the minority bank report.

Adopted.

Now, then, comes a letter of Mr. Dunn, the Sergeant-at-Arms, resigning, which I will not read.

The letter being read, it was, on motion of Mr. Richard M. Johnson, *Resolved*, That the Committee of Accounts be instructed to examine the accounts of J. O. Dunn and ascertain how much of the daily compensation and mileage of the members has been drawn by him and not paid over to the members and what disposition has been made by him of the same, and that they be paid out of the contingent fund to the amount drawn by said Dunn and not paid over by him.

A motion was made by Mr. Gordon that the House do reconsider the vote of this day by which the resolution moved by Mr. Richard M. Johnson in relation to the accounts of J. O. Dunn, late Sergeant-at-Arms, was agreed to; when a motion was made by Mr. Vinton that the said motion do lie on the table. Lost.

And then, by consent of the House, the said resolution was modified to read as follows:

Resolved, That the Committee of Accounts be instructed to examine the accounts of J. O. Dunn and ascertain how much of the daily compensation and mileage of the members has been drawn by him and not paid over to the members and what disposition has been made by him of the same; and to inquire into the expediency of providing by law, or otherwise, for the payment to the several members of this House on whose accounts the said Dunn shall have received sums of money as aforesaid the sums of money so received and not paid over.

Passed.

June 28, 1832.—Mr. Richard M. Johnson moved the following resolution:

Resolved, That the Committee on Accounts be instructed to order to be paid out of the contingent fund of this House to the Members and Delegates thereof the amount of their per diem allowance and mileage which John O. Dunn, late Sergeant-at-Arms, received on checks drawn in their behalf, and which he has failed to pay over to them upon certificate of the Member or Delegate.

Passed.

July 14, 1832.—Committee on Accounts made a report in relation to an account of John Oswald Dunn, late Sergeant-at-Arms, for arresting and keeping in custody Samuel Houston and summoning witnesses; which report was read; and it was

Resolved, That no payment be made to John O. Dunn by any officer of this House on account of the United States until the moneys paid to members on his account be refunded; but all accounts which would be otherwise due him shall be passed to his credit.

Now, sir, this subject of the relation of the Sergeant-at-Arms to the House was up in 1838 on the report of the Committee on Accounts. They made a full examination of this very question, going over the defalcation of 1832. They made no recommendation of any change except that the Sergeant-at-Arms, who was the disbursing officer of the House, should be required to give bond and file it in the office of the Comptroller of the Treasury. There has been no bond before, and this provision was inserted in the rules, and from that hour until this successive Houses of Congress have continued it, and that bond has been filed from that hour to this, and the statutes of the United States have been so framed as by implication to make this person a disbursing officer.

My friend from Indiana [Mr. HOLMAN] has laid great stress upon the fact that we are not able to find an express statute declaring that the Sergeant-at-Arms is a disbursing officer. Why, sir, there has never been any express statute providing that the Speaker of the House of Representatives is a disbursing officer, yet he was recognized and proclaimed by Mr. Pierce as at the head of the list of disbursing officers in this country. In various ways the Sergeant-at-Arms has been treated as a disbursing officer. Why, sir, the very payment to him of this money before it was due must have gone upon the theory that he was a disbursing officer. Otherwise they had no right to pay it at all.

Now, I wish to ask the attention of the House very briefly to a decision of the Supreme Court in 12 Wheaton, in the case of the Postmaster-General of the United States against Early and others. That was a suit brought on the bond of a postmaster. There was a plea filed to the jurisdiction of the court, which was argued by Mr. Berrien, of Savannah, Ga., once Attorney-General, and Mr. Webster, of Massachusetts. The opinion in the case was delivered by Chief-Justice Marshall. I will not weary the House by reading all the facts of the case or all the points of counsel, but will read from the opinion only enough to illustrate the question now at issue. I read:

The jurisdiction of the district courts, then, over suits brought by the Postmaster-General for debts and balances due the General Post-Office is unquestionable. Has the circuit court jurisdiction? The language of the act is that the district court shall have cognizance concurrent with the courts and magistrates of the several States and the circuit courts of the United States of all suits, etc. What is the meaning and purport of the words "concurrent with" the circuit courts of the United States? Are they entirely senseless? Are they to be excluded from the clause in which the Legislature has inserted them or are they to be taken into view and allowed the effect of which they are capable?

