

SENATE.

SATURDAY, April 19, 1890.

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

PETITIONS AND MEMORIALS.

Mr. WILSON, of Iowa, presented a memorial of the Monthly Meeting of Friends (100 members) of Smyrna, Clarke County, Iowa, remonstrating against the passage of any act making appropriations for the construction of a Navy; which was referred to the Committee on Naval Affairs.

He also presented a petition of lot-owners in Columbian Harmony Cemetery, in the District of Columbia, praying for the passage of an act for the protection of their rights; which was referred to the Committee on the District of Columbia.

Mr. MANDERSON. I present four petitions very numerous signed by citizens of Harlan, Dodge, Keya Paha, and Dawes Counties, in the State of Nebraska, praying for the free coinage of silver, and that the moneys of the Government, gold, silver, and paper, be made a legal tender for all debts and receivable for all dues to the United States. I move that the petitions be referred to the Committee on Finance.

The motion was agreed to.

Mr. CULLOM presented a petition of Emery Post, No. 198, Department of Illinois, Grand Army of the Republic, praying for the passage of the service-pension bill; which was referred to the Committee on Pensions.

Mr. HAMPTON presented a memorial of the Cotton Exchange of Charleston, S. C., remonstrating against the passage of the Butterworth bill, prohibiting the dealing in futures and options, etc.; which was referred to the Committee on Finance.

He also presented a memorial of citizens of South Carolina, remonstrating against the imposition of a duty on hides; which was referred to the Committee on Finance.

Mr. BUTLER. I present a telegram which I have just received from Mr. Mike Brown, of Barnwell, S. C., in the nature of a memorial, remonstrating against the passage of what is known as "the Butterworth bill," relating to futures and options. I move that the memorial be referred to the Committee on Finance.

The motion was agreed to.

Mr. BUTLER presented a memorial of the Sullivan Hardware Company of Anderson, S. C., remonstrating against the increase of duty on breech-loading shotguns in common use by the people; which was referred to the Committee on Finance.

Mr. BLAIR. I present a petition of 28 citizens of Allegheny City, Pa., praying for the reconsideration and adoption of the Blair educational bill.

I also present a petition from 34 officers and members of the Allegheny County (Pa.) Woman's Christian Temperance Union, praying for the reconsideration and passage of the same bill.

I also present a petition of 142 citizens of the United States, praying the Senate to reconsider the Blair educational bill and enact that important measure into law.

I also present a petition of 9 citizens of Fern Ridge and St. Louis, in the State of Missouri, praying for the passage of the educational bill. I move that these petitions lie on the table.

The motion was agreed to.

Mr. COCKRELL. I present two petitions, one from 45 citizens of Sylvania, Mo., and the other from 83 citizens of Wheeling, Mo., praying for the passage of a law prohibiting the sale of alcoholic liquors, including wine and beer, in soldiers' homes, arsenals, recruiting stations, navy-yards, forts, and barracks. These petitions have been transmitted to me by Mrs. Ada M. Bittenbender, superintendent of legislation and petitions of the National Woman's Christian Temperance Union. I move that they be referred to the Committee on Education and Labor.

The VICE-PRESIDENT. The Chair is informed that similar petitions have generally been referred to the Committee on Military Affairs.

Mr. COCKRELL. Very well.

The VICE-PRESIDENT. The petitions will be referred to the Committee on Military Affairs.

Mr. SAWYER presented a memorial of the Business Men's Association of Green Bay, Wis., remonstrating against the passage of section 18 in the administration tariff bill, House bill No. 4970, increasing the duties on pottery; which was referred to the Committee on Finance.

Mr. DAVIS presented a petition of the Minneapolis (Minn.) Chamber of Commerce, praying that monthly crop reports be discontinued and that only annual reports be made; which was referred to the Committee on Agriculture and Forestry.

Mr. PADDOCK. I present a petition of 102 members of the Farmers' Alliance of Nebraska, the closing paragraph of which I desire to read:

We, your petitioners, therefore, most humbly pray that your honorable body will not pass the Windom bill or any similar measure; that you will not issue

or refund bonds to furnish a basis for the issue of bank-notes, but that you will restore silver to free and unlimited coinage, on an equality with gold, as it existed from the foundation of the Government to 1873; and that you will supplement this money with United States legal-tender notes until the volume of currency shall reach \$50 per capita of the population; and that you will, as soon as possible, discontinue the issue of any other kind of money whatever.

Also, that you will, in your wisdom, provide for the continuance of banks under the supervision of the United States for the safety of depositors.

I also present a petition of like import signed by 64 members of the Farmers' Alliance of Nebraska, another signed by 96 members, another signed by 25 members, another signed by 17 members, another signed by 16 members, another signed by 18 members, another signed by 7 members, another signed by 15 members, another signed by 15 members, another signed by 14 members, and another signed by 44 members; all of which I move be referred to the Committee on Finance.

The motion was agreed to.

Mr. MANDERSON. I present a petition of 18 members, and another of 21 members, of the Farmers' Alliance of Nebraska, praying for the free and unlimited coinage of silver, the defeat of the Windom bill, the defeat of the bill to issue bonds as a basis for bank-notes, and the continuance of Government supervision of banking in the interest of depositors. I move that the petitions be referred to the Committee on Finance.

The motion was agreed to.

Mr. HAWLEY presented a petition of the Glastonbury (Conn.) Grange, No. 26, Patrons of Husbandry, praying that a duty of \$2 per pound be laid upon all imported Sumatra tobacco; which was referred to the Committee on Finance.

He also presented a memorial of citizens of New Haven, Conn., and a memorial of citizens of New Britain, Conn., members of the Bricklayers and Masons' International Union of America, remonstrating against the employment of aliens in the construction of public buildings; which were referred to the Committee on Education and Labor.

Mr. HISCOCK presented a memorial numerous signed by citizens of the State of New York, remonstrating against the passage of House bill 8278, an act to regulate commerce, etc.; which was referred to the Committee on Interstate Commerce.

Mr. SAWYER presented the memorial of the Ironton Monthly Meeting of Friends, of Ironton, Sauk County, Wisconsin, remonstrating against appropriating any money for coast defense or for building iron-clad vessels; which was referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 164) to increase the limit of cost of the erection of the public building at Wilmington, Del., reported it without amendment, and submitted a report thereon.

Mr. BUTLER, from the Committee on Naval Affairs, to whom was referred the bill (S. 3453) providing for the construction of a dry-dock at Port Royal, S. C., reported it without amendment, and submitted a report thereon.

Mr. MANDERSON. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 861) for the relief of Lieut. Col. Michael P. Small, assistant commissary-general of subsistence, United States Army, to report it without amendment.

I call the attention of the Senator from Mississippi [Mr. WALTHALL] to the fact that I have made a report in the case of Small. He may desire to submit the views of the minority.

Mr. WALTHALL. I will submit the views of the minority later.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

PRINTING OF CONCURRENT RESOLUTIONS.

Mr. MANDERSON. I am directed by the Committee on Printing to report back favorably the joint resolution (S. R. 52) providing for incorporating concurrent resolutions in the Session Laws and Statutes at Large, and I ask unanimous consent that it may be now considered.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Nebraska?

Mr. COCKRELL. Let the joint resolution be read for information.

The VICE-PRESIDENT. The joint resolution will be read.

The Chief Clerk read the joint resolution, as follows:

Resolved, etc. That the Secretary of State is hereby authorized and directed to cause to be printed in the Session Laws of each session and the Statutes at Large of each Congress all concurrent resolutions adopted by Congress during such session and Congress, beginning with the present session.

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

Mr. MANDERSON. I will simply say in connection with the joint resolution that it has not been the habit or practice to publish in the Session Laws and Statutes at Large the concurrent resolutions passed by Congress. They largely refer to matters of printing ordered by the two Houses, and it has been found to be extremely inconvenient that there is no record in convenient form of these concurrent resolutions. I think this is a change that is most desirable.

Mr. HALE. Will it add very much to the bulk of the volume?

Mr. MANDERSON. Very little.

Mr. HALE. There are not many of them?

Mr. MANDERSON. There are very few of them, and it will add very little either to the expense or the bulk of the volume.

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

REPORTS OF COMMISSIONER OF LABOR.

Mr. COCKRELL. I notice in the RECORD this morning the following entry:

REPORT OF COMMISSIONER OF LABOR.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States: which was read, and, with the accompanying report, ordered to lie on the table, and be printed:

To the Senate and House of Representatives:

I transmit herewith the fifth annual report of the Commissioner of Labor.
BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, April 18, 1890.

It was ordered to lie on the table. I should like to inquire whether any steps have been taken to have that report printed, and I should like also to inquire further what has become of the report of the Commissioner of Labor upon marriage and divorce. I have not been able to get a copy of it from our Senate document-room, but I suppose, as a matter of course, if we compel the Commissioner of Labor to go to the expense and trouble of collating the facts in regard to marriage and divorce we would have them published, so that people might know what they were.

Mr. MANDERSON. I presume the report showing the statistics of marriage and divorce has not been found in the document-room because it has not yet been ordered printed by Congress. The document I think was printed by the Department. But the resolutions to which the Senator refers, both as to that subject and to the other report of the Commissioner of Labor, are in the hands of the committee and will receive early consideration.

Mr. COCKRELL. I hope they will receive not only early but favorable consideration.

BILLS INTRODUCED.

Mr. GORMAN introduced a bill (S. 3582) for the relief of the legal representatives of Michael M. Clark, deceased, late of the United States Army; which was read twice by its title, and referred to the Committee on Claims.

Mr. WILSON, of Iowa (by request), introduced a bill (S. 3583) for the protection of the rights of owners of lots in Columbian Harmony Cemetery in the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia.

Mr. MANDERSON introduced a bill (S. 3584) to authorize the purchase of Mathews' portrait of Abraham Lincoln; which was read twice by its title, and referred to the Committee on the Library.

Mr. MITCHELL introduced a bill (S. 3585) granting a pension to Elmore Y. Chase, of Salem, Oregon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MOODY introduced a bill (S. 3586) for the relief of Johanna Willoth; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3587) granting a pension to George W. Campbell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. STEWART introduced a bill (S. 3588) for the final adjustment of certain accounts arising in the Indian service in Arizona; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3489) to increase the pension of Jonathan D. Stevenson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PIERCE introduced a bill (S. 3590) for the relief of Anderson Healy; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MANDERSON. The Grand Army of the Republic by trifling contributions from its numerous members has raised quite a large sum of money, running into many thousands of dollars, for the purpose of placing in the Capitol at Washington a statue to General Grant. The committee having that matter in charge have delegated to me the privilege of introducing a joint resolution, that I ask may be referred to the Committee on the Library. Its simple purpose is to obtain the usual permission from Congress that this statue to General Grant may be placed in Statuary Hall in the Capitol. It will involve no expense to the Government, and I hope the Committee on the Library may give it their early and favorable consideration.

Mr. VEST. I caught only the concluding sentence of the Senator from Nebraska. Is that a measure in regard to a monument to General Grant?

Mr. MANDERSON. Yes, sir.

Mr. VEST. The Committee on Public Buildings and Grounds this morning authorized the report of a bill for a statue of General Grant in Washington City.

Mr. MANDERSON. I think the Senator misconceives the purpose of this measure. This is a statue to General Grant that it is proposed to present to the Government, that it may be placed in Statuary Hall in the Capitol.

Mr. VEST. I beg pardon; I thought it was a statue in the city.

The VICE-PRESIDENT. The joint resolution introduced by the Senator from Nebraska will be read by its title.

The joint resolution (S. R. 75) to accept from the National Encampment of the Grand Army of the Republic a statue and pedestal of the late General Ulysses S. Grant was read twice by its title, and referred to the Committee on the Library.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

- A bill (H. R. 1045) granting a pension to Emily T. Pottle;
 - A bill (H. R. 1084) granting a pension to Mrs. Eliza J. Drake;
 - A bill (H. R. 1086) granting a pension to Sarah Cuthbert;
 - A bill (H. R. 1115) granting a pension to Arthur D. and Alfred A. Lyford;
 - A bill (H. R. 1116) granting a pension to Clara M. Owen;
 - A bill (H. R. 1147) granting an increase of pension to Merritt Lewis;
 - A bill (H. R. 1157) for the relief of Joseph Johnson;
 - A bill (H. R. 1324) to clear the military record of J. George Ruckstuhl;
 - A bill (H. R. 1573) granting a pension to Mary Murphy;
 - A bill (H. R. 1832) granting a pension to Mary Ann Schirye;
 - A bill (H. R. 2007) granting a pension to the widow of Adam Shrake;
 - A bill (H. R. 2287) granting an increase of pension to John F. Chase.
 - A bill (H. R. 2503) for the relief of Sarah D. Duke;
 - A bill (H. R. 2738) granting a pension to Christiana Schneider;
 - A bill (H. R. 2834) granting a pension to Francis J. Elgar;
 - A bill (H. R. 2837) granting a pension to Alvira A. Edwards;
 - A bill (H. R. 2989) granting a pension to Mrs. Martha E. Jones;
 - A bill (H. R. 3393) granting a pension to Jane A. Lusk;
 - A bill (H. R. 3545) granting a pension to Harriet F. Bowes;
 - A bill (H. R. 3591) granting a pension to Mary J. Nottage;
 - A bill (H. R. 3594) for the relief of Mary Conley;
 - A bill (H. R. 3739) granting a pension to Thomas F. Robinson;
 - A bill (H. R. 3740) granting a pension to Lucy A. M. Norman;
 - A bill (H. R. 3969) granting a pension to Seth M. Walter;
 - A bill (H. R. 4393) for the relief of Mary Dockham;
 - A bill (H. R. 4406) granting a pension to Jehial J. Oliver;
 - A bill (H. R. 4711) for the relief of Nathaniel Crane;
 - A bill (H. R. 4803) granting a pension to Roxanna Finch;
 - A bill (H. R. 4866) granting a pension to Ida L. Martin;
 - A bill (H. R. 4980) granting an increase of pension to Margaret A. Blake;
 - A bill (H. R. 4987) granting an increase of pension to William Thompson;
 - A bill (H. R. 5240) granting a pension to Alexander McCormick;
 - A bill (H. R. 5263) granting a pension to Sarah C. McCamly;
 - A bill (H. R. 5444) granting a pension to John A. Miller;
 - A bill (H. R. 5618) granting a pension to Malvina P. Fletcher, widow of John P. Fletcher, late private of Company D, First Michigan Engineers;
 - A bill (H. R. 5619) granting a pension to Maria Solles;
 - A bill (H. R. 5632) granting a pension to Sarah Sheldon;
 - A bill (H. R. 5660) granting a pension to Mrs. Pauline Hohmann;
 - A bill (H. R. 5906) to increase the pension of James C. Copeland;
 - A bill (H. R. 6294) for the relief of Isabel Hensley;
 - A bill (H. R. 6401) granting a pension to Mrs. Fanny W. Mudgett, dependent mother;
 - A bill (H. R. 6402) granting a pension to Mrs. Harriet McMann;
 - A bill (H. R. 6568) increasing the pension of Mrs. Dorothea D. Yates;
 - A bill (H. R. 6647) for the relief of John A. Whitcomb;
 - A bill (H. R. 6775) to pension R. C. Martin for service rendered in the war with Mexico;
 - A bill (H. R. 6799) granting a pension to Mary A. Lefebure, widow of Hiram Goodspeed, late of Company A, Fifty-sixth Massachusetts Volunteers;
 - A bill (H. R. 6801) increasing the pension of Alonzo L. Page, late of Company B, Third Vermont Volunteers;
 - A bill (H. R. 6875) granting a pension to Eliza Marcy;
 - A bill (H. R. 6914) pensioning Harriet B. White;
 - A bill (H. R. 7101) granting a pension to Joseph Perkins;
 - A bill (H. R. 7193) for removal of charge of desertion from Alfred Lane;
 - A bill (H. R. 7329) granting a pension to Harman Day;
 - A bill (H. R. 7336) granting a pension to Charles Kernan;
 - A bill (H. R. 7685) granting a pension to Julia E. Phillips;
 - A bill (H. R. 7743) granting a pension to Allen Feathers;
 - A bill (H. R. 7765) granting a pension to James T. Irwin;
 - A bill (H. R. 7878) granting a pension to Irene D. Swan; and
 - A bill (H. R. 7959) granting a pension to Fredrick B. Sells.
- The message also announced that the House has passed the following bills:
- A bill (S. 609) granting a pension to Mrs. Catharine Tittle, widow of Ephraim Tittle;
 - A bill (S. 617) granting a pension to Hannah R. Langdon;

A bill (S. 1073) providing a pension for Matilda C. King;
A bill (S. 2022) granting a pension to Sarah C. Hurlbutt; and
A bill (S. 2195) granting a pension to Emma L. Selfridge.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 200) for the erection of a public building at Galesburgh, Ill.;

A bill (H. R. 848) to authorize the construction of an addition to the public building at Dallas, Tex.;

A bill (H. R. 2849) authorizing the President to appoint and retire John C. Frémont as a major-general in the United States Army;

A bill (H. R. 5667) to amend an act to authorize the construction of a bridge across Trail Creek, in the city of Michigan City, Ind.;

A bill (S. 2402) to provide for the purchase of a site and the erection of a public building thereon at Allegheny, in the State of Pennsylvania; and

Joint resolution (H. Res. 119) requesting the Secretary of War to cause a further report to be made as to the practicability and approximate cost of tunneling the Detroit River at or near Detroit, Mich.

RECOMMITTAL OF A BILL.

Mr. MORRILL. I am directed by the Committee on Public Buildings and Grounds to move that the bill (H. R. 407) to authorize the acquisition of certain parcels of real estate embraced in square No. 380, of the city of Washington, to provide an eligible site for a city post-office, be recommitted to the Committee on Public Buildings and Grounds.

The motion was agreed to.

LIQUOR TO INDIANS.

The VICE-PRESIDENT laid before the Senate the following communication from the Secretary of State; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

DEPARTMENT OF STATE,
Washington, April 18, 1890.

SIR: I have the honor to transmit herewith for the information and consideration of the Senate, a copy of a note from the British minister at this Capital, calling attention to the fact that there is no law in force in the United States to prevent the sale of liquor to Canadian Indians, and asking whether there is any disposition on the part of this Government to supply the legislation needed for the protection of those Indians. I also transmit a copy of a letter from the Secretary of the Interior, inclosing a report, from which it appears that the Commissioner of Indian Affairs favors an amendment to the law prohibiting the sale of intoxicating liquors to Indians, making it applicable to all cases of furnishing liquor to Indians within the United States, without respect to the relations said Indians bear to this Government and without reference to whether they or their tribes are under the charge of a United States Indian agent or not. I have the honor to be, sir, your obedient servant,

JAMES G. BLAINE.

Hon. LEVI P. MORTON,
President of the Senate.

SARAH K. McLEAN.

The VICE-PRESIDENT. If there is no further morning business, that order is closed.

Mr. TURPIE. I move that the Senate take up for consideration Order of Business 102, which is one of the bills passed over without prejudice. The same bill was passed by the Senate in the last Congress.

The VICE-PRESIDENT. The bill will be stated.

The CHIEF CLERK. A bill (S. 395) for the relief of Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean.

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole, and will be read.

Mr. SHERMAN. It has been read.

Mr. COCKRELL. We must take that bill out from under the rule of five minutes' discussion. If there is unanimous consent to take it out from under that rule I shall not interpose an objection. Otherwise I must object, and let it be taken up by a vote of the Senate, because I shall want more than five minutes in the discussion of the bill.

The VICE-PRESIDENT. Does the Senator from Indiana move to proceed to the consideration of the bill?

Mr. SHERMAN. I think the Senator from Indiana did not hear. Objection is made, and it will be necessary for him to move to take the bill up without regard to the objection.

Mr. TURPIE. I have moved to take the bill up.

Mr. SHERMAN. That is all right, then.

The VICE-PRESIDENT. The question is on the motion of the Senator from Indiana to take the bill up for present consideration.

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

The VICE-PRESIDENT. The bill will be read at length.

The Chief Clerk read the bill as follows:

Be it enacted, etc., That the proper accounting officers be, and they are hereby, directed to settle and adjust to Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean, all back pay and emoluments that would have been due and payable to said Nathaniel H. McLean as major from July 23, 1864, to the date of his reinstatement, March 3, 1875, and that the amount found due by said adjustment is hereby appropriated, to be paid out of the moneys in the Treasury not otherwise appropriated.

Mr. COCKRELL. There is an important point involved in this bill and I must ask for the reading of the report of the majority of the committee.

The VICE-PRESIDENT. The report of the committee will be read. The Secretary read the following report, submitted by Mr. DAVIS January 9, 1890:

The Committee on Military Affairs, to whom was referred the bill (S. 395) for the relief of Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean, have examined the same, and report:

This committee had this measure under consideration during the last Congress, and reported it favorably, by report No. 1449, in which report the considerations upon which such action was founded were set forth at length. The committee reaffirms its former action, and recommends the passage of the bill.

Mr. DAVIS, from the Committee on Military Affairs, submitted the following report (to accompany bill 1284):

The Committee on Military Affairs, to whom was referred the bill (S. 1284) for the relief of Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean, have examined the same, and report:

The late Lieut. Col. Nathaniel H. McLean was graduated at the Military Academy in 1844, and rose through various promotions to the rank of major and assistant adjutant-general, when he resigned, June 24, 1864. His military history is hereto annexed as Exhibit A.

This resignation was caused by what he deemed, and was afterward considered by Congress, to be most oppressive treatment by the War Department. On May 20, 1874, the Committee on Military Affairs of the House of Representatives were by resolution instructed to inquire "whether Maj. N. H. McLean, late of the Adjutant-General's Department, was not unjustly treated on the trial of Capt. F. W. Hurr, late assistant quartermaster of United States volunteers, and on his retirement from the Army, and whether the facts disclosed in the record submitted to the House do not call for his reinstatement." After a thorough investigation by the committee (Forty-third Congress, second session), a report was submitted (House Report No. 279) March 3, 1875, which is hereto annexed as Exhibit B, and which fully shows that this officer had been treated with extreme injustice. It seems that no report was ever made by the Senate Committee on Military Affairs; at least none such can be found by your committee.

It resulted from these premises that the following act, approved March 3, 1875, was passed:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint Maj. Nathaniel H. McLean, late of the United States Army, to fill the first vacancy which may occur in the lowest grade of the Adjutant-General's Department, or, if he shall deem it best, to reinstate and retire him with the rank to which he would have attained in the service at the date of the passage of this act.

This bill was introduced by the committee of the House of Representatives, with their report.

On the 15th day of March, 1875, the President sent to the Senate the following message:

WASHINGTON, March 12, 1875.

To the Senate of the United States:

Conformably to the act of Congress approved March 3, 1875, I nominate, with a view of placing him on the retired-list of the Army, Nathaniel H. McLean, late of the United States Army, to be assistant adjutant-general with the rank of lieutenant-colonel, that being the rank he would have attained at the date of the passage of the act.

U. S. GRANT.

The Senate, on the same day, advised and consented to the foregoing nomination by the following resolution:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
March 15, 1875.

Resolved, That the Senate advise and consent to the appointment of Nathaniel H. McLean, late of the United States Army, to be assistant adjutant-general with the rank of lieutenant-colonel, with a view of placing him on the retired-list of the Army, agreeably to the nomination.

Attest:

GEO. C. GORHAM, Secretary.

Whereupon, on the 18th day of March, 1875, the President issued the following commission:

The President of the United States of America to all who shall see these presents, greeting:

Know ye that, reposing special trust and confidence in the patriotism, valor, fidelity, and abilities of Nathaniel H. McLean, I have nominated and, by and with the advice and consent of the Senate, do appoint him (with a view to placing him on the retired-list of the Army, in conformity with the act approved March 3, 1875) lieutenant-colonel and assistant adjutant-general in the service of the United States, to rank as such from the 3d day of March, 1875. He is therefore carefully and diligently to discharge the duty of assistant adjutant-general by doing and performing all manner of things thereunto belonging. And I do strictly charge and require all officers and soldiers under his command to be obedient to his orders as assistant adjutant-general. And he is to observe and follow such orders and directions, from time to time, as he shall receive from me, or the future President of the United States of America, or the general or other superior officers set over him, according to the rules and discipline of war. This commission to continue in force during the pleasure of the President of the United States for the time being.

Given under my hand, at the city of Washington, this 18th day of March, in the year of our Lord 1875, and in the ninety-ninth year of the Independence of the United States.

U. S. GRANT.

By the President.

WM. W. BELKNAP, Secretary of War.

By the following order of the same date Lieutenant-Colonel McLean was placed upon the retired-list:

[General Orders, No. 25.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 18, 1875.

Under authority conferred by "An act for the relief of Maj. N. H. McLean, late of [the] Adjutant-General's Department, United States Army," approved March 3, 1875, the President directs that Lieut. Col. N. H. McLean, under his appointment as assistant adjutant-general with the rank of lieutenant-colonel (that being the rank to which he would have attained in service at the date of the passage of the act), be placed on the retired-list of the Army, to date from March 3, 1875.

By order of the Secretary of War.

E. D. TOWNSEND,
Adjutant-General.

Official:

Assistant Adjutant-General.

He died in 1884, and the bill under consideration (S. 1284) is for the relief of Sarah K. McLean, his widow.

The bill, for convenience of reference, is herein set out:

"A bill for the relief of Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers be, and they are hereby, directed to settle and adjust to Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean, all back pay and emoluments that would have been payable and due to the said Lieut. Col. Nathaniel H. McLean from July 23, 1864, to the date of his reinstatement, March 3, 1875, according to the rank to which he would have been entitled had he continued in the Army for and during said period, and that the amount found due by said adjustment is hereby appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated."

Your committee are of the opinion that no question of fact exists in this case and that the only matters for their consideration are questions of construction, presented by the act of Congress, by the appointment or reinstatement of this officer, by the action of the Senate thereon, by the terms of his commission, and by the order under which he was retired.

The statute empowered the President, in his discretion, to do one, and only one, of two acts; either—

1. To appoint the officer to fill the first vacancy that might occur in the lowest grade of the Adjutant-General's Department, or

2. If he should deem it best, to reinstate and retire him with the rank to which he would have attained in the service at the date of the passage of the act.

And the first question is to determine to which of these discretionary acts his action is referable, illustrated, as we think it must be, by the history of this case up to and including the passage of the statute, and by the subsequent proceedings of the executive department in relation to this officer. The matter is not free from difficulty. Had the President by order simply reinstated this officer there could be no discussion as to which of the acts he had performed. But instead of giving his official action this form he adopted the course of nominating McLean, and by and with the advice of the Senate, appointing him as lieutenant-colonel and assistant adjutant-general, to rank as such from the 3d day of March, 1875, with a view of placing him on the retired-list of the Army, in conformity with the act of Congress before set out, and then retired him by a general order.

Giving a fair construction to these papers upon their face, your committee are of the opinion that they were intended to and did operate as a reinstatement of Colonel McLean in the rank to which he would have attained at the date of the passage of the act. It was manifestly not intended to fill a vacancy, for the nomination was not to fill the lowest grade of the Adjutant-General's Department, and no vacancy is stated to have then existed. It was made almost immediately upon the passage of the act, whereas the terms of the act manifestly contemplated that a period of time must elapse in which the vacancy of such lowest grade might occur, and contemplated active service in the future. But reinstatement for the purpose of retiring means that the officer is to be considered, in legal contemplation, as having actually served the necessary period to entitle him to be retired.

Besides, the President had no authority under the act to nominate this officer to the first vacancy in the lowest grade and then retire him with the rank to which he would have attained in the service at the date of the passage of the act. Had the President done so he would have violated the law, and the construction which leads to such a conclusion is of course to be avoided. He would also have violated the statute had he simply reinstated this officer and then ordered him into active service, because he was authorized to reinstate for the sole purpose of retiring him. And again, the message by which McLean was nominated recites that it was done with the view of placing the officer on the retired-list of the Army. The resolution by which he was confirmed also expresses the same purpose. That this was the intention of the President also appears from the order of the War Department by which he was retired, hereinbefore set out, in which it is recited that the rank of lieutenant-colonel is the rank which he would have attained in the service at the date of the passage of the act.

It is sometimes thought proper in considering official papers of the kind now under consideration, which taken together form the connected history of a transaction, to examine the preliminary documents, and if this rule is at all to influence the judgment here it is impossible not to be instructed by the House report (upon which the Senate must manifestly have acted, considering that the bill was passed and became a law on the day of that report) that the opinion of Congress was that reinstatement of this officer was necessary to do him that ample justice which the treatment to which he had been subjected required.

The resolution by which the investigation was ordered declares the purpose of that investigation to be to ascertain whether the facts "do not call for his reinstatement."

Your committee are therefore of the opinion that the effect of the premises was to reinstate Lieutenant-Colonel McLean. The question then arises whether he thereby became entitled to the pay and emoluments that would have been due him from July 23, 1864, when he resigned, to the date of his reinstatement, March 3, 1875, had he remained in the service.

It will be observed, in the first place, that the act of March 3, 1875, contains no provision, as is usual in statutes of this character, respecting pay and emoluments for the time during which this officer was out of the service. It was thus manifestly the design of Congress to leave this question to the determination of general legal principles applicable to such cases, and to such precedents as similar cases may have called into existence. It is also manifest that in the contemplation of Congress reinstatement and appointment do not mean the same thing and by no means imply the same consequences. The careful and explicit phraseology of the act plainly distinguishes "reinstatement" from "re-appointment," and it was left to the President to determine as a matter of discretion whether this officer should be a reinstated officer or a reappointed officer. The word "reinstatement" has a definite and well settled meaning. Like the words "restore," "recover," "replace," it not only implies, but means that matters shall be caused to be in the same position they were before, not only in quality, but as to time. The legal phrase "entry," as used in regard to land, implies consequences dating only from the act, but the word "re-entry" was always held to put the party making re-entry with right in possession as of his first estate.

It was undoubtedly the intention of Congress to vest in the President a discretionary power to either make entire reparation to this officer for a wrong done him by his Government by canceling that wrong and its consequences so far as possible, and to make them as if they had never been, or to merely ignore the wrong so far as the past was concerned and appoint him anew in the Army. If it appears, as we think it does, from this record that the intention of the Executive was that of the first alternative, then all subordinate consequences, including that of pay and emoluments, follow irrefutably.

Authority is not wanting to sustain the conclusion above indicated. In the case of Collins vs. The United States, 14th Court of Claims Reports, page 568, the plaintiff being then a major, from January 20, 1865, was mustered out January 1, 1871, upon the reduction of the Army under the act of July 18, 1870. On the 3d of March, 1870, Congress passed the following act:

"Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That the President be, and he is hereby, authorized to reinstate Maj. Joseph B. Collins, late of the United States Army, and to retire him in that grade, as of the date he was previously mustered out, charging him with all extra pay and allowances paid him at that time."

In pursuance of this act the President issued the following order:

"EXECUTIVE MANSION, March 8, 1870.

"Under authority conferred by the act approved March 3, 1870, Joseph B. Collins is hereby reinstated in the Army of the United States as a major of infantry, and placed on the retired-list in that grade, to date January 1, 1871.

"R. B. HAYES."

Collins then sought to obtain the pay allowed by statute to a retired officer of his rank, less the one year's pay and allowance which he had received under the act of 1870, by which he was mustered out of the service, but this the accounting officer refused to allow, on the ground that he had not been appointed by and with the advice and consent of the Senate. The case at this stage of the proceedings being upon demurrer, the court held that the advice and consent of the Senate were not necessary to validate the order by which Major Collins had been reinstated, and it cites in its opinion (pages 571-573) many statutes relating to restoration and reinstatement, and observes (page 573):

"These two classes of statutes show that between officers to be restored for active service and those who are to be restored in order to be placed on the retired-list, or whose cases are otherwise peculiar, Congress makes a distinction as to requiring or dispensing with the advice and consent of the Senate to their restoration, and that it acts advisedly in the use of the different language employed, with the clear intent to define in each case upon whom the appointing power is conferred."

The case having afterwards come to an issue of fact is again reported in 15th Court of Claims Reports, page 22. The court reiterated its previous opinion that "where the President is authorized by law to reinstate an Army officer he may do so without the advice and consent of the Senate, and that when he exercises the discretion vested in him by an act of Congress of reinstating an officer, and expresses his will by an order to that effect, the officer acquires a vested right to the office."

It will be observed that the act in reference to Major Collins authorized the President to reinstate him and retire him in that grade as of the date he was previously mustered out. The statute in the case under present consideration authorized the President, if he shall deem it best, to reinstate and retire McLean with the rank to which he would have attained in the service at the date of the passage of the act. Collins was reinstated March 8, 1870, and he was retired March 11, 1870.

It is proper to observe here that Collins's nomination was sent to the Senate by the following message:

WASHINGTON, March 21, 1870.

To the Senate of the United States:

To carry out the provisions of an act (Public No. 201) entitled "An act for the relief of Joseph B. Collins," approved March 3, 1870, I nominate him for the appointment of major of infantry, to rank from January 20, 1865, to reinstate him in the Army, with a view of his being retired from active service from January 1, 1871.

R. B. HAYES.

No action was taken by the Senate on this nomination, and on the 10th day of June it was withdrawn by the following communication from the President:

WASHINGTON, March 25, 1870.

To the Senate of the United States:

I withdraw the name of Joseph B. Collins, nominated, on the 21st of March last, for reappointment as major of infantry from January 20, 1865, in accordance with an act of Congress approved March 3, 1870.

R. B. HAYES.

It was maintained by the United States in that case that the appointment of Collins was conditional upon the advice and consent of the Senate. As to this the court observes:

"Nor does the letter of the Secretary of War attempt to make the appointment a conditional one. On the contrary, it recites that the President, under the authority of the act of March 3, 1870, has appointed the claimant with a view of placing him on the retired-list. The only condition mentioned is that, should the Senate, at their next session, advise and consent thereto, the claimant would be commissioned accordingly. But no further commission was necessary. The claimant had received all that was necessary under the law—an order from the President reinstating and retiring him in accordance with the provisions of the act. This was a much more formal appointment than that which the Supreme Court expressly held to be valid in Moore's case (95 U. S., 76, and see 14 C. Cls. R., 575). That was a mere certificate of an examining board, approved by the Secretary of the Navy, setting forth that Moore had passed a satisfactory examination for promotion.

"According to the views expressed by the Supreme Court in *Marbury vs. Madison* (1 Cranch, 157, and 1 Curtis's Edition, 373), when the President, by an open, unequivocal act, exercised the discretion reposed in him, and expressed his will appointing the claimant, the latter acquired a vested right to the office, and became entitled to a commission, or to exercise his official duties without one. The court says: 'The acts of appointing to office and to commissioning the person appointed can scarcely be considered as one and the same, since the power to perform them is given in two separate and distinct sections of the Constitution.'

"For some reason which does not clearly appear it was at first deemed advisable in this instance to ask the advice and consent of the Senate after the appointment had been made. It will be observed that the nomination by the President asks that advice and consent to something more than the act provided for. It asks the reinstatement of the claimant 'to rank from January 20, 1865,' a date six years earlier than that mentioned in the act in reference to the time of his retirement."

"The letter of the Secretary of War also mentions the earlier date as that from which the claimant was to have rank as a major, and for which he would have a commission if the Senate would advise and consent thereto. It may have been with the view of giving the claimant a commission entitling him to rank from January 20, 1865, instead of January 1, 1871, that the letter of the Secretary was written and the nomination by the President made; or the advice and consent of the Senate might have been asked out of abundant caution, in order to avoid the objection which is now raised on the part of the defendants, that the President alone was not authorized to make the appointment. Upon subsequent and, no doubt, more mature consideration, the nomination was withdrawn by the President as unnecessary; and since this action was commenced the claimant's reinstatement has been recognized by the War Department, and he has been paid his current salary from March 8, 1870."

After disposing of these preliminary questions the court states the money question as follows:

"The claimant seeks to recover the pay of a retired officer from January 1, 1871, the date as of which he was retired by the President, under the provisions of the act for his relief, and the question arises whether or not that was the intention of Congress as expressed in the act."

After adverting to the fact that in its former opinion it had referred to eighteen acts in all, one of which was in its language like the Collins act, and that every

one of the other acts authorized the appointment from the date of the act, or when it specifies an earlier date, it adds a provision "with pay of such rank from the date of the passage of this act," or he "shall not be entitled to any pay or allowances as an Army officer for the time he may have been out of the military service," etc., the court observes:

"It is significant of the intention of Congress that of all these nineteen private acts for the benefit of individual officers, only two—that for the reappointment of Dr. Powell as an assistant surgeon in the Army, to which we have before referred (20 Stat. L., 276), and this one for the relief of Major Collins—omit to prohibit or prevent, in some form, the beneficiary from receiving back pay. This difference of language is so important that it can be accounted for on no other ground than that the cases of Dr. Powell and Major Collins were regarded as so exceptional in their circumstances that Congress was willing and intended to allow them pay from the date as of which they were respectively authorized to be appointed or retired."

The result was that Major Collins recovered the sum of \$17,987.83 as the pay of a retired officer from January 1, 1871.

Our attention has been called to the case of Kilburn vs. The United States, 15 Court of Claims Reports, page 41. It is plainly distinguishable from the one under present consideration, and, indeed, was so distinguished by the court in its opinion, as follows:

"In all the cases referred to, the parties to whom back pay has been allowed have been considered by Congress to have been illegally or unjustly or inadvertently dismissed from the service. In order to remedy the wrong or repair the injustice of such dismissal, it has been considered both just and humane that its revocation should be complete, and should relate back to the day of the order of the dismissal, so as to make the party entitled to full pay, as though no such order had ever been made." (Winters vs. The United States, 3 C. Cls. R.; Smith vs. United States, 2 C. Cls. R., 140.)

The case, therefore, stands thus: The President was authorized in his discretion to appoint Major McLean to fill the first vacancy in the lowest grade of the Adjutant-General's Department or to reinstate him in the service, giving him all the promotions he would have received had he actually served during all of the years which had elapsed after his resignation.

The question of procedure is not material. The question is, What was actually done?

This officer was not appointed to a lower grade, nor was he continued in active service. He was, as a matter of fact, reinstated, and the order by which he was retired was immediately made.

Had this restoration to the service been intended as an "appointment" it would have been unwarranted by the statute, because it advanced the officer to the rank of lieutenant-colonel, instead of installing him into "the first vacancy which may occur in the lowest grade of the Adjutant-General's Department," as the statute provides, and the order retiring him would have been likewise without warrant, because retirement was authorized only in case of reinstatement.

If, however, what was done constitutes reinstatement, the retirement was legally made, and the conclusion that the President acted without authority in retiring this officer is wholly avoided.

Your committee are of the opinion that the claimant in this case is entitled to relief. They recommend, therefore, the passage of the bill, with the following amendments.

Mr. COCKRELL. I will not call for the reading of the remainder of the report, as the amendments proposed therein refer to a former bill, and not to the bill now pending before the Senate.

This bill directs the accounting officers of the Treasury "to settle and adjust to Sarah K. McLean, widow of the late Lieut. Col. Nathaniel H. McLean, all back pay and emoluments that would have been due and payable to the said Nathaniel H. McLean as a major from July 23, 1864, to the date of his reinstatement, March 3, 1875, and that the amount found due by said adjustment is hereby appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated."

In other words, this bill carries the pay and allowances of a major for about eleven years from July 23, 1864, up to March 3, 1875. Upon what ground and for what cause is this gratuity of twenty-five or thirty or thirty-five thousand dollars granted to this lady? What is it that she has done to entitle her to this gratuity from Congress and what is it that her deceased husband has done to entitle her to it six years after his death?

Now, let us look at the cold, stubborn facts in this case. Nathaniel H. McLean was an officer in the United States Army and was on duty as assistant adjutant-general in the city of Cincinnati, Ohio, in the fall of 1863, and whilst there was ordered by General Burnside to make an investigation of the accounts and conduct of one Captain Hurtt, who was an assistant quartermaster at that place. There was much rascality, stealing, and swindling carried on at that time, and there was crimination and recrimination in that department, as is fully shown by an executive document which is referred to in the report of the majority and which I have very carefully examined.

General Burnside ordered Major McLean to make this investigation and then summoned two courts-martial, doubtless for the purpose of trying Captain Hurtt and some other officers. It seems that communication was had with the Secretary of War, and he set aside the orders of General Burnside convening these courts and ordered the cases to be referred to the Judge-Advocate-General or Secretary of War. The cases were accordingly referred, and the Secretary of War ordered a general court-martial to convene on the 25th day of January, 1864, for the trial of Captain Hurtt and others. The court convened and Captain Hurtt was tried and dismissed the service for fraudulent conduct.

But before this proceeding of the court-martial an article was published in a Cincinnati paper charging disloyalty upon Major McLean, and so on October 17, 1863, Major McLean addressed a letter to the Adjutant-General, General Lorenzo Thomas, inclosing this article and his reply to it, and on October 27, 1863, the Secretary of War directed the Adjutant-General to acknowledge the receipt of it, and to say that his explanation was not satisfactory, and on the same day, October 27, 1863, the Adjutant-General, by direction of the Secretary of War, ordered

Major McLean, assistant adjutant-general, to report to Major-General Alvord, commanding the district of Oregon, Fort Vancouver, for duty. That is the beginning of what is called the outrage.

After this order was made General Burnside and a number of officers protested against the removal and asserted that Major McLean was loyal, as did the governor of Ohio and others. General Burnside telegraphed that he earnestly desired the retention of Major McLean under him. On December 9 the Adjutant-General wrote to Major McLean at Cincinnati, advising him that the Secretary of War thereby relieved him of all further service there and ordered him to immediately proceed to Vancouver, as first ordered.

There was a suspension from October 27, 1863, to December 9, 1863. On December 19, 1863, Major McLean telegraphed the Adjutant-General that he would leave Cincinnati that day for New York en route to the Pacific coast. December 23, 1863, he sailed from New York for the Pacific coast. On January 31, 1864, Major McLean telegraphed General Thomas, the Adjutant-General, from San Francisco, that he had arrived on the 17th instant, en route to Oregon, but had been detained on account of sickness, and would leave on the 7th of February.

Mr. MITCHELL. Are we acting under the five-minute rule?
Mr. COCKRELL. No, sir; we are not.
Mr. MITCHELL. Since when was that rule suspended?
Mr. COCKRELL. When this case was taken up on a vote of the Senate after my objection.

Mr. MITCHELL. I accept the apology of the Senator from Missouri.

Mr. COCKRELL. No apology.
Mr. President, bear these dates in mind. Major McLean had arrived in Oregon, had entered upon his duties in February, and on April 2, 1864, two months after he had been on duty at Vancouver, Major McLean tendered his resignation in these words:

OFFICE ACTING ASSISTANT PROVOST-MARSHAL-GENERAL
AND SUPERINTENDENT VOLUNTEER RECRUITING SERVICE,
Portland, Oregon, April 2, 1864.

GENERAL: I have the honor hereby to tender my resignation as an officer of the United States Army.

I am not in arrears to the United States on any account whatsoever. The public funds for which I am responsible are on deposit with Mr. William T. Matlock, designated depository United States, Oregon City, Oregon; and the public property for which I am accountable is now in my possession, ready to be turned over to such officer as may be designated to receive it.

Very respectfully, your obedient servant,
N. H. McLEAN,

Major and A. A. Gen., A. A. P. M. G., and S. V. R. S.

Brig. Gen. L. THOMAS,
Adjutant-General U. S. A., Washington, D. C.
(Through Col. James B. Fry, Provost-Marshal-General, Washington, D. C.)

[Indorsed.]

Respectfully forwarded to the Adjutant-General with the recommendation that the resignation be accepted, and that an order be made assigning Thomas C. English, captain Ninth United States Infantry, to duty as acting assistant provost-marshal-general and superintendent volunteer recruiting service and chief mustering and disbursing officer for Oregon and Washington.

JAMES B. FRY,
Provost-Marshal-General.

MAY 19, 1864.

ADJUTANT-GENERAL'S OFFICE, May 19, 1864.

Respectfully submitted to the Secretary of War and recommended for acceptance.

E. D. TOWNSEND,
Assistant Adjutant-General.

Accepted.

EDWIN M. STANTON,
Secretary of War.

I call the attention of the Senate particularly to this telegram. Remember Major McLean had tendered his resignation on April 2, 1864, and not having been advised of its acceptance he had become weary waiting for his resignation to be accepted that he might get out of the service.

[Telegram received at Washington 9 a. m. July 8, 1864, from Oregon, July 6, 1864.]
J. B. FRY:

Can't Captain Owen, Ninth Oregon Infantry, command Fort Vancouver, also muster and disburse? Hope for acceptance of my resignation in time to escape worst of—

N. H. McLEAN.

Impatient that his resignation should be accepted!

PORTLAND, OREGON, July 23, 1864.

GENERAL: I have the honor to report myself this day relieved in all my duties at this place by Lieut. Col. T. C. English, First W. T. Volunteers, Major Fifth United States Infantry.

I am, general, very respectfully, your obedient servant,
N. H. McLEAN,
Assistant Adjutant-General.

Brig. Gen. L. THOMAS,
Adjutant-General, U. S. A., Washington, D. C.

P. S.—My resignation having been accepted by his excellency the President of the United States, I have the honor to state that my address will be Cincinnati, Ohio, care of P. Kibbieth & Co.

Very respectfully, your obedient servant,
N. H. McLEAN.

It was four months and twenty days after the date of his resignation before he was relieved. It was two months after he had entered on his duties in Oregon before he tendered his resignation.

We come now to the act of Congress upon which the majority of the

committee base their report. Ten years after this—for this was in 1864—on May 22, 1874, in the Forty-third Congress—

The Committee on Military Affairs of the House of Representatives were by resolution instructed to inquire whether Maj. N. H. McLean, late of the Adjutant-General's Department, was not unjustly treated on the trial of Capt. F. W. Hurtt, late assistant quartermaster of United States Volunteers, and on his retirement from the Army, and whether the facts disclosed in the record submitted to the House do not call for his reinstatement.

Remember, this was in May, 1874, and on the 3d day of March, 1875, in the expiring hours of the Forty-third Congress—

The following proceedings were had in the House (see CONGRESSIONAL RECORD, second session Forty-third Congress, part 3, page 2238):

"Mr. GUNCKEL"—

A member of the House, I believe, from Ohio—

"I ask unanimous consent to report from the Committee on Military Affairs, for consideration at this time, a bill for the relief of Maj. N. H. McLean, late of the Adjutant-General's Department of the United States Army.

"The bill authorizes the President to appoint"—

Mark the language—

"Maj. Nathaniel H. McLean, late of the United States Army, to fill the first vacancy which may occur in the lowest grade of the Adjutant-General's Department; or, if he shall deem it best, to reinstate and retire him on the rank to which he would have attained in the service at the date of the passage of the act."

"There being no objection, the bill (H. R. 4866) was received, read three times, and passed."

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

"The latter motion was agreed to."

The bill was duly reported to the Senate, and on the same day the following proceedings were had in the Senate (see same RECORD, page 2204):

"Mr. MORTON. I move to proceed to the consideration of House bill No. 4866."

"The bill (H. R. 4866) for the relief of Maj. Nathaniel H. McLean, late of the Adjutant-General's Department of the Army, was read three times and passed. It authorizes the President to appoint Maj. Nathaniel H. McLean, late of the United States Army, to fill the first vacancy which may occur in the lowest grade of the Adjutant-General's Department, or, if he shall deem it best, to reinstate and retire him with the rank to which he would have attained in service at the date of the passage of the act."

The said bill is as follows—

Now I will read the bill as it became a law:

An act for the relief of Maj. N. H. McLean, late of Adjutant-General's Department, United States Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and is hereby, authorized to appoint Maj. Nathaniel H. McLean, late of the United States Army, to fill the first vacancy which may occur in the lowest grade of the Adjutant-General's Department, or, if he shall deem it best, to reinstate and retire him with the rank to which he would have attained in service at the date of the passage of this act.

Approved, March 3, 1875.

Here was an act hurried through Congress upon the last day of the session, reported in the House, and passed without any discussion or consideration, and passed in the same way in the Senate. Then what was done? Major McLean was appointed under that act by President Grant, and here is the nominating message:

WASHINGTON, March 12, 1875.

To the Senate of the United States:

Conformably to the act of Congress approved March 3, 1875, I nominate, with a view of placing him on the retired-list of the Army, Nathaniel H. McLean, late of the United States Army, to be assistant adjutant-general with the rank of lieutenant-colonel, that being the rank he would have attained at the date of the passage of the act.

U. S. GRANT.

The Senate on the same day advised and consented to it in these words:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
March 15, 1875.

Resolved, That the Senate advise and consent to the appointment of Nathaniel H. McLean, late of the United States Army, to be assistant adjutant-general with the rank of lieutenant-colonel, with a view of placing him on the retired-list of the Army, agreeably to the nomination.

Attest:

GEO. C. GORHAM, Secretary.

On the 18th of March, 1875, the President issued the following commission:

The President of the United States of America to all who shall see these presents, greeting:

Know ye that, reposing special trust and confidence in the patriotism, valor, fidelity, and abilities of Nathaniel H. McLean, I have nominated and, by and with the advice and consent of the Senate, do appoint him (with a view to placing him on the retired-list of the Army, in conformity with the act approved March 3, 1875) lieutenant-colonel and assistant adjutant-general in the service of the United States, to rank as such from the 3d day of March, 1875.

You have the whole proceeding now. You have the law which was passed in the closing hours of that Congress without debate or discussion, you have General Grant's nomination of this man, and you have the confirmation of the Senate, and you have General Grant's commission issued to him, explicitly giving him rank from March 3, 1875, and he could not give him rank at any time prior to that.

Now, what is the ground for this bill? It is said that General Grant and Congress must have intended to reinstate him and to put him back in the service from the date of his voluntary resignation. I say the act which was passed in 1875 has no such meaning by any fair judicial interpretation, and I say that the nomination, confirmation, and all absolutely rebut the possibility of any such idea being in the mind either of Congress or of the President.

Suppose that the bill reported by Mr. Gunckel had had in it an ex-

press provision that he should have the pay and emoluments of a major from the date of his resignation up to the date of his reinstatement under that act, is there a Senator here who believes for one minute that it would have had the ghost of a chance of passing the Senate or the House of Representatives? Major McLean was out of the Army upon his own solicitation, and his earnest solicitation. Suppose he had been a little offended by the Secretary of War, does that give him any right to quit the service of the United States and make the people of the United States pay him or his widow eleven years military pay during the time he was out of the service devoting all his talents to his individual interests?

He did not perform one particle of service for the United States during the time he was out, from 1864 to 1875, but the majority of the committee insist that by a mere technical construction of this law this widow is entitled to receive the pay and emoluments of a major from 1864 up to 1875. Suppose, for argument's sake, that Major McLean was entitled to this amount; he lived nearly ten years after the passage of the law; he died in 1884. The law for his reinstatement was passed in 1875. He never pretended to claim that that bill which authorized his reappointment in the Army carried back pay. You can not find a scintilla of evidence from Major McLean, and, I say, judging of his character from his record and services, he would scorn and repudiate any such claim even though he knew it was presented on the part of his widow.

It is a mere pretext. Major McLean lived nine years after the passage of this act, and he would have felt humiliated and disgraced and debased if he had come before the Senate of the United States and asked for a law to draw pay amounting to \$30,000 for those eleven years when he was out of the service attending to his own private affairs.

There is but one merit in this bill, and that is that Mrs. McLean, an excellent and noble woman, can come here and appeal to the sympathies of Senators and members of the other House, and the poor laboring men and women and children of this country, who will have to pay this appropriation from their hard-earned earnings, are not to be heard and consulted. It is the merest gratuity, without, in my judgment, one particle of foundation in fact, in justice, in equity, or in fair dealing; and I say, judging from the record of Major McLean, he would have scorned to make such a claim as this to the Senate of the United States.

Mr. DAVIS. Mr. President, as the member of the Committee on Military Affairs who prepared this report, I deem it my duty to address to the Senate a few words in its vindication.

Mrs. McLean is personally unknown to me, and so far as any charge of her appealing to me or any member of the committee for sympathy is concerned in this matter, it is made entirely unadvisedly.

I have had under consideration no measure since I have been a member of this body which was more entirely and clearly a legal and technically a legal question than this; and the conclusions to which a majority of the committee came, after patient investigation and much thought, are simply the application of what they deem to be cold and unerring principles of law derived from a statute of the United States, considerations geometrically accurate in their character as any legal considerations can be. To my mind the antecedent question of fact has little to do with this case. What Major McLean was or what his career had been are entirely immaterial in any proper view of the premises under present consideration; but, as they are brought into view here prominently (and most prominently) in the argument of the Senator from Missouri [Mr. COCKRELL], it may not be improper if I invite the Senate to consider a statement of them as they appear to me.

Major McLean came, as I am advised, of a stock distinguished in the annals of this country for long public service and loyalty. He had served at the time of the commencement of the civil war long and honorably in the United States Army, in the Adjutant-General's Department. Upon his efficiency, his loyalty, or his personal character no stain whatever ever rested. He was on duty in the Department of the Ohio, and while there, with all the ambitions which filled the breasts of men of his age at that time, had been instrumental, it seems from these papers, in unearthing certain frauds and wrongs against the Government, which resulted in convening a court-martial charged to try the officer inculpated upon the testimony to be furnished through the exertions of Major McLean.

For reasons plainly charged in the report of the House committee which presented the bill that authorized his reinstatement, influences were brought to bear here at Washington so that that court was summarily dissolved after it had been sworn, as I recollect the proceeding, and had begun to deliberate upon the matter.

Mr. COCKRELL. They had organized.

Mr. DAVIS. Then another court was convened to try the same man, whose speculations were alleged to have reached into the millions and whose illicit operations against this Government were said to have embraced within the compendious scope of their conspiracy men high in the political councils of both parties. However that may be, the influences were such that the Secretary of War, by an order without the least warrant of authority, at that time, when the avenue of promotion

was open to Major McLean, as it was to hundreds of others, when for the first time in the history of this country a military career for many years at least was open to men of his profession, relieved him summarily from duty in the Department of the Ohio, relieved him summarily from duty anywhere within the theater of active operations, and ordered him to report to General Alford at Portland, Oregon, to engage in the recruiting service for the United States at that place.

As things were then, at the distance at which Portland practically then was from the scene of active operations, it was a contumelious and ignominious ukase of banishment, intended to affix, as it did affix, a stigma upon the record and character of an honorable man.

He obeyed the order and went to Oregon, cut off from all hope of preferment, cut off from all hope of promotion, cut off from hope of active service, a banished, disgraced, and degraded officer of the United States Army, not by virtue of the sentence of any judicial tribunal, but by the arbitrary, lawless, and resistless order of the Secretary of War. After remaining in Portland, Oregon, for a considerable time and seeing no relief in his situation, charged with no offense, tried for no offense, Major McLean concluded to resign and did resign.

