

SENATE.

TUESDAY, February 18, 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 Secretary of War, transmitting, in response to a resolution of the 13th instant, a letter from the Chief of Engineers, accompanied by a report of Lieut. Col. P. C. Hains, Corps of Engineers, relative to the improvement of the Shenandoah River; which, on motion of Mr. FAULKNER, was, with the accompanying papers, referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 13th instant, a report of Lieut. George M. Stoney, covering his explorations of Northern Alaska; which was read.

Mr. PLATT. Does the report contain maps?

The VICE-PRESIDENT. It contains maps.

Mr. PLATT. Had it not better be referred to the Committee on Printing without being printed?

The VICE-PRESIDENT. That order will be made.

Mr. PLATT. The report is transmitted to the Senate upon a call of the Senator from New Hampshire [Mr. CHANDLER], who was not in his seat when the matter came up. I see he has come into the Senate, and the communication can again be laid before the Senate.

The VICE-PRESIDENT. It will be stated.

The CHIEF CLERK. A letter from the Secretary of the Navy, transmitting, in response to a resolution of the 13th instant, the report of Lieut. George M. Stoney, covering his explorations of Northern Alaska.

Mr. CHANDLER. Let it be referred to the Committee on Printing.

Mr. SHERMAN. The printing of engravings ought always to be considered by the Committee on Printing.

Mr. CHANDLER. It is not thought advisable to make the order to print at this time.

Mr. SHERMAN. Very well.

The VICE-PRESIDENT. The communication, with the accompanying papers, will be referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a letter from H. V. Jackson, secretary of the Chamber of Commerce of Florence, Ariz., transmitting resolutions adopted by citizens of that place, remonstrating against the proposed establishment of a land court or commission to determine private land grants in Arizona and elsewhere; which, with the accompanying resolutions, was referred to the Committee on Private Land Claims.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of citizens of Illinois, praying for the free coinage of gold and silver; which was referred to the Committee on Finance.

He also presented resolutions of the Godfrey Weitzel Post, Grand Army of the Republic, of Chicago, Ill., praying for the passage of the service-pension bill; which were referred to the Committee on Pensions.

Mr. WILSON, of Iowa, presented resolutions adopted by the Platt Farmers' Alliance of Kent, Iowa, and a petition of 65 members of the Farmers' Alliance of Garrison, Benton County, Iowa, praying for the passage of an act to prohibit speculation in raw and manufactured farm produce; which were referred to the Committee on Agriculture and Forestry.

Mr. PADDOCK presented the petition of J. M. Bemis, of the Bemis Beef Company, of Boston, Chicago, Omaha, and St. Paul, representing that the long and short haul clause of the interstate-commerce law operates disastrously against the interests of the Western farmers, and praying for its repeal; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the National Woman's Christian Temperance Union of Nebraska, containing 856 individual signatures, praying for the passage of a national Sunday-rest law, against needless Sunday work in the Government's mail and military service, and in interstate commerce; which was referred to the Committee on Education and Labor.

Mr. SHERMAN. I present a petition of citizens of Ohio collected by the National Woman's Christian Temperance Union, praying for the passage of a national Sunday-rest law. I notice the printed indorsement on the back of the petition states that it contains 701 individual signatures. This is evidently not true; but I suppose the statement ought to be that it contains the signatures of clergymen or otherwise representing 701 individual persons. It seems to me that the person who made the indorsement ought not to state it in the way it is, for it is not true as stated.

I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. SHERMAN presented the petition of L. A. Bell and 80 others,

legal voters in the county of Tunica, Mississippi, praying for the passage of a national law securing a free ballot and an honest count in all elections of Representatives in Congress, and that in addition such laws may be passed by Congress as it may have power to enact for the enforcement of the fifteenth amendment of the Constitution; which was referred to the Committee on Privileges and Elections.

Mr. PLATT. I present a petition of citizens of Bridgeport, Conn., praying for the passage of a national Sunday-rest law. The statement which accompanies the petition is that the petition was indorsed by a vote of 138 to none at a meeting of the citizens of Bridgeport, and it is certified by the presiding officer of the meeting. I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. COLQUITT presented sundry petitions of citizens of Augusta and Atlanta, in the State of Georgia, and of the Southern Presbyterian Assembly and the Southern Baptist Convention, praying for the passage of a Sunday-rest law; which were referred to the Committee on Education and Labor.

Mr. TURPIE presented a petition of 105 citizens of Indianapolis, Ind., praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. PASCO presented resolutions of the Chamber of Commerce of Pensacola, Fla., opposing the passage of House bill No. 103, exempting American coastwise sailing vessels piloted by their licensed masters or by a United States pilot from obligation to pay State pilots for services not rendered, and praying that a liberal appropriation be made for the Signal Service as asked for by the Chief Signal Officer; which were referred to the Committee on Commerce.

He also presented a petition of 2,133 citizens of Florida, praying for the passage of a national Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. BLAIR presented a petition of letter-carriers of New York City, indorsing the American Sabbath Union and its work, with special reference to the Sunday-rest bill; which was referred to the Committee on Education and Labor.

He also presented a petition, with seven representative indorsements, from 300 citizens of Montana, Wyoming, Utah, New Mexico, and Arizona, praying for a national Sunday-rest law; which was referred to the Committee on Education and Labor.

He also presented a petition, with 250 individual signatures, from Wyoming Territory church organizations, etc., praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

He also presented the petition of Joseph E. Lee and 90 others, citizens of Jacksonville, Fla., praying for the passage of the Blair educational bill; which was ordered to lie on the table.

Mr. DAVIS presented a petition of citizens of Crookston, Minn., praying for legislation to prohibit sales of agricultural products for future delivery; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of citizens of Rindal, Minn., praying for legislation prohibiting gambling and speculation in futures on farm products; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Clabaugh Post, No. 54, Grand Army of the Republic, of Minnesota, praying for the passage of the service-pension bill; which was referred to the Committee on Pensions.

Mr. DOLPH. I present sundry petitions from different portions of the State of Oregon, signed by adult residents and citizens, praying that Congress pass a bill forbidding needless Sunday work in the Government's mail and military service, and that interstate commerce in the District of Columbia and the Territories be prohibited on Sunday, and generally against Sunday traffic. I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. VEST. I present the petitions of sundry citizens of Sedalia and other towns in Missouri, which have reached me from the secretary of the American Sabbath Union, praying for legislation in regard to Sabbath rest. I move that the petitions be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. SPOONER. I find on my desk, doubtless intended to be presented to the Senate, a petition said to contain 2,000 individual signatures from Wisconsin, praying for the passage of a Sunday-rest law. In the envelope I find, and I present to the Senate, three printed slips with a printed form of petition and the following indorsement:

Indorsed by Madison convention of Congregational Churches, representing churches of five counties, with membership of 1,400.

Attest:

JAMES M. CAMPBELL, President.

SUN PRAIRIE, WIS., June 10, 1889.

Which accounts, as I understand it, for the 1,400 individual signatures stated on the envelope.

Here is another indorsed by a meeting of citizens of Milwaukee, June 9, 1889, number of petitioners 450; and still a third indorsed by a mass-meeting of citizens in Milwaukee, June 9, 1889, number of petitioners 150.

I move that these petitions be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. DAWES presented a petition of 73 citizens of Williamsburgh, Mass., and a petition of the Congregational Club of Worcester, Mass. (175 members), praying for the passage of a Sunday-rest law; which were referred to the Committee on Education and Labor.

He also presented a petition of sundry importers and dealers in domestic earthenware and glassware in Boston, Mass., praying for the consideration of certain statements in reference to the tariff on pottery; which was referred to the Committee on Finance.

Mr. REAGAN presented a petition of 129 citizens of Fort Worth, Tex., and a petition of 87 citizens of Marshall, Tex., praying for the passage of a Sunday-rest law; which were referred to the Committee on Education and Labor.

Mr. HALE presented the petition of George M. Phelps and other citizens and firms in the United States, praying that the Superintendent of the Census be directed to collect certain data in relation to the electrical industry; which was referred to the Committee on the Census.

Mr. SAWYER presented a petition of the Business Men's Association of the city of Sheboygan, Wis., praying for the erection of a Government building at Sheboygan, Wis.; which was referred to the Committee on Public Buildings and Grounds.

Mr. MANDERSON presented a petition, numerous signed by soldiers of the late war residing in Saline County, Nebraska, praying for the passage of a per diem service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of the Board of Trade of Omaha, Nebr., praying that an appropriation of \$1,000,000 may be made for the improvement of the harbor at Aransas Pass, in the State of Texas, and that it may be made a deep harbor for the benefit of Missouri and Mississippi River commerce; which was referred to the Committee on Commerce.

Mr. MANDERSON. I also present a petition, if it may be so called, from the Presbyterian Church of Table Rock, Nebr., said to represent 100 members, praying for the passage of a Sunday-rest bill. I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. STOCKBRIDGE presented a petition of the National Association of Furniture Manufacturers, praying that subsidies be granted to steamship lines; which was referred to the Committee on Commerce.

Mr. ALLEN presented a petition of 202 citizens of Olympia, Thurston County, Washington, indorsed by the Washington Sabbath Association (representing the State of Washington) at a meeting in Olympia July 28, 1889, and attested by R. H. Melroy, president, and G. A. Lander, secretary, praying for the passage of the Sunday-rest law; which was referred to the Committee on Education and Labor.

He also presented a petition of 65 citizens of Tacoma, Pierce County, Washington, indorsed by a meeting of citizens of Tacoma on July 22, 1889, attested by M. S. Hartwell, president, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

He also presented a petition of 86 citizens of Seattle, King County, Washington, indorsed by vote at a meeting of citizens of Seattle July 25, 1889, attested by George A. Tewksbury, president, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

He also presented a petition of 60 citizens of Puget Sound Assembly, Washington, indorsed by vote by 60 citizens of Washington at Puget Sound Assembly, July 23, 1889, attested by D. J. Pierce, president, praying for the passage of a Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. WASHBURN presented a petition indorsed by a vote of the Minnesota Sabbath Association assembled in convention, praying for the passage of a national Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. INGALLS presented a petition of Pickering (Kans.) Post, No. 105, Grand Army of the Republic; the petition of Coffeyville (Kans.) Post, No. 153, Grand Army of the Republic, and the petition of 1,400 ex-soldiers and sailors of Shawnee County, Kansas, praying for the passage of the Kansas-Indiana pension bill; which were referred to the Committee on Pensions.

He also presented a petition of Vinland Grange, No. 163, of Kansas, and the petition of Wea Grange, No. 445, of Kansas, praying for the suppression of trusts; which were referred to the Committee on Finance.

He also presented the petition of A. F. Davis and 51 other ex-soldiers of Hutchinson, Kans., praying for the removal of the limitation in the act granting arrears of pension; which was referred to the Committee on Pensions.

Mr. DANIEL presented sundry petitions of the council of the Protestant Episcopal Church of Virginia and of citizens of Virginia, praying for the passage of a national Sunday-rest law; which were referred to the Committee on Education and Labor.

Mr. TELLER presented sundry petitions of citizens of Colorado, pray-

ing for the passage of a national Sunday-rest law; which were referred to the Committee on Education and Labor.

Mr. PLUMB presented a petition of 185 citizens of Kansas, praying for the passage of a national Sunday-rest law; which was referred to the Committee on Education and Labor.

Mr. CHANDLER presented the petition of Jonathan D. Hale, late chief of scouts, Army of the Cumberland, praying to be allowed a pension on account of disabilities incurred in the military service of the Government; which was referred to the Committee on Pensions.

Mr. GEORGE presented a petition of citizens of Jackson, Miss., praying for the passage of a Sunday-rest law for the District of Columbia, for Government employés, etc.; which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. COKE, from the Committee on Commerce, to whom was referred the bill (S. 1583) for the improvement of the bar and harbor at Galveston, Tex., reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, reported a bill (S. 2716) to provide for the completion of the improvement of the entrance to Galveston harbor, Texas; which was read the first time by its title.

Mr. COKE. I ask, as the bill is very short and is an important bill, that it be read at length.

The bill was read the second time at length, as follows:

Be it enacted, etc. That for the purpose of securing the work of improving the entrance to Galveston Harbor, Texas, the Secretary of War, upon the application of the Chief of Engineers, is hereby authorized, in his discretion, to draw his warrant or requisition from time to time upon the Secretary of the Treasury for such sums as may be necessary to do such work, not to exceed in the aggregate \$6,200,000, the amount estimated as necessary for the completion of the same, as shown in the reports of the Chief of Engineers for the year 1889: *Provided, however,* That the amounts so drawn from the Treasury shall not exceed \$1,000,000 in any one year, and that an itemized statement of said expenditures shall accompany the annual report of the Chief of Engineers.

The amount required for the completion of this work as herein proposed is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. COKE. I ask unanimous consent to file hereafter a written report to accompany the bill.

Mr. FRYE. Did the Senator present the papers that I handed him and ask that they be printed?

Mr. COKE. I asked unanimous consent to file a report hereafter with which I will accompany those papers.

Mr. FRYE. I should like to have those papers printed.

Mr. SHERMAN. What is the request? We did not hear it.

The VICE-PRESIDENT. The Senator from Texas asked permission to file hereafter a report relating to the bill which has just been read.

Mr. COKE. I hand in the papers now and ask that they be printed to accompany the bill; and I ask unanimous consent that I may be permitted to file a report hereafter.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Texas? The Chair hears none. The accompanying papers will be printed, and leave is granted to file a report hereafter.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (S. 916) granting a pension to Mary E. Harney, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2285) granting a pension to the widow of John Leo, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1665) granting restoration of pension to Sarah A. Woodbridge, reported it without amendment, and submitted a report thereon.

Mr. FAULKNER, from the Committee on Pensions, to whom was referred the bill (S. 1393) granting a pension to Susan C. Wilkinson, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1484) for the relief of Capt. Thomas Phelan, of Missouri, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. VEST, from the Committee on Commerce, to whom was referred the joint resolution (S. R. 43) in regard to the bridge across the Ohio River at Louisville, Ky., submitted an adverse report thereon, which was agreed to; and the joint resolution was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2324) to authorize the building of a bridge across White River, Arkansas, by the Mississippi and Little Rock Railway Company, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 2323) to authorize the construction of a bridge across the Arkansas River at or near Pendleton, Desha County, Arkansas, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 2415) to amend an act entitled "An act authorizing the Mississippi and Louisiana Bridge and Railroad Company of Natchez, Miss., to construct a bridge over the Mississippi River at or near Natchez, Miss.," reported it with amendments.

Mr. FRYE, from the Committee on Commerce, to whom was referred

the bill (S. 2481) to improve the marine hospital at Vineyard Haven, Mass., reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 897) to establish a port of delivery at Sioux City, Iowa, reported it with an amendment.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1754) for the relief of E. S. Tyner, of Plant City, Fla., submitted an adverse report thereon.

Mr. PASCO. I ask that the bill be placed upon the Calendar so that I may look at the report.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

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

A bill (S. 2103) granting a pension to Mrs. Caroline G. Seyfforth;
A bill (S. 2066) placing the name of Elizabeth Domm on the pension-rolls;

A bill (S. 1502) granting a pension to Mary Ellen Fitzgerald; and
A bill (S. 1154) to increase the pension to James Johnston.

Mr. SAWYER. I report adversely from the Committee on Pensions the bill (S. 2219) granting a pension to Mrs. Caroline G. Seyfforth, it being the duplicate of another bill which I have reported favorably.

The VICE-PRESIDENT. The bill will be postponed indefinitely.

Mr. STANFORD, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1571) to provide for the erection of a public building in the city of Grand Forks, N. Dak., reported it with an amendment.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 2451) granting a pension to Juliet Opie H. Ayres, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2598) increasing the pension of Walter P. Harrison, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2659) for the relief of Byron H. Reed, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 2505) for the relief of Frances McNeil Potter, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2531) granting an increase of pension to Benjamin T. Baker, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2611) granting a pension to James Anderson, reported it without amendment, and submitted a report thereon.

Mr. PADDOCK, from the Committee on Agriculture and Forestry, reported an amendment intended to be proposed to the bill (S. 279) for the establishment of a pure-food division in the Department of Agriculture, to provide for the inspection of live-stock about to be slaughtered at slaughter-houses, canning, salting, packing, and rendering establishments, the carcasses or products of which are intended for human consumption in any State or Territory other than where slaughtered or for exportation to foreign countries, to prohibit the introduction of adulterated or misbranded food or drugs into any State or Territory or the District of Columbia from any other State or Territory or foreign country, and for other purposes, and moved that it be printed and re-committed to the Committee on Agriculture and Forestry; which was agreed to.

Mr. BLODGETT, from the Committee on Pensions, to whom was referred the bill (S. 1468) granting a pension to Betsey A. Mower; reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 976) granting a pension to Edward M. Lees;
A bill (S. 1117) granting a pension to Celestia Bennett;
A bill (S. 1113) granting a pension to William Myers; and
A bill (S. 669) granting a pension to Mary E. H. Ottiwell.

Mr. PLATT, from the Committee on Territories, to whom was referred the bill (S. 658) to provide for the admission of the State of Idaho into the Union, reported it with amendments, and submitted a report thereon.

Mr. VOORHEES, from the Committee on the Library, to whom was referred the bill (S. 321) providing for the purchase of "the Capron collection of Japanese works of art," reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. HISCOCK introduced a bill (S. 2717) for the relief of John L. Broome; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. SHERMAN introduced a bill (S. 2718) for the relief of William T. Crump; which was read twice by its title, and referred to the Committee on Claims.

Mr. EDMUNDS introduced a bill (S. 2719) granting an increase of pension to Henry Sprague; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 2720) granting a pension to Mrs. Elizabeth A. Baker; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2721) granting a pension to Mrs. Mary J. Saunders; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2722) to remove the charge of desertion from the military record of Capt. Franklin Post, deceased; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BERRY introduced a bill (S. 2723) for the relief of the estate of August Heberlein; which was read twice by its title, and referred to the Committee on Claims.

Mr. STANFORD (by request) introduced a bill (S. 2724) to settle the matters between Samuel Strong and the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2725) for the relief of James Q. Shirley and the estate of Francis De Long; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2726) to enable the State of California to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 2727) to establish certain ports of entry in Alaska Territory; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

He also introduced a bill (S. 2728) for the relief of Valeria B. Elliott; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 2729) granting right of way to the Red Lake and Western Railway and Navigation Company across the Red Lake Indian reservation, in the State of Minnesota, and granting said company the right to enter certain lands in said reservation at private entry for town-site purposes; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2730) to authorize the construction of a bridge across the St. Louis River at the most accessible point between the States of Minnesota and Wisconsin; which was read twice by its title, and referred to the Committee on Commerce.

Mr. INGALLS (by request) introduced a bill (S. 2731) to amend the interstate-commerce laws, etc.; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. PLUMB introduced a bill (S. 2732) granting a pension to Thomas Reed; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2733) granting a pension to Theodore Gardner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2734) granting a pension to Ada Johnson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 2735) providing for the prompt removal of certain newly discovered dangers and obstructions to navigation in Detroit River, Lake St. Clair, the foot of Lake Huron, and St. Mary's River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CHANDLER introduced a bill (S. 2736) granting a pension to Jonathan B. Hale; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMERON introduced a bill (S. 2737) to increase the pension of John B. Davis; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2738) for the erection of a public building at Wilkes-Barre, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HISCOCK introduced a bill (S. 2739) for the relief of Caleb R. Turner; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Patents.

AMENDMENT TO APPROPRIATION BILL.

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

PAYMENT OF STENOGRAPHER.

Mr. DAWES. I ask for the adoption of the following order:

Ordered, That the Committee on Indian Affairs, in the consideration of the bill to ratify and confirm an agreement with the Southern Ute Indians, in Colorado, be authorized to employ a stenographer, to be paid out of the contingent fund of the Senate.

I will state that the stenographer was employed on very important hearings in that case, under the general practice of employment and payment out of an appropriation which has been made heretofore for

that purpose. After the work was done it was found that that appropriation had been exhausted, and the stenographer, although he had paid out considerable money to aid him in doing the work, had, not only for his own services, but for what he paid out, no appropriation to satisfy him, and it will be necessary to get this order and an appropriation before he can get his pay.

The VICE-PRESIDENT. The order will be made if there be no objection.

Mr. HARRIS. The resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE-PRESIDENT. The resolution will be referred to that committee.

Mr. DAWES. Unless by unanimous consent the Senate agrees to waive a reference. I am not particular about it, but I thought on the simple statement I presented the order would be made by unanimous consent.

Mr. HARRIS. It is a matter of law. I doubt very much whether it can be done by unanimous consent.

Mr. DAWES. I have no objection to the resolution going to the committee, because the stenographer can not get his pay until an appropriation is made.

The VICE-PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

COMMITTEE ON THE JUDICIARY.

Mr. INGALLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be, and it hereby is, authorized to sit during the sittings of the Senate.

EXECUTIVE SESSION.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and forty minutes spent in executive session the doors were reopened.

TOWN-SITE ENTRIES IN OKLAHOMA.

Mr. PLUMB. I desire to give notice that on Thursday morning, after the conclusion of the formal morning business, I shall ask the Senate to proceed to the consideration of the bill (H. R. 1015) to provide for town-site entries of lands in what is known as Oklahoma, and for other purposes.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House insisted upon its amendment to the bill (S. 1181) to require the Superintendent of Census to ascertain what percentage of the people own their farms, and the number of farms under mortgage, and the amount thereof; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. DUNNELL, Mr. JOSEPH D. TAYLOR, and Mr. DOCKERY managers at the conference on its part.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7159) for the relief of the Sioux Indians at Devil's Lake agency, North Dakota; and

A bill (H. R. 3923) to provide for the sale of the site of Fort Bliss, Texas, the sale or removal of the improvements thereof, and for a new site and the construction of suitable buildings thereon.

The message also returned to the Senate the joint resolution (S. R. 37) for the removal of obstructions to navigation in the Missouri River with the words "by the Senate and House of Representatives of the United States of America in Congress assembled" inserted in the proper place in the substitute of the House.

SIUX INDIANS AT DEVIL'S LAKE AGENCY.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, being the bill (S. 185) to aid in the establishment and temporary support of common schools.

Mr. DAWES. Before that is proceeded with I wish to be heard. A few days since, upon a report of the Committee on Indian Affairs, the Senate passed a bill for the relief of the Sioux Indians of Devil's Lake agency, North Dakota. The House of Representatives yesterday passed a bill in the same words. I ask that the House bill may be now put on its passage. There is great exigency for its passage.

There being no objection, the bill (H. R. 7159) for the relief of the Sioux Indians at Devil's Lake agency, North Dakota, was read twice by its title, and considered as in Committee of the Whole.

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

Mr. DAWES. I move that the House of Representatives be requested to return to the Senate the bill (S. 2652) for the relief of the Sioux Indians at Devil's Lake agency, North Dakota.

The motion was agreed to.

CENSUS REPORT OF PROPERTY-OWNERS, MORTGAGES, ETC.

Mr. HALE. I submit the report of a conference committee, which I ask may be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1181) to require the Superintendent of Census to ascertain what percentage of the people own their farms, and the number of farms under mortgage, and the amount thereof, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

EUGENE HALE,

C. K. DAVIS,

J. H. BERRY,

Managers on the part of the Senate.

M. H. DUNNELL,

JOSEPH D. TAYLOR,

ALEX. M. DOCKERY,

Managers on the part of the House.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is, Will the Senate concur in the report of the committee of conference?

Mr. PLATT. I should like to inquire of the chairman of the Committee on the Census if I am correct in supposing that this action of the committee of conference makes all the farmers and others who shall be called upon to answer the questions necessary to obtain the information which this bill calls for, subject to fine and imprisonment if they do not so answer.

Mr. HALE rose.

Mr. BLAIR. I do not desire to yield to debate.

Mr. HALE. I shall not ask that, of course. I can answer in a word, that it puts all the questions that are asked by this law as well as the original census law under the same category, but it does not imprison. The committee upon looking into the matter found the penalty was slight, only \$100, and believed that it would be rarely imposed. But to make a discrimination between one class of questions and another was not possible, and therefore they recommended that the bill should be passed with the amendment proposed by the House of Representatives.

Mr. PLATT. I am not going to make an objection to the adoption of this report of the conference committee, but it seems to me that an inquiry which extends in a sort of inquisitorial way into the private business of individuals, asking them how much they owe upon their farms, and what they borrowed the money for, and all such inquiries ought not—

Mr. BLAIR. I can not yield. The education bill on which I have the floor is the regular order.

Mr. PLATT. I have the floor.

The PRESIDING OFFICER. The Senator can raise the question of consideration, but the report of a committee of conference is a privileged question and can be made at any time.

Mr. BLAIR. I do not suppose a Senator speaking can be taken entirely off the floor unless there is an understanding that he should be.

The PRESIDING OFFICER. But the report is privileged, and a majority of the Senate may decide to consider it at this time or to postpone consideration, but that question is to be decided while the report is before the Senate. Does the Senator from Maine ask that the report be now considered?

Mr. HALE. I think we can settle it all in a minute. I know the Senator from New Hampshire does not like to have his time taken, and I do not intend to do that, and if this report takes two minutes more of course I shall withdraw it for the present.

Mr. BLAIR. I do not understand that even a report like this can interrupt a Senator in the course of his remarks.

Mr. HALE. I could only have got the report in by the indulgence of the Senator from New Hampshire.

The PRESIDING OFFICER. The Chair holds that the report of a committee of conference is in order at any time.

Mr. BLAIR. I make no question with the Chair. I know how the report came in.

Mr. PLATT. I raise a question of order at this point. The report was under consideration by the Senate, and I was endeavoring to say something that I had in mind, and I was cut off in the middle of a word by the interruption of the Senator from New Hampshire, which, I think, was out of order. I should have been through in a minute if I had not been interrupted.

I desire simply to say that it seems to me harsh to extend the provisions of the census law to the persons who are to be interrogated under the provisions of this bill.

I wish to say that before the report of the conference committee is adopted.

The PRESIDING OFFICER. The question is, Will the Senate concur in the report of the committee of conference?

The report was concurred in.

AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 185) to aid in the establishment and temporary support of common schools.

Mr. BLAIR. Mr. President, just before the Senate adjourned last night there was some discussion in regard to public sentiment in the

State of Texas with reference to the condition of education in that State and as to the remedies for that condition proposed in the pending bill. Before proceeding I take occasion to read from the Corsicana Exponent, published in Corsicana, Tex., the sentiments which obtain with a very large proportion of the people in that State. It says, in an editorial:

We here in Texas do not need the aid to common schools proposed by the Blair bill so much as do the children in other of our Southern States. We have a large school fund and many millions of acres of school lands which those States have not. We have this fund and landed endowment because, when Texas, an independent republic, went into the Federal Union, it was stipulated that she should hold her lands. But it is generally conceded that we have not a sufficient fund for yearly distribution to properly educate the children of the State. How much more destitute, then, must be the other States that have not our landed endowment.

The authors and Northern supporters of the Blair bill recognize our need of present help, and especially do they recognize the need of the other Southern States not so well off as we are. They know that fully 150,000 white and colored children in the Southern States, of whom a majority are whites, are every year reaching the age of maturity, unable to read or write. They recognize what put our country into this position: that it was its devastation by the Union armies, the freeing of the slaves by the Government, and the impoverishment of our people by such emancipation. Recognizing all these things they, in a spirit of patriotism, propose to pass a bill which appropriates annually for eight years the following sums.

Going on then to specify the provisions of this bill.

It turns over to the treasuries of the different States their respective proportions, and at the end of the eight years the appropriation stops. This is opposed on the ground of alleged centralization. We can not see how it is so. The Government made the temporary destitution of educational facilities, which it proposes to aid the States in supplying for a period of eight years. General Jackson, when President, approved a bill of like character. Then the Government itself had created no destitution of means.

The bill proposing this appropriation has never reached a vote in the House, but it has passed the Senate, a majority of Southern Democratic Senators voting for it. But there are certain of the Democratic leaders in Congress who opposed it in the past, and because its passage by a Republican Congress will greatly benefit the Republican party in many of the more destitute Southern States, especially the doubtful ones, or those in which the Democratic majority is least. It will help to dispel a great deal of sectional prejudice. That prejudice is the sole support of many politicians.

We want the bill to pass, not because the South will not in future years be able to properly educate her children, but because she is not now doing it, and is not able to do it, and in the mean time hundreds of thousands of her children coming on the stage of manhood and womanhood are taking low-down places for themselves and their posterity. Educated Northern immigrants come among us and take higher places than our uneducated children can do.

It is a magnanimous proposal that the Blair bill makes to immediately put into our State treasuries a sum of money sufficient to stop present educational destitution in our section. We hope it will be done, because we love humanity, especially our own.

This I understand to be a Democratic journal. I wish now to read evidence with regard to the condition of education in the State of Virginia. Before proceeding to that, however, I will put in an extract from the last preceding Report of the Commissioner of Education. The Commissioner says:

TEACHERS FOR COLORED SCHOOLS.

The South also suffers particularly from the want of qualified teachers in the elementary schools.

I ought to say that this is Commissioner Dawson, of Alabama, from whom I am reading:

In his report to the trustees of the Slater fund, Dr. Haygood, the general agent, writes as follows:

"Many of the teachers in the colored public schools are pitifully incompetent—the statement need not be qualified by the word 'colored,' if we were considering the whole case of the public schools in the Southern States. Many of them lack not only scholarship and training, but moral character. As a rule, there is good reason to believe that they do the best they can; not a few of them do admirably well; some do their work so efficiently and usefully as to justify the belief that the colored people are capable of furnishing fit material for making teachers of the most approved quality. The defects of these colored teachers are so great as to create an urgent necessity for training better ones; their excellences and their successes are sufficient to justify the best hopes of success in the effort, and to vindicate the judgment of those who make large investments of money and service to give to colored students opportunity for thoroughly preparing themselves for the work of teaching the children of their people."

As I have before stated, the provision for training teachers continually increases, but it is far below the requirement, and only a small proportion of the well trained teachers go into the rural districts, which, with their short terms, miserable school-houses, and utter lack of appliances, offer no inducement to competent teachers.

I should say that this bill reaches the precise evil complained of here by permitting the appropriation of not exceeding one-tenth the allowance for each State for the maintenance of normal schools and schools for the training of teachers.

While both races are affected by these drawbacks, it is the colored people whose welfare is most seriously threatened. In my judgment there is no graver problem before us than the adequate and appropriate training of these people, who, after years of servitude, were suddenly invested with the rights and duties of citizenship. They require a training specially adapted to their wants, a training in which the moral and industrious aptitudes shall receive equal attention with the intellectual. These conditions are well understood; the methods, the subjects of instruction, the material appliances required for the development of the colored population of the South have been fully considered, and I am satisfied that if the means were forthcoming the work would go rapidly forward to satisfactory results.

The Commissioner evidently believes that, whether the colored man is to remain in this country, or is to be transported to Africa, or is to change his location to any other point on the face of the earth, a primary condition and an indispensable duty on the part of the American people is first to qualify him for whatever may be his future lot by giving him education; and until that is done we are not quite sure that he is not likely to be quite the equal of the average of American citi-

zenship. If that should be the case, fortunately, we might not care to have him leave our own borders. Even the prejudices of those who now would have him transported bodily to the jurisdiction of savagery might yield to a serious anxiety that he should remain among us. For my part, my solution of the whole thing is to educate both races and let them alone. The Commissioner proceeds:

ILLITERACY IN THE SOUTH.

The fact of steady progress in the educational system of the South has given rise to the belief in many quarters that the deficiency in the means of public education which existed in that section at the close of the civil war has been very nearly overcome, and that the States in question are amply able to rid themselves of the evils of illiteracy, which made such an alarming showing in the census of 1880.

I call the attention of the bureau of mendacity, organized in the New York Evening Post, which furnishes the material, the falsehood with which this bill is assailed throughout the country through the newspapers generally, to the fact that, in the report of this very Commissioner and the identical report from which they sought to demonstrate that there is no longer a necessity of educational facilities beyond what they possess being furnished to the South, the Commissioner uses the language which I have here cited.

On account of this erroneous impression—

He says—

which some find it for their interest to foster—

"For their interest to foster." Whose interest is it to tell lies? For nobody's probably but those who are interested in the establishment and maintenance of this bureau of mendacity, of which I know more than it is necessary now to speak.

On account of this erroneous impression, which some find it for their interest to foster, it is to be regretted that we have not from all the Southern States more recent statistics than those of 1880, setting forth the various conditions by which literacy and illiteracy are determined. In accordance with the law of Virginia, during the months of June and July, 1885, a census was taken in that State of all persons residing within the school districts between the ages of 5 and 21 years. This census enables us to form the following comparisons with the showings of the United States census of 1880:

Census of 1880.—Population 10 to 20, both inclusive: White, 205,360; unable to write, 43,688; percentage, 21. Colored, 160,338; unable to write, 101,320; percentage, 63.

Census of 1885.—Population 10 to 20, both inclusive: White, 212,524; unable to read, 26,374; percentage, 13. Colored, 136,975; unable to read, 55,398; percentage, 40.

Census of 1885.—Population 7 to 15 years of age: White, 189,382; unable to write, 72,492; percentage, 38. Colored, 145,663; unable to write, 98,132; percentage, 67.

Of the white population between 7 and 15 years of age who can not write, 23,846, or 15.7 per cent., are between 10 and 15 years of age, and of the colored population, 50,705, or 34.8 per cent. The State census of 1885 does not give precisely the same data as the United States census, inability to write having been made in the former the test for persons between 7 and 15 years and in the latter for those between 10 and 20. It can not, however, escape notice that the proportion of illiterates between 7 and 15 years of age in 1885 is greater than the proportion between 10 and 20 in 1880; also that the number of colored illiterates between 10 and 15 years in 1885 bears to the colored population between 7 and 15 a larger ratio than that of the colored illiterates between 10 and 20 years of age to the colored population between those years in 1880. The corresponding comparison for the whites indicates a slightly more favorable condition in 1885.

With respect to this census Hon. R. R. Farr, the State superintendent, says:

"The percentage of illiteracy of each class and sex is given, and affords a curious study, and admonishes us that it will take a steady and persistent fight to meet and overcome the army of illiterates which is embraced within the school period, to say nothing about those who are under the prescribed age, and who will soon require school facilities. We know of no way to generally remove the illiteracy of our adult population; as a rule that will stand as a canker in the body-politic, a source of much danger and of inestimable loss to the State. But there is every reason why the State and nation should remove the illiteracy from our young generation by furnishing ample school facilities for all the different classes and conditions of the present and future school population and then by some practicable method compel them to acquire at least the rudiments of a common education. The safety and progress of the State and nation demand this, to say nothing of humanity and religion. It is not remarkable that the percentage of illiteracy of the colored school population is so much greater than that of the white. The one is the offspring of an ancestry of illiteracy, and consequently without any opportunity of home training; the other, the descendants of an intelligent and refined people, surrounded by all those home influences which are such potent factors in the education and elevation of a people. It may be safely assumed, as a rule, that all the education, be it ever so little, that is possessed by the colored school population has been derived from one class or another of public education; and when we remember that in this State they have only had the advantage of some fifteen years' school facilities, their progress is wonderful, deserving of the highest praise, and shows conclusively that they have the capacity to acquire an education, and that all they need is fair school facilities to enable them soon to remove the burden of their illiteracy from the body-politic."

It should be remembered in this connection that Virginia is one of the most favored of the States included in the table before us. In density of population it is surpassed by two of those States only, in the amount of taxable property by four, and in the amount of school income by two. The school system has been administered by superintendents of great energy, and the teaching force includes an unusually large proportion of qualified teachers, from all of which it may be inferred that Virginia is making as rapid progress in the struggle against illiteracy as any one of the Southern States.

But I have more specific information from Virginia of the date of 1888, which I will now proceed to lay before the Senate. Perhaps I should state the amount per capita that would be expended upon each child in several or quite a number of the different States, supposing the total to be \$15,000,000 distributed through the whole, which is the largest sum which it is proposed to distribute in any one year under the provisions of this bill.

If \$15,000,000, which is the highest sum that under the provisions of this bill is to be distributed in any one year—more than twice the sum which is to be distributed the first year—if \$15,000,000 are di-

vided upon the basis of illiteracy, the individual child will receive for his education: in California, \$15.12; in Colorado, \$14.34; in Connecticut, \$10.71; in Nevada, \$14.40; in New Hampshire, \$10.07; in Rhode Island, \$11.36; in the District of Columbia, \$13.61; and in Massachusetts, \$19.21; while in Alabama, after this division is made, mind you, more than twice what they get the first year, added to their own, what is already raised—in Alabama the individual child will receive \$3.64; in Arkansas, \$3.13; in Florida, \$3.75; in Georgia, \$4.30; in Kentucky, \$3.67; in Louisiana, \$4.96; in Mississippi, \$4.90; in Virginia, \$3.94; in West Virginia, \$4.31; in North Carolina, \$3.26, and in South Carolina, \$5.05.

This was some two years ago, and the amount which each State would receive on a distribution of \$15,000,000 was added to the local appropriations. I have already placed in the possession of the Senate some recent statements from the State of Virginia. Since I did so, I have received from Mr. Yost, a member of the last House of Representatives from Virginia, some additional letters from school authorities, which I will read to the Senate. I look upon these as of special value because they are from men whose official duty compels them to know, or makes it unavoidable that they should not know, the actual condition of the schools within their jurisdiction. There is no doubt that what they say is fairly applicable to the entire State.

The first letter is from William C. Corson, county superintendent of the public schools of Cumberland County, Virginia, dated January 16, 1888, addressed to Mr. Yost:

DEAR SIR: Your communication of the 5th January to hand. With much pleasure I now proceed to answer the interrogatories therein contained in reference to the public schools of my county.

- First. Total school population, according to the census of 1880, 4,121; white, 1,053; colored, 3,068.
- Second. Total enrollment, session 1886-'87, 1,889; white, 685; colored, 1,204.
- Third. Total average daily attendance, 1,051; white, 456; colored, 595.
- Fourth. Length of school session, 5.02 months.
- Fifth. Cost per pupil enrolled, \$4.68 per session.
- Sixth. Cost per pupil in average attendance, \$8.41 per session.

Thus it will be seen that out of a total school population as far back as 1880—and during the six years this sort of population has undoubtedly rapidly increased—out of what was then a total of 4,121 there were 1,889 enrolled, which is less than one-half, and 685 whites, a little more than half the whites, and 1,204 colored, which is much less than half the colored population that should be attending school, while the average daily attendance is 1,000 as compared with the 4,000 who should attend the schools. Mr. Corson goes on:

Seventh. Condition of school-houses.

I call the attention of the Senate to this matter especially, as there seems to be an inclination to consider this expenditure wholly with reference to the necessity of the tuition of the child, the payment of the teacher. The money, with the exception of the \$2,000,000 which goes to assist in the construction of school-houses in sparsely settled localities, among poor populations, is to be expended in the actual running of the schools, so that the local taxation, which is now available for teachers and school-houses and the like, must hereafter, if school houses are to be provided, be very much more largely expended in the direction of providing the plant. That has got to be done from some source, and it is believed a much smaller amount would be expended hereafter from the local taxation for the payment of teachers.

He proceeds:

Seventh. Condition of school-houses: About one-half of our school-houses are comfortable and well furnished; the others, cheap log buildings, poorly lighted, and in every way unsuited for the purpose. We greatly need more and better houses, but are unable to build with our present means.

Eighth. Salaries of teachers: Teachers are paid from \$20 to \$30, according to the grade of superintendent's certificates held by the teacher. It is difficult to secure competent, efficient teachers for the meager pay we can offer. The short five-month session I regard the most objectionable feature of our public-school system.

Ninth. Improvements demanded: More and better school-houses, with good furniture, longer sessions, an increase of teachers' pay, and means to furnish indigent pupils with text-books. The Blair bill would give us the money to remedy all these defects and enable us to make our public schools what they should be: the pride and glory of our land. I rejoice to know that you are among the friends of the bill, and you may rest assured that your constituents in this county will, to a man, help to hold up your hands whilst battling to gain this great boon for your State and your country. The public schools are the only hope for the education of the children of the people, and an earnest zeal in behalf of this great cause is, to my mind, the strongest evidence of true patriotism. Virginia is doing all she can to educate her children, but it would require double the amount annually appropriated to meet the pressing needs of her public schools.

A very small per cent. of our white people are able to educate their children in private schools, and such schools are entirely out of the question among the colored race. The education of the negroes is greatly retarded on account of the extreme poverty of this race: the parents are too poor to buy the necessary text-books for their children. Often in visiting the colored schools I find from three to half a dozen pupils trying to prepare their lessons from one book. The public funds are so limited that the district boards do not feel warranted to expend more than a few dollars each year to furnish books to indigent pupils. The name of every member of the Fiftieth Congress who works and votes for the Blair educational bill will be honored in Virginia and his memory will be cherished and revered to the latest generations. Allow me to thank you in behalf of the people of Cumberland for the interest which you manifest in the cause of public education.

Very respectfully,

WM. C. CORSON.

This is addressed to Mr. Yost, a member of the last House of Representatives. I have also another letter, dated January 13, 1888. This

is a letter to Mr. Yost by Mr. Jordan, superintendent of schools for Augusta County, Virginia:

STAUNTON, VA., January 13, 1888.

DEAR SIR: Owing to my absence your favor of 5th instant has just been received, and I hasten to reply.

First. The school population of Augusta County is 10,947.

Second. The enrollment for 1886-'87 was 7,149.

Third. The average daily attendance was 4,629.

Fourth. Length of session, five months.

Fifth. The cost of tuition per pupil enrolled was 79 cents.

Sixth. The cost of tuition per pupil in daily average attendance was \$1.20.

Seventh. The school-houses are in a fairly good condition, but are in most cases destitute of good blackboards, wall maps, globes, and other aids to teaching as are needful to secure the best results with the least cost.

Eighth. Average salaries: White males, \$27.79 per month; white females, \$25.30; colored males, \$25.44; colored females, \$24.70.

I do not understand that this includes board.

Ninth. We need trained teachers, skilled teachers. Skilled labor is always expensive; it has a high value; to secure these trained teachers we must offer such compensation as will enable them to qualify themselves for the work. We can never have professional teachers until we can pay salaries large enough to induce professional teachers to teach in our public schools.

It will be seen that at an average they get only five months' work, and that at these low rates per month there is no encouragement for any intelligent person to engage in teaching. Mr. Jordan proceeds:

Hence the first thing we need is more money. It should be borne in mind that our public schools have superseded a great many good private schools, and unless as good instruction is given in the public schools as was given in these private schools the adoption of the public-school system will be a great sin.

The efficiency of our present system of public education could be greatly increased by paying the district trustees an amount equivalent to the work required of them. At present they receive no pay; consequently much important work is neglected by them.

What we need is money. We have the material; we can utilize it if we can pay a reasonable sum to get what we must have to do good work.