The words are certainly not senseless. They have a plain and obvious meaning. And it is, we think, a rule that words that have a meaning are not to be entirely disregarded in construing a statute. We can not understand this clause if these words were excluded from it. They perhaps manifest the opinion of the

Legislature that the jurisdiction was in the circuit court; but ought, we think, to be construed to give it if it did not previously exist. Any other construction would destroy the effect of those words. The district court can not take cognizance concurrent with the circuit courts unless the circuit courts can take cognizance of the same suits. For one body to do a thing concurrently with another is to act in conjunction with that other; it is equivalent to saying the one may act together with the other. The phrase may imply that power was previously given to that other, but if in fact it had not been given the words are capable of imparting it. If they are susceptible of this construction they ought to receive it, because they will otherwise be totally inoperative or will contradict the other parts of the sentence, which show plainly the intention that the district court shall have cognizance of the subject and shall take it to the same extent with the circuit courts.

It has been said, and perhaps truly, that this section was not framed with the intention of vesting jurisdiction in the circuit courts. The title of the act and the language of the sentence are supposed to concur in sustaining this proposition. The title speaks only of State and district courts, but it is well settled that the title can not restrain the enacting clause. It is true that the language of the section indicates the opinion that jurisdiction existed in the circuit courts, rather than an intention to give it; and a mistaken opinion of the Legislature concerning the law does not make law; but if this mistake is manifested in words competent to make the law in future we know of no principle which can deny them this effect.

The Legislature may pass a declaratory act which, though inoperative on the past, may act in the future. This law expresses the sense of the Legislature on the existing law as plainly as a declaratory act and expresses it in terms capable of conferring jurisdiction. We think, therefore, that in a case plainly within the judicial power of the Federal courts as prescribed in the Constitution and plainly within the general policy of the Legislature, the words ought to receive this construction.

Now, sir, here is jurisdiction conferred on the circuit courts of the United States by no express statute, but by construction, by implication, and so, sir, in relation to the Sergeant-at-Arms.

Here is a recognition of him as a disbursing officer by requiring him to hold funds, by providing him with a cashier and a teller and a book-keeper, by requiring the members of this House to certify to him their mileage accounts before they can obtain their mileage. All these duties are based upon the assumption that the House has a right to make its own rules in reference to its officers, and so far as these rules relate to the other branches of the Government they accept them.

Now, Mr. Speaker, I think that this decision of the Supreme Court, taken in connection with the various statutes I have cited, must make it clear to any man, clear to the practical business man, clear to the technical lawyer, clear to anybody, that from the beginning of the Government down to the present time there has been recognized in the Sergeant-at-Arms a disbursing officer, and this is verified by the whole conduct of affairs in connection with that officer.

My friend from Indiana [Mr. HOLMAN] has laid stress on the fact that sometimes members of Congress could go to the Treasury and draw their pay. He has named one member who had his pay withheld. On the other hand, Mr. PAYSON has stated that the Treasurer refused to pay him. I submit that these isolated facts have nothing to do with the construction of these statutes. When we find this officer discharging these duties almost from the beginning of the Government down, when we find his duties prescribed by the rules, when we find acts of Congress providing the machinery for executing the rules of the House for the payment of the salaries and mileage of members, I do not think we need go any further in this inquiry. As my distinguished friend from Iowa [Mr. REED] suggests, even if the view which I have taken of the law should be incorrect, the history of the office of the Sergeant-at-Arms during the period of fifty or sixty years has been calculated to mislead members of the House, to throw them off their guard, and to exempt them from the operation of the rule which might have operated in mere private transactions; and therefore it would be harsh and inequitable to refuse them their compensation under these circumstances.

Mr. Speaker, it does not occur to me that there is much left to be said on this subject. We have found that the money stolen was alone the money of members—nothing else; but for this particular money, the amount of which can be readily ascertained, there would not have been any difficulty at all. Hence there is no confusion in this matter. The majority of the committee concur in the view I have expressed, believing that the deposits left there after Silcott had gone should be turned over to the members; that it would be wrong to involve them in a lawsuit over such a matter—to send them to the Court of Claims in relation to it. Then again, the books of the Sergeant-at-Arms disclose the amount of money paid to each individual member on account of his salary. After deducting the amount in the office of the Sergeant-at-Arms and at the bank there was still a deficit, and we have provided for the payment of the deficit in the salaries of members. We believed it was our duty to do this, and we have so reported to the House.