Mr. President, this matter attracted so much attention that in 1875, as it is stated in these papers, and, I believe, stated with entire truth, without any incitement whatever by Major McLean, the House of Representatives moved in this case by a resolution directing a committee to inquire and ascertain whether this Government through the Secretary of War had not treated this officer with conspicuous and tyrannical injustice, and as the result of the inquiry the facts as I have stated them were plainly developed, found without dissent after elaborate consideration and found so clearly that they persuaded the conscience and judgment of every man who had had them under official consideration, so that the bill passed the House of Representatives and came to the Senate, was considered by the Senate committee, and passed by that body, and what was that bill?

I have recited these historical facts, Mr. President, entirely because the Senator from Missouri has seen fit to bring them into this discussion, for in my judgment we are simply to examine the act of 1875, ascertain what it permitted the President of the United States to do as one of two alternative acts, to find out what he did, and from that unhesitatingly draw the legal conclusions which result therefrom. And here I may remark, although it is entirely foreign to the discussion of the justice of the case, that this bill does not involve \$30,000, but it involves about \$18,000. But it would make no difference if it involved \$300,000 or if it involved \$30, if Major McLean was unjustly treated, if he was deprived of a right, and if that right has been reconferred upon him by a solemn statute of the United States, of course the amount in controversy makes no difference to us in determining what legal consequences must follow as an act of reparation. The bill then passed is as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint Maj. Nathaniel H. McLean, late of the United States Army, to fill the first vacancy which may occur in the lowest grade of the Adjutant-General's Department—

That is one alternative—
or, if he shall deem it best, to reinstate—

To reinstate—
and retire him with the rank to which he would have attained in service at the date of the passage of this act.

It is perfectly apparent that this statute authorized the President of the United States to do one or the other of two things, as in his judgment he should deem best: first, to appoint Major McLean to fill the first vacancy that might thereafter occur in the lowest grade of the Adjutant-General's Office, or, if he did not do that, if he should deem it best, to reinstate him, put him back and retire him with the rank to which he would have attained in the service at the date of the passage of this act.

Mr. SPOONER. Which did he do?

Mr. DAVIS. He reinstated him. Now, it is perfectly apparent that this act of Congress left two courses, either of which the President of the United States might pursue. He could either reappoint Mr. McLean, and the appointment would take effect from the date of the appointment, or he could reinstate and restore him, and, as far as possible, give back the measure of justice taken from him so many years before; and the first question is to determine to which of these discretionary acts the President's action is referable. Had the President by order simply reinstated this officer, it would have relieved the difficulty, for the whole difficulty arises from the fact that the nomination was sent to the Senate when it need not have been. As the report says:

Giving a fair construction to these papers upon their face, your committee are of the opinion that they were intended to and did operate as a reinstatement of Colonel McLean in the rank to which he would have attained at the date of the passage of the act.

What were these papers?

The President, in sending his name to the Senate, said:

WASHINGTON, March 12, 1875.

To the Senate of the United States:

Conformably to the act of Congress approved March 3, 1875, I nominate, with a view of placing him on the retired list of the Army, Nathaniel H. McLean, late of the United States Army, to be assistant adjutant-general with the rank of lieutenant-colonel, that being the rank he would have attained at the date of the passage of the act.

U. S. GRANT.

Now turning again to the statute, to which of these two discretionary modes of proceeding open to the President is that nomination to be referable? The statute says:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint Maj. Nathaniel H. McLean, late of the United States Army, to fill the first vacancy which may occur in the lowest grade of the Adjutant-General's Department, or, if he shall deem it best, to re-instate and retire him with the rank to which he would have attained in the service at the date of the passage of this act.

So that the President of the United States in his message states distinctly that he sends that nomination to the Senate with a view of placing McLean upon the retired-list, and instead of sending a nomination to fill the lowest vacancy in the office of the Adjutant-General he still further complies with the line of discretion, which I claim he followed here, and nominates him to the office which he would have attained in case he had not resigned from the service, a form of nomination which the President would not have made if it had been merely intended to give an appointment. As the report says:

It was manifestly not intended to fill a vacancy, for the nomination was not to fill the lowest grade of the Adjutant-General's Department, and no vacancy is stated to have then existed. It was made almost immediately upon the passage of that act, whereas the terms of the act manifestly contemplated that a period of time must elapse in which the vacancy of such lowest grade might occur, and contemplated active service in the future. But reinstatement for the purpose of retiring means that the officer is to be considered, in legal contemplation, as having actually served the necessary period to entitle him to be retired. Besides, the President had no authority under the act to nominate this officer to the first vacancy in the lowest grade and then retire him with the rank to which he would have attained in the service at the date of the passage of the act. Had the President done so he would have violated the law, and the construction which leads to such a conclusion is of course to be avoided. He would also have violated the statute had he simply reinstated this officer and then ordered him into active service, because he was authorized to reinstate for the sole purpose of retiring him.

And if Major McLean was ever to be retired by the President of the United States, if the premises of the Senator from Missouri are correct, in that action retiring Major McLean as a lieutenant-colonel the President of the United States broke the law under which he acted.

And again, the message by which McLean was nominated recites that it was done with the view of placing the officer on the retired-list of the Army. The resolution by which he was confirmed also expresses the same purpose.

What is that resolution?

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
March 15, 1875.

Resolved, That the Senate advise and consent to the appointment of Nathaniel H. McLean, late of the United States Army, to be assistant adjutant-general with the rank of lieutenant-colonel, with a view of placing him on the retired-list of the Army, agreeably to the nomination.

Attest:

GEO. C. GORHAM, Secretary.

Now I read from the report:

That this was the intention of the President also appears from the order of the War Department by which he was retired, hereinbefore set out, in which it is recited that the rank of lieutenant-colonel is the rank which he would have attained in the service at the date of the act.

But if this was to be a mere nomination, he could not have been nominated for lieutenant-colonel, because the President was authorized only to fill the vacancy in the lowest grade of the Adjutant-General's Department.

So, then, from whatever point of view you look at this statute, as illustrated by what was done under it, by the President and the Senate, it can not be so construed as to make their action valid at all except on the alternative by which he was to be reinstated with a view to retirement.

Now, Mr. President, that being the case, the question is what legal consequences follow as to Mr. McLean's rights to honor, pay, and emoluments during that time. The very phraseology of the statute shows that he ought to be considered to have been practically in the service all the while, because it gives him promotion, and says he shall be reinstated with the rank to which he would have attained had not this most iniquitous order, consigning him to a banishment worse at that time than that of Siberia, been issued. As the report says:

It will be observed, in the first place, that the act of March 3, 1875, contains no provision, as is usual in statutes of this character, respecting pay and emoluments for the time during which this officer was out of the service. It was thus manifestly the design of Congress to leave this question to the determination of general legal principles applicable to such cases, and to such precedents as similar cases may have called into existence. It is also manifest that in the contemplation of Congress reinstatement and appointment do not mean the same thing and by no means imply the same consequences. The careful and explicit phraseology of the act plainly distinguishes "reinstatement" from "reappointment," and it was left to the President to determine as a matter of discretion whether this officer should be a reinstated officer or a reappointed officer.

The word "reinstatement" has a definite and well settled meaning. Like the words "restore," "recover," "replace," it not only implies but means that matters shall be caused to be in the same position they were before, not only in quality, but as to time. The legal phrase "entry," as used in regard to land, implies consequences dating only from the act, but the word "re-entry" was always held to put the party making re-entry with right in possession as of his first estate.

It was undoubtedly the intention of Congress to vest in the President a discretionary power to either make entire reparation to this officer for a wrong done him by his Government by canceling that wrong and its consequences so far as possible, and to make them as if they had never been, or to merely ignore the wrong so far as the past was concerned and appoint him anew in the Army. If it appears, as we think it does, from this record that the intention of the Executive was that of the first alternative, then all subordinate consequences, including that of pay and emoluments, follow irrefutably.

If it had been the intention of Congress that Major McLean should draw pay only from the date of his reinstatement it could easily have been so enacted, and probably, in view of much legislation on this subject to which I shall call the attention of the Senate, it would have been said, too, if that was intended; and, as remarked in the report of the committee, by the silence of the act of 1875 upon that subject the rights of Major McLean were left to the operation of general legal principles, certain and direct as any legal deductions can be in any case stated for the determination of a court of law.

Ceasing to argue this matter as a matter of argument of my own, I ask the attention of the Senate to a case singularly in point upon what seems to me a question almost precisely identical, the case of Collins vs. The United States, 14 Court of Claims Reports. The facts are these: The plaintiff being then a major, from January 20, 1865, was mustered out January 1, 1871, upon the reduction of the Army under the act of July 18, 1870.

We have Mr. Collins mustered out in 1871 and he lay by nine years, and on the 3d of March, 1879, Congress passed the following act:

That the President be, and he is hereby, authorized to reinstate Maj. Joseph B. Collins—

"To reinstate"—

Maj. Joseph B. Collins, late of the United States Army, and to retire him in that grade as of the date he was previously mustered out, charging him with all extra pay and allowances paid him at that time.

Collins then sought to obtain the pay allowed by statute to a retired officer of his rank, less the one year's pay and allowance which he had received under the act of 1870, by which he was mustered out of the service.

In other words, Collins brought suit in the Court of Claims to recover his pay from January 1, 1871, when he was mustered out, to the 3d of March, 1879, or the short period thereafter, when he was reinstated and retired. The result of it all was—for I have not time to go through this record; it is fully set out in the report of the committee—that upon grounds which I have not half so well expressed to the Senate as the court did in its opinion a distinction was drawn between a reinstated officer and a reappointed officer. The reinstatement of Major Collins was held to mean exactly what the usage says that word does mean, restoration, replacing, re-entry, making matters as they would have been if other acts had not been done; and he recovered, by the solemn judgment of the Court of Claims, from which the United States never appealed, the sum of \$18,000, about the amount which will fall to Mrs. McLean under any judicial construction of that statute.

For my own part, Mr. President, in assisting to determine this case before the Committee on Military Affairs—and it was almost as purely judicial question as any I have had to consider on that committee or any other here—I was largely influenced by the power and logic of that decision, acquiesced in as it had been by the Government. There is no question that this officer was wronged, that a career was shut out from him which was before him, that he was deprived of all chances of promotion, distinction, and glory where other men were in and shared so much of each. By no act of his own was this or by no fault that was ever charged against him. He was unearthing a pack of infamous conspirators of both parties who were robbing the Government with a hundred hands. He was exiled from his home, driven from his family into a scene where no glory could be derived and where no honors could be won, and years afterward the House of Representatives, aroused and stirred by a sense of indignation which came from the public sentiment of Ohio, placed the condemnation of a statute upon this entire proceeding, and General Grant, to whom a further discretion was confided, looking over the premises, said, "I will not reappoint this officer in the language of the statute; I do not deem that best; I will award to him that full measure of justice which will flow to him from the act by which I shall reinstate him in the grade which he would have attained if this act of appalling injustice had not been put upon him."

These being the facts I can imagine no finer or sublimer spectacle than the representatives of a great Government doing justice by making reparation for acts of injustice which have been committed by officers of that Government in other times.

That Major McLean never made any application for this money matters not. It has no force or effect one way or the other on the purely legal considerations which must determine the adjudication of this question, which, I repeat, is pre-eminently a judicial one.

Mr. COCKRELL. Mr. President, the Senator from Minnesota [Mr. DAVIS] says very truly in his remarks, as he did in the report he prepared, that very great reliance was placed upon the act for the relief of Joseph B. Collins. Now, I am somewhat familiar with that act and was a member of the Senate at the time it was passed, and I say it was procured by misrepresentation. I do not charge that this was intentional, but it was the distinct understanding before that bill was allowed to be passed by me in the Senate that an amendment should be made to it. Every one knew that that bill upon its face as introduced carried back pay, and it was understood it was to be changed in this respect. On that understanding the bill was passed, but the amendment does not appear. What is the language of it?

That the President be, and he is hereby, authorized to reinstate Maj. Joseph B. Collins, late of the United States Army, and to retire him in that grade—

How?—

as of the date he was previously mustered out, charging him with all extra pay and allowances paid him at that time.

There is an express declaration that Collins is to be appointed "as of the date he was previously mustered out." It could not be more specific. But what is the McLean bill passed in 1875?

That the President be, and is hereby, authorized to appoint Maj. Nathaniel H. McLean, late of the United States Army, to fill the first vacancy which may occur in the lowest grade of the Adjutant-General's Department, or, if he shall deem it best, to reinstate and retire him with the rank to which he would have attained in service at the date of the passage of this act.

The reinstatement and retirement were to take effect "at the date of the passage of this act." That was the law expressly. But what was done? President Grant sent his nomination in pursuance of that law of March 3, 1875: "I nominate, with a view of placing him on the retired-list of the Army, Nathaniel H. McLean, late of the United States Army, to be assistant adjutant-general, with the rank of lieutenant-colonel." And the Senate confirms him in that rank.

Now suppose President Grant had sent to the Senate a message saying, "Conformably to the act of Congress, approved March 3, 1875, I nominate, with the view of placing him on the retired-list of the Army, Nathaniel H. McLean, late of the United States Army, to be assistant adjutant-general, with the rank of lieutenant-colonel, and with all the back pay and emoluments to which he would have been entitled had he been continuously in service from the date of his resignation to this date," is there a Senator—and numbers of them were here when the nomination was confirmed—who would have listened for one moment to the confirmation of that nomination made in that language? As a matter of course Senators would not have done so. General Grant pursued the exact letter of this law when he issued McLean his commission and retired him.

Now I ask the Senators to listen to this: Did General Grant know what he was doing? Did he know anything about the resignation of officers and their reinstatement and retirement? He says:

I have nominated and * * * do appoint him—

Referring to Major McLean—

lieutenant-colonel and assistant adjutant-general in the service of the United States, to rank as such from the 3d day of March, 1875.

Mr. DAVIS. The Senator will allow me to ask if President Grant did not state that he made that appointment with a view of reinstating him?

Mr. COCKRELL. That is true, and when does he give him rank? He gives him rank from that date and pay with the rank from that date. Now let us read the order of retirement.

[General Orders No. 25.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 18, 1875.

Under authority conferred by "An act for the relief of Maj. N. H. McLean, late of the Adjutant-General's Department, United States Army," approved March 3, 1875, the President directs that Lieut. Col. N. H. McLean, under his appointment as assistant adjutant-general with the rank of lieutenant-colonel (that being the rank to which he would have attained in service at the date of the passage of the act), be placed on the retired-list of the Army, to date from March 3, 1875.

By order of the Secretary of War.

E. D. TOWNSEND,
Adjutant-General.

Nothing can be plainer. The law says that he is to be reinstated in the rank he would have attained at the date of the passage of the act. It does not say, as the Collins act said, that he should be retired as of the date he was previously mustered out. There is no similarity between them. But if this interpretation is to be given to this law, all such acts of Congress that we have passed, wherever they have not contained a prohibition of back pay, will be construed to give the same, and in the course of a few years we shall have the widows of those officers for whom special relief bills have been passed asking for pay for five, ten, twenty, and thirty years.

Now, Mr. President, let us assimilate this to civil proceedings. Suppose A and B make a contract. B contracts that he will serve A for ten years at a stated compensation, and after he has served three or four years A does something that is offensive to B, wounds his pride, clips his ambition, thwarts his aspirations in life, does not send him to as easy or promising a place, perchance, as he would desire to work in, and B thereupon abandons the contract, gives it up, goes and sits down, does nothing, and at the expiration of the ten years comes in and sues A for the six years' compensation. Is there a court in the United States that would award him one solitary cent of damages?

Suppose A had so acted as to compel B to abandon his contract and give it up, then what does the law require? The law requires that B shall use due diligence in procuring other employment, and at the end of the time he can sue A for a breach of that contract; but can only recover the difference between the contract price and what he has made by his diligence in employing his time and labor in the mean time. He is not allowed to sit down and to receive the full amount and do nothing.

Here Major McLean was in the public service of the United States nominally for life. The United States were willing to take his services. They had to have officers on the Pacific coast, and service there in some respects was as important as anywhere else. I beg the Senator from

Minnesota to remember that the distinguished Senator from Nevada and the Committee on Military Affairs have come in here with a report allowing to the States of California and Oregon \$4,000,000 because of the distinguished and valuable and important services that they rendered during the war of the rebellion. Talk about that not being a field where a man could distinguish himself. Listen to the report of the Senator from Nevada, where he shows the vast importance of that field as a strategical point during the war of the rebellion and the great value that the soldiers there rendered.

No, Mr. President, some officers had to be there. General Alvord was there. It is the duty of an Army officer to go where he is ordered. All officers could not be in the places where they could distinguish themselves, unfortunately. Probably too many got there, but all of them could not be there. In the very nature of things some had to serve in subordinate positions; some had to be hewers of wood and drawers of water; some had to bear the heat and burden of the day, and some had to be here and some had to be there.

I do not believe that Major McLean was disloyal in the least sense of the word, but he was a little too sensitive. He had ample time, after he was ordered to Oregon, before he tendered his resignation and entered upon the duties of his post on the 2d day of February, 1864. He remained there until the 2d of April, two months, and then he tendered his resignation, but it was not accepted until July. In July he became impatient because it had not been accepted and he telegraphed the Department to hasten its acceptance. Years afterwards the bill of 1875 is passed. He takes his rank and pay from the 3d day of March, 1875, to his death in 1884, and in 1889, five years afterwards, his widow comes in and claims that he was entitled by virtue of that act passed in 1875 to a major's pay from the date of his voluntary resignation in 1864 up to that time, about eleven years, when he had all the time to himself, when he was pursuing his individual private business all the while and reaping all the emoluments which were received from it. I do not know what he did; he may have received three times the amount his salary would have been, and yet the tax-payers of the United States are called upon now to pay \$30,000, not for anything rendered, but for something that was not rendered.

Mr. TURPIE. I hope we shall have the question on the bill.

The PRESIDING OFFICER (Mr. MOODY in the chair). The bill is before the Senate as in Committee of the Whole and open to amendment.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the amendments to the Senate to the bill (H. R. 6942) to divide the judicial district of North Dakota.

The message also announced that the House had passed a concurrent resolution requesting the President to return House bill No. 105, entitled "An act in relation to immediate transportation of dutiable goods, amendatory of the act of July 10, 1880;" in which it requested the concurrence of the Senate.

PUBLIC BUILDING AT ASHLAND, WIS.

Mr. SPOONER. The Senate passed a few days ago the bill (H. R. 4652) for a public building at Ashland, Wis. The House had passed the bill appropriating \$75,000 for that purpose, and the Senate Committee on Public Buildings and Grounds authorized the bill to be reported back with an amendment increasing the appropriation to \$100,000. I find that the report by some mistake recommended the appropriation of \$200,000. The bill was so printed and so passed by the Senate. I desire to have the bill returned to the Senate that I may make a motion to reconsider the vote by which it was ordered to a third reading and passed, so as to have it amended to conform to the purpose of the committee. As a preliminary step to that I move that the House of Representatives be requested to return to the Senate for further consideration House bill 4652.

The motion was agreed to.

BUILDING FOR SUPREME COURT.

Mr. MORRILL. I ask the Senate to proceed to the consideration of Order of Business 146, being the bill (S. 697) authorizing the purchase of a site for a building for the accommodation of the Supreme Court of the United States, heretofore passed over without prejudice. I now call it up.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MORRILL. Mr. President, I hardly suppose it is necessary for me to say much on this subject. The bill has passed the Senate several times, and now we have arrived at a time when, I think, the bill can be passed in the other House; so I ask the indulgence of the Senate while I make a brief statement occupying perhaps ten minutes.

The question may be asked, what will be the cost of the parcels of land proposed to be obtained by the present bill? This can not, of course, be precisely answered, although it may be approximately by reference to the report of Secretary Lamar, when it was wanted for the Library of Congress, showing the terms upon which it was then offered

by the owners. The proposition then was to secure the parcels of land which could be obtained on the lowest terms, whether lying north or south of East Capitol street.

Mr. HALE. Where is this site? let me ask the Senator from Vermont.

Mr. MORRILL. It is directly east of the Capitol.

Mr. HALE. Is it the corresponding corner to the northward of the Library building?

Mr. MORRILL. Yes, sir. It appeared that the owners on both sides demanded a sum in excess of the amount appropriated, but the owners on the south side of East Capitol street modified their terms so as to bring the parcels on the south \$100,000 less than what appeared to be demanded on the north, and they were accordingly selected for the site of the Library. Under the process of the court the total valuation was \$578,977.25, but from this sum should be deducted the amount realized for old material, rental saved for houses used for shops, and for offices, so as to leave the cost of the site rather less than \$550,000, and there will also be several more houses to be disposed of when the Library shall have been finally completed, which will further reduce the cost of the site.

It would thus appear, if we may accept the valuation placed by the owners upon their own property, that the parcels of land on the north of East Capitol street may cost \$100,000 more than those upon the south. It is known that good judges of real estate in the District were of the opinion that at least a portion of the owners at the time mentioned had estimated their property extravagantly, and it is also known that the lands now referred to have advanced in value less for many years because it seemed fixed "as foreknowledge absolute" that the Government would ere long require them for public use. There has been no boom of real estate on Capitol Hill such as has prevailed at Oak View and in the western portion of the city. For myself, however, I want every owner to receive fair and honest compensation for his property. It must be obtained by condemnation and never so cheaply as to-day. The Government is able to pay the full value for all it wants. But if there should be any greedy speculators that plot to take some undue advantage of the Government I shall acquiesce in the decrees of Providence if they come to grief.

Accommodations for the Supreme Court appear to be a pressing necessity, and the Senate has more than once indicated its favor of the site here proposed.

The Supreme Court is one of the co-ordinate branches of the United States Government and its functions are of far-reaching importance. It is the final court of appeal before which suits involving constitutional questions may be brought for decision. It is the sole arbiter between States. Congress makes unrestricted appropriations for its own convenience and comfort, as well as for all other branches of the Government, and to all Congress should tender proper comity and just consideration. We authorize the construction of expensive court-houses in the several States to be occupied by the comparatively inferior circuit and district courts of the United States, and should not hesitate to provide appropriate accommodations for the Supreme Court of the United States, such as will be in harmony with that dignity and wide power accorded to it by the Constitution. Let us not forget that this branch of our Government enjoys a high historical reputation and deserved confidence at home and abroad. We can not afford to neglect it, nor to treat the subject in any narrow or niggardly way. All, however, that is now proposed by the present bill is to secure a fit and convenient site, and a large preponderance of the Senate has heretofore concurred with the Committee on Public Buildings and Grounds that such a site is here embraced, and it is now fortunately still obtainable on reasonable terms. It is also believed that it will be eminently satisfactory to the court as well as to the whole country.

The parcels of land described in the bill lie directly east of the Senate wing of the Capitol and are required in order to give due proportion and symmetry to the grounds, or a straight boundary line on the east. The Library of Congress, now in process of construction in a most satisfactory manner, occupies the corresponding parcels of ground directly east of the House of Representatives, which contain the same area as those east of the Senate and now sought after. If they were not needed for any architectural structure whatever, it appears to me that they should be promptly secured for the purpose of excluding an encroachment and of extending the grounds on the northeast part of the Capitol, which, without this extension, will ever remain disjointed and incomplete, and while the Capitol may appear worthy of a great people, the lack of these odd lots at one corner around it might indicate a sudden exhaustion of any further national resources.

The east front of the Capitol was originally intended to present a more elaborate and richly decorated elevation than that of the much plainer western front. It had a pediment with colossal figures on its face, of the Genius of America, of Hope, and of Justice, all of very marked artistic merit, and a portico, enriched with statuary and with triple rows of columns. This front is likely to be somewhat improved whenever Congress shall get ready to replace the painted sandstone of the east and west central portions of the Capitol with marble, and slightly extend them, sufficiently to give the fine and massive Dome greater apparent support.

I may not be here to see this accomplished, but there are many others here who will be. The east front of the Capitol will ever be consecrated to the ceremonious inauguration of the Chief Magistrate of the Republic, where many thousands of American freemen will quadrennially assemble, and no one of these thousands will croak and say the grounds are too large for the National Capitol, nor that the Supreme Court ought to have been consigned to a more obscure and cheaper lot. In serving the court we shall also with its removal greatly serve the future occupants of the Capitol.

It is clear that the rooms now occupied in the Capitol by the Supreme Court are deplorably inadequate both in size and number for its proper accommodation—being inferior to what our people often offer to their county courts—and it is also equally clear that the space so occupied has long been needed and greatly coveted by Congress for its increasing necessities, for its offices and committees. It is, therefore, none too early to secure a site for the future home of the Supreme Court, and it is none too early to secure it at a moderate cost.

The small but very respectable kingdom of Belgium has recently shown its appreciation of its highest judicial tribunal by the erection of a court-house in their national capital, which is reported to be the finest public building in Europe. We may not desire to equal what is called the Palace of Justice, in Brussels, either in style or expenditure, though our highest court in its reputation for legal erudition and ability, for the administration of law and the interpretation of a written constitution, would not suffer in comparison with the highest judicial tribunals in any part of the world, and we can hardly do less, to show our respect to a branch of our Government which from its earliest days has contributed so greatly to the honor of the country and the stability of its institutions, than to promise it without delay a substantial edifice worthy of their official station, worthy of ourselves, and certainly a site not inferior to such as have ever been offered to even any of our Executive Departments.

The PRESIDING OFFICER. The bill is reported from the Committee on Public Buildings and Grounds with amendments which will be stated.

The first amendment was, in section 3, line 5, after the word "thereof," to strike out "nor the prices at which the respective owners shall have heretofore consented in writing to sell the same to the United States" and insert "the same to be ascertained by the Secretary from the testimony of real-estate experts, or otherwise, as he may deem necessary;" so as to read:

That the Secretary of the Interior shall be authorized to purchase said land, or any part thereof, as soon as practicable, at such prices as may be fixed by agreement between the said Secretary and the respective owners, not exceeding the actual cash value thereof, the same to be ascertained by the Secretary from the testimony of real-estate experts, or otherwise, as he may deem necessary.

The amendment was agreed to.

The next amendment was, in section 5, line 10, after the word "Interior," to strike out "upon depositing" and insert "or to receive;" in line 11, after the word "value," to insert "when deposited;" and in line 12, after the word "respectively," to insert "within fifteen days after such deposit;" so as to read:

That the fee-simple of all premises so appropriated for public use of which an appraisal shall have been made under the order and direction of said court shall, upon payment to the owner or owners, respectively, or to such person as shall be authorized to receive the same for any such owners, of the appraised value, or in case the said owner or owners refuse or neglect for fifteen days after the appraisal of the cash value of said lands and improvements by said court to demand the same from the Secretary of the Interior, or to receive the said appraised value when deposited in said court to the credit of such owner or owners, respectively, within fifteen days after such deposit, be vested in the United States.

The amendment was agreed to.

The next amendment was to strike out section 8, in the following words:

Sec. 8. That before payment shall be made for any part of the grounds herein described, the terms of all contracts therefor and the amount of all appraisals thereof shall be submitted to the President for his approval, and if in his judgment the sum to be paid for any parcel, either under contract or judicial proceedings, shall be unreasonable, he shall, in respect to the same, suspend all further proceedings under this act until further action by Congress.

The amendment was agreed to.

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

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

RETURN OF A BILL.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return House bill No. 105, entitled "An act in relation to immediate transportation of dutiable goods, amendatory of the act of July 10, 1880."

LAND IN SEVERALTY TO INDIANS.

Mr. DAWES. I should like the favor of the Senate to take up a bill which seems very necessary for the Indian service, and I think there will be no objection to it. I ask the Senate to proceed to the consideration of Order of Business 766, being the bill (S. 3043) to amend and further extend the benefits of the act approved February 8, 1887, en-

titled "An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes."

Mr. FRYE. That is out of its order.

Mr. DAWES. But I ask unanimous consent.

The PRESIDING OFFICER (Mr. MOODY in the chair). Is there objection?

Mr. COCKRELL. Let it be read for information; though I do not think that is carrying out the agreement, and probably we had better go on, if we are going to do anything on the Calendar. When we are about through with the Calendar for to-day I will consent to have the bill taken up.

Mr. DAWES. How was the former bill considered?

Mr. COCKRELL. That was on the Calendar regularly.

Mr. DAWES. That is a measure of very great importance.

Mr. COCKRELL. I will assist the Senator to get it up when we go on with the Calendar for awhile. Let us keep to the agreement until we get through with it.

Mr. DAWES. I do not wish to disturb the arrangement.

The PRESIDING OFFICER. There being objection to the request of the Senator from Massachusetts, the Calendar will be proceeded with in regular order.

INDIANS AT FORT BERTHOLD AGENCY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1657) to ratify and confirm an agreement with the Indians in Fort Berthold agency, in North Dakota.

The PRESIDING OFFICER. The Secretary informs the present occupant of the chair that this bill was before the Senate when the Calendar was last up for consideration, and the question was whether the names should be read.

Mr. COCKRELL. I shall not give the clerks the lockjaw to-day. There will be no occasion to read the names.

Mr. FRYE. There is an amendment to the bill reported by the Committee on Indian Affairs.

The PRESIDING OFFICER. The reading of the bill had not been finished. The Secretary will read the bill, omitting the names.

The Chief Clerk read the bill, omitting the preamble.

The PRESIDING OFFICER. The amendment reported by the Committee on Indian Affairs will be stated.

The CHIEF CLERK. The Committee on Indian Affairs report, in section 1, line 4, after the word "confirmed," to insert:

Except as to article 6 thereof, which is modified and changed on the part of the United States so as to read as follows: "That the residue of lands within said diminished reservation, after all allotments have been made as provided in article 3 of this agreement, shall be held by said tribes of Indians as a reservation;" and as so modified said agreement is accepted and confirmed: *Provided*, That this act shall take effect only upon the acceptance of the modification and changes made by the United States as to article 6 of the said agreement by the said tribes of Indians in manner and form as said agreement was assented to, which said acceptance and consent shall be made known by proclamation by the President of the United States upon satisfactory proof presented to him that the said acceptance and consent have been obtained in such manner and form.

So as to read:

That said agreement be, and the same is hereby, accepted, ratified, and confirmed, except as to article 6 thereof, etc.

The amendment was agreed to.

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

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

The preamble was agreed to.

TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS.

The bill (S. 2140) authorizing the Secretary of the Interior to negotiate with the Turtle Mountain band of Chippewa Indians for the cession of their reservation was announced as next in order on the Calendar.

Mr. CASEY. I move that the bill be recommitted to the Committee on Indian Affairs. Certain facts have come to my knowledge since I introduced the bill which render it necessary to make some changes in it.

The PRESIDING OFFICER. It is moved by the Senator from North Dakota that the bill just reached be recommitted to the Committee on Indian Affairs.

Mr. DAWES. Will the Senator state for what reason?

Mr. CASEY. Because no title has ever been given to these Indians for the lands. The bill provides for a treaty with them in regard to title for their lands. The lands were never given to them by any title, but they were simply assigned to certain townships temporarily by the then Secretary of the Interior, Mr. Teller. It would seem necessary to make some changes in the bill.

Mr. DAWES. Does the Senator object to their being paid fair compensation for those two townships?

Mr. CASEY. Not at all. On the other hand, I favor just compensation being given to them and every provision being made for their necessities.

Mr. DAWES. I suggest to the Senator instead of having the bill re-committed to let it pass over, and if he will prepare an amendment that meets his views perhaps there will be no objection.

Mr. COCKRELL. I hope the bill will be recommitted. It will not take any more time to recommit it. The very question the Senator from North Dakota has spoken about I was going to raise upon the consideration of the bill, and that is the question of title. I should like that to be investigated. I do not think a recommitment will cause any great delay.

The PRESIDING OFFICER. The question is on the motion to recommit.

Mr. DAWES. Before the bill is recommitted let me say that I think the matter can be adjusted.

Mr. TELLER. There is no necessity for any negotiations with these Indians. They do not own this land. It is beyond the power of the executive department of the Government to convey any title to any Indian tribe by setting apart for it a reservation unless it is done in pursuance of some statute.

These Indians, amounting to two hundred and fifty-six, as I recollect now, were Chippewa Indians who left the White Earth reservation and went over into British America. When they returned to this country, which they did after a residence of some ten or twelve years over in that section, instigated by some people who thought they could make some money out of it up in Northern Dakota, they laid claim to a country that never had belonged to the Chippewas; and as Secretary of the Interior I declined to recognize their claims. I said to a few of these Indians who came to Washington that I would set apart two townships out of which they might select for each head of a family 160 acres of land and go on it like any settlers in that section of country; that when that was done the balance of the two townships would be open to settlement.

There could not have been to exceed sixty or seventy families at the most. That land was set apart for them, and they went into the neighborhood and settled. During my administration they had not made the selections. Consequently the opportunity was not presented for declaring the reservation simply limited to such sections as they had selected.

Subsequent to that time I understand there has been a large influx of Indians from British America, amounting now to in the neighborhood, according to some reports and at some times, as high as three thousand Indians, who are claiming to be the owners of these two townships. There will be some difficulty, if these Indians are recognized as the owners, in determining what particular Indians are entitled to the land, and the whole matter is absolutely in the control of the Department charged with the administration of Indian affairs.

I am free to say that it was an error to put them there. They were rightfully inhabitants and occupants, if they chose so to be, of the White Earth reservation. The Secretary of the Interior yielded to a public sentiment that is frequently wrong when the Indian question is presented, a suggestion made by some Eastern people who knew but little about it, that they should be located there because they did not want to go to the White Earth reservation. What ought to have been done at that time by the Department was either to send them to White Earth or to send them back to British America, where they had been living for ten or twelve years. It was an error of the Department.

This little band of Indians had all the benefit of the Chippewa treaty, all the wagons and all the tents and everything that had been given to them before they went to British America. I am not willing myself to see legislation recognizing these 40,000 acres of land, or thereabouts, as being their property, because the records of the Department will show that they went there with the distinct understanding that they were to go there and take 160 acres of land each and settle down upon it like white men. Most of these families were not Indians, but half-breeds, and could have made, if they were citizens of the United States, their title under the homestead or pre-emption laws. They were not entitled to be treated as Indians, and this is not a fair thing now to do.

Therefore I intended, if the Senator from North Dakota had not made the motion, to move myself that the bill be recommitted to the committee, and the committee can examine the whole question.

Mr. DAWES. I do not care to go into the question of title here and argue it with the Senator from Colorado, because I am inclined to think that the Senator upon the abstract question of title is right. But his predecessors, if he is right, have been wrong. Two or three of his predecessors, Mr. Kirkwood, as clear and as able a lawyer as has ever managed the affairs of the Interior Department; Mr. Schurz, and one other of those predecessors, after deliberate examination, were of the opinion that 11,000,000 acres there belonged to these Indians, left as a residue of the original Chippewa title.

I think they were wrong in that respect. I think that these Indians had no such title as an original title. They, however, believed they had, and they were forced, I will not say by physical force, but they found themselves in the position of accepting the occupancy of two townships of land or being turned adrift. There was no provision for them at the White Earth agency and no willingness on the part of those who occupied the White Earth agency to take them.

They went on the townships suggested under the administration of the Senator from Colorado, I understand, and with the understanding between him and them that they should take this land in severalty, as

he has stated. They went there, however, he assigning them with the belief that they had no title, but they believing that they had a claim upon the Government for 11,000,000 acres. They cling to that idea and cling to those townships. They have proved to be a poor home for them.

They are about three hundred strong. The rest of the Indians who hover around there eat them out of house and home and unfortunately give them a bad name. Those who are really and properly Turtle Mountain Indians are a quiet and peaceable people, about half of whom are under the charge of a Catholic priest, and the other half under the charge of the Episcopal Church.

They are not there because Eastern people wanted to keep them there; they are there because the Western people, those who had the religious charge of them, wanted to keep them there, and they have been somewhat in the way of getting them down to the White Earth agency.

One or two efforts have been made to get them down to the White Earth agency. There seems now to be an opening. The consent of both the religious denominations that have them in charge has been obtained and the consent of the Indians on the White Earth reservation.

That distinguished gentleman, who has done so much for the Indians up in Minnesota, and who once had a seat in this body, has had the belief that he could persuade them down there. They have this idea, that they own that country. It is a thing very much desired to get them down there.

Every winter they are eaten out of house and home by these foreign Indians, and are in a starving condition, and voluntary contributions are made to help them out. The Government this year has appropriated a sum of money for that purpose; and all the interest Eastern people have had in them has been to respond to that call of charity to keep them from starving to death.

They never can be brought down there without some negotiation. They never can be brought down there without probably something being paid to them for whatever right they have in these two townships, more or less. If the Government insists upon it that it will not negotiate upon that idea, although it will negotiate with any other band of Indians on that idea, it is not worth while to go any further with this bill. If the bill is recommitted—

The PRESIDING OFFICER. The Chair must enforce the rule. The Senator from Massachusetts has spoken five minutes.

Mr. DAWES. I ask unanimous consent to say a few more words.

The PRESIDING OFFICER. Is there objection to the Senator's proceeding? The Chair hears none.

Mr. DAWES. I wish to say merely this: that if the Senate is disposed to recommit this bill on the ground that the Government will not negotiate with these Indians and see on what terms it can get them to consent to go down there, the Committee on Indian Affairs will be obliged to consider that as the end of the matter.

Mr. TELLER. Mr. President, I want to attract the attention of the Senator from Massachusetts who is chairman of the Committee on Indian Affairs to the statement he made a moment ago.

The PRESIDING OFFICER. Is there unanimous consent that the Senator from Colorado may proceed? The Chair hears no objection.

Mr. TELLER. The Senator said that Mr. Schurz decided these Indians were the owners of the land. There is not a scratch of a pen in the Department to show that Mr. Schurz ever examined the question, except the fact that he said, "Until this can be further examined I suspend the operation of the settlement laws in that neighborhood." Mr. Kirkwood never gave it a moment's attention and never left a scratch of a pen on the files. Nobody in the Department ever had held that it was Indian land at all. So the Senator is entirely mistaken when he says that some adjudication had been made.

Nobody had ever held that it was Indian land. Upon a suggestion made, as I said the other day, Mr. Schurz said, "I will look into this matter, and in order that there may be no mistake about it, I will suspend the operation of the settlement laws;" and thousands of men who had gone on there and made their homes upon the supposition that it was Government land were precluded from making entries under that suspension. That was as far as Mr. Schurz ever went.

Mr. DAWES. I did not criticise the conclusion which the Senator came to, nor do I know anything about what sort of records were left by those distinguished Secretaries. I only know what is the common history of this affair.

Mr. TELLER. It is not the common history of this affair.

Mr. DAWES. I will not dispute with the Senator, because the Senator knows more about it than myself. I so understood it; that is all.

Mr. TELLER. I have no doubt the Senator so understood it, and that is the way a great many other things have been understood—misunderstood. It was not true that any officer had passed upon that question until it came to me as Secretary of the Interior to pass upon it; and there were months and months of investigation, as I stated the other day, given to it.

Now, I have no objection to these Indians being dealt with. I have no objection to their being treated with and taken away from there, where they do not belong, where they never ought to have been put, I admit; but I do not want, by this bill as it now stands, to recognize their title absolutely to this land, because I do not want to recognize

the right of an executive officer of the Government to convey land, which he can not do either to an Indian or a white man. If the bill can be reformed so as not to be objectionable, then nobody objects to taking care of these Indians and moving them to White Earth or anywhere else.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Dakota [Mr. CASEY] to recommit the bill to the Committee on Indian Affairs.

The motion was agreed to.

FORT DALLES MILITARY RESERVATION.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3041) to dispose of certain lots now unsold of the Fort Dalles military reservation, and the improvements thereon.

The bill was read.

Mr. DOLPH. Is there not an amendment reported by the Committee on Public Lands?

The PRESIDING OFFICER. This is a new bill which was reported. There are no amendments, the Chair understands.

Mr. DOLPH. That is all right. It is a substitute bill.

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

SANITARY ENGINEER IN THE DISTRICT OF COLUMBIA.

The bill (S. 11) to authorize the appointment of a sanitary engineer in the District of Columbia, and for other purposes was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That the commissioners of the District of Columbia and their successors be, and they hereby are, authorized and empowered to make, modify, and enforce regulations governing plumbing, house draining, and the ventilation, preservation, and maintenance in good order of house sewers and public sewers in the District of Columbia, and also regulations governing the examination and registration of plumbers and the practice of the business of plumbing in said District; and any person who shall neglect or refuse to comply with the requirements of the provisions of said regulations after ten days' notice of the specific thing or things required to be done thereunder, within the time limited by the commissioners for doing such work, or as the said time may be extended by said commissioners, shall be punishable by a fine of from twenty-five to two hundred dollars for each and every offense, or in default of payment of fine to imprisonment for thirty days.

SEC. 2. That the said commissioners of the District of Columbia and their successors be, and they hereby are, authorized and empowered to appoint an inspector of plumbing and such number of assistants as they deem necessary, not exceeding four, in and for the District, whose duty it shall be, under the direction of said commissioners, and they are hereby empowered accordingly, to inspect or cause to be inspected all houses when in course of erection in said District, to see that the plumbing, drainage, and ventilation of sewers thereof conform to the regulations hereinbefore provided for; and also at any time, during reasonable hours, under like direction, to inspect or cause to be inspected any house in said District, to examine the plumbing, drainage, and ventilation of sewers thereof, and generally to see that the regulations hereinbefore provided for are duly observed and enforced.

SEC. 3. That the salary of the inspector of plumbing shall be \$2,000, and that of each of the assistants \$1,200 per annum, payable monthly.

SEC. 4. That all laws or parts of laws inconsistent herewith be, and they hereby are, repealed.

The amendment was agreed to.

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

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

LEGAL REPRESENTATIVES OF JAMES W. SCHAUMBURG.

Mr. MITCHELL. There was a bill passed over without prejudice some days ago at the suggestion of the Senator from Missouri [Mr. COCKRELL]. It is the bill (S. 986) for the relief of the legal representatives and devisees of James W. Schaumburg. I ask that it be taken up. I think the Senator from Missouri desires to withdraw his objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the legal representatives or devisees of James W. Schaumburg the amount of the pay and allowance of a first lieutenant of dragoons from July 1, 1836, to March 24, 1845, or so much thereof as shall, by audit of the accounting officers of the Treasury, be shown to be due him, as recommended by the Secretary of the Treasury under date July 11, 1882, after deducting such sums as may have been paid on account of such service, and appropriates \$11,500 to carry the act into effect.

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

ADDITIONAL LAND OFFICE IN NORTH DAKOTA.

The next bill on the Calendar was the bill (S. 2392) creating an additional land office in the State of North Dakota; and the Senate, as in Committee of the Whole, proceeded to its consideration.

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

CLAIMS OF JAMES W. WALSH AND OTHERS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3061) referring to the Court of Claims the claims of James W.

Walsh and others. It proposes to refer to the Court of Claims the claims of James W. Walsh and Andrew Gleeson; Peter P. Little, administrator of the estate of Michael Shiner, deceased; Andrew Gleeson, Owen O'Hare, Frank H. Finley; William Dickson, assignee of Frank H. Finley; William Schooler, Patrick Brennan, John J. Shipman, and Andrew A. Lipscomb, administrator of the estate of George W. G. Eslin, deceased, for work done and materials furnished in the improvements of the streets in the city of Washington, D. C.

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

EXECUTORS OF DONALD M'KAY.

The bill (S. 846) for the relief of Nathaniel McKay and the executors of Donald McKay was announced as the next bill on the Calendar.

Mr. COCKRELL. I object to the consideration of that bill.

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

Mr. HARRIS. It goes over under Rule IX?

The PRESIDING OFFICER. It goes over under Rule IX.

Mr. HIGGINS. I ask the Senator from Missouri if he objects with a view to a discussion of the bill.

Mr. COCKRELL. The bill can not be considered to-day without a quorum of the Senate and without a full discussion of the case. It is a case that has been in Congress for a long time. It has been vetoed once, and it will lead to considerable discussion. I object.

Mr. HIGGINS. Let it go over, then, without prejudice.

Mr. FRYE. Will the Senator from Missouri let it go over informally?

The PRESIDING OFFICER. Is there objection to the bill being passed over informally?

Mr. COCKRELL. I do not care. Let it go over without prejudice.

Mr. FRYE. Then we may take it up some time when a quorum is here.

The PRESIDING OFFICER. The bill will go over without prejudice.

ISABELLA HANCE.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2058) for the relief of Isabella Hance, administratrix of William Hance. It proposes to pay Isabella Hance, administratrix of William Hance, of Montgomery County, Maryland, \$3,835.30, for stores and supplies taken and used by the United States Army, as found by the Court of Claims.

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

J. HENRY RIVES.

The bill (S. 868) for the relief of J. Henry Rives was considered as in Committee of the Whole. It proposes to pay to J. Henry Rives, of Lynchburgh, Va., \$293.90, being the amount of the expenses necessarily incurred by him in the arrest of John C. Henry, deputy collector, for embezzlement.

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

WAR CLAIMS OF 1812.

The bill (S. 193) directing the Secretary of the Treasury to re-examine and resettle the accounts of certain States and the city of Baltimore, growing out of moneys expended by said States and the city of Baltimore, for military purposes during the war of 1812, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. HARRIS. What committee reported the bill?

The VICE-PRESIDENT. The Committee on Claims.

Mr. SPOONER. I reported the bill as chairman of the Committee on Claims. The facts are exceedingly simple. It will be remembered—

Mr. HARRIS. I do not care to have the statement of the Senator, as the bill is from the Committee on Claims.

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

PAYMASTER J. D. DOYLE.

The bill (S. 2639) for the relief of Mrs. Selina Bestor, Orson H. Bestor, and E. Francis Riggs was considered as in Committee of the Whole. It proposes to pay to Mrs. Selina Bestor, Orson H. Bestor, and E. Francis Riggs \$21,230.67, being the amount that was improperly turned over to the United States Treasury, or to the disbursing officers of the United States Navy, by them in settlement of a deficiency in the money account of Assistant Paymaster Jacob D. Doyle, United States Navy, who at the time the deficiency occurred was insane, the sum being distributed as follows: To Mrs. Selina Bestor, \$14,230.67; to Orson H. Bestor, \$4,000; and to E. Francis Riggs, \$3,000.

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

MISSISSIPPI RIVER BRIDGE AT SOUTH ST. PAUL, MINN.

The bill (H. R. 505) for the construction of a railroad and wagon

bridge across the Mississippi River at South St. Paul, Minn., was 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.

BRIDGES ACROSS MINNESOTA RIVER.

The bill (H. R. 507) granting the counties of Hennepin and Dakota, Minnesota, the right to build two bridges across the Minnesota River was 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.

ST. LOUIS RIVER BRIDGE.

The 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 was considered as in Committee of the Whole.

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

The first amendment was, in section 1, line 7, before the word "point," to strike out "the most feasible" and insert "such;" in line 10, after the word "west," to insert "as may be approved by the Secretary of War;" and in line 11, after the word "Wisconsin," to strike out "in section 20, township 49 north, of range 14 west;" so as to read:

That the Lake Superior and Pacific Railroad Company, a corporation organized and existing in the State of Minnesota, be, and is hereby, authorized to construct and maintain a bridge, and approaches thereto, over the St. Louis River, between the States of Minnesota and Wisconsin, at such point in the State of Minnesota, in section 20, township 49 north, of range 14 west, as may be approved by the Secretary of War, to a point opposite in the State of Wisconsin.

The amendment was agreed to.

The next amendment was, in section 5, line 10, before the word "other," to strike out "the;" so as to read:

And said bridge shall enjoy the rights and privileges of other post-routes in the United States; and Congress reserves the right at any time to regulate by appropriate legislation the charges for freight and passengers over said bridge.

The amendment was agreed to.

The next amendment was, in section 5, line 15, after the word "bridge," to insert:

And all telegraph and telephone companies shall have equal rights and privileges in constructing their lines over said bridge.

The amendment was agreed to.

The next amendment was, to add the following as a new section:

SEC. 9. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date thereof.

The amendment was agreed to.

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

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

Mr. SPOONER subsequently said: I desire to enter a motion to reconsider the vote by which the Senate passed the 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. I do not care to have action on the motion at this time. I desire, however, to have it entered.

The VICE-PRESIDENT. The motion to reconsider will be entered.

WIND-SIGNAL DISPLAY STATIONS ON LAKE HURON.

The bill (S. 2842) to establish wind-signal display stations at Thunder Bay and Middle Islands, Lake Huron, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments, which were to strike out lines 3 and 4 and a part of line 5, as follows: "That the Secretary of War be authorized to establish wind-signal display stations in connection with the life-saving stations at those points, and;" in line 9, after the word "constructing," to insert "maintaining, repairing, and operating;" in line 11, before "Thunder Bay," to strike out "and;" in line 12, after the word "Bay," to strike out "Islands," and insert "Island;" in the same line, after the word "Middle," to strike out "Island," and insert "Islands;" and in the same line, after the word "Huron," to insert "and for the establishment, equipment, and maintenance of wind-signal display stations at those points;" so as to make the bill read:

That the sum of \$12,700, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of constructing, maintaining, repairing, and operating, under the direction of the Secretary of War, military telegraph lines between Alpena, Mich., Thunder Bay Island, and Middle Islands, Lake Huron, and for the establishment, equipment, and maintenance of wind-signal display stations at those points.

The amendments were agreed to.

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

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

On motion of Mr. FRYE, the title was amended so as to read: "A bill to construct, maintain, repair, and operate military telegraph lines between Alpena, Mich., Thunder Bay Island, and Middle Islands, Lake Huron, and for other purposes."

JOHN N. QUACKENBUSH.

Mr. HOAR. I ask unanimous consent to call up the bill (S. 113) relating to the status of a certain commander in the Navy, and to correct the same, which has been passed over without prejudice.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE-PRESIDENT. The bill has been previously considered and the amendment of the Committee on Naval Affairs agreed to. The bill will be read as amended.

The Chief Clerk read the bill as amended, as follows:

Be it enacted, etc., That the President of the United States be, and is hereby, authorized to place upon the Navy Register the name of Commander John N. Quackenbush in the position it occupied when recently stricken therefrom, and thereupon to transfer said Quackenbush to the retired-list as a commander; and the accounting officers of the Treasury are hereby authorized and directed to credit and allow to said Quackenbush his appropriate pay as a commander from the date of the approval of this act.

Mr. COCKRELL. I move, in line 9, after the word "to," where it occurs the first time, to strike out the words "credit and;" so as to read:

And the accounting officers of the Treasury are hereby authorized and directed to allow—

Instead of "to credit and allow"—

to said Quackenbush his appropriate pay as a commander from the date of the approval of this act.

Mr. HOAR. I have no objection to the amendment.

The amendment was agreed to.

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

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

The VICE-PRESIDENT. Shall the bill pass?

Mr. COCKRELL. I desire to say simply in connection with this bill that in the last Congress I gave my views in opposition to it very fully, and I do not care to repeat them now. I am opposed to the principle involved in the bill and to the bill.

The bill was passed.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

- A bill (H. R. 1045) granting a pension to Emily T. Pottle;
- A bill (H. R. 1084) granting a pension to Mrs. Eliza J. Drake;
- A bill (H. R. 1086) granting a pension to Sarah Cuthbert;
- A bill (H. R. 1115) granting a pension to Arthur D. and Alfred A. Lyford;
- A bill (H. R. 1116) granting a pension to Clara M. Owen;
- A bill (H. R. 1147) granting an increase of pension to Merritt Lewis;
- A bill (H. R. 1573) granting a pension to Mary Murphy;
- A bill (H. R. 1832) granting a pension to Mary Ann Schirye;
- A bill (H. R. 2007) granting a pension to the widow of Adam Shrake;
- A bill (H. R. 2287) granting an increase of pension to John F. Chase;
- A bill (H. R. 2503) for the relief of Sarah D. Duke;
- A bill (H. R. 2738) granting a pension to Christiana Schneider;
- A bill (H. R. 2834) granting a pension to Frances J. Elgar;
- A bill (H. R. 2837) granting a pension to Alvira A. Edwards;
- A bill (H. R. 2989) granting a pension to Mrs. Martha E. Jones.
- A bill (H. R. 3393) granting a pension to Jane A. Lusk;
- A bill (H. R. 3545) granting a pension to Harriet F. Bowes;
- A bill (H. R. 3591) granting a pension to Mary J. Nottage;
- A bill (H. R. 3594) for the relief of Mary Conley;
- A bill (H. R. 3739) granting a pension to Thomas F. Robinson;
- A bill (H. R. 3740) granting a pension to Lucy A. M. Norman;
- A bill (H. R. 3669) granting a pension to Seth M. Walter;
- A bill (H. R. 4393) for the relief of Mary Dockham;
- A bill (H. R. 4406) granting a pension to Jehial J. Oliver;
- A bill (H. R. 4808) granting a pension to Roxanna Finch;
- A bill (H. R. 4866) granting a pension to Ida L. Martin;
- A bill (H. R. 4980) granting an increase of pension to Margaret A. Blake;
- A bill (H. R. 4987) granting an increase of pension to William Thompson;
- A bill (H. R. 5240) granting a pension to Alexander McCormick;
- A bill (H. R. 5263) granting a pension to Sarah C. McCamly;
- A bill (H. R. 5444) granting a pension to John A. Miller;
- A bill (H. R. 5618) granting a pension to Malvina P. Fletcher, widow of John P. Fletcher, late private of Company D, First Michigan Engineers;
- A bill (H. R. 5619) granting a pension to Maria Solles;
- A bill (H. R. 5632) granting a pension to Sarah Sheldon;
- A bill (H. R. 5660) granting a pension to Mrs. Pauline Hohmann;
- A bill (H. R. 5906) to increase the pension of James C. Copeland;
- A bill (H. R. 6294) for the relief of Isabel Hensley;
- A bill (H. R. 6401) granting a pension to Mrs. Fanny W. Mudgett, dependent mother;

A bill (H. R. 6402) granting a pension to Mrs. Harriet McMann;
 A bill (H. R. 6568) increasing the pension of Mrs. Dorothea D. Yates;
 A bill (H. R. 6647) for the relief of John A. Whitcomb;
 A bill (H. R. 6775) to pension R. C. Martin for service rendered in the war with Mexico;

A bill (H. R. 6799) granting a pension to Mary A. Lefebure, widow of Hiram Goodspeed, late of Company A, Fifty-sixth Massachusetts Volunteers;

A bill (H. R. 6801) increasing the pension of Alonzo L. Page, late of Company B, Third Vermont Volunteers;

A bill (H. R. 6875) granting a pension to Eliza Marcy;
 A bill (H. R. 6914) pensioning Harriet B. White;
 A bill (H. R. 7101) granting a pension to Joseph Perkins;
 A bill (H. R. 7329) granting a pension to Harman Day;
 A bill (H. R. 7336) granting a pension to Charles Kernan;
 A bill (H. R. 7685) granting a pension to Julia E. Phillips;
 A bill (H. R. 7743) granting a pension to Allen Feathers;
 A bill (H. R. 7765) granting a pension to James T. Irwin;
 A bill (H. R. 7878) granting a pension to Irene D. Swan; and
 A bill (H. R. 7959) granting a pension to Fredrick B. Sells.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 1157) for the relief of Joseph Johnson;
 A bill (H. R. 1324) to clear the military record of J. George Ruckstuhl;

A bill (H. R. 4711) for the relief of Nathaniel Crane; and
 A bill (H. R. 7193) for removal of charge of desertion from Alfred Lane.