I have written hastily, but will be glad to give you any further information when called upon.

With kind regards, I am, very respectfully, etc.,

C. T. JORDAN,
Superintendent Schools, Augusta County.

Hon. JACOB YOST, M. C.,
Washington, D. C.

G. E. McCarkle, superintendent of Alleghany County, writes:

ALLEGHANY COUNTY, VIRGINIA.

School population: White, 2,153; colored, 602; total, 2,755.

Enrollment: White, 1,234; colored, 247; total, 1,481.

Average daily attendance: White, 894; colored, 140; total, 1,004.

Average length of session, 4.97 months.

Cost per pupil enrolled: White, 82 cents; colored, 63 cents.

Cost per pupil in average daily attendance: White, 62 cents; colored, 53 cents.

Average salaries of teachers: Male, \$27.37; females, \$25.07.

Condition of school-houses: Very bad and no money to improve them. Our school system is in a very bad condition and is very unpopular, all because we have not the funds to improve it.

That ought to be borne in mind. The public-school system or any other system not sustained naturally falls into disrepute among the people.

Mr. G. E. Caskie, another superintendent of public schools for Nelson County, Virginia, writes as follows:

LOVINGSTON, VA., January 9, 1888.

SIR: Yours of the 5th instant received. In answering the interrogatories therein propounded I will use the figures shown by my annual report for the school year ending July 31, 1887. I do this because I suppose it would be fairer than to take any one month of the present session as the basis of my answers.

First. The school population of this county is, according to the last census, 1885: White, 3,594; colored, 3,185; total, 6,779.

Second. The enrollment for last session was: White, 2,151; colored, 1,660; total, 3,811.

Third. The average daily attendance during the same period was: Whites, 1,157; colored, 704; total, 1,861.

Fourth. The length of the school session is five months. There are three schools in the county which run six months; all the others run only five months, except such as are closed sooner because of failure to make the required average, or some reason of that sort. The average last year was just five months.

Fifth. The cost of the whole system (including all expenses—my salary and everything) last year was 59 cents per month per pupil enrolled, or \$2.95 for the session per pupil enrolled.

Sixth. The cost for last session, including everything, was \$1.21 per month per pupil in average daily attendance, or \$6.05 for the session per pupil enrolled.

Seventh. There are now in this county ninety schools, of which about twenty-five houses belong to the school board; the residue are cabins, log houses, etc., which the people let us have. Of the twenty-five which we own, about eight are good houses; the others are mostly log, about two-thirds of which are hewed logs and the others just built of round poles. Of those furnished by the patrons about the same proportion of hewed and round-log buildings exist. With the exception of the eight mentioned above, all of these houses are in bad repair, some much more so than others. Some are hardly fit to be occupied at all. Last year I was forced to condemn some, and if I did my duty I would condemn others now. Some of them have board roofs, held on with logs or rocks; some others have sliding windows—i. e., plank windows without any glass—and when you open the window to let in the light you leave a hole. In many of these houses the chinking is knocked out and the teacher has to daub it up with mud as best he can.

I think I may safely say that all the furniture we have, including desks, benches, tables, chairs, etc., for the ninety schools, is not worth over \$90. The benches usually, in fact with very few exceptions, have no backs, and in many instances are made by splitting a log in two and boring holes in which legs are put, thus making two benches. With the exception of a very few schools, a few of these benches, a small blackboard, and a plank nailed to the side of a house for a writing desk constitute the furniture. There is not a map, globe, chart, or anything of that sort in a single school in the county.

Eighth. Our teachers are paid according to the grade of certificate they hold: first grade, \$30 per month; second grade, \$25; third grade, \$20. The average salary last year was \$23.74. Owing to the lack of funds, the trustees often prefer a third to a first-grade teacher, because they are cheaper. Of course this injures the schools very much.

Ninth. To cover the country and provide school facilities to all of the people we need about fifteen or sixteen more schools. The country is so broken and mountainous that it requires a larger number of schools than if it were more level. Our aim now is to locate the schools that no person will be over 2 miles from a school. Yet in many cases they are 3 miles and in some instances 3½ or 4 miles. In bad weather these latter persons are practically debarred of all school privileges, and irregular attendance makes the school but little benefit to the scholar, and the scholar a disadvantage to the school. We need houses fearfully, and where we have them we need to repair them. We need school apparatus, maps, globes, charts, etc. We should run the schools for at least two months longer each year, and in the small towns and villages, where the children are not compelled to work, the schools should be run for nine months.

Owing to scarcity of funds we are unable to pay the school trustees any salary. Hence they can not give the time and attention to the duties of their office which is necessary for the proper performance of those duties; and of course the county superintendents are badly paid. They should be able to give their whole time to the schools.

Hoping that your efforts in behalf of the "Blair bill" may be successful,
I remain, yours respectfully,

G. E. CASKIE.

Hon. J. YOST, Washington, D. C.

I turn now to a communication I have just received from the State of Tennessee, a letter from Col. William J. Sykes, under date of January 15, 1888, addressed to myself. He says:

MEMPHIS, TENN., January 15, 1888.

DEAR SIR: I send you my speech on Federal aid. I have taken great interest in this question, although I am no school-teacher, nor school director, nor school superintendent. I have no children nor grandchildren to go to public schools. I sent for the pamphlet issued by the New York Evening Post on "The bill to promote mendacity." It is anything but conclusive, and is very easily answered. I intend to write them a private letter on the subject. Federal aid is essential if we ever wish an efficient system of public schools in the Southern States. I consider you one of the best friends the Southern States have.

I wish you would let me know where the Christian Union, to which the Evening Post so often alludes, is published and where Mr. Mayo lives. Whenever the subject is fully discussed in the Southern States the people without regard to party will be in favor of it. I have written a letter to the Nashville American showing that we never can have an efficient system in Tennessee without Federal aid. If it comes before I send this letter, I will inclose it. I will be glad to hear from you.

Yours, truly,

WM. J. SYKES,
19 West Court Street, Memphis, Tenn.

I presume the Senator from Tennessee [Mr. HARRIS] knows Mr. Sykes well and that he is a responsible gentleman. At all events his address, which he sends to me, indicates that. The address is on the subject of "Federal aid to education, its constitutionality, its justice, and its necessity." It was delivered August 9, 1886. He goes over the question from the standpoint of a Democrat. He says:

I am for it because it is Democratic. The national convention which nominated Grover Cleveland for President and Thomas A. Hendricks for Vice-President adopted as a part of its platform the following:

"We favor the diffusion of free education by common schools, so that every child in the land may be taught the rights and duties of citizenship."

This must have referred to national aid to education. The Federal Government has nothing to do with purely local matters—

How true that is! We hear that corroborated every day in the Senate—and a national convention would not say anything in reference to them. The great body of our laws are purely local; therefore the national convention had nothing to say about these laws, because the Federal Government had nothing to do with them. The fact that the national convention did speak out on this question showed that they considered it a national question. Whether the States as States should encourage education—public-school education—if it had been merely a local question, could not have been interfered with by a national convention which looked only to matters requiring Federal legislation. This is conclusive as to the Democratic party in convention assembled.

NO FEDERAL CONTROL.

It is sometimes said we should not permit the Federal Government to control our State schools. To this I agree in the fullest manner and to the largest extent. But aiding our State schools and permitting us to control them in every particular is anything but control of our State schools.

He goes on to discuss the subject fully and cites some authorities. He seems to appreciate the efforts made by Northern Senators. He says:

I am glad that so many Northern Senators have been liberal and wise enough to adopt the basis of illiteracy for the distribution of this fund. Illiteracy is not only injurious to the State in which it exists, but it is injurious to the country as a whole, and well did Mr. Jefferson characterize education as one of "the great foundations of prosperity and union." Let us be fully agreed upon the principle of national aid to education, and then the details of the measure can be arranged with satisfaction to all parts of the Union.

I can not, of course, introduce much of this address, but there are some other points in it which I should like to notice. I will read another short extract from the same address upon the inefficiency of our present system. Mr. Sykes says:

Our present public-school system is a failure, notwithstanding the earnest, energetic efforts that have been put forth to render it efficient. Only 192,463 of our scholastic population, which is 609,028, are in daily attendance upon the schools, and only 373,877 enrolled pupils. There are only 25,569 enrolled pupils at private schools, and 20,503 in daily attendance. Wherever funds are sufficient more children are in school. In Obion County 7,563 out of 10,450 are enrolled, and in Williamson County only 5,200 are enrolled out of a scholastic population of 10,200. Obion County has a school fund of \$26,477.50, and Williamson County a school fund of \$20,382.63.

With the money we would get under the educational bill we could establish more industrial colleges, where all kinds of industry could be taught, and we could so improve our free-school system as to make it efficient.

Every species of labor and of mechanical employment might be taught in these industrial schools. Young men and young women might leave them prepared to make an honest living by labor. Labor would be rendered in the highest degree honorable, and all would be taught to respect not only the labor, but the laborer. Statistics show that wherever there is the most education there

labor is the most profitable as well as the most honored. Education—profitable, valuable education—is now not confined to boys, but extends to their sisters, until now they are becoming self-sustaining and independent. A glorious consummation.

You can not reasonably expect much immigration into Tennessee until you establish and sustain good public schools, since laboring people, who constitute our most valuable immigrants, will not go into any State where there are not good public schools. These you can not get without Federal aid; therefore it is essential to the development and improvement of the State. If these measures should be defeated and the people deprived of good public schools, they will hold the men who defeat it responsible, and fearful will be the responsibility.

From the State of Kentucky I have received several communications which I will read. The first is a communication from the president of the Teachers' Association of the State, R. W. Roark, and is as follows:

GLASGOW, KY., December 23, 1887.

DEAR SIR: I want to help by setting forth a few facts which possibly may be of some value. I find them true not only of Kentucky, but of many of the other Southern States.

It will be borne in mind that this is a communication from the presiding officer of the State Association of Teachers for the State of Kentucky. It is hardly possible that there could be a communication from higher authority upon this subject. He proceeds:

First, then, the large towns and cities in Kentucky illustrate what might be in the country districts, i. e., the establishment of good graded schools, with good buildings, furniture, and well paid teachers, is strongly opposed; but when once established these schools receive a warmer support than in the North. The people are always ready to tax themselves to support them.

He says that before the schools are established the people strongly oppose them, and after they are established they are always ready to support them, even more so than the people of the North. I read this because it is applicable from his observations to the other parts of the South. He proceeds:

In the light of this fact let us look at two points:

First, conditions of education in Kentucky; second, needs (or need) of education in Kentucky.

First, conditions.

1. Teachers. Teaching does not offer money enough to tempt competent men and women; therefore the work falls largely into the hands of inefficient boys and girls who want to make a little "pending money." Such teachers—and the older ones who are in the work—consequently teach for the small amount of money involved, and for that only. They must, then, make out a living by doing something else at least half the time. There is very little professional spirit, of course, manifested by such a body. The teachers are shifting constantly from one school to another and from teaching to other business. These teachers will gladly teach for the beggarly sum of \$1.65 per capita which the State pays, and have been known to "throw in" a month in order to outbid a competitor! The people are not pleased, and the whole educational system falls into disrepute. Local taxation for helping such malpractice as the pupils suffer from will not be entertained without much educating of the people themselves.

2. Buildings. Such teachers will, of course, be content to teach in any sort of house, and do so, although the law grants them to dismiss until "things are fixed." The buildings in the country are inferior to barns in many cases; they have no furniture worth the name, no blackboards, no apparatus. Here, in this town, claiming 3,000, and where three districts "cornered," we have had no school-house until this year! The teachers have been accustomed to supply their own furniture and to rent a house at their own expense. Glasgow supports two private schools very well.

3. County superintendents get beggarly pay, for the most part; and, like the teachers, have no professional spirit. Many of them can not, and few try to, give any tone to the schools. These officers have to eke out a living by some other work, and many of them are farmers, more yet are broken-down lawyers or patientless doctors, etc. They are careless of the kind of teachers they grind out through the examination mill. They hold institutes, and, so far as can be seen, pocket the fees themselves, etc.

4. Trustees (directors) are cut by same pattern. Few want the place; those who take it are often guilty of the most shameful neglect of duty or of the grossest nepotism, the bane of so many of our schools. No honor or dignity attaches to the place, and so it falls into all sorts of hands. The question these officers ask an applicant is—so often—not "What work can you do?" but "What is your price?" They try to secure the cheapest teacher—let him board himself and do his own janitoring.

5. Public opinion of the common schools is necessarily at a low ebb in such a state of affairs—must be to permit them. The schools are so worthless that many refuse to send to them. The people have no confidence in or respect for the profession of teaching in common schools. Then the old Southern aristocratic idea that the "common schools" are "poor folks' schools" prevails so largely. The rich man sends his children to good private schools and does not feel like paying tax to keep up schools for his poor neighbor.

A point I always try to drive home is that although the South is Democratic politically it neglects the most democratic of all institutions, the public school. One very baneful result of such indifference is the springing up here and there, at almost every cross-road, of catchpenny "seminaries," "colleges," "academies," etc., which are wholly irresponsible, wholly mercenary, and wholly unfit.

Second. Needs: There is one fundamental need; that is, more money. Growth of public sentiment would follow inevitably. We need money. To illustrate generally, the present work of the Kentucky State Teachers' Association must be educative, educative of the teachers, the people; educative rather than technical or professional. But lack of money prevents teachers from attending either annual meetings or State district meetings, or even county meetings, keeps them out of the reading circle, keeps them away from everything that might help to educate. The same applies to county superintendents. It is easy to see money is needed to help stir up public appreciation of our educational condition. Take the points as before:

1. Pay the teachers more, and we can get better ones; better ones will be in the market. Our own good ones will stay in the State and other good ones will come in. The work will become professional, and that means permanency of workers and growth of spirit.

2. While Federal money may not give us buildings, yet a better class of teachers, secured by increased pay, will insist upon better buildings, better furniture, better apparatus, etc., and will be able to so interest the public in their work and to so demonstrate the value of good work and good tools that better houses, furniture, etc., will come as a matter of course by subscription and local taxation.

3. If county superintendents had more money to handle the people would surely be more careful, at least in small towns and in the country, to place better men than now in the office. And if there were a living in the office, worthy and competent men would offer themselves as candidates or be called out. In this

State the county superintendent can exert a vast influence for good, if he be of the right sort. Our schools would be greatly improved by simply putting the right men in the office of county superintendent.

4. It is plain the same cause (more money) would operate to secure better trustees (directors) in the districts, for the people would elect, or the superintendents appoint, at least outside of city politics, worthier men than now to supervise the school, and select the teacher to whom this increase of money should be paid. Give these local officials relief on the money question and they would soon learn to ask, "Who is fitted?" not, as now, "Who is cheapest?" Experience with our city schools proves that when considerable money is involved the office of trustee grows in dignity, and worthy men are willing to serve, sometimes desire strongly to serve, though there is no salary or chance for nepotism.

5. As a natural result of all the facts above set forth, the people would have more confidence and interest in the public schools and would give them their influence and patronage. Whenever it is made plain that as good or better an education can be secured for a trifling tax as can be had by payment of large sums for private tuition, it is easy to see what will follow.

Then, good public schools mean the death from inanition of the worthless, harmful cross-roads private schools, "academies," "seminaries," etc., with which the South is literally cursed. The demand would be for well equipped colleges, whether private or State, and that they should do collegiate work, not primary and intermediate, as now. A State normal would surely be one result of this demand. Let me emphasize the peculiar fact, though it be irrelevant, that Kentucky sustains a good normal for the negroes, but none for whites, who must get professional instruction where they can.

I have written in this way because I know you were already in possession of the general facts of illiteracy, attendance, etc., and I wanted you to see some things as we do who work near them. I have tried to be suggestive and to state some salient difficulties.

I have stated the general rule. I am glad there are many gratifying and noteworthy exceptions to the conditions above given.

I shall be glad to be of service to you in any way.

Cordially,

R. N. ROARK,

President Glasgow Normal School,
President Kentucky State Teachers' Association.

Senator H. W. BLAIR,
Washington, D. C.

I have just received, under postmark of January 20, a letter from Mrs. Margaret Anderson Watts, of Louisville, Ky., dated January 20, 1888, addressed to myself. She goes on to say that she will give me some facts concerning her own city, and proceeds:

I have attended several State teachers' associations, and out of about one hundred and fifty counties in the State there was not over fifty counties represented. Great stress was laid upon the fact that many of the counties were destitute of schools, and in some of the counties where they had schools they were kept open but for a short time during the year. It does not matter what the newspapers and politicians say concerning the need of Federal aid for school purposes in the South: let any one who is true to himself and his country travel through Kentucky where the railroads have not penetrated, and the ignorance of the people is appalling.

It will be seen that this corroborates the statements which I read the other day with reference to the between two and three million white people who live in the mountainous regions, the slopes on both sides, easterly and westerly, of the Alleghany Mountains, extending from our own immediate vicinity to midway of Alabama and Georgia, the southern termination of the Alleghany Range. She proceeds:

The Courier-Journal, the leading paper of this city, is doing its best to deceive the people, trying to build up the sickly Democrats by flattery, saying that Kentucky has done all that was asked or expected to be done by the State.

For several winters past we women have made application to our Legislature for an appropriation to build a home for friendless women. We could not secure one dollar from the State. The cry was that the State was not in a financial condition to render such aid. The purposes of the home for friendless women was to educate them, of course, for many of the inmates were from fifteen to twenty years of age, and more than half of them could not read and write. If the State of Kentucky is so able to educate all of her youth, why was the aid withheld from us who plead so earnestly for the small and insignificant amount of \$5,000? I do not wish to intrude upon your valuable time, but would be glad to have you read my report at our last convention. I cut it out of the pamphlet and inclose it.

Respectfully,

MARGARET ANDERSON WATTS.

This lady is one of the leading members of the Woman's Christian Temperance Union, and from her report I read a few extracts. She says:

It is too late in the day to argue about the expediency of land grants or to what other purpose this heap of gold and silver could be applied. Money is what is needed now to lift the weight of illiteracy and ignorance off of the people.

It is too late now to discuss State rights. The seceding States have been reconstructed some years ago. The restoration of the Union proves the power of the National Government. As much harmony exists now as can exist while the discord of ignorance grates so harshly upon the ears of the educated.

It is too late now for the women of so great an organization as the World's Woman's Christian Temperance Union to be silenced. Every subject connected with the welfare of humanity is a part of its existence. The women are pressing forward earnestly for the removal of illiteracy and ignorance, using whatever means God appoints to accomplish it.

It is too late now to say that women are too pure to touch politics. If this be true, then they are too pure for this world! A large proportion of the inhabitants of this world are women. They breathe the same atmosphere; they live under the same laws; they suffer the same annoyances and feel keenly the same unjust oppression that partisan political voters do. How can they avoid being touched by politics, however unclean such may be?

She signs the report "M. A. Watts." Other matters she discusses ably, but I will not take the liberty to read them now.

I have here an address by Judge Beckner, an eminent citizen of Kentucky. In inclosing the address he writes me a personal letter under date December 3, 1887. This letter, with the consent of the Senate, as there are six or seven pages, I will ask to have printed in the RECORD with the other matter.

The letter is as follows:

WINCHESTER, KY., December 3, 1887.

DEAR SIR: I know of no measure likely to engage the attention of Congress of so much importance to the people of Kentucky as the Blair bill. We need

its aid. Our pro rata, or per capita, for school purposes is \$1.90. This gives to each school of forty pupils the sum of \$76 with which to conduct a school for an entire year. Under our State constitution, the districts can not be compelled to supplement this *per capita* with local taxation. In the cities and larger towns of course there are graded schools, but even in a large majority of the county seats there are no free schools save those carried on from the proceeds of the per capita distribution. In the country districts the situation is deplorable. In richer sections of the State subscription schools are carried on for several months in each year, but even these are, as a general thing, under the control of a cheap class of teachers. Our people take a deeper interest in education now than they did a few years ago, but the apathy is still distressing. Under the census of 1880 nearly 30 per cent. of our population over ten years of age could not read or write, and the same could be said of 22 per cent. of our white population. Since then I doubt if the percentage has improved.

If we could be awakened to a proper interest in the education of the masses, there are difficulties to be encountered which those raised in the Eastern States can not easily understand. Compare Kentucky, for instance, with Massachusetts. Here we have over 40,000 square miles of territory; there they have only 7,000. Here we had only three hundred and fifty millions of taxable valuation under the census of 1880. There it was about sixteen hundred millions. Here the *per capita* is \$1.90. There it is five times as much. How shall we on less than one-fourth the valuation raise enough school revenue to scatter over six times as much territory four times as much to each child? It is impossible; and yet the schools of Massachusetts are none too good, and we need the best even more than does that enlightened State, with its two and a half centuries of common schools and its abundant colleges, to say nothing of its intelligent founders and its homogeneous population.

And then, again, we have the problem of two races that will not mingle in the schools. This is a question which many in the North do not understand, but it is a most serious and troublesome one with us. The negroes came out of slavery with habits and conditions that made them unfit for the association that mixed schools would bring. The greatest trouble that common schools meet with in the South is the demagogical cry of their enemies that they will lead to mixed schools. An eminent citizen who ought to know better condescended in the State canvass last summer to urge this as an objection to Federal aid. Had he taken the trouble to read the Blair bill he would have seen that there is nothing in its provisions to prevent the States from controlling, in every respect, the schools to which its aid would go.

And then, again, in Kentucky we have the prejudice against common schools which has come to us from Virginia. In all the Southern States the idea of pauper schools found early lodgment, but when Jefferson indicated that a system based on this idea would be a failure he was not understood. The ruling elements south of Mason and Dixon's line under the old régime were not much in favor of the education of the masses, and the traditions of the elders are obstacles to progress not easily overcome. The close of the war found the seceded States conquered provinces. They had to begin anew, and accepted conditions that would most readily enable them to rise. Kentucky was not subjugated, and her people are more stubborn about changes. There is a large element here (and in high places, too) who are willing to see pauper schools conducted, but who are not in sympathy with the idea of the common school, which means educational facilities for all that are good enough for the best. We will not have adequate provision for popular education for generations to come if your beneficent scheme fails. If we could have the efficiency of our system increased, which can not be done without more money, the people would see the value of the improvement and would not consent to return to the old conditions. Population and wealth would speedily increase, and the Constitution would be so changed as to give the Legislature power to pass laws sufficient to compel local aid in every district. The sentiment in favor of Federal aid is rapidly gaining ground in Kentucky. I am a Jeffersonian Democrat in politics, but take more interest in school questions than in those of any other nation. The feeling in favor of the Blair bill elected three Republicans to Congress from Kentucky in 1886. It will increase the number in 1888 if the Democratic leaders do not learn wisdom before their conventions are held.

I see no reasonable hope for schools for the children of this State sufficient for their proper education within the next generation or two unless Federal aid comes right speedily. It is more than a blunder for any Southern man to oppose it. He ought to be *anathema maranatha* in every household where there is a child. I do most ardently hope that you and the other good men of Congress may succeed in accomplishing what will be entitled to rank third in the great achievements of American statesmanship in the interests of humanity: first, the Declaration of Independence; second, the abolition of slavery, and, third, provision for the education of the masses, to whom must be trusted the preservation of our liberties. They who oppose Federal aid in the South are of a class who insisted that slavery was a divine institution, and would no doubt have been opposed to the revolutionary and unconstitutional course of those who severed the ties that bound America to Great Britain. I inclose a copy of an address which I prepared in the summer of 1886, and which, through the zeal of friends of the cause, was scattered throughout Kentucky to the extent of 50,000 copies. If I had the means and ability I would canvass the State and stir the people until no public man would dare to stand out against the light and knowledge which the passage of your bill would certainly bring.

Yours, sincerely,

W. M. BECKNER.

Hon. H. W. BLAIR, Washington City, D. C.

MR. BLAIR. That is from very high authority, lately at least, and I do not know but now, one of the judiciary of the State.

MR. R. R. WRIGHT, a prominent colored citizen and editor, "of the State of Georgia," writes as follows:

AUGUSTA, GA., January 4, 1888.

MY DEAR SIR: I have just returned from a pretty thorough tour of the State. During my absence I have taken occasion to ascertain whether the demand for national aid for education were as urgent now as ever. I have it to say to you that it is, in the opinion of hundreds of people with whom I have conversed, even more urgent. You of course know that there are but few places in the State where schools are in session more than sixty-five days. In many places, even in the large cities, children by the hundreds can not enjoy these few days for the lack of teachers and school room. I sincerely hope, not only for the sake of Richmond County's illiterates, but for the sake of the illiterates throughout Georgia and the South, that you will not hold up until the bill becomes a law. With their eyes upon the crying need for this aid, the Southern white and black men care nothing for the technical opposition urged by some gentlemen.

You are aware of the fact that we held a most enthusiastic meeting here last year, urging the passage of the bill. The meeting was presided over by the mayor and addressed by the most prominent white and colored citizens in the city.

At the last meeting of our State Teachers' Association, to which the governor, General John B. Gordon, delivered the welcome address, the following resolution was passed and a telegram sent you:

"Be it resolved by the State Teachers' Association, assembled in the capital of Georgia, That this body telegraph to Senator BLAIR our hearty approval of his godly effort to relieve the illiterates of the South by the passage of the educational bill."

"Resolved further, That we request and urge our Senators and Representatives to use every honorable endeavor in their power to secure the adoption of said bill, commonly called the Blair educational bill."

This body was made up of teachers from all over the State, and of both white and colored teachers, earnestly engaged in the work of educating the people.

The people are with you; God is with you; and we believe that you will finally succeed.

Yours, sincerely,

RICHARD R. WRIGHT,
Principal Ware High School.

Senator H. W. BLAIR.

I have here a letter from Mobile, Ala., on the same subject, from Philip Joseph, which I will submit.

MOBILE, ALA., January 4, 1888.

DEAR SIR: Herewith please find copy of thirty-second annual report of superintendent of education of the State of Alabama. It is for 1886, six years since the census. It is the latest report. The State superintendent of education in this State and all of the county superintendents are Democrats, so that presumably the figures furnished are not unfavorable to their side. I have thought you would prefer drawing your own inferences from these tables; but I beg to invite attention to page 82, wherein you will find the white scholars taught per teacher are an average of 39, while the average colored is 48—in favor of the whites nearly 30 per cent.

In cities (pages 95-97) the annual school terms range from 140 to 200 days, the latter term existing in Birmingham only, where there has been a great influx of energy and capital; in all other places in country districts, from 40 to 75 days, an average of about three months. Fifty-nine days' schooling in Walker County, where the boasted coal deposits exist (see pages 92, 93, 94, 95). You will observe that tuition to colored children is almost wholly confined to orthography, reading, writing, and arithmetic; and even in these elements the number of colored children taught is very much less than the whites.

Only 12,157 colored children are taught grammar, 3,742 history, and 348 algebra (see page 95). Average length of school term, including the cities, 87.25 days (see page 98). Outside of the cities no comfortable school-houses or furniture is provided at all for the colored children or the poorer whites; churches or rude cabins are used for this purpose. Pages 84, 85, 86 show the comparative salaries paid, but you will see that the compensation to colored teachers is less than that paid to white teachers. In a number of districts throughout this State no colored schools exist.

My personal knowledge and observation of the condition of education among the children of both races in the States of Alabama, Georgia, Florida, Mississippi, and Louisiana would warrant me in saying that the need of national aid to schools is as great now as when "the Blair educational bill" was first introduced by you, eight years ago.

I inclose letter from an old teacher and ex-secretary of the Mobile County school board, referring to the schools in this city and county.

Very truly, yours,

PHILIP JOSEPH.

Hon. H. W. BLAIR, United States Senate.

Here is a telegram showing the action of the Teachers' Association of Georgia:

ATLANTA, GA., May 13, 1887.

SIR: By a unanimous vote of the Georgia State Teachers' Association, I am directed to express its hearty sympathy for you in your struggle for popular education.

G. A. GOODWIN, Recording Secretary.

Hon. H. W. BLAIR.

I have a letter from Rev. A. G. Haygood, which I am very desirous of reading. He is the agent of the Slater fund. His position is analogous to that of the superintendent of the Peabody fund. He says:

DECATUR, GA., November 24, 1887.

DEAR SIR: Go on with the bill for national aid. It is more needed in the South with each year; illiteracy outgrows wealth. The South is not able to carry its double burden of ignorance and poverty. The nation put on the negro the burden of citizenship before he was ready, and the nation owes it to him; the nation owes it to the South, that more than any other section feels the danger of an illiterate vote strong enough to control elections; the nation owes it to itself. The South is not prosperous outside a few cities. Where the burden pinches most, in the rural districts, the people are poor and unable to carry their burden. The nation has a vast surplus. Teach these people it made free before they were ready.

The census states the facts and makes the argument.

My work carries me through the South from Washington to Texas. I see the things of which I write.

Respectfully,

A. G. HAYGOOD,
General Agent of the John F. Slater Fund.

Hon. H. W. BLAIR, Washington City.

I have here a letter from West Virginia, which is as follows:

BEVERLY, RANDOLPH COUNTY, WEST VIRGINIA, April 27, 1887.

DEAR SIR: Yours of the 21st instant at hand requesting me to give you certain information and opinion as to national aid to public schools. West Virginia is not as needy as some of her Southern sisters, but when her present sources of taxation are considered and her needs for present necessities summed up, the absolute necessities are apparent. It is unnecessary to argue the matter. Our Senators and Representatives are favorable to the measure. I am convinced that four-fifths of our people would sign a petition for national aid, and an equal portion would vote for it were it submitted to them.

Yours, truly,

B. L. BUTCHER.

Hon. H. W. BLAIR, Washington, D. C.

I have received the following letter from Mississippi:

WALNUT GROVE, MISS., January 2, 1888.

DEAR SIR: Your letter of late date asking for information on the state of education is at hand.

There is so much that ought to be said that I do not know where to begin, but if there is any section of country that needs Federal aid to education more than any other, it is Central Mississippi. The public-school system of this State is worse than a mockery. Under the law we can only have four months of free school during the year. The maximum salary is \$55 per month and the minimum \$15, but there are few who get more than \$35 per month. This salary is paid in three to twelve months after it is due—often the latter than the former. The effects of such a system are apparent. The best teachers, as a rule, seek more lucrative positions in other States, and the second and third grade schools are kept—not taught—by those who are not equal to the task in education and, in many cases, in natural endowment.

There are a few leaders who are laboring earnestly for the great cause of education, but the great mass of the people lie dormant. The awakening has not come to them yet, and I fear it never will unless we can get more money with which to back the school system. The people as a body do not yet see the importance of universal education. We need more active men and women, more true teachers, in the field, and in order to get them we must have more money. Those who know anything of the state of affairs, as a rule, are favorable toward your bill, though many never heard of its existence. I have been doing all in my power to enlighten them, but it is a very difficult process. I send you herewith a copy of my paper, from which you will see that I am an advocate of "Federal aid."

Hoping that you may be successful in your efforts in behalf of popular education, I am, with best wishes,
Yours, truly,

W. C. ROATEN.

Hon. H. W. BLAIR, Washington, D. C.

I have here the proceedings of the State Teachers' Association of the State of Arkansas, in 1887. It resolved as follows:

Whereas existing conditions are such as to render it impossible to turn back the tide of illiteracy that is bearing down upon us, without long years of labor, much expenditure of local revenue; and

Whereas this Government reaps the benefit of whatever is or has been expended by any portion of it for the promotion of the intelligence:

Be it resolved, That the Arkansas State Teachers' Association, in convention assembled, recognizing the wisdom that prompts immediate and systematic steps being taken towards the removal of illiteracy from all portions of our land, does hereby express its sentiments in favor of such national aid as shall supplement State school funds, the expenditure of which we firmly believe to be necessary to our contentment and well-being.

Be it further resolved, That a copy of these resolutions be furnished our Representatives in Congress and the various State papers.

On motion of Mr. Sampson, the resolutions were adopted by a rising vote. The work of the association having reached its closing, the retiring president presented the incoming president the gavel, and no further business appearing, the Arkansas State Teachers' Association was declared adjourned sine die.

J. J. DOYNE, Secretary.

Here is the letter of Hon. Robert C. Winthrop, written with special reference to the condition of education in our country. I ought to say that Mr. Winthrop has from the beginning been one of the most important and one of the most strenuous advocates of this bill:

Boston, January 25, 1887.

MY DEAR SIR: I was glad to learn by your kind letter of the 11th instant that you were proposing to make Mr. Peabody's great gift for the schools of the South the subject of special commemoration at the normal college on the 7th of February next.

Twenty years will then have been completed since his letter of trust was placed in my hands. The original letter is before me at this moment, dated "Washington, February 7, 1867," with the autograph signature of George Peabody. You have just called it "one of the most remarkable and important letters ever written in this country." The munificent endowment which it announced was the first practical manifestation on a grand scale of that spirit of conciliation by which alone the wounds of the civil war could be healed and peace restored to our land. That letter gave also the earliest impulse to that cause of common-school education which was vital to the regeneration of the States impoverished and devastated by the war. And, still further, it afforded the grand example, which has been so happily followed in later years, of a rich man pouring out millions during his lifetime for the relief and welfare of his fellow-countrymen in their distress. In all these ways Mr. Peabody's letter of the 7th of February, 1867, was indeed most remarkable and most important, and one of these days it will find a place among the most precious manuscripts of our country, perhaps in the new Congressional Library at Washington.

Congress, as you may remember, awarded a costly gold medal to Mr. Peabody in grateful recognition of his patriotic philanthropy, and his letter of trust may well be ultimately assigned to the archives of the Government.

Meantime that letter has already accomplished great results. Every expectation and hope of the writer has been fulfilled. Excellent school laws in all the Southern States, thriving common schools in many of the cities and towns, and a deep pervading interest in the work of education animating the whole people, all unite in attesting the influence and inspiration of Mr. Peabody's letter. Your own normal college, with its more than one hundred Peabody scholarships, is a noble illustration of what, I trust, it is destined to accomplish in still larger measure in future years.

Of those to whom the letter was addressed, sixteen in all, five only are living, and only four are still members of the board of trustees. I can not be too grateful to a kind Providence that I have been privileged to preside over this distinguished board from the first, agreeably to the appointment of Mr. Peabody himself. He had taken me into his confidence six or seven months before his letter was signed, and I had promised to watch over his great trust so long as health and strength should permit me. It has been one of the greatest satisfactions of my life to do so, and will be to the end.

Education is the great necessity of our country. Free government can rest securely on no other basis than free schools. Increasing millions of people, with votes in their hands, which they can neither write or read, are a standing menace to the safety of our institutions and the purity of our elections. With a surplus revenue in our Treasury which Congress seems incapable either to reduce or squander, it is lamentable that all national aid for the children of the schools should continue to be denied or evaded. But I dare not dwell on this topic. Believe me, dear Dr. Stearns, with the warmest wishes for the prosperity and welfare of the normal college at Nashville,

Your friend and servant,

ROBERT C. WINTHROP.

Rev. Dr. STEARNS,
Chancellor of Nashville University.

I ought to say in this connection that this bill originated a long time before there was any surplus. It did not originate in the fact that there is a surplus. When this bill originated it grew from the necessities of the case, and it is now advocated because of those necessities; and it would continue to be pressed whether there were a surplus or whether it were necessary to raise the money by affirmative taxation, or by the issue of bonds, or in any other way to obtain the funds, they not already being in our possession. The fact that we have a full Treasury leaves us without the slightest excuse for non-action.

General Armstrong, of the Hampton Institute, said in 1886, in his report:

The movement in this State is active. * * *
The nation which freed and enfranchised four million of slaves, thereby cre-

ating most serious and dangerous political conditions, has felt its responsibility, and has from time to time attempted to do something towards cultivating intelligence and moral sense of its new-made citizens. The "Blair bill" is the last expression of this feeling, and has failed.

That was after the bill had been passed by the Senate and had failed to receive action in the other House.

Undeniably a better measure might have been prepared. Too much was asked for in too short a time, and this mistake gave some justification to the cry of "pauperizing the South."

Rev. Dr. Mayo writes as follows:

NATIONAL AID TO EDUCATION.

To the Editor of the Republican:

The enemies of the Blair educational bill, who flatter themselves that national aid to education is a lost cause, will probably be enlightened by the immediate passage of a similar measure through the Senate. Then for the third time within five years this important legislative act will appear at the bar of the House, claiming the ordinary right of a fair discussion on its merits. We believe it will not be a wholesome or safe exercise of the powers vested in a few leaders to prevent such consideration again as in the past.

The main ground of open opposition to the measure has already been outlined in the opposition press. But it is evident that the most obstinate opponents and most vital reasons for this persistent opposition are behind the scenes. One thing is demonstrated already: that every man, North or South, opposed to the present tendency and importance of the public-school system, and who desires for any reason to curtail its power, will be found in his own place with a decided negative. It is not necessary to disparage the motives of this formidable host arrayed in opposition to the American public school; but the fact remains, and the friends of national aid will be compelled to meet and overcome every form of this hostility. Of course there are friends of the public school now and then influential, who will act on the same line; but the "old guard" of the opposition, North and South, remains.

It only needs a glance at the ostensible grounds of opposition to dispose of some that have been vigorously worked. The attempt to disparage national aid by painting Senator BLAIR as a crank, and fastening its authorship and chief advocacy upon unreliable and visionary schoolmen, disappears with the fact that the Blair bill is simply the Senate bill wrought into its present form after five years of the most searching criticism by the leaders of both parties and sections, assisted by the most eminent public-school men of the North and South. Any bill that passes the Senate will be of the same sort.

The great debate of three years ago in the Senate, one of the ablest, broadest, and most vital in all ways since the war, effectually disposed not only of the "constitutional" objection, but of the pretense that this is a new question sprung upon the country. The bill has passed muster before almost every great lawyer in the Senate, and is demonstrated to be in the direct line of the national policy from the beginning. Nothing would please its friends better than that the ex-governor of South Carolina, Lawyer Chamberlain, should execute his threat of carrying it before the Supreme Court.

The grounds of opposition this winter will be: First, that public interest in the bill has died; second, that the South is getting on well enough now without it; third, that it would paralyze home effort if passed.

The question must turn finally on the attitude of the South. The opinions and theories of educational philosophers, politicians, and even important journals in the North will finally be tested by the deliberate and growing conviction of the competent class of the Southern people, with the grounds of their faith. It is not understood, as it should be, that this bill is neither a theory of a few schoolmen, a political bribe offered to the South, nor anything but a legitimate cause that has grown in a natural way from a growing public necessity and was never so powerful when clearly understood as to-day. When Mr. HOAR pushed through the House his original bill, he represented the most advanced and reliable estimate of Southern needs by the best-informed common-school public of the South. The measure originated in this quarter, and from the first almost every eminent public-school man of the South has been its determined advocate.

The growth of public Southern opinion in the ex-Confederate States has been irresistible, overcoming every form of opposition, till only five of the twenty-two Senators of that section have opposed it in the Senate, and three of them misrepresent Tennessee, Alabama, and South Carolina. Each of these eleven States, if polled to-day, would cast a heavy majority of the white with the solid column of the colored vote in the affirmative. If Texas is excepted, even there the common-school public is practically unanimous, as shown by repeated demonstration of its representative teachers. The Southern opposition is most powerful in Maryland, Kentucky, and Missouri. But in each of those States the leading public-school men are almost unanimous in its favor, and the general public less informed because not pressed by such imperative need. With one or two exceptions every leading Southern journal is its advocate. Within the past year Southern public opinion has rapidly developed, as shown in the adoption of the measure by the Democratic leaders of Virginia, the revolt of the Democratic governor of Tennessee from the Harris plank in the State platform, and by the growing impatience with every Congressman in open opposition. It is as easy to deny this and to keep exclusively among the opposition as to live for a year in Boston in eminent families who have lost faith in republican institutions or to walk on the shady side of the street; but the fact remains.

The grounds of this conviction, by that portion of the Southern people who look to universal education through the common school for the only permanent relief of the ills that worry and the perils that threaten Southern society, are easy to be seen. All assertions, doctoring of statistics, optimistic expectations, and oratorical buncombe, North and South, to the contrary notwithstanding, these cold facts remain:

First. That of 6,000,000 children and youth in need of a good country district school in the sixteen Southern States, not 3,000,000 are to-day in constant and effective attendance on any school four months in the year, to say nothing of the brief term of school years possible for the Southern girl and boy.

Second. That to achieve this the common-school public of the South has lashed the Southern people very near to the dead-line of taxation for education, many of their towns now exceeding, and the whole South falling but little below, the North in its expenditure, according to valuation.

Third. While the valuation of New England equals, and of Massachusetts and New York largely exceeds, the whole South, and the savings-banks of Massachusetts could pocket the State of Georgia, it is idle to talk of the possibility of meeting this emergency by home effort for years to come. There is no such general boom down South as justifies any reasonable expectation of large immediate increase in the school funds. To-day Massachusetts expends half as much on her 500,000 school children as the whole South on its 6,000,000. Meanwhile the barbarism we call illiteracy broods, a threatening cloud, over the abyss of the lower side of Southern life.

Turn and twist and declaim as we may, this is the situation as reported by men like Drs. Haygood and Curry, President Johnston, Governor Thompson—indeed everybody who has looked this thing through to the end. If there is any better cause than this which the common-school Southern public now present to the country we are not informed of it.

The fear that the Southern school public will be "demoralized" by a yearly gift of some \$8,000,000, which would afford less than \$2 per capita for each school

child, leaving then the expenditure less than one-fourth per capita of Massachusetts, is not well grounded. National aid for education, in every possible form, has been showered upon the fourteen Northern States west of the Alleghenies for more than a generation; and to-day these States lead the world in the zeal of home effort for the common school. The Southern people are no exceptional race, and the voting of moderate national aid to encourage, stimulate, and finally help to establish a good six-month country district and an eight-month graded town school of the American type is one of the most imperative duties of Congress. It required years of work, with two Presidential vetoes, to secure the agricultural and mechanical college land grant to all the States in 1862. It will not require half the time to carry a judicious measure for national aid in the present emergency of Southern educational affairs.

A. D. MAYO.

A colored clergyman of Mobile, Ala., writes as follows:

MOBILE, ALA., January 2, 1888.

DEAR SIR: I have kindly been asked by Hon. Philip Joseph, of this city, to write you a letter concerning the colored schools or colored school system of the State of Georgia. I am a native of Georgia and in my earlier life was engaged in the public schools. I am now a preacher in the Methodist itinerancy in the State of Alabama. Now, so far as the schools in the State of Georgia are concerned I will say I believe we have only one large school in the State that gets any public fund; that is the Atlanta University, that gets \$8,000 annually; there are other graded schools that get smaller amounts. Most all of the larger towns in the State have public schools, I mean the cities that run from six to nine months during the year. The teachers are paid according to the grade of their certificate, and in all cases the white teachers through the State get the largest amount of salary. Now, as to what we call the country schools, in the more rural districts, I must say that in most places those poor people have only the advantage of about three months' school. There may be in some localities a little longer session, but no country school in the State of Georgia ever runs nine months and very few of them run longer than three months in the year, and most places the colored teachers get very poor pay. I have given you a synopsis of the colored schools of the State of Georgia which is simply true. I hope this may do the good for which it is intended, and ere long that grand old Blair educational bill shall take the lead of education for the colored.