Mr. BUTTERWORTH. Will my friend indulge me a moment?

Mr. BLOUNT. Certainly.

Mr. BUTTERWORTH. There is no difficulty then, I understand, in ascertaining the exact amount due to each member on salary and mileage?

Mr. BLOUNT. None on the face of the earth, except such as may arise in the Treasury Department or anywhere else where books are kept. The committee have had no reason to think that these books were improperly kept. They are all that is left for us to act on, at any rate. This is the best that we can do.

Mr. BUTTERWORTH. There is no mileage involved in this question.

Mr. BLOUNT. There is no mileage involved in it at all. These vouchers are for \$416 each; and the money was taken. There is where all the trouble came from.

I can not see any reason, in this view of the matter, why we should send it to the Court of Claims. Certainly you should not disturb these depositors when you know their money is in the safe. The only question is about your own salary. If you come to the determination that he is a disbursing officer, as your predecessors did in 1832, and as you are justified in doing by the decisions of the courts relating to enactments by implication, there can be no difficulty except on the line of apprehension that some one may think, as the duty was a delicate one, we had better leave it to other persons to determine the question.

Mr. Speaker, I have to say, first, that it was never the intention of our fathers to put any question before any other body as to the compensation of members of the House. It involves their very independence, and I believe it to be their duty, on all occasions, to preserve that principle. It is larger than the mere one that you may err by reason of personal interest.

The dignity and the power of this House might be involved in a departure from the rule. Such is the regard for law, such is the regard for this high body and the Congress of the United States that those who are behind us would not suspect us of a dishonest purpose in a matter of this sort. I would gladly, I confess, taking a mere personal view of it, have thrown my own salary to the wind; but when I found myself charged with the duty of endeavoring to get at the truth, both as to fact and law, by order of the House, not as to my own individual rights, but as to those of my associates on this floor, then there came to me the thought that any action on my part suggested by fear, and from which there would come wrong to the rights of my fellow-members, would be unworthy of me, and no such motive should restrain me from declaring to the House and to the country my own conclusion as to the rights of my associates.

I am willing to take the responsibility of it here and elsewhere. I have no language of defiance of the honorable people who have awarded me a seat here. They are intelligent and courageous. They are a people accustomed to think and act for themselves, a people whose guiding star is conscience, as is that of each member of this House.

I recognize, too, sir, they differ in opinion amongst themselves. I recognize that I have differed from them on various questions, nor have I discovered in the differences amongst themselves or between me and them that there was any but an honest purpose to do the right thing, to reach the truth and be willing to stand by it. I have never been questioned for differences of opinion with them, because they believed I did what I believed was right.

Now, Mr. Speaker, I have already said what I desire in reference to the bill of my honorable friend from South Carolina [Mr. HEMPHILL]. I have been unable to agree with the bill of my friend from Indiana [Mr. HOLMAN]. It seems to me the way I have traveled to reach a conclusion to guide myself is simple and satisfactory. If so, if the House agrees with me, I hope that we shall unhesitatingly dispose of the matter as suggested in the bill of the committee; that we shall not prolong this matter in the courts, litigating amongst ourselves and with the Metropolitan National Bank about questions which we can easily determine ourselves and maintain our self-respect and the respect of every honorable man. [Applause.]

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted, as follows:

To Mr. SIMONDS, for one day, on account of illness.

To Mr. PAYSON, for one day, on account of illness.

To Mr. STRUBLE, indefinitely, on account of sickness.

And then, on motion of Mr. ADAMS (at 5 o'clock p. m.), the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

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

By Mr. ATKINSON: A bill (H. R. 4979) granting a pension to Isaac Wise—to the Committee on Invalid Pensions.

Also, a bill (H. R. 4980) granting an increase of pension to Margaret A. Blake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 4981) granting an honorable discharge to John Cunningham—to the Committee on Military Affairs.

Also, a bill (H. R. 4982) for the relief of William Kline—to the Committee on Military Affairs.

By Mr. BAKER (by request): A bill (H. R. 4983) for the relief of B. J. Van Vleck—to the Committee on Claims.

By Mr. BELDEN: A bill (H. R. 4984) granting a pension to Thomas Kelly—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 4985) granting an increase of pension to Mrs. F. Selina Buchanan—to the Committee on Invalid Pensions.