JAMES M. WILLBUR.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the bill (S. 829) authorizing the Secretary of the Treasury to adjust and settle the account of James M. Willbur with the United States, and to pay said Willbur such sum of money as may be found due him thereon; which was referred to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. SQUIRE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3546) for the erection of an equestrian statue of Gen. Ulysses S. Grant on ground belonging to the United States Government in the city of Washington, D. C., reported it with an amendment.

Mr. PASCO, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 559) to provide for the erection of a public building at the city of Fayetteville, N. C., reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 1977) to provide for the construction of a public building at Meridian, in the State of Mississippi, reported it with an amendment.

BILLS INTRODUCED.

Mr. CALL (by request) introduced a bill (S. 3591) to establish a botanic hospital and home and free school in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HAWLEY. I introduce a bill to incorporate the Terminal Company of the District of Columbia. Of the precise merits of the scheme I know nothing, but the parties interested in it are responsible and prominent citizens of the District of Columbia.

The bill (S. 3592) to incorporate the Terminal Company of the District of Columbia was read twice by its title, and referred to the Committee on the District of Columbia.

FORT BROWN RESERVATION.

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

Resolved, That the stenographer employed to report the hearing before the Committee on Military Affairs, March 15, 1890, in relation to the purchase of the title to the Fort Brown (Texas) reservation be paid from the contingent fund of the Senate.

REGULATION OF STEAM-VESSELS.

The VICE-PRESIDENT. The consideration of the Calendar will be resumed.

The bill (S. 3122) to amend section 4426 of the Revised Statutes of the United States, regulation of steam-vessels, was considered as in Committee of the Whole.

It proposes to amend section 4426 of the Revised Statutes by adding the following words:

Provided, however, That in open steam-launches of 10 tons burden and under one person, if duly qualified, may serve in the double capacity of pilot and engineer.

Mr. FRYE. I move to insert a comma after the word "under," in line 7; so as to read:

Provided, however, That in open steam-launches of 10 tons burden and under, one person, if duly qualified, etc.

The amendment was agreed to.

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

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

BRIDGE ACROSS THE RED RIVER OF THE NORTH.

The bill (H. R. 3876) authorizing the construction of a bridge across the Red River of the North was considered as in Committee of the Whole.

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

The first amendment was, in section 1, line 16, after the word "transit," to insert "of;" in the same line, before the word "reasonable," to insert "such;" in line 17, after the word "rates," to strike out "or tolls to" and insert "of tolls as may;" and in line 19, after the word "rates," to strike out "or tolls;" so as to read:

Said bridge shall be constructed to provide for the passage of railway trains, and, at the option of the said corporation, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers, for such reasonable rates of tolls as may be fixed by the Secretary of War; and the Secretary of War shall have the right, from time to time, to revise such rates.

The amendment was agreed to.

The next amendment was, in section 4, line 7, to strike out "railways" and insert "railway;" so as to read:

Or for through railway passengers or freight passing over said bridge.

The amendment was agreed to.

The next amendment was, in section 4, after the word "purposes," at the end of line 11, to insert:

And all telegraph or telephone companies shall have equal rights and privileges in constructing and maintaining their lines across said bridge.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

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

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. VEST, Mr. SAWYER, and Mr. WASHBURN were appointed.

CHIEF CLERK DEPARTMENT OF JUSTICE.

The bill (S. 584) to amend so much of section 351 of the Revised Statutes as fixes the salary of the chief clerk of the Department of Justice was considered as in Committee of the Whole. It proposes to amend so much of section 351 of the Revised Statutes as fixes the salary of the chief clerk of the Department of Justice at \$2,200 a year, so as to read "one chief clerk, at a salary of \$2,500 a year."

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

MILITARY RESERVATIONS IN NEBRASKA.

The bill (S. 1743) to provide for the disposal of Fort Hartsuff, Fort Sheridan, and Fort McPherson military reservations, in the State of Nebraska, to actual settlers under the provisions of the homestead laws was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 13, after the word "resident," to insert "upon any of said reservations;" so as to read:

That any person who prior to the passage of this act may have become an actual resident upon any of said reservations, with permanent improvements thereon, etc.

Mr. COCKRELL. I move an amendment to the amendment, which I trust will be accepted. The clause reads now:

That any person who prior to the passage of this act may have become an actual resident upon any of said reservations, with permanent improvements thereon.

That would indicate that a man might go there and take possession of the permanent improvements, and thereby become the owner of them. I propose, after the word "reservations," in line 14, to strike out the word "with" and add the words "and may have erected," so that it will read:

Provided, That any person who prior to the passage of this act may have become an actual resident upon any of said reservations and may have erected permanent improvements thereon, etc.

Mr. PADDOCK. That is a very good amendment; I accept it.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Public Lands was, in line 18, after the word "thereunder," to insert "and notwithstanding the inhibition contained in section 2298 of the Revised Statutes;" so as to make the proviso read:

Provided, That any person who, prior to the passage of this act, may have become an actual resident upon and of said reservations, and may have erected

permanent improvements thereon, may, if living, enter one quarter-section of said land, to include his residence and improvements, under the provisions of the homestead laws, notwithstanding he may have previously exhausted his rights thereunder, and notwithstanding the inhibition contained in section 2298 of the Revised Statutes; or, if deceased, his heirs may enter such quarter-section and may perfect title thereto in like manner as if the land had been entered by the deceased settler during his lifetime.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

SEC. 2. That if any of the land in said reservation, on which there are settlers living, with improvements as aforesaid, shall be found to be embraced in a grant for railroad purposes by act of Congress, the tracts so granted may be relinquished by the grantee, who shall be entitled to select land of equal area elsewhere within the limits of the grant, of like character with the land granted by the act, and free from adverse appropriation, and receive title thereto as though originally granted, and the settler, or his heirs, if he shall be deceased, shall, upon such relinquishment being filed, be permitted to enter the tract so relinquished, and to perfect title thereto, in like manner as if it had not been so granted.

The amendment was agreed to.

The next amendment was to strike out section 3, in the following words:

SEC. 3. That nothing in this act shall be construed so as to invalidate any title of settlers heretofore obtained under preceding acts of Congress.

The amendment was agreed to.

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

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

Mr. FRYE. The preamble should be stricken out.

Mr. PADDOCK. I move that the preamble of the bill be stricken out.

The motion was agreed to.

MATES IN THE NAVY.

The bill (S. 303) relating to the pay and retirement of the mates in the Navy was announced as next in order on the Calendar.

Mr. COCKRELL. That had better go over without losing its place. The Senator who reported it is not here.

The VICE-PRESIDENT. The bill will go over without prejudice, objection being made to its consideration.

PRE-EMPTION FILINGS AND PROOFS IN THE NEW STATES.

The bill (S. 3082) to validate pre-emption filings and pre-emption proofs made within the States of North and South Dakota, Montana, and Washington was announced as next in order on the Calendar.

Mr. JONES, of Arkansas. I suggest, in the absence of the Senator who reported the bill, that it go over without losing its place.

The VICE-PRESIDENT. The bill will go over without prejudice.

MARY E. JOHNSON.

The next bill on the Calendar was the bill (S. 2200) for the relief of Mary E. Johnson.

Mr. COCKRELL. Let that go over.

The VICE-PRESIDENT. That bill will also go over without prejudice.

EMMA S. CAMERON.

The bill (S. 1127) to pay Emma S. Cameron, widow of James Cameron, for property taken and used by the Army during the late war was announced as next in order on the Calendar.

Mr. COCKRELL. Let that go over.

Mr. FRYE. I hope the Senator will not object to that bill.

Mr. MITCHELL. I hope so, too.

Mr. FRYE. It is an eminently worthy claim in every respect.

Mr. COCKRELL. I think it is eminently a fraud. That is my private opinion publicly expressed in the Senate, and I have evidence to prove that fact.

Mr. SPOONER. To what case does the Senator refer?

Mr. COCKRELL. I refer to the case of Emma S. Cameron, the bill proposing to pay her \$10,000 for the supposed destruction of property, when the whole property was never worth \$10,000.

Mr. SPOONER. As the bill is not up, this is not a proper time to discuss the case, but I think the Senator from Missouri is very greatly mistaken. I hope the bill may be taken up.

Mr. JONES, of Arkansas. I move that the bill be recommitted to the Committee on Claims.

Mr. MITCHELL. I hope the motion of the Senator from Wisconsin [Mr. SPOONER] to take up the bill will prevail. I believe it is a meritorious measure.

Mr. SPOONER. May not the bill be taken up? Does the Senator from Missouri object to its being considered?

Mr. COCKRELL. I know something about this case, and it can be passed by a majority vote of the Senate. If the Senator thinks that can be done this evening, very well.

Mr. FRYE. Will the Senator allow the bill to be passed over without prejudice?

Mr. COCKRELL. The Senator from Arkansas has made a motion to recommit.

Mr. SPOONER. I think the Senator from Missouri ought to have given the Committee on Claims the benefit of his knowledge.

Mr. COCKRELL. We are trying to give you the benefit of it now by way of recommitting the bill.

Mr. SPOONER. If there is any reason why the bill should be re-committed I should like to hear it stated.

Mr. COCKRELL. The Senator from Arkansas can answer that.

Mr. JONES, of Arkansas. I will state the reason for recommitting this bill. At the time it was agreed to in the committee there were certain circumstances connected with it which led me to doubt the correctness of the claim and to doubt the propriety of the bill being passed. I expressed some apprehension that the claim was not fully understood by the committee.

The property is located in the immediate vicinity of the city of Chattanooga. I know a young attorney, a gentleman of character and standing there, and after the bill had been reported I wrote to him to give me the name of some reputable citizen living in that city who was familiar with the property, who knew the town prior to the war and during the war, and who would probably know the circumstances under which this claim arose. He gave me the names of two or three gentlemen. I wrote to those gentlemen, inclosing copies of the report and of the bill, and wrote them that, while I was in favor of paying every just claim that could be presented against the Government, I did not believe in paying claims which were not just; that there were some circumstances leading me to doubt the propriety of paying this claim, and I should be glad to have the benefit of any information the person addressed might have bearing upon it.

Day before yesterday I received a letter from one of those gentlemen, and I will read it to the Senate as the reason why I believe the bill ought to be further looked into by the Committee on Claims. It is dated Chattanooga, Tenn. It is written on paper of the Rossville and Chickamauga Street Railway Company, of which it seems that R. L. Watkins is president, V. S. Whiteside secretary, and D. W. Hughes treasurer. This letter is from Mr. Watkins, the president of this street railway company. He says:

Replying to your letter asking information about the property of James Cameron, will say that I am quite familiar with said property and facts connected with this transaction.

Said Cameron bought the hill known as Cameron hill from Col. James A. Whiteside just before the late war and paid for it by painting a landscape of Lookout Mountain. The price fixed for said painting was \$1,500, for which the said Whiteside deeded to Cameron the hill in question.

The improvements made by Mr. Cameron in way of buildings would be considered those days worth about \$1,000.

The orchard referred to was in its infancy, having been planted about one year and not on a very large scale.

The general run of the forest growth will average from thirty to thirty-five cords wood per acre. The timber on Cameron hill was rather inferior, as it always is on knobs of this character. The best and most thrifty timber is found in low lands.

The said Cameron had taken considerable timber from the land in making improvements mentioned before.

Just before the death of Mr. Cameron he sold the hill for \$10,000.

This information is in no way private and you can use it as you may desire.

Yours, truly,

R. L. WATKINS.

I said to him in my letter that if in the information he gave me he desired not to appear as a party I would not make any use of his information except for my own personal use. In reply to that he says what I have just read to the Senate.

As the Committee on Claims reported the bill to pay \$10,000 for the wood taken from this land at the time, under all the circumstances, it seems to me it is a proper matter to send back to the committee for further investigation. I would not deprive this claimant or any other claimant of a dollar of money that is justly due, but I do believe that it is the duty of this body and the duty of every committee of this body to carefully and impartially investigate each one of these claims and to know they are right before calling on the Government to pay the money. For that reason I ask that the bill go back to the Committee on Claims, that it may be further investigated.

That committee is not in the habit of passing upon bills hastily. The papers as they are now in the committee, the claim as it is made upon them, makes a good case apparently on its face, but there were certain circumstances in connection with it that led me to doubt the propriety of paying this claim. Hence I wrote these letters.

Of course, it is a matter of no concern to me. I know nothing of any of the parties. The lady who is the claimant here has been to see a number of Senators, who have called on me and talked to me about it and told me that she has impressed them as being a lady of merit and character and all that, but this has nothing to do with the merits of the claim. While I might have the greatest sympathy possible for this woman or with anybody else making a claim here, each one of these things ought to stand on its own merits; and we owe it to the Government of the United States that we shall know positively that it owes money before we proceed to pay it.

Under these circumstances, with this statement made by a man who comes to me vouched for by one whom I know as a reputable gentleman, I think that this case ought to be looked further into by the Committee on Claims before this body agrees to pay \$10,000 as the value of the timber taken from this land. The estimate he makes is that the timber would be perhaps from 30 to 35 cords to the acre. The estimate that we made upon the evidence as submitted to the committee

was about 300 cords to the acre. It makes a wide difference. The claim was that there was a very valuable orchard there, but it turns out to be an orchard a year old. That certainly could not be of any very great value.

Under the circumstances, for the purpose of arriving at what is precisely just and fair, I ask that the matter go back to the Committee on Claims.

Mr. SPOONER. I do not like to resist the application of any member of the Committee on Claims for the recommittal of a bill which that committee has reported, in order that it may have further investigation, if a good showing for such recommittal is presented to the Senate, and I do not know that I shall resist the motion of the Senator from Arkansas to recommit, but I am not willing that this claim shall go back to the Committee on Claims denounced as a fraud, a fabrication, without a word of explanation of the claim.

James Cameron, the husband of the claimant—and I agree with the Senator from Arkansas that the personality of the claimant should have in no case anything to do with the claim—was a minister and an artist. Before the war broke out he purchased this hill, a very sightly place, consisting, I think, of about 37 acres, overlooking Chattanooga. I am informed by the claimant, Mrs. Cameron, that the statement contained in that letter, that her husband paid for this property with a painting of Lookout Mountain, valued at about \$1,500, is in no sense whatever true.

The report states, and I was satisfied for one that the report was warranted in that statement, from the papers before the committee, that they had made considerable improvements upon this property. They built a house. He had there a studio. They had, I think, fair out-buildings.

When the war broke out and during its progress, it became necessary for our troops to take possession of that property. The timber upon the land was used, some of it in building Fort Cameron, a fortification necessary to be constructed upon that location. The rest of it was used by the Army for fire-wood. Some of the out-buildings were destroyed, as the report states and the letters show, in order to furnish fuel for hospital and other army uses.

These people were loyal people, devotedly so. They were obliged to leave there shortly after the commencement of the war, and did not return except to bring away from there the dead body of Mr. Cameron's mother. They found the property at the end of the war practically ruined, the houses partly destroyed, the timber gone. They found it a waste. There can be no question about that. Its occupancy by troops for the time it was occupied by the Army would prove that without necessity for summoning any witnesses.

General Rosecrans, who sent a communication to the committee on the subject, was in command of the troops at the time. He ordered by special field order No. 69 an assembling of a commission of officers to adjust claims against the United States. Mr. Cameron and his wife filed their claim before the commission, in which they claimed as the amount due them about \$24,987.50. The officers, examining the case, as I presume they did, came to the conclusion that that was four thousand and some hundred dollars too much, but awarded to them \$20,000. Presumably they were honest men and intelligent men. They were upon the spot. They had been there during the occupancy by the troops of this property. They knew more about it, I take it, at that day, and about the damage which had been done to it and the fair measure of compensation to be given to these people than the writer of the letter submitted to the Senate by the Senator from Arkansas.

The committee, however, while they were willing to give weight to that finding, although the evidence taken by the commission was not fully set out, were not prepared to allow the sum found due by the commission for the reason that there seemed to enter into that finding the value of some property which was used in constructing fortifications, and that we have never been willing to make payment for.

Mr. President, the property was sold in 1871, not for \$10,000, but, I think, for over \$7,000, in its dismantled condition and in the then condition of affairs in that region. I have a letter on my table here written by a gentleman who I think is a responsible man to Mrs. Cameron, whose husband I think had then died, stating that an offer was made of \$10,000 for the property, and that she could obtain, he thought, \$12,000 for it; but a man there who had dealt with other agents of hers claimed to have made a bargain at less than \$10,000, and she was confronted with the alternative of a sale of the property at that price or of a lawsuit, and she chose to part with it at that price. She has had reason to believe—and I state this though it is not material to this inquiry—that the agents were also interested in the purchase; and the property which sold for this sum afterwards became worth, by reason of the discovery of iron in it, a very large sum of money; but that has nothing to do with the merits of this claim. We took into consideration the letter of General Rosecrans; we took into consideration two autograph letters written to her by General Grant, which I will read in the presence of the Senate.

HEADQUARTERS ARMIES OF THE UNITED STATES,
City Point, Va., August 9, 1864.

MY DEAR MADAM: Your letter of the 8th of July was duly received, but not so promptly answered. I know yours to be a case where prompt payment should be made and am willing to indorse your claim.

Mr. COCKRELL. No amount is stated there.

Mr. SPOONER. I will say a word about the amount in a moment. The claim was denounced by the Senator from Missouri as a fraud.

Mr. COCKRELL. I think it is in amount.

Mr. SPOONER. But General Grant did not think so.

Mr. COCKRELL. I say it is a fraud in the amount; that the amount is exaggerated.

Mr. SPOONER. Let us see about that. I think the military commission had better facilities for ascertaining accurately what amount ought to be paid than the Senator from Missouri or myself. They met there and sat there under the obligation of an oath, as well as bound by the honor of gentlemen and officers to do what was right and honest between the United States and these claimants, and they allowed upon this fraud, as it is called here, \$20,000. I proceed with General Grant's letter:

I believe that your property at Chattanooga has been appraised by a board of officers. If so, send me the proceedings of the board and I will make my indorsement and return them to you. If you have no such evidence of the claim, inform me and I will order a board to assess it and will indorse the proceedings. This will be the first step toward a collection.

Yours truly,

U. S. GRANT.

MRS. CAMERON.

That letter is dated August 9, 1864.

Here is another:

HEADQUARTERS ARMIES OF THE UNITED STATES,
City Point, Va., October 23, 1864.

I know the property within described and the parties owning it well. Mr. Cameron and his wife have been unflinching friends of the Government from the beginning of our troubles to the present day. There are no more thoroughly loyal people anywhere in the North, and they are entitled to protection and pay for their property converted to Government use. What is now known as Fort Cameron, Chattanooga, was the private property of Mr. Cameron. From its elevated and commanding position it had to be taken and fortified. By this means the entire property, with improvements, has been entirely destroyed for private use. I would recommend that the property be purchased at a fair valuation for Government use.

U. S. GRANT, General.

Now, Mr. President, with the calculation we could make and the information we had upon the subject, taking into account the fact that this board had very many years ago awarded to these people \$20,000, not being able to determine how much of it—although we had no reason to think half of it—had entered into the construction of the fortifications, we cut it in two and allowed her \$10,000. If we had allowed her but three or four thousand the interest on this money due her many years ago from the Government of the United States would amount to \$10,000 now.

Mr. COCKRELL. Do you report in favor of paying interest on claims?

Mr. SPOONER. No, sir; we do not. This great Government exacts interest on whatever claim is due to it, but it does not pay interest. We thought, however, as a matter of equity, as a matter of justice to this claimant, now a widow, desolate, bereft, poor, advanced in years, her loyalty vouched for, the statement of General Grant that her property was ruined for private use, if we cut the amount awarded by that commission so many years ago in twain and gave her \$10,000, it would be a fair measure of compensation.

If there is any reason why the committee should give the claim further consideration, be it so; but the value of the property at the time is not the measure of damages here at all. The difference between the market value at the time the Army occupied it and the market value at the time the Army left it would not be the measure of damages. The Army took the buildings, the Army took the wood, and the value to the Army of the wood at the time, the market value in the vicinity of that great city, would be a fair measure of damages.

This lady has no one to aid her. She has waited a great many years for what was due her, and it seemed to the committee and it seems to me now—and I have considered the statement of the Senator from Arkansas, who is, of course, sincere and desires to do only justice both by the people and by this claimant—that this bill, as it is reported by the committee, is one which ought to be passed.

So far as we depend at all upon statements of the claimant, the Senator from Vermont who has known of her for many years—I refer to Mr. EDMUNDS—informs me upon consultation with him that she is a lady to whose statements entire credit is to be given, and I have seen no effort anywhere among these papers to enlarge in any way this claim from what it ought to be upon its merits. Now, whether my friend from Missouri, in whose judgment I have great confidence as well as in whose fairness I have the utmost confidence, thinks or not that the sum is too large, I know he will not think the claim is a fraud or that the committee has carelessly and without due consideration presented this matter to the Senate.

It came before the Committee on Claims at two different meetings, some objection being made, I think, by myself at the first meeting. It occurred to me that we perhaps should send it to the Secretary of War to be investigated, but the transaction took place many years ago, and it is very difficult, as the Senate knows, to get accurately at the situation now, and we felt that we might at any rate be guided somewhat by the findings of the board and the statements of General Grant and General Rosecrans, and that if we cut it down one-half it would or

ought to satisfy the conscience of any Senator, however strict he might be.

Mr. DAVIS. What testimony did the committee have before it as to the amount which should be awarded?

Mr. SPOONER. The statements of Mrs. Cameron and other statements as to the general character of the property and the growth of the timber which was upon it. We had in another case before the committee a claim for timber taken upon land adjacent to Chattanooga, and I think it was investigated by the Department for some time, and the testimony showed a very large growth of timber upon the land in that case, and we felt quite warranted in concluding, taking the case all in all, that this was a fair allowance.

Mr. JONES, of Arkansas. Mr. President, if this claim is fair, if this is a fair equivalent for the damage done this property and for the articles taken from it by the United States Army at the time, a further investigation will only establish that fact, and every member of the Senate will be satisfied of the fact when it has been fully explained and made known.

The Senator who has just addressed the Senate, speaking of the valuable timber in the neighborhood of this great city, seemed to forget the fact that during the war and at the time of the war Chattanooga was not a great city. It was a town of less than 5,000 people. After the close of the war and after iron was found in the neighborhood there was a very considerable excitement, or boom, as it is familiarly called, and it has grown since to be quite a city. But we are dealing with this property as it was at the time this transaction occurred.

The Senator states that the military officers at the time found that this property was worth \$20,000. We all know how such examinations were made. Military boards were appointed at every post occupied by the Federal Army, and they were directed to inquire into these cases. They could not in the nature of things go into all the details and find out all the exact facts, but they generally made reports on the claims as presented by the parties.

One circumstance in this case which has caused me to suspect its honesty and its fairness is the fact that while these people were claiming that they had \$20,000 worth of property taken from them and that their loyalty was perfectly well known, was entirely established, and was recognized by General Grant and by General Rosecrans, there were no vouchers given for this property by the officers who received it. Everybody in this Chamber knows that the universal and unvarying rule was for the Federal Army, when taking supplies for the Army from people known to be loyal, to issue vouchers in every instance, and when those vouchers were not issued, when these people did not claim their vouchers from the officers who took the quartermaster's stores, there must be some explanation.

Mr. SPOONER. The explanation is that the people were not there then. The Army was the only tenant of the property.

Mr. JONES, of Arkansas. I was just going to say that. The Senator said that when this board was appointed to ascertain the damage this gentleman and his wife presented their claim. If they were there, in the name of all that is good and holy, to present the claim, why were they not there to ask for vouchers for the property that was taken?

Mr. SPOONER. There is no evidence that they were there to present the claim.

Mr. JONES, of Arkansas. I was going by the Senator's statement in the Senate that this gentleman and his wife presented their claim.

Mr. SPOONER. I do not know whether they did it by a lawyer or through the United States mail or how it was done.

Mr. JONES, of Arkansas. If they were able to present the claim by a lawyer they were sufficiently in communication with Chattanooga to ask for vouchers for their property when it was taken.

Mr. President, I submit that under these circumstances it does seem to me that there is reason why the committee should look further into this claim. Sending it back to the committee in no wise damages it. The committee that has once reported the bill favorably will certainly report it again favorably, if further investigation shows that the claim ought to be paid; and, if it ought not to be paid, then the bill should not pass, whether it goes back to the committee or not.

Mr. FRYE. One moment, if the Senator will allow me. Mr. President, under what rule is this discussion proceeding?

The VICE-PRESIDENT. The discussion is proceeding by unanimous consent.

Mr. FRYE. The Senator from Wisconsin [Mr. SPOONER] occupied a good deal more than five minutes, the Senator from Arkansas [Mr. JONES] has spoken twice, and the Senator from Missouri [Mr. COCKRELL] objected to the consideration of the bill.

Mr. JONES, of Arkansas. I am willing to yield the floor. I hope there will be a vote on my motion to recommit the bill.

The VICE-PRESIDENT. The question is on the motion of the Senator from Arkansas.

Mr. ALLEN. Mr. President, I wish to say a word in regard to this claim.

As a member of the Committee on Claims, I examined the papers in relation to this case with a good deal of care, and I wish to state that the property known as Cameron Hill consisted of 40 acres of land. At the time it was taken possession of by the Government troops it was in

an excellent state of repair. It was surrounded by a substantial fence. There was a commodious building upon it built of concrete. There was also a studio on the ground and there were numerous out-buildings, including a barn and other improvements. There were 2½ acres on the premises planted in orchards and vineyards, which, though young, were in prime condition.

About 37 acres of the land were thickly covered with a forest of large oak trees, and there is a concurrence of statement from almost every one who has spoken upon the subject—and certainly there were a large number of statements in regard to it—that very few localities in the vicinage of Chattanooga had so noble a growth of oak forest upon it as Cameron Hill, and I think there is a concurrence of three or four witnesses at least that the average yield of the timber on this land was not less than 300 cords per acre.

Mr. JONES, of Arkansas. If the Senator will allow me to interrupt him I should like to call attention to the fact that the Senator from Maine [Mr. FRYE] cut me off in the midst of what I had to say on the ground that this debate could not proceed any further.

Mr. SPOONER. The Senator from Maine has gone out now, so that the Senator can proceed.

The VICE-PRESIDENT. The Senator can only proceed by unanimous consent.

Mr. FRYE. It is the first time the Senator from Maine ever objected to anything in the United States Senate, and he retires to the cloak-room now and allows things to go on.

Mr. ALLEN. I wish to add further that from General Grant and General Rosecrans and various other officers there is this concurrence of statement that this hill was grown over with oak of this character. I think the testimony was conclusive that it would have yielded 300 cords of wood per acre.

At that time, Mr. President, the city of Chattanooga was beleaguered so that the Union troops were dependent almost entirely upon the timber grown upon this land to such an extent that they not only consumed the trees themselves, but they actually were compelled to dig up the stumps for the necessary purpose of fuel. The fences were consumed, the barn was consumed, the out-buildings were all consumed, and I think there is a great concurrence of testimony that the valuation of \$1 per cord was a small valuation for this timber under the circumstances.

No allowance was made for the orchard as such, no allowance was made for the buildings and improvements as such, but it was simply placed upon the standard of value of wood and forage for the use of the Army at that time.

Now, one word in explanation of why the vouchers were not issued. The fact is that immediately after the commencement of the war this lady went to the North, where she became actively interested for the welfare of the soldiers; that her husband was driven from the place of his home; that neither of them returned up to the time the award was made by the military commission.

Further than that, this commission not only found the damage to this property equal to \$20,000, but they made the further finding that this property was of the value of \$31,000, and advised that the Government should purchase it for that price. The committee dealt with this claim in this manner: They felt that this lady, as General Grant said, was a most deserving person; that she had long been kept out of her meritorious claim; that the military tribunal, which was on the ground at the time and familiar with the circumstances, making her an award of \$20,000, were really within the bounds of moderation, and the committee felt that they awarded this lady far less than she was entitled to in giving her \$10,000; but in consideration of her advanced age and her personal needs they felt that it was wiser and better, although inadequate to her, that an allowance of \$10,000 should be made.

Mr. DOLPH. I should like to ask the Senator if this bill has not once passed both Houses of Congress for a smaller amount.

Mr. ALLEN. At one time it was presented to the Committee on Claims and reported favorably for \$10,000, and passed the Senate for that amount. It was presented to the other House, but I think on the vote being taken a quorum was not present. I am advised, however, that the majority vote was in favor of the allowance of the claim.

The VICE-PRESIDENT. The question is on the motion of the Senator from Arkansas [Mr. JONES].

Mr. COCKRELL. Mr. President—

The VICE-PRESIDENT. The Senator from Missouri can only continue by unanimous consent. Is there objection?

Mr. BLAIR. I hope this case may be concluded after all this debate. I hope there will be no interruption of it.

Mr. COCKRELL. I simply desire to say that I meant no reflection upon the committee in any way. I know they have done the best they could, but they are fallible, like all Senators and all committees, and it is not the first time that a committee of the Senate has reported in favor of the loyalty of a claimant or in favor of a given amount and been very egregiously disappointed by afterdevelopments. I could run over and bring to the notice of Senators a number of cases where the Senate committees and the most cautious Senators we have ever had upon this floor have reported very strongly in favor of the loyalty

of certain parties and have reported bills to pay them large sums, and subsequent facts have developed that the claimant was not loyal. I happen to hold in my hand now a report that was made by the late Senator Sargent, of California, a very painstaking and careful man, in the Forty-fourth Congress, Senate Report 638, in which he reported favorably Senate bill 932 to pay to David De Haven the sum of \$87,000. That bill was reported favorably, everybody believing the report upon it correct, but it turned out that the claimant had been in the rebel army during the war.

I believe a number of reports have been made here in a case that was probably recommitted the other day, the case of Maddox, in regard to loyalty. I remember a case where one of the members of the Southern Claims Commission stated that it was one of the best proved claims that had been presented to them, one from the State of Tennessee, this same State, for \$40,000. It was so absolutely and fully proved in every respect that they sent a special agent to make the investigation, and when he made the investigation he found the claimant living upon a little farm and that he had never had in all his lifetime \$4,000 worth of property, much less \$40,000 worth.

I am disposed to regard these amounts as exaggerated, and I think the sum is exaggerated in this case by every possible rule of ascertaining and fixing values, and that is what I mean by charging a fraud; I mean that it is excessive. I do not know this lady and never heard of her until I saw her name, and I know nothing in regard to her claim, but I do not believe you could find an acre of timber land at that time around Chattanooga that had 300 cords of wood upon it; that country did not have that kind of timber land.

One point the chairman of the committee made, and that was about the valuation—

Mr. DAWES. I am anxious to get at the real facts in this case, and I should like to ask the Senator from Missouri what personal examination he has been able to give the case.

Mr. COCKRELL. I have examined the reports here, and I have had some other information in regard to the value of the property, and I think the valuation is totally out of all proportion to the true facts.

Mr. DAWES. It seems to me the Senator should give the Senate the benefit of his information.

Mr. COCKRELL. All the information has already been given to the Senate by the Senator who has made the motion to recommit.

Mr. DAWES. It is not that to which I referred. I wanted to ascertain, because the Senator speaks with great confidence about this matter—

Mr. COCKRELL. I speak upon the facts right here.

Mr. DAWES. If the Senator will indulge me, the Senator speaks with great confidence, and I know the Senator is not in the habit of speaking unless he feels that he has something behind it on which to base it, and that is the reason in good faith that I ask him what the evidence is upon which he speaks with such confidence.

Mr. COCKRELL. I have seen some of the timber in that country, and I do not think I ever saw an acre of it on hill-land that would produce 300 cords of wood. The valuation must be determined at the time the property was taken. As a matter of course, the valuation should be at that time. It could not have risen much in value from the time it was purchased in 1859 to 1860 up to the time it was taken. There could not have been any great increase in valuation, any great appreciation in that section of the country during that period.

The price paid for the property at the time it was purchased by the Camerons would be something of a test as to the value of the soil and the growth upon it; and when the soil and all the buildings did not cost over \$2,500, to say that the timber, even with the soil and everything there cleared up and ready for cultivation, if it is tillable soil, was worth \$300 an acre, is certainly a preposterous proposition to my mind.

The VICE-PRESIDENT. The question is on the motion of the Senator from Arkansas to recommit the bill.

Mr. PASCO. Before this discussion closes I wish to say a few words. I felt it my duty to differ with the majority of the committee with reference to the amount allowed to this lady. I did so because, in investigating a case that arose in that section of country at or near the same time, the amount which was found to be due was very much less. The case was that of William Clift. He lived in that section of country. We passed a bill in the Senate at the last session in his favor, and another at the present session. He is at the present time ninety-seven years old, an old Union soldier. He raised a regiment in that section of country. His claim, so far as the merits of the individual are concerned, was entitled to as much favor as any claim that could possibly be presented to the Senate. He owned a lot of land immediately adjoining the city of Chattanooga, and it became my duty as a member of the Committee on Claims to investigate his case. He first put in a claim for \$19,545. It was cut down by the Quartermaster's Department and by our committee to \$3,000. The amount that was reported in his favor by the agent was based upon the idea that the land was well wooded, and part of it would have yielded 45 cords to the acre. It was considered by the Quartermaster's agent that that, for a well wooded tract, was a fair and liberal estimate of the quantity of wood. They allowed him for the wood at the rate of 75 cents a cord. That gave the old man something in the neighborhood of \$9,000.

Mr. SPOONER. How many cords to the acre?

Mr. PASCO. Forty-five.

Mr. SPOONER. How far was that from Chattanooga?

Mr. PASCO. Immediately adjoining the river, and some across the river.

Mr. SPOONER. In what year was that?

Mr. PASCO. During the war in 1863 or 1864, about the same time as this taking occurred. If that was enough in that case, if that was a proper estimate, as our committee and the Senate then determined it was, surely the amount allowed to this lady is a great deal too much.

I understand the quantity of land on the Cameron tract is some 40 acres. The quantity of land this old man had was 480 acres in one lot and 123 in another. He had a half interest in it. The 123 acres were not as well timbered as the 480 acres, and all that he got for the timber, or nearly 300 acres of land, his share was \$3,435.23. If that was a just action on the part of the Senate in reference to that claim, the amount reported in favor of this lady is altogether too excessive; and it is for that reason that I was unable to agree with the majority of the committee in making the report.

The matters which have been brought to the attention of the Senate and the correspondence which the Senator from Arkansas has entered upon since that time were not before the committee; but the figures furnished from Chattanooga, which the Senator from Arkansas showed to me a few days ago, correspond nearly with the figures which we allowed in the Clift case. Under these circumstances I think it would be well for the committee to have the case referred back to them in order that they may consider this further evidence that has come to us.

I should cheerfully have united in the report of the majority if I could have done so, but, in the light of the investigation which I made myself, and the conclusion which was reached, and which was favored by the unanimous vote of the committee in the case to which I have referred, I was unable to agree with the report as prepared by the Senator from Washington [Mr. ALLEN], and I still fail to see that it is a just report. I think this lady has a meritorious claim; I think it should be paid, but I think the amount of \$10,000, which this report gives to her, is altogether more than the facts in the case will warrant us in voting as a fair and just settlement of the case.

Mr. SPOONER. Mr. President—

The VICE-PRESIDENT. The Senator may proceed by unanimous consent.

Mr. SPOONER. I pause for an objection. I will not take much time of the Senate.

Mr. FRYE. I want the Senator from Arkansas [Mr. JONES] to be permitted to finish his speech which I interrupted.

Mr. SPOONER. I will wait for the Senator from Arkansas.

Mr. JONES, of Arkansas. Never mind. I was cut off and I do not care to proceed now.

Mr. SPOONER. I was not aware that the Senator from Maine had returned to the Chamber or I should not have addressed the Chair.

Mr. FRYE. He is harmless now. [Laughter.]

Mr. SPOONER. Mr. President, I am very suspicious ordinarily of these old claims growing out of the war. I have spent a great many nights and a great many weeks and I may say a great many months since I have been chairman of the Committee on Claims, exploring old records and going through voluminous papers to test the findings of the Court of Claims on the question of loyalty, and to be able, if I could, to furnish to the Senate some data for a fair judgment upon these claims.

More than once the Senate has accepted the judgments of military tribunals, officers of the United States sworn to discharge their duties and so situated as to be able at the time to arrive at an intelligent conclusion, as sufficient evidence for the basis of action on the part of the Senate. Sometimes we have rejected the findings of the commissions, and we rejected them in part in this case. But neither the committee nor the Senate would be justified in entirely ignoring them. The very fact that the commanding general ordered the commission to convene in order to determine the claims of loyal people and to proceed to an ascertainment of the measure of damages in those cases and that they took jurisdiction of the claim of James Cameron and made an award is sufficient evidence, it seems to me, to the Senate that there is some foundation at least for this claim.

I am not certain that we should not have been warranted, in view of the fact that the testimony did not accompany the award of the military commission, in placing the amount to be appropriated to this lady at the sum found due by the commission. I have found nothing which would warrant me in impeaching either the intelligence, the accuracy, or the integrity of that board of officers, ordered away back in the years of the war to determine this question of fact upon the spot. But there entered into their determination an element, as I stated to the Senate a few minutes ago, of compensation for property used in erecting a fortification when the war was raging, and for that we have never been in the habit of paying, nor can we now adopt a policy which involves payment for property so used; so we eliminated from this finding, so far as we took it as a basis of action, one-half of what the military commission found to be due.

I hope my friend from Missouri [Mr. COCKRELL] did not intend to intimate that there was any doubt about the loyalty of this woman. I

know that sometimes the Senate and the Senate committees have been mistaken on the question of loyalty. I know that sometimes the Court of Claims has been mistaken on the question of loyalty. Loyalty is a sentiment, and if a man committed no overt act evidencing disloyalty and he swears after a lapse of years that he was loyal, it is exceedingly difficult to disprove it, and because of the difficulty of disproving it I believe thousands and hundreds of thousands of dollars have been paid by the Government to men alleged to have been loyal who in fact were disloyal in the extreme.

But there can be no question as to the loyalty of this claimant and her husband. In this case, General Rosecrans was there; he knew them, and he has written a letter to the committee stating his personal knowledge of their loyalty. General Grant, though dead, yet speaks, Mr. President, to the loyalty of this woman and to the loyalty of her husband, and his testimony should not be lightly set aside on any suggestion of the kind made by the Senator from Missouri. General Grant speaks from personal knowledge.

These were not Southern people. These were people who went from a Northern State, a loyal State filled with loyal people, sending forth regiment after regiment to maintain the Union and to defend our flag. They had gone there only a few months, or at best a few years, before the war broke out, and immediately after the outbreak of the rebellion they left there and came to the North, where this claimant through years testified by her daily life and her devotion to the Union soldiery, not only her fidelity to the Union, but her love and her gratitude to the soldiers who were endeavoring to maintain and preserve it.

It will not answer to suggest here upon anything in these papers or I believe in any which can be brought before the Senate that there is any possible impeachment of this woman's loyalty.

I care not what they paid before the war for this property. I am informed by this lady that the statement made by the street-railway company officer in Chattanooga that her husband obtained it in exchange for a picture valued at \$1,500, or any sum, is in fact not true. They bought it, they owned it, however they paid for it. They were entitled to keep it. They builded themselves a home on it, and they were driven away from it by the war and the occupancy of that property by our Army.

The value of the property at the time the war broke out, the value of the property when this woman was cheated out of it, as I believe she was in 1871, is not the test which is to guide the judgment of the Senate. The value of the property which the Government took, the value of it for the use of the Army, is the rule which has been applied by Congress. And, Mr. President, when the Army of the Union was in such straits for fuel that it must dig up the very stumps upon this land and use them for fuel in the hospitals, wood must have been worth something in the market there.

The Army occupied the property. These people were deprived of its use. We do not allow for that, but it was a damage to them, as has been stated, and well stated, by the Senator from Washington [Mr. ALLEN]. It seemed to the committee that we might fairly cut in two (being generous to the Government and possibly unjust to this claimant) the award made by the military commission with all the facts before it, and allow this claimant \$10,000.

This value is a matter of opinion, and in many cases of alleged Unionists from the South, whose claims are reported to the Senate and passed by the Senate, there is doubt as to the accuracy of the estimate of damages. That is true in cases of claims for rent and occupation. That is true as to property taken, as quartermaster's stores, and commissary supplies, horses, mules, crops, pork, bacon, anything that is taken for the Army. This matter of value being a question of opinion, this committee got at it, guided somewhat by the statement of General Grant, somewhat by the statement of General Rosecrans, and somewhat by the finding of the military commission, and to some extent by the statements of the claimant.

It is a matter of some consequence whether this claim be sent back to the committee. If the Senate is fairly in doubt as to the amount, if the Senate believes the committee has not been as careful as it ought to have been, that we can get at this more exactly, then the bill should be sent back to the committee; but I do not believe the committee can do any better by any testimony which will be furnished than it has done. For one, I have no hesitation in saying now that I value more the testimony of General Grant upon the general subject and I value more the finding of the military commission assembled at the spot, personally cognizant of the facts, than I would a thousand letters after the lapse of years from gentlemen in Chattanooga giving their recollection as to just how many trees there were on that hill or of the value or character of the improvements that were upon it.

It is a matter of some interest to this woman whether this claim is to be sent back to the committee and a further investigation is to be made, or whether it may be sent to the other House and put on its way either to success or to defeat. There can be another investigation there. The Senator from Arkansas, if he deems, as I do not, that additional investigation is necessary, can bring these letters and such further correspondence as he may be able to obtain to the attention of the Committee on War Claims in that body.

As one of the members of the Committee on Claims, I never have

seen reported from that committee a bill which I felt better warranted in urging upon the favorable consideration of the Senate than I do this bill. The loyalty of the claimant is established, and if anything can be established the value which has been reported by this committee is properly established.

Mr. PASCO. I did not understand that this was a question involving patriotism. My understanding was that it was a question as to the price of wood.

Mr. SPOONER. I was replying to the suggestion made by the Senator from Missouri upon that subject, whom, I want to say, I did not understand as reflecting upon the committee. I know the Senator would not do that.

Mr. PASCO. I wish to say, so far as the question of loyalty is concerned, that no better case has ever been presented to the Senate than that of the old man to whom I have referred, and the remarks made by the Senator from Wisconsin coming so soon after the few words I said might seem to have some reference to his case. So I will read his record as we found it:

The claimant [William Cliff] was from the beginning of the war one of the most ardent and uncompromising Union men in his section of the country.

Mr. SPOONER. If the Senator will allow me to interrupt him, I had no reference whatever in what I said to the case to which he refers.

Mr. PASCO. I will read it, as I commenced, but I am glad the Senator did not intend such a reference:

In 1862, when over sixty years of age, he raised a regiment in his neighborhood, and, notwithstanding the efforts made by the rebels to prevent him, he took said regiment into Kentucky and joined the Union Army, returning to Chattanooga as colonel of the same, with the advance of that Army in 1863. He was subsequently captured and taken to Atlanta, where he was put in irons and held as a hostage; making his escape, he succeeded in reaching his home after many hardships and privations. From a severe cold contracted during this journey his health was seriously affected, and he lost the sight of one of his eyes.

The claim of this old man was for \$19,545. When the agents of the Quartermaster's Department came to act upon it they at first cut it down to \$9,022.50, and when we came to act upon it we cut the old man's claim down or at least it was cut down a piece at a time until finally the allowance was reduced to \$3,435.23. He is now ninety-seven years old and he has been striving here since the war to get his claim allowed, and he is still without his money. If patriotism is to be paid for, if loyalty to the Union is to be paid for, it seems to me we ought to pay that claim at \$50,000 instead of \$3,000. But if we can only deal with these questions as our committee deals with them, according to the law and the evidence, according to the facts laid before us, if it comes down to the question of how many acres of land there were, how much wood there was upon it, and how much that wood was worth, these facts would not justify finding the sum of \$10,000 due to this old lady. But if, according to the speech of the Senator from Wisconsin, we are to pay for patriotism and for loyalty, then we ought to give her at least \$10,000, but not for wood.

The VICE-PRESIDENT. The question is on the motion of the Senator from Arkansas [Mr. JONES] to recommit the bill to the Committee on Claims.

The question being put, a division was called for, and the ayes were 9—

Mr. HOAR. I hope Senators will not insist on the division, because that will end our business for the day.

Mr. HARRIS. I shall demand the yeas and nays if the division shall fail to show a quorum.

Mr. CHANDLER. I ask whether it is in order to object to this bill now.

Mr. JONES, of Arkansas. My proposition was to send the bill back to the committee that considered it, so that it might be further investigated. I believe that is right, and believing it to be right I can not yield to anything else.

Mr. FRYE. If the bill does go back, I want to express my earnest desire and hope that the committee will report what is adequate and reasonable, which in my judgment is considerably more than \$10,000.

Mr. HOAR. I wish to make a suggestion. I know nothing about this bill and never heard of it before this debate. I wish to make a suggestion to the Senator from Arkansas, and that is that the bill go back with the unanimous consent of the Senate that the report of the committee when made take its place upon the Calendar where the present report is. That will enable the committee to re-examine the matter, but it will not kill the bill by putting it down to the heel of the Calendar. I ask unanimous consent for that.

The VICE-PRESIDENT. Is their objection to the request of the Senator from Massachusetts?

Mr. SPOONER. I want to say a word about that. I asked the Senator from Arkansas to withdraw his motion to recommit the bill to the Committee on Claims. If the Senate desires a further investigation of the claim, which I do not think can be well made by the committee, I will draw an amendment to the bill so as to provide, as we have done in many other cases, that the Secretary of War shall investigate the case and shall pay to the claimant such sum as he shall find to be due. If further investigation is to be made, it should be done elsewhere, as we can not call witnesses nor send any one to the locality. We have to rely entirely upon letters, and, with no opportunity for ex-

amination and cross-examination, it is neither fair to the Government nor to the claimant, and instead of sending the bill back to the committee, if the Senators desire further investigation, I prefer to draw an amendment to the bill sending the case to the War Department to investigate it. Will that be satisfactory to the Senator from Arkansas?

Mr. JONES, of Arkansas. I should agree to that, provided that a provision was put into the bill that the finding should not exceed the present report of the committee.

Mr. SPOONER. I would not agree to that.

Mr. HOAR. I withdraw my request for unanimous consent.

The VICE-PRESIDENT. The question recurs on the motion of the Senator from Arkansas to recommit the bill.

Mr. HARRIS. I wish to suggest to the chairman of the Committee on Claims and the Senator from Arkansas, as there seems to be a disputed fact in respect to this claim, whether it would not be well to refer it to the Court of Claims—

Mr. FRYE. That would be ruin.

Mr. HARRIS. To take testimony and determine the facts of the case upon all the testimony the Government and the claimant may submit. I simply make the suggestion. I make no motion, but it seems to me it is a very proper case to be referred.

Mr. SPOONER. I think it will hardly be fair to send this woman, penniless as she is, unable to employ counsel and to hunt up testimony, to the Court of Claims, after waiting all these years. An investigation by the War Department is found to be adequate foundation for the 4th of July claims bill which is sent in here every year, embracing a considerable number of claims from Tennessee and other Southern States, and my observation, without intending to reflect upon the Court of Claims, is that I would prefer in all these cases an investigation by the Quartermaster's Department rather than an investigation here at Washington by the Court of Claims, and for that reason I prefer to take the other course.

Mr. TELLER. I do not desire to discuss this bill. We were to proceed to-day under Rule VIII, and we have practically lost the day by a violation of the rule. If we are to proceed next Saturday with the Calendar, I want to give notice now, so that nobody will regard it as a personal affront if I interfere with him, that I shall object to any debate more than five minutes, and I shall object to any Senator's occupying the floor more than once on a bill, and I shall object to any motion of this kind being interposed, because it is contrary to the rule. The rule is, simply, when a bill is before the Senate that we shall proceed to debate it for five minutes, and on objection it must go over. Unless we adhere to this rule in some way, we shall do no business on Saturdays.

Mr. SPOONER. If my recollection is not altogether out of gear, the Senator from Colorado has occupied the floor more than once on a bill this afternoon.

Mr. TELLER. I did not, except by way of reply.

Mr. SPOONER. I did not, except by way of reply, either.

Mr. TELLER. I will insist upon the rule hereafter.

Mr. HARRIS. I am not absolutely sure as to the character of evidence upon which the War Department or any other Executive Department proceeds in the examination of claims, but in the Court of Claims testimony is subjected to all the tests of verity; witnesses are examined and cross-examined, and each side has a right to be heard by the introduction of testimony. There have been a large number of claims referred to the Court of Claims. It has, according to its own rules, examined them; it has, according to its own rules, decided, and, in the light of such testimony as has been taken pro and con, it has reported in respect to a large number of claims.

Now, I am inclined to believe that when a court charged with the duty of investigating, possessing the power of summoning and examining witnesses pro and con and cross-examining them, has decided in respect to matters of claim it is more worthy of the respect of Congress than the report of any committee or Department which bases its action upon *ex parte* affidavits.

There were a large number of claims reported to the last Congress from the Court of Claims. There are a large number reported to this Congress from the Court of Claims, but the Committee on Claims of this Congress, so far as I am advised, have reported no one of those claims to the Senate.

I do not know any surer method of arriving at facts; I do not know of any more sure or reliable method of determining what we ought to do in respect to these private claims than to subject them to the investigation of a court having authority to take testimony pro and con, to examine witnesses on each side, to develop the facts as they are, so far as human testimony can develop them; and why we should seek a different method, and one, in my opinion, vastly less certain in arriving at the facts which ought to determine our judgment, I can not quite comprehend.

The chairman of the Committee on Claims may perhaps be able to advise me, to instruct me, to inform me as to the better methods, but if the Court of Claims is unworthy to be trusted by Congress I shall at no distant day ask the Senate to abolish it as a thing unworthy of respect, unworthy of being considered in this body. That is all I desire to say.

Mr. SPOONER. Mr. President, I desire to say a word in reply to the Senator from Tennessee. The Senator from Tennessee is correct in his statement that a large number of claims were reported by the Court of Claims to Congress at the last session of Congress. In an omnibus bill a considerable number of those claims passed the House of Representatives and came to the Senate, no one of which was reported back to the Senate by the Committee on Claims, and I took my full share, without any trepidation, of the responsibility for that non-action upon the part of the Committee on Claims.

About 45,000 claims were rejected by the Quartermaster's Department of alleged Union men in Tennessee and some other Southern States. About 10,000 to 12,000 claims were examined and rejected by the Commissary Department of alleged Union citizens of Tennessee and other Southern States. A vast number of claims were rejected by the Southern Claims Commission. Nearly all of those claims, so far as I have investigated them, were rejected by the Departments and by the commission because, upon the testimony, they were not satisfied with the loyalty of the claimants.

I found on investigation that this was the result of the operation of the Bowman act or of the Tucker act, under which any Department of the Government or any committee of Congress has power to refer claims to the Court of Claims to find the facts; that in some way claim agents here in Washington found access to the rejected claims in the Departments and had bills introduced into Congress to relieve these rejected claimants, without any consultation with them. They had lain dormant for very many years, supposing that their claims were ended. But being introduced the committee of the House would refer these claims, or the clerk of the committee would, to the Court of Claims. I believe I state the fact when I say that in a single Congress 6,000 of these claims were referred by a single committee to the Court of Claims.

Mr. FRYE. In the last House?

Mr. SPOONER. Yes, sir; in the last House. I had some reason to think, and subsequent investigation gave me some reason to know, that the interest of the Government was not being adequately protected against these claimants in the Court of Claims, and when that bill came before the Committee on Claims I took up a number of the items in it and went carefully through the testimony taken by the Court of Claims, explored the records of the Departments and of the Southern Claims Commission, and satisfied myself that the claims never ought to have been favorably reported by the court, and they were not reported to the Senate.

I found in case after case, as I recollect it now, the proof of loyalty, the jurisdictional fact, made by the claimant and other claimants swearing each other through, a state of circumstances which I brought to the attention of the committee, and which I thought warranted the committee in looking with suspicion upon the entire batch. I did not intend to facilitate so far as I was concerned the transfer of that vast mass of claims under the circumstances to the Court of Claims.

I found that the claim agents, having secured a reference of the claim to the Court of Claims, would communicate with the claimant a copy of a contract to recover for one-half, the claimant then being, I know in some cases, for the first time advised that the claims had gone from the Executive Departments to the Court of Claims.

In several cases where I was—and I spent much time and much labor upon the subject—satisfied with the finding of the Court of Claims on the question of loyalty, upon exploring the whole testimony as to value and all that, I was entirely satisfied as a lawyer that the claims were unfounded, at any rate were grossly exaggerated. In some cases I found cross-examination waived by stipulation by the attorney of the Government, and all in all, Mr. President, I felt as if the subject, as we were then about to enter upon it largely under the Bowman act, deserved the utmost scrutiny and care, even to the extent of suspicion.

There are pending to-day before the Committee on Claims a large number of these bills in which the court has found the loyalty of the claimant, and the Secretary of War has transmitted to that committee in some of these cases information from the Confederate archives, which I am glad were preserved, showing that the claimants subscribed to Confederate loans, and showing voucher after voucher from the Confederate government for supplies furnished to the Confederacy. I would not take the last as necessarily conclusive against the person, but the voluntary subscription to a Confederate loan I would.

Further, on this matter telegrams began to pour into this Chamber. Senator after Senator would come to me with a telegram in his hand, and then we found they all came from circulars sent out from here asking claimants whether they were in the bill or not to telegraph to their Senators and other Senators, because if this bill went through their claim would go through afterwards; and I felt, after consultation with one or two Senators on the other side of the Chamber, that the situation was such as to call for greater investigation of these claims than the Court of Claims, burdened as it was, had been able to give them.

Mr. STEWART. And that view was unanimous in the committee.

Mr. SPOONER. That view was unanimous in the committee.

Now, Mr. President, I am not at all certain—

Mr. PASCO. Will the Senator allow me to ask him a question?

Mr. SPOONER. Certainly.

Mr. PASCO. The Senator from Wisconsin says that he did that after

consultation with one or two Senators on this side of the Chamber.

Mr. SPOONER. I did not refer to the committee, because the committee all agreed, as has been stated.