I am sincerely, yours for the bill,

M. L. BLALOCK.

Mr. H. W. BLAIR, Washington, D. C.

The Florida School Journal, published at Lake City, Fla., in its issue of November, 1887, contains a letter from A. J. Russell, State superintendent of public instruction, from which I extract the following paragraph:

There are many teachers who have managed to barely scrape through, and obtained a third-class certificate and are content to rest upon that. Some I know of, who have held just such a certificate for five, six, and even ten years, sometimes re-examined, sometimes the certificate is hastily renewed by the county superintendent by writing the word "renewed" across the face of the old certificate for the coming year.

From Columbia, S. C., I have this letter:

OFFICE OF THE CAROLINA TEACHER,
Columbia, S. C., December 23, 1887.

MY DEAR SIR: Since the receipt of yours of the 14th I have done such work in the line it proposed as my limited time would allow, and have started your letter on the rounds in order that each may have the benefit of your timely suggestions without subjecting you to so much writing.

The inclosed letters will show something of the sentiment among Southern editors, and the same feeling is gaining favor among the people. They begin to realize, as they never have before, the necessity of education for all, and when they get to this point the provisions of the "Blair bill" are not objectionable at all.

Inclosed you will also find editorials clipped from the Charleston (S. C.) News and Courier, which I am sure will interest you, if they have not already come to your notice. I shall send you all such that come to me.

Please accept my thanks for the "educational bill," as well as for your kind letter, and believe me,

Very respectfully, yours,

W. L. BELL.

Hon. H. W. BLAIR,
United States Senator, Washington, D. C.

THE BLAIR BILL.

It is often easier to procure the passage of a bad law, or one of doubtful utility, than one that promises the greatest good to the greatest number. When men's passions are excited they are quick enough to put their will into shape if they have the power, and in legislative bodies the majority has the power. Laws for the general welfare, however, are everybody's business alike, and the rule is, in most cases, that these wait for consideration until others of particular interest are out of the way.

The history of the Blair educational bill illustrates this rule. It is one of the most important measures to the whole country that have been introduced into Congress in the last twenty years. It looks to the education of the people to qualify them to be good citizens, and provides for the education of a class of persons who are numbered by the million, and who will not be educated if the bill fails to become a law. Yet it has been held back and suffered to remain inoperative, while hundreds of measures of little or no concern, except to politicians or limited private interests, have been hurried through Congress without difficulty.

Here is a prophet:

We believe that the Blair bill will pass sooner or later. Every day shows more and more the need of some such law. Every year that is lost means so many more ignorant and dangerous voters who have passed beyond hope of redemption or improvement. The bill ought to pass this session, since it has been delayed too long already.

That is the opinion of a citizen of importance.

The Senate Committee on Education are unanimous in favor of its passage in the shape in which it passed the Senate in the last Congress, and it will probably be sent to the House at an early day.

No more important measure will demand the attention of that body, even at this most important session, and the Congressmen from the South particularly, who know how urgently help is needed here in the cause of popular education, should see to it that the Blair bill has a fair and full hearing.

Southern Congressmen who have opposed the Blair bill heretofore would do well to study closely the educational situation in the South, and satisfy themselves whether there has been any such material progress in that direction in the past year as to warrant them in continuing their opposition. The Southern States might do a vast deal more than they are now doing for the cause of popular education and still make but little impression on the number

of illiterates. And there is no prospect of their doing very much more with their own means for many years to come.

In regard to the school funds of the different States from which they now support their common schools, I read from the report of the superintendent of Nebraska as quoted in the Report of the Commissioner of Education for 1885-'86, and this may be a matter of interest to those who take any concern in this matter:

Missouri.—Permanent fund, \$10,284,000; annual interest on the permanent fund variable, sometimes reaching \$800,000; minimum price of land, \$1.25 an acre.

That accounts for the fact that Missouri claims to be a somewhat exceptional State.

Indiana.—Permanent fund, \$6,328,690.89; annual interest, \$665,262.11. The State has borrowed and pays interest at the rate of 6 per cent. on \$3,904,783.21. The remainder is loaned on real estate at 8 per cent., and is managed by the county auditors.

Minnesota.—Permanent fund, \$7,250,000; annual interest, \$335,000; minimum price of lands by statutes of 1878, \$5 per acre; estimated future of fund, \$18,000,000.

It would be too much to suppose that the immense funds in some of the States account at all for the fact that there is opposition to contributions where in the States there is great necessity and they have no such funds to fall back upon.

Iowa.—Permanent fund, \$4,127,510; minimum price of land, \$6 per acre, but may be sold at an appraised value not less than \$1.25 per acre; fund distributed to the counties, which pay the State 6 per cent.

Kansas.—Permanent fund, \$4,000,000; estimated future maximum, \$10,000,000; annual interest, \$400,000; minimum price of land, \$3 per acre.

Michigan.—Permanent fund, \$3,838,728.27; the annual interest amounts to \$260,833.32; by the statutes of 1882 the minimum price of the common-school land was fixed at \$4 per acre; the minimum price of the university lands was fixed at \$12.

Ohio.—Permanent fund, \$3,826,171.27; estimated future maximum, \$4,000,000; annual interest derived, \$229,452.76.

Wisconsin.—Permanent fund, \$2,953,528.58.

Tennessee.—Permanent fund ascertained and declared by law to be \$2,512,000, which constitutes an irreducible debt of the State and bears 6 per cent. interest.

Colorado.—Permanent school fund, \$151,457.53; unsold land, 2,500,000 acres; minimum price of land, \$2.50 per acre; the State pays interest at the rate of 6 per cent. on the permanent fund.

Nebraska.—Permanent fund, \$4,904,119.21; annual interest, \$391,552.60; minimum price of land, \$7 per acre; estimated future maximum fund, \$20,000,000.

It will be seen that in each instance this fund is national aid. It was the contribution to these various States of public lands, a part of which has been sold and already constitutes a large invested fund drawing interest, and, beyond all that, except perhaps in the State of Ohio and in Tennessee possibly, in all the other States there is an immense mass of still unsold lands constantly increasing in value, which is in the future to be converted, at the discretion of the State, into an investment bearing interest. In the State of Minnesota it is prospectively \$18,000,000 when converted into money—a permanent fund of \$18,000,000 for the maintenance of the schools—and in the State of Nebraska it is \$20,000,000. The State of New York has a large fund which is not mentioned here, but in the table which I introduced yesterday it will be found. It is, I think, about \$7,000,000. That was based upon the distribution of 1836 and 1838.

But I call specific attention to this national aid from which the children of the great States of the West are now being educated, those States being very largely relieved of the taxation which other States are obliged to impose upon their people in order to secure corresponding privileges for their children. These data can be increased and the exact condition of the other land-grant States can be shown. I introduce that as an illustration in passing.

I have had prepared, or rather I have requested to have prepared and it has been very kindly done by the Commissioner of Education, Dr. Harris, a large amount of matter, but yet no more than was necessary to do justice to the subject, from the most recent reports in the various States of the Union showing the actual condition of education as indicated by the testimony of officials and leading citizens. This I will proceed to lay before the Senate, because whatever may be said of all that has been hitherto placed before the Senate it is the latest information, and must be the basis of intelligent legislation.

LATEST REPORTS FROM SCHOOL SUPERINTENDENTS OF STATES.
[From the records of the Bureau of Education, with observations by Hon. William T. Harris, Commissioner.]

Those observations are merely a few lines at the beginning of the statements of these witnesses. The Commissioner says in a note:

Note.—The following extracts from school reports embrace unfavorable cases only, showing the minimum school term, cases of greatest hardship, etc., and are not representative of the situation as a whole.

As a general rule, the reports of superintendents are more favorable than these here quoted, either as to present condition or as to future prospects of public schools, and more especially as to the financial ability of the Southern communities to improve their public schools if they only were so disposed. An indefinite amount of matter to this effect might have been selected. Yet it is believed that these favorable reports too often do not disclose the real state of affairs. A tendency on the part of school officers to represent their counties or States as among the most progressive and to extol their own administrations, or perhaps ignorance or indifference as to the condition of the schools under their charge, tend to this end. That such is the case is amply attested by the letter of Superintendent Moses, of Raleigh, N. C., to State Superintendent Smith, of Tennessee, incorporated herewith.

It must be borne in mind that what is known as the American system of public schools, though nominally adopted by all the Southern States, is not accepted by the leading citizens and tax-payers through large sections, though apparently making some progress. The doctrine that a man should educate his neighbor's children, especially if those children are negroes, has not yet taken firm root in the South.

In all cases the latest reports on file have been used.

ALABAMA.

[Report of State Superintendent Solomon Palmer, 1887-'88.]

Each year it is made more apparent that the great need of our school system is more money. Our school population increases each year, making an annual increase in appropriation necessary if we hope to meet the demands upon us and to keep pace with the progress of the times. At no time in the past has the school fund of the State been what it should have been. Ever since the system was inaugurated it has been crippled for want of adequate means to build and furnish school-houses and to give free tuition to the children of the State for longer than three or four months each year.

We hear complaint that our public schools are poor, that the teachers as a rule are inferior, and that the school term is so short that but little or no good is accomplished. Grant that this is frequently the case, and I ask, in the name of reason, what better results could be expected without school-houses, furniture, or apparatus, and with compensation of a majority of teachers at less than \$22 per month, and then, at that rate, only enough funds to keep the schools open a little more than three months in each year?

THE DIFFICULTY OF OBTAINING QUALIFIED TEACHERS.

[From Louisiana State Report, 1886-'87, p. xv, Warren Easton, superintendent.]

The matter of obtaining better qualified teachers is one hard to deal with. The difficulty lies in the low salaries paid and the shortness of the school term. The best teachers are not always procurable for thirty or forty dollars a month for terms of three or four months in the year.

SHORT SCHOOL TERMS.

[State Superintendent S. M. Finger, in North Carolina School Report for 1887-'88, page xxxii.]

In estimating our educational facilities I have taken the average for the State. We must not lose sight of the fact that, while the average school term is sixty-three days or three months, some counties have only about two months and others have four months or more.

THE NEED OF MORE FUNDS.

[From Eighteenth Virginia School Report (1887-'88), pages 20, 21, John L. Buchanan, State superintendent.]

The State embraces a large territory, parts of which are sparsely settled, and many parts of which are unable to raise large sums for school purposes by local levies. Hence, lack of funds largely (not wholly) explains the inefficiency of the school system wherever such inefficiency exists. Often objections urged against the school system itself are objections which should be urged against the inadequacy of the means provided for its support. It goes without saying that the essential need of the system is more money. Twice the amount now expended could be most profitably used. But more money can be secured only by increased taxation, and this the people in their present financial condition can hardly bear.

SCHOOL ACCOMMODATIONS OF TEXAS.

[From Sixth State School Report (1887-'88), pages 22, 23, Oscar H. Cooper, superintendent.]

School-houses.—An examination of the statistical tables will disclose the startling fact that while we had 8,826 country schools reported as maintained during the year 1887-'88 we had only 3,286 school-houses, and that of this number only 1,851 were reported as in good condition.

About one-half of the school-houses in good condition and less than one-half the number of school-houses necessary for the schools!

No stronger evidence of the necessity for making better provisions for building and equipping school-houses could be adduced. Five thousand five hundred and forty schools are not provided with any kind of a school-house. They are temporarily housed in neighborhood churches, vacant barns or out-houses, and such other buildings as can be obtained for a nominal rental. In many counties the value of the common jail exceeds that of all the school property in the county!

I think that superintendent ought to be removed. Here is this superintendent, Oscar H. Cooper, the State superintendent of Texas, where they have all the schooling that is necessary and want no additional aid at all, and the superintendent himself opposed to it, and he says:

In many counties—

Not in one, but in many counties—

the value of the common jail exceeds that of all the school property in the county.

Will the Senator from Massachusetts [Mr. DAWES] note that, that in many counties in the State of Texas the State superintendent asserts in his most recent report that the value of the common jail exceeds that of all the school property in the county.

Mr. DAWES. Is the inference that there are more in the jail than in the schools?

Mr. BLAIR. No; because with the proper number of schools perhaps the jail would disappear; but from there being no schools there arises the necessity for the jail. It is not given here as a slur upon the people, but as a fact that the jail property in many counties exceeds the value of the school property in those counties.

I do not suppose that will get into any newspaper in this country. I should be surprised if it did. I have not noticed in the press of this country the report of scarcely a single fact that has been put in here during the three or four days that I have laid this most startling matter before the Senate. One would think that the press of this country was under bonds to keep silent or to spread falsehood. Certainly it does both with reference to this bill. I venture to say that, of all that I have laid before the Senate up to this date, these terrible facts indicative of the approaching ruin of this country, the false press of this land has not circulated to the people the amount of a single half column in any of the metropolitan papers of the great city of New York.

I say, Mr. President, that this faithlessness on the part of the American press indicates corruption and danger to the people of this country of the deepest dye, and I believe to-day, as I stand here in my place in the Senate, that the corruption, fraud, and miscreancy that are now characteristic of the American press betoken more of danger and ruin to our institutions than any other one thing that can be designated. I believe it is in a league, a corrupt league largely, to prevent the consideration, the spread of the facts which I give to the Senate,

that the people of this country may be informed, and I am not wholly without evidence to justify my belief that there are agencies in this country at the bottom of the fell and infernal work.

Superintendent Cooper proceeds to say:

It is not possible to maintain a school successfully without a suitable school-house properly equipped; and it is absurd to suppose that our school system can be generally efficient without adequate provisions for building school-houses.

Under our present law the price of a school-house to a community is the suspension of the public school for a year. It is not strange that many people prefer to adopt any possible makeshift for a house rather than lose the opportunity of sending their children to school. Yet a good school-house, properly located, adds essentially to the value of all the property of the community. But people who are taxed to support the schools are often loath to donate to the State a school-house for the use even of their own children. The result is constant embarrassment to the trustees and to the school. Besides, it is safe to say that the majority of the school-houses reported "good" have been constructed with little reference to all the essentials of good school property, sanitation, ventilation, light, proper equipment, and ornamentation.

The average value of the country school-houses, with site and furniture, is only \$300, and more than five thousand schools have no houses at all.

A statement like that in a christian country, in an intelligent country, in a Republic! Just think of it! That in one State—and that undoubtedly the greatest State of the future, the most promising State of the whole, as I believe it to be—with 8,000 schools and a little over, more than 5,000 are without proper school-houses. Statements of this kind nobody can read or contemplate with the slightest idea of animadversion upon the locality where the condition unfortunately prevails, for there are causes for all these things, causes which can be removed, and it is the object of this bill to contribute to their removal. It is no less dangerous to the people of the North that this happens to be located in the South. It would be equally dangerous were it in Oregon or in New England, and in New England I have shown that there are conditions most lamentable, but not, of course, so unfortunate as this.

In the cities we find a state of affairs much more satisfactory. Here most of the schools are comfortably housed, and the houses are generally adequately equipped. The average value of the school-houses in the cities, with grounds and furniture, is over \$8,000. Of course, school property in the cities will always exceed in average that of the country, but the disparity now existing in Texas is unnecessary and absurd. It is largely due to the fact that our laws authorize the municipal authorities of cities and towns to issue bonds to build school-houses, while they do not authorize county authorities to pursue a similar course. It is obvious that more adequate provisions for building school-houses should be made for the counties, and in the same way in which provisions have been made for the cities and towns in the State.

School-houses are public buildings, and under our present constitution the county authorities might be authorized by law to issue bonds to build school-houses, as well as to build court-houses and jails. Our present policy of making the erection of a school-house dependent largely on private subscriptions does not accord with the principles on which public education depends, nor does it give us good school-houses. The plan proposed would give us school-houses which would be of permanent value, and the cost of erection and equipment would be distributed among those who in after-years will enjoy their use. Moreover, it will provide safe investment for many years for the permanent school fund; and the interest paid on this fund thus borrowed would be returned directly to the people as available school fund. Apart from the consideration of the glaring need of more and better school-houses for the schools, it may be added that no possible investment of the school fund would add so much to the value of property in the State, or tend so strongly to attract to the State the most desirable class of immigrants, and multiply the number of comfortable and intelligent homes. Good school-houses, properly equipped, will give vigor, stability, and high efficiency to our school system.

HELPING THOSE WHO HELP THEMSELVES.

[State Superintendent S. M. Finger, in North Carolina school report for 1887-'88, page xxxiii.]

In 1860 the public schools showed their highest development before the war. According to Superintendent Wiley's report during that year the disbursements were \$278,000 and the whole number of children between six and twenty-one years of age was 221,450. The per capita expenditure was, therefore, \$1.25 on the number of white children.

This money was in part furnished from the interest on the permanent fund of about \$2,000,000 and in part by county taxation, the counties being required to tax themselves. This requirement was, perhaps, the strongest factor in the establishment and improvement of the public schools before the war. In fact, the wise founders of our public schools, in 1840, started with this requirement and did not allow any apportionment from the State fund to counties that did not vote in favor of and did not levy a tax to supplement it.

This principle of helping those who help themselves has had wide application in the establishment and development of school systems in the other States and countries.

It will be observed that this is precisely what the bill before the Senate does. It helps those who help themselves. It gives them a dollar for every one that they raise up to the full amount of their allowance under the provisions of this bill.

I have here the reports of the county superintendents in Arkansas. This matter is taken from the report of the State school superintendent, W. E. Thompson.

It ought to be remembered that these are friends, and not enemies, who give this testimony.

Fulton County.—"The general wants are better teachers, better houses, more money, and awakening on the cause of education."

Greenup County.—"Owing to short terms, small salaries, and want of interest, average attendance 52 per cent. It sometimes happens there is neither fuel nor stove, and, of course, children do not go to school when it is cold."

Hart County.—"Carelessness of parents, discord of trustees, some bad school-houses and teachers, are things that prevented a larger attendance. Better teachers are needed, but can never be had until pay is better. The trained teacher drops out, his place is filled with the raw recruit; the children are the losers."

Lincoln County.—"In most cases teachers receive nothing but the public funds; sometimes they are required to pay rent of school-houses, and generally necessary repairs. No wonder the most competent are driven from the territory."

Martin County.—"The county can not be districted so as to accommodate all the children with convenient school-houses. Neighborhoods are formed along

the valleys of creeks with high ridges between. In order to get sufficient numbers of children, a district will extend 7 or 8 miles along these valleys, with only a mile of width. Not being able to educate and train teachers, and not having funds to get good from abroad, two-thirds of the teachers in the county hold second and third class certificates."

Menifee County.—"Above all, more experienced teachers are desired, and for these better, regular, and fixed salaries."

Perry County.—"School-houses in the county are poor, owing to the fact that the people are poor and hard pressed to pay taxes. It is next to impossible for trustees to raise money by district taxation."

Pike County.—"A large percentage of the school-houses are not sufficient to accommodate the children, hence were condemned. Trustees not able to build in keeping with the law, and many parents opposed to taxation."

Rock Castle County.—"The special needs of this county are good and well-furnished school-houses, educated trustees, and well-trained teachers."

Todd County.—"The same old difficulty is encountered of insufficient means to procure competent teachers."

Wolf County.—"There is insufficiency of houses and furniture for the comfortable conduct of the schools. The saddest drawback is that many of our people read but little, and are unacquainted with the spirit of advancement of the age in which they live."

COLORED SCHOOLS (KENTUCKY).

Boyd County.—"The two colored schools have no houses, and no clear way of getting them."

Calloway County.—"The colored schools of Calloway County have made wonderful improvement, but are yet in want of much improvement. Half of the districts have houses; the other half have none. The result is, they scarcely ever have schools in such districts."

Floyd County.—"Had no colored school. No colored person could be found who could obtain a certificate to teach. Examinations should be made lighter on applicants for these schools. Every effort was made to get teachers from abroad, but the pay was not sufficient to induce any one to come."

Grayson County.—"There is not a colored teacher in the county, and unless teachers can be obtained from abroad the schools will not be taught."

Hart County.—"One of the principal troubles is, districts are so few and so large. Some of the pupils live 5 miles from school, yet many of them attend."

Henry County.—"The colored schools of the county have accomplished but little. Few of their people seem to care anything for schools. All that could be done has been done to arouse them, and it is to be hoped some impression has been made."

Kenton County.—"Owing to sparsely settled districts, colored schools are impracticable in this county."

La Rue County.—"The county is sparsely populated with colored people; therefore they labor under many disadvantages. The districts are too large and the patrons too poor to build suitable school-houses."

Lee County.—"The colored schools in this county are only two, and in bad condition, owing to inefficiency of teachers and poverty of patrons. The people are sparsely settled; hence the children must go a long distance to school. They are poorly clad and poorly supplied with books; the term is short, and they are in danger of being reared in ignorance until funds can be raised to induce competent teachers to come and teach them, the number of pupils being too few to furnish a salary sufficient to pay an educated teacher."

Marshall County.—"The colored common schools in this county are not doing very well. The causes are incompetent teachers and trustees. In fact, there are so few children, and they so scattered, that much success can not be expected except in the town of Birmingham."

Metcalfe County.—"The average attendance is but 24 per cent. The number of pupils decreased from 333 in 1885 to 376 in 1889; cause not known."

Nelson County.—"The greatest difficulty was experienced in obtaining competent teachers. Certificates were refused to a number of colored teachers. For this reason some schools may have to go untaught for a while, but this is a lesser evil than bad teaching."

Robertson County.—"There is but one colored school in Robertson. There are but few colored children in the county, and those not in the neighborhood of this school must go without education. No chance is seen to have another colored school in the county."

Scott County.—"The principal trouble is they have not the means to build. In almost every case they are compelled to rent school-houses, and in several cases the teachers are compelled to pay part of the rent."

Todd County.—"There are so few colored children, it is an absolute necessity to walk at least 3 miles to school or not go at all. Some districts are considerably more than 7 miles square. Where there are only ten or fifteen children of pupil age, 3 or 4 miles from any school-house, it is only choosing between going that far and not going at all."

It will be remembered that a provision in this bill aims to assist in the construction of school-houses in poor and sparsely settled regions by furnishing not more than \$150 in any case, the plans to be furnished by the National Bureau of Education and to be in accordance with the latest and highest progress of school architecture, not expensive, but embracing the necessary conditions of sanitation for the health and convenience of the pupils.

REPORTS OF KENTUCKY COUNTY SUPERINTENDENTS ON THE CONDITION OF PUBLIC SCHOOLS.

[From Kentucky School Report, 1884 to 1886.]

Boone County.—"Schools are not in as prosperous condition as desired; there is a lack of interest with many trustees and patrons, owing to many inconveniences with which they contend. Some districts have no school-houses, many others inferior ones."

Bullitt County.—"Houses, with few exceptions, are worthless, and interest taken in them, or in the schools by the patrons, is remarkably dull. The teachers teach principally for the public money, which averages them about \$20 per month; out of this they must board and clothe themselves."

Suppose they pay \$5 a week for board the whole is gone, and during the two or three days of the month which are left they must saw wood and supply themselves with board for those two or three days. Four weeks count only twenty-eight days. Then, clothing must be provided in some other way. One would think that they would be obliged to resort to the clothes-line, as the colored people are supposed to resort to the hen-roosts for a living. Evidently these people can not get a living and follow the avocation of teaching and be honest people. Of course, during the rest of the year they must be doing something else, if there is anything else to do.

Caldwell County.—"There is want of co-operation, a lack of good houses and furniture and of better pay and better teachers."

Clark County.—"School-houses and school furniture belong to the semi-civilized stages of society, and stand a blotch upon the blue-grass region of Kentucky."

Clay County.—"The system of popular education is lacking in three particulars: incompetent teachers, insufficient school-houses, and indifference and poverty of the people."

REPORTS OF COUNTY SUPERINTENDENTS IN ARKANSAS.

[From State School Report, 1887-'88, W. E. Thompson, State superintendent.]

Clay County.—"We can not have good schools without plenty of funds, which it is impossible to raise from diminutive, poverty-stricken districts."

Lafayette County.—"The educational interest of our county is growing. The free schools have a strong hold on the people. I have had good opportunities to observe the workings of the free-school system, not only in my own county, but pretty much throughout Southwest Arkansas. I deem two things especially necessary to make the schools efficient; first, teachers trained in normal schools; second, more money. The county schools, as a rule, are taught three months in the summer. There is a growing cry for three months additional in the winter. This can never be done without more money. The 5-mill and State tax are not sufficient."

Logan County.—"A second great need is more money. Last year our schools averaged only three and two-thirds months in duration. The State school tax ought to be at least 5 mills, with another 5 mills at the option of the electors. It is cheaper to educate than to punish. Schools are better protection than courts—school-houses better than jails."

Pulaski County.—"From the best information I can get, there are few school-houses in the county. School must be taught in any sort of house that can be obtained, and the furniture is, as a rule, uncomfortable and unfit for use. The teaching must conform to the cheerless surroundings."

Saltine County.—"Good county supervision is necessary for the success of the public schools; a live, energetic, capable county superintendent is badly needed. We have some directors who are not overburdened with intelligence, and but few are competent to make out a correct report, and have about as much idea of the practical workings of a school-room or the competency and efficiency of a teacher as a hog has about the mountains of the moon."

Stone County.—"Another drawback to the free schools of this county is want of more and better equipped school-houses. Many of the districts have to depend upon church-houses to have a school at all, and along comes a protracted meeting after the schools are about two-thirds gone and completely disorganizes them for the rest of the term."

Now, here is a picture of a destitute people with a system of schools which can do them very little good for the lack of proper maintenance, and we are met with reference to these conditions with the assertion that they ought not to be helped because they do not help themselves. How is it that such people are to help themselves or should be reasonably expected to help themselves? They are without the means of helping themselves. They have no example before them of the excellence of that institution in regard to which they are called upon to submit to taxation. They have no traditions in favor of a free public-school system, and here is a new subject-matter of taxation for which they are called upon to contribute in large sums out of their exceedingly scanty means. The fact that they do not under these circumstances create for their children an educational system of public schools, it seems to me, if we are to act upon the ordinary principles that govern human nature, should constitute a reason for going to their help. We do not expect those who know nothing of the excellence of a thing to desire it.

If we desire to sell goods to another country where we have no market, we do not wait for them to send for our goods. How are they to know of them? What reason have we to expect a market there? What reason have we to expect them to consume those articles which we produce and of which they know nothing, however much it might be for their good if they should apply to their wants those things which minister to a higher civilization? On the contrary we carry our goods and exhibit them, we show their adaptation to the wants of humanity, and thus we create a want, a desire among the people, and they proceed to purchase and to consume. Just so it is with the common-school system.

People can not be expected to consume the means of education unless they have already by prior measures, by causes which others have set in operation, come to feel a desire for education. Then they will impose taxation, as they already do it seems to the extent of their ability. But before they can be expected in these communities to establish such educational facilities as are really necessary to transform and to elevate the general condition of society they must have outside help; they must have money from outside their own resources; they must have competent teachers who can go there and on the spot create schools which will accomplish results, and from the effect of which there will arise an increasing desire on the part of the people to continue in the possession of that good thing.

When this bill has been operative ten years or eight years the people will know the excellences of the common-school system. They will have a good house and a good teacher; they will have a good school, and they will then comprehend that a good school is pecuniarily the most important institution in any community. Then will follow the other and higher forms of development which are the result of education, and they will appreciate them. Those are the things which appertain to the development of body and of soul, and the local community in future may be expected to be stimulated to the maintenance for all time to come of an efficient system of public education.

I have here the reports of county superintendents as to the condition of schools in Louisiana. When I read about a State, or a great many of our States, thirty or forty of them, and pass from one to another, it does not seem to be of very much account; but when we stop to reflect that any one of those States is becoming the abode of a great nation, any one of them has an area and a capacity for a population which will accomplish more in the history of the world than was accomplished by Greece or by Rome, when we consider the infinite possibilities which

are wrapped up within the geographical limits of any one of these States, I think, Mr. President, that we ought to give heed to those terrible statistics.

Mr. CULLOM. Will the Senator give way?

Mr. BLAIR. I have a great deal more of this to put in before the Senate, and I can see that the Senate is very anxious to receive this matter.

Mr. CULLOM. It is getting a little late.

Mr. BLAIR. I would ask the President if there is a quorum present under the new rules? [Laughter.]

Mr. CULLOM. If I have the permission of the Senator from New Hampshire, I move that the Senate do now adjourn.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from New Hampshire yield to the Senator from Illinois?

Mr. BLAIR. With the understanding that there is a great deal more to do. If the Senate will press me to an adjournment, of course I shall be forced to submit to it.

Mr. CULLOM. I will change my motion and move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Senator from Illinois 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 three minutes spent in executive session the doors were reopened.

CORRECTION IN ENROLLMENT.

The PRESIDING OFFICER laid before the Senate the following resolution from the House of Representatives:

IN THE HOUSE OF REPRESENTATIVES, February 18, 1893.

Whereas the Senate has sent to the House of Representatives the following order, namely:

"Ordered, That the paper purporting to be a correct copy of Senate resolution 37, 'for the removal of obstructions to navigation in the Missouri River,' be returned to the House of Representatives with the request that said resolution shall be properly engrossed and returned to the Senate, the words 'by the Senate and House of Representatives of the United States in Congress assembled' having been omitted in the engrossed copy as sent to the Senate;" and

Whereas the said joint resolution of the Senate was engrossed by Senate clerks and is presumed to be correct; and

Whereas the error of engrossment occurred in omitting the resolving clause of the substitute of the House for the said Senate joint resolution; and

Whereas the House has no control over the engrossment of Senate bills or joint resolutions: Therefore,

Resolved, That the Clerk be directed to insert the words "by the Senate and House of Representatives of the United States of America in Congress assembled" in the proper place in the said House substitute and return the same to the Senate.

Mr. VEST. Mr. President, this refers to the joint resolution to which I called attention the other day, and because in sending us the engrossed copy from the House of Representatives where the resolution was amended and the enacting clause, or the resolving part of the resolution, to speak more properly, was left out, I offered a concurrent resolution to correct that mistake, and at the instance of the Senator from Kansas [Mr. INGALLS] it was changed into a motion requesting the House to send us a correctly engrossed copy of the resolution.

Now, I want to make a statement, in justice to the officers of the Senate, on account of the preamble to this House resolution.

The House has complied with the request of the Senate and sends us now a correctly engrossed copy with the words in, which they before left out; but for some reason they have seen proper to accompany this action on their part with a preamble stating that the mistake occurred in the Senate, which is not true and which is known to everybody to be not true. The mistake was made by the Clerk of the House; it was discovered in the Senate, my attention was called to it, and thereupon the action of the Senate was had.

It is but just to the officers of this body to make this statement, because that preamble is not true.

I move now that the Senate agree to the amendment of the House of Representatives.

Mr. FRYE. Leaving the preamble stand?

Mr. VEST. I do not care anything about the preamble.

The PRESIDING OFFICER. The body of the resolution—that is, the enacting part of the resolution—has been amended by the House of Representatives.

Mr. VEST. That has been amended and comes here now all right.

The PRESIDING OFFICER. The question is, Will the Senate agree to the resolution?

The resolution was agreed to.

The PRESIDING OFFICER. What shall be done with the preamble?

Mr. VEST. Nothing, because it is simply a declaration of the House.

JOHN W. JOHNSTON.

Mr. BARBOUR submitted the following resolution; which was referred to the Committee on Claims:

Be it resolved by the Senate, That the Secretary of the Senate pay to George Benjamin Johnston, administrator of the estate of Hon. John W. Johnston, deceased, the sum of \$2,997 for salary due and expenses as a Senator from Virginia in the Forty-first Congress.

AID TO COMMON SCHOOLS.

The Senate, as in Committee of the Whole, resumed the considera-

tion of the bill (S. 185) to aid in the establishment and temporary support of common schools.

Mr. BLAIR. I can not conclude to-night, and I suppose that I ought to say to the Senate that the matter I have to place before the body, working as rapidly as I possibly can, will probably consume the amount of time given to unfinished business for two days, and I shall not occupy more than that time. Of course it is impossible to get through to-night, and I will give way to a motion to adjourn.

Mr. CHANDLER. I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 19, 1890, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 18th day of February, 1890.

UNITED STATES MARSHALS.

William G. Long, of California, to be marshal of the United States for the northern district of California, *vice* John C. Franks, whose term will expire February 19, 1890.

Hutson B. Saunders, of Maine, to be marshal of the United States for the district of Maine, *vice* Charles B. Harmon, whose term will expire February 23, 1890.

POSTMASTERS.

Edward D. Rhoades, to be postmaster at Rensselaer, in the county of Jasper and State of Indiana, in the place of Nathaniel S. Bates, whose commission expires March 3, 1890.

Edgar B. Lyon, to be postmaster at Dayton, in the county of Montgomery and State of Ohio, in the place of Lewis J. Judson, removed.

Lincoln H. Gray, to be postmaster at Longview, in the county of Gregg and State of Texas, in the place of Fidelia Kilgore, whose commission expired January 13, 1890.

Daniel Gunn, to be postmaster at Sulphur Springs, in the county of Hopkins and State of Texas, in the place of Ira H. Harrison, removed.

SUPERVISOR OF CENSUS.

Wilson H. Soale, of Terre Haute, Ind., to be supervisor of census for the fourth census district of Indiana.

SURVEYOR-GENERAL.

William H. Pratt, of Eureka, Cal., to be surveyor-general of California, *vice* Richard P. Hammond, jr., whose term of office will expire February 22, 1890.

REGISTER OF LAND OFFICE.

Alonzo Cleaver, of Baker City, Oregon, to be register of the land office at La Grande, Oregon, *vice* Henry Rinehart, to be removed.

RECEIVERS OF PUBLIC MONEYS.

Edward M. Love, of Ainsworth, Nebr., to be receiver of public moneys at Valentine, Nebr., *vice* Samuel G. Glover, to be removed.

Quincy Vance, of Hillsborough, N. Mex., to be receiver of public moneys at Las Cruces, N. Mex., *vice* James J. Dolan, resigned.

Benjamin S. Williams, of Yankton, S. Dak., to be receiver of public moneys at Yankton, S. Dak., *vice* Francis M. Ziebach, term expired.

SUPERVISOR OF CENSUS.

Richard Derrick, of Brunswick, Rensselaer County, New York, to be supervisor of census for the fifth census district of New York.

WITHDRAWALS.

Executive nominations withdrawn by the President February 18, 1890.

RECEIVERS OF PUBLIC MONEYS.

Malcolm D. Mix, to be receiver of public moneys at Del Norte, Colo.
John A. Percival, to be receiver of public moneys at Devil's Lake, N. Dak.

CONFIRMATIONS.

Executive nomination confirmed by the Senate February 12, 1890.

COMMISSIONER OF INDIAN AFFAIRS.

Thomas J. Morgan, to be Commissioner of Indian Affairs.

Executive nominations confirmed by the Senate February 18, 1890.

RECEIVERS OF PUBLIC MONEYS.

Edwin W. Eakin, of Sully County, South Dakota, to be receiver of public moneys at Pierre, S. Dak.

William T. La Follette, of Plankinton, S. Dak., to be receiver of public moneys at Chamberlain, S. Dak.

REGISTERS OF LAND OFFICE.

Leslie H. Bailey, of Faulkton, S. Dak., to be register of the land office at Pierre, S. Dak.

Herman H. Natwick, of Brookings, S. Dak., to be register of the land office at Chamberlain, S. Dak.

PROMOTIONS IN THE ARMY.

Corps of Engineers.

Additional Second Lieut. E. Eveleth Winslow, to be second lieutenant.

Additional Second Lieut. Albert M. D'Armit, to be second lieutenant.

Second Regiment of Cavalry.

Additional Second Lieut. Ralph Harrison, to be second lieutenant.

Third Regiment of Cavalry.

Additional Second Lieut. George T. Langhorne, of the Fifth Cavalry, to be second lieutenant.

Sixth Regiment of Cavalry.

Additional Second Lieut. Charles D. Rhodes, of the Seventh Cavalry, to be second lieutenant.

Eighth Regiment of Cavalry.

Additional Second Lieut. Ulysses G. Kemp, of the Fourth Cavalry, to be second lieutenant.

Tenth Regiment of Cavalry.

Additional Second Lieut. Winthrop S. Wood, of the Second Cavalry, to be second lieutenant.

First Regiment of Artillery.

Additional Second Lieut. Ben Johnson (since resigned), of the Fourth Artillery, to be second lieutenant.

Additional Second Lieut. Delamere Skerrett, of the Second Artillery, to be second lieutenant.

Fourth Regiment of Artillery.

Additional Second Lieut. Walter A. Bethel, to be second lieutenant.
Additional Second Lieut. Morris K. Barroll, of the First Artillery, to be second lieutenant.

Fifth Regiment of Artillery.

Additional Second Lieut. Sidney S. Jordan, to be second lieutenant.
Additional Second Lieut. Edward F. McGlachlin, jr., of the Third Artillery, to be second lieutenant.

Seventeenth Regiment of Infantry.

Additional Second Lieut. Edward V. Stockham (since resigned), to be second lieutenant.

Twenty-third Regiment of Infantry.

Additional Second Lieut. James E. Normoyle, to be second lieutenant.

Twenty-fifth Regiment of Infantry.

Additional Second Lieut. Charles Young, to be second lieutenant.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 18, 1890.

The House met at 12 o'clock m. Prayer by Rev. GEORGE H. COREY, D. D.

The Journal of the proceedings of yesterday was read, except the portion relating to the introduction of bills, the reading of which, upon motion of Mr. PAYSON, was, by unanimous consent, dispensed with, and approved.

THE LATE REPRESENTATIVE KELLEY, OF PENNSYLVANIA.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I ask unanimous consent to present for present consideration a resolution fixing a day for eulogies upon my late colleague, Judge Kelley.

The resolution was read, as follows:

Resolved, That Saturday, March 15, at 3 o'clock, afternoon, be fixed for paying tribute to the memory of Hon. William D. Kelley, late a member of the House of Representatives in the Fifty-first Congress from the State of Pennsylvania.

The resolution was adopted.

ORDER OF BUSINESS.

Mr. SPRINGER. I ask for the regular order.

PRINTING FOR THE COMMITTEE ON IRRIGATION.

Mr. RICHARDSON. Mr. Speaker, I desire to submit a report from the Committee on Printing, which is privileged under the rule. I ask the Clerk to read the resolution referred to the committee, and then the amendment recommended by the committee and the report.

The Clerk read as follows:

"Resolved, That the Select Committee on Irrigation of Arid Lands be authorized to have printed such papers and documents for the use of said committee as it may deem necessary in connection with the subjects considered by the committee during the present Congress."

Amend by adding the words at the close of the resolution: *"Provided*, The cost of said publications shall not exceed the sum of \$500."

The committee have considered the House resolution introduced by Mr. VANDEVER, allowing the Select Committee on Irrigation of Arid Lands to have printed such papers and documents, for the use of said committee, as they may deem necessary in connection with subjects considered by the committee, and direct me [Mr. RICHARDSON] to report the same with the recommendation that it do pass, with an amendment which is herewith submitted, in the following words: *"Provided*, The cost of said publications shall not exceed the sum of \$500."

The amendment was agreed to.

The resolution as amended was then adopted.

Mr. RICHARDSON 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.

ORDER OF BUSINESS.

Mr. EZRA B. TAYLOR. I hope the gentleman from Illinois [Mr. SPRINGER] will withdraw his demand for the regular order, so as to give me an opportunity to introduce a resolution to have some printing done for the Committee on the Judiciary. The work is necessary and the consideration of the resolution will take but a moment.

Mr. SPRINGER. I withdraw the demand in order to allow the gentleman from Michigan [Mr. CUTCHEON] to ask for the adoption of the resolution which relates to the convenience of his committee and the facilitation of the business of the House.

The SPEAKER. The gentleman can not withdraw the demand in favor of any particular person.

Mr. SPRINGER. Then I withdraw it. I can renew it.

PRINTING FOR THE COMMITTEE ON THE JUDICIARY.

Mr. EZRA B. TAYLOR. I submit the resolution which I send to the Clerk's desk, and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Committee on the Judiciary be authorized to have printed and bound such papers and documents, for the use of the committee, as they may deem necessary in connection with the subjects considered by the committee during the present Congress.

Mr. SPRINGER. If that resolution is to be adopted, it should have the same proviso which has been attached to the resolution reported from the Committee on Printing this morning and just adopted, providing that the cost shall not exceed \$500. That is the law.

Mr. EZRA B. TAYLOR. I accept that amendment.

The resolution as amended was adopted.

SITTINGS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. CUTCHEON submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on Military Affairs have leave to sit during the sessions of the House.

Mr. SPRINGER. I now call for the regular order.

CENSUS.

The SPEAKER laid before the House the following:

IN THE SENATE OF THE UNITED STATES, February 17, 1890.

Resolved, That the Senate disagree to the amendment of the House of Representatives to the bill (S. 1181) to require the Superintendent of Census to ascertain the number of people who own farms and homes and the amount of mortgage indebtedness thereon, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. HALE, Mr. DAVIS, and Mr. BERRY be the conferees on the part of the Senate.

Mr. DUNNELL. I move that the House insist on its amendment and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER. The Chair will announce later in the day the conferees on the part of the House.

OBSTRUCTIONS TO NAVIGATION IN THE MISSOURI RIVER.

The SPEAKER. The Chair lays before the House the joint resolution (S. R. 37) for the removal of obstructions to navigation in the Missouri River. This joint resolution has been returned from the Senate for the correction of some error.

Mr. TARSNEY. Mr. Speaker, this resolution has passed both Houses of Congress, but by an error in the enrollment certain words were omitted from the resolving clause. The Senate having requested the correction of the error, I offer the resolution which I send to the desk, and ask for its present consideration.

The Clerk read as follows:

Whereas the Senate has sent to the House of Representatives the following order, namely:

Ordered, That the paper purporting to be a correct copy of Senate resolution 37, 'for the removal of obstructions to navigation in the Missouri River,' be returned to the House of Representatives with the request that said resolution shall be properly engrossed and returned to the Senate, the words 'by the Senate and House of Representatives of the United States in Congress assembled' having been omitted in the engrossed copy as sent to the Senate; and

Whereas the said joint resolution of the Senate was engrossed by Senate clerks and is presumed to be correct; and

Whereas the error of engrossment occurred in omitting the resolving clause of the substitute of the House for the said Senate joint resolution; and

Whereas the House has no control over the engrossment of Senate bills or joint resolutions: Therefore,

Resolved, That the Clerk be directed to insert the words "by the Senate and House of Representatives of the United States in Congress assembled" in the proper place in the said House substitute and return the same to the Senate.

The SPEAKER. The question is on the adoption of the resolution just read.