By Mr. BROWER: A bill (H. R. 4986) granting a pension to William A. Moore—to the Committee on Pensions.

By Mr. CARUTH: A bill (H. R. 4987) granting increase of pension to William Thompson—to the Committee on Pensions.

Also, a bill (H. R. 4988) granting a pension to William H. Richardson—to the Committee on Invalid Pensions.

By Mr. COGSWELL: A bill (H. R. 4989) to remove the charge of desertion against Oscar Crane—to the Committee on Military Affairs.

By Mr. COMPTON: A bill (H. R. 4990) for the relief of Lee Bra-shers—to the Committee on Ways and Means.

Also, a bill (H. R. 4991) for the relief of the heirs and legal representatives of Gerard Wood, deceased—to the Committee on Military Affairs.

By Mr. CATE: A bill (H. R. 4992) for the relief of John P. Moore—to the Committee on War Claims.

By Mr. DARLINGTON: A bill (H. R. 4993) granting an increase of pension to Rebecca E. Simon—to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 4994) for the relief of George Ramsey—to the Committee on War Claims.

By Mr. FINLEY: A bill (H. R. 4995) granting a pension to John Curry—to the Committee on Pensions.

Also, a bill (H. R. 4996) granting a pension to Mike Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 4997) granting a pension to J. Wilt—to the Committee on Invalid Pensions.

By Mr. FITHIAN: A bill (H. R. 4998) granting a pension to Sarah E. Stewart—to the Committee on Invalid Pensions.

By Mr. GEAR: A bill (H. R. 4999) for the relief of the legal representatives of P. S. Schuyler, deceased—to the Committee on Invalid Pensions.

By Mr. GEST: A bill (H. R. 5000) for the relief of Carl Branstrom—to the Committee on Military Affairs.

By Mr. HARE: A bill (H. R. 5001) for the relief of J. H. Choice—to the Committee on War Claims.

By Mr. HARMER (by request): A bill (H. R. 5002) for the relief of Martin H. N. Kendig—to the Committee on Claims.

Also, a bill (H. R. 5003) granting a pension to Edward R. Young—to the Committee on Invalid Pensions.

By Mr. HATCH: A bill (H. R. 5004) granting a pension to Israel D. Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 5005) for the construction of a safe deep-water harbor on the coast of Texas—to the Committee on Rivers and Harbors.

By Mr. HAYES: A bill (H. R. 5006) granting a pension to Daniel Shrawder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 5007) for the relief of the legal representatives of P. H. Stibolt, deceased—to the Committee on Claims.

By Mr. JACKSON: A bill (H. R. 5008) for the relief of Samuel J. Brooks—to the Committee on War Claims.

Also, a bill (H. R. 5009) granting a pension to William H. Jordan—to the Committee on Invalid Pensions.

By Mr. KNAPP (by request): A bill (H. R. 5010) granting a pension to Mary Taffe—to the Committee on Invalid Pensions.

By Mr. LANHAM (by request): A bill (H. R. 5011) for the relief of R. C. Oglesby—to the Committee on War Claims.

By Mr. LEE: A bill (H. R. 5012) for the relief of R. D. Beckley and Leon Howard—to the Committee on Claims.

By Mr. McCLELLAN: A bill (H. R. 5013) amending the record of James Wilkinson—to the Committee on Military Affairs.

By Mr. MCCOMAS: A bill (H. R. 5014) for the relief of Ernest Barth—to the Committee on Invalid Pensions.

By Mr. MCCREARY: A bill (H. R. 5015) for the relief of George H. McKinney—to the Committee on War Claims.

Also, a bill (H. R. 5016) for the relief of Smith R. Mershon—to the Committee on Claims.

Also, a bill (H. R. 5017) for the relief of W. L. Waddy—to the Committee on War Claims.

Also, a bill (H. R. 5018) for the relief of W. G. Anderson—to the Committee on War Claims.

Also, a bill (H. R. 5019) for the relief of J. H. McBrayer—to the Committee on War Claims.

Also, a bill (H. R. 5020) for the relief of W. N. Potts—to the Committee on War Claims.

Also, a bill (H. R. 5021) for the relief of George W. Meriwether—to the Committee on War Claims.

Also, a bill (H. R. 5022) for the relief of John Engleman's administrator—to the Committee on War Claims.

Also, a bill (H. R. 5023) for the relief of John Burnside—to the Committee on War Claims.