Mr. PASCO. I thought it would be well for the Senator from Wisconsin to state that fact instead of saying that he had conferred with one or two Senators on this side of the Chamber. I do not think the Senator was alone in that.

Mr. SPOONER. I will say this now, that the Democratic members of this committee, the gentlemen who sit upon that committee from the South who were Confederates during the war, have been as strict and as firm in their resistance of all such claims, and as strict in passing upon this question of loyalty as the members of the committee upon our side of the Chamber. I am glad to say that, for it is true.

Mr. BLAIR. A good deal more so.

Mr. SPOONER. Not so. Now, Mr. President, I am not prepared to say that the adjudication of the Quartermaster's Department as to all those claims was a just one. I am inclined to think in many instances which I have examined it was not; but I do think that the Court of Claims is not so organized and is not furnished with the necessary facilities to enable it to try, keeping in view the interests of the Government, in the mass of the cases, the question of loyalty and the other questions of fact.

I have been considering whether some bill ought not to be passed providing for a review in some other way of very many of these cases.

I only intended when I rose to state in a general way to the Senator from Tennessee the reasons why the committee at the last session had not reported the omnibus bill.

Mr. HARRIS. Mr. President, I am glad that the pending bill is a Tennessee case and that I have suggested that it be referred back to the Committee or to the Court of Claims.

I have not seen the time, sir, since I have had the honor of holding a seat on this floor that I have favored or desired to favor the payment of any claim to a Tennessee claimant that does not fall within the strict rule—

Mr. SPOONER. If the Senator will permit me, he did not understand me as intimating the contrary.

Mr. HARRIS. No, I did not.

Mr. SPOONER. I certainly did not do that.

Mr. HARRIS. But the merit of a claim depends upon its facts, and the right of the claimant to make a claim depends upon the fact of his loyalty. There are two facts to be determined by some tribunal: first, loyalty; second, the merit of his demand. Under the Bowman act the jurisdictional fact is that of loyalty, and the Court of Claims under the sanction of the oaths of judicial functionaries must determine in the light of the proof as to the loyalty before they can move another step, because, if they do not find that fact affirmatively, the petition is dismissed for the want of jurisdiction, the proof of loyalty being essential to the jurisdiction.

Now, the Senator from Wisconsin refers to the fact that the Quartermaster-General and the Commissary-General have found in respect to a great many of these claims a want of loyalty. It has been my misfortune to review the decisions of the Quartermaster-General, especially, in a very large number of these claims. It was my misfortune to serve for six years upon the Committee on Claims that the Senator from Wisconsin honors by being chairman of at this time, and I had occasion to investigate that question. The Quartermaster-General in times past—I refer to General Meigs—had a stereotyped indorsement that was put on ninety-nine-hundredths of all the claims that went to that department. "I can not affirmatively certify as to the loyalty of the claimant." That was the stereotyped, the universal, the uniform indorsement by that official, but it was not absolutely conclusive; that he could not affirmatively certify did not mean to negatively certify. He did not go to that extent, but in a vast number of instances I found that the claimant was abundantly able to prove his loyalty beyond the possibility of doubt.

Now, the question is as to whether the findings of the Court of Claims, organized as it is, presumably an impartial judicial tribunal—I hope it is; if it is not it ought to be abolished—that has the power to take testimony pro and con, to examine and cross-examine witnesses on either side, are to be respected by the legislative department of the Government, or the findings of the Senator from Wisconsin. There are, I imagine, very few Senators on this floor who have more respect for the opinion of the Senator from Wisconsin than I; but if I was called upon to decide to-day as to whether I would take the findings of an honest, impartial judicial tribunal in respect to a fact within its jurisdiction, that it had examined upon testimony, or the opinions of the Senator from Wisconsin, with all the personal respect that I have for him, I should say I prefer to rely upon the findings of the court.

If the Senator is not inclined to respect the findings of that court and if its findings are to be subjected to the investigations and determinations of committees of the Senate and of the House of Representatives upon such means of investigation as these committees have (for we proceeded heretofore as now upon *ex parte* affidavits) then that court ought to be abolished. It is a public nuisance, it is an unnecessary incumbrance and expense to the Government, and it ought to be abolished if we can not respect its findings and its judgments.

I think this bill ought to be referred back to the committee or referred to the Court of Claims, I do not care which, and I do not desire the passage of any bill in respect to these claims upon the findings of the Court of Claims or upon the findings of the committee unless they are meritorious, but when the court has taken testimony pro and con and has found in favor of a claim and in favor of the loyalty of the claimant, I think it is the highest evidence. I am content myself to vote upon the finding of that court and to allow the claims it has reported in favor of, and to disallow claims it has reported against.

That is all I care to say.

DEATH OF REPRESENTATIVE S. S. COX.

A message from the House of Representatives, by Mr. MCPHERSON, its clerk, conveyed to the Senate the intelligence of the death of Hon. Samuel Sullivan Cox, late a Representative from the State of New York, and transmitted the resolutions of the House thereon.

AMENDMENT TO A BILL.

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

EXECUTIVE SESSION.

Mr. FRYE. 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 six minutes spent in executive session the doors were reopened, and (at 5 o'clock and 16 minutes p. m.) the Senate adjourned until Monday, April 21, 1890, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 16, 1890.

POSTMASTER.

George K. Robinson to be postmaster at Ocala, in the county of Marion and State of Florida.

Executive nominations confirmed by the Senate April 19, 1890.

MISSISSIPPI RIVER COMMISSION.

Henry Flad, of Missouri, civil engineer, as a member of the Mississippi River Commission.

RECEIVER OF PUBLIC MONEYS.

Robert M. McCalley, of Walla Walla, Wash., to be receiver of public moneys at Walla Walla, Wash.

COLLECTOR OF CUSTOMS.

Henry S. Ritchie, of Florida, to be collector of customs for the district of St. Augustine, in the State of Florida.

POSTMASTERS.

William H. Mossman, to be postmaster at Chehalis, in the county of Lewis and State of Washington.

Nils P. Larson, to be postmaster at Montesano, in the county of Chehalis and State of Washington.

Henry M. Ingraham, to be postmaster at Centralia, in the county of Lewis and State of Washington.

George B. Deering, to be postmaster at Snohomish, in the county of Snohomish and State of Washington.

Charles A. McKean, to be postmaster at Wahpeton, in the county of Richland and State of North Dakota.

Casper Taylor, to be postmaster at Santa Paula, in the county of Ventura and State of California.

Alfred Shaw, to be postmaster at Vevay, in the county of Switzerland and State of Indiana.

Mrs. Harriet Kiess, to be postmaster at Cambridge City, in the county of Wayne and State of Indiana.

William W. Alter, to be postmaster at Kirkwood, in the county of St. Louis and State of Missouri.

Samuel C. Zinser, to be postmaster at Washington, in the county of Tazewell and State of Illinois.

Addison W. McPheeters, to be postmaster at Sullivan, in the county of Moultrie and State of Illinois.

Julius D. Howard, to be postmaster at Duluth, in the county of St. Louis and State of Minnesota.

Robert Y. Mangum, to be postmaster at Purcell, Chickasaw Nation, Indian Territory.

Henry P. Clark, to be postmaster at Brodhead, in the county of Green and State of Wisconsin.

Matthew H. Taylor, to be postmaster at Fort Atkinson, in the county of Jefferson and State of Wisconsin.

John T. Kingston, to be postmaster at Necedah, in the county of Juneau and State of Wisconsin.

Charles M. Durkee, to be postmaster at Phillips, in the county of Price and State of Wisconsin.

Richard Butler, to be postmaster at Laramie, in the county of Albany and Territory of Wyoming.

Charles B. Squire, to be postmaster at Defiance, in the county of Defiance and State of Ohio.

John B. Cooper, to be postmaster at Newport, in the county of Sullivan and State of New Hampshire.

Samuel S. Piper, to be postmaster at Manchester, in the county of Hillsborough and State of New Hampshire.

John Greenfield, to be postmaster at Rochester, in the county of Strafford and State of New Hampshire.

Charles S. Ham, to be postmaster at Foxcroft, in the county of Piscataquis and State of Maine.

Minot W. Baker, to be postmaster at Randolph, in the county of Norfolk and State of Massachusetts.

Benjamin L. Fifield, to be postmaster at Amesbury, in the county of Essex and State of Massachusetts.

Kensley J. Hampton, to be postmaster at Winchester, in the county of Clark and State of Kentucky.

Jeptha T. W. Cole, to be postmaster at Paris, in the county of Henry and State of Tennessee.

George A. Sells, to be postmaster at Larned, in the county of Pawnee and State of Kansas.

David W. Pitts, to be postmaster at Garden City, in the county of Finney and State of Kansas.

Wilson Dillen, to be postmaster at Evanston, in the county of Uinta and Territory of Wyoming.

Arthur W. Ladd, to be postmaster at Albion, in the county of Boone and State of Nebraska.

HOUSE OF REPRESENTATIVES.

SATURDAY, April 19, 1890.

The House met at 12 o'clock m. The Chaplain, Rev. W. H. MILBURN, D. D., offered the following prayer:

Almighty God, as we are gathered to pay the last tribute of respect and affection from the nation to the memory of a man long familiar to this Hall and to those frequenting it, we pray that Thou wilt grant us a reverent sense of this high and sacred service upon which we enter. While we recall his brilliant talents, genial humor, flashing wit, stirring eloquence, his unwearied industry, patient labor for the health and cheer of the humblest citizen of the land, his generous advocacy of every noble measure tending to promote the safety, honor, and welfare of the nation; while we remember the graces which he brought to private life, the kindly hand, the liberal spirit, the beaming eye, the soul full of all sweet and gracious thoughts and purposes, and while we remember his meek and lowly piety towards Thee, his reverent faith in Thy truth, and the hope which lifted him in his last hour from sickness and infirmity into a strong assurance of everlasting life; while we remember these things, lift us all, we pray Thee, to the plane on which he trod; and so may the grace of our Lord Jesus Christ enter into every heart here present.

Oh, Thou who hearest the faintest sob of anguish that rises from human hearts, wilt Thou not comfort and assuage the grief of her whose life was one joyous service to him who has gone? Fulfill Thy word, "I will be a husband to the widow." And so grant that this service of love and devotion to-day may quicken the hearts of all who are here present and leave the fragrance of a glorious life in the souls of all. We pray through Jesus Christ, our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

ARREARS OF TAXES IN DISTRICT OF COLUMBIA.

The SPEAKER laid before the House a message from the President of the United States, which was read, as follows:

To the House of Representatives:

In compliance with a resolution of the House of Representatives (the Senate concurring), I return herewith House bill No. 5179, entitled "An act 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 specified time."

BENJ. HARRISON.

EXECUTIVE MANSION, April 18, 1890.

Mr. GROUT. I ask that the bill returned with this message be ordered to lie on the Speaker's table for the present.

The SPEAKER. Is there objection to that order? The Chair hears none.

REPORT OF COMMISSIONER OF LABOR.

The SPEAKER also laid before the House a message from the President of the United States, transmitting the fifth annual report of the Commissioner of Labor; which, with the accompanying documents, was referred to the Committee on Labor, and ordered to be printed.

ORDER OF BUSINESS.

Mr. STRUBLE. I ask unanimous consent that the Committee of the Whole may be discharged from the further consideration of House bill No. 8250, and that the same be put on its passage. I send the bill to the Clerk, together with an amendment which I desire to submit.

Mr. BYNUM. I call for the regular order.

REPRINT OF A REPORT.

Mr. MORGAN. I rise to a question of privilege. A report of the Committee on Agriculture, which should have been credited to the gentleman from North Carolina [Mr. McCLAMMY] has been credited to

myself; and in the printing of the document there are errors. The document is House report No. 970 on the bill (H. R. 283) defining "lard," also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of compound lard. I ask that the report be reprinted with the proper corrections and as the report of the gentleman from North Carolina.

The SPEAKER. Does the gentleman claim that this is a question of privilege?

Mr. MORGAN. It is a question of privilege, because I am named as the author of the report when I am not; that error should be corrected, and besides, there are errors in the printing of the report.

The SPEAKER. The Chair doubts whether this is a question of privilege.

Mr. MORGAN. Then I ask unanimous consent for the order I have indicated.

The SPEAKER. The gentleman asks unanimous consent that the report be reprinted with the proper corrections. Is there objection? The Chair hears none.

PUBLIC BUILDING AT LYNN, MASS.

The SPEAKER also laid before the House the bill (H. R. 448) for the erection of a public building at Lynn, Mass., the bill having been returned from the Senate with an amendment and with a request for a conference.

The amendment was read, as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices, in the city of Lynn and State of Massachusetts, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$125,000, which said sum of \$125,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

"Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

"Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may deem proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

"If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

"The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

"So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof shall be immediately available.

"So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

"No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site of said building shall be vested in the United States, nor until the State of Massachusetts shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

"The building shall be unexposed to danger from fire by an open space of at least 40 feet, on each side, including streets and alleys."

Mr. LODGE. I move that the House non-concur in the amendment of the Senate and agree to the conference requested.

Mr. BRECKINRIDGE, of Kentucky. I would like some explanation of this matter.

Mr. LODGE. The bill as passed by the House did not carry an appropriation; the Senate has adopted a substitute which carries an appropriation.

Mr. BRECKINRIDGE, of Kentucky. And does not change the amount?

Mr. LODGE. It does not change the amount. I ask that the House disagree to the amendment of the Senate and agree to the request for a conference, as has been done in other cases.

The motion of Mr. LODGE was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate agreed to the resolution of the House requesting the President to return to the House the bill (H. R. 105) in relation to the immediate transportation of dutiable goods, amendatory of the act of July 10, 1880.

UNITED STATES COURT, SOUTH CAROLINA.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 778) to regulate the sitting of the court of the United States within the district of South Carolina, with the request of the Senate for a conference on the amendments to the said bill.

Mr. ROGERS. Mr. Speaker, I move that the House disagree to the amendments of the Senate and agree to the conference asked for.

The motion was agreed to.

PUBLIC BUILDING, ASHLAND, WIS.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 4652) for a public building at Ashland, Wis., with the request of the Senate for a conference on the amendments to said bill.

The SPEAKER. The Clerk will report the amendment of the Senate. The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices, in the city of Ashland and State of Wisconsin, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$200,000, which said sum of \$200,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

"Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

"Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

"If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

"The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$5 per day and actual traveling expenses; *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

"So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof shall be immediately available.

"So much of said appropriation as may be necessary for the preparation of sketch-plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

"No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Wisconsin shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

"After the said site shall have been paid for and the sketch-plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fire-proof vaults, heating and ventilating apparatus, elevators, and approaches.

"The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys."

Mr. HAUGEN. Mr. Speaker, I move that the House disagree to the amendment of the Senate and agree to the conference asked thereon.

Mr. CANNON. Before that motion is submitted I desire to be recognized for a few moments, simply to say that it has been evident from the number of bills providing or rather authorizing public buildings being amended by the Senate where the House has not recommended appropriations—the amendments of the Senate covering appropriations as well as authorization—that either now or in the near future a policy must be adopted in regard to this matter. My understanding was that the House very decidedly, almost I may say unanimously, entered upon a line of policy of authorizing public buildings, and then, under the rules of the House, upon estimates to be furnished for these buildings so respectively authorized, will later consider the appropriations that may be necessary to carry into execution the provision authorizing their construction for the coming fiscal year and provide the amount necessary to be expended for them. I hope the House either now or

at an early date will insist upon that policy, and I merely want to suggest at this time that very soon hereafter the policy should be settled one way or the other between the House and the Senate.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I was just going to rise and move either to concur in the Senate amendment or to refer this bill to the Committee on Public Buildings and Grounds, with the same view that the distinguished chairman of the Committee on Appropriations has just expressed, namely, that we have to meet this question, and had just as well meet it now. Every time we refer one of these bills to a conference committee and it comes back we have to take some action upon it and go over this whole ground; and therefore instead of committing the whole of them to various conference committees, and establishing a policy in regard to the authorization of buildings which would be variable, and which would seem therefore to be partial and unjust, it is better for the House to meet the question at this time and establish a rule in regard to them which will be uniform. I had intended to do that in regard to the bill of the gentleman from Massachusetts [Mr. LODGE], acted upon a few moments ago, and so suggested to the gentleman, but he did not take to the suggestion, and I did not feel like interfering, as it was a matter in which he was particularly interested. I think, however, the House ought to make up its mind now, and I will either test the sense of the House by moving to concur in the Senate amendment or refer the bill to the Committee on Public Buildings and Grounds, so that they can consider the matter and bring it before the House for some formal action. At present I move that the House concur in the Senate amendment.

Mr. BANKHEAD. I ask the gentleman to yield to me for a few moments.

Mr. BRECKINRIDGE, of Kentucky. I believe I was speaking in the time of the gentleman from Illinois. If so, I will ask his consent to yield a few moments to the gentleman from Alabama, a member of the Committee on Public Buildings and Grounds.

The SPEAKER. The gentleman from Wisconsin [Mr. HAUGEN] has charge of the bill at present.

Mr. BRECKINRIDGE, of Kentucky. Then I thank the gentleman for having permitted me to consume the time I did.

Mr. HAUGEN. Mr. Speaker, I desire to say that my colleague [Mr. McCORD] who is now absent from the House is interested in the passage of this bill, this city being in his district; and on his behalf I made the motion I did, for the reason that I think it ought to be taken care of and can be properly taken care of in a committee of conference.

I will state that this bill was first introduced in the House and the appropriation provided in the bill fixed at \$100,000. The House committee and the House itself acting upon the report cut this down to \$75,000, in which form it passed the House and went to the Senate. It seems the Senate has increased the appropriation to \$200,000.

Now, naturally, Mr. Speaker, I should not object to an appropriation of \$200,000, or any other sum, going to the State of Wisconsin for any purpose, or for the construction of a public building in any part of the State. But I must say in justice to other parts of the State that Ashland is not as important as other cities in Wisconsin which are making efforts to secure the erection of public buildings; and I do not think that Ashland should be provided with a building at a cost of \$200,000 while other important cities are entirely neglected, some of them having a much larger population and a much larger amount of Federal business than Ashland. In justice to the other cities asking for public buildings, therefore, I think this appropriation should be somewhat reduced.

Mr. BRECKINRIDGE, of Kentucky. The question has been decided by both Houses that this city shall have a building at a cost of \$200,000.

Mr. HAUGEN. No, that is a Senate amendment.

Mr. HOPKINS. The Senate increased the bill from \$75,000, as it passed the House, to \$200,000.

Mr. HAUGEN. The original appropriation in the bill, as it passed the House, was only \$75,000.

Mr. BRECKINRIDGE, of Kentucky. Upon that statement I withdraw the motion I have just made in reference to the bill.

Mr. HAUGEN. I now yield five minutes to my colleague [Mr. THOMAS].

Mr. THOMAS. For the information of the House, Mr. Speaker, I would ask to have the Senate amendment again reported.

The SPEAKER. Without objection, it will be read.

The amendment was again read.

Mr. THOMAS. I hope, Mr. Speaker—

Mr. BLOUNT. I would like to suggest before the gentleman proceeds that there is some confusion as to the status of this question.

Mr. ROGERS. Mr. Speaker, I make the point of order that there is so much disorder on the floor that it is impossible to hear the gentleman from Wisconsin.

The SPEAKER. The Chair must inconvenience members by asking them to take their seats. [Laughter.] And if members will kindly cease conversation on the floor the gentleman from Wisconsin will proceed.

Mr. BLOUNT. I would like to understand the status of this case

before the gentleman proceeds. Is this a motion to refer or how does the House come to consider this question?

Mr. THOMAS. I can state to the gentleman that there was a motion made by the gentleman from Wisconsin [Mr. HAUGEN] that the House disagree to the Senate amendment and agree to the conference asked on this bill, upon which the gentleman from Kentucky [Mr. BRECKINRIDGE] moved that the bill be referred to the Committee on Public Buildings and Grounds.

The SPEAKER. That motion has been withdrawn.

Mr. BLOUNT. I reserve the point of order on this.

Mr. THOMAS. I want to say that the House has always—

Mr. BLOUNT. The point of order, Mr. Speaker, is reserved.

The SPEAKER. The Chair does not know what question of order can be reserved.

Mr. BLOUNT. I will state it, if the Chair thinks it important at this time. I do not want to interrupt the gentleman from Wisconsin in the middle of his speech.

The SPEAKER. The Chair thinks the point of order would come in as well at the end as in the middle.

Mr. BLOUNT. Very well.

Mr. THOMAS. For the benefit of the members of the House I wish to say that it was almost the universal if not the absolutely universal opinion of this House that there ought to be a public building at Ashland, Wis., and that the cost should be \$75,000.

I think that there should be a conference committee appointed in order to ascertain why this very large amount should be appropriated. There ought to be no delay. There ought to be a proper amount for a public building, and only such an amount as necessary for the purchase of the ground to build a suitable building at Ashland, Wis. That can be arrived at in a committee of conference. There can be no doubt that a proper amount would be satisfactory to the people of Ashland and the people of Wisconsin; that is all that is desired. I hope that the amendment will be non-concurred in and the conference granted.

Mr. FLOWER. Do you expect to get from the House more than a hundred thousand dollars for that building?

Mr. THOMAS. No, sir.

Mr. FLOWER. Why did the Senate put in that provision for \$200,000 then?

Mr. THOMAS. I imagine it was put in in some compromise.

Mr. POST. It was not put in in the House.

Mr. FLOWER. I do not think that that city is entitled to a building that would cost \$200,000; but it may be entitled to a building that will cost \$75,000.

Mr. CASWELL. I think it should say \$100,000, instead of \$200,000. That is a good reason why it should go to a committee of conference. I understand it was raised from \$75,000 to \$200,000 in the Senate.

Mr. THOMAS. There ought to be \$100,000 appropriated. There is no doubt about that.

Mr. BLOUNT. I rise to a question of order.

Mr. SPINOLA. Before that question is put I would like to ask a question of the gentleman in charge of the bill.

The SPEAKER. The gentleman from Georgia is submitting a question of order.

Mr. BLOUNT. Mr. Speaker, I ask attention to Rule XX, page 13, which is in the following language:

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

I take it, as I understand this bill, that there is an appropriation made by the Senate; and therefore it would have to first receive its consideration in the Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair thinks it is now too late to make that point of order.

Mr. BYNUM (to Mr. BLOUNT). Clause 2 of Rule XXIV, covers that exactly:

House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine.

Mr. THOMAS. Mr. Speaker, I make the point that the point of order is made too late.

The SPEAKER. The Chair thinks the point of order of the gentleman from Georgia is made too late.

Mr. BLOUNT. I understood the Chair to state that the point might be made at the end as well as at the beginning, and relying—

The SPEAKER. The Chair said to the gentleman from Georgia that the point would come in at the end as well as at the middle of the speech of the gentleman from Wisconsin, and if the gentleman had made the point of order in the middle of the speech the same ruling would have been made by the Chair. [Laughter.]

Mr. BLOUNT. I am content. I did not know that the Chair had that advantage of me. [Laughter.]

Mr. BANKHEAD. Mr. Speaker, I believe that almost every public-building bill that has passed the House and gone to the Senate has

been amended by the Senate; and I think the trouble comes from the fact that the Senate has adopted the form for public buildings used there, which was prepared by the Supervising Architect of the Treasury. Many of these amendments, Mr. Speaker, are immaterial, and simply change the language of the bill.

Now, there has been a committee of conference appointed by the two Houses upon this very question. I have no doubt they will very soon meet, and I think they may be able to satisfactorily adjust the difference between the House and the Senate upon this question. It seems to me that it would be better to allow all these bills that have been amended by the substitution of the Senate form for that of the House to go into a conference and allow this question of differences to be settled, as I believe it will be, to the satisfaction of the House. I do not believe that the conferees of the House will ever consent to the Senate provision making appropriations for these buildings, inasmuch as the House has very decidedly declared its opposition to it; so that I think they ought to be allowed to go into a conference, and I believe the matter would then get final solution.

Mr. KERR, of Iowa. I think the gentleman is in error in saying that the committee of conference has been appointed by the two Houses. There was a suggestion made for such a committee in the House the other day, but I understand that it has not as yet been appointed by the Speaker.

Mr. BANKHEAD. My information is that it has already been appointed. In fact, I heard it read from the Senate desk this morning myself.

Mr. KERR, of Iowa. I did not know that. In that case I would suggest that the same question is involved in all these bills, and that it would be well enough to have the question settled.

Mr. HAUGEN. I yield one minute to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. Mr. Speaker, in the confusion I misunderstood the motion of the gentleman from Wisconsin to non-concur in the Senate amendment; otherwise I should not have raised the question of order. I entirely favor it, and I favor it not only as regards this particular bill, but because it involves a question as to the mode of appropriating for public buildings by Congress. It has heretofore been the practice, as was indicated by the gentleman from Illinois [Mr. CANNON], to provide for them in the sundry civil bill. That is a practice which has been observed by the Senate as well as the House; and I think we should take that position here, and that the conferees on the part of the House should understand that the question involved is not only this bill, but is whether we will consent to appropriations for public buildings otherwise than on the regular appropriation bill designed by the House and utilized heretofore by both Houses of Congress for that purpose. Therefore I would vote to non-concur with a view of making that issue; and if it is not done I shall certainly make the question of order on every public-building bill from now on with that view.

The motion to disagree to the amendment of the Senate and agree to the request for a committee of conference was adopted.

JUDICIAL DISTRICT OF NORTH DAKOTA.

The SPEAKER also laid before the House the bill (H. R. 6942) to divide the judicial district of North Dakota, with amendments of the Senate thereto and a request for a committee of conference.

Mr. ADAMS. Mr. Speaker, before the Senate amendments are read I desire to say that I wish to make a motion that the House concur in them.

Mr. McMILLIN. Mr. Speaker, not knowing what the amendments are, I reserve all points of order.

Mr. ADAMS. I simply wished to announce my intention at this time, so that gentlemen might listen to the amendments when they are read. They are simply changes in the language of the bill. There is no substantial change, and after they are read I shall move, with the consent and at the request of the Representative of North Dakota, that the House concur in the Senate amendments.

Mr. McMILLIN. Let the amendments be read.

The Senate amendments were read, as follows:

Page 2, line 14, strike out the word "things" and insert the following words: "proceeding of whatever nature."

Page 2, strike out lines 20 to 26, inclusive.

Page 2, after line 26 insert:

"Sec. 4. That all civil suits not of a local character now pending, or which shall be brought, in the district or circuit courts of the United States for the district of North Dakota in either of the said divisions, against a single defendant, or where all the defendants reside in the same division of said district, shall be brought in the division in which the defendant or defendants reside; or, if there are two or more defendants residing in different divisions, such suits may be brought in either division; and all mesne and final process, subject to the provisions of this act, issued in either of said divisions may be served and executed in either or all of said divisions. All issues of fact in civil causes triable in any of the said courts shall be tried in the division where the defendant or one of the defendants resides unless, by consent of both parties, the case shall be removed to some other division."

Page 3, strike out lines 13 to 18, inclusive.

Page 3, after line 18, insert:

"Sec. 6. That the clerks of the circuit and district courts for said district shall each appoint a deputy clerk at the place where their respective courts are required to be held, in the division of the district in which such clerk shall not himself reside; each of whom shall, in the absence of the clerk, exercise all the powers and perform all the duties of clerk within the division for which he shall

be appointed: *Provided*, That the appointment of such deputies shall be approved by the court for which they shall have been respectively appointed, and may be annulled by such court at its pleasure; and the clerk shall be responsible for the official acts and negligence of all such deputies."

Mr. ADAMS. Mr. Speaker, not one of these amendments changes the intention or effect of the House bill. They only express it more precisely. I move that the House concur.

The motion was agreed to.

PALOUSE AND SPOKANE RAILWAY.

The SPEAKER also laid before the House a bill (H. R. 7509) granting to the Palouse and Spokane Railway a right of way through the Nez Percé Indian reservation in Idaho, with an amendment of the Senate thereto and a request for a committee of conference.

The amendment was read, as follows:

Section 3, line 22, after the word "way," insert "and compensation."

The SPEAKER. What action will the House take?

Mr. HOLMAN. I hope the context will be read, so as to show the effect of the amendment.

Mr. STRUBLE. Mr. Speaker, I ask unanimous consent that that bill be laid over for the present, retaining its present place on the Speaker's table.

There was no objection, and it was so ordered.

SPOKANE FALLS AND NORTHERN RAILWAY.

The SPEAKER also laid before the House a bill (H. R. 5964) granting the Spokane Falls and Northern Railway Company the right of way through the Colville Indian reservation, with amendments of the Senate thereto.

The amendments were read, as follows:

Page 2, line 13, after the word "held," insert "by said tribe."

Page 2, line 15, after the word "such," insert "tribe or."

Page 4, line 20, after the word "act," insert:

"And provided further, That the consent of the Indians through whose lands said road shall be located shall be obtained to the location of the same, and the compensation thereof in manner satisfactory to the President, before this act shall take effect."

Mr. STRUBLE. Mr. Speaker, I make the same request in regard to this bill that I made with regard to House bill No. 7509, that it lie over, retaining its place on the Speaker's table.

There was no objection, and it was so ordered.

TREASURY VAULTS.

Mr. HENDERSON, of Iowa, from the Committee on Appropriations, reported a bill (H. R. 9522) to provide necessary vaults and safeguards for the security of the public money in the custody of the Treasurer of the United States; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 605) to increase the appropriation for the erection of a public building at Troy, N. Y.; and

A bill (H. R. 7156) to provide for the increase of the limit of cost of site and public building at Newark, N. J.

The message also announced that the Senate had passed with amendments bills of the following titles, requested a conference with the House on said bills and amendments, and had appointed conferees on the part of the Senate as respectively indicated:

A bill (H. R. 7175) for the erection of a public building at Tuscaloosa, Ala.—conferees, Mr. SPOONER, Mr. MORRILL, and Mr. VEST.

A bill (H. R. 4587) providing the terms and places of holding the courts of the United States in the district of Minnesota, and for other purposes—conferees, Mr. WILSON of Iowa, Mr. EVARTS, and Mr. GEORGE.

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

A bill (S. 3055) to authorize the construction of a bridge across the Missouri River between the city of Chamberlain, in Brulé County, and Lyman County, in the State of South Dakota;

A bill (S. 3337) donating Lake Contrary, in the State of Missouri, to the city of St. Joseph, Mo.;

A bill (S. 3348) granting a pension to Mary J. Milroy; and

A bill (S. 3417) to provide for the purchase of a site, and the erection of a public building thereon, at Haverhill, in the State of Massachusetts.

IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS.

Mr. VANDEVER. Mr. Speaker, I ask unanimous consent for the adoption of the resolution which I send to the desk.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring). That the President be requested to return House bill 105, entitled "An act in relation to the immediate transportation of dutiable goods, amendatory of the act of July 10, 1880."

Mr. VANDEVER. The return of the bill is desired simply for the purpose of correcting an error in the recital; that is all.

The resolution was adopted.

BRIDGE NEAR SIOUX CITY, IOWA.

Mr. STRUBLE. Mr. Speaker, I renew the request which I made awhile ago in relation to the bill (H. R. 8250) to amend an act entitled "An act authorizing the construction of a high wagon-bridge across the Missouri River at or near Sioux City, Iowa," approved March 2, 1889, the gentleman from Indiana [Mr. BYNUM] having withdrawn his objection.

The bill was read, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act authorizing the construction of a high wagon-bridge across the Missouri River at or near Sioux City, Iowa," approved March 2, 1889, be amended so that it shall read as follows: "That it shall be lawful for the city of Sioux City, Iowa, its successors or assigns, to construct and maintain a combined wagon, railroad, and foot-passenger bridge of the kind known as a 'pivot draw-bridge' across the Missouri River at or near Sioux City, in the State of Iowa, so as to connect with the opposite shore of the said river in the State of Nebraska, for the passage of wagons, railroad trains, and vehicles of all kinds, for the transit of animals, and for foot-passengers, for such reasonable rates of toll as the city of Sioux City, Iowa, may from time to time prescribe, subject to the approval of the Secretary of War: *Provided*, That said bridge shall not be built or commenced until the plan and specifications for its construction have been submitted to the Secretary of War for his approval, nor until he shall approve the plan and location of said bridge; and if any change be made in the plan of construction of said bridge at any time such change shall be subject to the approval of the Secretary of War; and any change in the construction or any alteration of said bridge that may be directed at any time by Congress or the Secretary of War shall be made at the cost and expense of the owners thereof."

SEC. 2. That section 2 of said act be amended by striking out the word "three," in the fourth line of the second proviso, after the word "them" and before the word "hundred," and inserting in lieu thereof the word "two;" also by inserting immediately after the word "clear," in the next line, the words "on each side of the pivot pier," so that the second proviso shall read as follows: "And provided, also, That if any bridge built under this act be constructed as a draw-bridge it shall have a draw over the main channel of the river at an accessible and navigable point, and with a span or spans not less than 200 feet in length in the clear on each side of the pivot pier."

SEC. 3. That the title of the said act be amended so as to read in lieu thereof: "An act authorizing the construction of a combined wagon, railroad, and foot-passenger bridge, of the kind known as a 'pivot draw-bridge,' across the Missouri River at or near Sioux City, Iowa."

The amendments recommended by the Committee on Commerce were read, as follows:

Section 1, line 10, after the word "draw-bridge," insert "with one or more draws, as may be prescribed by the Secretary of War."

Section 1, line 29, after the word "thereof," insert the following: "Provided, That said city of Sioux City, Iowa, its successors or assigns, shall, at their own expense, build and maintain, under direction and supervision of the Secretary of War, such wing-dams and booms or other works necessary to maintain the channel within the draw span or spans of said bridge, and shall, at their own expense, maintain a depth of water through said draw span or spans not less than that now existing, as shown by the report of the War Department, at the point where said bridge may be located; and if said city of Sioux City, its successors or assigns, of either of them, shall fail to maintain such channel as aforesaid, then the Secretary of War may cause said channel to be opened and maintained at proper depth for navigation through said span or spans at the expense of the owners of said bridge, or may remove obstructions to navigation as provided in section 6 of said act approved March 2, 1889."

At the end of section 2 insert the following as section 3:

"Sec. 3. That all railroad companies desiring the use of said bridge, approaches, and accessory works shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies or any one of them desiring such use shall fail to agree upon the sum or sums to be paid and upon rules and conditions to which each shall conform in using said bridge, all matters in issue between them shall be decided by the Secretary of War upon reasonable notice to the parties in interest and upon consideration of such allegations and proofs as may be submitted to him."

Mr. STRUBLE. Mr. Speaker, I ask to have read now the amendments which I have sent to the desk.

The SPEAKER. There will not be time, in view of the special order.

Mr. STRUBLE. Then, Mr. Speaker, will this bill come up as unfinished business on Monday next?

The SPEAKER. If there be no objection, this bill can go over as unfinished business.

There was no objection, and it was so ordered.

OKLAHOMA.

The SPEAKER. The gentleman from Kansas [Mr. PERKINS] desires permission that the report of the committee of conference on what is known as the Oklahoma bill be printed in the RECORD.

Mr. PERKINS. It is desired simply to print the report in the RECORD for future consideration, together with the statement of the House conferees.

The SPEAKER. The Chair hears no objection.

Mr. LANHAM. Will that include the entire bill?

Mr. PERKINS. It will.

The report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill of the Senate (S. 895) to provide a temporary government for the Territory of Oklahoma, 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 to said bill and agree to the same with an amendment, namely: Strike out all of said amendment, and in lieu thereof insert the following:

"Sec. 1. That all portion of the United States now known as the Indian Territory, except so much of the same as is actually occupied by the five civilized tribes and the Indian tribes within the Quapaw Indian agency, and except the unoccupied part of the Cherokee Outlet, together with that portion of the United States known as the Public Land Strip, is hereby erected into a temporary government by the name of the Territory of Oklahoma. The portion of the Indian Territory included in said Territory of Oklahoma is bounded by a

line drawn as follows: Commencing at a point where the ninety-eighth meridian crosses the Red River, thence by said meridian to the point where it crosses the Canadian River, thence along said river to the west line of the Seminole country, thence along said line to the north fork of the Canadian River, thence down said river to the west line of the Creek country, thence along said line to the northwest corner of the Creek country, thence along the north line of the Creek country to the ninety-sixth meridian, thence northward by said meridian to the southern boundary line of Kansas, thence west along said line to the Arkansas River, thence down said river to the north line of the land occupied by the Ponca tribe of Indians; from which point the line runs so as to include all the lands occupied by the Ponca, Tonkawa, Otoe and Missouria, and the Pawnee tribes of Indians until it strikes the south line of the Cherokee Outlet, which it follows westward to the west line of the State of Texas, thence by the boundary line of the State of Texas to the point of beginning; the Public Land Strip which is included in said Territory of Oklahoma is bounded east by the one hundredth meridian, south by Texas, west by New Mexico, north by Colorado and Kansas. Whenever the interest of the Cherokee Indians in the land known as the Cherokee Outlet shall have been extinguished and the President shall make proclamation thereof, said Outlet shall thereupon, and without further legislation, become a part of the Territory of Oklahoma. Any other lands within the Indian Territory not embraced within these boundaries shall hereafter become a part of the Territory of Oklahoma whenever the Indian nation or tribe owning such lands shall signify to the President of the United States in legal manner its assent that such lands shall become a part of said Territory of Oklahoma, and the President shall thereupon make proclamation to that effect.

"Congress may at any time hereafter change the boundaries of said Territory or attach any portion of the same to any other State or Territory of the United States without the consent of the inhabitants of the Territory hereby created: *Provided*, That nothing in this act shall be construed to impair any right now pertaining to any Indians or Indian tribe in said Territory under the laws, agreements, and treaties of the United States, or to impair the rights of person or property pertaining to said Indians, or to affect the authority of the Government of the United States to make any regulation or to make any law respecting said Indians, their lands, property, or other rights, which it would have been competent to make or enact if this act had not been passed.

"Sec. 2. That the executive power of the Territory of Oklahoma shall be vested in a governor, who shall hold his office for four years and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The governor shall reside within said Territory; shall be commander-in-chief of the militia thereof; he may grant pardons for offenses against the laws of said Territory, and reprieves for offenses against the laws of the United States, until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of said Territory, and shall take care that the laws be faithfully executed.

"Sec. 3. That there shall be a secretary of said Territory, who shall reside therein and hold his office for four years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and the proceedings of the Legislative Assembly hereinafter constituted, and all acts and proceedings of the governor in his executive department; he shall transmit one copy of the laws and journals of the Legislative Assembly, within thirty days after the end of each session thereof, to the President of the United States and to the Secretary of the Interior and, at the same time, two copies of the laws and journals of the Legislative Assembly to the Speaker of the House of Representatives and the President of the Senate for the use of Congress; and in case of the death, removal, resignation, or other necessary absence of the governor from the Territory, the secretary shall execute all the powers and perform all the duties of governor during such vacancy or absence, or until another governor is appointed and qualified.

"Sec. 4. That the legislative power and authority of said Territory shall be vested in the governor and Legislative Assembly. The Legislative Assembly shall consist of a council and a house of representatives. The council shall consist of thirteen members, having the qualifications of voters as hereinafter prescribed, whose term of service shall continue two years. The house of representatives shall consist of twenty-six members, possessing the same qualifications as prescribed for members of the council, and whose term of service shall continue two years, and the sessions of the Legislative Assembly shall be biennial and shall be limited to sixty days duration: *Provided, however*, That the duration of the first session of said Legislative Assembly may continue one hundred and twenty days.

"That for the purpose of facilitating the organization of a temporary government in the Territory of Oklahoma, seven counties are hereby established therein, to be known, until after the first election in the Territory, as the First County, the Second County, the Third County, the Fourth County, the Fifth County, and the Sixth County, the boundaries of which shall be fixed by the governor of the Territory until otherwise provided by the Legislative Assembly thereof. The county seat of the First County shall be at Guthrie. The county seat of the Second County shall be at Oklahoma City. The county seat of the Third County shall be at Norman. The county seat of the Fourth County shall be at El Reno. The county seat of the Fifth County shall be at Kingfisher City. The county seat of the Sixth County shall be at Stillwater. The Seventh County shall embrace all that portion of the Territory lying west of the one hundredth meridian, known as the Public Land Strip, the county seat of which shall be at Beaver: *Provided*, That the county seats located by this act may be changed in such manner as the Territorial Legislature may provide.

"At the first election for members of the Legislative Assembly the people of each county may vote for a name for such county, and the name which receives the greatest number of votes shall be the name of such county. If two or more counties should select the same name, the county which casts the greatest number of votes for such name shall be entitled to the same, and the names receiving the next highest number of votes in the other counties shall be the names of such counties. An apportionment shall be made by the governor as nearly equal as practicable among the several counties or districts for the election of the council and house of representatives, giving to each section of the Territory representation in the ratio of its population (excepting Indians not taxed) as nearly as may be, and the members of the council and house of representatives shall reside in and be inhabitants of the district for which they may be elected, respectively. Previous to the first election the governor shall cause a census or enumeration of the inhabitants of the several counties or districts of the Territory to be taken, unless the same shall have been taken and published by the United States, in which case such census and enumeration shall be adopted, and the first election shall be held at such times and places and be conducted in such manner, both as to the persons who superintend such election and the returns thereof, as the governor shall appoint and direct, and he shall at the same time declare the number of the members of the council and house of representatives to which each of the counties or districts shall be entitled, as shown by the census herein provided for.

"The number of persons authorized to be elected, having the highest number of legal votes in each of said council districts for members of the council, shall be declared by the governor to be duly elected to the council, and the person or persons authorized to be elected, having the greatest number of votes for the house of representatives equal to the number to which each county or district shall be entitled, shall be declared by the governor to be elected members of the house of representatives: *Provided*, That in case two or more persons voted for an equal number of votes, and in case a vacancy otherwise occurs in either branch of the Legislative Assembly, the governor shall order a new election,

and the persons thus elected to the Legislative Assembly shall meet at such place and on such day as the governor shall appoint, but after such first election, however, the time, place, and manner of holding elections by the people, and the apportionment of representation, and the day of the commencement of the regular sessions of the Legislative Assembly shall be prescribed by law: *Provided, however*, That the governor shall have power to call the Legislative Assembly together by proclamation, on an extraordinary occasion at any time.

"Sec. 5. That all male citizens of the United States above the age of twenty-one years, and all male persons of foreign birth over said age who shall have twelve months prior thereto declared their intention to become citizens of the United States, as now required by law, who are actual residents at the time of the passage of this act of that portion of said Territory which was declared by the proclamation of the President to be open for settlement on the 22d day of April, A. D. 1889, and of that portion of said Territory heretofore known as the Public Land Strip, shall be entitled to vote at the first election in the Territory. At every subsequent election the qualifications of voters and of holding office shall be such as may be prescribed by the Legislative Assembly, subject, however, to the following restrictions on the power of the Legislative Assembly, namely: First, The right of suffrage and of holding office shall be exercised only by citizens of the United States above the age of twenty-one years and by persons of foreign birth above that age who have declared, on oath, before a competent court of record, as required by the naturalization laws of the United States, their intention to become citizens, and have taken an oath to support the Constitution of the United States, and who shall have been residents of the United States for the term of twelve months before the election at which they offer to vote. Second, There shall be no denial of the elective franchise or of holding office to a citizen on account of race, color, or previous condition of servitude. Third, No officer, soldier, seaman, marine, or other person in the Army or Navy or attached to troops in the service of the United States shall be allowed to vote in said Territory by reason of being on service therein. Fourth, No person belonging to the Army or Navy shall be elected to or hold any civil office or appointment in said Territory.

"Sec. 6. That the legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States, but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States, nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents, nor shall any law be passed impairing the right to private property, nor shall any unequal discrimination be made in taxing different kinds of property, but all property subject to the taxation shall be taxed in proportion to its value: *Provided*, That nothing herein shall be held to prohibit the levying and collecting license or special taxes in the Territory from persons engaged in any business therein, if the legislative power shall consider such taxes necessary. Every bill which shall have passed the council and the house of representatives of said Territory shall, before it becomes a law, be presented to the governor of the Territory. If he approve he shall sign it, but, if not, he shall return it with his objections to the house in which it originated, who shall enter the objections at large upon their journal and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house it shall become a law. But in all such cases the vote of both houses shall be determined by yeas and nays, to be entered on the journal of each house, respectively. If any bill shall not be returned by the governor within five days (Sunday excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the assembly, by adjournment, prevent its return, in which case it shall not be a law.

"Sec. 7. That all township, district, and county officers not herein otherwise provided for shall be appointed or elected, as the case may be, in such manner as shall be provided by the governor and Legislative Assembly of the Territory. The governor shall nominate and, by and with the advice and consent of the council, appoint all officers not herein otherwise provided for, and in the first instance the governor alone may appoint all such officers, who shall hold their offices until the end of the first session of the Legislative Assembly; and he shall lay off the necessary districts for members of the council and house of representatives and all other officers, and whenever a vacancy happens from resignation or death, during the recess of the legislative council, in any office which is filled by appointment of the governor, by and with the advice and consent of the council, the governor shall fill such vacancy by granting a commission which shall expire at the end of the next session of the legislative council. It is further provided that the Legislative Assembly shall not authorize the issuing any bond, scrip, or evidence of debt by the Territory, or any county, city, town, or township therein for the construction of any railroad.

"Sec. 8. That no member of the Legislative Assembly shall hold or be appointed to any office which has been created or the salary or emoluments of which have been increased while he was a member during the term for which he was elected and for one year after the expiration of such term, but this restriction shall not be applicable to members of the first Legislative Assembly provided for by this act; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the Legislative Assembly or shall hold any office under the government of said Territory.

"Sec. 9. That the judicial power of said Territory shall be vested in a supreme court, district courts, probate courts, and justices of the peace. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum. They shall hold their offices for four years, and until their successors are appointed and qualified, and they shall hold a term annually at the seat of government of said Territory. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts and of the justices of the peace shall be as limited by law: *Provided*, That justices of the peace, who shall be elected in such manner as the Legislative Assembly may provide by law, shall not have jurisdiction of any matter in controversy when the title or boundaries of land may be in dispute or where the debt or sum claimed shall exceed \$100; and the said supreme and district courts, respectively, shall possess chancery as well as common-law jurisdiction and authority for redress of all wrongs committed against the Constitution or laws of the United States or of the Territory affecting persons or property. Said Territory shall be divided into three judicial districts, and a district court shall be held in each county in said district thereof by one of the justices of the supreme court, at such time and place as may be prescribed by law, and each judge after assignment shall reside in the district to which he is assigned.

"The supreme court shall define said judicial districts, and shall fix the times and places at each county seat in each district where the district court shall be held and designate the judge who shall preside therein. And the territory not embraced in organized counties shall be attached for judicial purposes to such organized county or counties as the supreme court may determine. The supreme court of said Territory shall appoint its own clerk, who shall hold his office at the pleasure of the court for which he is appointed. Each district court shall appoint its clerk, who shall also be the register in chancery, and shall keep his office where the court may be held. Writs of error, bills of exception, and appeals shall be allowed in all cases from the final decisions of said district courts to the supreme court under such regulations as may be prescribed by law, but in no case removed to the supreme court shall trial by jury be allowed in said court. Writs of error and appeals from the final decisions of said supreme court shall be allowed and may be taken to the Supreme Court of the United States

In the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy, to be ascertained by oath or affirmation of either party or other competent witness, shall exceed \$5,000; and each of the said district courts shall have and exercise, exclusive of any court heretofore established, the same jurisdiction in all cases arising under the Constitution and laws of the United States as is vested in the circuit and district courts of the United States.

"In addition to the jurisdiction otherwise conferred by this act, said district courts shall have and exercise exclusive original jurisdiction over all offenses against the laws of the United States committed within that portion of the Cherokee Outlet not embraced within the boundaries of said Territory of Oklahoma as herein defined, and in all civil cases between citizens of the United States residing in such portion of the Cherokee Outlet, or between citizens of the United States or of any State or Territory and any citizen of or person or persons residing or found therein, when the value of the thing in controversy or damages or money claimed shall exceed \$100; writs of error, bills of exceptions, and appeals shall in all such cases, civil and criminal, be allowed from the district courts to the supreme court in like manner and be proceeded with in like manner as in cases arising within the limits of said Territory.

"For all judicial purposes as herein defined such portion of the Cherokee Outlet not embraced within the boundaries of the Territory of Oklahoma shall be attached to and be a part of one of the judicial districts of said Territory as may be designated by the supreme court. All acts and parts of acts heretofore enacted, conferring jurisdiction upon United States courts held beyond and outside the limits of the Territory of Oklahoma as herein defined, as to all causes of action or offenses in said Territory, and in that portion of the Cherokee Outlet hereinbefore referred to, are hereby repealed, and such jurisdiction is hereby given to the supreme and district courts in said Territory; but all actions commenced in such courts and crimes committed in said Territory and in the Cherokee Outlet prior to the passage of this act shall be tried and prosecuted and proceeded with until finally disposed of in the courts now having jurisdiction thereof, as if this act had not been passed. The said supreme and district courts of said Territory and the respective judges thereof shall and may grant writs of mandamus and habeas corpus in all cases authorized by law; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said Constitution and laws; and writs of error and appeals in all such cases shall be made to the supreme court of said Territory, as in other cases.

"Sec. 10. Persons charged with any offense or crime in the Territory of Oklahoma, and for whose arrest a warrant has been issued, may be arrested by the United States marshal or any of his deputies, wherever found in said Territory; but in all cases the accused shall be taken, for preliminary examination, before a United States commissioner or a justice of the peace of the county whose office is nearest to the place where the offense or crime was committed.

"All offenses committed in said Territory, if committed within any organized county, shall be prosecuted and tried within said county, and if committed within territory not embraced in any organized county shall be prosecuted and tried in the county to which such territory shall be attached for judicial purposes. And all civil actions shall be instituted in the county in which the defendant, or either of them, resides or may be found; and when such actions arise within any portion of said Territory not organized as a county such actions shall be instituted in the county to which such territory is attached for judicial purposes, but any case, civil or criminal, may be removed, by change of venue, to another county.

"Sec. 11. That the following chapters and provisions of the Compiled Laws of the State of Nebraska, in force November 1, 1889, in so far as they are locally applicable and not in conflict with the laws of the United States or with this act, are hereby extended to and put in force in the Territory of Oklahoma until after the adjournment of the first session of the Legislative Assembly of said Territory, namely: The provisions of articles 2, 3, and 4 of chapter 2, entitled 'Agriculture'; of chapter 4, entitled 'Animals'; of chapter 6, entitled 'Assignments'; of chapter 7, entitled 'Attorneys'; of chapter 10, entitled 'Bonds and oaths—official'; of chapter 12, entitled 'Chattel mortgages'; of chapter 14, entitled 'Cities of the second class and villages'; of chapter 15, entitled 'Common law'; of chapter 16, entitled 'Corporations'; of chapter 18, entitled 'Counties and county officers'; of sections 15 and 16 of article 6 of the constitution of said State and of chapter 20 of said laws, entitled 'Courts—probate'; of chapter 23, entitled 'Deceits'; of chapter 24, entitled 'Deputies'; of chapter 25, entitled 'Divorce and alimony'; of chapter 26, entitled 'Elections'; of chapter 28, entitled 'Fees'; of chapter 32, entitled 'Frauds'; of chapter 34, entitled 'Guardians and wards'; of chapter 36, entitled 'Homesteads'; of chapter 41, entitled 'Instruments negotiable'; of chapter 44, entitled 'Interest'; of chapter 46, entitled 'Jails'; of chapter 50, entitled 'Liquors' (but no licenses shall be issued under this chapter); of chapter 52, entitled 'Marriage'; of chapter 53, entitled 'Married women'; of chapter 54, entitled 'Mechanics and laborers' liens'; of chapter 61, entitled 'Notaries public'; of chapter 62, entitled 'Oaths and affirmations'; of chapter 63, entitled 'Occupying claimants'; of article 1 of chapter 72, entitled 'Railroads'; of chapter 73, entitled 'Real estate'; and the provisions of part 2 of said laws, entitled 'Code of civil procedure,' and of part 3 thereof, entitled 'Criminal code.'

"The governor of said Territory is authorized to divide each county into election precincts and into such political subdivisions other than school districts as may be required by the laws of the State of Nebraska; and he is hereby authorized to appoint all officers of such counties and subdivisions thereof as he shall deem necessary and all election officers until their election or appointment shall be provided for by the Legislative Assembly but not more than two of the judges or inspectors of election in any election precinct shall be members of the same political party, and the candidates of each political party who may be voted for at such election may designate one person who shall be present at the counting and canvassing of the votes cast in each precinct.

"The supreme and district courts of said Territory shall have the same power to enforce the laws of the State of Nebraska hereby extended to and put in force in said Territory as courts of like jurisdiction have in said State; but county courts and justices of the peace shall have and exercise the jurisdiction which is authorized by said laws of Nebraska. *Provided*, That the jurisdiction of justices of the peace in said Territory shall not exceed the sum of \$100, and county courts shall have jurisdiction in all cases where the sum or matter in demand exceeds the sum of \$100.

"Sec. 12. That jurisdiction is hereby conferred upon the district courts in the Territory of Oklahoma over all controversies arising between members or citizens of one tribe or nation of Indians and the members or citizens of other tribes or nations in the Territory of Oklahoma, and any citizen or member of one tribe or nation who may commit any offense or crime in said Territory against the person or property of a citizen or member of another tribe or nation shall be subject to the same punishment in the Territory of Oklahoma as he would be if both parties were citizens of the United States; and any person residing in the Territory of Oklahoma in whom there is Indian blood shall have the right to invoke the aid of courts therein for the protection of his person or property, as though he were a citizen of the United States. *Provided*, That nothing in this act contained shall be so construed as to give jurisdiction to the courts established in said Territory in controversies arising between Indians of the same tribe, while sustaining their tribal relation.

"Sec. 13. That there shall be appointed for said Territory a person learned in the law, who shall act as attorney for the United States, and shall continue in office for four years and until his successor is appointed and qualified, unless sooner removed by the President. Said attorney shall receive a salary at the

rate of \$250 annually. There shall be appointed a marshal for said Territory, who shall hold his office for four years and until his successor is appointed and qualified, unless sooner removed by the President, and who shall execute all process issuing from the said courts when exercising their jurisdiction as circuit and district courts of the United States; he shall have the power and perform the duties and be subject to the same regulations and penalties imposed by law on the marshal of the United States, and be entitled to a salary at the rate of \$200 a year. There shall be allowed to the attorney, marshal, clerks of the supreme and district courts the same fees as are prescribed for similar services by such persons in chapter 15, title 'Judiciary,' of the Revised Statutes of the United States.