Mr. ALLEN, of Michigan. A parliamentary inquiry: Is this bill now in such a condition that an amendment may be offered to it?

The SPEAKER. It is not. The question is on the adoption of the resolution.

The resolution was adopted.

INDIAN AFFAIRS.

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

To the Senate and House of Representatives:

I transmit herewith a communication of 11th instant from the Secretary of the Interior, submitting a copy of a report from the Commissioner of Indian Affairs and accompanying draft of a bill to amend the first section of an act entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," approved February 8, 1887.

The matter is presented for the consideration and action of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, February 17, 1890.

ASSISTANT SECRETARY OF WAR.

The SPEAKER. The next business in order is "Senate bills substantially the same as House bills already favorably reported by a committee of the House." The Chair lays before the House the bill which will be read.

The Clerk read as follows:

A bill (S. 1359) providing for an Assistant Secretary of War.

Be it enacted, etc., That there shall be in the Department of War an Assistant Secretary of War, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of \$4,500 a year, payable monthly, and who shall perform such duties in the Department of War as shall be prescribed by the Secretary or may be required by law.

Mr. CUTCHEON. Mr. Speaker, this bill is almost identical in terms and is the same in substance as a bill already favorably reported—

Mr. HOLMAN. How is this bill entitled to present consideration?

The SPEAKER. Under the rule, as a "Senate bill substantially the same as a House bill already favorably reported by a committee of the House."

Mr. HOLMAN. It must be considered in Committee of the Whole House.

The SPEAKER. If that point is made it will be so considered.

Mr. KILGORE. That is the point I was about to make.

Mr. CUTCHEON. I move that the House resolve itself into Committee of the Whole for the consideration of this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. BURROWS in the chair) and proceeded to the consideration of the bill (S. 1359) providing for an Assistant Secretary of War.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (S. 1359) providing for an Assistant Secretary of War.

The bill was read, as follows:

Be it enacted, etc., That there shall be in the Department of War an Assistant Secretary of War, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of \$4,500 a year, payable monthly, and who shall perform such duties in the Department of War as shall be prescribed by the Secretary or may be required by law.

Mr. CUTCHEON. Mr. Chairman, this bill is, in substance, almost in terms, the exact bill reported favorably from the Committee on Military Affairs by the unanimous action of that committee. The report upon the House bill is printed, and can be read if desired by any member.

Mr. McADOO. I would like to have it read.

Mr. CUTCHEON. I will ask that the Clerk read the report accompanying the House bill.

The report (by Mr. CUTCHEON) was read, as follows:

The Committee on Military Affairs, to which was referred the bill (H. R. 475) "To establish the office of Assistant Secretary of War," have had the same under consideration, and would submit the following report:

This bill provides for the establishment of the office of Assistant Secretary of War, defines its duties and the mode of their assignment.

The Assistant Secretary will be appointed on the nomination of the President and confirmation of the Senate.

This legislation has been recommended by every Secretary of War for the last ten years. It is not expressly provided in the bill, but yet it is understood on all hands that the Assistant Secretary will be selected from civil life.

Within the past few years duties of a strictly civil nature have been multiplied upon the Secretary of War, while the construction of heavy ordnance and the proposed erection of seacoast defenses will add to the magnitude of his purely military functions.

The following memorandum will exhibit the extent and duties of the War Department as compared with other Departments of the Government, and the number of assistants provided:

"Memoranda on a bill to create the office of Assistant Secretary of War.

"The President, as constitutional chief of the Army, acts through his Secretary of War. The system contemplates not only a civil officer at the head of the War Department, but a civil direction of the military establishment.

"In addition to this control of the military establishment the Department, by virtue of legislation, is also responsible for the performance of a large number of strictly civil duties.

"The improvement of rivers and harbors, the supervision of the construction of bridges over navigable waters, the furnishing of evidence for pending pension claims, and other civil duties have become the larger part of the work of the Department.

"In the last four years one hundred and fifty-five acts were passed authorizing the construction of bridges over navigable waters. The duties of the Secretary of War thereunder include some of all the following: Approval of plans and locations, fixing rates of toll and of compensation to be paid by railroad

companies, and rules and conditions under which different companies may use the bridge, and the decision "of all matters at issue" concerning which the parties fail to agree.

"Of the 1,634 clerks and employes of the Department, under the immediate direction of the Secretary of War at the seat of government, 718 are assigned to divisions whose duties are entirely civil, 323 are assigned to bureaus and divisions whose duties are mostly civil, and only 593 are assigned to bureaus or divisions pertaining directly to the maintenance of the military establishment.

Number of clerks employed in the different Executive Departments and number of assistant heads of each Department.

Department.	Clerks.	Assistants.	Department.	Clerks.	Assistants.
Interior	2,206	2	Navy	138	
Treasury	1,814	2	Agriculture	104	1
War	1,277		State	39	3
Post-Office	157	3	Justice	48	3

"There are 11,134 civilians under employment at large by the War Department, exclusive of those employed in this city; 7,525 of these are not engaged in work relating to the military.

"The expenditures of the War Department were last year \$46,654,121.74, of which only about one-half was for the maintenance of the military establishment.

"The heads of the different Bureaus of the Department are military officers without civil training or experience. There is only one civilian employe in the Department, except the Secretary, receiving a salary above \$2,000 a year, and there are only 13 clerks of that grade.

"There are many combined questions of civil administration and law arising; but the Department has no civilian above the grade of clerk and no legal officer at all, as most of the other Departments have, to assist in their consideration.

"The Judge-Advocate-General's corps consists of officers trained in military law only.

"An Assistant Secretary is needed—

"First. To strengthen the civil influence in the Department; to assist in the civil direction of the military establishment, as constitutionally intended, and in the performance of the strictly civil duties of the Department enjoined upon it by law.

"Second. To preside over the Department in the temporary absence of the Secretary.

"The President is permitted by law to designate a general officer to act as Secretary of War in such a contingency. The custom is to designate the senior officer present. If it be the Major-General Commanding, he is called upon to pass on his own reports and recommendations. If it be a junior officer, he may be called upon to review the acts and reports of his superior officers. It can not always be the same officer, and never one familiar with the civil duties of the Department; and, as to the Army itself, the present system is calculated to produce irritation.

"Third. As a matter of economy.

"It has become impossible for the Secretary to perform the routine work devolving on him and still devote proper time to the larger administrative questions arising, careful attention to which is the greatest economy. There is at present no civilian assistant of sufficient authority to enable him to lawfully relieve the Secretary of the former by signing routine papers, etc., or to assist him in the latter.

"It were better even to employ an Assistant Secretary, if needs be, at the expense of dispensing with subordinates receiving equal salary.

"Every Secretary of War since 1880 has asked for the appointment of an assistant, either in his official reports to the President or before committees of Congress."

"When it is remembered that during the last fiscal year there was appropriated, to be expended under the direction of the Secretary of War, the sum of \$86,033,645.79, and that during the same period there was actually expended under his supervision the sum of \$46,654,121.74, it will be readily realized that a very slight saving upon this vast sum will more than repay the small salary provided.

"The committee recommend that the bill be amended by striking out the words "five thousand" before the word "dollars," in section 2, and inserting in lieu thereof the words "four thousand five hundred," and add to the section the words "payable monthly," and that, as so amended, the bill do pass.

Mr. CUTCHEON. Mr. Chairman, I do not know that I can add anything material to that which is embodied in the report, if gentlemen have listened to the language of the report.

This legislation has been recommended by every Secretary of War for the past ten years. The necessity for it has grown largely from the imposition of civil duties on the military department.

Mr. CANNON. Will the gentleman allow a suggestion just there?

Mr. CUTCHEON. Certainly.

Mr. CANNON. While I am in sympathy with this report and co-operated in the Forty-seventh Congress in making an appropriation for an Assistant Secretary of War and of the Navy, which appropriation was made for two years and no Assistant Secretary for either place ever appointed, I would be glad to know from the gentleman if the present Secretary of War recommends this legislation.

Mr. CUTCHEON. He does recommend it very strongly and desires it very much.

As I have stated, the necessity for it grows out of the imposition of civil duties upon the Secretary of War. In the first place, he has control of the expenditure of the large sums of money annually appropriated for the improvement of rivers and harbors. During the past four years we have enacted into law one hundred and fifty-five bills providing for the erection of bridges over navigable streams. By the terms of the bills themselves the execution of the provisions of them devolves upon the Secretary of War. He is required to pass upon many questions connected with the structures; for instance, as to their locality, the character of bridge to be built, the rates of toll, the mutual use of the bridges by various railroad companies, and other questions of that character. And so it is safe to say that out of the entire work committed to the Secretary of War by law more than one-half of it is of a purely civil character. To meet this greatly increased labor devolving upon him,

no provision of law has been made, although, as stated by the chairman of the Committee on Appropriations, the gentleman from Illinois, in the Forty-seventh Congress an appropriation was made in the legislative, executive, and judicial appropriation bill providing for the salary of an Assistant Secretary of War and of the Navy, and that appropriation was carried, I believe, for two years, but no legislation was ever had to make it effective. The necessity has grown constantly.

Mr. OATES. Let me ask the gentleman, is not this the only Department which has no assistant head?

Mr. CUTCHEON. No, sir; the Secretary of the Navy has no assistant; but while the Secretary of the Navy has under him less than one hundred clerks this Department has over fourteen hundred clerks employed in its different divisions. Another reason for the establishment of this office is this: Whenever the Secretary of War for any reason is absent from the office the duty of the position is devolved, under the existing practice, upon the senior officer of the staff who is present; that is to say, upon the General commanding the Army, upon the Chief of Engineers, upon the Adjutant-General, or some other of the military gentlemen connected with the War Department.

Mr. OATES. Is the salary \$4,500 fixed by this bill the same as that paid to the other assistants?

Mr. CUTCHEON. Yes, sir; the same as in other Departments.

The result of this practice, to which I have just alluded, is this: That if the General commanding the Army becomes the Acting Secretary of War, he is called upon to pass upon his own acts and requisitions. If the General commanding the Army should happen to be absent, the duty devolves, as it frequently does, upon the senior brigadier-general, who is called upon to pass, not only upon his own acts, but upon those of his superior. Let me cite to you a case in point.

In the Fiftieth Congress the House referred to the Committee on Military Affairs a bill known as the coast-defense bill. I had charge of that bill in the committee. I forwarded it to the War Department for recommendation from that Department. It was referred by Mr. Endicott, Secretary of War, to General Benét, the Chief of Ordnance. He made an elaborate report upon it to the Secretary of War. But it so happened that upon the same day he became temporarily Acting Secretary of War, and, as Secretary of War, forwarded his own report to the Committee on Military Affairs with this indorsement:

Attention is respectfully called to the accompanying report of the Chief of Ordnance, in which I heartily concur.

And signed with his own name, that is to say, the individual who made the report. That is one of the incongruities and inconsistencies of the present system.

But, Mr. Chairman, unless some gentleman desires to ask some further question, I do not care to occupy further the time of the committee.

Mr. PEEL. Will the gentleman allow a question?

Mr. CUTCHEON. Certainly.

Mr. PEEL. Is this report unanimous from the Committee on Military Affairs?

Mr. CUTCHEON. I believe it is entirely unanimous.

Mr. BAKER. Let me ask the gentleman why the salary is reduced from \$5,000, as proposed in the bill, to \$4,500?

Mr. CUTCHEON. The object was to make it conform to the salaries of the other assistant secretaries in the other Departments.

Mr. BAKER. But I understand that this new secretary is to have much more extensive duties and more labor imposed upon him than the others.

Mr. CUTCHEON. The duties of the office will undoubtedly be very onerous, but on a comparison with the salaries paid to the other assistants we found that they received but \$4,500, and we thought it better to make no discrimination between them.

Mr. ADAMS. Will the gentleman yield for a question?

Mr. CUTCHEON. With pleasure.

Mr. ADAMS. Does the gentleman know how many of the 1,400 clerks are employed on the work known as the improvement of rivers and harbors?

Mr. CUTCHEON. I can not answer the question exactly, but I presume that at least one-half of them are so employed, or, rather, one-half are employed on civil work.

Mr. ADAMS. In accordance with legislation already passed, a large amount of this work is to be done in that office.

Mr. CUTCHEON. That is true.

Mr. ADAMS. But, if the improvement of rivers and harbors were taken from the Secretary of War and intrusted to a board of public works, there would be no occasion for such legislation as this.

Mr. CUTCHEON. It would take away but one division. There would still remain a very large amount of civil work to be done in that Department.

Mr. ADAMS. Will the gentleman inform me if there is a bill pending for the purpose of establishing a board of public works or taking this work of improving rivers and harbors from the War Department?

Mr. CUTCHEON. I can not answer the gentleman's question. There is no such bill pending before my committee.

Mr. PETERS. Let me ask the gentleman a question.

Mr. CUTCHEON. Certainly.

Mr. PETERS. I wish to ask if it is not absolutely necessary, in

these bridge matters, to have an Army engineer to examine and pass upon them; and hence the Assistant Secretary of War, even if one should be appointed, would be of little service in the direction suggested by the gentleman, because he would have nothing to do with the subject.

Mr. CUTCHEON. No, sir; that is not true. He must act upon every case that comes before him, whether it be as an engineer upon matters relating to the construction of bridges or merely clerical matters involving questions of detail. In regard to executive action, that depends upon the absence of the Secretary, when the Assistant Secretary would assume control.

Mr. PETERS. But, as I understand it, the Secretary of War refers these to the engineer as to whether the bridges will interfere with navigation, and that is about all the executive action the Secretary of War is required to do in all these cases.

Mr. CUTCHEON. Upon these reports he is required to act. He has to approve the plan of the bridge; and that would be under the recommendation of the Chief of Engineers.

Mr. PETERS. Then the Assistant Secretary of War would be of no aid to him in that business.

Mr. CUTCHEON. Oh, no; it is not true. It would be the expectation of the Secretary of War to divide the duties, as they have done in other Departments of the Government, and assign a portion of the duties to the Assistant Secretary, so that the Secretary could confine his work to the more strictly military duties—that is, to the military establishment and matters in connection therewith.

Mr. PETERS. The query in my mind has been as to whether this duty could not be performed as well by an officer of the Army as it could be performed by any person taken from civil life.

Mr. CUTCHEON. I have already endeavored to point out—

The CHAIRMAN. The gentleman will be obliged to suspend.

Mr. PETERS. The trouble is that we can not hear what the gentleman states.

Mr. CUTCHEON. In the report of the committee the fact is pointed out that as to the entire War Department there is not a civilian above the grade of a \$2,000 clerk, and there is no one who is competent, in the opinion of the Secretary of War, in the Army Department to fill that office. Therefore the duties devolve first upon one officer and then upon another and then upon another, and there is no continuity and no harmony in the action of these different officers. This bill is designed to create the office of Assistant Secretary of War of sufficient dignity and character to get a good civilian officer in the Department, and one who will always be present in the absence of the Secretary of War to discharge his duty.

Now, Mr. Chairman, unless some other gentleman desires to ask a question or debate the bill, I shall ask for a vote.

Mr. McADOO. Mr. Chairman, I do not think this officer is at all necessary in the War Department especially; and the gentleman is mistaken in assuming that the Army and Navy stand on the same footing. There is no proposition to expand the Army, and the people of this country do not wish and would not, in my opinion, allow any such extension. But in the Navy Department it is different. They are charged with the great problem of building ships and guns and increasing the Navy, and if an Assistant Secretary is needed it is much more necessary for the Navy Department than for the War Department.

The gentleman is entirely wrong when he tells the House that the Secretary of War and the Secretary of the Navy have no assistants. The Secretary of War has the Adjutant-General, the Inspector-General, the Quartermaster-General, and the Chief of Engineers, who stand in the same relation to the Secretary of War as the First, Second, and Third Assistants to the Postmaster-General.

Now, when the Secretary of War leaves the city there is no trouble in providing an officer to fill his place. He designates the General of the Army frequently; sometimes he designates the Quartermaster-General; sometimes the Adjutant-General (most of the time, I believe, the Adjutant-General). The Secretary of War could leave this city to-day for a month, and the affairs of that Department would run along just as easily as if he were present unless matters of great moment requiring his discretionary purpose arose. He has, besides, close to him his secretary and the chief clerk, who are civilians.

Mr. BLOUNT. I would like to ask the gentleman from New Jersey a question.

Mr. McADOO. Certainly; with pleasure.

Mr. BLOUNT. Would not the scarcity of army officers around the city of Washington somewhat interfere with the assignment spoken of by the gentleman? [Laughter].

Mr. McADOO. The gentleman suggests that the scarcity of army officers around the city of Washington might interfere with the public business in case the Secretary of War were called away. I do not think there is any danger of that. In fact I am sure of it. I think there are always enough officers here who would like to act as Secretary of War. The average army officer rather likes this place.

Mr. BRECKINRIDGE, of Kentucky. If not, you might fill up with the District militia, that you and my friend from Georgia are so anxious about. [Laughter.]

Mr. McADOO. My friend wants to entrap me into opposing his

former bill for the District militia, in getting me to say that there are enough gold-laced officers, as the result of that law, about the city who could be made Assistant Secretary. I have been honorably discharged from the militia, so far as legislation is concerned. As a matter of fact, there is no public necessity for this officer. You are simply adding another officer to the great number of officers already in this and other Departments, and increasing the burden which now bears upon the tax-payers of this country. The gentleman from Michigan [Mr. CUTCHEON] also refers to the duties relative to a coast defense devolving upon that Department. There has not, so far as guns and defenses are concerned, been an appropriation made by Congress upon any scale similar to that which has been made for the Navy Department. The Navy Department is building guns and ships and shops and docks, but the War Department is not building guns to any extent. They are experimenting, it is true, on a small scale. The other establishment is colossal as compared to that of the Army establishment, and yet we have not created an Assistant Secretary of the Navy.

During the last four years this House has persistently objected to the appointment of an Assistant Secretary of the Navy. Your Army, in a country like this, is more liable to decrease than increase.

Now, Mr. Chairman, the gentleman talks about the question of rivers and harbors, and says, "Look at the tremendous lot of business they do respecting the rivers and harbors and bridges." Every bridge bill that comes up in this House, when it is referred to the War Department, goes to the Engineer Department. The question is whether the rivers shall be bridged, and the Chief of Engineers, and not the Assistant Secretary of War, would have to dispose of that question. The Assistant Secretary would have nothing to do with the question at all.

This great number of young and old men whom we have educated at the public expense, and whom you take care of from the time that they first enter West Point until the clod falls on their graves, can take charge of that character of work, unless, indeed, in both military establishments you can employ civilian heads to the various bureaus and restrict these men to what you educate them for, namely, commanding men and fighting ships. You do not need a man taken from civil life, at a salary of \$4,500 a year, to get one who will be able to solve the question whether the bridge had sufficient elevation over the river or not, or as to whether the bridge should be built. If you appoint an Assistant Secretary he would be merely a secretary to the Secretary and nothing more than a clerk there.

Most of our great governmental establishments, in my opinion, are overofficered. If you keep on in this line it will come to this: that there will be questions of official precedence in the tremendous army of officers which will be almost like the question of caste in the East Indies, where under their system of Brahman religion, as I have stated before in this House, in discussing the naval establishment, one servant lays down a pot and it is contrary to his religion to take it up again, and you have to employ another servant to lift it up. I say that all these establishments are overofficered and are top-heavy. Now, the proposition is to add another officer, and I do not think any good argument has been made as to the necessity for such an officer. Let us carefully inspect these bills creating additional or new officers. Government is at best somewhat of a luxury.

In the naval establishment it appears there are only one hundred and thirty-eight clerks. I am surprised at that. I thought there were many more. It may be that the small number of civil clerks in that establishment arises from the fact that they employ the ensigns of the Navy to do clerical work. But this is not a question of clerks. These two establishments have at the heads of their bureaus military officers. Whether that is or is not a correct policy I do not care now to discuss. They are assistants as much as the second and third assistants of your other Cabinet officers, of your Secretary of the Interior, of your Secretary of the Treasury. They are military men, it is true, but your Secretary is a civilian head, and you will not increase the civilian influence in the War Department one iota by adding to it a \$4,500 Assistant Secretary. Put the proper man at the head of your establishment, either the Navy or the Army. Let him be a man of ability and force of character and he will be all the civilian influence that you will need so far as his own office is concerned.

I therefore submit to my friend from Michigan, with some little experience in this House as a member of the Committee on Naval Affairs, a committee dealing with a kindred branch of the Government, that this bill should not pass; that we owe it to the people whom we represent, whenever we can honestly do so, to keep down instead of increasing the number of those to be added to the Governmental roster, to be paid salaries by the people, and that unless we radically change the present policy we should avail ourselves of the paid-for military and naval talent that now languishes without work, as it necessarily must in a Republic at profound peace with all the world. Let us utilize that talent or displace them entirely by civilians. Change your whole policy and hand over the administration of these military establishments to civilians if you will, but do not delude yourselves that an Assistant Secretary of War will really increase civilian influence any more than an additional clerk of the higher grade.

Mr. CUTCHEON. I ask unanimous consent that general debate be now considered as closed.

Mr. BOUTELLE. Mr. Chairman, I regret very much that this proposition has been introduced in a form to antagonize or draw invidious distinctions between the War Department and any other Department of the Government. It strikes me that that is not at all necessary or politic in the discussion of a measure of this kind. So far as I am concerned, I have no objection whatever to providing for an Assistant Secretary of War. It seems to me that the arguments in favor of providing such an officer do not rest entirely upon the number of clerks that may be employed in the Department, but are rather to be estimated by the character of the duties devolving upon the head of the Department. There has been a proposition before Congress prior to this for the appointment of an Assistant Secretary of the Navy, and I can conceive of very strong arguments that might be made in favor of providing such an officer.

But that has nothing whatever to do with this proposition, and I deprecate exceedingly having any antagonism excited between those Departments in connection with this subject. It seems to me that there are ample arguments in favor of providing an Assistant Secretary of War, arguments which can be based upon the merits of the situation, without attempting to strengthen them by asserting the lack of necessity for similar provision for any other Department of the Government. I do not understand that the assistant secretary of a Department is rendered necessary solely by the fact that a large number of clerks may be employed in that Department, because the control of the organization of clerks might be effected, possibly, by some other distribution of the subordinate positions in the Departments. The necessity for an assistant secretary of either of the great Departments, it strikes me, rests upon other and broader grounds.

The importance of having an officer of high rank, competent at all times to represent the Secretary in his absence, is one of the reasons that might be adduced in behalf of either of the principal Departments of the Government, but the stronger argument, it seems to me, in favor of appointing such an officer for either of the great Departments would be based upon the fact that the Secretary must necessarily devote himself in large measure to some of the general features of administration, and that in each of the bureaus there are special fields of administrative duty in which it is important at times, and in some of the Departments at all times, that there should be an officer to devote his time and attention, and possibly his expert judgment, to the administration of the peculiar field of duty to which he may be assigned.

I merely throw out these suggestions in deprecation of the drawing of invidious distinctions between the different Departments of the Government, and I suggest to my friend, the chairman of the Committee on Military Affairs, that he advocate this proposition upon its own merits, adducing such arguments as he deems strongest in its favor, without attempting to strengthen the case by belittling the responsibilities or the duties or the claims of either of the other Departments of the Government.

Mr. WASHINGTON. Mr. Chairman, I fail to recognize any reason which may be fairly urged for the passage of this bill or resolution save and except that it is another step in the direction of doing away with the apparent surplus in the Treasury, and I advise my friends on the other side not to go too rapidly at that work. If you give it all away in salaries to assistant secretaries and other employes—and we had a bill here yesterday to increase the number of employes in one bureau by thirty-two—when you come to the great legislation of this session, the passage of the Blair bill, and of the great coast-defense measure, and other schemes involving millions upon millions, you will find the surplus so far depleted that perhaps some of those cherished measures may fail.

Mr. Chairman, when we analyze the War Department we do not find any reason for the appointment of an Assistant Secretary. We find that next to the Secretary himself stands the General of the Army, a man without fear and without reproach, an officer who it is supposed should have at his fingers' ends at all times everything pertaining to the military department and the service of the Army. In the absence of the Secretary, I imagine no better or fitter assistant can be found to sign the name of the Secretary and to sanction the issuance of letters and documents than the General-in-Chief of the Army. If you look in the Congressional Directory you will find that in the War Department there are already thirteen distinct heads. At the head of each of these thirteen distinct bureaus there is an eminent army officer, discharging his duties to the satisfaction of the Department and of the country. No civil bureau is needed there. The questions of law or of fact which may arise as between the military and the civil functions of this Department can surely be settled in the proper law office of the War Department, that is, under the Judge-Advocate-General. Take, for instance, the Adjutant-General. He has a regularly organized bureau and a chief clerk. Take the Surgeon-General's Department. There is an eminent officer at its head with a regular corps of officers and a chief clerk. The same may be said in regard to the Quartermaster-General's Department, the Medical Department, the Subsistence Department, the Corps of Engineers. Every branch of the War Department is similarly organized and is efficient in the performance of its respective duties.

As to the suggestion which has been thrown out that it might be ad-

visable to appoint this Assistant Secretary in order to give him control over the matter of rivers and harbors and the improvements upon them, I for one shall here and hereafter protest against any change being made in the management of the improvements of rivers and harbors. That matter is now lodged where it properly belongs—with the Engineer Department of the Army—and the able Chief of Engineers, with his subordinates in charge of each department of the Union, is satisfactorily expending the appropriations made by Congress.

If you cite, as has been cited in the way of argument for this bill, the fact that there are three Assistant Postmasters-General, it must be remembered that each of these assistants in the Post-Office Department is in charge of an entirely different class of work. The First Assistant Postmaster-General, as we all know on this side of the House, has, since the 4th day of last March, devoted his time and attention chiefly to the decapitation of subordinate Democratic postmasters throughout the country. In addition to that, he has in his charge the establishment of new offices, and there are other routine matters belonging properly to him. He has his chief clerk, a corps of assistants, and other subordinates.

The Second Assistant Postmaster-General occupies relatively to the Post-Office Department the position occupied by one of the heads of these different bureaus in the War Department where the position is filled by a military officer. The Second Assistant has charge of the letting of all the contracts for carrying on the mail service of the Union. He, too, has his corps of assistants. He is not called on to sign the name of the Postmaster-General to any paper, so far as I have ever known.

The fact that in one Department there may be one or two assistant secretaries performing duties particularly belonging to their respective jurisdictions should not be urged as a reason for the appointment of an Assistant Secretary of War. I fail to see in this measure anything except an effort to create a new office at an expense to the tax-payers of \$4,500 a year, a sinecure, in fact. Therefore I shall vote against the bill.

Mr. SPINOLA. Mr. Chairman, the matter now under consideration by this Committee of the Whole has been before the last House as well as the present. The Committee on Military Affairs of the Fiftieth Congress gave this subject very careful consideration, as has the same committee of the present House. The bill now under consideration embodies the unanimous action of the Committee on Military Affairs. After carefully considering the subject, after looking at it in all its bearings, the committee came to the conclusion that such an officer is necessary to assist in the management of the War Department and to execute its duties with vigor.

Mr. LANHAM. My friend from New York will allow me to state that I voted against the bill in the committee.

Mr. SPINOLA. With perhaps a single exception, every member of the committee favored it. The bill was recommended by the last Secretary of War, who took the trouble personally to call upon me and assign the reasons why such a measure should pass. It was in consequence of his recommendation that I was won over to the support of the bill. I believe it a good measure and one which ought to be adopted by the House.

The CHAIRMAN. The gentleman from Michigan [Mr. CUTCHEON] asks unanimous consent that general debate upon this measure may now be closed.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, before that is done I desire to say a word.

Mr. CUTCHEON. I yield to the gentleman.

Mr. BRECKINRIDGE, of Kentucky. As I find I am not in accord with the majority of the gentlemen on this side who have spoken, I desire to say that after looking into this matter with very great care I think this office ought to be created and that this bill ought to pass. I believe it is in the interest of true economy; I think it tends toward an actual saving of expenditure. We spend now for the Army proper \$25,000,000 in round numbers, and we expend under the supervision of the Engineer Corps and the Secretary of War from fifteen million to eighteen million dollars in carrying out what is known as the river and harbor bill; and we are constantly imposing upon the officers of the Army other labors of great importance, such as the construction of the Library building in Washington and various other matters involving large and increasing expenditures, as well as varied and important duties.

The Secretary of War necessarily holds his office for four years only. The military officers under him hold their positions by a life tenure. The civil influence that is possible in this great Department with its many bureaus consists, therefore, of that changing personal influence which successive Secretaries of War may bring to bear during their terms of office, and this is necessarily limited. Now, the administration of these great matters ought not to be in the hands altogether of persons who are not responsible to public opinion, who have no periodic accountability, whose tenure of office is fixed for life, whose mode of punishment is by a court-martial, whose only public opinion is that of their brother officers. What we need in that Department is a greater civil influence, a larger degree of the power of public opinion. We need that there should be constantly present some man who was not

at West Point, who is not under army influence, who is not controlled by army opinion, who will administer the law according to the judgment that lawyers and legislators put upon it, and that in the mere administration of the routine duties of the many bureaus and offices and branches among which the duties imposed are divided there should be constant civil supervision to give unity of purpose, economy of expenditure, and carefulness in details.

I have therefore been of the opinion, since my first term in Congress, that there should be an Assistant Secretary of the Navy Department as well as the War Department; that there should be somebody on confidential terms with the Secretaries of War and Navy whose tenure shall be like unto his, who shall be responsible to the Secretary and to the President and responsive to public opinion, whose efforts and influence will tend to make the Army more popular, to bring it into closer relations with the people of the country, who can not receive promotion in the Army or Navy, who can not have any professional rivalry, or be influenced by professional pride, or envy, or enmity, or tradition.

My friend from Tennessee [Mr. WASHINGTON] has pointed out how numerous and important are the bureaus in the War Department. These must report to some common officer, some superior, and receive orders and supervision therefrom. The Army has its civil side, its merely pecuniary and routine administration. It has also, under the present militia laws, under the law creating agricultural and mechanical colleges, connection with the States and institutions of learning. These and other duties fall on the Secretary, and there is need of assistance to him. And this ought to be efficient, trustworthy, and able.

I believe it will lead to greater economy in the administration of every bureau. I believe it will give greater ease in the administration of public duty put upon those officers.

Let me illustrate. We have seen in this very District a matter I need not comment on, but simply state. We had a great public work, the aqueduct, conducted under an army officer of high character, credit, and skill. Probably a couple of million of dollars was absolutely wasted in that hole in the ground, and when that officer was called to an account he was punished by a court-martial with a punishment absolutely ludicrous. If he were innocent he should not have been punished at all. If he were guilty the punishment was absolutely trivial. It brought into disrepute the Army and corps of which he was an officer.

Now, an Assistant Secretary may not be able to stop this, but it is one step in the direction of bringing into that great Department a larger influence which comes not from the association of army life.

Almost all the men who are at the head of these great bureaus were educated at West Point. There is that natural comradeship between them which grows out of their long personal and their traditional association. I am not saying this in any spirit of criticism. I admire them. Many of them are my friends, with all whom I know I am on pleasant terms. It is an admirable institution. It provides admirable officers and soldiers. It is an institution which I will do all I can to improve. The Army officer is a fine specimen of man, but it is a somewhat narrow specimen of man, of one-sided education.

I therefore have come to the conclusion, Mr. Chairman, that, instead of it being an improper expenditure, it is a proper one. My opinion of economy is that it is often accomplished by an expenditure.

There is that scattereth, and yet increaseth; and there is that withholdeth more than is meet, but it tendeth to poverty.

And when you give to the head in the administrative department a proper and skillful officer, you thereby add to its efficiency so you may save in all branches under it much more than you expend. The man at the head of a great railroad corporation is not only paid a large salary, but is the chief of the best corps of assistants which can be devised; he is given the best chief of transportation, of maintenance of road and way, of freight, etc., because it has been ascertained by those who manage these great corporations the cheapest way is the best, and the best is to have the ablest and most efficient officers at the head of every department.

That is the way money is saved, and therefore I think this is one of those offices which should be created. It has been found to work well in the Interior Department. The Interior Department could not get along without assistant secretaries. It has been found to work well in the Post-Office Department, in the Treasury Department, and in the State Department.

I prefer the duties of Assistant Secretary should be assigned to him by the Secretary rather than there should be a divided responsibility and a divided head. It is better for the Secretary to be responsible for the Assistant Secretary and assign to him such duties as he may deem best. In other words, what seems now to be needed in this great Department is that the Secretary shall have a man appointed under his advice, responsible to him, sharing his views, imbued with his opinions, and there is no possible reform in any Department or bureau until that is done.

Mr. CUTCHEON. I now ask unanimous consent that the general debate be closed.

There was no objection.

The CHAIRMAN. The bill is now open for debate and amendment under the five-minute rule.

Mr. MCADOO. Mr. Chairman, I move to strike out the last word. I want to say a few words, and a few words only, in reply to my distinguished and eloquent friend from Kentucky [Mr. BRECKINRIDGE] who has just concluded his remarks. I am glad that he has in his eloquent and incisive language called the attention of the House to the abuse which took place in this District in regard to the action of an Army officer connected with the aqueduct tunnel, as well as to the inadequacy of the punishment meted out to that Army officer by a court-martial. But I wish to say to the gentleman that in my opinion the appointment of an Assistant Secretary of War would not correct such abuses as that.

If there had been an Assistant Secretary of War at the time that Congress appropriated that large sum of money for the construction of this tunnel, he could not have stopped the abuse and saved the money any more than the then Secretary. That money was lost through the gross carelessness and indifference of that Army officer, who was punished so slightly and inadequately—I might say farcically—by the court-martial, and whose punishment, in my judgment, should have been an absolute and swift dismissal for all time from the Army at the least; and I must confess that the inadequacy of the punishment in that case and their unfairness in others have brought courts-martial into contempt and suggest the need of substantial reforms. He would have had no more influence in that direction than had the Secretary of War. He could have had no control over the Engineer Corps of the Army, and could not have saved a single dollar of the amount lost to the people of the United States and the tax-payers of this District.

This proposed Assistant Secretary will be in fact, if the office is created, only a secretary to the Secretary. He will have no power, no influence in the direction supposed by the gentleman, and certainly will not be powerful enough to inject into that Department civil influences to interpose between the military ideas of the Department and the common people. He will be at the head of the Department in certain cases. He will be designated when the Secretary is absent to perfunctorily perform the duties of the office until his chief returns, but he will have no check upon the expenditures. And if we can not trust the men educated at West Point, and for whom it is difficult now to find work, although we pay them high salaries—if we can not trust these men to help the Secretary of War, then our whole military establishment is a failure.

Great stress is laid upon the fact that the War Department takes charge of river and harbor improvements and that the vast work thus imposed upon the Department requires the presence of this assistant. But the Assistant Secretary proposed here will not help the Secretary of War in the performance of this duty. The duties imposed by law upon the Secretary in this regard are scientific duties. They are technical. This Congress provides twenty, thirty, or as many more millions as it sees fit, to improve rivers and harbors. How they shall be improved is a scientific question, involving the highest questions of technical science, and properly go—so long as we are not allowed to have civilian experts—to the officers whom we have scientifically trained and educated at West Point. What will an Assistant Secretary of War at \$4,500 a year do with such a question as the improvement of the Mississippi River? How would he consider it? What would be his attainments to enable him to consider it? It is a question of pure science, with which he has perhaps no acquaintance.

Again, Mr. Chairman, what check could he have on the extravagances in the improvement of that river; what control could he have over the civilian force employed upon the various flat-boats and the force at work upon the Lower Mississippi River? What can he do to save the Government from loss in such improvements? He could do nothing. He could be of no assistance. He can not help the Secretary of War at all in that respect, and is simply a fifth wheel to the coach. You are simply providing by such an enactment as this a high order of clerk and calling him "a secretary."

Take the various bureaus of the War Department and the assignment of the duties to them. There are, for instance, the rivers and harbors, which are under the control of the Chief of Engineers; the question of Army discipline, under the control of the Adjutant-General.

When my eloquent and distinguished friend from Kentucky brings in a bill to correct the errors of courts-martial and gives public opinion the right to remedy the findings of these courts, he will find no more staunch supporter of his measure than I. There is no question in my mind that their abuses have been great. Their savor of the old days when a peer of England was tried for murder only before the bar of the House of Lords. They may be excused in war, but ought to be subject to strict civilian influence in times of peace.

Mr. BRECKINRIDGE, of Kentucky. If it will not interrupt the gentleman for a moment, let me say to the gentleman from New Jersey that my idea was by the appointment of this Assistant Secretary of War from civil life, the appointment of a man who had never been connected with the Army, entirely outside of the Department, a civilian who has not been educated at West Point and had nothing to do with the Army in the past—that by such an appointment, by never having anybody at the head of the Department but a civilian, we could gradually cure much of the evil of which complaint is so justly made now, and that there will gradually come, and with accelerating power, a

civil influence which will work out many of the beneficial results which we hope to achieve by such an appointment and which are so desirable.

Mr. MCADOO. Mr. Chairman, the civil powers already lodged in the Secretary are large, as they ought to be. Under the President and the law, he is, and ought to be, absolute as between the people and their military servants. He is a member of the President's Cabinet; he sits with the other members in the Cabinet; he comes from the body of the people. You can not, in my opinion, increase his civilian influence by giving him an assistant clerk at \$4,500 per annum. More radical measures will be needed if you wish to extend civilian influence in these Departments.

But, since the debate on this bill has been closed by consent of the committee, I will now move to strike out the enacting clause.

[Here the hammer fell.]

Mr. McMILLIN. If the gentleman from New Jersey desires to proceed, I will yield him the floor if I can be recognized.

Mr. BLOUNT. I ask the gentleman to withdraw his motion for a moment, as I desire to be heard.

Mr. MCADOO. I will withdraw the motion for the purpose of allowing other gentlemen to be heard.

The CHAIRMAN. The hour of half past 1 o'clock having arrived, the time has come for the consideration of the special order fixed by the House, and the committee will now rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BURROWS reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill creating an Assistant Secretary of War, had come to no resolution thereon.

ORDER OF BUSINESS.

The SPEAKER. The Chair lays before the House under the special order of the House, the bill (H. R. 6786) to organize the Territory of Oklahoma, to establish courts in the Indian Territory, and for other purposes.

The Chair recognizes the gentleman from Iowa [Mr. STRUBLE].

Mr. STRUBLE. Mr. Speaker, before proceeding with the special order—

Mr. McMILLIN. Mr. Speaker, I have not yet had an opportunity to examine the bill, but from my general knowledge I think it is one of those bills which come under the rule requiring their first consideration in Committee of the Whole, and I make that point.

The SPEAKER. The Chair understands it to be a bill of that character.

Mr. SPRINGER. It is already in that committee.

Mr. HOOKER. If the points of order have not been reserved against the bill, I desire to reserve them now, before going into Committee of the Whole.

Mr. BLOUNT. I understand the gentleman from Tennessee has already made the point of order.

Mr. SPRINGER. But it is in Committee of the Whole now.

Mr. BLOUNT. But we are not.

The SPEAKER. The Chair has sustained the point of order made by the gentleman from Tennessee.

Mr. STRUBLE. I expected, Mr. Speaker, to make the motion to go into Committee of the Whole myself, but wish first to make a request to the House, which is, that the gentleman from Kansas [Mr. PERKINS] may have a few minutes' time to present a matter to the House.

Mr. HOOKER. I call for the regular order.

The SPEAKER. The Chair understands the gentleman from Kansas desires to present the case of the appropriation, which was passed over yesterday, in behalf of an Indian tribe.

Mr. HOOKER. I withdraw my objection.

Mr. McMILLIN. Reserving the right to object, let us see first what it is.

The SPEAKER. The Chair will preserve the rights of gentlemen under these requests for unanimous consent, so that the House will have an opportunity of determining, after the question has been submitted, whether or not it presents an exigency such as will warrant granting the request the gentleman makes.

The Clerk read as follows:

A bill (S. 2652) for the relief of the Sioux Indians at Devil's Lake agency, North Dakota.

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

Mr. McMILLIN. As I believe the amount is to be paid out of the Treasury, there being no Indian funds by which it is to be reimbursed, I will therefore have to object.

Mr. PERKINS. I would like permission to make a statement, subject to the right of objection.

The SPEAKER. Does the gentleman from Tennessee object to the request of the gentleman from Kansas?

Mr. McMILLIN. I have no objection to his making a statement, but reserve the right to object to the consideration of the bill.

The SPEAKER. The right of objection will be reserved.

Mr. PERKINS. It is the same bill, except that it is a Senate bill, containing expressly the same subject-matter as that embraced in the House bill which was passed last evening. At the time the House bill

was passed I did not know that the bill had passed the Senate; but I received a note from Senator DAWES this morning advising me of the fact that the Senate had already considered the matter and had passed the Senate bill. I found it in the file-room before it had reached our committee. I now ask that we pass the Senate bill, so that the House bill need not go any further. The Senate bill is a copy of the House bill we passed last evening, word for word the same, and they were prepared in the Indian Office. If this should pass here of course it avoids the necessity for the consideration of the House bill by the Senate.

Mr. McMILLIN. I will have to insist upon the regular order, as this bill makes a charge upon the Treasury and there are no Indian funds out of which it is to be reimbursed.

CONFEREES.

The SPEAKER. The Chair announces as conferees on the part of the House on the disagreeing votes of the two Houses on the bill (S. 1181) to require the Superintendent of Census to ascertain what percentage of the people own their farms, and the number of farms under mortgage, and the amount thereof, which has already passed, Mr. DUNNELL, Mr. JOSEPH D. TAYLOR, and Mr. DOCKERY.

TEMPORARY GOVERNMENT FOR THE TERRITORY OF OKLAHOMA.

Mr. STRUBLE. Before making the motion that the House go into Committee of the Whole for the consideration of the bill providing a temporary government for the Territory of Oklahoma, I would like, if practicable, to know the wishes of my friend and colleague on the committee and his associates who may be in opposition to this bill in respect to the length of debate desired. I would like to curtail it as much as possible, with a view of disposing of the bill at an early hour; at the same time I desire to accord to all a reasonable opportunity for full discussion of the proposition.

Mr. BARNES. Mr. Speaker, this bill has been sprung upon us so unexpectedly that I have not been able to confer with the gentlemen opposed to it sufficiently to be able to see what time we would like to take. But if it could be concluded during the afternoon, if I find that it could be concluded at an earlier time, I will confer with the gentleman from Iowa.

Mr. STRUBLE. I would like to ask that general debate be closed in two hours.

Mr. BARNES. That would not be sufficient.

Mr. STRUBLE. How will three hours do?

Mr. BARNES. Three hours from this time will bring us to within half an hour of the usual time of adjournment.

Mr. STRUBLE. I move that the House do now resolve itself into Committee of the Whole for the purpose of considering the bill (S. 895) to provide a temporary government for the Territory of Oklahoma, and the House bill (6786) for the same purpose; and, pending that, I ask that general debate be limited to three hours.