Also, a bill (H. R. 5024) for the relief of H. L. Carpenter's administrator—to the Committee on War Claims.

Also, a bill (H. R. 5025) for the relief of Henry P. Bottom—to the Committee on War Claims.

Also, a bill (H. R. 5026) granting a pension to Peterson Gibbs—to the Committee on Pensions.

Also, a bill (H. R. 5027) granting a pension to James Singleton—to the Committee on Pensions.

Also, a bill (H. R. 5028) granting a pension to Jacob L. Tussey—to the Committee on Invalid Pensions.

By Mr. MOFFITT: A bill (H. R. 5029) to remove the charge of desertion against Ephraim Beva—to the Committee on Military Affairs.

Also, a bill (H. R. 5030) granting a pension to Henrietta L. Arlin—to the Committee on Invalid Pensions.

By Mr. MORRILL: A bill (H. R. 5031) granting a pension to George W. White—to the Committee on Pensions.

By Mr. PHELAN: A bill (H. R. 5032) for the relief of James H. Smith—to the Committee on Claims.

Also, a bill (H. R. 5033) for the relief of C. B. Bryan & Co.—to the Committee on Claims.

Also, a bill (H. R. 5034) for the relief of Samuel Tate—to the Committee on War Claims.

Also, a bill (H. R. 5035) for the relief of J. W. Jefferson—to the Committee on War Claims.

Also, a bill (H. R. 5036) for the relief of the children of Charles Richmond, etc.—to the Committee on War Claims.

By Mr. RANDALL, of Massachusetts: A bill (H. R. 5037) for the relief of Capt. Francis A. Beuter—to the Committee on War Claims.

By Mr. RUSK: A bill (H. R. 5038) for the relief of North German Lloyd Steam-ship Company—to the Committee on Claims.

Also, a bill (H. R. 5039) granting a pension to Mrs. N. H. Lambdin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 5040) for the relief of Fink, Brother & Co.—to the Committee on Ways and Means.

By Mr. STONE, of Kentucky: A bill (H. R. 5041) for the relief of the estate of P. W. Austin, deceased—to the Committee on War Claims.

Also, a bill (H. R. 5042) for the relief of Steven Williams—to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 5043) granting a pension to Mark O'Neill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 5044) granting a pension to Simon W. Ratcliff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 5045) granting a pension to Catherine Ward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 5046) granting a pension to Elizabeth Wilkison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 5047) granting a pension to Sarah Perkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 5048) granting a pension to Dorcas Gibson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 5049) granting a pension to George Wisecup—to the Committee on Invalid Pensions.

Also, a bill (H. R. 5050) granting a pension to Dolly Blazer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 5051) granting a pension to Samuel Pfeifer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 5052) granting a pension to Marinda W. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 5053) granting a pension to Rachel Washburn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 5054) granting a pension to Squire Walter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 5055) granting a pension to Frilley Day—to the Committee on Invalid Pensions.

Also, a bill (H. R. 5056) granting a pension to Isaac McMullen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 5057) granting a pension to Andrew Hood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 5058) granting a pension to William McNally—to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 5059) for the relief of Esther P. Hutchinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 5060) for the relief of William Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 5061) for the relief of Kate A. Hill—to the Committee on Military Affairs.

Also, a bill (H. R. 5062) for the relief of Margaret Constable—to the Committee on Pensions.

Also, a bill (H. R. 5063) for the relief of Charles W. Lambert—to the Committee on Military Affairs.

By Mr. BLANCHARD (by request): A bill (H. R. 5064) for the relief of the heirs of James B. Sullivan—to the Committee on War Claims.

By Mr. YODER: A bill (H. R. 5065) for the relief of John R. Brown—to the Committee on Military Affairs.

Also, a bill (H. R. 5066) granting a pension to Mrs. Margaret E. Dunlap—to the Committee on Invalid Pensions.

By Mr. FITHIAN: A bill (H. R. 5067) for the relief of Archibald Hunley—to the Committee on Military Affairs.

By Mr. THOMPSON: A bill (H. R. 5068) for the relief of Milton Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 5069) for the relief of Madison Wall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 5070) for the relief of Henry A. Shadel—to the Committee on War Claims.

Also, a bill (H. R. 5071) for the relief of John Kouns—to the Committee on War Claims.

Also, a bill (H. R. 5072) for the relief of W. T. Scoville—to the Committee on War Claims.