"Sec. 14. That the governor, secretary, chief-justice and associate justices, attorney, and marshal shall be nominated and, by and with the advice and consent of the Senate, appointed by the President of the United States. The governor and secretary to be appointed as aforesaid shall, before they act as such, respectively take an oath or affirmation before the district judge, or some justice of the peace, or other officer in the limits of said Territory duly authorized to administer oaths and affirmations by the laws now in force therein, or before the Chief-Justice or some associate justice of the Supreme Court of the United States, to support the Constitution of the United States and faithfully to discharge the duties of their respective offices, which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken; and such certificates shall be received and recorded by the secretary among the executive proceedings, and the chief-justice and associate justices and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation before the said governor or secretary or some judge or justice of the peace of the Territory who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same to the secretary, to be recorded by him as aforesaid, and afterwards the like oath or affirmation shall be taken, certified, and recorded in such manner and form as may be prescribed by law.

"The governor shall receive an annual salary of \$2,600 as governor, the chief-justice and associate justices shall receive an annual salary of \$3,000, and the secretary shall receive an annual salary of \$1,800. The said salaries shall be payable quarterly at the Treasury of the United States. The members of the Legislative Assembly shall be entitled to receive \$4 each per day during their attendance at the sessions and \$4 for each and every 20 miles traveled in going to and returning from said sessions, estimating the distance by the nearest traveled route. There shall be appropriated annually the sum of \$1,000, to be expended by the governor to defray the contingent expenses of the Territory. There shall also be appropriated annually a sufficient sum, to be expended by the secretary, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the Legislative Assembly, of the courts, the printing of the laws, and other incidental expenses; and the secretary of the Territory shall annually account to the Secretary of the Treasury of the United States for the manner in which the aforesaid sum shall have been expended.

"Sec. 15. That the Legislative Assembly of the Territory of Oklahoma shall hold its first session at Guthrie, in said Territory, at such time as the governor thereof shall appoint and direct; and, at said first session or as soon thereafter as they shall deem expedient, the governor and Legislative Assembly shall proceed to locate and establish the seat of government for said Territory at such place as they may deem eligible, which place, however, shall thereafter be subject to be changed by the said governor and Legislative Assembly.

"Sec. 16. That a Delegate to the House of Representatives of the United States, to serve during each Congress of the United States, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the Delegates from the several other Territories of the United States in the said House of Representatives. The first election shall be held at such time and place, and be conducted in such manner as the governor shall appoint and direct, after at least sixty days' notice, to be given by proclamation, and at all subsequent elections the time, place, and manner of holding elections shall be prescribed by law. The person having the greatest number of votes of the qualified electors, as hereinbefore provided, shall be declared by the governor elected and a certificate thereof shall be accordingly given.

"Sec. 17. That the provisions of Title LXII of the Revised Statutes of the United States, relating to national banks, and all amendments thereto, shall have the same force and effect in the Territory of Oklahoma as elsewhere in the United States. *Provided*, That persons otherwise qualified to act as directors shall not be required to have resided in said Territory for more than three months immediately preceding their election as such.

"Sec. 18. That sections numbered 16 and 36 in each township in said Territory shall be, and the same are hereby reserved for the purpose of being applied to public schools in the State or States hereafter to be erected out of the same. In all cases where sections 16 and 36, or either of them, are occupied by actual settlers prior to survey thereof, the county commissioners of the counties in which such sections are so occupied are authorized to locate other lands, to an equal amount, in sections or fractional sections, as the case may be, within their respective counties, in lieu of the sections so occupied.

"All the lands embraced in that portion of the Territory of Oklahoma heretofore known as the Public Land Strip shall be open to settlement under the provisions of the homestead laws of the United States, except section 2301 of the Revised Statutes, which shall not apply; but all actual and bona fide settlers upon and occupants of the lands in said Public Land Strip at the time of the passage of this act shall be entitled to have preference to and hold the lands upon which they have settled under the homestead laws of the United States, by virtue of their settlement and occupancy of said lands, and they shall be credited with the time they have actually occupied their homesteads, respectively, not exceeding two years, on the time required under said laws to perfect title as homestead settlers.

"The lands within said Territory of Oklahoma, acquired by cession of the Muscogee (or Creek) Nation of Indians, confirmed by act of Congress approved March 1, 1889, and also the lands acquired in pursuance of an agreement with the Seminole Nation of Indians by release and conveyance, dated March 16, 1889, which may hereafter be open to settlement, shall be disposed of under the provisions of sections 12, 13, and 14 of the Act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1890, and for other purposes, approved March 2, 1889, and under section 2 of 'An act to ratify and confirm an agreement with the Muscogee (or Creek) Nation of Indians in the Indian Territory, and for other purposes,' approved March 1, 1889: *Provided*, however, That each settler under and in accordance with the provisions of said acts shall, before receiving a patent for his homestead, on the land hereafter opened to settlement as aforesaid, pay to the United States for the land so taken by him, in addition to the fees provided by law, the sum of \$1.25 per acre.

"Whenever any of the other lands within the Territory of Oklahoma now occupied by any Indian tribe shall, by operation of law or proclamation of the President of the United States, be open to settlement, they shall be disposed of to actual settlers only, under the provisions of the homestead law, except section 2301 of the Revised Statutes of the United States, which shall not apply; *Provided*, however, That each settler, under and in accordance with the provisions of said homestead laws, shall before receiving a patent for his homestead pay to the United States for the land so taken by him, in addition to the fees provided by law, a sum per acre equal to the amount which has been or may

be paid by the United States to obtain a relinquishment of the Indian title or interest therein, but in no case shall such payment be less than \$1.25 per acre. The rights of honorably discharged soldiers and sailors in the late civil war, as defined and described in sections 2304 and 2305 of the Revised Statutes of the United States, shall not be abridged except as to such payment.

"All tracts of land in Oklahoma Territory which have been set apart for school purposes to educational societies or missionary boards at work among the Indians shall not be open for settlement, but are hereby granted to the respective educational societies or missionary boards for whose use the same has been set apart. No part of the land embraced within the Territory hereby created shall inure to the use or benefit of any railroad corporation, except the rights of way and land for stations heretofore granted to certain railroad corporations. Nor shall any provision of this act or any act of any officer of the United States, done or performed under the provisions of this act or otherwise, invest any corporation owning or operating any railroad in the Indian Territory, or Territory created by this act, with any land or right to any land in either of said Territories, and this act shall not apply to or affect any land which, upon any condition on becoming a part of the public domain, would inure to the benefit of or become the property of any railroad corporation.

"Sec. 19. That portion of the Territory of Oklahoma heretofore known as the Public Land Strip is hereby declared a public land district, and the President of the United States is hereby empowered to locate a land office in said district, at such place as he shall select, and to appoint in conformity with existing law a register and receiver of said land office. He may also, whenever he shall deem it necessary, establish another additional land district within said Territory, locate a land office therein, and in like manner appoint a register and receiver thereof. And the Commissioner of the General Land Office shall, when directed by the President, cause the lands within the Territory to be properly surveyed and subdivided where the same has not already been done.

"Sec. 20. That the procedure in applications, entries, contests, and adjudications in the Territory of Oklahoma shall be in form and manner prescribed under the homestead laws of the United States, and the general principles and provisions of the homestead laws, except as modified by the provisions of this act and the acts of Congress approved March 1 and 2, 1889, heretofore mentioned, shall be applicable to all entries made in said Territory, but no patent shall be issued to any person who is not a citizen of the United States at the time of making final proof.

"All persons who shall settle on land in said Territory under the provisions of the homestead laws of the United States and of this act shall be required to select the same in square form as nearly as may be; and no person who shall at the time be seized in fee-simple of 160 acres of land in any State or Territory shall hereafter be entitled to enter land in said Territory of Oklahoma. The provisions of sections 2304 and 2305 of the Revised Statutes of the United States shall, except so far as modified by this act, apply to all homestead settlements in said Territory.

"Sec. 21. That any person, entitled by law to take a homestead in said Territory of Oklahoma, who has already located and filed upon, or shall hereafter locate and file upon, a homestead within the limits described in the President's proclamation of April 1, 1889, and under and in pursuance of the laws applicable to the settlement of the lands opened for settlement by such proclamation, and who has complied with all the laws relating to such homestead settlement, may receive a patent therefor at the expiration of twelve months from date of locating upon said homestead upon payment to the United States of \$1.25 per acre for land embraced in such homestead.

"Sec. 22. That the provisions of Title XXXII, chapter 8, of the Revised Statutes of the United States, relating to "Reservation and sale of town sites on the public lands," shall apply to the lands open or to be opened to settlement in the Territory of Oklahoma, except those opened to settlement by the proclamation of the President on the 23d day of April, 1889: *Provided*, That hereafter all surveys for town sites in said Territory shall contain reservations for parks (of substantially equal area if more than one park) and for schools and other public purposes, embracing in the aggregate not less than 10 nor more than 20 acres; and patents for such reservations, to be maintained for such purposes, shall be issued to the towns respectively when organized as municipalities: *Provided further*, That in case any lands in said Territory of Oklahoma which may be occupied and filed upon as a homestead, under the provisions of law applicable to said Territory, by a person who is entitled to perfect his title thereto under such laws, are required for town-site purposes, it shall be lawful for such person to apply to the Secretary of the Interior to purchase the lands embraced in said homestead or any part thereof for town-site purposes. He shall file with the application a plat of such proposed town site, and if such plat shall be approved by the Secretary of the Interior he shall issue a patent to such person for land embraced in said town site, upon the payment of the sum of \$10 per acre for all the lands embraced in such town site, except the lands to be donated and maintained for public purposes as provided in this section. And the sums so received by the Secretary of the Interior shall be paid over to the proper authorities of the municipalities when organized, to be used by them for school purposes only.

"Sec. 23. That there shall be reserved public highways 4 rods wide between each section of land in said Territory, the section lines being the center of said highways; but no deduction shall be made, where cash payments are provided for, in the amount to be paid for each quarter-section of land by reason of such reservation. But if the said highway shall be vacated by any competent authority the title to the respective strips shall inure to the then owner of the tract of which it formed a part by the original survey.

"Sec. 24. That it shall be unlawful for any person, for himself or any company, association, or corporation, to directly or indirectly procure any person to settle upon any lands open to settlement in the Territory of Oklahoma with intent thereafter of acquiring title thereto, and any title thus acquired shall be void, and the parties to any such fraudulent settlement shall severally be guilty of a misdemeanor and shall be punished, upon indictment, by imprisonment not exceeding twelve months or by a fine not exceeding \$1,000, or by both such fine and imprisonment, in the discretion of the court.

"Sec. 25. That inasmuch as there is a controversy between the United States and the State of Texas as to the ownership of what is known as Greer County, it is hereby expressly provided that this act shall not be construed to apply to said Greer County until the title of the same has been adjudicated and determined to be in the United States; and in order to provide for a speedy and final judicial determination of the controversy aforesaid the Attorney-General of the United States is hereby authorized and directed to commence in the name and on behalf of the United States, and prosecute to a final determination, a proper suit in equity in the Supreme Court of the United States against the State of Texas, setting forth the title and claim of the United States to the tract of land lying between the North and South Forks of the Red River where the Indian Territory and the State of Texas adjoin, east of the one hundredth degree of longitude, and claimed by the State of Texas as within its boundary and a part of its land and designated on its map as Greer County, in order that the rightful title to said land may be finally determined, and the court on the trial of the case, may, in its discretion, so far as the ends of justice will warrant, consider any evidence heretofore taken and received by the Joint Boundary Commission under the act of Congress approved January 31, 1885; and said case shall be advanced on the docket of said court and proceeded with to its conclusion as rapidly as the nature and circumstances of the case permit.

"Sec. 26. That the following sums, or so much thereof as may be necessary, are hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be disbursed under the direction of the Secretary of the Interior in

the same manner that similar appropriations are disbursed in the other Territories of the United States, namely:

"To pay the expenses of the first Legislative Assembly of said Territory, including the printing of the session laws thereof, the sum of \$40,000.

"To pay the salaries of the governor, the judges of the supreme court, the secretary of the Territory, the marshal, the attorney, and other officers whose appointment is provided for in this act, for the remainder of the fiscal year ending June 30, 1890, the sum of \$20,000.

"To pay for the rent of buildings for the legislative and executive offices, and for the supreme and district courts; to provide jails and support prisoners; to pay mileage and per diem of jurors and witnesses; to provide books, records, and stationery for the executive and judicial offices for the remainder of the fiscal year ending June 30, 1890, the sum of \$15,000.

"To enable the governor to take a census of the inhabitants of said Territory, as required by law, the sum of \$5,000.

"To be expended by the governor in temporary support and aid of common-school education in said Territory, as soon as a system of public schools shall have been established by the Legislative Assembly, the sum of \$50,000.

"Sec. 27. That the provisions of this act shall not be so construed as to invalidate or impair any legal claims or rights of persons occupying any portion of said Territory under the laws of the United States, but such claims shall be adjudicated by the Land Department or the courts in accordance with their respective jurisdictions.

"Sec. 28. That the Constitution and all the laws of the United States not locally inapplicable shall, except so far as modified by this act, have the same force and effect as elsewhere within the United States; and all acts and parts of acts in conflict with the provisions of this act are as to their effect in said Territory of Oklahoma hereby repealed: *Provided*, That section 1850 of the Revised Statutes of the United States shall not apply to the Territory of Oklahoma.

"Sec. 29. That all that part of the United States which is bounded on the north by the State of Kansas, on the east by the States of Arkansas and Missouri, on the south by the State of Texas, and on the west and north by the Territory of Oklahoma as defined in the first section of this act, shall, for the purposes of this act, be known as the Indian Territory; and the jurisdiction of the United States court established under and by virtue of an act entitled "An act to establish a United States court in the Indian Territory, and for other purposes," approved March 1, 1889, is hereby limited to and shall extend only over the Indian Territory as defined in this section; that the court established by said act shall, in addition to the jurisdiction conferred thereon by said act, have and exercise within the limits of the Indian Territory jurisdiction in all civil cases in the Indian Territory, except cases over which the tribal courts have exclusive jurisdiction, and in all cases on contracts entered into by citizens of any tribe or nation with citizens of the United States in good faith and for valuable consideration, and in accordance with the laws of such tribe or nation, and such contracts shall be deemed valid and enforced by such courts, and in all cases over which jurisdiction is conferred by this act may hereafter be conferred by act of Congress; and the provisions of this act hereinafter set forth shall apply to said Indian Territory only.

"Sec. 30. That for the purpose of holding terms of said court said Indian Territory is hereby divided into three divisions, to be known as the first, second, and third division. The first division shall consist of the country occupied by the Indian tribes in the Quapaw Indian agency and all that part of the Cherokee country east of the ninety-sixth meridian and all of the Creek country, and the place for holding said court therein shall be at Muscogee. The second division shall consist of the Choctaw country, and the place for holding said court therein shall be at South McAlester. The third division shall consist of the Chickasaw and Seminole countries, and the place for holding said court therein shall be at Ardmore. That the Attorney-General of the United States may, in his judgment it shall be necessary, appoint an assistant attorney for said court. And the clerk of said court shall appoint a deputy clerk in each of said divisions in which said clerk does not himself reside at the place in such division where the terms of said court are to be held. Such deputy clerk shall keep his office and reside at the place appointed for holding said court in the division of such residence, and shall keep the records of said court for such division, and in the absence of the clerk may exercise all the official powers of the clerk within the division for which he is appointed: *Provided*, That the appointment of such deputies shall be approved by said United States court in the Indian Territory, and may be annulled by said court at its pleasure, and the clerk shall be responsible for the official acts and negligence of his respective deputies. The judge of said court shall hold at least two terms of said court each year in each of the divisions aforesaid, at such regular times as said judge shall fix and determine, and shall be paid his actual traveling expenses and subsistence while attending and holding court at places other than Muscogee. And jurors for each term of said court, in each division, shall be selected and summoned in the manner provided in said act, three jury commissioners to be selected by said court for each division, who shall possess all the qualifications and perform in said division all the duties required of the jury commissioners provided for in said act. All prosecutions for crimes or offenses hereafter committed in said Indian Territory shall be cognizable within the division in which such crime or offense shall have been committed. And all civil suits shall be brought in the division in which the defendant or defendants reside or may be found; but if there be two or more defendants residing in different divisions the action may be brought in any division in which either of the defendants resides or may be found. And all cases shall be tried in the division in which the process is returnable as herein provided, unless said judge shall direct such case to be removed to one of the other divisions: *Provided, however*, That the judicial tribunals of the Indian nations shall retain exclusive jurisdiction in all civil and criminal cases arising in the country in which members of the nation by nativity or by adoption shall be the only parties; and as to all such cases the laws of the State of Arkansas extended over and put in force in said Indian Territory this act shall not apply.

"Sec. 31. That certain general laws of the State of Arkansas in force at the close of the session of the General Assembly of that State of 1883, as published in 1884 in the volume known as Mansfield's Digest of the Statutes of Arkansas, which are not locally inapplicable or in conflict with this act or with any law of Congress relating to the subjects specially mentioned in this section, are hereby extended over and put in force in the Indian Territory until Congress shall otherwise provide; that is to say, the provisions of the said general statutes of Arkansas relating to administration, chapter 1, and the United States court in the Indian Territory herein referred to shall have and exercise the powers of courts of probate under said laws; to public administrators, chapter 2, and the United States marshal of the Indian Territory shall perform the duties imposed by said chapter on the sheriffs in said State; to arrest and bail—civil, chapter 7; to assignment for benefit of creditors, chapter 8; to attachments, chapter 9; to attorneys at law, chapter 11; to bills of exchange and promissory notes, chapter 14; to civil rights, chapter 18; to common and statute law of England, chapter 20; to contempt, chapter 23; to municipal corporations, chapter 25, division 1; to costs, chapter 30; to descents and distributions, chapter 40; to divorce, chapter 52, and said court in the Indian Territory shall exercise the powers of the circuit courts of Arkansas under this chapter; to dower, chapter 52; to evidence, chapter 59; to execution, chapter 60; to fees, chapter 63; to forcible entry and detainer, chapter 67; to frauds, statute of, chapter 68; to fugitives from justice, chapter 69; to gaming contracts, chapter 70; to guardians, curators, and wards, chapter 73, and said court in the Indian Territory shall appoint guardians and curators; to habeas corpus, chapter 74; to injunction, chap-

ter 81; to insane persons and drunkards, chapter 82, and said court in the Indian Territory shall exercise the powers of the probate courts of Arkansas under this chapter; to joint and several obligations and contracts, chapter 87; to judgments and decrees, chapter 83; to judgments—summary, chapter 89; to jury, chapter 90; to landlord and tenant, chapter 92; to legal notices and advertisements, chapter 94; to liens, chapter 95; to limitations, chapter 97; to mandamus and prohibition, chapter 100; to marriage contracts, chapter 102; to marriages, chapter 103; to married women, chapter 104; to money and interest, chapter 109; to mortgages, chapter 110; to notaries public, chapter 111, and said court in the Indian Territory shall appoint notaries public under this chapter; to partition and sale of lands, chapter 115; to pleadings and practice, chapter 119; to recorders, chapter 126; to replevin, chapter 123; to venue, change of, chapter 153; and to wills and testaments, chapter 155; and wherever in said laws of Arkansas the courts of record of said State are mentioned the said court in the Indian Territory shall be substituted therefor; and wherever the clerks of said courts are mentioned in said laws the clerk of said court in the Indian Territory and his deputies, respectively, shall be substituted therefor; and wherever the sheriff of the county is mentioned in said laws the United States marshal of the Indian Territory shall be substituted therefor, for the purpose, in each of the cases mentioned, of making said laws of Arkansas applicable to the Indian Territory.

"That no attachment shall issue against improvements on real estate while the title to the land is vested in any Indian nation, except where such improvements have been made by persons, companies, or corporations operating coal or other mines, railroads, or other industries under lease or permission of law of an Indian national council, or charter, or law of the United States.

"That executions upon judgments obtained in any other than Indian courts shall not be valid for the sale or conveyance of title to improvements made upon lands owned by an Indian nation, except in the cases wherein attachments are provided for. Upon a return of *nulla bona*, upon an execution upon any judgment against an adopted citizen of any Indian tribe or against any person residing in the Indian country and not a citizen thereof, if the judgment debtor shall be the owner of any improvements upon real estate within the Indian Territory in excess of 160 acres occupied as a homestead, such improvements may be subjected to the payment of such judgment by a decree of the court in which such judgment was rendered. Proceedings to subject such property to the payment of judgments may be by petition, of which the judgment debtor shall have notice as in the original suit.

"If on the hearing the court shall be satisfied from the evidence that the judgment debtor is the owner of improvements on real estate subject to the payment of said judgment, the court may order the same sold, and the proceeds, or so much thereof as may be necessary to satisfy said judgment and costs, applied to the payment of said judgment; or if the improvement is of sufficient rental value to discharge the judgment within a reasonable time the court may appoint a receiver, who shall take charge of such property and apply the rental receipts thereof to the payment of such judgment, under such regulations as the court may prescribe. If under such proceeding any improvement is sold only citizens of the tribe in which said property is situate may become the purchaser thereof.

"The Constitution of the United States and all general laws of the United States which prohibit crimes and misdemeanors in any place within the sole and exclusive jurisdiction of the United States, except in the District of Columbia, and all laws relating to national-banking associations shall have the same force and effect in the Indian Territory as elsewhere in the United States; but nothing in this act shall be so construed as to deprive any of the courts of the civilized nations of exclusive jurisdiction over all cases arising wherein members of said nations, whether by treaty, blood, or adoption, are the sole parties, nor so as to interfere with the right and power of said civilized nations to punish said members for violation of the statutes and laws enacted by their national councils where such laws are not contrary to the treaties and laws of the United States.

"Sec. 32. That the word 'county,' as used in any of the laws of Arkansas which are put in force in the Indian Territory by the provisions of this act, shall be construed to embrace the territory within the limits of a judicial division in said Indian Territory; and whenever in said laws of Arkansas the word 'county' is used, the words 'judicial division' may be substituted therefor in said Indian Territory for the purposes of this act. And whenever in said laws of Arkansas the word 'State' or the words 'State of Arkansas' are used, the word 'Territory' or the words 'Indian Territory' may be substituted therefor, for the purposes of this act and for the purpose of making said laws of Arkansas applicable to the said Indian Territory; but all prosecutions therein shall run in the name of the 'United States.'

"Sec. 33. That the provisions of chapter 45 of the said general laws of Arkansas, entitled 'Criminal law,' except as to the crimes and misdemeanors mentioned in the proviso to this section, and the provisions of chapter 46 of said general laws of Arkansas, entitled 'Criminal procedure,' as far as they are applicable, are hereby extended over and put in force in the Indian Territory, and jurisdiction to enforce said provisions is hereby conferred upon the United States court therein: *Provided*, That in all cases where the laws of the United States and the said criminal laws of Arkansas have provided for the punishment of the same offenses the laws of the United States shall govern as to such offenses: *And provided further*, That the United States circuit and district courts, respectively, for the western district of Arkansas and the eastern district of Texas, respectively, shall continue to exercise exclusive jurisdiction as now provided by law in the Indian Territory as defined in this act, in their respective districts as heretofore established, over all crimes and misdemeanors against the laws of the United States applicable to the said Territory, which are punishable by said laws of the United States by death or by imprisonment at hard labor, except as otherwise provided in the following sections of this act.

"Sec. 34. That original jurisdiction is hereby conferred upon the United States court in the Indian Territory to enforce the provisions of Title XXVIII, chapters 3 and 4, of the Revised Statutes of the United States in said Territory, except the offenses defined and embraced in sections 2142 and 2143: *Provided*, That as to the violations of the provisions of section 2139 of said Revised Statutes the jurisdiction of said court in the Indian Territory shall be concurrent with the jurisdiction exercised in the enforcement of such provisions by the United States courts for the western district of Arkansas and the eastern district of Texas: *Provided*, That all violations of said chapters 3 and 4 prior to the passage of this act shall be prosecuted in the said United States courts, respectively, the same as if this act had not been passed.

"Sec. 35. That exclusive original jurisdiction is hereby conferred upon the United States court in the Indian Territory to enforce the provisions of chapter 4, Title LXX, of the Revised Statutes of the United States, entitled 'Crimes against justice,' in all cases where the crimes mentioned therein are committed in any judicial proceeding in the Indian Territory and where such crimes affect or impede the enforcement of the laws in the courts established in said Territory: *Provided*, That all violations of the provisions of said chapter prior to the passage of this act shall be prosecuted in the United States courts for the western district of Arkansas and the eastern district of Texas, respectively, the same as if this act had not been passed.

"Sec. 36. That jurisdiction is hereby conferred upon the United States court in the Indian Territory over all controversies arising between members or citizens of one tribe or nation of Indians and the members or citizens of other tribes or nations in the Indian Territory, and any citizen or member of one tribe or nation who may commit any offense or crime against the person or property of a citizen or member of another tribe or nation shall be subject

to the same punishment in the Indian Territory as he would be if both parties were citizens of the United States. And any member or citizen of any Indian tribe or nation in the Indian Territory shall have the right to invoke the aid of said court therein for the protection of his person or property as against any person not a member of the same tribe or nation, as though he were a citizen of the United States.

"Sec. 37. That if any person shall, in the Indian Territory, open, carry on, promote, make, or draw, publicly or privately, any lottery, or scheme of chance of any kind or description, by whatever name, style, or title the same may be denominated or known, or shall, in said Territory, vend, sell, barter, or dispose of any lottery ticket or tickets, order or orders, device or devices, of any kind, for or representing any number of shares or any interest in any lottery or scheme of chance, or shall open or establish as owner or otherwise any lottery or scheme of chance in said Territory, or shall be in anywise concerned in any lottery or scheme of chance, by acting as owner or agent in said Territory, for or on behalf of any lottery or scheme of chance, to be drawn, paid, or carried on, either out of or within said Territory, every such person shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined, for the first offense, not exceeding \$500, and for the second offense shall, on conviction, be fined not less than \$500 and not exceeding \$5,000, and he may be imprisoned, in the discretion of the court, not exceeding one year. And jurisdiction to enforce the provisions of this section is hereby conferred upon the United States court in said Indian Territory, and all persons therein, including Indians and members and citizens of Indian tribes and nations, shall be subject to its provisions and penalties.

"Sec. 38. The clerk and deputy clerks of said United States court shall have the power within their respective divisions to issue marriage licenses or certificates and to solemnize marriages. They shall keep copies of all marriage licenses or certificates issued by them, and a record book in which shall be recorded all licenses or certificates after the marriage has been solemnized, and all persons authorized by law to solemnize marriages shall return the license or certificate, after executing the same, to the clerk or deputy clerk who issued it, together with his return thereon. They shall also be *ex officio* recorders within their respective divisions, and as such they shall perform such duties as are required of recorders of deeds under the said laws of Arkansas, and receive the fees and compensation therefor which are provided in said laws of Arkansas for like service: *Provided*, That all marriages heretofore contracted under the laws or tribal customs of any Indian nation now located in the Indian Territory are hereby declared valid, and the issue of such marriages shall be deemed legitimate and entitled to all inheritances of property or other rights, the same as in the case of the issue of other forms of lawful marriage: *Provided further*, That said chapter 103 of said laws of Arkansas shall not be construed so as to interfere with the operation of the laws governing marriage enacted by any of the civilized tribes, nor to confer any authority upon any officer of said court to unite a citizen of the United States in marriage with a member of any of the civilized nations until the preliminaries to such marriage shall have first been arranged according to the laws of the nation of which said Indian person is a member: *And provided further*, That where such marriage is required by law of an Indian nation to be of record the certificate of such marriage shall be sent for record to the proper officer, as provided in such law enacted by the Indian nation.

"Sec. 39. That the United States court in the Indian Territory shall have all the powers of the United States circuit courts or circuit court judges to appoint commissioners within said Indian Territory, who shall be learned in the law and shall be known as United States commissioners; but not exceeding three commissioners shall be appointed for any one division, and such commissioners when appointed shall have, within the district to be designated in the order appointing them, all the powers of commissioners of circuit courts of the United States. They shall be *ex officio* notaries public and shall have power to solemnize marriages. The provisions of chapter 91 of the said laws of Arkansas, regulating the jurisdiction and procedure before justices of the peace, are hereby extended over the Indian Territory; and said commissioners shall exercise all the powers conferred by the laws of Arkansas upon justices of the peace within their districts; but they shall have no jurisdiction to try any cause where the value of the thing or the amount in controversy exceeds \$100.

"Appeals may be taken from the final judgment of said commissioners to the United States court in said Indian Territory in all cases and in the same manner that appeals may be taken from the final judgments of justices of the peace under the provisions of said chapter 91. The said court may appoint a constable for each of the commissioner's districts designated by the court, and the constable so appointed shall perform all the duties required of constables under the provision of chapter 24 and other laws of the State of Arkansas. Each commissioner and constable shall execute to the United States, for the security of the public, a good and sufficient bond, in the sum of \$5,000, to be approved by the judge appointing him, conditioned that he will faithfully discharge the duties of his office and account for all moneys coming into his hands, and he shall take an oath to support the Constitution of the United States and to faithfully perform the duties required of him.

"The appointments of United States commissioners by said court held at Muskogee, in the Indian Territory, heretofore made, and all acts in pursuance of law and in good faith performed by them, are hereby ratified and validated.

"Sec. 40. That persons charged with any offense or crime in the Indian Territory, and for whose arrest a warrant has been issued, may be arrested by the United States marshal or any of his deputies, wherever found in said Territory, but in all cases the accused shall be taken, for preliminary examination, before the commissioner in the judicial division whose office or place of business is nearest by the route usually traveled to the place where the offense or crime was committed; but this section shall apply only to crimes or offenses over which the courts located in the Indian Territory have jurisdiction: *Provided*, That in all cases where persons have been brought before a United States commissioner in the Indian Territory for preliminary examination, charged with the commission of any crime therein, and where it appears from the evidence that a crime has been committed, and that there is probable cause to believe the accused guilty thereof, but that the crime is one over which the courts in the Indian Territory have no jurisdiction, the accused shall not, on that account, be discharged, but the case shall be proceeded with as provided in section 1014 of the Revised Statutes of the United States.

"Sec. 41. That the judge of the United States court in the Indian Territory shall have the same power to extradite persons who have taken refuge in the Indian Territory, charged with crimes in the States or other Territories of the United States, that may now be exercised by the governor of Arkansas in that State, and he may issue requisitions upon governors of States and other Territories for persons who have committed offenses in the Indian Territory, and who have taken refuge in such States or Territories.

"Sec. 42. That appeals and writs of error may be taken and prosecuted from the decisions of the United States court in the Indian Territory to the Supreme Court of the United States in the same manner and under the same regulations as from the circuit courts of the United States, except as otherwise provided in this act.

"Sec. 43. That any member of any Indian tribe or nation residing in the Indian Territory may apply to the United States court therein to become a citizen of the United States, and such court shall have jurisdiction thereof and shall hear and determine such application as provided in the statutes of the United States; and the Confederate Peoria Indians residing in the Quapaw Indian agency, who have heretofore or who may hereafter accept their land in severalty under any

of the allotment laws of the United States, shall be deemed to be, and are hereby declared to be, citizens of the United States from and after the selection of their allotments, and entitled to all the rights, privileges, and benefits as such, and parents are hereby declared from that time to have been and to be the legal guardians of their minor children without process of court: *Provided*, That the Indians who become citizens of the United States under the provisions of this act do not forfeit or lose any rights or privileges they enjoy or are entitled to as members of the tribe or nation to which they belong.

"SEC. 44. That the following sum, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be disbursed under the direction of the Attorney-General of the United States, in the same manner that similar appropriations are disbursed in the other Territories of the United States, namely:

"To pay the actual traveling and other expenses of the judge of the United States court holding court in said Indian Territory other than at Muskogee; to pay for the rent of buildings for the courts; to provide jails and support prisoners; to pay mileage and per diem for jurors and witnesses; to provide books, records, and stationery for the judicial offices for the remainder of the fiscal year ending June 13, 1890, the sum of \$10,000."

And that the House agree to the same.

And that the Senate recede from its disagreement to the amendment of the House to the title of said bill, and agree to the same amended so as to read as follows:

"A bill to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States courts in the Indian Territory, and for other purposes."

And that the House agree to the same.

ORVILLE H. PLATT,
SHELBY M. CULLOM,
JAMES K. JONES,
Managers on the part of the Senate.
I. S. STRUBLE,
B. W. PERKINS,
WILLIAM M. SPRINGER,
Managers on the part of the House.

STATEMENT OF HOUSE CONFEREES.

The managers on the part of the House submit the following statements showing the effect that the amendments proposed will have upon the measure.

The most important amendment which was insisted upon by the Senate conferees changes the boundaries of the proposed Territory of Oklahoma so as to exclude from the territorial limits what is known as the Cherokee Outlet. It is provided, however, that as soon as the Indian claim to this Outlet is extinguished it shall become a part of the Territory of Oklahoma without further legislation, and that the lands therein shall be opened to settlement as other lands in the said Territory. It is also provided that jurisdiction to enforce the laws of the United States in the Cherokee Outlet shall be conferred upon the supreme and district courts of the Territory of Oklahoma.

By the terms of the House bill certain sections of the Revised Statutes were referred to by their numbers, but the bill has been so amended that these sections are set forth at length in the bill, with such slight modifications thereof as are deemed necessary in order to adapt them to the conditions which exist in that Territory.

The House bill extended all of the laws of the State of Nebraska over the Territory of Oklahoma until after the adjournment of the first session of the Legislative Assembly of the Territory, but, as a number of the chapters in these laws were inapplicable or if extended to Oklahoma might produce confusion, the bill has been so amended that only those chapters of the laws of Nebraska which are necessary for putting in operation a temporary government in the Territory of Oklahoma and for providing for the urgent needs of the situation were put in force in that Territory by reference to the subject-matter and the chapter. Chapter 50 of the laws of Nebraska prohibits the sale of all kinds of liquors unless a license is obtained therefor, and the bill reported has been so amended that no license can be granted in the Territory thereunder. This change was made in order to conform to the vote of the House on that subject, and will continue in force until the adjournment of the first session of the Legislative Assembly, after which time the whole subject will be within the province of the people represented in the Territorial Legislature.

Seven counties have been established, as provided in the bill as it passed the House, and the county seats have been designated in the bill, the lines to be fixed by the governor, and the first Legislative Assembly is to meet at Guthrie, in said Territory, at such time as the governor may indicate.

The land features, as contained in the House bill, have been substantially preserved, with the exception that commutation at \$1.25 per acre is permitted as to land opened to settlement by the proclamation of the President on the 22d of April, 1889, after twelve months from the date of locating upon such land; and as to all lands in the Territory of Oklahoma not embraced in that proclamation, but which may be purchased from the Indians, an amount per acre will be charged hereafter sufficient to reimburse the Government for the price paid to the Indians for such lands, but not to be less in any case than \$1.25 per acre.

Town sites in the Territory of Oklahoma, outside of the land heretofore opened by the President's proclamation, will be taken and disposed of as provided in the general statutes of the United States on that subject, with the exception that the Secretary is authorized to reserve parks and grounds for public purposes in any proposed town site. Some other changes have been made in the land provisions, but not materially affecting the provisions of the bill as it passed the House.

The appropriation in the House bill of \$100,000 for the aid of common schools in the Territory of Oklahoma has been reduced to \$50,000, and the fund is to be expended in pursuance of laws passed by the Territorial Legislature.

The provision in regard to the settlement of the respective claims of the United States and the State of Texas to what is known as Greer County has been amended at the instance of the Senate conferees. As the bill passed the House it provided for a board of arbitration to consist of three persons, one to be appointed by the governor of Texas, one by the President of the United States, and a third by the joint appointment of the President and the governor. This provision has been stricken out and the provisions of the Senate bill on that subject have been inserted in lieu thereof. The new provision authorizes and requires the Attorney-General to institute suit in the Supreme Court of the United States against the State of Texas for the purpose of determining the respective claims of the United States and the State of Texas to Greer County. The suit, when brought up in the Supreme Court, is to be advanced on the docket and disposed of at the earliest time practicable.

While the House conferees preferred the provisions of the House bill, yet they concede that there is great merit in the provision reported on that subject. The decision will be by a larger tribunal and by one more learned in the law and freer from possible local bias of every kind than the tribunal provided for in the House bill; and we have no doubt a decision of that high tribunal on this important question will be such as will give entire satisfaction to all the people of the country, including the people of the State of Texas.

The provisions of the bill which related solely to the Indian Territory as it will hereafter be constituted, comprising the five civilized tribes, have been so amended as to provide that there shall be no additional judges appointed therefor, but that the said Indian Territory shall be divided into three judicial divisions,

in each of which the judge of the United States court already established in that Territory shall hold two terms of court per annum. The judicial divisions remain the same as in the House bill, and the places for holding courts in these divisions are fixed at Muskogee, South McAlester, and at Ardmore.

The enlarged jurisdiction which was conferred upon courts in the Indian Territory by the House bill is preserved substantially in the bill now agreed upon by the conference committee, with the exception that the section conferring jurisdiction to determine rights of citizenship in the respective Indian tribes or nations and the provision requiring the instructions of the court to be in writing have been stricken out, and a new section has been added prohibiting lotteries in the Indian Territory and punishing all persons who may be engaged therein, directly or indirectly. A provision was also inserted subjecting the improvements on real estate, if such improvements are owned by adopted citizens or others not citizens of the nation, to execution, if on petition the court shall be of the opinion that the defendant is the owner of such improvements. If the improvements should be sold under order of the court, none but citizens of the tribe or nation can become a purchaser thereof.

At the instance of the attorney of the Cherokee and other nations, several amendments were added more clearly and specifically guarding the rights of the citizens of those nations under their treaties with the United States. All of the provisions insisted upon by the representatives of Indian tribes and their attorneys were substantially ingrafted upon the bill and if any authorized representatives of any of the Indian nations in the Indian Territory are now opposing the legislation contained in the bill as now reported, we are not aware of it.

The conferees on the part of the Senate and the House have given careful and thorough consideration to all the details of the measure, and the House conferees earnestly recommend prompt and favorable action on the part of the House.

ISAAC S. STRUBLE,
B. W. PERKINS,
WILLIAM M. SPRINGER,

Managers on the part of the House of Representatives.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BOWDEN, for Monday and Tuesday next, on account of important business.

To Mr. SMITH, of West Virginia, for one week, on account of important business.

MEMORIAL ADDRESSES ON HON. S. S. COX.

The SPEAKER. The hour of 1 o'clock having arrived, the Clerk will read the special order.

The Clerk read as follows:

Resolved, That Saturday, April 19, 1890, beginning at 1 o'clock, be set apart for paying tribute to the memory of Hon. Samuel Sullivan Cox, late a member of the House of Representatives from the Ninth district of the State of New York.

Mr. CUMMINGS submitted resolutions; which were read, as follows:

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. Samuel Sullivan Cox, late a Representative from the State of New York.

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

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

Resolved, That the Clerk be instructed to communicate a copy of these resolutions to the family of the deceased.

The question being taken on the resolutions, they were adopted unanimously.

Mr. CUMMINGS. Mr. Speaker, I stand at a desk haloed by memories of a true tribune of the people. To the nation he was born here. It was here that his generous, genial, and manly spirit had full play. Here he displayed the patriotic fervor, the exquisite eloquence, the iridescent imagery, the peerless diction, the penetrating logic, the sparkling humor, and the delightful disposition that endeared him to the nation. He had friends everywhere and enemies nowhere. His active and busy mind and his ever-ready and eloquent tongue are at rest. The marvelous intellect glows in another world. The whole-souled and unobtrusive friend of the masses has passed away. Only his memory remains. That memory perfumes every home in the land.

A Democratic statesman himself, he came from a race of Democratic statesmen. His father, Hon. Ezekiel Taylor Cox, was not only a distinguished editor, but a member of the Ohio State senate. His mother was a daughter of Hon. Samuel Sullivan, State treasurer of Ohio, and a man of exalted character. His paternal grandfather, General James Cox, of Monmouth County, New Jersey, was not only a distinguished officer of the Revolution, but a warm personal friend of Thomas Jefferson. He was ever a welcome guest at Monticello. He was at one time speaker of the New Jersey Legislature, and died while a member of the Tenth Congress. The portrait of another relative adorns the Speaker's lobby. It is that of John W. Taylor, Speaker of this House during the second session of the Sixteenth Congress. Mr. Taylor was the only Speaker ever chosen from the great State of New York. He was a cousin of Mr. Cox's father.

Samuel Sullivan Cox was born in Zanesville, Ohio, on September 30, 1824. He had twelve brothers and sisters. Eight grew to manhood and womanhood. Mr. Cox's father was the editor of the Muskingum Messenger. He established the first paper-mill west of the Alleghenies. For fourteen years he was clerk of the court of Muskingum County. Samuel S. Cox was preternaturally bright as a boy. He learned to read and write before he was five years old and early displayed a taste for literature. At the age of eleven he was a valuable assistant to his father in the county clerk's office at Zanesville. There are men living who saw the boy swear jurors and witnesses, issue writs, and make up journals. He performed all the duties of an expert clerk before he was thirteen years old. He attended the university at

Athens, Ohio, and reached the sophomore year, but did not complete his course there. One of his classmates at Athens was General Albert B. Jenkins, a well known Confederate cavalry leader, killed in 1864.

While a clerk in his father's office young Cox applied himself to the study of the law. His memory was marvelous. It is said that he knew the old twenty-ninth volume of the Ohio Laws by heart, and that later on he could draw up any pleading without consulting Chitty.

After leaving Athens he entered Brown University. This was in 1844. His father's means were limited. Young Samuel had hard work to pay his way. He did it by the use of the pen. Eli Thayer was a schoolmate at the university. Mr. Cox carried off the prizes in history, in poetic criticism, and in political economy. In the last department his theme was the repeal of the corn laws. His treatment of it indicated his course in after years as an advocate of free trade. He was a free-trader when a majority of his countrymen thought it more than a defect. He graduated with high honors in 1846. It was at Brown University that he developed that readiness in debate and repartee which afterward made him so conspicuous on this floor.

Upon returning to Ohio he resumed the study of the law, first with Judge Converse. Ex-Governor Hoadley was a student in the same office. Not long afterwards both these young men went to Cincinnati. Mr. Cox soon formed a law partnership with George L. Pugh, afterward a distinguished Senator from his native State. He practiced law for two years and became prominent in his profession. The thoroughness of his knowledge and his readiness as a speaker gave him great strength before juries.

The practice of law, however, became distasteful to him. His literary tastes were eternally in conflict with it. His appreciative fondness for historical works and general literature gave him an ardent desire to visit the Old World. The visit was made soon after his marriage. Mr. Cox married Miss Julia A. Buckingham, of Zanesville, Ohio, on October 11, 1849. Of all the good things that he ever did, this was the best for himself. Mrs. Cox proved a true and devoted wife. She was the pole-star of his existence. Rarely was she separated from him. She was his companion upon the burning sands of the African deserts and in the bleak regions of the midnight sun. She was with him upon the isles of the Sea of Marmora and in the vast forests bordering Puget Sound. Beneath the blue Italian skies, climbing Mount Calvary, resting amid the ruins of Karnak, enjoying the grandeur of the Yosemite, admiring the wonders of Yellowstone Park, she was ever at her husband's side. In the stormy scenes of life she was always his sheet-anchor.

They remained abroad for more than a year. Upon their return Mr. Cox published an account of their rambling under the title of *A Buckeye Abroad*. The success of this book turned his attention to journalism. By the advice of friends he bought a controlling interest in the *Columbus Statesman*. It was the Democratic organ at the capital. Mr. Cox developed sterling qualities as an editorial writer. He displayed great aptitude in treating existing issues and as an originator of strong ideas. He never forgot the admonition of his grandfather, Samuel Sullivan. Mr. Sullivan, in his last will, charged his own and his children's children to remember that "their inheritance was the result of Democratic institutions, and said that he expected his namesake and executor, Samuel Sullivan Cox, to sustain those institutions in their Democratic form and tenor with ballot and with bullet."

It was while he was editor of the *Columbus Statesman* that Mr. Cox wrote the article which gave him the appellation of "Sunset." That article was published on May 19, 1853. It is peculiarly indicative of Mr. Cox's tastes and character. I quote it:

A GREAT OLD SUNSET.

What a stormful sunset was that of last night! How glorious the storm and how splendid the setting of the sun! We do not remember ever to have seen the like on our round globe. The scene opened in the West, with a whole horizon full of a golden interpenetrating luster, which colored the foliage and brightened every object in its own rich dyes. The colors grew deeper and richer, until the golden luster was transformed into a storm-cloud, full of finest lightning, which leaped in dazzling zig-zags all round and over the city. The wind rose with fury, the slender shrubs and giant trees made obeisance to its majesty. Some even snapped before its force. The strawberry beds and grass plots "turned up their whites" to see Zephyrus march by. As the rain came, and the pools formed, and the gutters hurried away, thunder roared grandly, and the fire bells caught the excitement and rung with hearty chorus. The South and East received the copious showers, and the West all at once brightened up in a long, polished belt of azure, worthy of a Sielian sky. Presently a cloud appeared in the azure belt, in the form of a castellated city. It became more vivid, revealing strange forms of peerless fanes and alabaster temples, and glories rare and grand in this mundane sphere. It reminds us of Wordsworth's splendid verse in his *Excursion*:

The appearance instantaneously disclosed
Was of a mighty city, boldly say
A wilderness of buildings, sinking far
And self-withdrawn into a wondrous depth.
Far sinking into splendor without end!

But the city vanished only to give place to another isle, where the most beautiful forms of foliage appeared, imaging a paradise in the distant and purified air. The sun, wearied of the elemental commotion, sank behind the green plains of the West. The "great eye in heaven," however, went not down without a dark brow hanging over its departing light. The rich flush of the unearthly light had passed and the rain had ceased; when the solemn church bells pealed, the laughter of children out and joyous after the storm is heard with the carol of birds; while the forked and purple weapon of the skies still darted illumination around the Starling College, trying to rival its angles and leap into its dark windows. Candles are lighted. The piano strikes up. We feel that

it is good to have a home—good to be on the earth where such revelations of beauty and power may be made. And as we can not refrain from reminding our readers of everything wonderful in our city, we have begun and ended our feeble etching of a sunset which comes so rarely that its glory should be committted to immortal type.

As the editor of a leading Democratic paper Mr. Cox entered the field of politics. It was one for which he was particularly adapted. Washington McLean, the owner and editor of the *Cincinnati Enquirer*, was among his earliest friends. Mr. McLean was chairman of the Democratic State central committee in 1853. Axious to be relieved of its responsibilities, he resigned upon condition that Mr. Cox accept the place and conduct the canvass. In that year William Medill was the Democratic candidate for governor. His opponents were Mr. Barrere, a Whig, and Mr. Lewis, a Free-Soiler. Mr. Cox threw himself into the campaign with all his heart and soul. Never were the industry and versatility of the man better displayed. He not only did the executive work of the committee, but he appeared upon the stump and wrote many a fiery editorial. The effectiveness of his work was shown by the result. Medill was elected governor with a majority of 11,497 over all and a plurality of 61,843 over the Whig candidate.

From that time forward Mr. Cox became an active politician. Young, quick-witted, ready, energetic, ardent, earnest, talented, graceful, and accomplished, no man was more fitted to win the plaudits of the people. He was the rising young statesman of the Buckeye State. His fame spread to Washington. He visited this city for the first time in 1855. In that year he tells us that President Pierce offered him the post of secretary of legation to England. That honor was declined. Mr. Cox preferring the secretaryship of legation to Peru. He proceeded as far south as Aspinwall, when ill-health compelled him to return to the United States. In August he resigned.

One year later he accepted the Democratic nomination to Congress from the Twelfth Ohio district. The campaign was a bitter one. Samuel Galloway was the Republican and Mr. Stanberry the American candidate. Mr. Cox was elected by a plurality of 355 votes. He succeeded in Congress Edson B. Olds, who was afterward a prisoner in Fort Lafayette.

Samuel S. Cox entered Congress on December 7, 1857. This was thirty-two years ago last December. He came into this House one year before Judge Kelley and two years before the lamented Randall and our friend, the venerable CHARLES O'NEILL, of Pennsylvania, by whom I am requested to say how deeply he regrets that he is unable to be here to-day to pay tribute to his old personal friend. Mr. Cox was hardly seated in the old historic Hall that had resounded with the eloquence of Webster, Clay, and Calhoun, before the House of Representatives took possession of this Chamber. Mr. Cox made the first speech ever heard in this Hall. It was his maiden speech in Congress. Listen to him as he describes the scene. I read from his work, *Three Decades of Federal Legislation*:

The 16th of December, 1857, is memorable in the annals of the United States. Looking back to that day, the writer can see the members of the House of Representatives take up the line of march out of the old shadowy and murmurous Chamber into the new Hall, with its ornate and gilded interior. The scene is intense in a rare dramatic quality. Around sit the members upon richly carved oaken chairs. Already arrayed upon either side, are the sections in mutual animosity. The Republicans take the left of the Speaker, the Democrats the right. James L. Orr, of South Carolina, a full, roseate-faced gentleman, of large build and ringing metallic voice, is in the chair. James C. Allen, of Illinois, sits below him in the Clerk's seat. The Rev. Mr. Carothers offers an appropriate and inspiring prayer. A solemn hush succeeds the invocation. After some legislative routine the members retire to the open space in the rear to await the drawing of seats. A page with bandaged eyes makes the award, and one by one the members are seated. Then by the courtesy of the chairman of the Printing Committee, Mr. Smith, of Tennessee, a young member from Ohio is allowed to take the floor. He addresses the Speaker with timidity and modesty, amid many interruptions by Humphrey Marshall, Thomas S. Boocock, Judge Hughes, George W. Jones, and General Quitman, each of whom bristles with points of order against the points of the speaker. But that young member is soon observed by a quiet House. Many listen to him, perhaps to judge of the acoustic qualities of the Hall, some because of the nature of the debate. And then after a few minutes all become excited. Again and again the shrill tones of Mr. Speaker Orr are heard above the uproar. He exclaims: "This is a motion to print extra copies of the President's message. Debate on the subject is therefore in order, upon which the gentleman from Ohio has the floor."

That gentleman is now the writer. His theme was the Lecompton Constitution. As the questions discussed involved the great issues leading to war or peace, his interest in the *mise en scène* became less. But his maiden speech—the maiden speech in the new Chamber—began under circumstances anything but composing.

While Mr. Cox was thus astounding the House with his eloquence, his old law-partner, George E. Pugh, was awakening the United States Senate to the gravity of the situation. The pillars of the Republic were being shaken. There was an ominous rumbling that foreboded the great national convulsion that followed.

Mr. Cox was thirty-two years old when he made this speech. He began his career by antagonizing his party's administration. He promptly took sides in the great fight between Stephen A. Douglas and President Buchanan. Throughout that contest, so disastrous to his country and to his party, Mr. Cox was an able lieutenant of Judge Douglas. It was a terrific conflict. Stephen A. Douglas swung his trenchant blade in the Senate. He received able support in the House. There William A. Richardson used the broadsword, but Cox was fully as effective with his rapier. He says that his speech was the first delivered against Lecompton by any one in the lower branch of Congress. It was taken to Judge Douglas on the Sunday night preceding its de-

livery to read him parts of it in manuscript. This speech drew the line clearly. Mr. Cox lost caste with the administration. But the independence of the man asserted itself in another direction. Differing with President Buchanan, he afterwards differed with Judge Douglas on the English compromise. This subjected him to bitter criticism from friends of the Judge. It was, however, an honest difference. The magnanimous Douglas recognized this, for in the campaign of 1860, at an immense mass-meeting in Columbus, he advocated the re-election of Mr. Cox.

Mr. Cox laid the basis of his fame in the Thirty-fifth Congress. He displayed those charming qualities in debate which ever afterward made him a favorite upon the floor. No one ever doubted the intensity of his convictions. His arguments were adorned with eloquence and enlivened with wit and humor. Born within the lifetime of Jefferson, Jeffersonian principles became a part of his growth. He was a sincere Democrat, because in his mind there was no other philosophy that could serve his country so well.

He was re-elected to the Thirty-sixth Congress by 647 majority over Mr. Case, the Republican candidate. That Congress met on December 6, 1859. The great reputation won by him in preceding sessions was of service to him at the opening of the new Congress. General Joseph Lane, then a delegate from Oregon, drew the seat at which I now stand. Mr. Cox had occupied it during the preceding session. When his name was called, late in the day, General Lane escorted him, amid the cheers of the House, to this desk, saying:

You fancy this seat, sir. I have no need of it. I am a Delegate and you are a Member. You will survive me in the work which is here to be done. I go to another sphere. As soon as the vote on the admission of Oregon is taken I shall be its Senator.

Throughout the war and the long period of reconstruction Mr. Cox occupied this seat. He changed it for a similar seat on the first aisle to the right about seven years ago. It was where my esteemed friend from Georgia, Judge CRISP, now sits.

Mr. Cox became a leader in the Thirty-sixth Congress. It was in this Congress that the collision between Messrs. Keitt and Grow occurred. It led to a free fight upon the floor of the House. Mr. Cox says that it took place near his desk, after midnight. He describes the scene thus:

After nearly three decades I see, trooping down the aisles of memory, as then there came trooping down the aisles of the House, the belligerents, with Washburn, of Illinois, and Potter, of Wisconsin, leading one extreme, and Barksdale and Lamar, of Mississippi, the other. Then came the *mêlée*, the struggle; the pale face of the Speaker, calling for order; the Sergeant-at-Arms rushing into the area before the Speaker's desk with the mace as his symbol of authority. Its silver eagle moves up and down on the wave of passion and conflict. Then there is a dead hush of the hot heart and the glare of defiance across the Hall. As this scene is revived, looking at it through the red storm of the war, there is epitomized all that has made that war bloody and desperate.

While in the Thirty-sixth Congress Mr. Cox voted for the homestead bill, which was vetoed by President Buchanan.

In 1860 he was once more a candidate for re-election from the Columbus district. Samuel Galloway was again his opponent. Cox was elected by 883 majority.

The capture of Fort Sumter and ensuing hostilities made an extra session necessary. The Thirty-seventh Congress met on July 4, 1861. Mr. Cox says that he went to that session with a fear and trembling beyond all other public experiences. All his energies, however, were bent upon sustaining the constituted authorities. At the next Congress he was nominated for Speaker by his party against Mr. Colfax. Stephen A. Douglas died in May preceding the opening of the session of the Thirty-seventh Congress. Mr. Cox delivered his eulogy in the House. The tribute was affectingly eloquent—so eloquent that it brought tears to the eyes of those who heard it.

While a member of this Congress he tells us that he nominated William Tecumseh Sherman to President Lincoln as the first choice of Ohio for a Brigadier-General. In commenting upon it afterwards Mr. Lincoln happily said that Mr. Cox's choice "manifested intuitive perception and moral greatness."