Mr. BARNES. I hope the gentleman will not insist upon limiting the general debate to-day.

Mr. STRUBLE. On suggestion of members of the committee I would like to make it three hours and a half.

Mr. HOOKER. Make it five hours.

The question was taken on limiting debate to three hours and a half, and the Speaker announced that the ayes seemed to have it.

Mr. HOOKER and others. Division.

The House divided; and there were—ayes 74, noes 56.

Mr. BLAND. No quorum.

Mr. SPRINGER. Tellers.

Tellers were ordered.

The House again divided; and there were—ayes 111, noes 67.

So the motion to limit debate was agreed to.

The SPEAKER. The question is on agreeing to the motion to go into Committee of the Whole House for the purpose of considering the Senate bill. The Chair understands that this is a Senate bill.

Mr. STRUBLE. It is a Senate bill with a House amendment.

The SPEAKER. In the nature of a substitute.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole, Mr. PAYSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole under the special order for the purpose of considering a Senate bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (S. 895) to provide a temporary government for the Territory of Oklahoma.

The CHAIRMAN. By order of the House general debate upon this bill has been limited to three hours and a half. The Clerk will read the bill.

Mr. STRUBLE. I ask unanimous consent to dispense with the reading of the bill.

Mr. HOOKER. I hope that will not be done.

The CHAIRMAN. Is there objection?

Mr. CHADLE. I object.

Mr. HOOKER. I object, as a matter of course. I understand that it is a Senate bill that has been reported, and I ask that the Senate bill be read first and then the amendment.

The CHAIRMAN. The Senate bill will be read and then the proposed amendment.

The bill and substitute were read at length.

The CHAIRMAN. General debate is now in order upon this bill. The gentleman from Iowa [Mr. STRUBLE] is recognized.

[Mr. STRUBLE withholds his remarks for revision. See Appendix.]

Mr. STRUBLE. Mr. Chairman, I have taken up more time than I ought to occupy, because other gentlemen wish to speak, and while I have not finished my remarks I desire now to yield the floor, retaining such time as I have left.

The CHAIRMAN. The gentleman has seventeen minutes remaining.

Mr. STRUBLE. What was my allowance?

The CHAIRMAN. There was one hour and forty-five minutes allowed to each side. The gentleman from Iowa [Mr. STRUBLE] was recognized for an hour.

Mr. LANHAM. Will the gentleman from Iowa kindly yield me a few minutes of his time?

Mr. STRUBLE. I would be very glad to yield some time to my friend from Texas and I hope to be able to do so later, but other members of the Committee on Territories desire to speak, and until they shall have used such time as they wish I would hardly be at liberty, especially now, to yield to the gentleman. I hope, however, to be able to do so in the progress of the debate.

Mr. ROGERS. Mr. Chairman, I rise to a parliamentary inquiry. Was there an arrangement as to the length of time general debate should run?

The CHAIRMAN. By order of the House, general debate upon this bill was limited to three hours and a half, the time to be equally divided, one hour and three-quarters to either side, the gentleman from Iowa [Mr. STRUBLE] to control the time for the bill and the gentleman from Georgia [Mr. BARNES] to control the time in opposition to the bill. The gentleman from Georgia [Mr. BARNES] will now be recognized if he desires.

Mr. BARNES. Mr. Chairman, I do not propose at this stage to occupy much of the time of the committee. I only propose now to indicate my general preference in favor of the bill of the Senate as it has come to us over the bill reported by the Committee on Territories as a substitute for it.

At the outset it may be well to explain what is the main difference between these two bills, because these bills, Mr. Chairman, differ not merely in language and phraseology, but also in policy. The Senate bill proposes to organize a Territory as one of the Territories of the United States, to be composed entirely of territory to which the United States has already acquired title.

The bill reported by the Committee on Territories of the House, and which is now offered as a substitute for the Senate bill, proposes not merely to form a Territory out of the lands to which we hold title, but also out of lands to which we may hereafter acquire title. That is the plain distinction between the two bills now under consideration before this committee. The committee will at once perceive, as I have stated, that there is not merely a difference in terms and phraseology between the two bills, but that there is also a difference as to the policy which ought to control the Government in the formation of Territories.

Now, Mr. Chairman, the bill which comes from the Senate proposes to form a Territory out of the lands which we acquired last year from the Creeks and Seminoles, constituting a tract of 1,887,000 acres, and also out of land as to the title of which there is really no dispute whatever, the tract of country commonly known as No Man's Land and over which no government at present exists. The Senate of the United States have sent to us a bill which says in effect: "The Government of the United States has an undisputed title over this 1,887,000 acres of land, which we acquired in the year 1888 from the Creeks and Seminoles by actual purchase, but it has also an absolute title to that vast tract of country known as No Man's Land or the Public Land Strip, and over this land, in which we have an undisputed title, we have a perfect right to establish a Territorial government."

The bill which comes from the committee of the House includes all the lands which I have attempted to describe and which are included in the Senate bill, but it goes further and includes all of the Indian Territory, saving and excepting that which is absolutely occupied by the five Indian tribes. That comprehends what was originally a part of the Choctaw and Chickasaw lands, to which I shall allude more particularly hereafter, and what is known as the Cherokee Outlet. Now, my objection to the House bill is based upon principle, and it is this: that no government ought to establish a Territorial government over a territory to which it has not already acquired an absolute and perfect title.

As long as the land is in dispute the government which you create over it is a government *in nubibus*. You erect a government on a shallow foundation; you erect a government without any foundation at all; you erect your superstructure without laying a basis upon which your superstructure shall rest, and therefore the superstructure ought to fall.

Now, Mr. Chairman, what is that land? In order to understand perfectly the titles to these lands I shall be compelled to go somewhat into their history, and I regret it very much, because although I have been over this subject a great deal on former occasions, I have not been over

it at all lately, but I doubt not that, as I attempt to travel over it, the facts will recur to my mind. And in attempting to go over this ground I must first call attention to the fact that at different times different policies have controlled the Government in reference to its management of the affairs of the Indians and their lands.

At the outset of our history we treated this Indian question just as our British ancestors had treated it; we held that the Indians had no title to any land save the title which we call title by occupancy. That is, they held title as long as they were in the actual use and enjoyment of the land, and the Supreme Court of the United States recognized that sort of an Indian title. But when the Indian moved off that land, of course his title ceased, and it was held that the absolute title existed in the civilized Government which had discovered the land and exercised authority over it.

But the Indian title, as I have said, was, to use the language of the Supreme Court (I have not time now to refer to the decision), a title similar to that which a life-tenant holds and enjoys in the land which he occupies. That was the situation of things in the original settlement. When we acquired the territory of Louisiana the United States, for the first time, sought to inaugurate a new policy, a policy not perfected at the time, not then absolutely carried out.

That policy was to transfer all the Indians from the east side to the west side of the Mississippi River, and for the purpose of inducing the Indians to consent to be removed certain inducements were held out to them, the main inducement being that if they would agree to move to the west side of the river the character of the title by which they had held their lands up to that time should be changed and they should hold by a title if not identical with, very closely analogous to, the title by which the white man held his lands.

That was the inauguration of a new policy, and the Government commenced this practice under treaties which it made with the different Indian tribes from time to time, until finally in the year 1830 it enacted this policy into an absolute statute, by which it authorized the President of the United States to exchange lands on the west side of the Mississippi River for lands held by Indians on the east side of the river; and as an inducement to the Indians to make the exchange it was provided that when they went on the west side of the river they should hold their land by patent or grant from the Government, and not by a mere title of occupancy, as they had hitherto held their lands under decision of the Supreme Court.

That decision is to be found in the opinion delivered by Chief-Justice Marshall, in 8 Wheaton, 574. The nature and character of this title can be more fully seen by reference to a decision of the same court in 19 Wallace, 503, in the case of *The United States vs. Coall*. By statute of 1830 the United States agreed to give them a title by patent to the lands to which they removed on the west side of the Mississippi River.

A gentleman asks me whether I can refer to the precise language of that statute. If I should undertake to do so it would break the thread of my remarks. I could easily do so, because I am familiar with this subject; and I know that what I say is not merely substantially correct, but I believe almost literally so. I will incorporate it in my printed remarks, and here it is. It is found in 4 Statutes at Large, page 411. This was an act entitled "An act to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the river Mississippi." The third section reads:

That in the making of any such exchange or exchanges it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made that the United States will forever secure and guaranty to them, and their heirs or successors, the country so exchanged with them; and if they prefer it that the United States will cause a patent or grant to be made and executed to them for the same: *Provided always*, That such lands shall revert to the United States if the Indians become extinct or abandon the same.

The statute of 1830 absolutely provided that by an exchange of lands held on the east side of the Mississippi River for those on the west side the Indians could acquire in the latter an absolute title, qualified only by the provision that if the tribe became extinct or abandoned the land should revert to the United States, their previous title having been decided by the courts to be simply a title by occupancy.

In pursuance of that policy, Mr. Chairman, what is known as the Indian Territory was originally organized, and it was assigned to five tribes, known as the Cherokees (occupying originally a large extent of territory in North and South Carolina, Georgia, Alabama, and Tennessee), the Creeks, the Seminoles (the latter being originally but a branch of the Creeks who had migrated to Florida), the Choctaws, and Chickasaws.

Those five tribes, under the provisions of various treaties, went from the east side of the Mississippi River to the west. There was an absolute guaranty; the honor, the good faith, the solemn obligation of this Government was pledged; this Government, which boasts itself as being in the front rank of civilization, by solemn obligation bound itself that if these people would exchange their lands on the east side of the river for lands on the west side—this great Government, I hope as honest as it is great, solemnly pledged itself that over their land and over their territory until they gave their consent no State or Territorial government should ever be placed.

Mr. HILL. I would like to inquire, for information simply, in what way that guaranty was given?

Mr. BARNES. It was given in solemn treaty, in solemn obligations. The first treaty containing this guaranty was made with the Cherokees as early as 1828. The Government continued to make treaties with the Cherokees in 1833 and 1835. On the 6th of May, 1828, a treaty was made, another in 1833; a third was made in the State of Georgia in 1835, and the guaranty to these people was a home that should never in all future time be embarrassed by having extended around it the lines or placed over it the jurisdiction of a Territory or State, nor be pressed upon by the extension in any way of any of the limits of any existing State or Territory. The treaty of 1835 can be found in Revision of Indian Treaties, page 65. By the fifth article of that treaty the United States agreed that the lands ceded shall in no future time, without their consent, be included within the territorial limits or jurisdiction of any State or Territory. Similar provisions are found in all the treaties with the five civilized tribes.

There was the obligation; that was the extent of it. It was binding on this Government, and this Government in honor bound, however great its power, should faithfully keep that obligation with these defenseless people. Now, that was the character of the obligation; that was the inducement under which these people went there. Under General Jackson's administration agents went and appealed to these people to go, and they went under the solemn, plighted faith of this Government that this obligation would be performed.

I admit that times have changed. We modified these treaties; we modified them with the consent of these people in 1866. In the course and progress of time it was ascertained that there was more land there than those Indians could well occupy; and the Government then saw fit to adopt another policy, which was to locate other Indian tribes in the western part of the Territory. Under treaties of 1866, to be found in the volume now before me, the Indians consented that a certain part of that land might be settled by friendly Indians and also in certain localities by freedmen; but they never consented at that time to the settlement of this land by white men.

That was the situation; that was the condition of things. That was the only change. The only modification of the policy previously adopted was that, instead of the land being confined to the five original tribes, other tribes might be located thereon. That was the situation; that was the modification. There have been two modifications since, which I think exist in accordance with treaty. The land which is known as the Choctaw and Chickasaw section, which I now point out on the map—this land in the southern part of the Territory, west of the ninety-eighth degree of longitude—was in 1855 leased by the Government to certain Indian tribes as a permanent home. Leased as a permanent home. Mark the language; that is the language of the treaty.

It may appear somewhat a contradiction in terms to say that a lease should be made and at the same time that this lease should be of a permanent home. But there was a provision in the treaty of 1855 that it was to be confined to Indians only and to those Indians. In 1866 that lease was converted into an absolute purchase, but it has nevertheless been held by the Government that the trust which originally attached to those lands, by which the occupancy of them was limited to Indians and freedmen, still continues.

In support of that position I may read what Mr. Carl Schurz, then Secretary of the Interior, said in passing on this question:

By these treaties title was guaranteed to the several tribes, and it was provided that the lands should never be included within the territorial limits or jurisdiction of any State or Territory, but should remain subject to the intercourse laws, which laws have, as before stated, continued in force in all parts of the Territory to the present time.

The title acquired by the Government by the treaties of 1835 was secured in pursuance and furtherance of the same purpose of Indian settlement which is the foundation of the original scheme. That purpose was the removal of Indian tribes from the limits of the political State and Territorial organizations and their permanent location upon other lands sufficient for the needs of each tribe. These lands being ample in area for the purpose, it has become a settled policy to locate other tribes thereon as fast as arrangements can be made, and provisions have been constantly made by treaties, agreements, and acts of Congress to effect these objects. The purpose is expressly declared in the said treaties. The cessions of the Creeks and Seminoles are stated to have been made "in compliance with the desire of the United States to locate other Indians and freedmen thereon." These words must be held to create a trust equivalent to what would have been imposed had the language been "for the purpose of locating Indians and freedmen thereon." The lands ceded by the Choctaws and Chickasaws were by article 9 of the treaty of June 22, 1855, leased to the United States "for the permanent settlement of the Wichita and such other tribes or bands of Indians as the Government may desire to locate thereon. The treaty of 1866 substituted a direct purchase for the lease, but did not extinguish or alter the trust.

The point is the Government held, by the treaty of 1866, the lands originally leased as a permanent home for this people; that it became the absolute property of the Government in 1866, but subject to a trust. There was a trust founded which limited its occupancy to friendly Indians and freedmen. All that land in the southern part of the Territory west of the ninety-eighth degree of longitude proposed to be put under the proposed bill was ceded by the Choctaws and Chickasaws, subject to this trust.

So far as the land occupied by the Cherokees is concerned there has been no change made since the treaty of 1866. But the sixteenth article of the treaty is in these words:

The United States may settle friendly Indians in any part of the Cherokee country west of 90°, to be taken in a compact form in quantity not exceeding 160

acres for each member of each of said tribes thus to be settled, the boundaries of each of said districts to be distinctly marked, and the land conveyed in fee-simple to each of said tribes, to be held in common or by their members in severalty, as the United States may decide.

Said lands thus disposed of to be paid for to the Cherokee Nation at such price as may be agreed on between said parties in interest, subject to the approval of the President; and if they should not agree, then the price to be fixed by the President.

The Cherokee Nation to retain the right of possession of and jurisdiction over all of said country west of 90° of longitude until thus sold and occupied, after which their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied.

That language is as clear and indisputable as ever put in any treaty between any two Governments. There can be no mistake about it. It recognizes, in terms absolute, positive, direct, without qualification, that fee-simple title existed in this people, because under the terms of the treaty, when they conveyed lands to any tribe the Government was allowed to put on the territory they were to give this people a fee-simple title, and, of course, they could not give what they did not have. That is an argument no lawyer can dispute. Whatever may have been the character of title to this Outlet before that time the Government is estopped by the treaty of 1866.

Further than that it is clear and explicit the Government was to exercise no jurisdiction over this land until the land was occupied by friendly Indians, and the jurisdiction was retained by the Cherokee Indians until this time.

Now, the difference between the Senate and House bill is this: That the Senate bill says we shall exercise political jurisdiction over no territory save that to which we have acquired title, to which the title has been extinguished. That is what it says in terms.

What was this land? The only land open to white settlement since 1866 is the land to which we acquired title, which was Oklahoma proper. We acquired title to that land under the provisions of the treaty made with this people in 1888, amounting to millions of acres.

Mr. SPRINGER. The Senate bill does not extend jurisdiction over all that land. I will say to the gentleman, if he will look at this map he will see that we purchased between this river and extending to the one hundredth meridian over six million acres of land.

Mr. BARNES. I am obliged to my friend for his interruption. It shows the Senate has kept within bounds. They might have gone further, but they determined to be right and they did not attempt to exercise jurisdiction over land to which they had no clear title. They have confined themselves to the exercise of political authority over that to which we had a clear and indisputable title.

Mr. SPRINGER. Will the gentleman allow a question? If the Government has given any of these Indian tribes now in the limits of this Territory a title in fee-simple to the lands, would that title prohibit the Government from exercising political jurisdiction over the land? Suppose, for instance, the Government had given a title to you as an individual, does that deprive the Government of its right of exercising jurisdiction?

Mr. BARNES. I understand what the gentleman means. That is an entirely different question. If the Government had entered into a compact or obligation with me by which it solemnly assumed that it would not do it, the Government would be bound by that contract or compact.

Mr. SPRINGER. The Government entered into no such contract west of the ninety-eighth meridian—

Mr. BARNES. But I say the Government has done so.

Mr. SPRINGER. Let me conclude. I say it has entered into no such contract west of the ninety-eighth meridian, and therefore this obligation of which the gentleman speaks does not exist there.

Mr. BARNES. I say the Government has, and that is the difference between the gentleman and myself. If the Government made a contract with me as it made with the Indians, by which it bound itself not to exercise authority, the Government would be bound by that contract.

Mr. SPRINGER. But they never did that.

Mr. BARNES. Well, I differ with the gentleman.

Mr. SPRINGER. Let me say—

Mr. BARNES. I will not yield any further.

Mr. SPRINGER. No; because you are wrong in stating that and you do not want to be corrected.

Mr. BARNES. Well, the gentleman will have his own time, and he can state it and correct it in his own way. I have given this subject a good deal of attention, and I think I know what I am talking about.

Mr. SPRINGER. Well, I hope the gentleman will state it.

Mr. BARNES. Oh, I know the gentleman has tried to convince me, in season and out of season.

Mr. HEARD. Will the gentleman from Georgia permit me a moment? The point I desire him to make clear is this: These Indians settled west of that line. Now, did the Government make a contract with them to the effect that Territorial government or State government should never be extended over them as over the five civilized tribes?

Mr. BARNES. I do not know that it did, but it made it with the five tribes.

Mr. HEARD. I know that.

Mr. BARNES. Yes; just wait; but the original land covered by that contract extended over the whole Indian Territory, and included this

property of which the gentleman speaks, and you can not alter this except in so far as may be done by treaties.

Now, the difference between my friend from Illinois [Mr. SPRINGER] and myself is this. The gentleman from Illinois wants to know if the Government can go on and exercise jurisdiction over my land or over land to which I have a title; and, that being the case, I say the Government most assuredly can do this. But if the Government makes a contract with me, or a compact, or obligation, by which it agrees not to do it, then it has no right to do it, and I say that it can not do it. In other words, Mr. Chairman, no sovereignty, I do not care how high it is or how exalted, how supreme it may be, can break its contracts. I assert the principle. I say boldly that there is no such thing in sovereignty, even the highest sovereignty in any government, which permits it to break its agreements. And I say, Mr. Chairman, with all solemn reverence, that if Omnipotence itself makes a contract it can not break it. If Omnipotence sought to break a contract into which it had entered, it would have to abdicate the moral throne of the universe before it could do such a thing.

I said, Mr. Chairman, and I repeat it, that no sovereignty can make a contract and break it, I do not care how high or how exalted or supreme it may be. If it made a contract with me that it would not exercise political jurisdiction over me until it got my consent to do it, it must wait until it gets my consent before undertaking to exercise that jurisdiction, and I repeat, with all due reverence, that Omnipotence itself can not make a covenant with His people and break it without abdicating the moral control of the universe.

Mr. HILL. I would like to ask another question, if permitted.

Mr. BARNES. I can not stop now, for I am about through.

Now, I said at the outset that this was with me simply a question of preference as between two bills, and that is all there is of it. The Senate bill comes to us here and proposes that we shall organize a Territorial government out of lands to which we have already acquired title. That is the result of their conclusion. The House bill proposes to go further, and to organize a Territorial government not only out of lands to which we have already acquired title, but also out of other lands outside and independent of it, to which we have not acquired title. It was said by those gentlemen, and is also said by those who advocate this bill, that they did not propose to exert or exercise the power which this political jurisdiction gives now.

But, Mr. Chairman, it would place these people over whom this political jurisdiction is asserted, if not exercised, in a situation where they are no longer free to exercise the right of entering into another contract with you as a free people, as a free tribe or nation, call them as you will. It proposes to take an unfair advantage of them by placing them in a situation by which they can not obtain or acquire for that which belongs to them what a white man placed under similar circumstances would have the right to acquire or obtain.

I do not believe the bill is founded in justice; I do not believe it is founded in good faith; and for these reasons, regardless of what may be the fate or consequences attending these bills, or either of them, I shall oppose it and continue to oppose it to the bitter end.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. BAKER having taken the chair as Speaker *pro tempore*, a message from the President was received, by Mr. PRUDEN, one of his secretaries.

The secretary also announced the approval of the act (H. R. 584) to modify existing laws relating to duties and imports and the collection of the revenue.

TEMPORARY GOVERNMENT FOR OKLAHOMA.

The Committee of the Whole resumed its session.

Mr. STRUBLE. I now yield ten minutes to my colleague from Missouri [Mr. MANSUR].

Mr. MANSUR. Mr. Chairman, I believe, sir, that a very large majority of this committee admit, as freely as the gentleman from Georgia can claim for himself, a desire on their part to do nothing in the way of injury whatever to any Indian tribe located in this Territory; and, sir, it is the judgment of probably every member of that committee, except the gentleman from Georgia himself, that beyond all shadow of doubt, that beyond all possibility of difference or of twisting or tergiversation of any kind, the language of this bill has absolutely reserved to every one of the five civilized tribes every right guaranteed to them by their respective treaties with the United States Government.

I repeat, let there be no misunderstanding on the part of my friend from Georgia on that. I do say that, notwithstanding the ability, the devotion, and the chivalry of character with which my friend from Georgia [Mr. BARNES] takes up the cudgel in behalf of this inferior race, it is the opinion of every colleague of his on the committee that this measure in no wise trenches upon any of the rights of the Indians. Let it be remembered by every gentleman here that there were originally five civilized tribes who were located permanently upon home reservations in what is known as the Indian Territory, and let it also be remembered that at that time the Indian Territory was the extreme southwestern corner of our country.

All south of this colored line [indicating on the map] was a foreign country; all west of this line of the Territory was a foreign country;

south of the first line I call attention to was known as Texas, afterwards incorporated into the Union; west of that other line was Mexico, a large part of which we afterwards acquired by treaties made with Mexico, known as the Gadsden and other treaties.

Now, these five civilized tribes, so called, originally occupied all this Indian Territory. We have since, beyond all shadow of a doubt—mark that language—beyond all shadow of doubt, we have purchased and paid for and by treaty rights and stipulations have secured the interest and title of four of these civilized tribes to all lands west of their home reservations. The Seminoles and the Creeks have released all but their home reservations.

Remember also that two of these others, the Choctaw and Chickasaw Nations, own the whole of their lands together. For purposes of their own, they have agreed that the Choctaws should live on the east part and the Chickasaws on the west, and they have agreed on a dividing line; but the title to their land is in common. Remember also that the Choctaws and Chickasaws have sold to the Federal Government all their lands west of this line for the location of friendly Indians and freedmen. So that, so far as they are concerned, they have parted, for value, with everything except their home reservations.

There being five tribes, this disposes of the interests of four of them. The contention is alone over the western outlet of the Cherokees, which is a strip composed of 6,022,000 acres. Practically all the trouble for years has come from the determination of the Cherokees to hold these lands.

Understand, gentlemen of the House, that our committee, after careful investigation of this matter, have reached this conclusion: Originally all these five civilized tribes had two kinds of claim to these lands: one was a home reservation, so called, and the other was a western outlet.

Their title and interest in these two different classes of lands are as different as day is from darkness. The line can be drawn readily and distinctly by any lawyer that will prepare himself, and by a careful reading of these treaties he will ascertain that their right to these western outlets was intended simply to be a roaming right to hunt for game.

So far as this bill is concerned, let it be understood also, beyond the shadow of a doubt, that all delegations before the Committee on Territories from every one of the five civilized tribes have, except the Seminoles, admitted, as they were forced to do, that by the terms of their treaties the Federal Government had the right to establish courts whenever the Government saw fit to do so, one or more, over their home reservations as well as over the lands of their western outlet. For twenty-four years the Government has not exercised that right.

Now the Government sees the necessity for these courts because there are over a quarter of a million of people in that region, and there are at most in this number not exceeding 60,000 or 70,000 Indians. It has become a territory of refuge for every robber, vandal, thief, embezzler, and escaped villain, as well as of a depraved class of women. They are scattered all over that country. Hence in many localities there are nothing but the most depraved portions of the white race. We are asserting what our friend knows—and if he does not know it he ought to know it, or must know it if he has read the bill, because he has not favored us in the committee with much of his presence—that so far as the five civilized tribes are concerned this bill simply creates courts and gives them jurisdiction under the treaties coextensive with their several home reservations. It merely creates the courts, and there is no attempt in this bill to put a Territorial government over these people. We expressly state that we recognize that is one of their reserved rights. Coming down to the treaties of 1866 made with each of these five tribes, the Government made provision in each of said treaties for the creation of Federal courts and to have the right to establish courts over them; but, as I said before, the Government has never exercised that right until last year. A little police court was established, which was a very poor police court at that.

Mr. PICKLER. Does that include the Cherokee Strip?

Mr. MANSUR. No, sir.

Mr. PICKLER. I mean the right to establish courts.

Mr. MANSUR. Yes, sir. I repeat, the main contention left in the Territory is over the Cherokee Outlet; because the Choctaws and Chickasaws admit they have parted with all the western lands for certain purposes, and therefore their rights under their treaty have vanished.

Mr. STRUBLE. But you remember that they absolutely conceded we were qualified to establish courts under their treaty.

Mr. MANSUR. Yes; we understand that. The Creeks and the Seminoles have parted with theirs, have conveyed by treaty agreements and received their compensation, and there is nothing left in the way of a dispute over the lands embraced in the bill except the difference of opinion prevailing between the Cherokees and the Federal Government over their western outlet; and as to that it is the conviction of a large number of members of the committee, as well as of a very large number of gentlemen at the other end of this building and throughout the West, that the Cherokees never had any title to their western outlet except the right to use it as an easement to hunt upon and to travel over to the great plains of the West. This, I repeat, can be made so plain that no one who will take the trouble to read the treaties and authorities upon the subject can entertain a doubt. Let us consider them.

The pertinent stipulations of the various treaties now in force with the five civilized nations on the subject of courts and laws are as follows:

CHOCTAWS AND CHICKASAWS.

Treaty, 1866.

ART. 7. The Choctaws and Chickasaws agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of persons and property within the Indian Territory: *Provided, however,* Such legislation shall not in any wise interfere with or annul their present tribal organization, or their respective legislatures or judiciaries, or the rights, laws, privileges, or customs of the Choctaw and Chickasaw Nations respectively.

ART. 10. The United States reaffirms all obligations arising out of treaty stipulations or acts of legislation with regard to the Choctaw and Chickasaw Nations entered into prior to the late rebellion, and in force at that time, not inconsistent herewith. * * *

SEMINOLES.

Treaty, 1866.

ART. 7. The Seminole Nation agrees to such legislation as Congress and the President may deem necessary for the better administration of the rights of persons and property within the Indian Territory: *Provided, however,* That said legislation shall not in any manner interfere with or annul their present tribal organization, rights, laws, privileges, or customs.

7. The Seminoles also agree that a court or courts may be established in said Territory, with such jurisdiction and organized in such manner as Congress may by law provide.

ART. 9. [Reaffirms all treaty obligations not inconsistent herewith.]

CREEKS.

Treaty, 1866.

ART. 10. The Creeks agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of persons and property within the Indian Territory: *Provided, however,* The said legislation shall not in any manner interfere with or annul their present tribal organization, rights, laws, privileges, and customs.

7. The Creeks also agree that a court or courts may be established in said territory, with such jurisdiction and organized in such manner as Congress may by law provide.

ART. 12. [Reaffirms treaty obligations not inconsistent herewith.]

ART. 14. [Rescinds and annuls all treaties inconsistent with any of the articles or provisions of this treaty.]

CREEKS AND SEMINOLES.

Treaty, 1855.

ART. 15. So far as may be compatible with the Constitution of the United States and the laws made in pursuance thereof, regulating trade and intercourse with the Indian tribes, the Creeks and Seminoles shall be secured in the unrestricted right of self-government and full jurisdiction over persons and property within their respective limits; excepting, however, all white persons, with their property, who are not by adoption or otherwise members of either the Creek or Seminole tribe; and all persons not being members of either tribe found within their limits shall be considered intruders, and be removed from and kept out of the same by the United States agents for said tribes, respectively (assisted, if necessary, by the military), with the following exceptions, namely: Such individuals, with their families, as may be in the employment of the Government of the United States; all persons peaceably traveling or temporarily sojourning in the country, or trading therein under license from the proper authority of the United States; and such persons as may be permitted by the Creeks or Seminoles, with the assent of the proper authorities of the United States, to reside within their respective limits without becoming members of either of said tribes.

ART. 4. The United States hereby solemnly agree and bind themselves that no State or Territory shall ever pass laws for the government of the Creek or Seminole tribe of Indians, and that no portion of either of the tracts of country defined in the first and second articles of this agreement shall ever be embraced or included within or annexed to any Territory or State; nor shall either, or any part of either, ever be erected into a Territory without the full and free consent of the legislative authority of the tribe owning the same.

[This section must be read in connection with article 15 of the same treaty and article 7 of the treaty of 1866, which modify this. The present effect of the stipulations, I apprehend, is well expressed in article 7 of the latest treaty.]

CHEROKEE NATION.

Treaty, 1866.

ART. 13. The Cherokees also agree that a court or courts may be established by the United States in said Territory with such jurisdiction and organized in such manner as may be prescribed by law: *Provided,* That the judicial tribunals of the nation shall be allowed to retain exclusive jurisdiction in all civil and criminal cases arising within their country in which members of the nation by nativity or adoption shall be the only parties, or where the cause of action shall arise in the Cherokee Nation, except as otherwise provided in this treaty.

ART. 7. The United States court to be created in the Indian Territory * * * shall have exclusive original jurisdiction of all causes, civil and criminal, wherein an inhabitant of the district hereinbefore described (see Art. 4) shall be a party, and where an inhabitant outside of said district in the Cherokee Nation shall be the other party.

ART. 31. All provisions of treaties heretofore ratified and in force and not inconsistent with the provisions of this treaty are hereby reaffirmed.

Treaty, 1835.

ART. 4. The United States also stipulate and agree to extinguish for the benefit of the Cherokees the titles to the reservations within their country [the home tract] made in the Osage treaty of 1825 to certain half-breeds [Osages; * * * owned by Osages under a prior treaty, and therefore excepted from the Cherokee grant by a stipulation in the treaty of 1833, in the recitals of that treaty. (See lines 2666-2670, Revision of Treaties.)]

ART. 5. The United States hereby covenant and agree that the lands ceded to the Cherokee Nation in the foregoing article shall in no future time without their consent be included within the territorial limits or jurisdiction of any State or Territory. But they shall secure to the Cherokee Nation the right by their national councils to make and carry into effect all such laws as they may deem necessary for the government and protection of the persons and property within their own country belonging to their people or such persons as have connected themselves with them: *Provided, always,* That they shall not be inconsistent with the Constitution of the United States and such acts of Congress as have been or may be passed regulating trade and intercourse with the Indians; and also that they shall not be considered as extending to such citizens and Army of the United States as may travel or reside in the Indian country by permission according to the laws and regulations established by the Government of the same.

CHEROKEE STRIP OR OUTLET.

Since the purchase and extinguishment by the United States of the title of the Creek and of the Seminole Indians to the western half of

their lands in the Indian Territory, a vital point to attain in the opening up of all the lands remaining in that Territory, save and except the lands of the home reservations of the five civilized tribes, is for the Government to obtain the sole ownership and control of the lands in the Cherokee Strip or Outlet. This strip originally extended from the ninety-sixth to the hundredth degree of longitude and was about 60 miles wide from north to south. It contained 6,574,135 acres, which has since been reduced to 6,022,244 acres by the location on the eastern end of the outlet of the Indian tribes of Nez Percés, Poncas, Otoes and Missourias, Pawnees, Osages, and Kansas.

Commencing with the treaty of Hopewell, of November 28, 1785, and ending with the supplemental article to the treaty at Washington of July 19, 1866, which article was concluded and proclaimed June 10, 1868, there have been twenty treaties, elucidations, and supplementary articles to treaties made and ratified between the United States and the Cherokee tribe of Indians.

The Cherokees in their eastern homes possessed and occupied lands in North Carolina, Georgia, Tennessee, and South Carolina, and in their various attempts to stem the tide of the white man's civilization, which was surrounding and shoving them to the westward, had made prior to the treaty of the Cherokee agency of July 8, 1817, twelve treaties with the United States, in none of which are to be found any statements or provisions looking to their removal west of the Mississippi or to the possession of lands in the western country.

In the treaty last referred to, which was negotiated for the United States by General Jackson, General Meriwether, and Governor McMinn, of Tennessee, with the tribe, it is stated in the preamble substantially that in the fall of 1803 a deputation of the Cherokees went to Washington and informed the President that the nation was divided in sentiment, a part desiring to remain in the country they then occupied and engage in the pursuits of agriculture and civilized life and begin the establishment of fixed laws and a regular government, while a part desired to continue the hunter life; and as game was scarce in their country they wished to remove west across the Mississippi River on vacant lands of the United States; that the President, after maturely considering the petitions of both parties, on January 9, 1809, answered the petitioners substantially as follows: "That the United States as friends of both parties desired to satisfy their wishes. Those who remained in the East to be assured of aid and assistance by the United States and those who wish to remove West are permitted to send an exploring party to reconnoiter the country on the waters of Arkansas and White Rivers, the higher up the better, as they will be the longer unapproached by our settlements, which will begin at the mouths of those rivers."

The treaty then proceeds to state that when the western party shall have found a tract of country that suits them the United States would arrange for an exchange of a just portion of their western country for a portion of the Cherokee eastern country; that the Cherokees, relying on the promises of the President, did explore the country west of the Mississippi and made choice of the country on the Arkansas and White Rivers, and there, west of the Mississippi River, first settled down on United States lands, and had notified the United States of these facts.

The Cherokees also appointed agents with power to ratify a treaty, etc.

The treaty proper then begins, and by sections 1 and 2 the Cherokees cede certain lands east of the Mississippi to the United States. Sections 3 and 4 provide for a census of the Indians, both those remaining and those removing, also for a division of their United States annuities on the basis of the census. By section 5 the United States bind themselves in exchange for the lands ceded in the first and second articles to give to that part of the Cherokee Nation on the Arkansas River as much land on said river and White River as they have or may hereafter receive from the Cherokee Nation east of the Mississippi, acre for acre, as the just proportion due that part of the nation on the Arkansas, agreeably to their numbers, which is to commence on the north side of the Arkansas River, at the mouth of Point Remove, or Budwell's old place, thence by a straight line northwardly to strike Chataunga Mountain, or the hill first above Shield's Ferry on White River, running up and between said rivers for complement, the banks of which rivers to be the lines, and to have the above line, from the point of beginning to the White River, run and marked, which shall be done soon after the ratification of this treaty.

Treaty No. 14, or the fourth treaty of Washington, was ratified February 27, 1819. It was negotiated by John C. Calhoun, Secretary of War, with the Cherokees, and was a ratification and exemplification of the treaty of "the Cherokee agency" in all its details, so far as the interests of the Cherokees remaining east of the Mississippi River are concerned. To which treaty the Cherokees west assented and received their share of the annuities on the basis of the census, construed by section six to be that the Indians east got two-thirds and the Indians west one-third.

This brings us down to the fifth treaty of Washington, ratified May 28, 1828, with which the treaty of Fort Gibson, concluded in 1833, but not ratified until April 12, 1834, and the treaty of New Echota, concluded in 1835 and ratified May 23, 1836, are the base and foundation upon which their patent was issued to the Cherokees. Their terms and construction will control the legal effect of the land-patent called for by them to be made by the United States to the Cherokees, and upon

which they so much rely. It is necessary, then, that we carefully cite their provisions and consider their terms.

Before citing their provisions it is necessary to make an explanatory and preliminary statement. It was at all times the desire of the Cherokees to be with their lands outside of the boundaries and free from all State or Territorial jurisdiction or control. Their first location between the White and Arkansas Rivers eventually came to be within the Territory of Arkansas. This was one of the causes that led to the treaty of 1828, whereby their lands were fixed in quantity at 7,000,000 acres and were shoved to the west and north, so as to be just outside the Territory. But in 1833 it was discovered that by the terms of the Creek treaty of January 24, 1826, at Washington, they, the Creeks, had a prior title to a portion of the lands assigned to the Cherokees in the treaty of 1828. This led to the treaty of 1833, the Creeks and Cherokees having first met in council and after full deliberation mutually agreed upon the boundary line between them; thereupon the treaty of 1833 was by the United States ratified so as to conform to the boundaries fixed upon between the Creeks and Cherokees, but the quantity, 7,000,000 acres, is the same.

The other language of the treaty in regard to the 7,000,000 acres of land and the outlet is reiterated in the same language, word for word, as in the treaty of 1828, except the United States secured the addition of the following proviso, namely:

Provided, however, That if the saline or salt plain shall fall within said limits prescribed for said outlet the right is reserved to the United States to permit other tribes of red men to get salt on said plains in common with the Cherokees, and letters patent shall be issued by the United States as soon as practicable for the land hereby guaranteed.

By the year 1835 the Cherokees east of the Mississippi were ready to move west and join their brethren. This move on their part required a new treaty, in which they sold all their lands claimed, owned, or possessed by them east of the Mississippi River to the United States for \$5,000,000, and, the united tribe being apprehensive that the lands west, ceded by the United States to them, were not enough for all their numbers, they desired to purchase more. Hence, in large part, the treaty of 1835, ratified in 1836, which in the preamble declares substantially that it is for the purpose of reuniting their people in one body, securing a permanent home for themselves and posterity, without the territorial limits of State sovereignties, and to establish and enjoy a government of their choice and live after their own views. Then the treaty, both in regard to the boundaries of the home reservation of 7,000,000 acres, the outlet, the saline or salt plains to be reserved for the use of the red men of the plains, and the call for the letters patent, employs the same language, word for word, as does that of 1833. Before considering the patent, I call attention to this extract from the preamble to the treaty of 1828, namely:

Whereas the present location of the Cherokees in Arkansas being unfavorable to their present repose and tending as the past demonstrates to their present degradation and misery, and the Cherokees being anxious to avoid such consequences and yet not questioning their right to their lands in Arkansas as secured to them by treaty, and resting also upon the pledges given them by the President of the United States and of the Secretary of War of March, 1818, and 8th of October, 1821, in regard to the outlet to the West, and, as may be seen on referring to the records of the War Department, still being anxious to secure a permanent home and to free themselves and their posterity from an embarrassing connection with the Territory of Arkansas and guard themselves from such connection in future; and whereas, etc.

It is absolutely necessary, before we can understand the treaty and the Cherokee patent, that we should know and understand what these pledges are. Are they capable of ascertainment and identification? If so, being referred to in the treaty and the treaty by direct citation incorporated into the patent, the legal effect is the same as if the pledges were copied word for word into the patent. We are told these pledges were made by the President and Secretary of War on certain dates, and were made in regard to the Outlet, and can be seen in the records of the War Department. There we find two documents that bear all the earmarks called for. One is as follows:

TALK TO THE CHEROKEE DELEGATION OF THE ARKANSAS.

To General TONLONLUSKY, Chief and Warrior of the Cherokees:

MY FRIENDS AND CHILDREN, NATION OF THE ARKANSAW COUNTRY: The country which you gave up is a good country, and it is near and very convenient to us, and I shall in return act generously towards you, and endeavor to make you happy in your new homes on the Arkansas. I have not yet obtained the land lying up that river to the west of your settlement.

I will give instructions to Governor Clark to hold a treaty with the Quapaws this summer in order to purchase them, and when purchased I will direct them to be laid off for you.

It is my wish that you should have no limits to the west, so that you may have good mill-sites, plenty of game, and not be surrounded by the white people.

By the President of the United States.

JAMES MONROE.

J. C. CALHOUN, Secretary of War.

This document was put in the War Office in March, 1818.

Being thus written in March, 1818, it was preliminary to the acquirement by the United States of the selected lands, which were to be obtained in part from the Quapaws, and contained the promise of the President and Secretary of War that the Indians were to have no limits to the west, good mill-sites, plenty of game, and not to be surrounded by the white people. The other document is as follows:

SECRETARY CALHOUN'S LETTER.

DEPARTMENT OF WAR, October 8, 1821.

BROTHERS: I have received your communication of July 21 last, complaining that the promises of the Government in relation to intruders upon your lands

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

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

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

J. C. CALHOUN.

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

This last refers specifically to white intruders upon the outlet. The Cherokees complain the outlet has not yet been furnished. Secretary Calhoun says: "Orders were issued for the removal of the whites from your lands, and from the tract of country to the west of your reservation, commonly called Lovely's Purchase, by which you would obtain the outlet promised." [Observe the removal of the whites from Lovely's Purchase gives or creates the outlet.] But this is not all. Observe this language: "It is always to be understood that in removing the white settlers from Lovely's Purchase for the purpose of giving you the outlet promised you to the west you acquire thereby no right to the soil, but merely to an outlet." What further?

The Secretary then proceeds: "Of which you appear to be already apprised." It was then merely an outlet, an easement or privilege to travel over to the game of the hunting grounds of the great Western plains, and does not call for a fee to the soil. This was seven years before the outlet was first called for in the treaty of 1828, and was seventeen years before the patent was made. During all this time no treaty seeks to change the meaning of the word "outlet" from its primary or common understanding of an easement or right to use and travel upon the land into a claim of ownership to the soil and to the land of the outlet.

A patent to the lands ceded in fee-simple and to the outlet was granted in 1838, the language still preserving the term "outlet" throughout in the premises or recitation.