Also, a bill (H. R. 5073) for the relief of Thornton Lucas—to the Committee on Invalid Pensions.

By Mr. TOWNSEND, of Pennsylvania (by request): A bill (H. R. 5074) granting a pension to George H. Rider—to the Committee on Invalid Pensions.

By Mr. TURNER, of New York: A bill (H. R. 5075) to remove the charge of desertion against Kasimer Seiler—to the Committee on Military Affairs.

By Mr. VENABLE (by request): A bill (H. R. 5076) for the relief of William A. Dudley—to the Committee on Claims.

By Mr. WHEELER, of Michigan: A bill (H. R. 5077) to remove charge of desertion against James Wilson—to the Committee on Military Affairs.

Also, a bill (H. R. 5078) granting a pension to Mrs. Janet L. P. Taylor—to the Committee on Invalid Pensions.

By Mr. WILLIAMS, of Illinois: A bill (H. R. 5079) for the relief of Eliza Pyle—to the Committee on Invalid Pensions.

By Mr. WILLIAMS, of Ohio (by request): A bill (H. R. 5080) for the relief of Wilson G. Bryant—to the Committee on War Claims.

By Mr. WRIGHT: A bill (H. R. 5081) to pension Helen A. Moore and others—to the Committee on Invalid Pensions.

Also, a bill (H. R. 5082) to pension Polly Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 5083) to pension Emily G. Mills—to the Committee on Invalid Pensions.

Also, a bill (H. R. 5084) to pension Wooster Manderville—to the Committee on Invalid Pensions.

Also, a bill (H. R. 5085) to pension James Sturdevant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 5086) to pension Wilde E. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 5087) for the relief of E. C. Drake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 5088) for the relief of Abel L. Gorsline—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. BAKER: Petition of George H. Thomas Post, Grand Army of the Republic, of Rochester, N. Y., in favor of per diem pension—to the Committee on Invalid Pensions.

By Mr. BERGEN: Petition of citizens of Williamstown, N. J., that the next census show percentage of houses and farms mortgaged—to the Select Committee on the Eleventh Census.

By Mr. BINGHAM: Petitions of H. H. Bellas, first lieutenant United States Army (retired) and General Louis Merrill (retired), in support of the provisions of House bill 3911—to the Committee on Military Affairs.

Also, petition and papers in the case of Capt. John P. Story, United States Army, to accompany H. R. 3963—to the Committee on Military Affairs.

Also, petition of Capt. Robert McClermont, for relief, to accompany H. R. 3965—to the Committee on Military Affairs.

Also, memorial of the Pennsylvania Baptist Association, relative to army chaplains—to the Committee on Military Affairs.

Also, petition of Lieut. Robert Potts, for removal of charge of dishonorable dismissal—to the Committee on Military Affairs.

By Mr. BUCHANAN, of New Jersey: Memorial of Grand Army of the Republic, Department of New York, for further legislation with reference to laws authorizing the appointment of ex-soldiers—to the Committee on the Judiciary.

Also, memorial of Labor Assembly 5578, Knights of Labor, for collection of statistics relative to farm mortgages—to the Select Committee on the Eleventh Census.

By Mr. BUTTERWORTH: Letter of Henry Probasco, of Cincinnati, relative to purchase of land for soldiers' grave-yard—to the Committee on Military Affairs.

Also, affidavit in support of bill for relief of Col. W. W. Bradley—to the Committee on Invalid Pensions.

By Mr. CANNON: Petition of R. H. Thompson and others, of Georgetown, Ill., for further pension legislation—to the Committee on Invalid Pensions.

By Mr. CARUTH: Petition of Elisha W. Warfield, that his claim be referred to Court of Claims—to the Committee on War Claims.

Also, petition of William Thompson, a soldier of the Mexican war, for increase of pension—to the Committee on Pensions.

By Mr. CHEADLE: Petition of James Anderson and 45 others, members of Bryant Post, No. 62, Grand Army of the Republic, for service-pension law—to the Committee on Invalid Pensions.

By Mr. CHIPMAN: Petition of National Stove Association, for passage of general bankrupt law—to the Committee on the Judiciary.

Also, petition of Joseph Elderkin, for pension—to the Committee on Invalid Pensions.

By Mr. CONGER: Papers in the claim of Andrew Penland, to accompany H. R. 4759—to the Committee on Invalid Pensions.