In that Congress Mr. Cox strenuously opposed the declaration of martial law in the North. The Government asserted that it was a necessity for the successful prosecution of the war. Cox excoriated Secretary Stanton for his order of August 8, 1862. Not only was the right of habeas corpus suspended in every Northern State, but trial by jury was abolished by the edict of an American Cabinet minister. Mr. Cox's scathing denunciation of Stanton in the House is a master-piece of sarcasm.

About this time Col. Michael Corcoran and two other Federal officers of equal rank, captured at Bull Run, were held as hostages to be hanged in case Confederate seamen were executed as pirates. Through the influence of Mr. Cox a resolution providing for an exchange of prisoners was passed. President Lincoln, however, had previously exchanged the so-called pirates as prisoners of war. It was done at Mr. Cox's solicitation.

Mr. Cox was among the foremost in the effort to abolish privateering under the declaration of Paris. His efforts were checked by the action of Great Britain, who refused to give her assent after the beginning of hostilities in 1861.

Meantime the Columbus district had been gerrymandered. In the

new district Samuel Shellabarger entered the lists against the sturdy young Democrat, but Mr. Cox carried it as a war Democrat by 272 majority.

In the following year Clement L. Vallandigham was arrested by General Burnside and sent without the lines. Cox was a warm personal friend of Mr. Vallandigham, who was arrested on account of words which it was alleged he used in a speech. But the words were spoken by Mr. Cox, and not by Mr. Vallandigham. Mr. Cox testified so on oath and Mr. Vallandigham fortified his statement.

The Thirty-eighth Congress met on December 5, 1863. It was the Congress that submitted the thirteenth amendment to the States. This amendment abolished slavery. Singular as it may seem, Mr. Cox, while favoring it, did not vote for it. He feared that its passage at that juncture would interfere with attempts at peace negotiations. His statement is singularly interesting. On the day succeeding the action of the House Mr. Lincoln, Vice-President Alexander H. Stephens, of the Confederacy, and others met at Hampton Roads. The negotiations were the direct result of Mr. Cox's efforts. He was at that time a member of the Committee on Foreign Affairs. John T. Stuart, of Springfield, Ill., was also a member of that committee. Mr. Stuart was a close friend and had been a law partner of President Lincoln. He was a Democrat and a conservative Unionist. It occurred to Mr. Cox, during the holidays of 1864, when the coil was being tightened around the Confederacy, that the olive-branch might be tendered to the South under honorable conditions, with a prospect of acceptance. In September previous peace resolutions had been introduced into the senate of Virginia, and similar resolutions were offered in the Legislatures of Georgia and North Carolina. Mr. Cox suggested to Mr. Stuart that they should call upon the President and urge him to receive or make some tender to the Confederate authorities. The President listened courteously to their representations. He frankly admitted that he was anxious to secure Democratic votes and aid to amend the Constitution so as to abolish slavery. Mr. Cox promised his help, provided a sincere effort was made for peace within the Union. If that failed, he would not only help the amendment, but assist in prosecuting the war with renewed vigor.

The new year had hardly opened before Francis P. Blair, sr., went to Richmond on a peace mission. On the day before his arrival there rumors of his mission reached Congress. It led to a fierce debate upon this floor. James Brooks, of New York, favored an armistice and Thaddeus Stevens attacked the President's course of action. Cox stood, like Washington at Princeton, between two fires. He carried himself magnificently and won the day. Blair's mission led to the Hampton Roads conference, and that conference was held on the day after the passage by the House of the constitutional amendment abolishing slavery.

Four days afterward Mr. Cox offered a resolution in this Chamber reciting the gratitude of the nation to the President for endeavoring, with a view to negotiations for peace and the restoration of the Union, to ascertain the disposition of the insurgents. It was carried—105 to 31.

The results of the conference thus suggested by Mr. Cox were vital. Its failure gave fresh impulse to the passage of the bill raising \$600,000,000 for the prosecution of the war. Within six weeks General Lee surrendered at Appomattox. Another result running to extremes was a measure which Mr. Cox defeated, confiscating the fee-simple of real property owned by Confederates beyond the natural lives of the owners. This bill was defeated by only 1 majority.

Long before this Mr. Cox had won the friendship of Secretary Seward. In 1861, as a member of the Committee on Foreign Affairs, he aided Mr. Seward in his efforts to settle the Trent embargo and the surrender of Mason and Slidell. In the discussion that ensued in the House Mr. Cox proved himself a true American. He said:

We are, sir, in this country, too sensitive to foreign opinion. Mr. Seward said well when he told Mr. Dayton, our minister to France, that it was no business of our ambassadors to overhear what a foreign press said about us. Our duty was to maintain our Union in its integrity and our position as a leading power among the nations of mankind, regardless of the derision and hostility of kings and aristocrats abroad.

Mr. Cox called Thaddeus Stevens the dictator of the Thirty-eighth Congress. Stevens maintained the right to hold the insurgent States as conquered territory and to give homesteads from them to the emancipated slaves. Mr. Cox strenuously protested. Stevens insisted that the right to govern the insurgent States as Territories was necessary. Mr. Cox fought him at every point. The fight lasted three months. At the end of that time Mr. Cox's term expired. The measure for the creation of the Freedman's Bureau was passed on the day before the expiration of his term. In commenting upon these events afterward Mr. Cox tersely said that Stevens had Pluto's iron countenance, but he could unbend and be kindly.

The elections for the Thirty-ninth Congress occurred in the fall of 1864. Samuel Shellabarger again entered the field. This time he was successful. He carried the district by the aid of the army vote. His majority was 3,169. Discouraged, but not disheartened, Mr. Cox removed to New York, where he devoted himself to the practice of his profession. He was not a member of the memorable Thirty-ninth and Fortieth Congresses. In the interval he wrote his book, *Eight Years in Congress*.

The era of reconstruction came on. During his absence the fourteenth and fifteenth amendments were passed. The extraordinary scenes attending the impeachment of President Johnson occurred. Although absent from the House, Mr. Cox was not inactive. He was instrumental in saving the President. While in New York he says he received a telegram asking him to come to Washington. The vote of General John B. Henderson, then a Republican Senator from Missouri, was necessary to save the President from being removed. In his account, Mr. Cox says that he found Senator Henderson's sense of justice affronted by the instructions of a mass meeting held in St. Louis to vote "guilty." The Senator requested Mr. Cox to pen a telegram to be sent to the president and officers of that meeting. The telegram read substantially: "I am a judge in the impeachment case. You have no right to instruct me in such affairs. As I am an honest man I will obey my conscience, and not your will. I will vote 'not guilty.'" And he did so vote. Mr. Cox says that he took a copy of that telegram to the White House at midnight. He found the President gloomy. His fate depended upon one vote—nay, upon this one Missouri vote. The telegram was read to him. To use the words of Mr. Cox, "A festivity was improvised on the good news. The morning dawned with a roseate hue for all interested in the righteousness of the President's acquittal."

Mr. Cox was returned to Congress from the Sixth district of New York in 1868. His opponent was George Starr, an extremely popular Republican. Cox's majority was 2,630. The first session of that Congress began on March 4, 1869, and adjourned on April 23 following.

An amnesty bill was among the first that Mr. Cox introduced. He said that his object was to mitigate, in so far as it could be done, the proscription tendency which kept our people separated by a great chasm. "Agree with thine enemy quickly" was his motto. His bill came within two votes of passing the House of Representatives, although it required a two-thirds vote under the fourteenth amendment. It was after this that General Benjamin F. Butler introduced his amnesty bill. Cox characterized it from this seat as a bill for pains and penalties, with a meager element of mercy. He termed it punitive pardon. He pleaded for mercy on the old and fraternal plan and against eternizing proscription. He opposed Butler's bill fiercely. In this Congress and succeeding Congresses he sought the passage of a general amnesty bill. It was in advocating this measure that he crossed swords with James G. Blaine in debate. Mr. Cox asserts that Mr. Blaine, while Speaker, authorized the Committee on Rules, of which Mr. Cox was a member, to report a bill of general amnesty. He adds that Mr. Blaine afterwards precipitately retreated from the high ground which he then occupied. However this may be, it is certain that whatever good in the way of amnesty has been accomplished is largely due to the untiring efforts of Mr. Cox.

In 1870 Mr. Cox was re-elected to Congress from the Sixth New York district; his antagonist was Horace Greeley. Cox's majority was 1,025. Two years afterward Mr. Greeley was a candidate for the Presidency and Mr. Cox gave him a generous support.

The Forty-second Congress met on March 4, 1871. It was in this Congress that the first colored Senator appeared in the person of Mr. Revells, of Mississippi. In this session the bill was passed enforcing the fourteenth amendment. Mr. Cox at this time began his fight against the test-oath system. He afterward introduced a bill to abolish the whole test system, not only in its application to jurors, but to all offices, including that of Congressman. It gave place to a partial measure which he describes as intended to melt down somewhat the iron-clad oath. The modification extended only to the matter of qualifying for office. It did not apply to the jury test. The modified oath is the oath taken by members of Congress to-day when sworn in. Mr. Cox's efforts to secure the repeal of the iron-clad oath and the jury-test oath were successful nearly two decades after the war was over. It was done by the passage of a general bill, modified by the Senate. It was signed by President Arthur on May 13, 1884.

The members of the Forty-third Congress were elected in New York under a new apportionment. It was the year in which Horace Greeley ran for President. Mr. Cox was candidate for Congressman at large upon the State ticket. He was defeated by Lyman Tremain by 37,699 majority. Not long afterwards James Brooks, who represented the new Sixth district of New York, died. Mr. Cox was elected to fill the vacancy. His opponent was Julius Wadsworth. Cox's plurality was 6,932. During this Congress an additional civil rights bill was passed. Mr. Cox took an active part in all the debates.

He was elected to the Forty-fourth Congress from the Sixth district by 10,334 majority. This Congress met in December, 1875. It was a Congress of luminous intellects. Among its members were Samuel J. Randall, Nathaniel P. Banks, Joseph C. S. Blackburn, James G. Blaine, Joseph G. Cannon, James H. Blount, William P. Frye, James A. Garfield, Abram S. Hewitt, George F. Hoar, William S. Holman, Benjamin Hill, Frank Hurd, John A. Kasson, William D. Kelley, Proctor Knott, L. Q. C. Lamar, George W. McCrary, Roger Q. Mills, William R. Morrison, Thomas C. Platt, John H. Reagan, James W. Throckmorton, Jeremiah M. Rusk, William M. Springer, J. Randolph Tucker, Henry Watterson, William A. Wheeler, James F. Wilson, and Fernando Wood. Samuel S. Cox shone in this galaxy like a star of the first magnitude.

Michael C. Kerr was elected Speaker. Mr. Kerr died in August following, while Mr. Cox was officiating as Speaker *pro tempore*. Political necessities called him to the Democratic national convention at St. Louis. He went unwillingly, and appeared in the ranks of those opposed to the nomination of Mr. Tilden. He always felt that he lost the Speakership by so doing.

His eulogy upon Mr. Douglas was matched by his eulogy upon Speaker Kerr. After its delivery Mr. Cox tells us that Alexander H. Stephens sent for him. Mr. Stephens was lying ill at his room in the National Hotel, expecting to die. As Mr. Cox entered the room he said, "I have heard read your eulogy upon Speaker Kerr, and have sent for you to make a request, a last request. Will you promise to deliver my eulogy when I am gone?"

Mr. Cox promptly replied, "I would like you to promise to make my eulogy. You will be the survivor."

Mr. Stephens got well, but he passed into the land of shadows long before his genial friend.

In the stormy sessions attending the birth and life of the Electoral Commission, Mr. Cox bore a conspicuous part. He was ever in the thickest of the fight. At one time he yielded ten minutes to Col. Henry Watterson. In his *Three Decades* Mr. Cox says that the gallant Kentuckian was known to be an intimate friend of Mr. Tilden. In melancholy accents he chanted with vaticinal periods those sad days and the coming of the day of reckoning:

Dies ira, dies illa.

It was at this time that Mr. Cox uttered his famous sentence, "Peril gives the lessons of years in a day." It was the core of an argument rarely matched for logic and eloquence.

But these were not the only great measures in which his influence was felt. He advocated the resumption of specie payments, the regulation of the paper currency, and the modification of the tariff and internal-revenue laws.

Mr. Cox was almost unanimously re-elected to the Forty-fifth Congress. There were only 41 votes against him. These votes were cast for Col. A. J. H. Duganne, a well known poet. It was in this Congress that the silver dollar was restored to its legal character. The bill providing for the Tenth Census was also passed.

He took front rank in the effort to relieve the strain upon the elective franchise by the bayonet power in the South and Federal supervisors in the North. He went so far in the contest as to aid in cutting off the supplies of the Army, thus necessitating an extra session. He began this work in 1877. It was finished six years afterward.

He was re-elected to the Forty-sixth Congress by 4,581 plurality. His plurality in the Forty-seventh Congress was increased to 9,863. In these Congresses, besides his work on the census, he devoted himself to the Life-Saving Service, and appeared upon the skirmish line in the fight for tariff reform.

James A. Garfield was elected President in 1880. Soon after his inauguration in 1881 Mr. Cox made another voyage to Europe. He says that he was near Tarsus, where Paul was born, when he heard of the death of President Garfield. It was in the Forty-seventh Congress that Mr. Cox gave his aid to the civil-service reform bill. He says that the assassination of General Garfield gave impulse to the bill and secured its passage.

Mr. Cox's plurality in the election for members of the Forty-eighth Congress was 11,317. It was in this Congress that he gave his support to the foreign contract-labor bill.

Meantime the New York districts were again reapportioned. He was elected to the Forty-ninth Congress from the Eighth district by 6,511 plurality. He resigned his seat soon after President Cleveland's inauguration and accepted the mission to Turkey. After remaining there for a year or more he came back to New York, and was elected to fill the vacancy left in the Ninth district by the resignation of Hon. Joseph Pulitzer, editor of the *World*.

So far as I have been able to ascertain, Mr. Cox is the only man who has ever been twice elected to the same Congress and who has been first defeated and then successful in an effort to secure a seat in one and the same Congress.

The later work of Mr. Cox in the House is still fresh in the public mind. The Tenth Census is a monument to his perseverance and industry. The Life-Saving Service is a monument to his sympathy and humanity. His bill for the relief of the letter-carriers is a monument to his sense of justice to the toiling employés of the Government.

He has but just left us. We almost expect him back.

Mr. Speaker, overcome by his feelings on a similar occasion, Burke exclaimed, in melancholy accents, "What shadows we are and what shadows we pursue." He could not have meant by this to fly in the face of the enchanting theme of existence which in his braver moments he illustrated with consummate grandeur. Looking at the past and concentrating all the energies of my soul, I would with deference supplant this saying of the great orator with these words: "How real is life and in what realities it may eventuate."

Human achievements that essentially affect mankind often develop with full force after the life that accomplished them. The living Moses gave laws to tribes that were still wandering. When dead this wandering shadow, as Burke might have called him, this waif from the

Nile, whose death no eye witnessed and whose burial-place is unknown, fashioned laws for fixed and mighty empires. The essential agent in this manifest influence is divine speech. It is more potent than tables of stone. Among the busy tongues of this world are some that do not babble. The mysterious graphophone of the dead, of more than mortal construction, rejects what is idle; but the words of the wise and the eloquent endure. Like solar rays, they expand and enlighten as they travel.

When Cicero thundered against the conspirators it was in a narrow forum and to a restricted audience. Now his forum is the world and mankind listen to him.

The daggers of the assassins put a tongue in every wound of Caesar. The battle of Senlac comes down to us like a clarion call for England's unity. Our civil war, like a thundering trumpet, proclaims the all-conquering tenacity of our own.

Men, things, and events make up this wonderful continuity of confluent action and occurrence; yet each speaks for itself. There is no confusion of tongues.

When Bunker Hill monument was complete, Webster was orator for the day. But an orator remained, towering, silent, impressive. It grows strenuous as it imperceptibly crumbles. When it falls it will add its own vicissitudes to its tremendous discourse. So did the temple at Ephesus; so does the obelisk transplanted to our shores.

The Retreat of the Ten Thousand and the revolution in Brazil are both before us. The world knows most of that which it has studied longest.

Events that fly by us with baffling rapidity seem to pause and come back for inspection. Students are still delving in the debris of the French upheaval of a century ago. The tragic coming of Jephtha's daughter and the riotous feast of Belshazzar are yet vivid.

These various tissues in the retrospect accumulate and assort in amazing volume and with wonderful distinctness.

"Alas! It came with a lass and it will go with a lass," exclaimed Scotland's monarch when told that Mary Stuart was born. His scepter passed to the incomparable queen. Though of one blood and in one station, the great drama when she appeared was intensified by her divergent acting. We contemplate the past in epochs, its actors in groups, yet each in his part.

So among his mighty compeers, dealing with mighty events, do we and shall future generations contemplate Cox in his chosen rôle. Difficult and arduous indeed were its requirements, but he met them with an undaunted courage and an unflagging zeal.

He aided in reconciling the sections, he shielded the Israelite from political demarkation, he shortened the tramp of the weary postman, he made the angry waves jubilant with the song of rescue. He was a star in our political galaxy from which men take observations. Whatever weakness he had came not from the poverty, but from the plentitude of his power.

His name appears upon almost every page of our legislative annals for more than a quarter of a century. His handiwork is seen in nearly every apartment of our civil structure. This House was his workshop. The Constitution was his guide.

He asked for no furlough, he accepted no leave of absence. In the most blinding times he stood for his whole country with cheerful spirit and unshaken constancy. When occasion demanded he buried his political animosities in his patriotism. He believed in universal liberty, free labor, free trade, free competition, free opportunity, and no favors. Battling for this universal emancipation he died. He lives; he lives in his work. He will return and speak to us again and again and again, whenever humanity wants a friend or liberty needs a defender.

Mr. HOLMAN. The plaintive cry of the Hebrew king when the chiefs of his people were stricken down, "How are the mighty fallen!" expresses the sadness of this hour. "How are the mighty fallen!" Nine distinguished citizens, chosen by the people to represent them in this Congress, have finished their course and passed into the other world; three of them, Samuel S. Cox, William D. Kelley, and Samuel J. Randall, the last of whom but a few hours ago we bore away with heavy hearts to the place of his final rest, the foremost members of this House by reason of their long membership in Congress, their commanding abilities, and the valuable services they had rendered to their country.

All these, as it were but yesterday, were in this Hall, in the full tide of its great interests, engaged in the noble rivalry of who should best promote the happiness of our people. Now, their work completed, they sleep in the sacred silence of death.

I can hardly realize that the House of Representatives of the American Congress is at this hour paying its last tribute of honor to the memory of Samuel S. Cox, closing the record of a career so illustrious.

It is sad to think that a life so good and beneficent, so bright and cheerful, diffusing in its pathway the rays of perennial sunshine, the very spirit of kindly sympathy and gladness, should ever close.

There is so much of the "true, the beautiful, and the good" in the life of Samuel S. Cox, his record in public affairs so great, his attainments in scholarship and his literary labors so conspicuous, so charm-

ing the personal qualities that adorned his life, that only the patient historian can do justice to his memory and express the value of his services to his country.

Mr. Cox first entered this Hall as a Representative in Congress on the 7th day of December, 1857. He entered Congress an accomplished scholar, well informed in public affairs, in the vigor of early manhood. Slavery was the living issue. The admission of Kansas into the Union under the Lecompton constitution, a pro-slavery instrument, was the issue of the hour. At the opening of that Congress, the policy of the Administration to bring Kansas into the Union under that constitution was announced. The instrument had not been submitted to the people for approval, but it was well known that the greater number were intensely hostile to admission into the Union under that instrument.

The message of the President had been read in both Houses of Congress, and on the 16th of December, 1857, nine days after Mr. Cox had taken his seat in the House, he obtained the floor on a motion to print extra copies of the message. Points of order were raised, and a fierce parliamentary struggle to prevent the debate arose, but Mr. Orr, of South Carolina, Speaker of the House, firmly held that the young gentleman from Ohio was entitled to discuss the admission of Kansas under the Lecompton constitution, as it was involved in the President's message. Mr. Cox denounced in words of burning eloquence the Lecompton constitution as not expressing the will of the people. As an earnest disciple of Jefferson, as a Democrat from his youth up, he demanded for the people of Kansas and all other people the absolute right to form and control their local government.

From that hour Mr. Cox became well known to the American people. It was one of the ablest and, under all the circumstances, the most courageous speech ever delivered in Congress. He knew very well that the speech would place him in antagonism to the Administration and many of his political friends, but he did not hesitate; the Administration was temporary, the right of the people to self-government was eternal. This speech opened up one of the greatest debates that ever occurred in Congress.

The result is well known. The constitution was referred, in an indirect form, to the people of Kansas, was promptly rejected by them, and Mr. Cox had the pleasure at a later day to vote for the admission of that Territory into the Union under a free-State constitution adopted by the people.

To Mr. Cox, in the House, and his great associate and friend, Stephen A. Douglas, in the Senate, belongs in a large degree the honor of saving the party of which Thomas Jefferson was the founder from the unspeakable dishonor of bringing into this great Union of States a people under a constitution to which they were unalterably opposed.

It is an interesting incident that while the first efforts of Mr. Cox in Congress were in behalf of the rights of the people of a Territory to enter the Union under a constitution ratified by themselves, his last labors in Congress were in behalf of the admission into the Union of the Territories of the extreme Northwest, and the cordial greetings he received from multitudes of people as he passed during the last summer through those great political communities—Washington, Montana, and the two Dakotas—on the very eve of their admission into the Union, attest their high appreciation of his services.

I first met Mr. Cox when the Thirty-sixth Congress met. I was in cordial sympathy with him in the war he waged on the Lecompton constitution, and came into Congress on that issue.

We became friends at once. It seemed to me that I had always known him. For a long time our seats were close together; later on we were farther apart, especially when, in recent years, the House, in consideration of his long and distinguished services, by unanimous consent permitted him to select his own seat, while I stood the chances of fortune. And it is now and must always remain a precious memory to me that for many years and up to the close of the last Congress, when Congress was in session, if I had not called at his seat when the session began, he would come over to mine with a cordial greeting. He always came as a golden beam of sunlight, with some charming word, some glad expression of playful fancy, that made the labor of the day more cheerful.

When the Thirty-sixth Congress adjourned, on the 4th day of March, 1861, Mr. Cox and I started homeward. We were detained a day at Wheeling, Va. We spent the day together talking over the impending conflict. We both knew, as all men did, that war was inevitable. What position we should take as Democrats in Congress in relation to the coming war, when it came, was considered from every standpoint. There was no hesitation on the part of either of us. The Union must be maintained at every hazard. No vicissitude of fortune in the conflict of arms should justify ever the consideration of the question of the dissolution of the Union. The administration of President Lincoln in every measure deemed necessary or proper to uphold the Federal authority in all the States of the Union should be cordially sustained. The records of Congress during the war attest how faithfully Mr. Cox adhered to that determination.

The great question which underlay the fierce conflict between the North and the South—slavery—was of absorbing interest in the minds of members of Senate and House from the beginning of the war. Mr. Cox, on the one hand, was opposed to slavery in any form; he believed

in the unity of the human race and the common brotherhood of mankind. On the other, as a disciple of Washington and Jefferson, he stood by the Constitution of the United States with unflinching fidelity; he could not tolerate the thought that any State of the Union or combination of States should interfere with the domestic affairs of any other State. In common with his political friends he would not admit that the war had broken this Union, but claimed that it had only for the time suspended the relation of the States in rebellion to the Union, and that any great change in the Federal Constitution, adopted when, by reason of war, ten States were unrepresented in Congress, might be fatal to the future stability of the Government.

But he abhorred every form of human oppression and believed in the unity and brotherhood of the human race. In his early manhood, soon after his marriage with the accomplished lady who became his constant companion through life, he visited Europe, and soon afterwards published one of the most charming books of travel ever written. He and his young wife were fascinated with Rome. In that book of travel bearing the expressive title *A Buckeye Abroad*, Mr. Cox relates the visit of himself and wife to St. Peter's when the then reigning pontiff appeared on the scene. After describing the grandeur of this famous temple of religion and the great audience present, he said:

Soon there arises in this chamber of theatrical glitter a plain, unquestioned African, and he utters the sermon in facile latinity with graceful manner. His dark hands gestured harmoniously with the rounded periods, and his swart visage beamed with a high order of intelligence. He was an Abyssinian. What a commentary was here upon our American prejudices. The head of the great Catholic Church, surrounded by the ripest scholars of the age, listening to the eloquence of the despised negro, and thereby illustrating to the world the common bond of brotherhood which binds the human race.

The manly sentiment thus expressed in the early life of Mr. Cox was the key to his real sentiment on the question of slavery and the equality and brotherhood of men. It was to him an inborn sentiment. This passage was time and time again thrown at him with sharp criticisms of consistency during the fierce encounters in this Hall which preceded the abolition of slavery, which he always parried with consummate skill, for Mr. Cox never permitted an adversary to boast of a victory. Yet, in fact, that passage expressed the real sentiment of Samuel S. Cox through life. No matter how sharply, in the heat of debate, he resented the taunt of entertaining the sentiments of abolitionism in his early life, I always felt that Mr. Cox would not under any conditions have modified the sentiment he then expressed.

Mr. Cox engaged in the discussion of every great question that has arisen in Congress during the last thirty-three years (except during the short intervals of his absence from the House), but he has been in a remarkable degree the champion of the humane and beneficent measures which have from time to time commanded the attention of Congress.

During the late war, antagonizing his friend, Mr. Stanton, Secretary of War, he urged with such determination and earnestness that the law of civilized nations should be recognized in the conflict between the Union and Confederate forces that a cartel for the exchange of prisoners should be agreed upon so that the thousands of men in the North and the South held as prisoners of war might be relieved from their wretched and death-dooming confinement as to secure at least partially that humane result. He stirred up by his appeal in Congress the heart of America, as well as of all enlightened nations, against the barbarism of a European power towards the Hebrews. He almost forced Congress to recognize the duty of this Republic to protect the remnants of the Indian tribes against the ungodly cupidity of the white race in defiance of national honor.

The life-saving system, in its present efficient form, owes its existence to his labors. The present admirable state of the law in relation to letter-carriers in our cities is the result of his earnest efforts. He was the champion of the humane provisions that limit the hours of labor in Government employment.

In this field of legislation, that takes into account the duties of Government to succor and protect the oppressed, to restrain the avarice of the powerful, to raise up the downtrodden, and give to labor encouragement and hope, Mr. Cox has been without a peer in Congress in this generation or perhaps any other in our history.

In literature he achieved more than any other American statesman has ever done. His first volume of travels published thirty-eight years ago and his last published but recently, with works of great merit intervening, all bright and sparkling representations of life, will be always prized in every country where the English language is spoken.

In the House of Representatives Mr. Cox was always a remarkable character. No man in our period has equaled him in readiness for any question that might arise. He was a man of the most precise method and order. His desk in the House was so methodically arranged that even in the heat of an unexpected debate he could lay his hand at once on any paper which had been carefully laid aside for an emergency. Swift as a flash of lightning the clipping from a newspaper, or a public document, or a carefully preserved letter would come forth to confound the incautious adversary. He was the most ready and brilliant speaker I have ever heard. He had at his command the learning and current history of all countries. The driest subject glowed and sparkled under the magic of his eloquence. He never rose in the House to speak

without arresting at once the attention of every member and retaining it to the last. There was a genial, kindly tone and spirit in his speeches that disarmed resentment and commanded admiration.

Certainly not in our period, and I doubt whether in any other, unless it was when Henry Clay in the old Hall used to electrify Congress, has an intellect so bright and highly cultivated participated in the affairs of this House. In those sudden emergencies which so often have arisen in this Hall, especially in times of public disorder, in former years, when his party was fiercely assailed by the powerful majority, the eyes of his political associates always turned to Mr. Cox as the one of all their numbers best prepared to repel the assault.

My sympathies were of course always with him, yet I venture to assert that in all the intellectual conflicts in which he was engaged in his long service here no opponent ever claimed a clear victory and his political friends never hesitated to claim the unqualified advantage of the champion of their cause. Mr. Cox was intensely sensitive as to any matter that touched his personal honor in the least degree or questioned his fairness. Generally so forbearing and courteous in debate, if any unkind personal allusion was made to himself his fiery nature for the moment obtained the mastery, and the retort came prompt, keen, and incisive. And yet he was a man of the most kindly and forgiving temper. After such an encounter Mr. Cox's feelings were in a state of tumult. He could not bear estrangement from his associates, he could not harbor resentment, and in a few days after such a contest it was a joy to his friends to see pleasant relations restored. I have more than once recalled to memory when this kindly and forgiving spirit was displayed in this Hall the fragment of a prose poem I read in my boyhood; I do not know who was its author:

How beautifully falls from human lips
The blessed word, Forgive. Forgiveness!
'Tis an attribute of God himself, the sound that openeth heaven,
Restores once more fair Eden's faded bloom,
And flings Hope's golden halo o'er the waste of life.
Thrice blessed he whose heart has been so schooled
In the sweet lessons of humility that he
Can give it utterance. It imparts
Celestial grandeur to the human soul,
And maketh man an angel.

Mr. Cox was an inexhaustible reader. Like Garfield, he literally devoured a book and made its treasures his own.

The books he most highly prized were those which sympathized with the human race in all its struggles for a higher and a better life.

The writers whom I have most frequently heard him mention or quote are Plato and Tacitus, Fénelon, St. Pierre, and Victor Hugo, the Spaniard Cervantes, Jeremy Bentham, Sir Thomas More, and George Bancroft, the great historian of our country.

He had traveled with his devoted wife, the companion of his studies and literary pursuits, into almost every quarter of the globe, from the Polar Seas to the golden sands of the Orient. He made almost unknown islands famous by the graphic touch of his pen.

It is said, in one of those grand old legends of the Hebrews which the Talmud has brought down to the present age, that at the moment of the death of a good man there gather around him his deeds of charity and kindness transformed into ministering angels and the spirits of those departed who have been benefited and comforted by his life, and they bear aloft, on luminous wings, the freed spirit upward to the very portals of the city immortal. It is to me a consoling thought that, when the eyes of my friend were closing on this world and those of his enfranchised spirit were catching the first gleam of the light of the infinite, the deeds of a good and compassionate life transformed into ministering angels and spirits of the great multitude whose sorrows and sufferings he had sought to soothe and alleviate—prisoners of war, for whom he obtained humane treatment and honorable cartels of exchange and liberty; the swarthy Indian, in whose behalf his voice had been so often raised in this Hall against the rapacity of the white race; the Hebrew sorely oppressed on the Danube, in whose behalf his eloquence had awakened the conscience of the world; the ever-loyal sons of Ireland, for whose right to self-government he had uttered words of impassioned eloquence as lofty and inspiring as those of the great orators of the race; those who with weary feet tread the streets and by-ways of cities, carrying everywhere news of the current hour and to every home missives of duty and affection, for whom he obtained just recognition of law; the mariners and voyagers on the pathless billows of the great deep, rescued from the jaws of death through the humane laws he inspired—a shadowy multitude, a cloud of witnesses of a good life, bore up his enfranchised spirit and filled the pathway of light with the music of the sweetest anthem ever uttered, "Blessed are the merciful, for they shall obtain mercy."

There have been men who have said that, while material nature moves on in countless forms through all eternity, the human soul—that has appropriated to itself the learning of all the ages, that can count and weigh the stars and follow them through almost illimitable space, that has even caught a ray of light from the realm of the infinite and immortal—like a meteor blazes for a moment in space and sinks into darkness. I can not and will not believe in such a view of the human soul, so dreary and unnatural. Our blessed religion gives assurance of eternal life. Nature in her ever-recurring and never-ending miracles confirms

the divine assurance. The apostrophe of the good Addison to the half-divine disciple of the immortal Greek utters the truth:

It must be so; Plato, thou reasonest well!

'Tis heaven itself that points out an hereafter,
And intimates eternity to man.

Oh, it must be! The just and good heirs of the universe will flourish in immortal youth!

Samuel S. Cox, gentle and kind of heart, forgiving and merciful, who never heard, unmoved, a cry of distress, with that great multitude who, with pure hearts and lives devoted to the happiness of mankind, the alleviation of human misery, ascend from our globe to the realm of the immortals, will rejoice in the imperishable love and affection which began in this lower world and will find supreme happiness in learning, with every cycle of the countless ages, more and more, something of the nature of the infinite universe and of the attributes of the merciful and ever-living Father of us all.

Mr. BANKS. Mr. Speaker, citizens who surrendered any considerable portion of their lives to the political service of a State or nation deserve the sympathy and respect of every race and caste of the family of man.

Possibly it may be a little less fatal as a pursuit than war, but its labors are no less incessant, complicate, and crushing, with scarcely a suggestion or thought of adequate recognition or reward.

A proper appreciation or estimate of its weight or woe is impossible until death has silenced its aspirations and settled its claims to consideration and honor.

What is honor? A word. What is in that word honor? what is that honor? Air. A trim reckoning! Who hath it? He that died o' Wednesday. Doth he feel it? No. Doth he hear it? No. Is it insensible, then? Yea, to the dead. But will it not live with the living? No. Why? Detraction will not suffer it.

The distinguished and honorable members of this House so lately deceased had without doubt realized the truth of this analysis of honor from the pen of the great master of human nature.

The limitless void between what is accomplished and what is desired often terminates in the annihilation of hope and heart.

The labor of love and the demands of duty are often insufficient in weight and strength to counterbalance its anguish of disappointment and defeat. The honored and beloved colleague to whose memory our thoughts are turned at this moment, Samuel Sullivan Cox, has left to us an illustrious and memorable example. He gave his life to the public service. From his youth his aspirations appear to have been directed to the amelioration, improvement, and elevation of his country and countrymen.

He has left us no other tangible motive for the continuous, incessant, and crushing labors of his life. It appears in his earliest efforts to excite and elevate the common thought and action and is signally exhibited in his latest labors for the admission of the States recently organized to the galaxy of the American Republic.

He was a distinguished member of Congress from the Thirty-fifth to the Fifty-first Congress, with one or two exceptions, either for a full term or part of a term; this division occurred only as the successor of James Brooks, Horace Greeley, and Mr. Pulitzer, all eminent citizens of his own profession.

In his capacity as a member of different committees of the House of Representatives he was diligent, critical, and patriotic. He introduced and secured the adoption of a plan for the apportionment of Representatives; voted men and money for the civil war, although opposed to some administrative measures of the time.

He was supported several times for the office of Speaker, and was often made Speaker *pro tempore*. He created with much labor the census law of 1880; obtained increased pay of letter-carriers, and an annual vacation without reduction of salary.

He was for many years a Regent of the Smithsonian Institution, served on the Committees on Revolutionary Claims, Banking, the Centennial Celebration, Rules, and Foreign Affairs.

He participated largely in debate with fluent and classic speech, apt and sturdy reasoning, rich in illustration and argument. He engaged with unshrinking constancy and courage in some of the most important investigations of his time, such as the "Black Friday," Federal elections in cities, the New York post-office, and the ku-klux-klan troubles, and was the author and champion of the Life-Saving Service. His last important legislative work was in securing the union of many varied and conflicting local jurisdictions of New York in one united Federal jurisdiction, for which he received the thanks of the New York Chamber of Commerce.

During the last Administration he was offered an appointment as consul at Peru, which he declined, and in 1886 was appointed United States consul and, later, minister to Turkey by President Cleveland. In this position he was vigilant in his attention to the interests of his country, its commerce, and people. He secured just and prompt attention to the rights of his own country and countrymen, and enjoyed at all times the highest respect of the Turkish Government, its officers, and people.

As minister Mr. Cox wisely imitated the example of the celebrated

Venetian traveler and savant of the thirteenth century who gave to Europeans their earliest and only accurate knowledge of the extent, wealth, and civilization of the great Eastern empires.

His works of travel and history, written during his residence abroad as minister and his travels as a citizen, not altogether well represented by their somewhat fanciful titles, have the double merit of benefiting the people he represented by making known to them the true character, interests, and resources of the empire to which he was accredited, as the hitherto comparatively unknown races of the Chinese Empire, by the genius, generosity, manly integrity, and Spartan valor of Anson Burlingame, American minister to the Chinese Empire, were made the enduring friends of the American Republic!

I recall an interesting incident in our national history which ought not to be forgotten. I think I can not be mistaken in saying that I received it from the lips of the late eminent statesman William H. Seward, Secretary of State in the Administration of Mr. Lincoln. When the rebellion had been substantially suppressed by the Union Army it became necessary to obtain a recognition of the abolition of slavery by constitutional amendment as well as by the force of the national arms. This was a work of delay and difficulty. Citizens who were satisfied that no form of doubt should exist of the utter abolition of slavery were disinclined to procure that result by their own act.

It was yet a question of comparative uncertainty how or when the grand results should be consummated by constitutional provision as by the chance of war. For a long time that triumph was deferred. At length in the enthusiasm of social festivities, then invested with great power in the administration and settlement of the problems of state, Mr. Seward was informed that when his supporters wanted but one vote to complete the triumph of absolute national freedom to which the great Secretary had given his life—it was announced to him as tentative to the ultimate triumph or defeat of constitutional freedom that when he wanted but one vote to secure his triumph, a life-long Democrat stood pledged to support it!

It was easy for the great Secretary to get the requisite number, the last being assured, but difficult to obtain early concessions when the final and last concession was in the vocative. If he would disclose the name of the last convert of the Democratic school, the work should be completed. That man was Samuel Sullivan Cox, whose death we this day deplore, and whose name we hold for this great act, as for many others, in perpetual national honor!

Mr. MILLS. The journey of life lies along the dark valley of the shadow of death. There is no spot on its pilgrimage where his presence is unknown. There is no family over whose hearthstone his somber shadow does not fall. There is always somewhere some eye that is weeping, some heart that is bleeding, some home whose light is extinguished and whose altars are draped in the testimonials of sorrow. Death is no respecter of persons. He visits alike the great and the small, the illustrious statesman and the obscure citizen.

When he crosses the threshold of the hovel and calls the humble tenant whose days have been passed in the lowliest walks of life, unknown to the world, the busy throng moves on unconscious of the visitation and leaves the little circle of kindred hearts to the companionship of their grief. But when he calls for him around whose person the affections of a great people have been gathered and held for years, upon whose ability, integrity, and devotion to the public weal they have leaned for more than a generation with unbroken repose, and to whose name and character the love of a nation is indissolubly linked, then the circle of sorrow is widened, and millions of forms bend in the presence of the divine messenger, feel the affliction, and join in the universal grief.

The inspired writer has told us that the heart of the wise is in the house of mourning. It is there that we bow around the altar of chastening. It is within that sanctuary that our eyes turn inward and the heart is uncovered to the inspection of the conscience. It is in the house of mourning that we find the secluded retreat where we make our confessions to our consciences as to a mediator. The world stands without its portals and without the circle of its benefactions while the spirit within is purified and refined by self-examination, self-conviction, self-accusation, and self-correction. How large is that house of mourning to-day and how many stricken hearts are feeling its chastening presence!

Cox, Kelley, and Randall, after having served their country each for more than a quarter of a century, are taken from us during the same Congress and within a few months of each other. Twelve months ago they were three of the most distinguished of living American statesmen. Each was so firmly fixed in the affections of his constituents that no hand but that of death could disunite them. Scarcely have we returned from the grave of the first till we are called to follow the hearse of the second, and now while we are paying a loving tribute to his memory the third and last bids us adieu and joins his colleagues on the other shore. As we stand over the three newly made graves we may truly say that three great men have fallen.

Mr. Cox was the first to enter this House and the first to cross the river that divides us from the land of our fathers. Mr. Kelley in order of time came next in service here, and followed second in his departure. Mr. Randall came third and went third, and we may say of them all,

as David said in his lament over Saul and Jonathan, they "were lovely and pleasant in their lives, and in their death they were not divided."

The friends and constituents of Mr. Cox, among whom he lived so long and whom he represented for so many years, have paid to his memory all the honors that the living can pay to the dead. To-day we are assembled to add our tribute to his memory, to express our admiration for his ability, his high character, and his long and efficient public service, and to place on the records of the House of Representatives the testimonials of a nation's sorrow at his death.

Mr. Cox was a man of extraordinary gifts and extraordinary attainments. He was endowed with a mind that caught its ideas on the wing. He did not plod and dig and sap and mine to hunt them out of their deep concealment. He did not lay in ambush and wait their coming in order to seize them. Like fire-flies about a burning lamp, they constantly flitted and played about his corruscating intellect. They were always on hand, and when he wanted them they were subject to his will and he shot them like electric sparks from a charged battery.

There was no friction and no confusion in his mental machinery. His brain never sulked nor balked; it never got muddled. It was always fresh, vigorous, equipped, and ready for duty. No sophistry, however adroitly veiled, could deceive it. In debate he would as quickly touch and unmask it as did Ithuriel with his heaven-tempered spear the father of sophistries in the garden of Eden. His mind had been thoroughly trained in youth, when the only thorough training is to be had. It had been subjected to the severest discipline, and through discipline brought to its marvelous power.

I recall with distinctness the first time I ever heard his name mentioned. It was in 1858, in a debate in this House, during his first term. He was attacked by a colleague from the same State who belonged to the opposition. His opponent essayed to bring the young fledgeling down and teach him a salutary lesson for his future improvement. But when the contest was over the critic found that he had played the rôle of pupil instead of instructor. That debate gave Mr. Cox a national reputation, and his colleague doubtless thought then, as many others have thought since, that in the intellectual arena he was a good man to let alone.

He had an inexhaustible storehouse of knowledge, which he had gathered up in a lifetime of labor, and he was adding to it every day of his life. He studied books and traveled over land and sea to study man and nature. He climbed the sides of the tallest mountains in Europe. He penetrated the deserts of Asia and Africa to the boundaries of the savage tribes. He went out into the Arctic Ocean to see the sun for twenty-four hours where the earth upon which he stood did not intervene between him and the orb of day. He saw nature in all its aspects and humanity in all its phases. He was an accomplished scholar and well up in all the sciences.

In the memorial services of Professor Henry I remember how he surprised the savans in his address; how he played with science and the scientists and how familiar he was with the lives of the great scholars. In politics he was a Democrat, of the strictest sect of that faith. He loved liberty, personal, political, civil, and religious. He believed with all his heart that man would attain his highest usefulness and highest happiness on earth whenever he had the largest liberty.

He opposed paternalism in government in all its forms and in all its deceitful disguises. He believed that man was capable of self-government and would govern himself better than he would be governed by others; that the people who were governed the least were governed the best; that the government that was furthest from the people was the most dangerous government, the most difficult to restrain, and the most ambitious to encroach upon the rights of the governed and ought to be intrusted with the exercise of the least power; that the largest mass of powers should be granted to the local government, which was nearest to the people and more completely under their control; and that all governments, national, State, and local, should keep their hands off the citizen as long as he kept his hand off his fellow.

In short, he believed that the proper function of government was to secure the person in the full enjoyment of all his natural rights, and to take none of them from him. He was raised in the creed of Thomas Jefferson and lived in it all his life, and labored earnestly to propagate it till the messenger called him to join the Great Founder of free government on the other side of the river of life. In Congress or on the hustings he was a quick and hard hitter, and in a partisan fight I have never known his equal. He would see every joint in his adversary's harness, and mercilessly pierce it when he lifted his lance in the lists. He could not only make a strong logical analysis of a proposition, but he could marshal his facts around it with great power. He was full of wit and it poured out of his brain like an artesian stream. As a humorist I doubt if this country has ever produced his equal.

The shafts of some men leave wounds like poisoned arrows, wounds that rankle and heal slowly and sometimes never heal at all. He did not deal in that kind unless he felt that he had been savagely provoked. I never knew him to dip his arrow but once, and then he felt that he had been wantonly attacked and challenged to try results with his adversary. In that instance he came to the contest with his quiver full, and they were radiant with smiles and their barbs dripping with Marah's waters, in which they had been dipped for the battle.

I have served with him here for sixteen years, and always on terms of the most intimate friendship. In economic science he always claimed me as one of his pupils. It was reading his early speeches that set me to studying the effects of tariff legislation on the material interests of the country. Few men have written or spoken with greater clearness and force than he has. To me he was one of the most charming of speakers and writers. He always sent me copies of his books as they came from the press, and I have read them with unflagging interest. His books of travel give vivid accounts of the countries and the peoples of which he writes, and in his pen-pictures the humorous side of human nature is never forgotten.

Whenever it came under the flash of his eye it came under the point of his pen, and in presenting it to his reader he had the happy faculty of holding the mirror up to nature. A man of such rare genius and of such varied accomplishments the world has rarely seen. With all these great qualities he was so genial and kind that he seemed to be encircled with sunshine wherever he moved. The sky above him seemed never overcast with clouds. There was no night beneath his feet, no storms above his head. It was all sunshine. He lived and abided in the light.

In thought, speech, and act he stood in the meridian splendor of a cloudless day. His character was white, and stood out like a monumental pile of snow filtered and sifted by the fierce blast of an arctic winter. He was an able and distinguished member of Congress when corruption stalked like a harlot through these halls, but, thoroughly grounded in moral principle and guided always by a conscientious conviction of duty to himself, his family, and his country, he moved along impervious to its touch. When the ink of suspicion was blackening the names and reputations of many around him he stood like a statue of white marble that was proof against defilement.

Mr. Cox has left to his wife, his country, and his party much of which to be proud. They will often recur to his valuable and interesting works, to his splendid compositions, his eloquent and sparkling speeches, and the measures of legislation which he inaugurated and accomplished. He is dead, but he still lives in the hearts of the people, and he will live on the pages of our history as long as our history shall endure and as long as our posterity shall cherish true manhood and a loving and tender heart.

He is dead, but we are assured that the dead shall live again, that the grave shall give forth its dust, that the corruptible shall put on incorruption and the mortal immortality. That we shall all rise again is a faith that comes to me by inheritance, and I abide in it day and night. That we shall meet our friends who have gone before us and those who shall follow after us, in another and a higher and better state of being, I believe with my whole heart, but how, where, or when is beyond the realms of finite knowledge. Life is a mystery, and death is a mystery, and all beyond it is an unknown land. To all our inquiries the still, small voice replies, "Do your duty to God, yourself, and your fellow-man, and leave the rest to Him who doeth all things well."

Mr. Cox's last moments were tranquil and serene. The philosophy that guided him through his life did not forsake him in the hour of death. The same cheerfulness that had accompanied him through the daytime of life remained with him when the night was drawing its curtains around him for his long and quiet sleep. When nearing the place of parting, in the way where the mortal and the immortal must separate, he said he had no regrets save one. He regretted the separation from his wife.

From early life the twain had been one. She had been his constant companion at home and abroad, on land and on sea. Wherever he went she followed his steps with the faithfulness of his shadow. Now he felt he was to leave her alone and for the first time to enter on the journey without her companionship.

He is gone from among us, and it will be many long years before the world will produce another like him. A grateful people mourn his loss and honor his memory. A nation tenders its heartfelt sympathy to her whose sorrow is deepest.

We gently fold the drapery of his couch about him and lay him down to sleep where immortelles and sweet forget-me-nots will bloom over his grave. We bow with resignation to the summons that called him away, and we leave him with the angels who will stand at his tomb and keep watch over his slumbers, and we invoke Him who is above all angels, principalities, and powers to care for her whom His dispensation has left widowed and alone in the world.

Mr. BUTTERWORTH. Within a very brief period, three men, conspicuous alike for their ability and patriotism and also for their prominence in the affairs of the nation, have been taken from our midst by death. Samuel S. Cox was summoned first, Judge Kelley died soon after, and on last Sabbath morning Samuel J. Randall joined the others on the farther shore.

These men were widely different in their characteristics. Each had a host of admirers and devoted friends. Doubtless, of the three, Samuel S. Cox was the more versatile, had the wider range of information, was the more eloquent and persuasive. Mr. Randall was a leader of men. Judge Kelley won fame as a champion of a protective tariff. Mr. Cox had been longest in public life. He was a representative from Ohio before the war.

In his public career he rode no hobby. He was a well equipped, "all-around" fighter, and was equally available in a combat which involved finance, the tariff, internal improvements, foreign policy, or the advancement of the arts and sciences. His wide range of information, his studious habits, and careful training fitted him equally well and thoroughly for the discussion of every question that was brought before the legislative body of which he was a member. He differed from Randall in this, that he was a teacher, not an aggressive leader of men. His place was in the council, not in the fray. But it was not my purpose to suggest a comparison between these three men; they were all strong; they were all gifted, each in his way; each served the nation nobly and deserved well of his country.

My honorable friend from New York [Mr. CUMMINGS] has, in a manner at once just and felicitous, given a history of the career of our late friend, but I beg to add a word or two. Samuel S. Cox was the son of a pioneer. He was born in Ohio. There was not a railroad beyond the Alleghanies during his boyhood; of course, the telegraph did not exist even in the mind of the dreamer. To use a phrase each woodman will understand, he took life "from the stump." In his early days there were about him but the rude appliances of pioneer life. In a home near the frontier, in the midst of such opportunities as a new State afforded, he began the battle of life. He was a natural student and literally fought his way to a collegiate education.

Ohio at that time was a land of cabins and clearings, and though Mr. Cox's home was in the town he attended the "log-rollings," the "barn-raising," and the "corn-huskings," all important institutions of that day and generation. They were not occasions for jollity; they meant hard work, though mirth was at the fore; they were rendered necessary by the condition and hard lines of the pioneers. It was these conditions and surroundings that taught men to be self-helpful and also to lean upon one another. It developed in the settler that kindly sympathy and love of neighbor which made the life of the then West as happy as it was free and independent.

Mr. Cox was popular from his earliest boyhood; he was a natural orator, possessed of an eloquent, persuasive manner that never failed to captivate the audience he addressed. He was singled out in his school-boy days to be the orator on each occasion that required a speech; he had stumped Ohio from lake to river before he had fairly passed his majority. He had a ready wit, and while it sometimes cut like a knife it was not his desire that it should wound. His wit and humor was like the aroma of rich wine. Like Lincoln and Corwin, he saw the ludicrous phase of things, and like those sterling patriots he saw and felt as well, in full measure, the solemn and serious aspect of portending events. He was a natural-born politician; no one knew the weakness of man better than he. He could, unknown to them, guide men in the way he would have them go. He could convince them against their will, but with such adroitness and in such happy humor that they would find themselves agreeing with him while they deemed themselves to be in antagonism.

His early surroundings served him a useful purpose in afterlife. There he learned what it required to overcome the obstacles that confronted the settler, whose main equipment was a stout heart and willing hand. It awakened, or rather developed, in him large and generous sympathy that never failed to find expression on fit occasions. He was a student of books, and not less a student of men and of nature. He traveled a great deal; pondered upon old battle-fields where empires fought for supremacy; he delighted to trace the source and rise of warring powers; he felt a rich joy when standing on the Alps watching the wild fury of the elements about him in the conflict of the storm.

He found a lesson in all he saw and gleaned from all he heard, and retained for use all that was worth remembering. His word-paintings of what he saw in his travels were a well-spring of enjoyment to others. It might be said of him as it was said of Byron, he "stood on the Alps, stood on the Appenines, and with the thunder talked, as friend with friend." Those here who have heard him describe the scenes midst which he stood, whether upon some tempest-tossed ocean, or of a war of the elements about the mountain-top whence he gazed, or of some battle between armies fighting for empire, can never forget the graphic pictures he drew. It is not easy to measure the influence of such a character upon his fellow-men. He will live longer in the hearts of his countrymen, his influence for good will be felt after all recollection and trace of others who have occupied for the moment a larger place in the world's affairs have been forgotten. Many will be remembered for having been identified with some single act which gave them conspicuous prominence by association with other actors or with some single event.

The life of Mr. Cox from his childhood down to the day of his decease was marked by one uninterrupted series of kindly acts and expressions, by earnest labor and devoted work in behalf of his fellow-men. These have left their impress upon the people amidst whom he moved. Yes, and its influence went forth in an ever-widening circle.

I know something of the kindly remembrance in which he was held in his native State. When he returned to it, which he did frequently, gray-haired men with little strength left under their weight of years would insist upon going out to hear the man to whom they had listened in his boyhood days. They never failed to be instructed and improved

by the speech they heard. Upon such occasions Mr. Cox was most happy in portraying the scenes of his youth and the honorable part his aged hearers had taken in building up the State.

The trying ordeals through which the old pioneers had passed to attain the splendid results that remained to bless them were pictured in the happiest vein of the speaker. He never failed to pay a fitting and deserved tribute to the fathers and the mothers whose patient toil and untiring industry had wrought the change in that fair land which their children enjoy to-day. He was not only a speaker of exceptionally good ability, but he wrote with equal facility. He could make an adversary writhe under his pen or tongue when he saw fit to exercise his power. But it seldom occurred that his kindness did not prompt him to forbear, even when his adversary deserved the punishment.

It is but just to say that in his life's labors he was assisted by a devoted and brilliant wife, and it is said that to her gentleness and kindly nature many of Mr. Cox's political adversaries are indebted for the suppression of asperities which but for her would have found expression in his lines. Like a true woman, her kindly sympathy suggested that her husband might be severe and just and yet be kind even to gentleness. His life was a pleasant one. Mr. Cox had the faith of a christian; that faith he showed by his works. I remember lolling with him in the lobby of the House one day, when we got to talking about christian faith, and I said to him: "Cox, what is your religious faith or do you have any?" He replied, "Yes, I have. I believe in the religion which was taught and exemplified in the life of the Nazarene, and I never fail to bear testimony to the ennobling and purifying influence of the christian religion." And we, who have heard him, will remember that he was always a witness for christian precepts and in charity and kindness enforced those precepts by worthy example.

It is not my purpose to suggest that Mr. Cox was a saint or that he was what the world would adjudge to be a thoroughly exemplary christian; but here, bidding him adieu on this day, paying this last tribute of respect to his memory, it is a duty and a pleasure to say of him that the world was better that he lived, and that those with whom he came in contact were made better by that association. I think the influences of his precepts and examples of his life were to elevate men.

He was a natural Democrat; he believed in evolution, and thought the human race would work out its own salvation without much bruising or breaking to mend perverse spirits. He found some good in every man, although in some cases it required a careful search.

We shall miss him here. There have been many occasions during this session when I have found myself looking up to catch the face of the brilliant man from New York, to be instructed by his knowledge, to be convinced by his logic, to enjoy his wit, or possibly to wince under his sarcasm.

He has gone from our midst. The death of Judge Kelley was not unexpected; the death of Mr. Cox was sudden and not anticipated. We parted from him in health in the spring; we expected to serve with him here in the fall and winter. Randall was strong and vigorous. His death seemed untimely and unnatural. The death of these, our friends and late associates, reminds us that we are hastening to the grave, and the work which is given us to do must be done while it is yet day. We part company with these choice spirits with regret, but I am persuaded that we have parted with no one whom we will hold in more affectionate remembrance for personal worth, for generous and noble bearing, than Samuel S. Cox.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, among works of art there are pictures called mosaics; and these eulogies upon our dead colleagues form the mosaic portraits drawn by various hands, each drawing that particular feature which he best recalls, making a compact and, as a rule, a just and faithful portraiture of every beloved lineament and every well remembered feature. The portraiture of Mr. Cox requires more of this separate treatment than that of almost any of the colleagues with whom I have served in my brief public career. He was, more than almost any man I ever met, many-sided.