The patent is as follows:

PATENT OF THE UNITED STATES TO THE CHEROKEE OUTLET AND OTHER LANDS.
The United States of America to all to whom these presents shall come, greeting:

Whereas by certain treaties made by the United States of America with the Cherokee Nation of Indians of the 6th of May, 1828, the 14th of February, 1833, and the 29th of December, 1835, it was stipulated and agreed on the part of the United States that in consideration of the premises mentioned in the said treaties, respectively, the United States should guaranty, secure, and convey, by patent, to the said Cherokee Nation, certain tracts of land, the description of which tracts and the terms and conditions on which they were to be conveyed are set forth in the second and third articles of the treaty of the 29th of December, 1835, in the words following, that is to say:

"ART. 2. Whereas by the treaty of May 6, 1828, and the supplementary treaty thereto of February 14, 1833, with the Cherokees west of the Mississippi, the United States guarantied and secured, to be conveyed by patent to the Cherokee Nation of Indians, the following tract of country: Beginning at a point on the old western Territorial line of Arkansas Territory, being 25 miles north from the point where the Territorial line crosses Arkansas River; thence running from said north point south on the said Territorial line, where the said Territorial line crosses Verdigris River; thence down said Verdigris River to the Arkansas; thence down said Arkansas to a point where a stone is placed opposite the east or lower bank of Grand River, at its junction with the Arkansas; thence running south 44 degrees west 1 mile; thence in a straight line to a point 4 miles northerly from the mouth of the north fork of the Canadian; thence along the said 4-mile line to the Canadian; thence down the Canadian to the Arkansas; thence down the Arkansas to that point on the Arkansas where the eastern Choctaw boundary strikes said river and running thence with the western line of Arkansas Territory as now defined to the southwest corner of Missouri; thence along the western Missouri line to the line assigned the Senecas; thence on the south line of the Senecas to Grand River; thence up said Grand River as far as the south line of the Osage reservation extended, if necessary; thence up and between said south Osage line, extended west if necessary, and a line drawn due west from the point of beginning to a certain distance west, at which a line running north and south from said Osage line to said due west line will make 7,000,000 acres within the whole described boundaries.

"In addition to the 7,000,000 acres of land thus provided for and bounded, the United States further guaranty to the Cherokee Nation a perpetual outlet west, and a free and unmolested use of all the country west of the western boundary of said 7,000,000 acres, as far west as the sovereignty of the United States and their right of soil extend: *Provided, however, That if the saline or salt plain on the western prairie shall fall within said limits prescribed for said outlet the right is reserved to the United States to permit other tribes of red men to get salt on said plain in common with the Cherokees. And letters patent shall be issued by the United States, as soon as practicable, for the land hereby guarantied. And whereas it is apprehended by the Cherokees that in the above cession there is not contained a sufficient quantity of land for the accommodation of the whole nation on their removal west of the Mississippi, the United States, in consideration of the sum of \$500,000, therefore, hereby covenant and agree to convey to the said Indians and their descendants by patent, in fee-simple, the following additional tract of land situated between the west line of the State of Missouri and the Osage reservation, beginning at the southeast corner of the same, and runs north along the east line of the Osage lands 50 miles to the northeast corner thereof; and thence east to the west line of the State of Missouri; thence with said line south 50 miles; thence west to the place of beginning; estimated to contain 800,000 acres of land; but it is expressly understood that if any of the lands assigned the Quapaws shall fall within the aforesaid bounds the same shall be reserved and excepted out of the lands above granted and a pro rata reduction shall be made in the price to be allowed to the United States for the same by the Cherokees.*

"ART. 3. The United States also agree that the lands above ceded by the treaty of February 14, 1833, including the Outlet, and those ceded by this treaty, shall

all be included in one patent, executed to the Cherokee Nation of Indians by the President of the United States according to the provisions of the act of May 28, 1833. It is, however, agreed that the military reservation at Fort Gibson shall be held by the United States. But should the United States abandon said post, and have no further use for the same, it shall revert to the Cherokee Nation. The United States shall always have the right to make and establish such posts and military roads and forts in any part of the Cherokee country as they may deem proper for the interest and protection of the same, and the free use of as much land, timber, fuel, and materials of all kinds, for the construction and support of the same, as may be necessary: *Provided*, That if the private rights of individuals are interfered with, a just compensation therefor shall be made."

And whereas the United States have caused the said tract of 7,000,000 acres, together with the said perpetual Outlet, to be surveyed in one tract, the boundaries whereof are as follows:

Beginning at a mound of rocks 4 feet square at base and 4½ feet high, from which another mound of rocks bears south 1 chain, and another mound of rocks bears west 1 chain, on what has been denominated the old western territorial line of Arkansas Territory, 25 miles north of Arkansas River; thence south 21 miles and 28 chains to a post on the northeast bank of the Verdigris River, from which a hackberry, 15 inches in diameter, bears south 61 degrees 31 minutes east 43 links, marked C. H. L., and a cottonwood, 42 inches diameter, bears south 21 degrees 15 minutes east 50 links, marked C. R. K. L.; thence down the Verdigris River on the northeast bank, with its meanders, to the junction of Verdigris and Arkansas Rivers; thence from the lower bank of Verdigris River, on the north bank of Arkansas River, south 44 degrees 13 minutes east 57 chains to a post on the south bank of Arkansas opposite the eastern bank of Neosho River at its junction with Arkansas, from which a red oak, 36 inches diameter, bears south 76 degrees 45 minutes west 24 links, and a hickory, 24 inches diameter, bears south 89 degrees east 4 links; thence south 53 degrees west 1 mile to a post, from which a rock bears north 53 degrees east 50 links, and a rock bears south 18 degrees 18 minutes west 50 links; thence south 18 degrees 18 minutes west 33 miles 28 chains and 80 links to a rock, from which another rock bears north 18 degrees 18 minutes east 50 links, and another rock bears south 50 links; thence south 4 miles to a post on the lower bank of the north fork of the Canadian River at its junction with Canadian River, from which a cottonwood, 24 inches diameter, bears north 18 degrees east 49 links, and a cottonwood, 15 inches diameter, bears south 9 degrees east 14 links; thence down the Canadian River on its north bank to its junction with Arkansas River; thence down the main channel of Arkansas River to the western boundary of the State of Arkansas, at the northern extremity of the eastern boundary of the lands of the Choctaws, on the south branch of the Arkansas River, 4 chains and 34 links east of Fort Smith; thence north 7 degrees 25 minutes west, with the western boundary of the State of Arkansas, 75 miles 64 chains and 50 links to the southwest corner of the State of Missouri; thence north on the western boundary of the State of Missouri, 8 miles 49 chains and 50 links to the north bank of Cowskin or Seneca River, at a mound 6 feet square at base and 5 feet high, in which is a post marked on the south side, cor. n. ch. L. d.; thence west on the southern boundary of the lands of the Senecas, 11 miles and 48 chains, to a post on the east bank of the Neosho River, from which a maple, 18 inches in diameter, bears south 31 degrees east 72 links; thence up Neosho River, with its meanders, on the east bank, to the southern boundary of Osage lands, 36 chains and 50 links west of the southeast corner of the lands of the Osages, witnessed by a mound of rocks on the west bank of Neosho River; thence west on the southern boundary of the Osage lands to the line dividing the territory of the United States from that of Mexico, 288 miles 13 chains and 66 links, to a mound of earth 6 feet square at base and 5½ feet high, in which is deposited a cylinder of charcoal 12 inches long and 4 inches diameter; thence south along the line of the territory of the United States and of Mexico, 60 miles and 12 chains to a mound of earth 6 feet square at base and 5½ feet high, in which is deposited a cylinder of charcoal 15 inches long and 3 inches diameter; thence east along the northern boundary of Creek lands 273 miles 55 chains and 66 links to the beginning, containing within the survey 13,574,135 acres and .14 of an acre.

And whereas the United States have also caused the said tract of 800,000 acres to be surveyed, and have ascertained the boundaries thereof to be as follows: Beginning at southeast corner of Osage lands described by a rock from which a red oak 20 inches diameter bears south 27 degrees east 76 links, and a burr oak 30 inches diameter bears south 59 degrees west 1 chain and another burr oak 30 inches diameter bears north 8 degrees west 1 chain and 37 links; and another burr oak 40 inches diameter bears north 30 degrees west 1 chain and 81 links, and running east 25 miles to a rock on the western line of the State of Missouri, from which a post oak 10 inches diameter bears north 48 degrees 30 minutes east 4 chains and a post oak 12 inches diameter bears south 62 degrees east 5 chains; thence north with the western boundary of the State of Missouri 50 miles to a mound of earth 5 feet square at base and 4½ feet high; thence west 25 miles to the northeast corner of the lands of the Osages, described by a mound of earth 6 feet square at the base and 5 feet high; thence south along the eastern boundary of Osage lands 50 miles to the beginning, containing 800,000 acres.

Therefore, in execution of the agreement and stipulations contained in the said several treaties, the United States have given and granted, and by these presents do give and grant, unto the said Cherokee Nation the two tracts of land so surveyed and hereinbefore described, containing in the whole 14,374,135.14 acres: To have and to hold the same, together with all the rights, privileges, and appurtenances thereunto belonging, to the said Cherokee Nation forever; subject, however, to the right of the United States to permit other tribes of red men to get salt on the salt plain, on the western prairie, referred to in the second article of the treaty of the 29th of December, 1835, which salt plain has been ascertained to be within the limits prescribed for the outlet agreed to be granted by said article; and subject also to all the other rights reserved to the United States in and by the articles hereinbefore recited, to the extent and in the manner in which the said rights are so reserved; and subject also to the condition provided by the act of Congress of the 28th of May, 1830, referred to in the above-recited third article, and which condition is that the lands hereby granted shall revert to the United States if the said Cherokee Nation becomes extinct or abandons the same.

In testimony whereof, I, Martin Van Buren, President of the United States of America, have caused these letters to be made patent and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the city of Washington, the 31st day of December, in the year of our Lord 1838, and of the Independence of the United States the sixty-third.

[L. S.]

By the President:

H. M. GARLAND, Recorder of the General Land Office.

M. VAN BUREN.

I now call attention that by the terms of article 3 the lands ceded by two treaties, including the Outlet, but not the lands of the Outlet, are all to be included in one patent; also, to the language of article 2. The United States guaranty and secure to be conveyed by patent a tract of country (describing it) to contain 7,000,000 acres; then the Government proceeds and says:

In addition to the 7,000,000 acres thus provided for and bounded, we further guaranty to the Cherokee Nation a perpetual outlet west, and a free and unmolested use of all the country west of the western boundary of said 7,000,000 acres as far as the sovereignty of the United States and its right of soil extend.

Now, in the case of the 7,000,000 acres, the treaty uses this language, "guaranteed and secured to be conveyed by patent." What? The 7,000,000 acres bounded as stated. Then when it comes to the Outlet uses this language, "In addition to the land guaranties a perpetual outlet west." A marked distinction in language and meaning.

Blackstone, in his Commentaries, book 2, page 298, says:

The premises of a deed "are used to set forth the number and names of the parties, and they also contain the recital, if any, of such deeds, agreements, or matters of fact as are necessary to explain the reasons upon which the present transaction is founded, and herein also is set down the consideration upon which the deed is made. Then next comes the habendum, the office of which is properly to determine what estate or interest is granted by the deed, though this may be performed and sometimes is performed in the premises, in which case the habendum may lessen, enlarge, explain, or qualify, but not totally contradict or be repugnant to the estate granted in the premises."

Now, the premises in the patent are mainly citations or quotations from three treaties, to wit: Those of 1828, 1833, and 1835. These quotations show not only the "reasons" upon which the patent was made, but also state and are the "considerations" upon which it was made. So far as relates to the Outlet the habendum totally contradicts and is repugnant to the estate granted in the premises, in this, that "the Outlet" is what the word signifies, an outlet or easement, a privilege to use for a certain purpose, but in the habendum the grant is of the fee of the lands embraced in a survey of the lands of the Outlet, and not a grant of an easement or use of such lands for an outlet, and to this extent the patent is void. As a legal proposition the President of the United States can no more make a valid patent to a part of the public lands, in the absence of a treaty or of a statute of the United States giving him authority so to do, than could a private individual.

Again, the letter of Secretary Calhoun (which, by incorporating the treaty of 1828 in the patent, in which treaty it is called for as a "pledge," upon which the treaty is based, is also incorporated into and becomes a part of the premises and therefore is a part of the patent itself) shows, first, "By the outlet promised you to the west you acquire thereby no right to the soil;" and, second, "Of this you appear to be already apprised." In other words, the Indians at that time fully understood the matter and in the same way that Secretary Calhoun did; and, as I have shown, this letter in legal effect is incorporated into and has become a part of the patent. These views are not without strong legal authority. Judge Brewer, of the United States circuit court, in 1887, in the case of *United States vs. Soule et al.*, 30 Federal Reports, page 918, used this language:

Manifestly, Congress set apart the 7,000,000 acres as a home, and that was thereafter to be regarded as set aside and occupied, because, as expressed in the preamble of the treaty, Congress was intent upon securing a permanent home; beyond that, the guaranty was of an outlet—not territory for a residence, but for passage ground, over which the Cherokees might pass to all the unoccupied domain west. But while the exclusive right to this outlet was guaranteed and while a patent was issued conveying this outlet, it was described and intended obviously as an outlet, and not as a home.

There is nothing in the case of *Holden vs. Joy*, 17 Wall., page 211, to conflict with Judge Brewer's decision. The case in Wallace turned upon the adverse possession of Holden of a part of the 800,000-acre tract, which by the terms of the treaty of 1835 (see patent) the United States, in consideration of the sum of \$500,000, had "covenanted and agreed to convey to the Cherokees and their descendants by patent in fee simple." Neither the outlet, nor any of its lands, nor its title, were in controversy.

Again, Attorney-General Devens in 1880 (*Attorneys-Generals' Opinions*, 470) held that the Cherokees had no right to settle those of their own nation on the lands of the Outlet, and said further:

No person who may attempt to settle on these lands can justify under any authority given by the Cherokee Nation.

On the other hand the Cherokees claim that Judge I. C. Parker, of the western district of Arkansas, in the habeas corpus case of Wolfe and Ross, heard in May, 1886, held as follows, and as he had held in the case of *United States vs. Rogers*, 23 Fed. Rep., 659, namely:

That the Cherokee Nation hold what is called the Cherokee Outlet by substantially the same kind of title it holds its other lands. The title to all its lands was obtained by grant from the United States.

This opinion, it will be observed, assumes the grant of the Outlet in the patent to be valid. That is, the question of power in President Van Buren under the treaties to convey the soil in fee of the lands embraced in the Outlet was not before him. Judge Brewer was discussing the Outlet and is the higher authority also. Judge Parker found the lands of the Outlet on the face of the patent apparently granted. He so declares. The question of the validity of the grant, not being up before him, he does not pass upon it.

The friends of Oklahoma boldly, and as they verily believe, charge and assert that there never was at any time any law or treaty that authorized President Van Buren to make the patent of December 31, 1838, to include the fee of the lands of the Outlet. There was no authority to grant more than an easement of passage over the lands to the Cherokees.

As collateral facts tending to shed great light upon this question in the past by the Cherokees themselves, I briefly state:

First. By section 3, treaty of 1835, it is stated:

Whereas it is apprehended by the Cherokees that in the above cession there is not contained a sufficient quantity of land for the accommodation of the whole nation on their removal west of the Mississippi, the United States, in consideration of \$500,000, hereby covenant and agree to convey to the said Indians and their descendants by patent in fee-simple the following additional tract of land.

Which tract was 800,000 acres and was described by its boundaries, and was located in the State of Missouri, adjoining north to their home reservation of 7,000,000 acres. Had they at that time believed they owned the lands of the Outlet, 7,500,000 acres in extent, a tract of land larger than their home reservation, which last was the only land ceded by that treaty to them, does any one believe they would have been apprehensive of falling short, or would have purchased any additional lands to settle their people upon?

Second. As a matter of fact, during all these years the Cherokee people have never settled upon or used any part of the lands of the Outlet for homes for their own people.

The Cherokees did use this strip as an outlet in great numbers annually to go to and upon the great hunting plains of the West for buffalo and other game until some time after 1850, when they ceased to so use it.

Judge Parker, in his decision above cited, speaking of the title to the outlet says:

It is a base, qualified, or determinable fee, without the right of reversion, but only the possibility of reversion in the United States.

This holding is based upon the closing reservations of the patent, to wit: "The lands hereby granted shall revert to the United States if the said Cherokee Nation becomes extinct or abandons the same."

Ex-Senator McDonald, of Indiana, in making the closing speech before the United States Senate Committee on Territories at Washington, on February 13, 1889, which he made as attorney for and on behalf of the Cherokees, and in the presence of Chief Mayes, in speaking of these reservations, says:

There is one expression contained here that of course would prohibit the Cherokee Nation from disposing of this property to any other party than the United States, or by the consent of the United States, so as to put it beyond their jurisdiction and control, and that is, when they cease to occupy these lands the lands go back to the United States. To that extent you may say that the fee conveyed by the patent is a base fee, and limited their right to dispose of the lands to any other power than the United States.

In view of all the foregoing I have no hesitation in stating that in my opinion the patent does not convey a fee-simple title, nor does it convey the base fee described by Senator McDonald to the lands of the Outlet.

What then did it convey? Plainly the Outlet was an easement. That and that only was conveyed.

As I understand the law, a non-user of an easement for the prescriptive time necessary to create it, where it is created by prescription and not by grant, as in this case, will destroy and terminate it. That period is twenty years. I believe that length of time of non-user will by analogy also destroy an easement created by grant.

The Cherokees have abandoned by non-user this easement or privilege of travel for more than thirty years; the easement has become extinct. The fact that they lease it is not a user of the easement. On the contrary, so far as the patent and the title alone are concerned, the lessees are trespassers, and that only.

Hitherto I have considered the questions of title only from the standpoints of the patent and treaties prior thereto.

While I hold that the patent is invalid, the question recurs: Have the Cherokees any other claim, either legal or equitable, to the lands of the Outlet? I think they have.

What is it and how did it originate?

In 1836, after the Cherokees had been in rebellion, a new treaty was made by the United States with them, in which the United States act seemingly upon the assumption that the Cherokees are the owners of the lands in the Outlet. When we remember that from the initial of negotiations in 1808 looking to the removal of the Cherokees west and their taking lands there nearly sixty years had elapsed, we must know that all active participants in making the removal and the treaties and also the patent for their lands are dead. All contemporaneous facts and events are obscured if not lost in the lapse of time, so that when the Cherokees assert claim to the lands of the Outlet and have an apparent patent for it it is not surprising that the treaty of 1836 goes upon the apparent assumption that the Cherokees are the owners.

There is but one section of that treaty that bears upon this question:

ART. 16. The United States may settle friendly Indians on any part of the Cherokee country west of 96°, to be taken in a compact form, in quantities not exceeding 160 acres for each member of said tribes thus to be settled, the boundaries of each of said districts to be distinctly marked and the land conveyed in fee-simple to each of said tribes, to be held in common or by their members in severalty, as the United States may decide, said lands thus disposed of to be paid for to the Cherokee Nation, as may be agreed upon between the parties in interest, subject to the approval of the President, and if they should not agree then the price to be fixed by the President.

The Cherokee Nation to retain the right of and jurisdiction over all of said country west of 96° of longitude until thus sold and occupied, after which their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied.

Here, then, is a distinct recognition, acting as an estoppel upon the United States, that the country west of 96° (the Cherokee Outlet) is Cherokee country. Also that, while the United States may settle friendly Indians upon it, the price is to be paid to the Cherokees; and that until the lands are sold the Cherokee Nation retains the right of possession and jurisdiction over all the country west of 96°, which constitutes the Outlet. In this treaty the United States were apparently

overreached by the Cherokees in the status of the lands of the Outlet as it really existed prior to that treaty.

Let us see what just foundation, as well as consideration, if any exists, to conclude that by the treaty of A. D. 1836 it was the intention of the United States to grant—and I now use the word "grant" in its technical or legal sense—any other or further assurances of title to the Cherokees than what they may have had by the terms of prior existing treaties to that of A. D. 1836.

It will be remembered that the Cherokees, or a large part of them, had gone into rebellion along with the Confederate States and had made a treaty with them in October, 1861.

The Cherokees had passed confiscation laws, and under them had sold farms and improvements, and had otherwise harassed Union Cherokees and others in their midst.

It needed, therefore, the strong arm of the Government to correct many evils that had grown up in five or six years of turmoil and war. So the treaty of 1866 is made. The preamble is short and terse, to wit:

Whereas existing treaties between the United States and the Cherokee Nation are deemed to be insufficient, the said contracting parties agree as follows, namely:

Article 1 declares the treaty with the Confederate States void.

Article 2 grants amnesty to the Cherokees for all crimes and misdemeanors.

Article 3 declares all confiscation laws passed by the Cherokees void and restores former owners to all their rights and property.

Article 4 gives all Cherokees and slaves who had become freedmen and who had left the Cherokee Nation prior to June 1, 1861, the right to return and to take up lands in certain districts, one hundred and sixty acres for each person.

Articles 5 and 6 provide certain civil rights for the returned Cherokees and freedmen.

Article 7 provides for a United States court to be created in the Indian Territory and declares what its jurisdiction shall be.

Article 8 relates to trading and licenses therefor, in the Cherokee Nation.

Article 9 provides for the protection and rights of the freedmen of the Cherokees.

Article 10 permits the shipment to and sale of the stock and products of the Cherokees in the United States.

Article 11 prescribes right of way for any railroad entering or crossing the nation.

Article 12 relates to a general council of delegates from each tribe in the Indian Territory, and states its powers.

Article 13 relates to a United States court or courts in the Territory.

Article 14 provides donations of land for missionary and educational purposes.

Article 15 is as follows:

The United States may settle any civilized Indians friendly with the Cherokees and adjacent tribes within the Cherokee country on unoccupied lands east of 96° on such terms as may be agreed upon by any such tribe and the Cherokees, subject to the approval of the President of the United States, which shall be consistent with the following provisions, namely: Should any such tribe or band of Indians settling in said country abandon their tribal organizations, there being first paid into the Cherokee national fund a sum of money which shall sustain the same proportion to the then existing national fund that the number of Indians sustain to the whole number of Cherokees then residing in the Cherokee country, they shall be incorporated into and ever after remain a part of the Cherokee Nation on equal terms in every respect with native citizens.

And should any such tribe, thus settling in said country, decide to preserve their tribal organizations and to maintain their tribal laws, customs, and usages, not inconsistent with the constitution and laws of the Cherokee Nation, they shall have a district of country set off for their use by metes and bounds equal to 160 acres, if they should so decide, for each man, woman, and child of said tribe, and shall pay for the same into the national fund such price as may be agreed on by them and the Cherokee Nation, subject to the approval of the President of the United States, and in cases of disagreement the price to be fixed by the President. And the said tribe thus settled shall also pay into the national fund a sum of money, to be agreed on by the respective parties, not greater in proportion to the whole existing national fund and the probable proceeds of the lands herein ceded or authorized to be ceded or sold than their numbers bear to the whole number of Cherokees then residing in said country, and thence afterwards they shall enjoy all the rights of native Cherokees.

But no Indians who have no tribal organizations or who shall determine to abandon their tribal organizations shall be permitted to settle east of the ninety-sixth degree of longitude without the consent of the Cherokee Nation council, or of a delegation duly appointed by it, being first obtained. And no Indians who have determined to preserve their tribal organizations shall be permitted to settle, as herein provided, east of the ninety-sixth degree of longitude without such consent being first obtained, unless the President of the United States, after a full hearing of the objections offered by said council or delegation to such settlement, shall determine that the objections are insufficient, in which case he may authorize the settlement of such tribe east of the ninety-sixth degree of longitude.

Article 16 is as follows:

The United States may settle friendly Indians in any part of the Cherokee country west of ninety-sixth degree, to be taken in a compact form in quantity not exceeding 160 acres for each member of each of said tribes thus to be settled, the boundaries of each of said districts to be distinctly marked, and the land conveyed in fee-simple to each of said tribes, to be held in common or by their members in severalty, as the United States may decide.

Said lands thus disposed of to be paid for to the Cherokee Nation at such price as may be agreed on between the said parties in interest, subject to the approval of the President; and if they should not agree, then the price to be fixed by the President.

The Cherokee Nation to retain the right of possession of and jurisdiction over all of said country west of ninety-sixth degree of longitude until thus sold and occupied, after which their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied.

Article 17 cedes in trust, to sell to the United States, the lands of the Cherokees in the State of Kansas.

Article 18 provides for the sale of certain lands owned by the Cherokees in the State of Arkansas and east of the Mississippi River.

Article 19 relates to certain land rights and patents to issue for tracts of 320 acres, in severalty, to such Cherokees as desire to sever their tribal rights.

Articles 20 and 21 provide for surveying lands and establishing boundaries of the Cherokee country.

Articles 22 and 23 relate to the funds of the tribe in the possession of the United States.

Article 24, a donation of \$3,000 to Rev. Evan Jones, a missionary.

Article 25 provides for an orphan asylum.

By article 26 the United States guarantees the peaceable and quiet possession of their country to the Cherokees.

ART. 27. The United States shall have the right to establish one or more military posts in the Cherokee Nation, as may be deemed necessary for the proper protection of the citizens of the United States lawfully residing therein and the Cherokees and other citizens of the Indian country. But no sutler or other person connected therewith, either in or out of the military organization, shall be permitted to introduce any spirituous, vinous, or malt liquors into the Cherokee Nation, except the medical department proper, and by them only for strictly medical purposes.

And all persons not in the military service of the United States, not citizens of the Cherokee Nation, are to be prohibited from coming into the Cherokee Nation, or remaining in the same, except as herein otherwise provided, and it is the duty of the United States Indian agent for the Cherokees to have such persons, not lawfully residing or sojourning therein, removed from the nation, as they now are, or hereafter may be, required by the Indian intercourse laws of the United States.

In articles 28, 29, and 30 the United States agree to pay certain expenses and losses of divers parties:

ART. 31. All provisions of treaties heretofore ratified and in force, and not inconsistent with the provisions of this treaty, are hereby reaffirmed and declared to be in full force; and nothing herein shall be construed as an acknowledgment by the United States, or as a relinquishment by the Cherokee Nation, of any claims or demands under the guaranties of former treaties, except as herein expressly provided.

From this brief digest of each section or article it will be seen that it was the heavy hand of authority laid upon the Cherokees rather than the hand of a giver of new gifts. The United States in almost every article either makes void prior acts of legislation on the part of the Cherokees or compels them to do justice by their refugees, their freedmen, and their missionaries and benefactors, or provides needful legislation and for future courts, and lessens the extent of their land domain by practically compelling the disposal of their lands (800,000 acres in the State of Kansas); and, finally, in the closing section, 31, it is stated:

All provisions of treaties, not inconsistent with the provisions of this treaty, are hereby reaffirmed and declared to be in full force; and nothing herein shall be construed as an acknowledgment by the United States, except as herein expressly provided.

Anywhere, everywhere, within the limits of this treaty of 1866, I fail to find any new consideration flowing to the United States and emanating from the Cherokees upon which to base the assumption that the Cherokees were purchasing or were granted new rights or immunities of any kind by the Federal Government. If it should be said that such consideration is to be found in articles 15 and 16, in relation to the settlement of friendly Indians, either east or west of the ninety-sixth degree on unoccupied lands of the Cherokees, I fail still to find any consideration flowing to the United States, but rather the heavy hand of power, compelling the location of friendly Indians.

Besides this, the friendly Indians so located are to pay the Cherokees for the lands so located upon by them, and not the United States, which keeps and reserves the authority, if the Cherokees and such friendly Indians can not decide upon the price to be paid for the lands, to determine it, as the power of last resort and as one having authority so to do.

But, says the advocate of the Cherokees, if the Cherokees had no patent nor authority of law of any kind prior to the treaty of A. D. 1866, still the admissions of that treaty are sufficient in any court to give the Cherokees title, for in the closing portion of article 16 it is stated:

The Cherokee Nation to retain the right of possession of and jurisdiction over all of said country west of 96° of longitude until thus sold and occupied.

I assert, in the calcium light of section 31, that this part of article 16 is not inconsistent with prior treaties, notably those of 1828, 1833, and 1835, which are incorporated into the patent of December 31, 1838. Why? Because the language used is but that of simple recognition of the already existing status, a status that had existed for over forty years, a status that even antedated the three said treaties and the patent, for the Cherokees had exercised possession, and with it jurisdiction, over the country of the Outlet from the time they migrated west of the Mississippi; and the language, while it can be applied by a grantee to ownership, yet is not the ordinary language of such ownership, but, on the contrary, is that of the party holding paramount title or authority, as a lessor to a lessee or of a grantor of an easement, as in this case, to his grantee.

And this view is much strengthened by the peculiar language used, to wit: "To retain the right of possession," not granted, not a new grant of power, either for or without a consideration, but a simple recognition of the existing status, namely: "To retain the right of possession of and jurisdiction over all of said country west of 96° of longitude."

These rights they had, and had exercised from the time of their location west, because without them the "outlet" to the game of the great plains would have been almost, if not quite, valueless to them. I therefore confidently assert that in the provisions of section 16 is not to be found any evidence that the United States intended to create a new grant of title, and the said section is nothing beyond a simple recognition of the already existing status of possession and jurisdiction.

This apparent recognition of their interest in the lands of the Outlet gives them an equitable claim upon the United States, which was recognized by the friends of the Springer bill at all times and is now recognized by the amendments put upon the Indian appropriation bill approved March 2, 1889, whereby a commission is created to whom is given power to conclude a purchase from the Cherokees of their lands in the Outlet upon the same terms of payment as were made and given to the Creek Indians, which, if accepted by the Cherokees, would give them about \$7,500,000, the interest upon which at 5 per cent. would annually pay them \$375,000 instead of \$200,000, the amount they receive from the cattle-traders.

This last treaty, as stated, was made in 1866, and expressly stipulated that "the Cherokee Nation are to retain the right of possession." Can this right of possession be transferred? This brings us to the

LEASING OF THESE LANDS.

The present lease, or "contract for grazing," as the cattle-traders prefer to have it called, is subsequent to October 1, 1888. I do not know its exact date.

I now call attention to the following notice:

Letter of Secretary Vilas, on the right of the Indians to lease their lands to cattle companies.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., September 28, 1888.

SIR: In view of the information of this Department that some steps have been taken by you, or by the council or other authorities of the Cherokee Nation, with a purpose either to renew the lease which was heretofore made to certain parties, calling themselves the Cherokee Strip Live-Stock Association, or with an association or corporation of that name, and which it is understood is about to expire or has expired, or to execute some other lease or agreement for the use or occupancy of the lands of the Cherokee Outlet or some part thereof, and that a session of the Cherokee council is about to convene with a view to the enactment of measures to that end, I have the honor to advise and inform you, and through you the Cherokee council and authorities of the Cherokee Nation, that the United States Government will recognize no lease or agreement for the possession, occupancy, or the use of any of the lands of the Cherokee Outlet as of any legal effect or validity upon the rights of the United States or as conferring any right or authority or privilege over said lands upon any lessee, but that any such lease or agreement, if any should be made, will be without the authority or consent of this Government thereto, will be subject to cancellation, and any use or occupation by any lessee, or any person under such lessee, subject to instant termination by this Department at any time whenever any such action shall be for any reason deemed proper by the President or this Department, and will be subject to any legislation whatever, general or special, which Congress may enact, affecting that portion of the Cherokee country or affecting the occupancy of any Indian lands for any purpose whatever, whether for grazing, pasturage, or otherwise.

I desire that this notice of the views and rights of this Government shall be communicated to the council and to any persons who may be in or contemplating negotiation, or may enter into negotiation with the authorities of the Cherokee Nation for any such use or occupancy, in order that there may be no misconception or misunderstanding.

Very respectfully, yours,

WILLIAM F. VILAS, Secretary.

Hon. JOHN B. MAYES,
Principal Chief Cherokee Nation, Tahlequah, Ind. T.

This letter or notice explains itself. The cattle-men took their lease or contract with their eyes open; they evidently concluded the profit was sufficient to compensate in taking the risk, the more especially as they know all contracts made with Indians in this country, not expressly authorized by the statutes of the United States, are void, and that when they leave with their cattle that ends the obligation to pay, so far as the courts are concerned.

Do the United States statutes authorize Indians of any class to lease their lands? As conclusive upon this I refer to the opinion of Attorney-General Garland, issued July 21, 1885. He states that no lease can be approved by either the President or Secretary of the Interior without an act of Congress authorizing such leases, and points to the fact that no such land exists. He therefore holds all grazing leases on the Cherokee Strip void.

His opinion is as follows:

DEPARTMENT OF JUSTICE, Washington, July 21, 1885.

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

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

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

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

Our Government has ever claimed the right, and from a very early period its settled policy has been, to regulate and control the alienation or other disposition by Indians, and especially by Indian nations or tribes, of their lands.

This policy was originally adopted in view of their peculiar character and habits, which rendered them incapable of sustaining any other relation with the whites than that of dependence and pupillage. There was no other way of dealing with them than that of keeping them separate, subordinate, and dependent, with a guardian care thrown around them for their protection. (3 Kent Com., 381; *Beecher vs. Wetherby*, 95 U.S., 517, where most of the cases on this subject are cited and discussed.)

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

By section 4 of the act of July 22, 1790, chapter 33, the Congress of the United States enacted "that no sale of lands made by any Indians, or any nation or tribe of Indians within the United States, shall be valid to any person or persons, or to any State, whether having the right of pre-emption to such lands or not, unless the same shall be made and duly executed at some public treaty, held under the authority of the United States." A similar provision was again enacted in section 8 of the act of March 1, 1793, chapter 19, which by its terms included any "purchase or grant of lands, or of any title or claim thereto, from any Indians or nation or tribe of Indians within the bounds of the United States."

The provision was further extended by section 12 of the act of May 19, 1796, chapter 30, so as to embrace any "purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto." As thus extended it was re-enacted by the act of March 3, 1799, chapter 46, section 12, and also by the act of March 30, 1802, chapter 30, section 12.

In the above legislation the provision in terms applied to purchases, grants, leases, etc., from individual Indians as well as from Indian tribes or nations; but by the twelfth section of the act of June 30, 1834, chapter 161, it was limited to such as emanate "from any Indian nation or tribe of Indians." And the provision of the act of 1831, just referred to, has been reproduced in section 2116, Revised Statutes, which is now in force.

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

This statutory provision is very general and comprehensive. Its operation does not depend upon the nature or extent of the title to the land which the tribe or nation may hold. Whether such a title be a fee-simple or a right of occupancy merely is not material; in either case the statute applies. It is not, therefore, deemed necessary or important, in connection with the subject under consideration, to inquire into the particular right or title to the above-mentioned reservations held by the Indian tribes or nations respectively which claim them.

Whatever the right or title may be, each of these tribes or nations is precluded, by the force and effect of the statute, from either alienating or leasing any part of its reservation, or imparting any interest or claim in and to the same, without the consent of the Government of the United States. A lease of the land for grazing purposes is as clearly within the statute as a lease for any other or for general purposes, and the duration of the term is immaterial. One who enters with cattle or other live stock upon an Indian reservation under a lease of that description, made in violation of the statute, is an intruder and may be removed therefrom as such, notwithstanding his entry is with consent of the tribe.

Such consent may exempt him from the penalty imposed by section 2117, Revised Statutes, for taking his stock there, but it can not validate the lease or confer upon him any legal right whatsoever to remain upon the land; and to this extent and no further was the decision of Judge Brewer in *United States vs. Hunter*, 21 Fed. Rep., 615.

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

I submit that the power of the Department to authorize such leases to be made or that of the President or the Secretary to approve or to make the same, if it exists at all, must rest upon some law, and therefore be derived from either a treaty or a statutory provision. I am not aware of any treaty provision, applicable to the particular reservations in question, that confers such powers. The Revised Statutes contain provisions regulating contracts or agreements with Indians and prescribing how they shall be executed and approved (see section 2103); but those provisions do not include contracts of the character described in section 2116, hereinbefore mentioned.

No general power appears to be conferred by statute upon either the President or Secretary or any other officer of the Government to make, authorize, or approve leases of lands held by Indian tribes; and the absence of such power was doubtless one of the main considerations which led to the adoption of the act of February 19, 1875, chapter 90, "to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases."

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

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

I am, sir, very respectfully,

A. H. GARLAND, Attorney-General.

THE SECRETARY OF THE INTERIOR.

A strong argument against their power to lease the strip for grazing purposes to the cattle barons can be drawn from House bill No. 6162, introduced by Mr. Culberson, chairman of the House Committee on Judiciary, which will be sufficiently understood from its title, to wit:

A bill to authorize the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Nations of Indians, respectively, to lease lands within their respective boundaries for mining purposes, subject to the approval of the Secretary of the Interior, and to validate leases heretofore made for said purposes by the proper authorities of any of said nations.

This bill was introduced on January 30, 1888, read twice, and referred to the Committee on Indian Affairs, which committee, on July 12, 1888, reported it favorably with the simple amendment that the leases should be "approved by the Secretary of the Interior."

I assume, then, that this bill was in the interest of the Indians of the five civilized tribes and done at their instigation. We have, then, this fact, patent to all: When this bill was introduced the five civil-

ized tribes did not believe that their leases already made for mining coal were valid, nor did they believe that they had the power to make such a lease, and yet many of the mining leases were upon their home reservations, upon lands to which all agree they have title and are the owners.

Is it not, then, quite certain that as to the lands of the strip (which are not a part of their home reservation and upon which none of the Cherokees have ever settled) they have no authority to lease for grazing or any other purpose. The 6,000,000 acres in the strip are held in a different way and for a different purpose by the Cherokees from the 7,000,000 acres constituting their home reservation, for, as United States Judge Brewer says in the case of *United States vs. Soule et al.*, 30 Federal Reports, page 918:

Manifestly Congress set apart the 7,000,000 acres as a home and that was thereafter to be regarded as set aside and occupied, because, as expressed in the preamble of the treaty, Congress was intent upon securing a permanent home; beyond that, the guaranty was of an outlet (strip), not territory for a residence, but for passage ground over which the Cherokees might pass to all unoccupied domain west. But while the exclusive right to this outlet was guaranteed and while a patent was issued conveying this outlet, it was intended, obviously, as an outlet, and not as a home.

And in this distinction Judge Brewer is undoubtedly correct.

House bill No. 6162 did not become a law, but in public act No. 98, approved March 1, 1889, entitled "An act to establish a United States court in the Indian Territory, and for other purposes," a fair substitute for it was passed in this language:

And provided further, That all laws having the effect to prevent the Cherokee, Choctaw, Creek, Chickasaw, and Seminole nations, or either of them, from lawfully entering into leases or contracts for mining coal, for a period not exceeding ten years, are hereby repealed.

And in this is to be followed the first direct grant of authority to the five civilized tribes to make a lease for any purpose, free from the supervision and assent of the United States.

All persons familiar with the laws of the Indian Territory, commonly known as the "non-intercourse laws," are aware that in their entirety they were drafted to keep out white men and intruders. Such was the desire of the Indians for many years, and while such was their wish and they co-operated with the United States, white men were practically kept out. In the last treaty made with the Cherokees in 1866, section 27 reads as follows, to wit:

... And all persons not in the military service of the United States, not citizens of the Cherokee Nation, are to be prohibited from coming into the Cherokee Nation or remaining in the same, except as herein otherwise provided; and it is the duty of the United States Indian agent for the Cherokees to have such persons not lawfully residing or sojourning therein removed from the nation as they now are or may be hereafter required by the Indian intercourse laws of the United States.

Here it is stipulated by treaty that we shall keep out all, except our military and Cherokee citizens, and, further, that the Indian agent shall put out all persons not "lawfully residing or sojourning therein." The cattle barons are not lawfully there, either as residents or sojourners. They ought to go, and Secretary Noble is correct in his ruling, and his letter breathes the right spirit, for Americans love fair play, and the true doctrine should be, Let the settler in as well as the cattle-men or keep both out. The discrimination in favor of the cattle-men has grown all the feeling that is so strong on our western border.

What modes of solving this question are open to the United States?

First. An acceptance by the Cherokees of the proffer of the Government on the same terms as were given to the Creeks for their lands.

Second. The location by the United States of friendly Indians on the Outlet at the price of 47.49 cents per acre, under the treaty of 1866, which is still in force, and under the terms of which the Government has heretofore located the Indian tribes of Nez Percés, Poncas, Otoes, *et al.* at that price.

Third. As it is plain under the law and from Senator McDonald's argument to the Senate committee that the Cherokees can sell to no party except the Government, unless by its consent, and as it is plain from Attorney-General Garland's opinion that the Cherokees can not lease these lands, of which the cattle-men had full notice from Secretary Vilas, and as Attorney-General Devens held that the Cherokees could not settle any of their own nation on the lands of the Outlet, and further held that no person attempting to settle on these lands could justify under any authority given by the Cherokee Nation, and finally as United States Circuit Judge Brewer in 1887 held "that the lands of the 'Outlet' were not territory for residence, but for passage ground, over which the Cherokees might pass to all the unoccupied domain west," there is, in my opinion, nothing—absolutely nothing—to prevent the President from issuing his proclamation ordering and directing all cattle-men with their cattle to vacate the "Outlet" at thirty days' notice, and use the military to enforce the terms of the proclamation, just as was done to keep the boomers from settling in Oklahoma prior to April 22, and just as President Cleveland did to keep settlers out of Oklahoma when it was invaded by Captain Payne and his followers.

If the Cherokees shall refuse to treat with the commission on the basis of March 2, 1889, this last is the course that should be pursued, when, with the cattle-men and their revenue gone, all leases forbidden, and the Cherokees unable to settle themselves upon the lands or to sell

to any one but the United States, it would be but a short time until the problem solved itself.

Mr. PERKINS.* Mr. Chairman, I ask unanimous consent that general permission be granted to gentlemen who may desire to extend remarks in the RECORD upon this bill.

There was no objection, and it was so ordered.

Mr. STRUBLE. I now yield ten minutes to my colleague on the committee, the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, I ask the attention of the honorable gentleman from Georgia [Mr. BARNES] and also of the gentlemen who have listened to him, in order that I may dispel an illusion which has gained possession of his mind and with which he may have succeeded in clouding the minds of others. [Laughter.]

Mr. BARNES. An illusion or a delusion?

Mr. SPRINGER. A delusion.

Mr. BARNES. You are certain of that?

Mr. SPRINGER. Yes; and you will be certain when I am through. [Laughter.]

Mr. Chairman, the gentleman from Georgia stated that we were violating a treaty with the Indian tribes by placing the government provided for in this bill over the Indian tribes west of the ninety-eighth meridian. Now, I desire to ask his attention to the particular Indian treaty that prohibited us from putting the government over the lands formerly owned by the Creeks and Chickasaws west of the ninety-eighth meridian. The gentleman said that we were prohibited by treaty from legislating with regard to those lands. I want the gentleman's attention long enough now to convict him before this House and the country of unintentionally misrepresenting this bill. [Laughter.]

Mr. BARNES. Is that an illusion or a delusion?

Mr. SPRINGER. Both, for you. By the treaty of 1866 between the Chickasaws and Choctaws and the United States those Indians ceded to this Government absolutely all their right, title, and interest in the lands west of the ninety-eighth meridian.

Mr. BARNES. You refer to what are known as the leased lands.

Mr. SPRINGER. Yes, the leased lands.

Mr. BARNES. I am familiar with that.