By Mr. CULBERSON, of Texas: Petitions of Sanger Bros. and 300 others, citizens of Dallas, and C. C. Carr and 100 others, citizens of Titus County, for the improvement of the water-way between Jefferson, Tex., and Shreveport, La.—to the Committee on Rivers and Harbors.

By Mr. DORSEY: Petition of citizens of Nebraska, relative to duty on hemp, jute, etc.—to the Committee on Ways and Means.

By Mr. HANSBROUGH: Petition of ex-soldiers and residents of North Dakota, for pension legislation—to the Committee on Invalid Pensions.

By Mr. HITT: Petition of Robert Marks and 27 ex-soldiers, members of Post 353, Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. KELLEY: Petitions of 53 ex-soldiers and citizens of Wilsey, Morris County; 43 ex-soldiers and citizens of White City, Kans.; 60 ex-soldiers and citizens of Marion, Kans., asking the passage of service-pension bill—to the Committee on Invalid Pensions.

By Mr. LEE: Petition of Elizabeth Hutchinson, widow of John Hutchinson, that claim be referred to Court of Claims—to the Committee on War Claims.

By Mr. MCCLELLAN: Petition of James Wilkinson, asking for correction of his military record—to the Committee on Military Affairs.

By Mr. MCCREARY: Petitions of A. C. Robinson, executor of Jacob Robinson; David W. Williams, Larkin H. Penny, Malissa W. Hawkins, William A. Dounton, and A. K. Brent, that their claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. MOREY: Petition of F. L. Kahn & Bros., for a uniform bankrupt law—to the Committee on the Judiciary.

By Mr. PERKINS: Papers in support of the claim of James B. Ozburn—to the Committee on Indian Affairs.

By Mr. PETERS: Two petitions of ex-soldiers, citizens of Barton County, Kansas, for service-pension law—to the Committee on Invalid Pensions.

Also, memorial of Antietam Post, Grand Army of the Republic, Parsons, Kans., asking a donation of Fort Hays reservation for soldiers' home—to the Committee on Military Affairs.

By Mr. PHELAN: Petitions of William Linton, J. H. Lewis, administrator of Foster H. Bergstresser, Washington East, Abner East, S. E. McGhee, administrator of Edmond McGhee, and Mrs. W. F. Privett, for estate of Mrs. E. T. Harvey, that their claims be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of heirs of Charles Richmond, for relief—to the Committee on War Claims.

Also, papers in case of C. B. Bryan & Co.—to the Committee on War Claims.

By Mr. ROGERS: Petition of Narcissa Hern, that her claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. SAYERS: Memorial of city council of San Antonio, Tex., in favor of the world's fair at St. Louis—to the Committee on Foreign Affairs.

Also, memorial of Voca Alliance, McCulloch County, Texas, relative to statistics of farm mortgages, etc.—to the Select Committee on the Eleventh Census.

Also, memorial of the Board of Trade of San Antonio, Tex., favoring improvement of a harbor at Aransas Pass, Texas—to the Committee on Rivers and Harbors.

By Mr. STOCKDALE: Petition of Calvin Walker, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. STONE, of Kentucky: Petitions of James Bishop, T. M. Butler, D. A. Butler, Matilda Cook, Granville F. Clements, Joel H. Curd, John W. Chappell, J. C. Glenn, B. J. Grubbs, W. L. Hobby, Henry M. McElroy, and Robert A. Mansfield, that their claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WHEELER, of Alabama: Petition of A. H. Fosshee, that his claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WILLIAMS, of Illinois: Petition of 150 citizens of Grayville and vicinity, for the improvement of the Wabash River—to the Committee on Rivers and Harbors.

By Mr. YODER: Petitions of Philip Stangler and others, of Carthage, and James Claren and other soldiers, for speedy action in pension legislation—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, January 15, 1890.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.
The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Acting Secretary of the Treasury, transmitting, in response to a resolution of December 19, 1889, a report of the Third Auditor relative to the Indian war claims of the State of California; which, on motion of Mr. STANFORD, was, with the accompanying papers, referred to the Committee on Military Affairs, and ordered to be printed.