There is reluctance in the human mind in admitting that a man possesses more than one great quality. If he be eloquent it is hard to realize that he may be extremely cautious and able and strong; if he be witty, we are apt not to think him wise, conservative, and politic; if he be gallant and chivalric, we are inclined to think that he is not possessed of cool and cautious judgment; when the fact is that great qualities frequently go together. They are but different aspects of a majestic nature; they are revelations of a unique and imperial soul exhibiting itself in different relations. And Mr. Cox had many apparently diverse qualities that had the same common root.

In tropical countries we find on the same tree at the same time the green leaf, the embryonic blossom, the full flower, the green fruit, the yellow and ripened orange; so that one can gather from its branches the sweetest fragrant flowers as a bridal wreath, while another plucks the ripened fruit for his feast. So our friend at times weaved a bridal wreath of fragrant flowers, while at other times he furnished to this House the richest feast from those marvelous attainments and equally varied gifts which he possessed.

It was this manysidedness of his character that struck me when I

first came into contact with him. He possessed more of these qualities than almost any man I ever knew: a clearness of statement that was scarcely surpassed (if I may be allowed a personal allusion) by him who was the Speaker of the last House; a quickness and nimbleness of debate on the spur of the moment that was nearly equal to that of the Republican leader in the late House, now promoted to its Speakership; a gentleness and tenderness not surpassed by anybody; a playfulness that attracted; and under that playfulness the quick stroke of the rapier, for graceful is the hand that uses the Damascus steel; and with it all a wealth of learning, a breadth of attainment, a happiness of illustration that never descended into triviality, that always illustrated as well as adorned; and then with these the peculiar quality that we sometimes call cat-like, so that whenever his adversary thought he had thrown him he found that he had lit upon his feet, ready to conduct the contest on absolutely equal terms. His very defeat seemed to be the means of reconquest in the continued and uninterrupted process of debate. So that under all circumstances and in every emergency he exhibited adaptability to that particular occasion and that peculiar environment.

Now, Mr. Speaker, these are remarkable qualities, each somewhat rare in itself, in combination extremely rare, and yet it is one of the curious facts of our peculiar and duplex nature, fearfully and wonderfully made, that they are rarely found in combination in those men who are called to do some act supremely great. They belong to that class of men who are leaders of men, who are leaders of thought, who are necessary to the contest, who adorn the annals of the era in which they live, who make honorable and noble work and give inspiration to others. And yet they seem to have so many qualities that in no one are they supremely great for a great occasion. Therefore it is not unnatural that Mr. Cox, who was always a conspicuous member of this House, always an able and influential member of this House, never became the leader of his party.

There is something needed that has more in it of iron than was in his composition; something that has in it less of consideration for the reputation and for the feelings of his followers and of his enemies than he had; something more of wilfulness, something larger of the capacity to risk all, to dare all, and to wound and, if necessary, to trample on all who stand between him and the accomplishment of the purpose which he feels called upon to accomplish, than he possessed. And it is probably, therefore, a greater tribute to his memory and to his loving nature, as well as to the tenderness and gentleness of his life and the attractiveness in all that he did, that he did not possess these sterner qualities of leadership.

Thirty-two years have passed away, nearly, since Mr. Cox came into the House of Representatives. The other day, when we were passing just eulogies to the memory of Judge Kelley, the thought that was uppermost in my mind was that he represented, during the thirty years of his life and service, a victorious party. Now, when we come to pay our eulogies to this colleague, the corresponding contrasting thought is that for the larger part of his life he represented a falling and defeated party or a party struggling from opposition towards majority. He entered public life at the time when the Democratic party was separating itself, not by the attacks of its enemies, but by its own hand compassing its division and destroying its power. He signaled his entrance into this House by a bright, able, stirring speech, which marked the dissensions between, not his party and his enemies, but between him and many party friends.

The very earliest of his public services in the House was to defend the leader of a part of that party against its nominal and official head. He saw that party divided amidst the throes and the bloodshed of the most terrific war between the States that history has ever chronicled or the world has ever seen. He returned to public life from the great and imperial metropolis, which sits crowned upon the shores of the Atlantic, with a handful of colleagues who felt and thought as he did. He stemmed the great tide of Republican victories, the fair results from the successful conduct of the war, from the emancipation and enfranchisement of four and a half millions of human beings, and from meeting with intrepid purpose the perplexing problems of an enormous public debt.

He stood with that minority amid the sad and terrible days of reconstruction, and lived to see it grow constantly stronger and stronger, but never obtaining possession of the departments of the Government in such a way that it could crystallize upon the statute-books its opinions of public policy and its judgments of great economic questions. And he died, after thirty-two years of brilliant and conspicuous service, in the ranks of a defeated party.

His colleague was borne to the grave as one of the leaders of that party which had control of the statute-books of the nation for a period of thirty years; this colleague we bore as the representative of a party who during all of that time was in opposition. Who can say which is he that the country owes most to, he who helped to form its policy or he who by voice and earnestness checked further encroachments?

Who can tell, in the action and reaction of countervailing influences, which is the better, that which is powerful for positive legislation or that which is potent as the check on legislation? And as we leave this Hall on this day, which is typical of his life, this faultless spring day,

with its cloudless sky and its genial and bright sun, with the vernal blossoms just bursting into bloom and the melody of the birds, which is heard in the trees, who can tell to-morrow and in the days that are to come, as the younger men take the places of the older, to whom shall most honor be given? Or rather can we not well say that, on the graves of both of them and on the newer grave of the more stalwart and willful and aggressive leader whom we have just buried, a nation, forgetting their differences for the moment, obliterating animosities, can say of each, "He did as he thought best for a country he loved with all his heart, under a sense of duty to a God who led him in the pathway he pursued?" [Applause.]

Mr. BLAND. Mr. Speaker, when I first came to Congress, in December, 1873, I found Mr. Cox a member of the House. He had served many terms prior to that. I had never met Mr. Cox before. His reputation at that time as an orator was world-wide; consequently I was anxious to meet him and to hear him speak. My admiration for the man grew upon me as I became more familiar with him.

The Forty-third Congress, to which I have alluded, gave many occasions for the display of his oratory, wit, and humor. It was a notable Congress in our history. Mr. Blaine was Speaker. General Butler, of Massachusetts, was then the acknowledged leader on the Republican side.

General Butler, with all his great ability and pertinacity, pressed what were then known as the force bill and the civil-rights bill. He succeeded in passing the civil-rights bill, but through the dilatory tactics of the Democratic party, led by Mr. Randall, of Pennsylvania (whose death but a week ago we are also called to mourn), with Mr. Cox as our great champion in debate, the force bill was defeated. Justice requires me to say in passing that the strict impartiality shown by Mr. Blaine, the Speaker, during this memorable contest extorted the highest warmth of admiration from his political opponents. In that fight there were two great men and great characters brought more prominently than before into public notice. These were Samuel J. Randall and Samuel Sullivan Cox.

These two late Liberal leaders in American politics have their counterparts across the waters. Mr. Cox was truly our Parnell, while Mr. Randall in many characteristics was to us a Gladstone.

My service here with Mr. Cox began in the Forty-third Congress, and was continuous, except in the Forty-ninth Congress, while he was minister to Turkey. I was fortunate to have a seat by him for two years. In this way I learned to know him as a friend. From overwork and cares incident to public life I was in failing health. Mr. Cox took great interest in my case. He gave me the benefit of his advice and experience, for he was never robust himself. His amiable disposition and jocular good humor threw a halo of sunshine around his companions. As my health gradually recovered I used to tell him that it was all due to his cheerful company and buoyant temperament.

Mr. Speaker, in our journeyings we encounter plains, table-lands, hills, and mountains, and mountain peaks that look grand in the distance, their summits peering above the clouds in their dazzling, misty heights; the plains and hills covered with forests of shrubbery and young trees struggling to higher proportions. Here and there we find clumps of huge foresters, with the growth of ages, shooting their foliage high above their surroundings as if to catch the first rays of the sun and to drain from the clouds the first drops of water, the winds whistling and sighing amid their boughs like an Æolian harp. Far above the tallest forest trees and amid the crags of the loftiest mountain peaks soars the eagle, now basking in the burning radiance of a summer's sun and now riding upon the storm, defying the thunder's roar and the lightning's glare. So towered in grandeur and majestic flights the enchanting eloquence and withering satire of S. S. Cox. As an intellectual man he was a giant; as a genius he was a prodigy.

Mr. Speaker, how often have we witnessed his powers here. The ablest who crossed swords with him in the repartee of running debate did so with all the misgivings of foregone defeat. I can now recall many occasions when the mad passion of party swayed the House as a cyclone would twist a forest, when it seemed inevitable that blows must follow words. At this juncture Mr. Cox would take the floor and by the impassioned eloquence of a Clay calm tumult to tears and by the wit of a Curran set the House in roaring laughter and good humor.

Mr. Cox was a man of the kindest and most humane impulses. He was of noble spirit, a patriot and philanthropist. He loved his whole country; but his love of liberty, of the Jeffersonian idea of home rule or local self-government, was world-wide. Ireland had no greater friend or abler advocate in her struggles for freedom than Mr. Cox. The tears of Ireland and the tears of America will mingle in love and sympathy for his memory so long as manhood is honored and liberty held sacred.

Mr. Cox loved our Union for the Union's sake. His voice and his vote were potential in aid of the war for the Union. When resistance to the Union ceased his cause of war ceased. He had no resentments. His voice was raised for peace and amnesty. He labored to restore the Union by constitutional methods.

The unhappy people of the South in their struggles for restored liberty under our Constitution had no truer or abler champion than he. The idea of State government taught by Jefferson, that we now call

home rule, was a cardinal principle with him. No man living or dead did more in these Halls than he to cement our people in the sublime principles of union and justice.

Mark Antony played the necromancer over the dead body of Caesar. He moved the Roman populace to tears and roused in them all the passions of terrible revenge. Yet Caesar's fame was baptized in a Rubicon of human blood; his sword had cut from their moorings the liberties of the people, that he might float upon a sea of imperial power.

The great man whose death we mourn to-day, the utterances of whose tongue had so often moved his countrymen to wild applause and rapturous admiration, was loved by the people for his great genius as a statesman and orator, for his magnanimous spirit and humane sympathies. His great victories were achievements of intellect, the trophies of valor won in the arena of debate. His walks were the walks of peace; his ambition was tempered by justice and mercy. His bounding heart took in loving embrace the oppressed everywhere. His joyous smile was the delight of his companions. In him was the well-spring of perpetual youth. Verging on to near the allotted three-score and ten, yet had Mr. Cox lived a century he would have died young. Neither age nor physical infirmities could wrinkle his sunny face, quench the fire of his eye, nor blight the evergreen in his soul.

Our ideas associate the better world beyond with peace and joy, mirth and song. If this be true, death for him was only the lifting of the thin veil separating time from eternity. As he left this, so he stepped upon the other shore. There was no change.

As Prentice said of the immortal Clay:

But he is gone, the free, the bold,
The champion of his country's right;
His burning eye is dim and cold,
And mute his voice of conscious might.
Oh, no! not mute; his stirring call
Can startle tyrants on their thrones,
And on the hearts of nations fall
More awful than his living tones.

Mr. BUCKALEW. I shall speak to a few points in the character and career of Mr. Cox, leaving to others to draw a more complete picture of the man and of the achievements by which he is best known to this generation and will be remembered in future times.

Mr. Cox went abroad in early manhood and again in mature age, and gained varied stores of knowledge from observation of the natural features, the men, and the institutions of other lands: first, as a private citizen and again as a representative of the Government of the United States. He was always observant, discriminating; enjoying the romantic and historic associations of all the places and scenes visited, constantly gathering materials for reflection and conversation, for literary labor and for public discourse. Europe gave to him vivid impressions of her forms of civilization, the organizations of her governments, the peculiarities of her people, and of the evils which attend upon dense populations in crowded cities.

But he also found there a development in scientific pursuits, in literature, and in art to which the New World has not attained, and also ecclesiastical organizations, antedating Columbus and Newton, which yet in great measure dominate the religious beliefs of the world.

And in the far East, upon the coasts of Africa and Asia, he wandered like another Volney among the ruins of empires, indulging in reflection upon the mutability of human affairs, gazing with astonishment upon the monuments of past grandeur and contrasting them with present degeneracy and decay. The sacred land of the Jews, the capital of the Turk by the Marmorean Sea, and that land of wonders, the Valley of Egypt, brought back to memory the classic books of college days: Herodotus and Homer, the Mosaic and New Testament writings, the polished pages of Xenophon and Gibbon. Perhaps he recalled also with humorous enjoyment the less pretentious narrative of the United States expedition under Lynch to explore the tortuous courses of the Jordan and the salt waters of the Dead Sea.

In his last sojourn abroad he saw and studied "the unspeakable Turk" in his home, his quick eye detecting elements of the ludicrous, the incongruous, the romantic, and the picturesque, all around him. There were the Mosque of Omar, once a Christian church; the Seraglio of the Sultan, and all the splendors of the Golden Horn; and in the bazars and streets of the great city were to be seen men of various nationalities and of varied costumes: the Bedouin of the desert, the pasha with retinue from Damascus, the Maronite from Lebanon, Bulgarians of the Danube, merchants from Macedonia, and the pious pilgrim just preparing to join the annual caravan to holy Mecca, to the tomb of the Prophet, far south toward the coffee lands of Araby the Blest. No more varied and motly assemblage than can be seen at Constantinople was collected at Jerusalem on the day of Pentecost, told of in the second chapter of the Acts, when "Parthians, and Medes, and Elamites, and the dwellers in Mesopotamia, and in Judea, and Cappadocia, in Pontus, and Asia, Phrygia, and Pamphylia, in Egypt, and in the parts of Lybia about Cyrene, and strangers of Rome, Jews and proselytes, Cretes and Arabians," did each hear in his own tongue of the wonderful works of God.

But whether at Constantinople or Cairo, at Rome or at Paris, in Berlin or in London, Mr. Cox was ever the American, always and everywhere "The Buckeye Abroad." If not a "stranger in a strange

land," if scenes grew familiar from nearness of view and from recollections of their former glory, still, outside his own country there was for him "no abiding city," no place to be chosen for permanent abode. He would have languished even as a member of the American colony at Paris. He did tire of his surroundings and of inaction at Constantinople. He longed to come back to our great city by the sea, to revisit his native valley of the West, and above all and beyond all to stand again in this House, a loved and honored representative of American institutions and American men.

This desire was gratified by the city of New York, which again assigned to him a seat on this floor, and he appeared among us at the opening of the Fiftieth Congress.

In that Congress Mr. Cox chose the position of chairman of the Census Committee, and he reported the bill under which the population and industrial statistics of the country are to be taken the present year. The increase of the States and Territories in wealth and numbers was to him a subject of deep interest and of patriotic pride. He rejoiced in all signs of public prosperity and indulged hopeful anticipations of the future.

In the same Congress he was conspicuous in support of irrigation surveys and works of water supply in the far West. He conceived such works in the Territories to be legitimate and important objects of national policy, and his imagination bodied forth a bright picture of prosperity for settler and citizen upon our waste and arid lands when those lands should by such works be reclaimed for human use. Cañon, valley, and ravine, gorge and basin, were to be utilized; scientific skill was to bar their outlets and thousands of made channels convey the stored-up waters to town, garden, and farm, to fruit-tree, meadow, and pasture land, in all those sections that skirt the mountains of the Southwest. Under human control and directed to human use, the great mountains that milk the clouds were to send down to the thirsty plains their fructifying and life-giving waters.

In supporting this policy he recurred to his observations in Syria and Asia Minor, where, by the destruction of mountain forests and neglect of irrigation works that once existed, water supplies have been lost and sterility established upon what were once fertile lands sustaining great populations and prosperous states.

The admission of four new States into the Union was another subject upon which Mr. Cox felt great interest at the last session, and he exerted himself to the utmost in favor of the admission bill in the House. He looked upon the rise of free Commonwealths in the Northwest with genuine pride and with high hopes of their future. That stalwart men by Puget Sound, in the recesses of the Rocky Mountains, and along the Red River of the North should have their desires fulfilled and a hearty "God speed" given them in their onward march to the position of great States, gratified his sympathies and excited him to zealous and determined effort. When in some one of those new States a great capitol building shall be erected with a statue of Samuel S. Cox placed at the entrance, a fitting tribute will have been paid to his memory by the men he served.

It will be seen that the labors of Mr. Cox in the last Congress were largely directed to the census enumeration of 1890, with its elaborate industrial statistics for the whole country; to the reclamation of arid and waste lands in the far West, and to the admission of new States. Time would fail to sketch even in outline the immense number and variety of subjects which engaged his attention during his prior long service in this House. He was here before the war of the rebellion, during the progress of that struggle and afterwards; always prominent in debate and always prominent before the country. How well he bore himself in all that time, what displays he made of fertility in resources, aptness and quickness of movement, steady consistency, discretion, and dauntless courage, is best known to those who saw him most and judged him closely. It was, however, his quickness of perception and keen wit that specially distinguished him in the House. These enlivened discussion, gave point or illustration to argument, and enabled him to carry off the honors in many a contest.

His perceptive and receptive faculties were of a high order, enabling him to take impressions and knowledge from all sources, from nature, from books, and from men; and what he obtained he held in a retentive memory, and drew upon it at pleasure. Thus he was, mentally, a full and a ready man, prepared upon most subjects for discourse or exposition and to comprehend and appreciate their treatment by others. Sensitive at all times to the influence of his immediate surroundings in communication with an audience, a social circle, or a companion, he received impressions as readily as he gave them; hence, all his relations in human intercourse were relations of mutual appreciation, and commonly those of sympathy also.

When he chose to amuse an audience the enjoyment of the audience was his own also, veiled by a discreet self-restraint in its manifestation, and the sympathetic bond which united speaker and audience always remained unbroken. In efforts of a discursive character, when fancy was let loose to depict resemblances or draw contrasts between things near and remote, or those known and imagined, his audience went willingly with him upon his excursion, and realized his picture in all its details, their minds led captive by an art which, with the speaker, was unfeeling and instinctive.

In intellectual collision, in occasional combat, Mr. Cox excelled. He was fitly armed for the fray and not loath to engage his antagonist. In encounter his weapon was not the battle-ax of Richard, but the keen cimeter of Saladin, and that weapon he wielded with an ability which intimidated foes and excited the enthusiastic applause of friends and supporters. Those who looked on admired the skill of the champion and enjoyed his triumph. Sympathy went with him alike in sportive foray and in regular combat; for he was as chivalric as enterprising, and struck only to disarm his antagonist, not to mutilate or degrade him. Spitefulness and malice had no lodgment in his soul; his anger when most provoked was curbed by magnanimity and self-respect, and he did not permit the sun to go down upon his wrath.

He reasoned soundly, and often strongly, in debate; but to the multitude it was his occasional strokes of witty allusion to men and events, his pictures of the romantic or the ludicrous, and his appeals to sympathy and generous emotion that gave zest to his discourse and elicited admiration.

That Mr. Cox loved admiration more than most men and labored and toiled for it with zeal and diligence is perfectly true. To attain to a firm place in the hearts of his countrymen, and especially of his associates in public service—this was the ardent desire of his soul, which inspired effort, defied fatigue, and was, briefly stated, a great motive power of his public life. But this love of approbation was of a very manly sort and was associated with moral and intellectual convictions which gave steadiness to his character and withheld him from the arts of the demagogue and from base subjection to the evil influences of his time.

I think I may justly claim that he was not merely an honest man in the common acceptance of that term, but that his integrity was of a high order and was constant and sure. When, pending a late election in Ohio, his name, with those of others, was forged to a pretended ballot-box contract, no effect to his disparagement was produced in his native State. There and everywhere else throughout the country, to all intelligent persons, it appeared incredible that Mr. Cox should turn speculator in the legislation of Congress, and the charge was rejected before it was disproved. It was, in fact, as impossible that Mr. Cox should have engaged in the alleged enterprise as that the eloquent member of this House from Kentucky [Mr. BRECKINRIDGE] or the popular leader of this House [Mr. MCKINLEY] should have fallen into evil ways, or that the great Senator from Ohio [Mr. SHERMAN] should have lost his mental poise and his superb caution in prospect of petty and illegitimate gains.

Three men, each of long service in this House, have taken rank in public opinion and will take rank in our annals as men of genuine wit: Randolph of Roanoke, Stevens of Pennsylvania, and Samuel S. Cox. They were not jokers, nor punsters, nor were they sentence-makers, like our American Junius of the Senate; but in different ways, each with individual peculiarities, they reached a like position and distinction as men of pleasing and pungent speech.

It is by contrast that we can best view these former strong men of the House. Randolph was eccentric and insubordinate; in a majority willful and restless, in opposition lawless and unrestrained. But from his speeches, in the imperfectly reported debates of his time, may be selected many a sparkling gem in which thought and diction assumed almost perfect forms—passages which charmed the age in which they were uttered, and now, after the lapse of three-fourths of a century, linger long in the recollection of all who read them.

Thaddeus Stevens was a master of quick-witted speech; on many an occasion his strokes of humor disarmed enmity and extorted admiration. His humor was sometimes grim, sometimes playful, sometimes caustic, but it was always of genuine stamp and was exactly suited to his immediate purpose. Twenty-two years ago, upon fit occasion in another place, I sketched the character and career of that remarkable man, not with words of fulsome praise, but, I think, with discrimination and justice.

When we compare Mr. Cox with his predecessors many more points of difference than of similarity appear. He was unlike them in form, in manner, in modes of thought, in habits of life. He had not the bony finger, often extended, of the one, nor the impassive countenance and demeanor of the other. To those who will seek for them, there are somber lines of coloring in any complete picture of Randolph or Stevens, but in the portrait of Cox the lines are all light and cheerful. No bodily imperfection, as in the case of Byron, gave to him embittered reflection or caused embittered speech.

He enjoyed life and imparted enjoyment to others. He was in sympathy with his surroundings, and obstacles in his way did not discourage him. He was a diligent worker and loved his work, for thereby he wrought out results, secured self-approbation and the approval of others. He was distinguished by versatility in labor and employment. His time was not wasted. Independent of Congressional service, he read much and he wrote much—correspondence, books, essays, speeches, lectures, newspaper articles.

He spoke often to great audiences and to select ones. His active life, full of incident and achievement, was beyond question a happy life also. Randolph was admired and feared; Cox was admired and loved. Many warm friends stood by him from youth upward, and many new

ones gathered around him in mature age. Their sympathy encouraged and sustained him in all his life work and attended him to its close.

He was also fortunate in his home—a home where his affections could have safe and steady anchorage—and in a companion who merited all his esteem and held his whole heart as her priceless and unchallenged possession. To that companion, now sitting bereaved in the great city by the Hudson, goes out, and will continue to go out, the sincere and profound sympathy of this House.

Mr. McMILLIN. Mr. Speaker, death has again invaded our ranks. What sad reflections crowd upon us when contemplating the fall of this learned patriot! "The silver cord has been loosed, * * * the golden bowl broken." The three men oldest in service in the House all taken from us in less than two hundred days. Mr. Cox, whose loss we mourn to-day, was elected to this House fourteen times. Mr. Randall, whom we sadly followed to the tomb this week, was elected fourteen times. Judge Kelley, who died after the holidays, was elected fifteen times. They were all unostentatious in manner, patient in labor, patriotic in purpose. Do we realize the loss when an experienced statesman dies? Learning may be gathered here again, and intellect may be obtained, but their experience, gone forever, can not be supplied.

Samuel S. Cox was born in Ohio, September 30, 1824. A college graduate with distinguished honors at the age of 22; secretary to the legation to Peru at 31; a member of Congress at 33. He represented the capital district of Ohio for eight years. He came from that great State at the time when Thurman and Vallandigham, distinguished Democrats, were meeting in the intellectual arena Sherman, Joshua R. Giddings, and other strong men of their party. He concluded to change his residence, but followed not the usual course of emigration in this country southward or westward. He looked East and beheld a great city stretching out on the Hudson and the Sound, spread around which, not confined to one State, were other grand cities, making a center of population the wonder and admiration of the age and the glory of the continent. Metropolitan in its proportions, it had in its midst business men from every quarter of the globe and every nationality of the world.

To this city, which was too big for jealousies, too grand for rivalries, and too great for prejudices—to New York—he wended his way. Quick to perceive merit and ready to reward it, Mr. Cox was received in the city of his adoption with open arms. He was learned in the lore of every land. He could talk intelligently to every nationality of the things peculiar to itself. All lands and tongues were tributary to his knowledge. When he narrated his travels, by his genius a more enchanting witchery danced upon the waters across which he had been wafted and a brighter halo hovered around the hills over which he had clambered.

When he arrived in New York his welcome was not confined to mere words. Ten times he was elected to this House from New York City, sometimes by the district in which he lived, at other times by districts of which he was not a resident. Every member of this House can bear truthful testimony to the untiring vigilance with which he watched its interests and the great ability with which he defended them.

Married in early life, he was blessed with a companion who went with him in all his trials and rejoiced in all his triumphs. Both intellectual and learned, she was in full sympathy with all his intellectual exertions. A sympathetic nation joins in her sorrow for her illustrious dead.

Mr. Cox was one of my first acquaintances when I came to the extra session of the Forty-sixth Congress. I remember with pleasure now the warm welcome he gave me. I knew him well. His intellect was of a high order and his learning very great. He had, too, that kind of intellect which makes all feel and appreciate it. He combined with a high sense of the ludicrous a quick perception and a strong understanding. He was also a great student. When Atticus asked Cicero to recount the means by which he had achieved his marvelous success, the orator replied that he studied three years for the forum and practiced two years, during which he met Hortensius; that he was not satisfied with his own style, and that he traveled two years in the East to study and reform it; that during this entire seven years he hardly let a day escape him that he did not write something, memorize something, and compose something. Mr. Cox, like the eloquent Tully, was an untiring worker. I knew no man who could work more rapidly or did work more constantly. He was gifted with rare ability to conceive beautiful and forcible thoughts and extraordinary eloquence to promulgate them.

He loved his country with the fervor which should characterize a patriot whose ancestors had fought in the Revolution. His great-grandfather had drawn the sword of a captain in that glorious struggle and had sheathed the sword of a general. After the close of the conflict, realizing that,

Beneath the rule of men entirely great,
The pen is mightier than the sword,

he participated in his country's councils as a member of Congress.

Ezekiel Cox, father of Samuel S. Cox, was also a member of the Legislature of his State, where he won distinction. What his fathers fought for and established he maintained. His tongue and pen were

both dedicated to the institutions of his country. The perpetuation of constitutional government was the aspiration of his youth, the aim of his most vigorous manhood, and the solicitude of his declining years. The mad passions of sectional hate never burned in his bosom; the unmanly utterance of sectional prejudice never polluted his tongue.

Our flag was emblematic to him of one country and one people. The brightness of each star and the whiteness of each stripe told him of a great Government, where every State had a right to administer its domestic concerns in its own way, yet where all the States were cemented together in the bonds of constitutional union for the general welfare and the common good.

He ever contended for the observance of the Constitution. He was always found in the ranks, or rather in the lead, of those who struggled to maintain the rights of man. He took high rank in whatever field of intellectual labor he entered. Whether we view him as student or journalist, as historian or statesman, he was the same—strong in intellect, eloquent in speech, warm in his friendships. He was gentle as the breeze to his friends, but dreadful as the storm to his antagonists.

Mr. Speaker, when another century shall have passed away; when the State of his birth shall have attained 10,000,000 population and the city of his adoption shall have become the metropolis of the world, as it is now the metropolis of the continent; when this glorious Republic shall have a quarter of a billion of people and the student of history looks back to the first century of our national existence, wherever his mind lingers to revel in the delights of literature or wanders to the far-off land of Leonidas and Lycurgus, with the faithful diplomat, or studies statecraft in most eloquent appeals for free government, there will be found the foot-prints in history of Samuel Sullivan Cox.

Mr. GROSVENOR. Mr. Speaker, I come as a Representative from the State of Ohio to lay upon this bier the tribute of a personal friend and admirer of the late Samuel S. Cox. He was born and raised in Ohio. He was educated, in part, in the Ohio University, in the town of Athens, where I live, and he grew to mature manhood in his native State. He was editor of a leading Democratic paper published at Columbus, and as such won his first literary fame. At that early day he was a graceful and eloquent writer.

Returning from his post as secretary of legation at Peru, he was elected to the Thirty-fifth, Thirty-sixth, Thirty-seventh, and Thirty-eighth Congresses from the State of Ohio, and held high position in the Democratic party as their representative in national conventions from that State. So it is proper that Ohio should claim a great interest in his fame and character.

His father was a prominent merchant, residing in the Muskingum Valley, and introduced into the Ohio Legislature the first bill looking to the improvement by the State of that splendid water way. The only speech, it is said, that was ever made by the elder Cox, although long connected with politics, was made from the vantage-ground of a dry goods box, on a street corner, in the light of a bonfire that had been kindled by the enthusiastic people in celebration of the passage of the bill to improve the Muskingum River. In the last Congress in which the son served he aided, advised, and assisted to secure the complete establishment of a successful and valuable improvement of the same river by the United States Congress.

He never lost his interest in Ohio and Ohio affairs. Connected by blood and marriage with several prominent families in the State, he kept up his friendly interest in all the affairs of Ohio, and one of the remarkable phases of his mind was that he carried into all the ramifications of fifty years his memory of the families and people with whom he had associated in his boyhood.

I shall not attempt, Mr. Speaker, to dwell at length upon the high qualities exhibited by our lamented friend in his long service in the House of Representatives. There are others here who knew him better, because they served longer with him. Coming here as I did in the very zenith of his power and influence in the House, I looked upon him as one of the most brilliant and capable men whom I had ever known. I never knew a man with such varied ability in debate. He was possessed of a fine education, which he had kept alive by persistent application, constantly familiarizing himself with the literature of the country and the world. He preserved in all its brilliancy and freshness the splendid education he received in the schools, and on the floor of the House, in the heated debates, he utilized his knowledge with wonderful adaptation and marvelous rapidity of thought and action.

When upon the floor of the House, in the full tide of debate, with all the sails of his wit, knowledge, and eloquence set, he was the most dangerous antagonist ever encountered by an opponent, in my estimation. The flashes of his wit flew like lightning, and always struck the object aimed at. He never failed to respond with a promptness that astounded his adversary; it was at times like this that the marvelous resources of the man manifested themselves. He dwelt upon history, poetry, wit, sentiment, pathos, and eloquence, and all these varied resources came to his support, and falling into the martial array of his splendid abilities, he directed them all with the unerring hand of genius against his foe.

He was seldom bitter, but always ready. He was seldom cruel to his adversary, but always incisive and prompt. He exhibited one of

the great characteristics of his nature in the discharge of his duties in Congress. He was a man conspicuous for his kindness of spirit. He was ready to help the weaker. No man ever appealed to him for kindly sympathy in vain. The younger, or inexperienced member of Congress never applied to him for advice in regard to parliamentary procedure that he did not patiently and willingly give it to him. No man ever asked him a favor as a personal accommodation, in the business of the House, if it were within the bounds of possibility, that he did not grant it. His battle for the letter-carriers, his strong advocacy of the interests of the life-saving stations, were the outgrowth of his kindly sympathy. He helped the weakest. His sympathies went out to the poor.

He aided those who needed help, and not those who could help themselves. His mind was broad and comprehensive and responsive to the just and intelligent observation of the affairs of the whole country. It was often a marvel to me that, leading the hurrying, pushing life that he did here, when question after question arose, varied in their scope, widely different in operation, affecting the remote sections of the nation with interests widely differing, he should be found ready armed and equipped for every emergency.

As a writer he early achieved fame, as I have already said, and it was in those lines of literature involving beautiful descriptions, pathetic illustration, and appealing to human nature that he distinguished himself.

As the presiding officer of this House he brought to the discharge of his duty the same readiness of action, promptness of judgment, and consistency of conduct that he displayed upon the floor and in every other place. It was his ambition to be Speaker of the House. If he ever bewailed misfortune in politics, it was because he never attained that high position. If it had been his lot to be selected by his party associates as Speaker, it is my judgment that he would have made a career conspicuous among the conspicuous men who have occupied that exalted position.

His mind was of the very type that makes it possible for a Speaker to be able to rule and yet be popular. He would have shown no partiality in his position to men or measures. He would not have availed himself of the power and patronage of his exalted position to punish his enemies, retard the growth of his rivals, or foster his personal ambitions. He would not have left the Speaker's chair with the unpleasant consciousness that he had gotten even with his enemies by leveling himself down to their level. He was a generous man. He was always ready to recognize ability where he saw it, and he saw it with an eye trained in the accuracy of discernment.

He was tenacious of his political opinions. Once adopting as true a theory of political action and propriety, he never faltered in his advocacy of it. For many years he occupied a position far in advance of the recognized leaders of his party upon the great question of the tariff, and he never hesitated to boldly proclaim his opinions.

No matter that his party might deal in glittering generalities in their platforms, he struck ought straight from the shoulder. His flag was always flying; his opinions always put to the front. No man can say that he dodged an issue like that. It did not affect him unfavorably to call him a free-trader, for on more than one occasion he proclaimed that he gloried in the name.

It was his honest belief in the wisdom and propriety of his position that made him bold to announce it, and, as with all men of original ideas and original thought, when they have by a process of thinking adopted a policy, they believe in it and are bold to proclaim it and defend it, and so it was with Cox.

Possibly there was nothing in his career that was more annoying to him than the public estimation that had grown up that he was a sort of a professional humorist, and with what opportunity I had I tried to study the man in this regard and to ascertain whether the wit, repartee, and humor that came bubbling up from the inexhaustible resources of his mind were studied efforts or otherwise. Complaining that he was characterized as a humorist, was he studying the art nevertheless? It took but a very brief analysis of his character to serve the purpose.

The bright things which he said and which have passed into permanent record were spontaneous, and not prearranged. His wit was born at the moment. His repartee came rushing forth, suggested by his opponent. The very challenge produced the answer. The thought came as a flash of lightning. It was inspiration. It was naturally original with him, more naturally spontaneous with him than any other man of my acquaintance. Often and over again have I witnessed the sharp-witted response to the challenge of some one, and the whole House was in a roar before the gentleman from New York seemed in the least to appreciate that he had said anything out of the common run of discourse.

He was a man without malice. He fought hard and dealt heavy blows in a contest; but when the battle ceased there was no bitterness behind. He had statesmanship as well as politics. He saw with unerring knowledge and judgment that the great Northwest was rapidly assuming vast political importance; that the demand for statehood of those splendid Territories could not be delayed or balked longer by political "jugglery;" that the star of empire had taken its way to the West and that the result was to be new States.

No party consideration could limit and destroy his accuracy of vision

or the patriotism of his action. Following as a true party man the leadership of his party to a certain point, he boldly gave notice that while the bill was in the House he would follow the caucus demand, but if the Senate took a broader view, a more patriotic view, a view more in accordance with his judgment, he should insist that his party yield to that suggestion, and failing or refusing that he would follow his party no further. His action in that behalf was recognized by the people of those Territories, and when he went to visit them they received him with open arms and accorded to him assurances of a generous recognition of the part he had taken in their behalf. I would that it might have been ordained that he should live to see with his own eyes, on the 4th of July next, the flag of his beloved country unfurled in her official places with her added stars, for the creation of which he so faithfully struggled.

In his appreciation of the growth of the West and his pride in the manifest destiny of that great section of the country was developed a prominent trait in his character. Born and educated in Ohio, then a younger and newer State, he grew to an appreciation of the wants of a growing, thriving, prosperous, agricultural free country. Had he remained in the West he would have been, in my judgment, a greater man. I do not believe that the city constituency that he so long represented after he left Ohio was calculated to bring him into so close relations to the thought of the people as would have been contact with the Western constituency, and it was remarkable to observe how in the career of this man his early inspirations, his early ambitions, his early judgment of men and things, adhered to him in afterlife. Circumscribed by the city constituency, not one-tenth part of whom he knew, he yet became the representative in all things of the great people with whom he had grown up. It is not a disparagement to his later constituency that it was an environment rather than an inspiration to the gallant young American whom they selected as their representative.

Now, Mr. Speaker, the long column of the dead pass in review before us of the Fifty-first Congress—Cox, Nutting, and Wilber, Laird, Gay, and Kelley, Randall, Burnes, and Townshend—nine have gone forth, and we are here to finish as well as we can the work that is set before us.

I have no taste or talent for philosophy on an occasion like this. When a man like Mr. Cox, in the very zenith of his intellectual power and in the very heyday of his usefulness, passes away, we can not, as we consider his character and the mystery into which he has gone, hesitate to believe that somewhere, in some other condition of existence, we shall meet again. I do not believe that the creation of man is such a failure as we would be compelled to believe if we thought these nine comrades of ours had been so suddenly and untimely transferred from this sphere of existence, to be heard of, to live, no more forever.

I shall cherish the virtues of those men. I shall, so far as my ability goes, emulate the example of those men; and I shall trust that in a better world, at a future time, I shall know the mystery, solve the problem, and understand that it is the development of a wise provision of the Creator that this should be but the training school and death the open door through which we shall pass to a better world beyond.

Mr. OUTHWAITE. Mr. Speaker, it seems peculiarly appropriate that I should participate in these ceremonies to commemorate the virtues of Samuel Sullivan Cox, coming here as a Representative from the city whence he first came as such and from the district which first honored him and itself by recognizing his abilities and requiring his services in Congress. In a large portion of this district his name is almost a household word, his fame is treasured with affectionate pride, and his loss mourned as a personal bereavement. In all that I may say to extol him there will be no more than the utterance of the sentiments of his constituents.

My youth was spent in the town where he was born, and my earliest recollection of a political meeting is of the one at which he spoke in his native city just after his first nomination for Congress. I shall not now attempt to portray the impressions of that delightful hour, but must say that from that time on the course and career of the speaker has held my admiring attention. I most deeply regret that I am not able to properly review his life and character, his achievements and excellences.

Samuel Sullivan Cox was born in Zanesville, Ohio, on the 30th of September, 1824; he died on the 10th of September, 1889, in the very fullness of his perfect manhood and before his years, through any waning of strength or decay, had become "but labor and sorrow." His life had been complete and rich. Honors and places had been his to accept or refuse, and we can not doubt that other honors and other places awaited him.

In preparing even for a slight review of such a life, in regarding the steady march of events from childhood to youth, from youth to manhood, and the development of inherent character which kept pace with or even outstripped waiting circumstances, one sees how the man did but fulfill the promise of the boy.

If, then, we are to attain to any real understanding of this character, its forming causes and inherited tendencies; if we are to come to any appreciative knowledge of this life, so pregnant of early promise, so rich in mature fruition; if youths are to be benefited by the example

of this brilliant boyhood or genealogy to be advanced towards a science, the early life of Samuel Sullivan Cox must not be passed over in silence, nor can reference to his ancestry be omitted.

He was a many-sided man, broad, brave, and good; his aspirations were of the loftiest; he was indefatigable in the pursuit of knowledge; his overflowing sense of humor never led him to any toleration of the ignoble or base; his whole nature turned towards the noble, the pure, the true. Investigation shows that his ancestry possessed all the qualities that were found compact in his broad and fertile brain. To say this does not detract from his originality or from his acquirements by patient study and deep research, but only gives the world a striking proof of what study and training can accomplish in the development of such qualities of mind, heart, and soul.

That "the child is father to the man" is nowhere more charmingly and conclusively illustrated than by the reminiscences of those who knew and loved S. S. Cox in his early childhood and youth. Then, as in mature life, he was bright, sunny, genial, fond of fun, sparkling with wit, always truthful, fearless, and generous, never hesitating to confess a fault of his own and ever ready to defend the weak and oppressed.

Before he could talk plainly he was a favorite and frequent companion of his grandfather, Judge Sullivan, whose horticultural pursuits he used to share, to the pleasure and sometimes, it is related, to the displeasure of both; as, for instance, when the fruit of a certain choice pear tree had been pulled before it was ripe.

Judge Sullivan, with the sometimes inconvenient discernment of a wise grandfather, was at no loss to settle upon the culprit, with whom he remonstrated somewhat sternly, explaining what a serious misdemeanor had been committed. The child trembled and cried, but facing the reproof bravely, confessed his guilt, and, hardest of all for a boy to do, made such restitution as he could by pulling the green pear out of his little pocket, and restoring it to the judge with the entreaty, "Tick it on again, tick it on again, grandpa."

He was always a bright scholar, always ready to help any who lagged behind him in the race for learning. Indeed, a cousin relates how he was taught his letters by this boy, who, having reached the mature age of six, desired to put his playmate, six months younger, on a level with his own advancement.

Much of his time in early childhood was spent in reading books or travel, and very early he told his mother that he was going to visit the Holy Land; that he should go to Russia; that he should see the Sultan and the minarets of Constantinople, and that he was going to the north pole, or near enough to it to see the sun go round without setting. All these dreams of his youth were fulfilled, and his graphic descriptions of these very trips are familiar in the books he has written.

One of his earliest teachers was Rev. George Sedgwick, of Zanesville. Among the scholars in this school were three whose character even then gave promise of future greatness, a promise abundantly fulfilled. The three were afterwards known to the world as Rev. Dr. Aschmore, for many years a faithful and eminent Baptist missionary in China; the late Justice Woods, of the United States Supreme Court, and Samuel Sullivan Cox.

He was prepared for the Ohio University, at Athens, under Professor Howe, a well known and somewhat distinguished educator in those early days. The old academy which he attended in Zanesville was situated on Market street, on the present site of Duvall's machine shops. Professor Howe was English, and although a man of learning and cultivation did sometimes misplace his h's; at least, it suited his mischief-loving scholars to assume that he sometimes did. It is related that while attending this school Professor Howe one day at noon recess told Samuel to take his basket to the stove and "eat the pie." Samuel at once took the basket, went to the opposite side of the stove, opened it, and proceeded to "eat the pie." Just as he had finished his repast and was starting away, the teacher said, "Samuel, did you 'eat the pie?'" "Oh, yes, sir," was the answer, "I ate the pie." The scholars roared with laughter, in which the good-natured teacher could not help but join.

He was always full of his boyish pranks, even venturing sometimes to play tricks on his dignified father, for which it is said that his eldest brother, Thomas, used not infrequently to receive the reproof and punishment rather than betray the real culprit, to whom his self-sacrifice would be all unknown.

He was always a diligent and enthusiastic student, who won and kept a high place among his classmates. Almost before he had passed out of boyhood he was appointed deputy to his father, who was then serving as clerk of the supreme court and of the court of common pleas. Even at this early age he was so thoroughly conversant with all the business of the office that a great part of it was safely intrusted to him.

So small and slight was he at this time that he used regularly to stand on a stool to bring himself up to the proper point of dignity for administering an oath.

S. S. Cox made a brilliant beginning in his university course at Athens, and would doubtless have been graduated there but for a rebellion among the students, caused by what they considered an arbitrary ruling on the part of President McGuffey in regard to one of their number, which resulted in the withdrawal from the college of the senior class in a body.

During his time at Athens a lawsuit between the college and the town was decided in favor of the latter, much to the displeasure of the students. Party spirit ran high, and the division lines were as marked as in fights between "townsmen and gowmsmen" in an English university town. A celebration most distasteful to the college was decided on; a bonfire was to be built, speeches made, and a cannon fired. The bonfire blazed, the speeches were made, but the boom of the cannon was not heard, the "great gun" of the town, a 6-pounder, having been prudently spiked the night before by a daring college boy. It was not known till long after that the youth who so effectually silenced the voice of the cannon for that and for many succeeding nights was S. S. Cox.

At Brown University, which he entered after leaving Athens and where he studied under Dr. Wayland, he carried off the highest prizes in history, literary criticism, and the classics, and in what was perhaps even then his favorite study, political economy, the not inconsiderable prizes which he received for these achievements materially assisting in his support while he pursued his college course.

His study of the law was zealous, thorough, and comprehensive, and he came to the bar well equipped to take a high place in this profession. He chose the capital city of Ohio as his field of practice; but not long after making his home there he became editor of the Ohio Statesman, then, in fact, the journal of his party in the State. Soon his marked ability as a journalist and as a political writer gave him a national reputation, and in 1855 he was appointed by President Pierce secretary of the legation in Peru. Having returned home in 1856, he was elected as a Representative in Congress from the Columbus district.

He was then continued in Congress four consecutive terms, and was here participating in the momentous legislation immediately preceding the civil war and during three eventful years of it. Early in his career he took a high place in the councils of his party. Three times he was sent as a delegate to the national Democratic convention and assisted materially in framing the declaration of its policy upon two occasions. He left Ohio to live in New York City in 1866, and was soon again sent to Congress, and was returned for four consecutive terms. In 1872 he was defeated as candidate at large for the State of New York, but was subsequently elected to the same Congress, to fill the vacancy caused by the death of James Brooks. From that time he was almost continuously a Representative in Congress from the great city.

Appointed minister to Turkey in 1885, he remained at that honorable post but little over a year, and returning to the metropolis he was at once elected to fill a vacancy, and was returned as the member from the ninth district of New York to the Fifty-first Congress. As such he died, and we are here to-day to honor his memory. A busy life closed at the very zenith of its usefulness. For nearly a third of a century, with brief intermissions, he has been a familiar figure here. He has left the impress of his heart and mind upon the legislation of his country to an extent equaled by few of his contemporaries. He was always earnest, full of courage, and true to his convictions of duty. Having determined for himself what course was right, he firmly adhered to it, leaving the consequences to take care of themselves or to be wisely controlled thereafter.

In his dedication to his constituents in Ohio of his book entitled *Eight Years in Congress*, published in 1865, he says:

I voted to avert the impending war by every measure of adjustment; and when war came, by my votes for money and men, I aided the Administration in maintaining the Federal authority over the insurgent States. Sustained by you, I supported every measure which was constitutional and expedient to crush a rebellion. At the same time, I have freely challenged the conduct of the Administration in the use of the means committed to it by a devoted people. Believing that a proper use of such means would bring peace and union, and believing in no peace as permanent unless it were wedded to the Union in love and contentment, I have omitted no opportunity to forward these objects.

There is the chart by which he was guided in those tempestuous times. No truer patriot ever trod the floor of this Chamber. Another marked characteristic of the man was his sympathy for those in danger, difficulty, or distress. His efforts in behalf of the Life-Saving Service were of immeasurable value, both for those whose lives were imperiled upon the deep along our ocean coasts and those whose rescuers have been stationed there largely through his efforts to render needful aid.

The struggles of labor always moved his heart. Where legislation could ameliorate them he became a ready champion, and more than one large body of the Government's employes gratefully recalls his services for their welfare.

I will not undertake to comment upon his many other valuable services, they are so numerous. He was ever a zealous advocate of such measures as he thought would extend and increase the glory of his country. The enthusiasm of this sentiment caused him to champion with fervor the admission of all the Territories seeking statehood in the Fiftieth Congress. The two Dakotas, Washington, and Montana should ever honor his name. They owe him more than a passing tribute of praise. While he was always full of work, either upon literary matters or affairs of state, Mr. Cox was ever ready to give time and attention to any who called on him for advice or assistance. Almost daily other members came to him for information, counsel, or assistance, which he gave with pleasure.

He often became so much interested in matters for younger or less

experienced members as to immediately take upon himself the duty of chief advocate or defender of the cause. His varied and unflinching store of information, his long experience as a parliamentarian, and his tact and quickness as a debater made him a valuable ally. Even during the last Congress, twenty-five years since he had been a citizen of Ohio, he received letters from his old constituents there requesting his help, and they were attended to. He will long be cherished among them for—

That best portion of a good man's life,
His little, nameless, unremembered acts
Of kindness and of love.

Turning again to the grave characteristics of the man, we must say of Mr. Cox that he was a scholar for the love of learning, who never abated the zeal of his study until he had mastered the subject under investigation. He was a citizen whose wide travel in foreign lands only strengthened his affection for his own country and intensified his faith in the wisdom and beneficence of her institutions. Although a partisan from profound convictions, he was ever ready to yield to the apparently superior demands of progress or of patriotism, and "always strove to make his party conservative of his country."

A statesman largely gifted with practical legislative power, free from the bigotry of sectionalism, abounding in general knowledge of the wants, interests, and aspirations of the people of every part of this land, and of all sorts and conditions of men, and perfectly familiar with the fundamental principles of this Government, he was the active promoter of all good causes before Congress, a constant, vigilant, and determined defender of the harmony of the constitutional relation between the Federal Union and the States, and the watchful and resolute antagonist of all attempts at encroachments upon the reserved rights of the people.

While Mr. Cox was one of the foremost political economists of the country, a statesman familiar with public affairs and grave international questions, and a student of social problems, he has found time to ornament American literature with many bright pages, and produce some delightful books of travel, and has contributed handsomely to the political history of recent times. His speeches in the House and upon the stump have always given pleasure as well as afforded instruction. "Wit, eloquence, and poesy" were ready at his command. No debate in which he participated ever languished into dull mediocrity. Rarely gifted by nature, he had strengthened his powers and enlarged their scope by the discipline and culture which education gives. He was a tireless worker, and never depended upon his stored force when there was any opportunity to acquire more by special preparation. He once gave this explanation of his ability to accomplish so much:

I began my life in a county clerk's office, and I there learned good business habits. My college days were spent at Brown University under Dr. Wayland, the man who wrote the *Political Economy*. Dr. Wayland was a great advocate of exhaustive thought-analysis, and he made his students analyze everything they took up. Under him I learned analytic thinking, and this I found of great advantage to myself in afteryears. When I began a debate on the floor of this House I saw the end of my speech before I said the first word; everything fitted itself to its proper place, and I did not repeat, as is often done. When I studied Blackstone, after leaving college, by the aid of my training in analysis I found that I could repeat almost the whole of it in my own language, and since then, throughout the whole of my life, I have found analysis of the greatest advantage.

His friend and eulogist, the Hon. Proctor Knott, among many other good things, said of him:

He realized that labor was the only talisman of success. He ate no idle bread. He flung away no priceless moment. In his boyhood, as in his mature age, he was a prodigy of intellectual activity, a miracle of mental energy.

Therein is one of the secrets of his great success. Another was his genial temperament and lovable disposition. He won the hearts of men, whether in the fields of his first constituency or the rush and bustle of the great metropolis. Even casual acquaintances felt drawn to him by a sense of companionship.

His friendships were numberless and unrestricted by social standing or party ties. With unbounded faith in the integrity and good sense of the people, he won their confidence and never betrayed the trust. Passing through the years of trying ordeals and great temptations to public men, no breath of suspicion ever whispered a charge against his private character and "not a stain or speck ever stuck to his official garments."

Ex-President Cleveland, at the memorial exercises at Cooper Union, on October 10, said to his constituents:

I shall not, however, forbear mentioning the fact that your late Representative, in all his public career and in all his relations to legislation, was never actuated by a corrupt or selfish interest. His zeal was born of public spirit and the motive of his labor was the public good.

The life of one of whom such things may so truthfully be said is a rich heritage for his country. Let American youths treasure the example.

My attention has been called to an article published in *The Independent* some time ago, which I shall embody in my remarks. It is entitled—

FROM GAY TO GRAVE—THE HON. S. S. COX'S EARLY RELIGIOUS EXPERIENCES,
RELATED BY HIMSELF.

The Culbertsons, Huges, Zanes, McIntires, Youngs, *et alii*, who, before this century began, blazed their way over the hills of Ohio, while with rifle and compass they made their roads through the State—by Federal grants of land

and propagandist energy—were not merely Presbyterian and Methodist household words, but household companions of my grandparents and parents.

Father David Young, who married the widow of John McIntire, one of the founders of Zanesville, was to me a being of another world and of antique mold and manner. His Druid-like beard and aspect, his quaint ways and exclusive manners, and his natural humor and eloquence made him seem the ideal of a presiding pioneer elder. In my boyhood, however, he preached but seldom, taking turns, in the absence of the stated minister, with an uncle, Samuel J. Cox, in the old frame church at the intersection of Second and Main streets.

There was not a little poignancy in my heart when I saw the old church where I had so often worshipped, or rather attended, razed to the ground. Was it not there I attended my first Sunday school? There it was that I learned my Bible verses and received my red and blue tickets for proficiency. There it was that I accomplished the memorable task of reciting all of St. Paul to the Romans, under the gentle guidance of the Rev. William P. Strickland, then a clerk in my uncle's post-office, and since a shining light and ready writer in the church.

It was there I used to hear Joseph Trimble, when he brought his first-fruits of oratory to the altar. It was there, in that old southwest corner, where the "amens" were most pronounced, that I realized in my childish fashion that I was unregenerate and sinful. It was from thence that I went to my home convicted, and entered the closet to cast off my little burden of sins and woes with an infantile orison; alas, only to be discovered by a vigilant mother, who had all too frequently missed her plum preserves and lump-sugar, to be sent to bed with all my imperfections on my head unhealed, sore, and not a little revengeful.

But this old frame haunt of Methodist piety had its time to fall. Along with it went the old coal-scuttle bonnets of the elderly Quakerly women and many plain and beautiful customs of the early church.

A brick "meeting house" of larger dimensions and more profusion was to be erected. My grandfather was on the building committee; and, in absence of a better workman, it was my awkward hand which marked out upon the stone the awkward glyphs which designate the sect and date the time of erection.

Happy Arcadian days! Eheu! How they have glided into the abyss and rearward of time. I only recur to them to show the pious readers of *The Independent* how a Democrat "experienced" religion, and what a fall, in their opinion, he has had by reason of his unregenerate politics.

Those early memories were cut in durable stone. Tarnished by worldliness, dusted with the activities of life, they have pursued me through the various vicissitudes of studious professional, literary, and political life. They became the nucleus of studies in college; they were coats of mail in the struggles against selfishness and skepticism; in fine, they prefigured and preordained my choice of spiritual belief, as against the delusive sophistries of new philosophers and mere material science. They have enabled me, in following and studying the physical advancement of the past quarter of a century, to perceive, in all the atoms, forms, and forces of nature and the phenomena of mind, the truth and benignity of the great scheme of human redemption, which is founded on the veracity of Christ, and becomes, with lapsing years, more beautiful with the white radiance of an ennobling spirituality.

In this intellectual stability, upon the rock of truth, is there not some compensation for the shortcomings of our daily conduct? Is this denied by the purist? Will he abide no deflection from the mixed right line of known duty? Ah! it is much to know the line, even if one can not always walk to it lineally and uprightly.