Mr. SPRINGER. They ceded that land absolutely, and we paid for it, and the representatives of those tribes came before our committee at the present session; but instead of making the argument which the gentleman from Georgia makes, that we had no right to put a government over those Indians, they asked us to put a clause in the bill by which they could get additional compensation beyond that which we gave them before. They had one of the ablest attorneys in this city to argue their case before the committee, and that gentleman made no such claim as the gentleman from Georgia [Mr. BARNES] sets up, but only asked that in case we should hereafter settle white men upon those lands, we should pay them the full amount of \$1.25 an acre. That was all those Indians claimed, and I say that under this treaty we have as much right to legislate in regard to those lands as we have to legislate with reference to No Man's Land and the Public Land Strip.

But, in addition to that, I call the gentleman's attention to article 7 of the treaty of 1866:

ART. 7. The Choctaws and Chickasaws agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of person and property within the Indian Territory.

We can legislate with regard to the Choctaw Nation and the Chickasaw Nation under this treaty, as well as with regard to these lands west of the ninety-eighth meridian.

Mr. STRUBLE. And in another section of the treaty the courts are provided for, showing the distinction made between the courts and Territorial legislation.

Mr. SPRINGER. Yes; I will read the proviso:

Provided, however, Such legislation shall not in any way interfere with or annul their tribal organizations, or their respective legislatures or judiciaries, or the rights, laws, privileges, or customs of the Choctaw and Chickasaw Nations respectively.

Now, that is the precise language of this bill, and therefore the bill does not interfere with any of these things; and after we have so provided, we can under these treaties pass any law that Congress and the President may see fit, so far as the Choctaw and Chickasaw Nations themselves are concerned, but especially can we do so with regard to the lands purchased from them west of the ninety-eighth meridian, to which they now claim no title whatever, but only ask that in case hereafter we settle white men there we shall pay them \$1.25 per-acre instead of the 30 cents an acre heretofore paid.

That is all there is about this. The Wichita Indians live right there [indicating on the map]. They have occupied that country from time immemorial, and I defy any man to point to a law of Congress or to a provision of any treaty whereby we agreed that we would not throw a Territorial government around them. There is no such law and no such provision in existence. They are there simply by right of occupancy, and we have never made any treaty with them to the contrary.

So that as to all the Indians west of the ninety-eighth parallel of longitude there is no treaty stipulation to-day that prohibits us from passing any law that Congress may see fit to pass with regard to them.

Now as to the Cherokee Outlet—this strip at the top of the map—I undertake to say (and I defy contradiction) that there never was an Indian located upon that land. There never was a time when an Indian had the right to settle on that land.

Mr. PICKLER. And there are none there now.

Mr. SPRINGER. There are none there now; not an Indian is there to-day; none has ever been there to settle. And Mr. Devens, when Attorney-General of the United States, held that the Cherokee country had no right to settle one of its citizens upon that Outlet. So that I repeat that there is no Indian there to be governed, no Indian there upon which any law can operate. If any Indian is there, he is there unlawfully; he has no right to be there. Nobody but the "cattle barons" are there.

All that this bill does in regard to the Cherokee Outlet is to provide that for judicial purposes that strip of land is to be considered a part of the Territory of Oklahoma. It is not subject to the law of the Territorial Legislature or to the law of Congress, except for the punishment of crime, the bringing of white criminals there to justice and furnishing a court that can try them. As the law has stood heretofore, persons committing crimes on that strip were taken to Kansas to be there punished, and no gentleman in this House ever for a moment pretended that we had not the right to provide for taking criminals from that strip and punishing them at Wichita, Kans. Yet it is pretended that, by taking criminals to Guthrie, where the lands have been purchased and are now owned and settled by white men, and trying criminals there for their offenses, we are violating an Indian treaty.

Gentlemen, this pretense about violating Indian treaties can not find any basis in this bill. The representatives of every Indian tribe, except the Seminoles, came before our committee this session and were heard—heard *ad nauseam*. We listened to every one of their appeals—some of them eloquent, some of them able, some of them very trivial; but we heard them all; and every demand that these representatives or delegates of the Indians made upon us in that committee we acceded to, with some trifling exceptions, and framed the bill accordingly. So far as I know there was not a single representative or attorney of an Indian tribe who, when he left the room of the Committee on Territories this session, did not concede that the committee had done perfect justice.

Look all through this bill and you will see provisions to protect the Indians; all through it their interests are guarded. And when you consider that there are more than 100,000 white men in that region of country and that more than half of the Indian tribes themselves there are white, that no adequate government for the protection of these people now exists, you will see the necessity for immediate legislation on this subject.

These five civilized tribes, being authorized under the law to lease their lands to white men, have done so to a large extent; and in this Chickasaw country (the red spot at the lower part of this map) there are 25,000 white people who are the tenants of the Indians under Indian leases; and at one point on the railroad this fall there were 17,000 bales of cotton shipped to the markets of the world. These white men have no government over them, no laws by which they can enforce their contracts. This bill proposes to give them a government. They are in that country lawfully; they are the lessees of Indian lands. Shall we deny them the protection that is given to our citizens everywhere? Shall we turn our backs upon them and leave them to the government of the shotgun and the revolver, as they are now left?

Mr. PICKLER. The town of Purcell has 1,500 inhabitants.

Mr. SPRINGER. Certainly; all that country is full of white people. The Choctaw Nation has leased lands for ninety-nine years to a coal syndicate of Philadelphia, and there are 15,000 miners engaged in mining coal there under leases made by the authority of these tribes. Are you to refuse government to these people? I say no. This bill proposes to give them the government that they need, and the Indians have acquiesced in what we propose.

[Here the hammer fell.]

Mr. ROGERS. Mr. Chairman—

The CHAIRMAN. The gentleman from Georgia [Mr. BARNES] will be recognized to dispose of the time as he may see fit.

Mr. ROGERS. Will the gentleman from Georgia yield to me?

Mr. BARNES. I yield to the gentleman for two or three minutes.

Mr. ROGERS. Mr. Chairman, on the 17th of last January my colleague [Mr. McRAE] caused to be printed in the RECORD an official report presented to the Interior Department by two special inspectors of that Department, relating to the settlement of a certain portion of the territory embraced within the terms of this bill. At the time that report was in part published in the RECORD I had never seen it. On the following day I made some observations, which appeared in the RECORD of January 21, on the Oklahoma town-site bill. Since that time I have received a letter from Hon. William H. H. Clayton, of my own town, whose name is mentioned in that report and in my remarks also in relation to his connection with the "opening of Oklahoma." It is due to him, and it is likewise due to myself, that this letter and the accompanying interview should go upon the records and speak for themselves.

Inasmuch as the interview with Judge Clayton, which accompanied his letter, relates not to the report I have just mentioned, but to an interview which appeared in some of the Western papers—an interview with Mr. McBride, who was one of the inspectors who signed this report which I now hold in my hand—I think it proper that some pages of the official report to which I referred (for I had not then seen McBride's interview), together with the letter and interview of Judge Clayton, be printed in the RECORD. In order to avoid the consumption of time by having these papers read, I ask unanimous consent that the three documents I have mentioned, which are not of any great length, be printed in the RECORD in their order.

The CHAIRMAN. In connection with the remarks of the gentleman?

Mr. ROGERS. In connection with my remarks.

The CHAIRMAN. The gentleman from Arkansas [Mr. ROGERS] asks unanimous consent to print in connection with his remarks, the documents he has indicated. Is there objection? The Chair hears none.

The documents are as follows:

UNITED STATES LAND OFFICE, Guthrie, Ind. T., May 7, 1889.

DEAR SIR: Inclosed please find report in regard to action of officers in Oklahoma Territory.

Very respectfully,

J. A. PICKLER,
Inspector Public Land Service.

Hon. JOHN W. NOBLE,
Secretary Interior, Washington, D. C.

GUTHRIE, April 27, 1889.

General JOHN W. NOBLE,
Secretary of Interior:

We have the honor to respectfully report as follows:

About three hundred people were in and about Guthrie before 12 p. m. on the 22d instant. Two car-loads arrived upon Sunday evening and many were here upon Saturday; a few deputy marshals were in and about the town limits for a week or two previous to the legal opening of the Territory. This body of men was composed of deputy marshals, land officials, railroad employes, railroad stowaways brought here in freight trains, deputy internal-revenue collectors, and a host which can not be classified.

The first homestead entry was made by Mark S. Cohn, a personal friend of the receiver. He got in the land office under these circumstances: Three deputy marshals surrounded the doors. Col. D. B. Dyer, of the Wells-Fargo Express Company, stood in the middle of the door-way at 12 m. One of these deputy marshals sprang in front of Colonel Dyer; the door opened, and this deputy permitted two men to pass him; one was Cohn and the other J. E. Dille, half-brother of the register. Cohn entered a homestead for himself and filed three declaratory statements for others; he also presented a town plat, based upon a survey made before 12 m., and gotten up under the direction of Col. W. H. Clayton, of Fort Smith, Ark., another friend of the receiver. J. E. Dille, half-brother as aforesaid, was also one of the signers of this town plat.

The second entry made was a homestead by said J. E. Dille; he also made a declaratory statement for his brother Jonathan Dille and for one James B. Kenner. The three deputies who officiated at the land office were appointed at the special request of the register and receiver (see Marshal Needle's list of deputies), and of these three deputies two made declaratory statements through Cohn, the man whom they wrongfully admitted. The lands entered by Cohn and Dille surround the town of Guthrie, as will be seen by a plat herewith sent and marked Exhibit A.

In this connection we call your attention to Marshal Needle's report, showing that Colonel Clayton, who got up the town-site plat which was filed by the aforesaid Cohn, was appointed deputy marshal at the request of Receiver Barnes. We make no comment; the record, plat, and facts speak for themselves. Witnesses to above facts: (1) The record; (2) Major Nelson, clerk of the United States court at Muskogee; (3) D. B. Dyer, mayor of Guthrie, attorney as aforesaid and a personal friend of Major Warner, of Kansas City, Mo.

We send you herewith two lists of deputy marshals and entries so far made by them; we do not know that these are complete lists. The deputies shamefully misused their positions. In behalf of Marshal Needles I desire to state that he gave us every aid in his power to discover fraud or unfairness.

Collector of the Kansas district appointed a large number of deputies, to be called upon if necessary by Special Agent Clark. These appointments were used to defraud the bona-fide settlers and in violation of law.

We will send a supplemental report early next week about these deputies, and give, so far as we can ascertain them, a list of names. G. W. Jones, one of these deputies, was distributing points freely to friends in Newton and Arkansas City. Witness, F. W. Calais, general agent Champion Washing Machine Company, Joliet, Ill.

As one of the marshals expressed it to Captain McArthur, commandant of the post, "Everybody here is interested except you military men." The undersigned have held aloof from all factions, but found in Captain McArthur a gentleman of integrity, foresight, and high-minded purpose to discharge all his duties to the Government without self-seeking.

Your telegrams have been promptly answered; the delays were not ours, but caused by inefficient telegraph facilities. We have carried out your instructions in letter and spirit.

The hundred and one duties performed to make matters a success here can not be detailed in any report. We were consulted upon all sorts of questions by the citizens, and gave our aid, in connection with the commandant of the post, wherever it would benefit the general public or tend to promote public peace and security.

Our telegrams touching the quiet, orderly, and law-abiding spirit of this people were accurately true and we repeat those reports. The people know that, whatever fraud or unfairness may have been practiced, the Government is not a party to it, and they have full confidence that complete justice will be done them in due time. The list of entries made by officials and their friends does not include town lots, of which no record is kept.

As a matter of fact we know that deputies of all kinds hold town sites which they are not fairly entitled to and which were obtained by violating the President's proclamation. This report should have been gotten up in better form, but we write under difficulties, and will supplement it if necessary. We had to go slow in our investigations and win the confidence of the people who did not "stand in" with official grabbing.

Respectfully submitted,

CORNELIUS MACBRIDE,
J. A. PICKLER,
Inspectors.

THE SECRETARY INTERIOR:

I desire to add, in addition to the report herewith of Inspector MacBride and myself, that I returned from Kingfisher Monday, 22d; that when in about a mile of the station I saw many men on the east half of section 8; that as I neared the station I found they had been surveying and staking lots, but before I reached the place they had dispersed, but were claiming lots as their own. The land office opened promptly at 12 o'clock, and Mark S. Cohn and Jehu E. Dille entered at once and made the filings referred to in our report. I think these filings were all made before the arrival of the train with settlers.

Very respectfully,

J. A. PICKLER.

EXHIBIT A.

[Township 16, range 2 N., I. M.]
Selections.

Soldiers' D, by Jehu E. Dille for James B. Kenner.	Soldiers' D, by Jehu E. Dille for Jonathan Dille.	
5		4
	Soldiers' D, by Mark S. Cohn for Barry Twitchell.	
Mark S. Cohn homestead. First homestead entry of the day.	E. & Sec. 8, filed on by Mark S. Cohn as town site at 12 p. m., as shown by record.	Soldiers' D, by Mark S. Cohn for James H. Huckleberry.
8		9
	Jehu E. Dille homestead. Second homestead entry of day.	Soldiers' declaratory, by Mark S. Cohn for Benton Turner.
17		School section.

It will be observed that Cohn, who it is understood comes from Fort Smith, the receiver's town, enters the town site, and he and Jehu E. Dille, half-brother of the register, cover seven quarter sections about that town.

EXHIBIT B.

List furnished by Marshal Jones.

Names.	Place.	Date of appointment.
Capt. O. S. Rauck	Guthrie	1886
Charles Collins	do	1886
Ransom Payne (homestead entry 7, April 23)	do	1888
J. O. Severns	do	1886
Capt. W. J. Weaver (rej. 5, conflict T. S. Guthrie)	do	1889
M. J. Keyes	do	1888
John Patterson	do	1889
A. G. Jones (homestead entry 5, April 23)	do	1889
James White	Oklahoma	1886
J. B. Koontz (homestead entry No. 260, April 27)	do	1886
Aca Jones (homestead entry 8, April 23, agent for Henry S. Cowen, doc. 6, appl. Cohn rej. con. T. S.; agent for David A. Harvey, No. 22, April 23, 10.45 a. m.)	do	1889
J. H. Walters	Kingfisher	1886
Captain Wyatt	do	1887
W. L. Jarrett	do	1886
B. L. Cox	Alfred	1889
J. P. Jennings	do	1889
Jack Stillwell	Darlington	1886
Lundy	Near Purcell (?)	

EXHIBIT C.

List of deputies appointed by T. B. Needles, marshal, Indian Territory.
[Matter in brackets written in pencil in original.]

Muscogee.	Remarks.
W. W. Ansley.....	On duty at Kingfisher.
William Forman.....	On duty at Muskogee.
David Adams.....	Do.
John G. Varnum [re]. 27, April 27 conflict with homestead entry, James Adams, April 24.]	On duty at Guthrie.
Thomas Wright.....	On duty at Oklahoma City.
Jesse Ankrum.....	Do.
W. J. Wilkins.....	On duty at Norman.
T. J. Mitts.....	On duty at Guthrie.
Temp. Elliot [conflict prior homestead entry A. G. Jones, April 23, and S. D. S. 17, April 22].	Do.
Thomas J. Taylor [Doc. 31, homestead entry re- jected, conflict homestead entry 1, April 22, Mark S. Cohn].	Do.
Daniel Hay.....	Do.
*Jasper N. Reese [conflict with homestead en- try 3, H. W. Wolcott, con. T. S. Guthrie, agent for James T. Bell, rejected No. 1, John C. Bell, rejected 2, agent for H. N. Baker, No. 21 (S. D. S.).]	Do.
*John C. Bell [rejected 2, conflict T. S. Guthrie, not square].	Do.
Jacob Wheeler.....	On duty at Edmonds.
Benton J. Turner [S. D. S. 1, by agent Mark S. Cohn].	Appointed at special request of register and receiver and on duty at land office.
J. H. Huckleberry [S. D. S. No. 2, Mark S. Cohn, agent].	Appointed at special request of town authorities of East Guthrie.
O. E. Mohler.....	On duty at Kingfisher.
Smith Winters.....	On duty at Edmonds.
Ed. Collins.....	Do.
George L. McDonough.....	At request of receiver.
G. B. Smith.....	
W. H. H. Clayton [12 m., April 22, T. S.]	

* Reese and Bell to open boarding-house for United States officers.

I certify that the foregoing is correct.

T. B. NEEDLES,
Marshal Indian Territory.

Perry Twitchell, No. 3, by Mark S. Cohn, agent, filed April 22, 1.05 p. m.; No. 4, Jonathan Dille, by John E. Dille, agent, filed April 22, 1.05 p. m.; No. 5, James B. Kenner, by John E. Dille, agent, filed April 22, 1.30 p. m.; T. S. 12 m., Mark S. Cohn, April 22, John E. Dille.

In the written list of marshal's names you will find notes made by the land office clerks showing the attempted or successful actions of said marshals touching homesteads and S. declarations; most of the marshals, however, are interested only in town lots.—C. M.

Also append list showing deputy marshals making entries.

In the foregoing list of deputy marshals the following of their number made or attempted to make entries of land, and a number of them are claiming town lots, but as there is as yet no record of town lots claimed, we are unable to give the names of such as are holding such lots, and they can very readily change the apparent ownership, rendering it difficult to fix it.

Those making or attempting to make entries are as follows:

[Needles.]

David Adams, on duty at Muskogee, homestead rejected April 24; in conflict with homestead entry, James Adams, April 24.

T. J. Mitts, on duty at Guthrie; conflict prior homestead entry A. G. Jones, April 23, and soldier's declaratory 17, April 22.

Temp. Elliott, on duty at Guthrie; docket 37; homestead entry rejected; conflict homestead entry 1, April 22, Mark S. Cohn.

Thomas Hay, on duty at Guthrie; conflict with homestead entry of H. W. Wolcott and town site of Guthrie.

Jasper N. Reese, agent James F. Bell, rejected; agent John C. Bell, rejected; agent for H. N. Baker, No. 21 S. D. S., rejected; conflict with town site Guthrie.

Benton J. Turner, S. D. S., by agent, Mark S. Cohn.

J. H. Huckleberry S. D. S. No. 2, Mark S. Cohn.

O. E. Mohler signed application for town site.

W. H. H. Clayton signed town site application.

[Jones.]

Ransome Payne, at Guthrie, homestead entry, April 23.

Capt. W. G. Weaver, rejected; conflict town site Guthrie.

James B. Koontz, homestead entry, April 27.

Asa Jones, brother of marshal, came to Guthrie April 15 and remained, homestead entry 8, April 23. Agent for Henry S. Conner, rejected; conflict town site.

Agent David N. Hervey, April 23.

FORT SMITH, ARK., January 28, 1890.

DEAR JUDGE: Inclosed please find copy of an interview by me, relating to the opening of Oklahoma, published in this morning's Fort Smith Times.

The charges against me you brought on the records of Congress to remain there forever, and in a speech took occasion to point out what you considered to be the damaging facts against me, of which action on your part I have not complained, either to your friends or to mine.

The facts stated in this interview are absolutely true. I have made them in vindication of my honor, which you will admit, up to this time, has never had a stain upon it, if this Oklahoma matter be not a stain, and when properly understood it is not.

I inclose this interview to you that you may make such disposition of it as your sense of justice and fairness may dictate.

Very respectfully,

WM. H. H. CLAYTON.

Hon. JOHN H. ROGERS,

Washington, D. C.

[From the Fort Smith Daily Times.]

THE GUTHRIE GRAB—JUDGE CLAYTON GIVES THE TRUE "OPEN STORY" AND SHEDS A WORLD OF LIGHT ON THE SUBJECT—A COLOSSAL SCHEME THWARTED—A SCHEME BY WHICH THE TOWN SITE OF GUTHRIE WAS TO HAVE BEEN "GOBBLED UP" BY A SYNDICATE WHOSE MEMBERS NOW HOWL WITH DISAPPOINTMENT.

A statement from Judge Clayton was desired for publication in Sunday's

Times. Though he readily consented he was quite busy at the time, necessitating another call. Under this condition the Times promised the statement for Tuesday's paper, and is pleased now to make the promise good. When the reporter called again Judge Clayton, though up to his elbows in law documents, cheerfully showed them aside and briefly told all he knew about Oklahoma. The starter was:

REPORTER. Mr. Clayton, I see by the St. Louis Republic of the 22d instant that Cornelius MacBride, in an interview, charges you with improper conduct in relation to the opening of Oklahoma. I would like your version of the matter.

Mr. CLAYTON. Yes, I have seen the purported interview, and am glad of the opportunity of making a public denial of the facts as stated, and of giving a full and true statement of the whole affair as I know it.

At the time, I was a private citizen; I held no office. It is true, I went to Oklahoma and it is also true that I entered the Territory on the Sunday evening before the Monday set apart by the President for the opening of the country to settlement. But it is not true that I went there for the purpose of entering land or obtaining any interest thereto. That part of the Indian Territory which now constitutes Oklahoma had, during the twelve years in which I had been district attorney for the western district of Arkansas, been in that district. It was known that thousands of people would rush into it at its opening. I, like thousands of others, who lived near the place, went merely as a spectator to witness the scene and incidents of the opening.

On my arrival at Arkansas City, which, as you know, was the nearest city to Guthrie, and seemed to be the rendezvous for thousands of "boomers," as they were called, I found there, on their way to Oklahoma, Mr. Dille, the register of the land office, who was an entire stranger to me; Mr. Barnes, the receiver, my fellow-townsmen and friend; Messrs. PICKLER and Hobbs, inspectors of the Interior Department, and a number of clerks and employees of the land office. These gentlemen were detained in Arkansas City a day or two; during which time I openly and publicly roomed, ate, and otherwise associated with Mr. Barnes, who was informed by me and who knew that I did not intend, either directly or indirectly, to enter or occupy or obtain any interest in or to any land, either by homestead or town-site entry or otherwise, in Oklahoma.

The law only prohibited those from entering Oklahoma before the time fixed by the President who intended to enter land, and its only penalty was and is that those who should enter that country before that time and take land should not have any of the benefits of the act; that is, should not be allowed to own or possess any land in Oklahoma. Now, as I did not intend to take, enter, own, or possess, either directly or indirectly, any land, either for myself or others, I determined to go down the evening before the opening, and did so.

It was reported that soldiers in Oklahoma were arresting persons who were not officers and subjecting them to a great deal of trouble, and it was suggested to me, by whom I do not now remember, that perhaps I had better have a deputy marshal's commission to avoid this trouble. I said I did not care for it, and United States Marshal Needles left about that time, and in an hour or two thereafter Mr. Barnes handed me a blank deputy marshal's commission (it was not signed), saying to me at the time that Mr. Needles had handed it to him with the request that he should hand it to me, but for me not to use it except to prevent these soldiers from molesting me. I put it in my pocket, and did not see Marshal Needles until the next day, when I met him in Guthrie. Immediately upon my arrival at that place I returned him the commission. I never qualified under it or used it in any other or further way than above stated.

Monday, April 22, was the day set apart by the President for opening the Territory. I arrived at Guthrie about 4 o'clock on the Sunday evening before, and not on Saturday, as stated by Mr. MacBride in his interview.

It is not true that I had a survey made on Sunday or at any other time before 12 o'clock of April 22. There was a survey made on Sunday, but it was before my arrival at Guthrie, and under the direction of a syndicate who were there for the purpose, as I was informed, of locating the town half a mile away from where Guthrie now stands, off the railroad, and in an improper place. They then intended to homestead the town-site proper, that is, the 320 acres where Guthrie now stands, and in that way secure the land on which the city must necessarily be built.

On my arrival at Guthrie I was informed of these facts, and I was not a Government inspector either. Mr. MacBride could have found them out as easily as I if he had been so disposed. I presume he knew them; for in his interview he regretfully says O. P. Dyer of his city "was expected to be the first man to make an entry," and in reality would have done so had it not been for certain deputy marshals. This "O. P. Dyer, of MacBride's city," I was informed, stood at the head and foot of the above-named scheme.

People came to me and asked me if there was no way to prevent the consummation of this combination, saying that if I could do anything to save the town site I would do an important service to the interests of the future growth of the city and the people who intended to settle there; and for that purpose, and that purpose only, a map, or rather a rough plat of the town of Guthrie and a town-site petition were prepared, under my direction, on Sunday night, to be filed the next day. This was done without any survey having been made and without the knowledge of the land-office officials.

When this map and petition was being prepared, it was supposed that the land office, which was the only building there except the depot, was on a half-acre of ground which had been reserved from entry by the President's proclamation for that purpose, and was made by the map the initial point, and the center of the city. This building was not, however, on this half-acre, but had been placed at another and much more eligible place. This map was given to Mr. Mark Cohn, because I had been informed that Mr. Cohn intended to make an effort to make the first entry.

I knew Mr. Cohn, and knew him to be an energetic man and believed him to be the best man for that purpose; knowing, however, that he must take his chances with the others and that he was not in the combination above spoken of. On the next day Mr. Cohn succeeded in making the first entry. He received no assistance, either directly or indirectly, from me, or from any friend of mine, or from any official of the land office, or any deputy marshal, as far as I know.

I was in Guthrie for nearly a week, and never heard such a thing spoken of or intimated, until I saw the charge a few days ago in MacBride's interview. Mr. MacBride said: "There were several hundred people there." Surely, if such a thing had been done, all of them would have been witnesses to the transaction, and it would have been universally talked of and condemned. People do not remain silent when such acts of injustice are done in their sight.

After making the map and drafting the petition, and placing them in the hands of Mr. Cohn, I had no further interest in the matter. I had done all that I thought I could justly and fairly do to save the town site, and did not intend to have anything more to do with it, after that time, and would not, had it not been for the fact that some two or three days later it was discovered that the land office was not on the Government half acre, but that the half acre upon which the building was supposed to be standing was some quarter of a mile from that place. By this time there were from six to eight thousand people there. The most of them had located town lots in accordance with the plat filed by Mr. Cohn on the 22d.

In making the plat, having made the land office the initial point, but locating it erroneously on the map at the place where the Government half acre was at the time supposed to be located, everything was thrown into hopeless confusion. The streets would come in the middle of the blocks, as located; many of the entries would come in the streets. Now, when this was discovered it produced great excitement; suspicions of foul play naturally arose in the minds of

many of the people, and as I had directed the making of the map, a thing which was not kept secret, but was known by everybody, it was expected and demanded of me that I would see that the correction was made.

I at once went to the land office and obtained admittance. I found there Mr. Dille, the register, Mr. PICKLER, Mr. Hobbs, and Mr. MacBride, the Government inspectors, and a number of clerks. This was the first and last time I ever saw Mr. MacBride to know him or ever spoke to him or in his presence. I told the gentlemen the condition of affairs. I was somewhat excited. I asked them if they knew that the building put up for the land office was not on the Government half acre. Some one of them told me that it was true.

I then told them of the excited condition of the people; that gamblers and plug-uglies were swarming into the city and fanning the excitement with the hope that in the confusion that would follow they might secure the choicest lots, and expressed the fear that when the effect of the error was fully known the excitement would become so intense that bloodshed might follow, and begged them to avert it if possible by not only making an effort to have the half acre established at the place where the land office was now located, but to make some kind of a public statement that would have the effect of abating the excitement. Mr. MacBride then angled up to me and in a half whisper, so that the others could not hear him, said to me:

"Mr. Clayton, do not get excited; your friends are my friends, and this shall be all right."

These are the only words Mr. MacBride ever spoke to me in his life. There is no truth in the statement that I went to him with my story, and that he told me that I might file my map, but that it would not be accepted by the Department. The map had been filed three or four days before I saw him.

After Mr. MacBride had spoken the words above mentioned, I said to him and all the others:

"I have no friends in this matter. Nor have I any interest in it on earth, except to see that this thing is justly dealt with; I have not entered a foot of land, either in the city or in Oklahoma, nor do I intend to take any interest, either directly or indirectly." Either Mr. PICKLER or Mr. Hobbs then said to me: "Mr. Clayton, the matter shall be looked into, and whatever is right will be done." I thanked him and again assured them of the fact that I had no pecuniary interest in the matter and bade them good-day.

It is from the fact that in this conversation I expressed the fear that in the excitement which I believed would spring up from the error in the map blood would be shed by the excited people if the matter was not adjusted, that MacBride deduces the threat which, in his interview, he says I made, to wit: "That unless the town-site map made by him (me) was allowed to be filed, blood would flow in the streets of Guthrie."

This statement is not only unfounded, but to those who know me it is ridiculous. I never made a threat against a man or set of men in my life. No person has ever heard me make a threat even against those who have done me the greatest wrong, much less in a case of this kind.

If a combination existed between myself and the land officers, as claimed by Mr. MacBride in his interview, what was the necessity of a threat, even if I had been so base and such a bully as to have made it?

The statement that I went to Mr. MacBride with my "open story" is entirely without foundation, unless the above-stated conversation can be construed to be my "open story."

After I left the land office I sent for a surveyor, who, under my directions, prepared an amended plat, making the streets conform to the land office as located, and prepared an amended petition, and then hunted up Mr. Cohn, as he had filed the first plat and petition, and had him file these amended ones, and in a day or two thereafter returned to my home in Fort Smith, Ark., and have not been to Oklahoma since. I did not enter, locate, occupy, possess myself of, or squat upon, either my office or through another, directly or indirectly, a square inch of land, either in Guthrie, its surroundings, or anywhere else in Oklahoma.

I had no understanding, directly or indirectly, by word, hint, or innuendo, either with Mr. Dille or Mr. Barnes, that Mr. Cohn should make the first entry or that anything else, proper or improper, should be done. As far as Mr. Dille is concerned I never spoke more than a dozen sentences to him in my life, and as for Mr. Barnes, I believe that if any improper advances had been made to him he would have spurned them with that scorn and contempt which every honest man should feel towards a wretch who would debauch a public officer.

If the facts stated in Mr. MacBride's interview are true, it was his imperative duty, under his oath of office, to fully and minutely report them to the Department he was serving. He made an official report, which falls far short of making the charges he makes in his interview. Certainly he can not now, in an unofficial way, enlarge and embellish what he then said under oath and in the discharge of his official duty. If he knows these facts to be true now, he knew it then, and every one would concede that they would have come with much better grace and force than at a time when he is smarting under the chagrin and disappointment of a removal from office.

Mr. ROGERS. Mr. Chairman, I do not desire to submit any comments upon this matter at all. I prefer that the report, the letter, and the accompanying interview shall speak for themselves.

Mr. PICKLER. As the gentleman from Arkansas [Mr. ROGERS] has submitted to me that interview with Colonel Clayton, who therein speaks of having conferred, before the opening of the Territory, with certain inspectors at Arkansas City, and mentions me as having been at Arkansas City at that time with the register and receiver and other parties, I desire to say, as this interview goes into the RECORD, that I was not there at that time, but was in Oklahoma opening up the land offices. There was an inspector named Paisley, whom I think Colonel Clayton or the editor or reporter may have confounded with me.

Mr. ROGERS. I have no doubt, if there is any conflict between the statements on that point, that is a mere question of identity, and that Judge Clayton has mistaken the gentleman from Dakota for some other gentleman. I raise no question about that; I know nothing about it.

It is proper, perhaps, I should state that a part of this report which I desire to have printed involves a small map, and of course the map will be printed with the other portion of the papers.

Mr. BARNES. We will hear now from the other side.

Mr. PERKINS. We expected a portion of the remaining time would be occupied by this side by the gentleman from New York [Mr. BAKER], but he has gone from the Hall.

Mr. DOCKERY. We were here yesterday until 7 o'clock in the evening, and I do not see why the committee should not rise and the House adjourn.

Mr. HOOKER. I would like to be recognized and entitled to the floor, but will yield to a motion to rise, so I can submit my remarks in the morning.

Mr. STRUBLE. I hope he will proceed until half past 5 o'clock.

Mr. BARNES. I will yield for ten minutes to the gentleman from Texas [Mr. HARE].

Mr. HARE. Mr. Chairman, of the two bills under discussion, namely, the Senate bill and the House substitute, the former contains all the legislation now necessary, and is therefore preferable.

There is no necessity now existing for the establishment of additional courts in the territory occupied by the civilized tribes, and the objection to the House bill is that it provides for two more courts in addition to the one now at Muskogee.

The court at Muskogee was an experiment. It was given limited jurisdiction over the five civilized tribes and Oklahoma. It has answered the purpose of its creation, and other courts would be a useless expense. At first this court was crowded with business, started with what might be termed a boom.

But the business has decreased, and now there is no difficulty in disposing of every case on the docket. At present this experiment ought not to be extended by adding new courts. The tribes are objecting to the establishment of any more courts in their territory. They now look upon this new feature in their government with some degree of terror.

The first term of the Muskogee court had some 400 appearance cases. The business has decreased until the coming term has only 175 appearance cases. If the jurisdiction of this court was extended and better defined it would easily transact all the business within such jurisdiction in the five tribes.

I will send to the Clerk and ask to have read a protest by the governor of the Chickasaw Nation, which I am informed speaks the sentiments of the five civilized tribes through their delegates now in the city.

The Clerk read as follows:

To the Senate and House of Representatives of the United States of America in Congress assembled:

The undersigned, governor of the Chickasaw Nation of Indians, one of the five civilized tribes occupying the Indian Territory, would respectfully represent that his nation is in a peaceable and prosperous condition; that its relations with the United States are of the most amicable character; that in its system of education the English language is taught; that in no school in the nation is the Chickasaw or any other Indian language taught, the object being to educate the rising generation to understand the laws and institutions of the United States, and they are then taught the respect and affection due from our nation to the people and Government of the United States.

He respectfully represents that there are pending several bills in Congress which have given his people great anxiety. He especially calls attention to bills for organizing the Oklahoma Territorial government, with all the machinery, including courts, of a Territorial government. He would especially call your attention to the solemn engagement of the United States Government made with the Choctaw Nation of Indians at Dancing Rabbit Creek by treaties of September 27, 1830, to be found in volume 7, United States Statutes at Large, page 333, the fourth article of which reads:

"The Government and people of the United States are hereby obliged to secure to the said Choctaw Nation of red people the jurisdiction and government of all the persons and property that may be within their limits west, so that no Territory or State shall ever have a right to pass laws for the government of the Choctaw Nation of red people and their descendants; and that no part of the land granted them shall ever be embraced in any Territory or State; but the United States shall forever secure said Choctaw Nation from, and against, all laws, except such as from time to time may be enacted in their own national councils, not inconsistent with the Constitution, treaties, and laws of the United States, and except such as may, and which have been enacted by Congress, to the extent that Congress, under the Constitution, is required to exercise a legislation over Indian affairs."

But the Choctaws, should this treaty be ratified, express a wish that Congress may grant to the Choctaws the right of punishing by their own laws any white man who shall come into their nation and infringe any of their national regulations."

Your memorialist, speaking for and on behalf of the people of the Chickasaw Nation and expressing their wishes, states that the full force, benefit, and effect of said article of said treaty applies to the Chickasaw Nation, as will now be stated.

By the treaty of Doaksville of 1837, to be found in the Revised Indian Treaties, between the Choctaws and Chickasaws, ratified by the United States, the Chickasaws purchased of the Choctaws a part of the territory which the Choctaws acquired by the treaty of 1830, and removed from their former homes east of the Mississippi River, and located themselves where they now live, within the boundary assigned to the Choctaws by the treaty of 1830 aforesaid, and have continuously lived on the same up to this time.

That by the treaty of June 22, 1835, the Chickasaws and Choctaws were placed on the same footing as to territorial rights and non-interference therewith by the United States Government, so that the Chickasaws, in common with the Choctaws, are solemnly guaranteed protection of all the rights guaranteed by the fourth article of the treaty of September 27, 1830, aforesaid, and which, by the act of March 3, 1871, section 2079, are in full force and unimpaired. Your memorialist therefore, in the name of his people, solemnly protests against any Territorial or State government ever being placed over them, unless by the full and free consent, solemnly and formally expressed, through conventions of the people concerned.

Your memorialist would further state that the organization of the United States court at Muskogee was looked upon by his people with great distrust and misgiving at the time it was done. It was a radical innovation. It is too late to protest against its establishment, but experience has shown that the people were not prepared for it. Your memorialist protests against any extension of its jurisdiction. The want of a sufficient number of competent and impartial jurymen in the Indian Territory, and more especially in important civil and criminal cases, is manifest.

The jurisdiction now conferred on the Paris division of the eastern district of Texas, on the district court of the western district of Arkansas, at Fort Smith, and on the district court of Kansas, at Wichita, is satisfactory, and in all respects better than the conferring of such jurisdiction would be on any United States court that could be organized in the Indian Territory. Jurymen in those courts are intelligent and impartial, they are disinterested, and in every sense and for every reason, until our people are better prepared, those courts should be left undisturbed.

Your memorialist solemnly protests against any change. The time may come

when by the education of their people they may voluntarily consent to a Territorial or State government; but that time is not now, and your memorialist appeals to the sense of justice and fair dealing of your honorable bodies not to bring the mighty power of the Government of the United States down on a peaceable, confiding, and defenseless people by the establishment of a Territorial or State government or courts within their borders, which are but part of the machinery of such governments. It is but the beginning of the end, and the end is the annihilation of the Indian tribes in the Indian Territory. The Legislature of the Chickasaw Nation is not in session and can not be convened in time for action, and your memorialist, as in duty bound, speaks for his people.

Done at the executive office of the Chickasaw Nation at Tishomingo, under the seal of the nation, this 15th day of January, 1890.

WM. L. BYRD, Governor of the Chickasaw Nation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARE. I ask the gentleman from Georgia to yield to me for a minute longer.

Mr. BARNES. I will yield to the gentleman.

Mr. HARE. It has been asserted that these five civilized tribes do not object to this government or to these courts. The memorial that has been read expresses the sentiments of each of the five civilized tribes. Their delegates are here and have expressed kindred sentiments. They object to having any more courts established within their borders at present, and claim that the present court established at Muscogee is sufficient for all purposes.

Mr. MANSUR. I desire to ask the gentleman a question, with his consent. Are you aware of the fact that Governor Byrd sent a letter to the Committee on the Territories in which he admitted the right to put the courts there and that he asked us to establish one at Purcell?

Mr. HARE. I do not know anything about that.

Mr. MANSUR. I appeal to my colleagues on the committee to substantiate the statement.

Mr. HARE. As far as the right is concerned, of course I do not question it.

Mr. PERKINS. I will say for the benefit of the gentleman from Texas that I got a telegram from Judge Byrd myself, in which he asked me to aid in the establishment of a court at Purcell.

Mr. HARE. Very well; I have given his writing here to show the sentiment therein expressed, a document signed by himself, and which, I now repeat, contains the united sentiment of these tribes, as will be more fully shown before this debate closes.

Mr. STRUBLE. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYSON reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (S. 895) had come to no resolution thereon.

FARMS AND FARM MORTGAGES.

Mr. DUNNELL. Mr. Speaker, I rise to submit a privileged report from the committee of conference.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1181) to require the Superintendent of the Census to ascertain the number of people who own farms and homes, and the amount of mortgage indebtedness thereon, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

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

M. H. DUNNELL,
JOSEPH D. TAYLOR,
A. M. DOCKERY,

Managers on the part of the House.

EUGENE HALE,
C. K. DAVIS,
J. H. BERRY,

Managers on the part of the Senate.

Mr. DUNNELL. I ask the adoption of the report.

The report was adopted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced the passage of a bill (S. 2304) to establish two additional land districts in the State of Washington, in which concurrence was requested.

IMPROVEMENT MISSOURI RIVER.

Mr. TARSNEY. Mr. Speaker, I ask unanimous consent to have printed in the RECORD the body of a memorial of the Kansas City Commercial Club relating to the improvement of the Missouri River.

The SPEAKER. Without objection, the memorial will be printed. There was no objection.

The memorial, which was ordered to be referred to the Committee on Rivers and Harbors, is as follows:

KANSAS CITY, February 6, 1890.

Honorable Committee on Rivers and Harbors:

Your memorialist, the Commercial Club of Kansas City, would respectfully represent that it is a commercial body composed of merchants and other business men of said city, whose trade relations extend throughout the States and Territories lying in the valley of the Missouri River; that with the conditions, interests, and sentiments of said people it is familiar, and that by its knowledge thereof it feels fully warranted and impelled to address your honorable body, and urge upon you, and through you upon the honorable Congress of the United States, the adoption and steady maintenance of such line of policy respecting the improvement of the Missouri River, for the purposes of commerce and navigation, as in your wisdom may seem best calculated to secure the speedy com-

pletion of said improvement and the enlarged uses of the river. In support of this petition it would respectfully submit the following considerations:

First. The Missouri Valley embraces a vast area of agricultural country, of which the soil and climate are unexcelled and the productiveness unsurpassed. It is populated with an industrious and intelligent people, earnestly striving to develop its vast resources and make them contributory to the power and renown of our common country. Their products are chiefly cheap and bulky articles, which experience has proven will bear transportation by rail within narrow limits only, until the necessary cost of such transit, together with necessary cost of production, equals the market value at localities much more distant. The agricultural industries of the United States, producing a surplus beyond the wants of our own people, are not susceptible of that protection which has been so generously extended by Congress to the kindred industry of manufacture, but must seek sale for its surplus in the markets of the world, whereby the domestic price is regulated. In such markets we are confronted with the competition of peon labor in other parts of the world or with the products of countries less distant from sea transit.

In consequence of these facts, our industries are profitless, and our people, though possessing a country of unequalled resources, are deprived of the rewards of industry requisite to their comfort and happiness. The elements in the situation susceptible of such modification as to restore to our people the prosperity which is their right, and for which nature has so bountifully provided, are the burdens which existing methods of transportation impose, and this is to be secured by such an improvement of the Missouri River as will extend and enlarge its usefulness. It is needless for us to urge facts so well known as that water ways afford the cheapest transportation known to man, or, in the presence of the well known influence of the lakes and canals of the North in reducing cost of transportation, to urge that the improvement we seek would effect the desired reduction.

Such reduction would inure to the benefit of our producers, for the reason that the prices in the controlling markets abroad, which determine the prices in our local markets, are fixed by the surplus from other countries, and would not be affected by supplies received from us; hence all savings in the cost of transportation would accrue to the producer. Or, should the reduction in the cost of transit thus effected be such as to so increase the surplus from us as to affect the foreign market, that fact would speedily correct itself by reducing the supplies from other countries and give us the controlling position in the markets, greatly to the advantage of our whole country.

Second. We desire to respectfully represent also that the improvement of the Missouri River is not a sectional, but a national enterprise, in which the manufacturing industries of the whole country are equally interested. The safest, best, and most satisfactory customer for the American manufacturer is, and must always be, the American farmer, whose demand for manufactured merchandise is limited only by his ability to buy. Any addition to his gains by reduction of the cost of transportation of his products will be attended with additional requests upon the merchants and manufacturers. In like measure, also, the rail carrier will be benefited, although his profits in the carriage of agricultural products will be reduced. For these articles, now being carried at rates far below those charged for merchandise, there is so much less margin of profit that the rail carrier will be doubly compensated by the increased amount of the more profitable freight necessary to supply the requests of the more prosperous farmer.