The VICE-PRESIDENT also laid before the Senate a communication from the Acting Secretary of the Treasury, transmitting, in response to a resolution of the 13th instant, the report of William P. Hepburn, Solicitor of the Treasury, concerning the method of administering at the port of New York the laws of the United States regulating immigration; which, with the accompanying papers, was referred to the Committee on Immigration, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, acknowledging the receipt of a resolution of December 21, 1889, in regard to the withholding of patents for lands within the limits of the grant to the Union Pacific Railroad Company, and stating that the information called for by the resolution will be transmitted as soon as an investigation of the subject now in progress can be concluded; which was referred to the Committee on Public Lands, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of December 17, 1889, certain reports in regard to the settlement of Oklahoma, etc.; which, on motion of Mr. BERRY, was, with the accompanying papers, referred to the Committee on Public Lands, and ordered to be printed.

BRIGHTWOOD RAILWAY COMPANY.

The VICE-PRESIDENT presented a letter from the Brightwood Railway Company of the District of Columbia, containing, in accordance with the terms of the charter, a report of the operations of the company to January 1, 1890; which was referred to the Committee on the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. WOLCOTT presented a petition of the Chamber of Commerce and Board of Trade of Denver, Colo., praying for the location of the proposed world's fair of 1892 at Chicago, Ill.; which was referred to the Select Committee on the Quadro-Centennial.

Mr. TELLER presented a petition of the Chamber of Commerce and Board of Trade of Denver, Colo., praying for the removal of the Ute Indians from the State of Colorado; which was referred to the Committee on Indian Affairs.

Mr. INGALLS presented a petition of Pressman's Union, No. 35, of Topeka, Kans., praying for the passage of Senate bill No. 232, in relation to copyrights; which was referred to the Committee on Patents.

Mr. DAVIS presented a petition of citizens of Minnesota, praying that materials for ship-building be admitted free of duty; which was referred to the Committee on Finance.

He also presented a petition of the German Alliance of Waltham, Minn., praying for the passage of laws forbidding sales for future deliveries, etc.; which was referred to the Committee on Agriculture and Forestry.

Mr. McMILLAN presented the petition of B. F. Taylor, Fred. Hinze, N. C. Burney, and 88 others, citizens of Michigan, praying for legislation to prevent the sale of options on farm produce; which was referred to the Committee on Agriculture and Forestry.

Mr. CAMERON presented a petition of the York (Pa.) Typographical Union, No. 225, praying for the passage of an international copyright law; which was referred to the Committee on Patents.

Mr. VANCE. I present a memorial of the Society of Friends of North Carolina, remonstrating against any increase of the military and naval forces of the United States, accompanied with a request that it be permitted to be read, or at least to go into the RECORD.

The VICE-PRESIDENT. The memorial will be read, or printed in the RECORD, if there be no objection. The Chair hears none.

Mr. HARRIS. I inquire what is going to be printed in the RECORD.
The VICE-PRESIDENT. The indorsement on the memorial will be stated.

The CHIEF CLERK. "A memorial of the Society of Friends of North Carolina protesting against increasing the military and naval forces of the United States."

Mr. HARRIS. I do not think we ought to print documents of that sort in the RECORD, encumbering the RECORD with them. I object.

The VICE-PRESIDENT. The Senator from Tennessee objects to the printing of the memorial in the RECORD.

Mr. VANCE presented a petition of J. Marshal McCue, of Augusta County, Virginia, praying for the adoption of a plan for the proper celebration of the quadro-centennial of the discovery of America by Christopher Columbus; which was referred to the Select Committee on the Quadro-Centennial.

Mr. PLUMB. I present a memorial of the Vinland Farmers' Alliance of Douglas County, Kansas, calling attention to the low prices of farm products effected by reason of the wheat trust and other trusts and combines, whereby the prices of products which they raise are unduly depressed and the prices of products which they are required to purchase have been unduly enhanced, and praying Congress to pass such legislation as may relieve this condition of things.

I want to say in connection with this memorial that while, in my judgment, many of the causes of the depression in prices spoken of there are beyond the reach of legislation, some of them are, in my judgment, within the reach of legislation, and I believe that Congress can, by wise legislation, relieve many of these ills, and I hope the Finance Committee, to which I move that the memorial be referred, will take this question into careful consideration.

The VICE-PRESIDENT. The memorial will be referred to the Committee on Finance.

Mr. PLUMB presented a memorial of certain ex-soldiers of the Union Army residing in the State of Kansas, in favor of the passage of the pension legislation indorsed by the last two national encampments of