Third. We hold that no interest is more entitled to the consideration of Congress than the one for which we speak. To Congress the Constitution commits the promotion of the general welfare, and in discharge of the obligation thus imposed Congress has appropriated many millions of dollars for waterway and harbor improvements on the Atlantic seaboard and eastern slopes of the Alleghany Mountains, where the interests to be subserved are of less national character. It has also given nearly 200,000,000 acres of land and guaranteed nearly \$100,000,000 in bonds in aid of railways, the property of individuals and corporations, and a far more expensive means of transit, while an expenditure on the Missouri River, it has been ascertained by the Government's own officers, of a sum per mile equal to the capitalization of one single-track railway, will provide a public highway, open alike to all the people, of six hundred times the carrying capacity. Upon what policy can the Government enter more legitimately and what obligation of a Congress of the people is more imperative than thus to provide for the prosperity of the people by the exercise of powers which the Constitution lodges with it and denies to others?

Fourth. Having observed that, in so far as appropriations for river improvements have heretofore been made for specific localities, they have been inadequate for the completion of the work between floods and have resulted in loss by the destruction of incomplete work, besides which such appropriations are subject to the disadvantage and extravagance of requiring separate plants and a complete separate working force for their application, we beg to urge that appropriation for general improvements be made in gross sums for considerable reaches of the river, and their apportionment and application be left to the judgment of such officers and agents as Congress may, in its wisdom, from time to time place in charge thereof. In so far as the policy we favor has been employed on the Missouri River it has resulted in the economical application of funds in such sums as to complete and secure work undertaken, and therefore vindicate its right to adoption.

Fifth. While we urge that Congress take immediate steps, independent of other action respecting the river, to remove snags and like obstructions from its channel, we would urgently ask that provision be made for the protection of the river from the further erection of low bridges with frequent piers, which greatly obstruct its channel, impede navigation, and increase the cost thereof. Respectfully submitted.

And then, on motion of Mr. McMILLIN (at 5 o'clock and 5 minutes p. m.), the House adjourned.

RESOLUTIONS.

Under the rule, the following resolutions were submitted and referred as indicated below:

WILLIAM H. JONES, DECEASED.

By Mr. CRAIN:

Resolved, That the Clerk of the House be, and he is hereby, instructed to pay an amount equal to six months' salary, out of the contingent fund, to the widow of William H. Jones, late an employé in the east cloak-room of the House of Representatives;

to the Committee on Accounts.

SUSPENSION OF SENTENCE IN UNITED STATES COURTS.

By Mr. EZRA B. TAYLOR:

Whereas it appears by official reports filed in the Attorney-General's Office that the practice of suspending sentence in criminal cases after conviction prevails in many of the district courts of the United States, and particularly in the northern, middle, and southern districts of Alabama:

Resolved, That the Committee on the Judiciary be, and it is hereby, authorized to inquire into the extent, cause, and result of such practice, and report its find-

ings to the House, and that to this end said committee be authorized and empowered to send for persons and papers, administer oaths, take testimony, to employ a stenographer if needed, to send a subcommittee to such localities to take testimony and report the same to said committee as may be necessary, said subcommittee to have, while so engaged, the same powers herein given said Committee on the Judiciary as to taking testimony, and also to employ a clerk if his services are found to be required; that the Sergeant-at-Arms furnish said committee an officer to attend it or said subcommittee, and to serve such process as may be issued by said committee or said subcommittee; and that the expenses of such investigation be paid out of the contingent fund of the House; to the Committee on the Judiciary.

REPORTS.

Under clause 3, Rule XXII, the following reports were filed and referred, as follows:

BRIDGE ACROSS ST. CROIX RIVER.

Mr. MASON, from the Committee on Commerce, reported back favorably the bill (H. R. 4574) for the construction of a bridge across the St. Croix River; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

TILGHMAN WEAVER.

Mr. CULBERTSON, of Pennsylvania, from the Committee on War Claims, reported a bill (H. R. 7210) for the relief of the heirs of Tilghman Weaver, deceased; which was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

HENRY J. HEWITT.

Mr. CULBERTSON, of Pennsylvania, also, from the Committee on War Claims, reported, as a substitute for the bill (H. R. 1849) for the relief of Henry J. Hewitt, a bill (H. R. 7211) for the relief of Henry J. Hewitt; which substitute was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

W. H. COLLARDS ET AL.

Mr. CULBERTSON, of Pennsylvania, also, from the Committee on War Claims, reported back favorably the bill (H. R. 3069) for the relief of W. H. Collards *et al.*; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

HEIRS OF MAURICE GRIVOT.

Mr. CULBERTSON, of Pennsylvania, also, from the Committee on War Claims, reported back favorably the bill (H. R. 3704) for the relief of the heirs of Maurice Grivot; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

WILLIAM BUSHBY.

Mr. TAYLOR, of Tennessee, from the Committee on War Claims, reported back favorably the bill (H. R. 2046) for the relief of William Bushby; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

MALINDA GRIMES.

Mr. TAYLOR, of Tennessee, also, from the Committee on War Claims, reported back favorably the bill (H. R. 5250) for the relief of Malinda Grimes; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

CUMMINGS, DOYLE & CO., AND DOYLE & CO.

Mr. TAYLOR, of Tennessee, also, from the Committee on War Claims, reported back favorably the bill (H. R. 3129) for the relief of Cummings, Doyle & Co. and Doyle & Co.; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

B. R. HACKNEY.

Mr. TAYLOR, of Tennessee, also, from the Committee on War Claims, reported back with amendment the bill (H. R. 1944) for the relief of B. R. Hackney; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

SALLY HARDMOND.

Mr. TAYLOR, of Tennessee, also, from the Committee on War Claims, reported a bill (H. R. 7212) for the relief Sally Hardmond; which was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

BRIDGE OVER ARKANSAS RIVER.

Mr. WALKER, of Missouri, from the Committee on Commerce, reported back with amendment the bill (S. 2185) to authorize the construction of a bridge over the Arkansas River, in the Indian Territory; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JEAN LOUIS LEGARÉ.

Mr. HALL, from the Committee on Indian Affairs, reported back with amendment the bill (H. R. 1826) for the relief of Jean Louis Legaré; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

SOUTHERN EXPOSITION, LOUISVILLE, KY.

Mr. BUNN, from the Committee on Claims, reported back favorably the bill (H. R. 1306) for the relief of the Southern Exposition at Louisville, Ky.; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

SARAH M'TAVEY.

Mr. DE LANO, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2832) granting a pension to Sarah M'Tavey; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

OATHS IN PENSION AND OTHER CASES.

Mr. BUCHANAN, of New Jersey, from the Committee on the Judiciary, reported back with amendment the bill (H. R. 578) in relation to oaths in pension and other cases; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

FORMAN MATTHEWS AND DAVID STOUT PARKER.

Mr. BUCHANAN, of New Jersey, also, from the Committee on the Judiciary, reported back with amendment the bill (H. R. 4329) for the relief of Forman Mathews and David Stout Parker; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

PATENTS, TRADE-MARKS, AND COPYRIGHTS.

Mr. SIMONDS, from the Committee on Patents, reported back favorably the bill (H. R. 3812) relating to patents, trade-marks, and copyrights; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

FEMALE NURSES IN THE LATE WAR.

Mr. THOMAS, from the Committee on War Claims, reported back favorably the bill (H. R. 6469) granting relief to the female nurses in the war of the rebellion; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

JOHN M. EDDY AND OTHERS.

Mr. GEST, from the Committee on War Claims, reported back with amendment the bill (H. R. 3223) for the relief of John M. Eddy, Elizabeth K. Carroll, Alice B. Eddy, and Frank M. Eddy; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

ECKINGTON AND SOLDIERS' HOME RAILWAY COMPANY.

Mr. HEARD, from the Committee on the District of Columbia, reported back favorably the bill (S. 157) to amend the charter of the Eckington and Soldiers' Home Railway Company; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PENSIONS.

Mr. LAWS, from the Committee on Invalid Pensions, reported back favorably bills of the following titles; which were referred to the Committee of the Whole House, and, with the accompanying reports, ordered to be printed:

- A bill (H. R. 3056) granting a pension to Theodore J. Shandal;
- A bill (H. R. 3055) for the relief of W. P. Alexander;
- A bill (H. R. 1581) increasing pension of Andrew J. Ferguson;
- A bill (H. R. 1579) granting a pension to John McCool; and
- A bill (H. R. 1586) granting a pension to Augustine McLaughlin.

COPYRIGHTS.

Mr. SIMONDS, from the Committee on Patents, reported, as a substitute for the bill (H. R. 3914) to amend Title LX, chapter 3, of the Revised Statutes, relating to copyrights, a bill (H. R. 7213) in amendment of the Revised Statutes relating to copyright; which substitute was read a first and second time, referred to the House Calendar, and ordered to be printed.

STATE PILOTS.

Mr. CUMMINGS, from the Committee on Merchant Marine and Fisheries, submitted the views of the minority on the bill (H. R. 1003) exempting coastwise sailing-vessels piloted by their licensed masters or by a United States pilot from the obligation to pay State pilots for service not rendered; which was referred to the House Calendar and ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. PETERS, the Committee on Patents was discharged from the further consideration of bills of the following titles, and they were severally referred to the Committee on Claims:

- A bill (H. R. 5615) for the relief of Jearum Atkins;
- A bill (H. R. 3651) for the relief of William C. Dodge; and
- A bill (H. R. 4449) for the relief of Joseph Trent.

FANNY B. RANDOLPH AND DORA L. STARK.

Mr. THOMAS, from the Committee on War Claims, reported back with amendment the bill (H. R. 3772) for the relief of Fanny B. Randolph and Dora L. Stark, with amendment the bill (H. R. 6063); which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

HEIRS OF PIERRE SAUVÉ.

Mr. THOMAS also, from the Committee on War Claims, reported back with amendment the bill (H. R. 6063) to refer the claim of the heirs of Pierre Sauvé to the Court of Claims; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

REANEY, SON & ARCHBOLD.

Mr. THOMAS also, from the Committee on War Claims, reported back favorably the bill (H. R. 2455) for the relief of Reaney, Son & Archbold; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

UNION NATIONAL BANK OF LOUISIANA.

Mr. THOMAS also, from the Committee on War Claims, reported back, as a substitute for the bill (H. R. 3216) for the relief of the Union National Bank of Louisiana, a bill (H. R. 7214) for the relief of the Union National Bank of New Orleans, as the successor of the Union Bank of Louisiana; which substitute was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

FEDERAL IMMIGRATION LAWS.

Mr. OWEN, of Indiana, from the Select Committee on Immigration and Naturalization, reported back favorably a Senate concurrent resolution providing for a joint investigation of the workings of the Federal immigration laws; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SALES OF PROPERTY FOR OVERDUE TAX.

Mr. GROUT, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 5825) prescribing the times for sale and for notices of sales of property in the District of Columbia for overdue taxes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

INTEREST ON TAXES.

Mr. GROUT also, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 5179) fixing the rate of interest to be charged on arrearages of general and special taxes now due the District of Columbia if paid within a time specified; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PROTECTION OF INDUSTRIAL PROPERTY.

Mr. BUTTERWORTH, from the Committee on Patents, reported a bill (H. R. 7215) authorizing the Secretary of State to appoint two suitable persons to represent the United States at the international conference in regard to the protection of industrial property, and making an appropriation therefor; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

EXECUTIVE COMMUNICATIONS.

Under clause 3 of Rule XXII, the following executive communications were taken from the Speaker's table and referred by the Speaker as follows:

OCONEE RIVER, GEORGIA.

A letter from the Secretary of War, transmitting, with letter from the Chief of Engineers, report on the examination and survey of Oconee River, Georgia—to the Committee on Rivers and Harbors.

SURVEY OF OCMULGEE RIVER, GEORGIA.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of the examination and survey of the Ocmulgee River, Georgia—to the Committee on Rivers and Harbors.

MAP OF CITY OF AUGUSTA, GA.

A letter from the Secretary of War, transmitting map of the city of Augusta, Ga.—to the Committee on Rivers and Harbors.

SURVEY OF THE SAVANNAH RIVER ABOVE AUGUSTA.

A letter from the Secretary of War, transmitting, with letter from the Chief of Engineers, report of the examination and survey of the Savannah River above Augusta—to the Committee on Rivers and Harbors.

RECEIPT, DISTRIBUTION, AND SALE OF PUBLIC DOCUMENTS.

A letter from the Secretary of the Interior, transmitting a report of the Superintendent of Documents, regarding the receipt, distribution, and sale of public documents on behalf of the Government—to the Committee on Printing.

ARMY GUN FACTORY.

A letter from the Secretary of the Treasury, transmitting an increased estimate from the Secretary of War for machinery and plant at army gun factory—to the Committee on Appropriations.

CASES BEFORE COURT OF CLAIMS.

A letter from the assistant clerk of the Court of Claims, transmit-

ting copies of the findings of the court and statements in the following cases, namely:

William P. Posey vs. The United States;
John Murdock vs. The United States; and
William J. Grantham vs. The United States;
to the Committee on War Claims.

SENATE BILLS, RESOLUTIONS, ETC.

Under the rule, the following bills and resolutions of the Senate were taken from the Speaker's table and referred as indicated below:

Concurrent resolution requesting the President of the United States to invite the King of the Hawaiian Islands to select delegates to the Pan-American Congress.

Resolved by the Senate (the House of Representatives concurring), That the President of the United States be requested to invite the King of the Hawaiian Islands to select delegates to represent the kingdom in the Pan-American Congress now assembled at the Capital of this Republic;

to the Committee on Foreign Affairs.

Concurrent resolution to invite international arbitration as to differences between nations.

Resolved by the Senate (the House of Representatives concurring), That the President be, and is hereby, requested to invite from time to time, as fit occasion may arise, negotiations with any Government with which the United States has or may have diplomatic relations, to the end that any differences or disputes arising between the two Governments, which can not be adjusted by diplomatic agency, may be referred to arbitration and be peaceably adjusted by such means;

to the Committee on Foreign Affairs.

A bill (S. 16) to enable the Secretary of the Interior to locate Indians in Florida upon lands in severalty—to the Committee on Indian Affairs.

A bill (S. 139) for the relief of James H. Smith, late postmaster at Memphis, Tenn.—to the Committee on Claims.

A bill (S. 150) for the relief of William Clift—to the Committee on War Claims.

A bill (S. 226) to authorize the President to confer brevet rank on officers of the United States Army for gallant services in Indian campaigns—to the Committee on Military Affairs.

A bill (S. 235) referring to the Court of Claims the claim of William E. Woodbridge for compensation for the use by the United States of his invention relating to projectiles, for which letters patent were ordered to issue to him March 25, 1852—to the Committee on Claims.

A bill (S. 242) for the relief of Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of John Holroyd—to the Committee on Claims.

A bill (S. 289) for the relief of the trustees of the German Evangelical Church of Martinsburgh, W. Va.—to the Committee on War Claims.

A bill (S. 735) for the relief of the heirs or legal representatives of Robert J. Bagness, deceased—to the Committee on War Claims.

A bill (S. 745) for the relief of Henry G. Healy—to the Committee on Military Affairs.

A bill (S. 755) granting a pension to George Fitzclarence—to the Committee on Invalid Pensions.

A bill (S. 758) granting a pension to M. Cornelia Brown—to the Committee on Invalid Pensions.

A bill (S. 760) granting a pension to Jonathan Hayes—to the Committee on Invalid Pensions.

A bill (S. 767) granting a pension to Thomas Dennis—to the Committee on Invalid Pensions.

A bill (S. 818) granting a pension to Catherine Morris—to the Committee on Invalid Pensions.

A bill (S. 828) for the relief of the legal representatives of Chauncey M. Lockwood—to the Committee on Claims.

A bill (S. 998) to remove the charge of desertion from the record of William H. Fenton—to the Committee on Military Affairs.

A bill (S. 1071) for the erection of a statue and monument to James Madison—to the Committee on the Library.

A bill (S. 1074) for the relief of John Hollins McBlair—to the Committee on Military Affairs.

A bill (S. 1296) for the relief of owners, officers, and crew of the British bark Chance—to the Committee on Claims.

A bill (S. 1439) for the relief of Chester B. Sweet—to the Committee on Claims.

A bill (S. 1752) to amend "An act to amend section 4400 of Title LII of the Revised Statutes of the United States, concerning the regulation of steam-vessels," approved August 7, 1882—to the Committee on Commerce.

A bill (S. 2079) for the relief of George W. Madden—to the Committee on Military Affairs.

BILLS AND JOINT RESOLUTIONS, ETC.

Under clause 3 of Rule XXII, bills and joint resolutions of the following titles were introduced by delivery to the Speaker for reference; which said bills were severally read twice and referred as follows, namely:

PENSION APPROPRIATION BILL.

Mr. MORROW, from the Committee on Appropriations, reported a bill (H. R. 7160) making appropriations for the payment of invalid and

other pensions of the United States for the fiscal year ending June 30, 1891, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

By Mr. FITHIAN: A bill (H. R. 7161) granting pensions to all soldiers and sailors over fifty-five years of age who have served in the war of the rebellion, Mexican war, and all other wars—to the Committee on Pensions.

By Mr. PICKLER (by request): A bill (H. R. 7162) to establish a system of subtreasuries, and for other purposes—to the Committee on Ways and Means.

Also, a bill (H. R. 7163) to erect a public building at Pierre, S. Dak.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 7164) to amend and continue in force "An act to authorize the construction of a bridge across the Missouri River at Forest City, Dak., by the Forest City and Watertown Railway Company," approved August 6, 1888—to the Committee on Commerce.

By Mr. BUCHANAN, of New Jersey: A bill (H. R. 7165) to establish a memorial to Christopher Columbus in the city of Washington, D. C.—to the Committee on the Library.

By Mr. WADE: A bill (H. R. 7166) to amend section 3 of an act entitled "An act to amend the act dividing the State of Missouri into two judicial districts, and for other purposes"—to the Committee on the Judiciary.

Also, a bill (H. R. 7167) to establish a postal telegraph, and for other purposes—to the Committee on the Post-Office and Post-Roads.

By Mr. GEST: A bill (H. R. 7168) to provide for the establishment of a port of delivery at Rock Island, Ill.—to the Committee on Commerce.

By Mr. COMPTON: A bill (H. R. 7169) to amend the act of February 12, 1889, for the relief of certain property in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DUBOIS: A bill (H. R. 7170) to authorize the city of Ogden, Utah, to assume an increased indebtedness—to the Committee on the Territories.

By Mr. CHIPMAN: A bill (H. R. 7171) providing for the prompt removal of certain newly discovered dangers and obstructions to navigation in the Detroit River, Lake St. Clair, the foot of Lake Huron, and St. Mary's River—to the Committee on Rivers and Harbors.

By Mr. FARQUHAR: A bill (H. R. 7172) for the enactment of an act supplementary to "An act to provide for taking the eleventh and subsequent censuses," approved March 1, 1889—to the Select Committee on the Eleventh Census.

Also, a bill (H. R. 7173) to create and establish the pilot service of the United States, and to regulate the pilotage of vessels in the ports and harbors along the seacoast of the United States—to the Committee on Merchant Marine and Fisheries.

By Mr. DUBOIS: A bill (H. R. 7174) providing for the erection of a public building at Ogden, Utah—to the Committee on Public Buildings and Grounds.

By Mr. BANKHEAD: A bill (H. R. 7175) for the erection of a public building at Tuscaloosa, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. BRECKINRIDGE, of Kentucky: A bill (H. R. 7176) to reorganize and equalize the rank and pay of the personnel of the United States Navy, and for other purposes—to the Committee on Naval Affairs.

By Mr. McCLAMMY: A bill (H. R. 7177) defining lard, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation thereof—to the Committee on Agriculture.

By Mr. BELKNAP: A bill (H. R. 7178) granting service and disability pensions to officers, soldiers, sailors, and marines in the Army and Navy of the United States of the war of the rebellion, and for other purposes—to the Committee on Invalid Pensions.

By Mr. CULBERSON, of Texas: A bill (H. R. 7179) in relation to claims arising under the provisions of the captured and abandoned property acts—to the Committee on the Judiciary.

By Mr. LODGE (by request): A bill (H. R. 7180) to provide for the appointment of assistants to the chiefs of bureaus in the Navy Department—to the Committee on Expenditures in the Navy Department.

By Mr. RUSSELL: A bill (H. R. 7181) to fix the rank of certain officers of the Army—to the Committee on Military Affairs.

By Mr. FLICK: A bill (H. R. 7182) for the erection of a public building at Creston, Iowa—to the Committee on Public Buildings and Grounds.

PRIVATE BILLS, ETC.

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

By Mr. ADAMS: A bill (H. R. 7183) for relief of Francis L. Hagadorn—to the Committee on Military Affairs.

By Mr. ANDREW: A bill (H. R. 7184) granting a pension to Ellen Finnerty—to the Committee on Invalid Pensions.

By Mr. BAKER: A bill (H. R. 7185) granting a pension to Mary G. Caley—to the Committee on Invalid Pensions.

By Mr. BURROWS: A bill (H. R. 7186) for the relief of John Redmond—to the Committee on Military Affairs.

By Mr. BYNUM: A bill (H. R. 7187) for the relief of Eli Conner—to the Committee on Invalid Pensions.

By Mr. CARLISLE: A bill (H. R. 7188) for the relief of William C. Watts—to the Committee on Claims.

Also, a bill (H. R. 7189) granting a pension to James H. Orr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7190) for the relief of Rebekah Wilkins—to the Committee on War Claims.

By Mr. CANNON: A bill (H. R. 7191) increasing the pension of Mark Dare—to the Committee on Invalid Pensions.

By Mr. CARUTH: A bill (H. R. 7192) for the relief of Charles D. Jacob—to the Committee on War Claims.

By Mr. DARLINGTON: A bill (H. R. 7193) for removal of charge of desertion against Alfred Lane—to the Committee on Military Affairs.

By Mr. FOWLER: A bill (H. R. 7194) for the relief of John M. Bryan—to the Committee on War Claims.

By Mr. KERR, of Pennsylvania: A bill (H. R. 7195) granting a pension to William Rimert—to the Committee on Invalid Pensions.

By Mr. KENNEDY: A bill (H. R. 7196) for the relief of William T. Crump—to the Committee on Claims.

By Mr. MANSUR: A bill (H. R. 7197) for the relief of Andrew P. Jenkins—to the Committee on Military Affairs.

By Mr. OWEN, of Indiana: A bill (H. R. 7198) granting a pension to Joseph Smith—to the Committee on Invalid Pensions.

By Mr. PIERCE (by request): A bill (H. R. 7199) for the relief of George P. Vance—to the Committee on War Claims.

By Mr. PRICE: A bill (H. R. 7200) for the improvement of Black Bayou, Louisiana—to the Committee on Rivers and Harbors.

By Mr. RAINES: A bill (H. R. 7201) to remove charge of desertion against Royal S. White—to the Committee on Military Affairs.

By Mr. RICHARDSON: A bill (H. R. 7202) for the relief of the estate of James C. Anderson—to the Committee on War Claims.

Also, a bill (H. R. 7203) for the relief of William A. Franklin—to the Committee on War Claims.

Also, a bill (H. R. 7204) for the relief of Collin Adams—to the Committee on War Claims.

Also, a bill (H. R. 7205) for the relief of Meshac Franklin—to the Committee on War Claims.

By Mr. STONE, of Kentucky: A bill (H. R. 7206) for the relief of Sarah A. Trimble—to the Committee on Invalid Pensions.

By Mr. STUMP: A bill (H. R. 7207) for the relief of Joab Brown—to the Committee on War Claims.

By Mr. TUCKER: A bill (H. R. 7208) to increase the pension of Gideon R. Strange—to the Committee on Invalid Pensions.

By Mr. WILSON, of West Virginia: A bill (H. R. 7209) for the relief of the trustees of the Methodist Episcopal Church at Harper's Ferry, W. Va.—to the Committee on War Claims.

CHANGE OF REFERENCE.

A bill (S. 325) for the payment of Sewell Coulson, and Porter, Harrison & Fishback for legal services—Committee on War Claims discharged, and referred to Committee on Claims.

A joint resolution (H. Res. 42) for the relief of John W. Judson—Committee on War Claims discharged, and referred to Committee on Claims.

PETITIONS, ETC.

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

By Mr. ADAMS: Petition of Francis L. Hagadorn, for relief—to the Committee on Military Affairs.

By Mr. ALLEN, of Michigan: Petition of H. W. White and 50 others, citizens of Lenawee County, Michigan, for a law forbidding speculation in farm products by futures, so called—to the Committee on Agriculture.

By Mr. BAKER: Petition of Mary G. Caley, mother of Herschell Caley, for a pension—to the Committee on Invalid Pensions.

By Mr. BELKNAP: Petition of National Furniture Manufacturers' Association, for the enactment of a law granting liberal mail subsidies to American steam-ship lines engaged in foreign trade—to the Committee on Merchant Marine and Fisheries.

By Mr. BLAND: Petition of Henry Sharp, praying for the reference of his claims (for property) to the Court of Claims—to the Committee on War Claims.

Also, petitions of Jane A. Marsh and others, of Scotia, and W. J. Self and others, of Cherryville, Mo., for the repeal of the special limitation on pension claims of State militiamen—to the Committee on Invalid Pensions.

By Mr. BRECKINRIDGE, of Kentucky: Petition of citizens of Lexington, Ky., and General Assemblies Presbyterian Church, South Cumberland Presbyterian Church, and Southern Baptist Convention, for Sunday-rest law—to the Committee on the Judiciary.

By Mr. BRICKNER: Memorial of the Business Men's Association,

James Mallmann and 86 others, George End and 22 others, and J. H. Meade and 22 others, for public building at Sheboygan, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. BUCHANAN, of New Jersey: Petition of the mayor and citizens of Beverly, N. J., in favor of the per-diem pension law—to the Committee on Invalid Pensions.

By Mr. BULLOCK: Twenty-nine petitions of orange-growers of the State of Florida, for a higher tariff on oranges—to the Committee on Ways and Means.

By Mr. BYNUM: Petition of Samuel H. James, Robert White, and others, of Charlottesville, Ind., in favor of the Indiana and Kansas service-pension disability bill—to the Committee on Invalid Pensions.

By Mr. CANNON: Petition of Mark Dare, asking increase of pension to \$30 per month—to the Committee on Invalid Pensions.

By Mr. CARLISLE: Petition of members of Homesteaders' Assembly No. 3140, Knights of Labor, of Iron River and Stambaugh, Iron County, Michigan, praying for the forfeiture of certain lands in that State—to the Committee on the Public Lands.

By Mr. CARUTH: Petition of John A. Miller, asking that his name be placed on roll of Captain Maxey's company, Second Regiment Kentucky Volunteers, Mexican war—to the Committee on Pensions.

Also, papers to accompany H. R. 6073, granting an increase of pension to Nancy Smith—to the Committee on Pensions.

By Mr. CATCHINGS: Petition of Mary L. Dent, widow of Warren M. Dent, asking for reference of claim to the Court of Claims under the Bowman act and Tucker bill—to the Committee on War Claims.

By Mr. CONGER: Resolutions of Des Moines (Iowa) Typographical Union, asking for the passage of Senate bill 232, relative to copyrights—to the Committee on the Judiciary.

By Mr. DE HAVEN: Memorial of the Chamber of Commerce of Eureka, Cal., asking for appropriation for a light-house on Humboldt Bay—to the Committee on Commerce.

Also memorial of Chamber of Commerce of Eureka, Cal., asking for a public building at said city—to the Committee on Public Buildings and Grounds.

By Mr. DORSEY: Resolutions of Corinth Post, No. 153, Grand Army of the Republic, Department of Nebraska, favoring the Hovey pension bill—to the Committee on Invalid Pensions.

Also, resolutions of Grand Army of the Republic Post, Bartlett, Nebr., favoring the Hovey pension bill—to the Committee on Invalid Pensions.

By Mr. DUBOIS: Memorial of citizens of Ogden, Utah, for the passage of an act to authorize said city to assume an increased indebtedness—to the Committee on the Territories.

By Mr. ELLIOTT: Petitions of merchants of New York, of citizens of Boston, and of ship-owners of Philadelphia, New York, Baltimore, and Bangor, Me., praying for improvement of Winyah Bay, South Carolina—to the Committee on Rivers and Harbors.

By Mr. FUNSTON: Petition of Marmaton Lodge, F. M. B. A., of Gardner, Kans., asking for legislation against monopolies and trusts—to the Committee on Agriculture.

Also, petition of F. M. B. A. of Fulton, Kans., asking for the passage of the Senate mortgage-indebtedness bill—to the Select Committee on the Eleventh Census.

By Mr. GEISSENHAINER: Petition of Charles Meyers and others, praying for an appropriation for dredging between South Amboy and Great Beds Light in Raritan Bay—to the Committee on Rivers and Harbors.

By Mr. GIFFORD: Memorial of the Board of County Commissioners of Minnehaha County, South Dakota, for the correction of Government surveys in said State—to the Committee on the Public Lands.

By Mr. GROUT: Petition of property owners and citizens, in favor of H. R. 6676, for the relief of tax-payers for a change of grade—to the Committee on the District of Columbia.

By Mr. KELLEY: Petition of the Kansas retail implement dealers, asking that the raw material from which binding twine is manufactured be placed on the free-list—to the Committee on Ways and Means.

Also, petition of Jay Hawks Post, No. 140, Grand Army of the Republic, department of Kansas, asking the passage of the disability pension bill without the dependent clause; protesting against the idea that he must be a pauper before entitled to a pension; asking that every soldier's widow be pensioned at \$12 per month; asking for the passage of the service-pension bills, for the repeal of the arrears act, for the equalization of bounties, and for the payment to all soldiers the difference between their pay as they received it, in depreciated currency, and what it would have been if paid in coin—to the Committee on Invalid Pensions.

By Mr. LANE: Petition of Horatio N. Roberts, for a pension—to the Committee on Invalid Pensions.

By Mr. LANHAM: Petition of citizens of Parker County, Texas, for the removal of the Federal court from Graham, Tex., to Weatherford, Tex.—to the Committee on the Judiciary.

By Mr. LANSING: Petition of M. H. Flaherty and others, for a pension for Follett Johnson—to the Committee on Invalid Pensions.

By Mr. LAWS (by request): Petition of 856 citizens of Nebraska, in support of the Sunday-rest law—to the Committee on the Judiciary.

By Mr. MORRILL: Resolutions of citizens of Sterling, Kans., favoring a service-pension bill—to the Committee on Invalid Pensions.

Also, papers relative to bill to set aside proceedings of a general court-martial in the case of Norman A. Ballard, Eighty-fifth Illinois Volunteers—to the Committee on Military Affairs.

Also, petition of Charles E. Morris and 50 others, of Blaine, Kans., asking for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. MORROW: Petition of silk-workers residing in San Francisco, Cal., in favor of House bill 584, entitled "A bill to modify existing laws relating to duties on imports, and the collection of the revenue"—to the Committee on Ways and Means.

By Mr. PARRETT: Petition of the Brewers' Association of Evansville, Ind., against any increase of import duty on hops—to the Committee on Ways and Means.

Also, petition of Calvert Lodge, No. 755, F. M. B. A., of Posey County, Indiana, against monopolies and trusts—to the Committee on Agriculture.

By Mr. PEEL: Petition of A. B. Greenwood, late Commissioner of Indian Affairs, asking for relief against judgment in Federal courts—to the Committee on the Judiciary.

By Mr. PENINGTON: Petition of 181 citizens of Wilmington, Del., asking for a Sunday-rest law for the District of Columbia and other Government employes—to the Committee on the Judiciary.

By Mr. PERKINS: Petition of Kansas Association of Retail Implement Dealers, asking to have the raw material from which binding-twine is made placed on the free-list—to the Committee on Ways and Means.

By Mr. PETERS: Petition of Retail Dealers' Association of Kansas City, Mo., favoring free binding-twine—to the Committee on Ways and Means.

Also, petition of ex-soldiers of Harney County, Kansas, for a service pension—to the Committee on Invalid Pensions.

By Mr. PHELAN: Petition of W. H. Moncrief, for reference of his claim, for stores and supplies used by United States Army, to the Court of Claims—to the Committee on War Claims.

Also, petition of R. D. Jordan, guardian of minor children of Claiborne Deloach, deceased, to refund purchase money paid at direct-tax sales—to the Committee on War Claims.

Also, petition of Leger Restle, for relief—to the Committee on War Claims.

Also, petition of Abbie P. Anderson, John Batemen, Mary L. Shields, and Sarah W. Jones, widow of ex-Governor James W. Jones, of Tennessee, asking for relief—to the Committee on War Claims.

By Mr. POST: Petition of Charles S. Blood, asking for relief—to the Committee on Military Affairs.

Also, petition of H. J. Cosgrove, George H. Martin, and Marshall De F. Wilden, asking for relief—to the Committee on Military Affairs.

Also, petition of 18 citizens of Stark County, Illinois, for the passage of a bill to pension Mrs. Sarah E. Starr—to the Committee on Invalid Pensions.

Also, petition and papers in the case of Howard Willison—to the Committee on Invalid Pensions.

By Mr. PUGSLEY: Petition of Sons of Veterans of Hatfield Camp, No. 399, Ohio division, for the passage of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. SCRANTON: Petition of 600 citizens of Scranton, Pa., asking for a Sunday-rest law—to the Committee on the Judiciary.

Also, petition of William B. Webb and Henry R. Elliott, trustees, praying for the passage of an act of Congress authorizing the sale of lot corner of H and Nineteenth streets in Washington City—to the Committee on the District of Columbia.

By Mr. SHERMAN: Petition of 200 residents of Lewis County, New York, asking that duty on hops be fixed at 25 cents—to the Committee on Ways and Means.

Also, petition of farmers of Lewis County, New York, asking an increase of tariff duties on certain farm products—to the Committee on Ways and Means.

By Mr. SMYSER: Petition of Sons of Veterans' Camp 337, West Salem, Ohio, asking Congress to pass a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of 29 old soldiers of Chagrin Falls, Ohio, asking for pension legislation granting a service-pension—to the Committee on Invalid Pensions.

Also, petition of 67 old soldiers of Cuyahoga Falls, Ohio, asking for pension legislation, giving same precedence to any legislation looking to a reduction of revenue—to the Committee on Invalid Pensions.

By Mr. STEWART, of Georgia: Papers in support of the claim of William A. Lewis—to the Committee on War Claims.

By Mr. STEWART, of Texas: Petition of citizens of Texas, asking that in appropriation bill made for Agricultural Department an appropriation be made for an experimental station in Texas, in the interest of the growth of sugar products and the manufacture of sugar—to the Committee on Agriculture.

By Mr. STONE, of Kentucky: Twenty papers relating to the claim of H. Corth—to the Committee on War Claims.

By Mr. TARSNEY: Petition of W. F. Crafts, secretary American Sabbath Union, asking for a Sunday-rest law—to the Committee on the Judiciary.

By Mr. VAN SCHAICK: Petition of citizens of Wisconsin, favoring the Sunday-rest law—to the Committee on the Judiciary.

Also, petition of letter-carriers of Milwaukee, praying for the passage of House bill 3863, relating to salaries, etc.—to the Committee on the Post-Office and Post-Roads.

Also, memorial of Business Men's Association of Sheboygan, Wis., in relation to Government building at said place—to the Committee on Public Buildings and Grounds.

By Mr. WIKE: Statement of John Q. Brown, in support of the pension claim of Anna Kupfer—to the Committee on Invalid Pensions.

By Mr. WILKINSON: Petition of B. M. Palmer, D. D., and others, citizens of New Orleans, La., for a Sunday-rest law for the District of Columbia and for Government employes—to the Committee on the Judiciary.

By Mr. WILLCOX: Petition of citizens of Bridgeport, Conn., in relation to Sunday-rest law—to the Committee on the Judiciary.

SENATE.

WEDNESDAY, February 19, 1890.

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

AGREEMENT WITH SISSETON AND WAHPETON INDIANS.

The VICE-PRESIDENT laid before the Senate a message from the President of the United States; which was read, as follows:

To the Senate and House of Representatives:

I transmit herewith a communication of the 8th instant from the Secretary of the Interior, submitting a report of the Commissioner of Indian Affairs and accompanying agreement made with the Sisseton and Wahpeton bands of Dakota or Sioux Indians, for the purchase and release of the surplus lands in the Lake Traverse Indian reservation, in the States of North and South Dakota, the negotiations for said purchase and release having been conducted under the authority contained in the fifth section of the general allotment act of February 8, 1887 (24 Stats., 388), which provides, among other things, that the "purchase shall not be complete until ratified by Congress, and the form and manner of executing such release shall also be prescribed by Congress."

This agreement involves a departure from the terms of the general allotment act in at least one important particular. It gives to each member of the tribe 160 acres of land without regard to age or sex, while the general law gives this allotment only to heads of families. There are, I think, serious objections to the basis adopted in the general law, especially in its application to married women; but, if the basis of the agreement herewith submitted is accepted, it would, I think, result, in some cases where there are large families of minor children, in excessive allotments to a single family. Whatever is done in this case will of course become in some sense a precedent in the cases yet to be dealt with.

Perhaps the question of the payment by the United States of the annuities which were forfeited by the act of February 16, 1863 (12 Stats., 632) should not have been considered in connection with this negotiation for the cession of these lands. But it appears that a refusal to consider this claim would have terminated the negotiation, and if the claim is just its allowance has already been too long delayed. The forfeiture declared by the act of 1863 unjustly included the annuities of certain Indians of these bands who were not only guilty of no fault, but who rendered meritorious services in the armies of the United States in the suppression of the Sioux outbreak and in the war of the rebellion.

The agreement submitted, as I understand, provides for the payment of the annuities justly due to these friendly Indians, to all the members of the two bands per capita. This is said to be the unanimous wish of the Indians, and a distribution to the friendly Indians and their descendants only would now be very difficult, if not impossible.

The agreement is respectfully submitted for the consideration of Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, February 18, 1890.

Mr. DAWES. I move that the message and accompanying papers be referred to the Committee on Indian Affairs and printed.

The motion was agreed to.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of January 13, 1890, a copy of the report from the Commissioner of the General Land Office and the report from the Commissioner of Indian Affairs in regard to the northern boundary of the Warm Springs Indian reservation; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a report of the action of that Department in endeavoring to secure a site for a public building in Buffalo, N. Y., to accommodate the post-office and other Government offices at that place; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

FORT BLISS MILITARY RESERVATION.

The bill (H. R. 3923) to provide for the sale of the site of Fort Bliss, Texas, the sale or removal of the improvements thereof, and for a new site and the construction of suitable buildings thereon was read twice by its title.

Mr. REAGAN. The Committee on Military Affairs of the Senate have reported a bill in the exact terms of the one adopted by the other

House, and if agreeable to the Senate I should like to have the Senate bill indefinitely postponed and the House bill passed now.

I will state that the military reservation at Fort Bliss has been frequently reported as insufficient by the War Department on account of its not being large enough and because the Southern Pacific Railroad runs directly through it. The citizens of El Paso propose to donate to the Government a thousand acres of land for the establishment of a post without expense to the Government, and it is believed that the property of the present post can be sold for enough to put up proper buildings on the larger and better grounds which the city of El Paso offers to give. It meets the approval of the Secretary of War, and the approval of the Major-General commanding the Army, and of the officers in command in that department. As the bill meets with the approval of the military and has passed the House of Representatives and received the recommendation of the Senate Committee on Military Affairs, I should be glad if the Senate would allow the Senate bill to be indefinitely postponed and adopt the House bill.

The VICE-PRESIDENT. The Senator from Texas asks unanimous consent for the present consideration of the House bill.

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

Mr. INGALLS. Is the bill reported from any committee?

Mr. REAGAN. It passed the other House, and a bill has been reported from the Military Committee of the Senate in exactly the same terms.

Mr. INGALLS. When?

Mr. REAGAN. It was reported about a week ago.

The VICE-PRESIDENT. The report was made on the 12th of February.

Mr. INGALLS. Is the bill on the Calendar?

Mr. REAGAN. Yes, sir; it is on the Calendar, No. 398.

Mr. INGALLS. I do not see the chairman of the Committee on Military Affairs here. It seems that the bill reported from the Military Committee of the Senate was with amendments.

Mr. REAGAN. Yes, sir; and those amendments were to make it conform to the House bill which has been passed by that body.

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

Mr. REAGAN. I now move that the bill (S. 1645) to provide for the sale of the site of Fort Bliss, Texas, the sale or removal of the improvements thereof, and for a new site and the construction of suitable buildings thereon be indefinitely postponed.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. BLACKBURN presented two petitions of citizens of New Jersey and Kentucky, praying for the passage of a Sunday-rest bill; which were referred to the Committee on Education and Labor.

He also presented the petition of Robert Storie Post, No. 104, Department of Kentucky, Grand Army of the Republic, praying for certain pension legislation; which was referred to the Committee on Pensions.

Mr. EVARTS presented a petition of 850 members of St. John's Methodist Episcopal Church, of Brooklyn, N. Y.; a petition of the Sabbath Association of Binghamton, N. Y.; and a petition of a mass-meeting of citizens of Binghamton, N. Y., praying for the passage of a Sunday-rest law; which were referred to the Committee on Education and Labor.

Mr. STEWART presented the petition of Benjamin P. Snyder, Charles C. Glover, E. Francis Riggs, Hyde & Matthews, trustees of the Corcoran estate, and John B. Henderson and others, 52 in number, property-owners and persons to be accommodated by the proposed cable railway described in Senate bill 2590, praying for the passage of that bill; which was referred to the Committee on the District of Columbia.

He also presented the petition of J. Devereux and 15 other citizens of Raleigh, N. C., praying for the remonetization of silver; which was referred to the Committee on Finance.

Mr. PADDOCK presented a petition of the Grand Army of the Republic post of Bartlett, Nebr., praying for the passage of the per diem pension bill, and the repeal of the limit in present arrears law; which was referred to the Committee on Pensions.

He also presented the petition of John H. Patterson, of Chicago, Ill., praying for an increase of the salaries of United States postal clerks; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WILSON, of Iowa, presented a petition of the Methodist Episcopal Church (202 members) of Lebanon, Van Buren County, Iowa, praying for the passage of the Sunday-rest bill; which was referred to the Committee on Education and Labor.

Mr. CAMERON presented a petition of the Philadelphia (Pa.) Board of Trade, praying for certain amendments to the bill now pending in the Senate to simplify the laws in relation to the collection of the revenue; which was referred to the Committee on Finance.

Mr. FARWELL presented the petition of Mrs. Laura E. Skeels, of Austin, Cook County, Illinois, praying for the payment to her daughter of accrued pension due Nancy M. Elmendorf, deceased, dependent mother of Alexander F. Elmendorf, late a private of Company K, Second