Mr. Cox, of the National Museum, has placed in my hands the following interesting statement of incidents in the lives of the American ancestry of the Hon. Samuel Sullivan Cox:

Thomas Cox, the great-great-great-grandfather of Samuel Sullivan Cox, was one of the twenty-four original proprietors of the province of East New Jersey. He, with Elizabeth, his wife, came from the north of England, and settled in Upper Freehold Township in 1670.

James Cox, the son of Thomas and Elizabeth, was born in Monmouth County in 1672, and died in 1750, at the age of seventy-eight. He was a large land-holder, and highly respected in the community in which he lived. His estate, which comprised some of the most valuable lands in the colony, was called, on account of its fertility, "Cream Ridge," a name which still survives in the neighborhood post-office.

Anne, the wife of James Cox, was born in 1670 and died in 1747, at the age of seventy-seven. They were buried in the family burial-ground upon the estate.

Joseph Cox, the son of James and Anne, was born in 1713, and lived to be eighty-eight years old, dying in 1801.

Mary, his wife, daughter of Thomas Mount, of Shrewsbury, was born in 1715, and died in the year 1800, at the age of eighty-five.

Joseph Cox was a farmer in easy circumstances and a man of strong mind and unblemished character. It is said of him that he always contended for the equal rights of man; that he was opposed to all oppression and injustice; that he honored no man because he was rich, despised no man because he was poor; that he was never ashamed of honest labor, and readily put his hand to any work to be done on his farm.

Mary, his wife, was remarkable even in her old age for her "fine form and countenance." In their latter years this venerable couple lived in one end of their large, old house in Upper Freehold, while James Cox, their ninth child, with his numerous family, occupied the other part. A son of James Cox, when an old man, used to speak of the pleasant hours he spent in the rooms of his grandparents in the old home, and made special mention of the hours the venerable man used to spend reading the Bible aloud to his aged wife.

James Cox, who occupied the old homestead in Freehold with his parents, was the grandfather of Samuel Sullivan Cox. As a young man he was remarkable for both mental and physical vigor and activity.

He married Ann Potts, of Burlington, N. J., in February, 1776. To his country's call for soldiers James Cox did not say, like the man bidden to the Gospel feast, "I have married a wife, and therefore I can not come." He promptly joined a volunteer company, of which he was made first lieutenant, and which he generally commanded. He was in several engagements, notably at Germantown and Monmouth, which latter battle was fought within a few miles of his home.

Even in the stirring days of the Revolution James Cox was distinguished as an earnest patriot, so earnest, indeed, as to rouse an enemy, which even the return of peace did not remove, in a neighboring family who had espoused the British cause. After the close of the war, when at work one day in a field near the house of this family, he discovered it to be on fire. He at once hastened to the spot, accompanied by the man who was at work with him, and by great exertion, and at the risk of his life, extinguished the flames. This action excited lively expressions of gratitude, and a confession that this same family had often attempted to have his house burned during the war. But in spite of this brave and generous act no permanent reconciliation took place. James Cox still looked upon this family as the enemies of his country and they regarded him as a rebel against their king.

After the Revolution, James Cox was made a major of militia, and was later elected brigadier-general of the Monmouth brigade by the Legislature. He was early called to various offices of trust in his township, such as assessor, clerk, etc.

In 1800 he was prevailed upon to become a candidate for the State Legislature. He was elected in 1801, and held his seat in the General Assembly for sev-

eral years. He was elected speaker in his third year, and continued in this office as long as he was in the Assembly. He was elected to Congress in 1808; died suddenly of apoplexy in 1810, when only fifty-seven years old.

James Cox was known as an earnest christian; he was exceedingly generous and hospitable, so much so, indeed, as to prevent any great accumulation of property; his conversation is spoken of as having been extremely instructive, abounding in striking anecdotes, with a rich spice of wit and humor. He was very popular among his neighbors, by whom it was related that he never asked any person to vote for him, and that from the time of his nomination till after election he scarcely ever left his own farm. In appearance and manners he was dignified and commanding, and he was a general favorite with both political parties.

Anne, the wife of General James Cox, and hence the grandmother of Samuel Sullivan Cox, was the daughter of Amy, the youngest child of Joseph Borden, the founder of Bordentown, N. J.

She came of pioneer stock on both sides, being the great-granddaughter of Thomas Potts, who, with his wife and children, came to this country in 1673, in the *Shield*, the first ship that ever dropped anchor before Burlington, N. J., the dropping anchor being accomplished this time by mooring the ship to a tree with a rope, while the passengers went ashore the next morning on the ice, so hard and suddenly had the river frozen.

Smith, in his *History of New Jersey*, relates how on the voyage up the river the *Shield* went so near the bold shore at Coaquanock, the Indian name of the place where Philadelphia now stands, that part of her rigging struck the trees, some one on board remarking at the time that that was a fine site for a town.

Anne Potts Cox is remembered as a devoted christian and an excellent mother to her thirteen children. She is spoken of by one who knew her well as "an almost peerless woman." Going on a visit to one of her children, when fifty-eight years old, she was drowned in the Delaware by the overturning of the packet-boat in which she was passenger. The simple inscription on her tombstone, which says, "Few lived more beloved, or died more lamented," gives a correct epitome of her character.

Ezekiel Taylor Cox, the father of Samuel Sullivan, was one of thirteen children; he was born in 1795, and moved from New Jersey to Zanesville, Ohio, early in the century. His wife was the daughter of Judge Samuel Sullivan, of Zanesville. From this union there sprang thirteen children, Samuel Sullivan Cox being the second son.

Ezekiel Cox became the publisher and editor of the *Muskingum Messenger* in 1818, and afterwards had two of his brothers associated with him in this enterprise. Later, he and his son Alexander became editors and proprietors of the *Zanesville Gazette*. He was for ten years recorder for the county, and at the time of the birth of his son Samuel Sullivan was clerk of the supreme court, which position he held for eight years. He was afterwards State senator. As a public officer he was ever accounted prompt, accurate, and trustworthy.

At the time of his death a leading paper of Zanesville spoke of him as a pioneer citizen and an early and constant friend of that place, where his name will long be remembered with honor, whether he be considered as an adventurous printer and editor, combating with untried difficulties in the wilderness of Ohio, as a clear, technical, and accurate writer, or as a faithful, well informed, and attentive clerk of the court, courteous alike to judges, jurors, witnesses, suitors, and lawyers, or as a christian man of just views and upright conduct.

Judge Samuel Sullivan, grandfather on his mother's side of Samuel Sullivan Cox, was a native of Delaware, and one of the pioneer settlers of the "North-west Territory," to which he went with his family in 1804, by wagon, over the difficult roads across the Alleghenies. He had early foretold the making of a great State out of the Northwest Territory, and he lived to aid in the fulfillment of his vision.

Judge Sullivan never sought office, but many positions of trust and confidence were conferred upon him. He was State senator, and in 1821, a time when the affairs of the treasury were in utter confusion, he was elected State treasurer. The amount of bond for this office was fixed by the governor at \$140,000, then considered an exorbitant sum, one totally unprecedented in the affairs of the State, making an application to comparative strangers for the purpose of securing bondsmen a matter of great delicacy.

Understanding the embarrassment under which Judge Sullivan labored, General Harrison, who was then also a member of the State senate, although he had voted for Judge Trimble, the opposing candidate, came forward with characteristic magnanimity, and offered to head the list, with the remark that, "as he was rated at \$200,000, he supposed the governor would not object to him as one." Judge Sullivan, however, declined this generous offer, unless the bond should be previously signed by his old acquaintances in Muskingum. When he returned to Columbus from Zanesville the long list of responsible sureties obtained in a few hours induced the pleasant remark from General Harrison that "there must have been a town meeting to have furnished so many names in so short a time."

Judge Sullivan's business habits were prompt, exact, and methodical; his manners reserved and dignified, but his familiar friends knew him as generous, gentle, and tender, a man with the most delicate perception of the beautiful, and a constant longing in the midst of business cares for a closer intimacy with nature. He looked upon the kindred pursuits of agriculture and horticulture as not only the most honorable, but the most interesting occupation to which a man of leisure and means could give his time. As an illustration of this feeling, after becoming what might be called an old man, he planted three orchards, and one of them mostly with his own hands after he had reached his seventy-fifth year, saying almost in the words of Cicero's *diligens agricola*, "I do not plant for myself, but somebody will reap the benefit of my work."

The mother of Samuel Sullivan Cox was born in Philadelphia in 1801, and consequently was but little more than an infant when the family emigrated across the mountains to the wilds of the West. When her father finally settled in Zanesville in 1808 the town was almost in the wilderness, and Mrs. Cox in her old age used frequently to speak of playing with the Indian children thereabouts, the woods and the rocks festooned with wild grape-vines, where the rivers meet, near what is now the west end of Main street, being a favorite resort. Such were some of the memories of this one of the pioneer mothers of the great Northwest.

Mrs. Cox lived to be over eighty-four years old. She saw children, grand-children, and great-grandchildren gathered about her, and among the group none gave her more dutiful and loving care than her illustrious son, Samuel Sullivan. When told almost in her last days that he had been appointed minister to the Turkish Empire, in words of motherly self-forgetfulness she said, "If the office pleases him, it pleases me to have him go."

We all know how this son, before starting on his mission, was called to stand beside the death-bed of this reverend and beloved mother, which he reached, to use his own tender words, "in time to receive her conscious blessing."

Key this connection I will read a letter from the new minister to Turkey in to an old friend in Baltimore, Mr. John T. Ford:

ZANESVILLE, OHIO, April 5, 1885.

MY DEAR FRIEND: Your letter was handed to me, with others on congratulation, just as I was leaving Washington on the saddest journey of my life.

I reached here in time to receive the conscious blessing of my mother on her dying bed. "God unloosed her weary star" so peacefully that it seemed like the unrippled calm of a lake reflecting a serene and cloudless heaven. I could

not have gone on my mission abroad with such a dear one in life at home. In one sense I may now go without "dragging at each remove a lengthening chain of filial fear."

This loss of my mother is the greatest affliction I ever knew. I can speak freely to you, my friend of friends, about it. It is thirty years since we met in Colonel Medary's old Statesman building at Columbus, when I was a young editor, and how much have we seen in the "three decades" since. That reminds me of the volume I am writing and publishing. It is baptized "The Three Decades of Federal Legislation; or Union, Disunion, and Reunion." What these terms imply, you, my friend, have had reason to know in some personal ways, as to which you had my sympathy. I have endeavored in this volume to show the rise of the Republican party in 1855 and its downfall in 1887. It ends with the inauguration of a President who will endeavor to avoid the excesses which gave our country so much unrest, so much sanguinary experience, so much to make man distrust the capacity of human nature for self-government.

Thank God, we have lived to see, in measureless content, the old party of our love in the ascendant. My work teaches the philosophy of the greatest conflict and strings upon principles which are enduring the facts in logical, if not chronological relation, which illustrate the principles of the good old cause. But it is hard to write of these things when so great a calamity hangs over my spirit. My mother was more to me than words can tell. She is one of the bonds that bind me to Maryland. "How?" you ask. Thus: My grandfather, my mother's father, was Judge Samuel Sullivan. He came to Ohio in 1804 from New Castle, Del. His grandfather came over with Lord Baltimore.

I have heard my grandfather say that he remembered his grandmother counting her beads. These Quaker-Methodists of Northern Delaware and early Ohio, when they emigrated to Ohio, were three generations before devout Catholics. But the change of faith never swerved the ancestral integrity. My mother's father, Judge Sullivan—whose name I bear—was selected as the trustworthy senator for the office of State treasurer in 1818, when the treasury had been despoiled, and on his bond was every member of the Legislature. This is one of the incidents I love to recall, and as I laid my blessed mother away to-day I feel an honest pride in her honest ancestry which compensates for many poignancies. But why recall all this to you, except that by sharing our thoughts and sorrows our old-time friendship may have newer and brighter links for the future vicissitudes of life?

You and others wonder why I leave a prominent place in Congress for a mission to Turkey. Well, first, many things tended to make me feel that I lagged somewhat superfluous on that stage. My faculties and qualities, such as they are, never were in better condition; and the equipment of a quarter of a century for the work of debate, of committee, and legislation was as nearly rounded on every theme as a sturdy and stern sense of duty could make it.

But the advent of new men, as is natural, has pushed me to the rear, so that while abreast, if not ahead of my party on most themes, I was not able even to command my old and favorite foreign committee, or my former Smithsonian regentship always accorded to me even by Republicans, besides so much work in Congress and no result—the rolling, rolling, rolling up of the stones which rolled down "with a resulting bound," the foolish modes and rules, which few in control cared little to correct—all this and more made me think it was high time to seek the land of sleep and rest on the banks of the Bosphorus. Besides, without the intervention of any one, save a kind word from a Missouri and Tennessee member, this oriental compliment came to me directly, gracefully, and spontaneously from the President alone. The Senate gave me a confirmation quite complimentary without referring it; and these facts, together with my pleasant reminiscences of the happy days spent in the olden capital of the Greek Empire (upon two visits to the Orient), were predominating reasons why I propose to have a respite in the land of the Ottoman.

But will it be a respite? Is not the old capital of eastern empire still, as ever, the nucleus of intrigue, diplomacy, and contention? Are not the eagles gathered over the hills of the Bosphorus? Is not Afghanistan found via Constantinople? Is not the Sultan the Caliph? and is not the head of the ninety millions of Moslems in Europe, Asia and Africa concerned about the Jihad and its avatar, El Mahdi? What scenes may not be witnessed—safely—under our flag from the heights above the Golden Horn within the next four years! Besides, I have a great fancy for the Orient and for the Sultan; he bears himself nobly.

I once wrote of him in my Orient Sunbeams, which you may read at length, as a monarch for whom I had an enthusiasm—"a king every inch," without any dramatic ostentations. You will understand that better than most men. I express my admiration for his individuality and ability, his self-reliance and inborn dignity. This preconception and pre-expression ought to give me grace in his sight, after oriental methods, and enable me to be useful to our country and its commerce in case great emergencies eventuate out of the oriental imbroglio. I suppose I must prepare for new scenes; I already bid them at a distance hail. But go where I may, I bear with me your kind good will, and that makes absence tolerable.

Sincerely,

S. S. COX.

I will print, also, the record, prepared by Mr. W. V. Cox, his nephew, of the American ancestry of Samuel Sullivan Cox:

Thomas and Elizabeth Blashford Cox settled in Upper Freehold Township, Monmouth County, New Jersey, in 1670. Thomas Cox was one of the twenty-four original proprietors of the province of East New Jersey.

James Cox (born August 18, 1672, died April 17, 1750); a large land-holder and a man highly respected in the community. Married Anne — (born January 16, 1672, died November 23, 1747).

Judge Joseph Cox (born August 18, 1713, died April 17, 1801); known as a man of strong mind and unblemished character. Married Mary, daughter of Thomas Mount, of Shrewsbury, N. J. (born May 31, 1715, died November 24, 1800).

General James Cox (born October 16, 1753, died September 12, 1810); officer in the Revolution; speaker of the New Jersey assembly; member of Congress at the time of his death. Married Anne, daughter of William Potts, of Burlington, N. J. (born February 13, 1757, died March 21, 1815).

Hon. Ezekiel Taylor Cox (born May 25, 1795, died May 18, 1873); moved from New Jersey to Zanesville, Ohio, early in the century; State senator, clerk of supreme court of Ohio, United States marshal, etc. Married Maria Matilda, daughter of Judge Samuel Sullivan, of Ohio (born March 16, 1801, died April 3, 1885).

Hon. Samuel Sullivan Cox (born September 30, 1824, died September 10, 1889); second son, editor, author, member of Congress, minister to Turkey, etc. Died while member of Congress. Married Julia Ann, daughter of Alvah Buckingham, of Ohio.

"He struggled in the world's rough race,
And won at last a lofty place;
And then he died; behold before ye
Humanity's brief sum and story—
Life, death, and all there is of glory."

Mr. LAWLER. Mr. Speaker, although my personal acquaintance with the late Mr. Cox dates back only some six years, I had previously known him by reputation for over a quarter of a century. To say that his public career commanded my respect but feebly expresses the ad-

miration with which I regarded his many public achievements, especially those which have indissolubly connected his name with the highest attributes of philanthropy. That public man, whose career in the councils of the nation has been specially distinguished for humanity, charity, and sympathy for his fellow-man, deserves to win and wear a crown of immortality.

It does not befit this solemn occasion to speak of Samuel Sullivan Cox as a partisan. While his affiliations with and services to the Democratic party had been life-long and eminent, without the slightest break in the political circuit, yet nevertheless he was far above the low plane of party in all the qualities and elements so necessary to true statesmanship. He was a representative American, proud of his country, proud of the American people, and devoted to the ennoblement of the American Republic. His sympathies were broad and acute. They welled out to all humanity wherever there was suffering and affliction among the people.

These were the peculiarities and leading traits of his public career that first attracted my attention. It was my privilege to read and applaud his eloquent appeals for the establishment and maintenance of the Life-Saving Service, because I lived in a city near by the great inland seas, over which frequent storms swept their fury and where the lives of those who "go down to the sea in ships" were in constant jeopardy.

I well remember that when the tidings of the Russian persecution of the Jews reached us Mr. Cox lost no time in offering and securing the adoption by the House of a resolution protesting against these inhumanities and requesting the President to employ his best offices in behalf of the sufferers. I also recall the fact that Mr. Cox was always pressing in his efforts to secure the gold and silver medals authorized by law to be issued for those brave longshoremen who had rescued lives at the imminent peril of their own. Surely the endeavors of Mr. Cox to secure pensions for the widows of those gallant life-saving service men who perished on our seaboard while following their dangerous calling should not be in vain, although he was not spared to see that measure successfully carried out.

While it is not my purpose to review his life, there are certain salient points to which I feel it my duty to allude. The present law apportioning Representatives under the Tenth Census was his work, and his speech on the centenary or Eleventh Census bill was undoubtedly the ablest and most exhaustive ever made in Congress on that subject. He seemed to possess a wonderful faculty for calculations, and loved such work, notwithstanding his public and private efforts had always been in an apparently contrary direction.

I remember that Mr. Cox estimated that the present census would show a population of 64,000,000; and this opinion is now borne out by the recent estimate of the Census Office, which approximates the population at 64,443,000. I am informed that both General Walker, of Massachusetts, the Superintendent of the Ninth and Tenth Censuses, and Mr. Robert P. Porter, Superintendent of the Eleventh Census, regarded Mr. Cox as the ablest statistician and the most thorough scholar of the present day on this important question.

There is, however, one subject which I feel in duty bound to mention specially. My colleagues will all bear witness to the unremitting labors of Mr. Cox on behalf of the letter-carriers, clerks in post-offices, and the railway postal clerks, a class of hard-worked and deserving employes of the Government whose assiduity and high order of integrity are admitted on all sides. To Mr. Cox more than any other single member of Congress is due the credit of securing the passage of the letter-carriers' eight-hour law, and he was the special champion of the measure to increase the pay of the post-office and railway-mail clerks who are to-day the hardest worked and poorest compensated of all the Government employes.

It is possible, Mr. Speaker, that I speak with some feeling on this question, for I followed the humble but no less honorable occupation of a letter-carrier for several years, and doubtless bore both joy and misery to many hearts when in my daily rounds I faithfully delivered the missives into the hands of those entitled to receive them. Mr. Cox was pleased to frequently talk over and consult with me concerning the letter-carrier and postal-clerk business, gleaming the varied and peculiar experiences attending the career of a letter-carrier in a large city. He probed deeply into this subject and wanted all details, and I found that, while he sought to learn facts to govern his public action, he nevertheless desired to look into the many mysteries and incongruities of life with which letter-carriers have frequently to meet and deal.

I hazard nothing in expressing the conviction that Samuel Sullivan Cox will be missed more and more as time passes. There were but few such men and such minds in this or any other country. But miss him as we may from out the councils of the nation, who shall miss and deplore his loss like unto his amiable, loving wife, whose life was bound up in that of her husband; who was his faithful adjunct and never-separated companion from the hour they joined hands in wedlock at the holy altar? Her loss, it is true, is very great, but the nation claims its share; and not the American nation alone, but all nations who honor the memory of great and noble deeds.

Mr. DUNNELL. Mr. Speaker, the earthly life of Samuel Sullivan Cox, which we this day rightly honor by words of merited eulogy, began

at Zanesville, Ohio, September 30, 1824, and ended in the city of New York September 10, 1889.

Other members of the House who shall take part in a commemoration of his life and character will set out in fitting language his early life, the period of his training in the schools, his attainments in literature, his wit, his humor, his patriotism, his integrity in private and public life, the steadfastness of his friendships, his unswerving devotion to principle, his conceded statesmanship, his travels abroad, his large acquisition of knowledge, his love for the beautiful in nature and art, his generous culture, his reverence of God, and the amenities and kindnesses which were born of a large and generous soul.

We mourn to-day the loss of a member who was in great honor among us, who indeed was loved. Few men ever served in this House of Congress who came so near his fellows as did our friend. There were in him elements of character that had this grand fruitage. He loved his fellows. He loved the good, the brave, and the oppressed.

It will be my wish to speak of him as the large-hearted friend. Others may speak of his rare intellect, his correct and exhaustive study and analysis of American history and institutions, his clear conception of the end and limitations of human government; but I shall find more pleasure in an attempt to show in what directions his generous, kindly nature took him. And that I may do this more fully, I shall give a place to some of his own words, used in the advocacy of measures which brought this kindly nature into exercise.

On June 4, 1878, Mr. Cox made a memorable speech in this House in support of the Life-Saving Service. It was a speech of great power as well as beauty. This service, he profoundly loved. His very soul revelled in thoughts of life, its exceeding value, the superlative glory of saving it. His words mirrored a spirit which must surely bring to its possessor and hold by unseen cords, in devout reverence and affection, any soul which yields to the beauty of human kindness. In this speech he said:

I have said, Mr. Speaker, that we have one beautiful statute which has a sacred halo around it. It makes a sunshine in the shadow of our selfish, sectional and patriotic codes and laws. It is that which preserves human life. It is not merely a sentimental humanity, but a real benefaction. Like the orange tree, it bears fruit and flowers at the same time. * * *

It is no exaggeration to say, in view of its object, that it gives us a glimpse, though dim, of the golden age. The world's heart clings to it as if it were a memory of a past paradise or the hope of a paradise regained. The sea itself plays its mighty minstrelsy in its honor. * * * Life is precious because its loss can not be repaired. Jeremy Taylor has told us that while our senses are double there is but one death, but once only to be acted, and that in an instant, and upon that instant all eternity depends. Other losses may be recompensed by gains, but loss by death never. No one is so lordly or powerful as to stay this irreparable loss. Every day puts us in peril; while we think we die. What care and esteem can equal the eternal weight of human life? Can any legislation be too ample or adequate for its protection?

It was in the great speech from which the above sentences were taken that he pictured in the most graphic periods the vessel freighted with human souls wrecked upon the rocks, the double darkness, the seething sea, the engulfing waves, the horror, the unutterable helplessness of crew and passengers, and then in words of exultant hope lights up the darkness by the cry of "The life-boat! the life-boat!"

It was on this occasion that he gave a thrilling account of the wreck of the French steamer *Amérique*, January 11, 1877, and brought out in such matchless vividness the work of the life-saving stations of the New Jersey coast. The appeals in that speech, its unanswerable arguments, brought great honor to Mr. Cox at home and abroad. The then pending bill passed, and from that day we have had a fixed and efficient Life-Saving Service, doing honor to the country and our christian civilization.

Near the close of this defense of the life-saving system he said:

Mr. Speaker, I have spent the best part of my life in this public service. Most of it has been like writing in water. * * * But what little I have accomplished in connection with this Life-Saving Service is compensation sweeter than the honey in the honey-comb. It is its own exceeding great reward. It speaks to me in the voices of the rescued; ay, in tears of speechless feeling; speaks of resurrection from death,

"In spite of wreck and tempest's roar,
In spite of false lights on the shore;"

speaks of a faith triumphant over all fears in the better elements of our human nature. It sounds like the undulations of the Sabbath bell ringing in peace and felicity. It comes to me in the words of Him who, regardless of His own life, gave it freely that other lives might be saved.

I have already said that Mr. Cox loved the brave, the daring in human conduct. Gentlemen who have served upon the Committee on Commerce in this House when he had a seat here will recall how quickly he came to the rescue when any bill or resolution went to that committee which looked towards any abridgment of any of the privileges of the pilots in New York Harbor. He resisted every such bill with promptness and unflagging zeal.

I remember a scene in the room of that committee in the Forty-fourth or Forty-fifth Congress.

A very strong opposition to the compulsory pilotage system was found to exist in the committee and in the House. Mr. Cox appeared before the committee and demanded a full hearing, and at which the pilots should be present and be heard.

His request was granted, and at the next meeting of the committee he had the room filled with the pilots then in service in the harbor. They were men of noble bearing. They pleaded in touching language

for their vocation, for their wives, and their children. Mr. Cox moved among them. His presence was their support. In the face of every pilot could be seen how much they honored and loved their great friend. His protecting kindness filled them with the profoundest gratitude. Their movements, their words evinced the great hold his gracious efforts for them had given him. He was their Representative, but he was their attorney and their friend.

When the marble shaft shall rise above the resting place of our friend there could fittingly be carved upon it, in full relief, the life-boat mounting swollen waves on its way from the shore to the discovered wreck; and on another side, pilots standing with ready oars, watching the approaching vessel. These two classes of men had his sympathy, his admiration, and his ready service. To save human life was, with Mr. Cox, the grandest service of man.

The drying up a single tear has more
Of honest fame than shedding seas of gore.

Mr. Cox hated oppression. His very nature abhorred it. Against it he everywhere raised his voice. He loved fairness. Men and classes of men with whom he could not agree had in him a defender when they were wronged or oppressed. He would forgive their errors and labor to raise them, free them. The spirit of forgiveness moved him, and thus his life was full of generous deeds.

While he was a firm believer in the Christ of the New Testament yet the spirit of Him who said "Father, forgive them" taught him to repel oppression done to the Jews of his own and other lands. They had in him a grand defender. These people came to honor him, and when he died their best orators vied with each other in words of high, merited eulogy. One of them used the following words:

Among the many friends who have contributed to our welfare at home and abroad, as a people and a race, no one ever so endeared himself as the late Samuel Sullivan Cox. A statesman, a patriot, a legislator, a diplomat, an author, a wit, a lecturer, he was, notwithstanding all these attributes which caused him to be devoted day and night to the many duties of his calling, a devoted friend, a strong and wise defender of the oppressed of all climes and of all faiths, a counselor humane, gentle as a woman, genial, exuberant, and bubbling over with the well-springs of a humanity that had its fount in the heart, and that had its elevation in the loftiest attributes of a refined and cultured brain.

On the 4th of July, 1889, Mr. Cox stood in the midst of assembled thousands of his fellow-citizens at Huron, in the then Territory of Dakota. No more imposing or grander ovation was ever given to an American citizen than was given him on that occasion. The prairies, the towns, and the villages for miles around were deserted, for their inhabitants would look upon their great deliverer. These people would hear the voice of the eminent statesman, who, in the House of Representatives, had raised his voice for fair play. They were not drawn to the place so much to hear the great orator as to look upon the man whose great heart had borne him beyond the line which his party had set for him. They were not simply grateful, they were in love with him. He was their hero. They pressed upon him, for they deemed him something nobler than a mere orator or statesman. They felt him to be a fellow-citizen, kind, generous, and full of good will.

These people were not mistaken. They had rightly judged the man in their unspoken thoughts. They gave him as just and true a eulogy as we, who have known him long and well, can give him here to-day.

In a further mention of the character of Mr. Cox I can not omit a reference to his strong personal attachments, to the warm friendships he cherished. He did not forget his friends. His reminders were frequent. Sometimes they were from scenes and places sacred to the most hallowed memories.

In 1881 he was in the Holy Land. The flowers of spring, taken from the Mount of Olives and Emmaus, gathered into small bouquets, he sent to friends at home. While with reverence he was passing over roads trodden by the Nazarene, while he was recalling the Crusaders and the mighty efforts to capture the Holy Sepulcher, the delicate flower by the wayside he would pluck and send to friends far away as though he would thus transmit to them the tender emotions then moving his own reverent spirit. He would transmit to them the delicate emblem of a pure friendship.

My acquaintance with Mr. Cox began with the opening of the Forty-second Congress. There were elected to the House of Representatives of this Congress but nine of the two hundred and forty-three members composing the House of that Congress. Of these nine, three have fallen since this Congress came into existence. But six remain, Mr. BANKS, Mr. HOLMAN, Mr. WHITTHORNE, Mr. KETCHAM, Mr. HARMER, and myself. I could not refrain from an allusion to the changes in the membership of the House in this period of nineteen years. While we are commemorating the life and character of Mr. Cox, we are unable to forget the more recent death of Mr. Kelley and Mr. Randall.

How well these three men wrought in this House! How great they were! How rich in learning they became! How mighty in influence, how useful, how patriotic, how upright! For nearly thirty years, here they sought the nation's good. They honored this branch of the National Legislature. They honored the States they represented. They honored the entire nation, and it to-day profoundly mourns their death.

We have wisely set apart these hours to name the virtues and the work of Samuel S. Cox. His life was eminently honorable and useful. It were easy further to speak of his rare mental culture, his varied

learning, his many and valuable contributions to literature, his participations and triumphs in debates in this House, his advocacy of humane legislation, his patriotism, his strong love for American institutions, his thoroughly American habits and tastes, whether the representative of his people at home or of the Government in a foreign court, and the quiet and unostentatious life he lived, yet a life of vast activity.

Our friend was a great man. His attainments, his labors, the character of his work, the spirit with which he wrought, place him among the foremost men in American history. His greatness was resplendent in his generous and ever active love for his fellow-men. He hated every form of wrong done to man. He was the defender of the injured. His tender and generous heart went out in love for the entire family of man.

In this light I have sought to place him. His fame is fixed. No words of mine can extend it:

Nothing can cover his high fame but Heaven;
No pyramids set off his memories,
But the eternal substance of his greatness,
To which I leave him.

Mr. MCADOO. It requires an effort to realize that within these historic halls the familiar face and form of our dead friend can no longer be seen. It seems but yesterday that he stood in yonder aisle a living and intense personality, radiating intelligence, humor, and hopefulness to all around him. In the mental vision which photographs the past into life and light I see him now, standing in his favorite attitude, with deft and graceful gestures, illuminating the question to which he addressed himself with electric flashes of reason, learning, and wit from a seemingly inexhaustible store-house.

A copious but chaste vocabulary waited upon a rich, nimble, and picturesque imagination which had been stimulated by long voyages on the seas of universal literature, a long and constant experience with all kinds and conditions of men in nearly all lands. In command of such arsenals of the mind, and with that ripe experience that gave skill and accuracy to the handling of every weapon, beloved, admired, followed, applauded in the very zenith of a useful life, the world ended for Samuel Sullivan Cox, and our friend and associate has vanished into the heart of the great mystery, and in the common phrase we say he is dead. Ever since the world began, before such graves as this philosophy and science have vied with faith in an endeavor to console the living and justify the wisdom of the universal law. The poet, too, has defended our common mother by insisting that—

When the poet dies
Mother Nature mourns her worshiper.

Alas! were this but true; for, sad to see and know, nature seems callous and indifferent to the woes of man. The sun shines, the flowers bloom, the streams run singing to the sea, and the heart of nature breaks forth in song, oblivious of widows' tears and orphans' sobs and new-made graves, and the hardships, crosses, and burdens of our mortal life.

The birds sing joyously beside the death chamber where love with breaking heart in agonized accents appeals in vain for relaxation of the inexorable laws of nature. The lost sailor wails piteous prayers to the cruel sodden skies of the Arctic Circle that nature would still her fierce forces.

The traveler beseeches in vain the burning sun to moderate his rays on the gray sands of the parched and arid regions of the tropics. Nature seems deaf and heartless, with no equities in her undeviating and universal laws; and had not faith cast heavenly light on the maxims of philosophy and discovered in the unknown forces of science omniscience, mercy, and love, the fate of man in this our world would be sadder than that of the patient ox that this spring day turns the furrow in yonder field and to-morrow is the victim of the shambles.

It is not my purpose to recount the details of the busy and illustrious life of Mr. Cox. The story of his brilliant career has been well and graphically told here and elsewhere. Neither is this the time and place to accurately analyze the character of this distinguished man. The Ohio boy, picturing in the columns of the country newspaper with free, artistic hand the glories of nature; the statesman, loving his country and his kind, and enchaining the human heart with the magic of his voice as he pleaded for fraternity and the rights of man; the life hallowed by the holiest of loves and blessed with the utmost domestic felicity—these are but bare outlines of his eventful career.

Gifted, versatile, cosmopolitan, the range of his mental vision sped from land to land and ranged the orbits of other worlds in star-gemmed space. Intensely American in the best and highest sense, he was neighbor and brother to all mankind. He lived in close communion with nature, loving the beautiful and the good, and his pulses timed their beat with the throbs of the great heart of humanity. No narrow geographical limitations marred his patriotism, no undue and rigid nationalism clouded his judgment or numbed his sympathies for men and women in other lands.

The whole of our comparatively little world, swinging here in universal space, was not too large to enter the conceptions of his reflective mind, and humanity was but a family in which all were to him akin. Intensely active and varied was this life of our illustrious countryman, characteristic of so much in our country and its ways. In his intense men-

tal activity he had in less than the ordinary life of man swept from center to horizon on every topic as it arose. His grand themes, to which, however, all subjects were subordinated, were liberty in man and the freedom of local rule. His very heart-strings vibrated to the sublime anthem of universal liberty.

He was democratic in a sense so high, broad, and deep that it knew no confines. He loved his party for its principles and his principles he subordinated to no expediency. The secret, in part, of his great success was, in my opinion, due to high and noble motives, persistency, and independence in pursuing the object in view, and the intense concentration of a brilliant and fully equipped mind and magnetic and pleasing personality in the one thing to be done at the particular moment.

No man was so well adapted as he to represent the great metropolis of New York. He was in touch with the heart of that great cosmopolitan world's city. The mingling of races, the confusion of tongues, the catholicity of its sympathies, its world-pervading commerce, the rush and Americanism of its splendid progress, charmed a mind universal in its tendencies. He was the favorite child of the great city. In the whirl and storms of its business and its politics, by general acclamation he was reserved to pursue his great career in these halls.

It was the highest tribute to him that in the very whirlwind of conflicting passions and ambitions his seat in this Chamber was set aside as sacred to the higher and better phases of national politics. He had so enthroned himself in the hearts of the masses that no selfish, malicious, or corrupt cabal, class, or clique dared raise their hands to do him harm. He had ever the friendship of the active men in the politics of his party, but his first thought was to represent the best interests of the rank and file of its voters. Never did man weld together in mutual friendship and confidence in himself so many divergent elements as did Mr. Cox.

The friend of labor, he was so honest, just, and clear in his statements of its case that capital could not gainsay his reasons or question his motives. The advocate of progress and the highest civilization, he did not offend wise conservatism or identify himself with radicalism in any form. The lover of liberty and mankind, his voice was raised for the proscribed and outraged Hebrew in Russia or the condemned patriot languishing in prison or facing the gibbet for love of Ireland, and yet the principles which marked his advocacy of men struggling for freedom were so lofty and disinterested that bigot nor despot dared to question his motives or make light of his eloquent and forceful protests.

There survives him at this moment at least one American citizen whom by timely action here he saved from a felon's doom for alleged treason to a foreign Government. It was touching and dramatic that at the memorial meeting held by his constituents in New York over this friend of man a Roman Catholic priest should make the opening invocation and a Jewish rabbi deliver the closing prayer. Mr. Cox had a thorough appreciation of that great stream of humanity from other lands which forms on our shores and swells the grand army of American citizens, and represented in this House many thousands of these naturalized citizens from many lands. He had their admiration and confidence in great degree, and among none did he stand higher than with Irish-Americans. His genial wit and humor, his quick Celtic temperament, his terse epigrammatic sayings, his eloquent diction, his intense love of freedom, all appealed powerfully to them.

Aside from his many services in their cause, that he should possess their love and confidence is not strange, for often in conversation, with evident pride, Mr. Cox has assured me that his best powers and most marked characteristics of sprightly mentality in whatever degree his modesty would allow his making claim to these gifts, came to him from his Celtic ancestry, evidenced by his middle name of Sullivan. And among the many pleasant reminders of my friendly intercourse with him are some letters in his usual delightful style, written by him to me during his sojourn in Turkey, and in which he refers to the rich imagery of the Oriental mind as being similar to that of the race to which he was of kin. While all the elements that make up our citizenship revere the memory of Mr. Cox, in the warm hearts of this race it shall ever remain like the perpetual verdure of Innisfail.

Mr. Cox was blessed above measure in the sweet and tender companionship of the best of wives. Constant companions, faithful lovers, kindred spirits, they saw together many lands and strange peoples, journeyed in the fields of literature, traversed together the rich meadows of thought and imagination, and gazed at the world's painful but glorious progress from the highest altitudes of historic research. From the armory of thought and study, the well equipped and pleasant workshop in which he furnished up his weapons and donned his armor, she for many years saw him go forth to unbroken victories in the highest arenas of mental contest, prouder than Spartan mother who watched her son go forth to battle. To the noble and stricken wife he is not dead, for his freed spirit still communes with her in a thousand tender recollections, and she lives amid the rich harvestings reaped by his genius and breathes an atmosphere weighted with the gratitude and admiration of his countrymen.

The great dead need no monuments to perpetuate their memory. Moses and David, Socrates and Caesar, Paul and Shakespeare, the host of mighty dead, their fame has outlived the ravages of time, the up-

heavals of nature, the violences of revolution, and the vandalism of man, and they live and speak to us without the aid of art or the gilding of rhetoric.

The great dead wrote their names while they lived as it were in the firmament, and planted their memories by the never-ceasing rivers of thought, and the memory of the good dead is embalmed forever in the richest affections of the human heart. They speak to us by the nobility of their actions and the wisdom of their recorded sayings. They testify to us with such potency that the patriarch Abraham from the celestial heights refused the appeal of the suffering Dives to send the glorified Lazarus to his wayward brethren, saying: "If they hear not Moses and the prophets, neither will they be persuaded though one rose from the dead."

Samuel Sullivan Cox has written his name on the pages of our history which record the great struggles, prevailing glories, and astounding progress of the Republic. He dwells forever in the grateful hearts of a humanity that he loved and served, and will continue to speak to us and to posterity for justice, freedom, and truth.

He sits in high communion with the masters of the mind, with the lovers of freedom and of man, with the immortals of our land, with the dear companions and brave comrades in many a contest in this historic forum. Rest well, our brother, rest well, for thou hast done a true man's work in thy all too brief day for a still struggling and suffering world.

Mr. CHIPMAN. Mr. Speaker, it was my good fortune to know Mr. Cox during my early manhood and to be honored with his regard up to the time when I saw him last, at the adjournment of the Fiftieth Congress. To say that his death shocked me would be mere commonplace. Men who attain three scores of years are never shocked by death. It has hovered around their career, dogging their steps with ever-increasing speed, until it is a familiar presence, and they know not whether their partings are good-night or good-by. And so when one of us falls from the ranks never to catch the step of life again, we must march on to our appointed time wondering when it will be, and wondering, too, whether it is well with those who have gone before.

To a strong man there is pity in this wonder; pity for himself, pity for others; for he knows, however strong he may be, that living has not always been triumph; nay, not happiness even; and that, if life is a bubble to break, no matter in what golden hues, on the air, or the cunning of a complex machine, to lose all power when its cerements fall from it, it is not worth living. He sees that immortality alone gives emphasis to human joys and griefs, to the relation of man to man. Hence we whisper over the dead and step with muffled feet. The question "What is there beyond?" crowds out all baser thoughts. The old, old mystery is an eternal sphinx to the generations of man.

We doubt, we hope, we believe, we fear; yet we know that the wind bloweth not where it listeth; that alike when it bears terror and destruction on its wing, or when its breath is sweet with summer blooms, it goes to its appointed task. We know, too, that the heart and brain of man have their labor of love and benefaction, their seed-time and harvest of endeavor and power. Do they, like the wind, die out in ocean solitudes? Or do they quaff immortality in better worlds and hew to nobler ends in eternal opportunity?

I know full well the vanity which, even when we act our parts meanly, throws its glamour around us. We strut our brief hour. We make great outcry for fame. We mistake noise for action. We have innumerable reasons for despising, honoring, pitying, condemning ourselves. Still, when we lie before each other chiseled by the cunning art of death into marble helplessness, we say, "Here is a shrine for pity's tears; here a mystery which makes this clay a thing of awe; here may be an angel's cast-off robe; here an abode of immortality, which will itself rise to immortality."

When the one we mourn has lived nobly we must say this. When he has been powerful as well as good, but above all powerful, we feel that he can not be extinct.

Happy are we in that faith to-day. The memory we honor "smells sweet and blossoms in the dust." The life we recall, the virtue we pay tribute to, the genius which still scintillates in this chamber, were all noble, all worthy of these high obsequies. We can imagine for them a higher life than mortals have, a ripening rich and large, glowing with a greater wisdom and free from every earthly blight.

It is difficult to speak on an occasion of this kind with the sober propriety which is respectful to the dead and to ourselves. Eulogy is often but a tribute to ourselves. To love virtue is near akin to being virtuous. To comprehend great actions is an approach to greatness. So we place our wreaths upon a tomb and think them more beautiful because they are ours. Yet, on this solemn occasion, in this great house of the people, I believe there is here to-day mourning and reverence for the worth and genius which only yesterday were our delight and pride.

The career which has closed was not all sunshine. In many years of political strife there were storms as well as calms. Feeling often ran riot, and there were those who could not conceive that they would be mourners here to-day. For, sir, this man who has left us was an earnest, brave man. He clung to his faith in defeat as well as in vic-

tory. He lived his early years in the tempest of the Republic's history. He acted with strong men, bold men, great men, and struggled with the giants. He smote and was smitten; but in the fierce contest his courage was serene and high, his patriotism uncorruptible, and his abilities up to the standard of the exigencies of his times. This is saying a great deal of any man, but it is only saying that he bore himself nobly in a goodly company of the honored sons of his country. No doubt some of his contemporaries in those troublous days were impatient with him. We are all prone to be impatient with those we can neither bend nor break. That is human meanness, and fortunate is the man who discovers that it is meanness and rises to higher planes of judgment.

We all saw that this man had the weaknesses and faults of a high, generous nature, but now that he is gone we see that he was our brother after all, and that he was wise and gifted beyond all of us. We see this clearly now, for it is the blessed power of death to give a better vision to the living and lend to their gaze all the tenderness of the heart, all the greatness of the soul.

I hope, then, that I may be permitted by the members of this body to credit him with his sincerity as a Democrat. He never faltered in that. He never counted the cost in that. It was his fortune to be opposed to a strong majority during a national convulsion; not opposed to the prosecution of the war for the Union, but to constructions of the Constitution which he regarded as dangerous to liberty and to a use of victory which he felt to be unpatriotic.

His sentiments were not always popular, but he did not shrink. He faced storms few men would dare to face, and he and the great Pennsylvanian whose sunset lingers in the tender glow of a people's love and the glory of his great achievements asserted the principles of the Constitution and advocated a wise statesmanship.

I repeat it, he did not count the cost. Other men fled their party and sought refuge under the shadow of power. He knew whither thrift led. The path to position and fortune was well beaten; but when the rebellion ended he thought good feelings should prevail, that the Union should be relaid in constitutional freedom and in the affection of restored brotherhood. For this I honor him. It was the highest loyalty. He was right. No doctrine of internecine hate can elevate the power or swell the prosperity of the nation. We are one family, north, south, east, west, children of one mother. All our great policies prove that. Even our tariff differences cluster around the necessity to seek each other's good.

In his love for the Union and his hatred of rebellion I sympathize with him. In his immovable faith that the passions of war ought not to be terror-striking ghosts, haunting the blessings of peace, I reverence him.

But, sir, his career in this House was not all storm. Here was his true home, here his most congenial field of action. Here his wit and wisdom delighted and instructed his countrymen. He was a great commoner, a true representative of the people. Many of you knew him well. His voice lingers in your ears and provokes your wonder and applause. He was undoubtedly a man of wit, and I think regretted that he was such a man; but he was wise also. He was laborious; he was well informed. He honored this body too much to indulge in superficial preparation. I have observed that there is knowledge here of every subject discussed, and that the man who would be heard respectfully must understand his theme. He never abused the patience of the House; he never dared to be ignorant nor presumed to be superficial.

When we remember what a field he explored this is high praise. He did not pose for grand occasions, but when they arose he stood well to the front. The hard work of the Census Committee, the claims of the railway mail clerks, the necessity for shorter hours of labor, the efficiency of the life-saving stations, the admission of new States, the administration of our land system, the irrigation of the arid regions—all these engaged his best abilities. Who of you who were here in the Fiftieth Congress can forget his appeal in behalf of the beneficent scheme of the Director of the Geological Survey to reclaim the arid lands? It was a poem as well as an argument, and you saw water quickening the dead earth and making the desert bloom as the rose.

Besides his labors here, he was a scholar and an author; but I do not care to follow him beyond the portal of the abode of his highest fame.

And now it seems strange, wondrous strange, to speak of him as gone forever! But yesterday he was so buoyant, so alert, so indomitable. The idea of mental force was as an atmosphere around him. Where is that force now? Is it quenched in immeasurable space? Is it no more forever? Our eyes question the everlasting depths, our hearts yearn for a voice from the eternal silence; but we know that a noble spirit has departed and that America mourns for a well beloved son.

Mr. COVERT. Mr. Speaker, he is not absent who is not forgotten. In this sense the distinguished Representative, the genial gentleman, and the faithful friend in whose memory we are met to-day is with us now—in the place which next to his home he loved best on earth—the Hall of the House of Representatives.

We are met to-day to place upon the records of this House our ap-

preciation of the great loss his district, his State, and the nation have alike sustained in the passing away of one who was an able, courageous, and most conscientious Representative in Congress.

We who served with him here may be permitted to voice a nearer and deeper grief at the more personal loss sustained by us in the severance of the ties which bound us to one whose abilities commanded our respect and whose warm and genial nature had won our love.

We are to-day honoring ourselves in honoring the memory of our late associate, in sorrowing that his labors for the public good are over, "and sorrowing most of all that we shall see his face no more."

My esteemed friend and colleague [Mr. CUMMINGS] has given us in his own clear and earnest way a full and perfect record of the life and public services of his illustrious predecessor. We have heard from him of his student days, of his admission to the bar, of his editorial experiences nearly forty years ago, and of his subsequent political progress; his four terms in Congress from his native State of Ohio and his ten terms in this House from my own State of New York. This long service in Congress, in connection with his representation of this country abroad, presents a most extraordinary record and bears the most conclusive testimony as to the warm regard in which he was held by his fellow-citizens.

The gentleman from Indiana [Mr. HOLMAN] has spoken of the work of our late colleague in special directions: the tariff, the Life-Saving Service, the Federal census, postal matters, and foreign affairs. During his long experience in this House he had served on almost every important committee, and it would be difficult indeed to name a solitary branch of the public service on which he has not left the impress of his work.

Those who served with him here will remember always his appearance in this House; the lithe, alert figure, springing up at any moment to cross swords with the most adroit debaters of this body; the sometimes impassioned, sometimes playful, utterance and the characteristic gesticulation of head and hand as he attacked or defended the proposition under discussion.

In debate he was eloquent and vigorous, and, more than this, clear and direct. I doubt if Samuel S. Cox, on this floor or in public discussion anywhere, ever made an obscure statement of any proposition in his lifetime.

My friend from Texas [Mr. MILLS] has referred to Mr. Cox's powers of wit and humor. These were qualities he could not repress. It was as natural for him to be epigrammatic—to make a humorous allusion—as for the flower to bloom under a summer sky or for the bird to carol forth its greeting to the morning. His complex and yet symmetrical character would not have been complete without these traits, and they were qualities which tended to spread the sunshine of life among his fellow-men.

There were, seemingly, born to our late associate, and his by right of natural possession, in large degree the qualities hoped for in the ideal god of the future.

Can rules or tutors educate
The coming god whom we await?
He must be musical, impressional,
Awake to all sweet influence
Of landscape and sky,
And tender to the spirit touch
Of man's and maiden's eye.

Though his was a nature eminently manly and every trace of effeminacy was foreign to it, he was in his mental and moral make up as finely fibered as a woman.

The possessor of a clear judgment and strong will, he was yet impressionable. All the sweet and mystic influences of nature reached and moved him; and like an instrument of music he was responsive to the slightest touch of feeling or of fancy. His Congressional labors alone would have seemed to call for all the time and thought that any man, possessed of even extraordinary ability, could command. But our late associate had unlimited powers of application. The arduous work so well performed in committees and on this floor constituted a part only of his labors. He worked for the accomplishment of large results, and he worked as well in lighter fields, perhaps for lesser objects; and these lighter labors were his means of recreation. I know of no one who in himself so well illustrated the power and compass of the cultured mind of this age.

With a restless energy he seemed to have absorbed, analyzed, and classified almost every subject of human thought. History, science, political economy, philosophy, romance, poetry—all these fields were explored, and from them he garnered into the store-house of his active mind the richest treasures of the harvest. Nothing seemed too remote for him to reject or too insignificant for him to investigate.

He gave instruction as readily as he labored to attain it. Did he examine into any special subject as a part of his public work; did his reading lead his thought in any one direction; or did duty or even illness carry him abroad, his books, his letters, and his lectures gave the benefit of his experiences and study to the world.

Let me take this occasion to express the hope that some loving hand may in the near future cull from the vast collection of literary material he has left behind him what he would have most desired to be thus preserved. The compiler would find in this labor of love an embar-

assment of riches, and the work would stand as the best monument that could possibly be erected to the memory of the lamented scholar and statesman.

In my own small collection of literary treasures are copies of some of his books, prized most highly for their own merit and as gifts from my dead friend. In this collection is his Search for Winter Sunbeams; and I know of nothing which better illustrates his technical knowledge and habit of thorough research than the opening chapter of this book, in which he treats of "The functions of light."

"Sunset" Cox loved the sunlight; loved it in its literal and in its figurative sense. He believed in letting in the sunshine upon every obscure point in science and philosophy, upon every dark spot in governmental policy whenever and wherever it existed, just as he believed in flooding with golden sunlight the dark and dreary dwellings of the poor. His thoughts were bright and cheerful as the day; his mind had the vigor and healthfulness of the plant grown and nurtured under the summer sun.

As he loved all things bright and beautiful, so he loved and gloried in the material sunshine and in the sunlight of thought that illumined and made all things clear. To use one of his own utterances:

The very acme of all joys, the joys of heaven, is expressed in the words: "And there shall be no night there."

And death came when it seemed with him but little after noon. There was no darkness in his death, no sudden coming on of the night-fall. There was light to disclose the saddened faces of friends to whom in life he had been leal and loyal and who to the end were loyal and leal to him.

There was light to reflect the last hand-clasp with her who had been the truest and closest companion of his manhood, and a holier light clear enough to reveal the heart-clasp so tender and yet so strong as almost seemingly to hold the speeding soul back from the brink of the great beyond.

And so, loving and loved, he passed from the semi-darkness of this life into the eternal light and glory of the life hereafter.

To the past go more dead faces
Every year,
As the loved leave vacant places
Every year,
Everywhere their sad eyes meet us;
In the evening's dusk they greet us,
And to come to them entreat us
Every year.
You are growing old, they tell us,
Every year;
You are more alone, they tell us,
Every year.
You can win no new affection;
You have only recollection,
Deeper sorrow and dejection
Every year.
But the truer life draws nigher
Every year,
And its morning star climbs higher
Every year.
Earth's hold on us grows slighter,
And its heavy burden lighter,
And the dawn immortal brighter
Every year.

It is difficult to realize that this busy, tireless worker who has woven his name and his fame into his country's history; this wise statesman and devoted scholar whom we all esteemed; this genial gentleman and faithful friend whom we all loved, has turned his dead face to the past and has left a vacant place among us.

Time will do justice to his great abilities. History will recount his public services. Warm hearts and loving lips will hand down his memory to those who follow.

If they are not absent who are not forgotten Samuel S. Cox still lives and will live among men, while, loving the light as he loved it, his spirit dwells in the golden glory of the never-dying dawn!

Mr. STONE, of Missouri. Mr. Speaker, there is a great difference in men. They differ as the stars, those lighted torches held up by the hands of angels glimmering in the night, differ one from another in glory. Sometimes a light goes out which we do not miss. Its absence is not observed by men, unless in the convulsive agony of extinguishment it sweeps the sky with meteoric trail and we behold it for a moment, wondering, as it sinks into the shadow and fades away. Other lights there are shining in the azure fields which, if they should be extinguished, would disturb the harmony of the spheres and startle if not appal mankind.

So some men, journeying now through blossoming clover-fields and now over toilsome hills, come to the end and lay down this thing we call life, and the great world goes on without a moment's pause. That is the fate of most men: a few fleeting years of effort and then the pitiless cycles of oblivion. Other men there are, better poised, better equipped, more resolute, whose lordly spirits rise on tireless wings to greater heights, and who shine among their fellows as the planets, those stately sovereigns of celestial empire, shine among the vestal fires burning chaste and pure on the mounting steps of heaven. They are men of high purpose and great achievement, who not only make history, but are history. When such a man falls the human race stops

and stands awhile in wonder. It is like the end and the beginning of an epoch. We can not go on until we pause and look back at the vast void occasioned by his absence, and thenceforth we carry with us a memory of him and of his deeds.

In this mold of great men that noble gentleman whose memory we embalm to-day was cast. When Samuel S. Cox passed out from among men into the endless shadow of that mystery we call death, it was as if the evening star had slipped from tired hands and fallen to shine no more.

What shall we say of him now that he is gone? What distinguished him, what marked him as an exceptional man? Not simply that he achieved great things and made for himself a historic name, for that others have done. True, the scope and character of his achievements differ from those of most men we term great. Nearly all great men have accomplished greatness by persistent effort along some special line of thought or endeavor. He was remarkable rather for the versatility of his thought and the diversity of his endeavor.

He was a scholar of extensive research and splendid erudition; and yet in this respect he will not rank with that scholastic prince of the forge who spoke almost all the tongues of men, nor with those savans who solve the occult mysteries of nature. He had traveled much, had seen the wonders of many lands and the civilizations of many peoples; and yet in this respect he will not rank with that stalwart wanderer who, having explored the continents of the world, sang as he rode the laughing wave:

The Sea is a jovial comrade;
He laughs wherever he goes;
His merriment shines in those dimpling lines
That wrinkle his hale repose;
He lays himself down at the feet of the Sun
And shakes all over with glee,
And the broad-backed billows fall faint on the shore
In the mirth of the mighty Sea.

He was an author whose books enchant with bewitching descriptions and sparkle with noble gems of thought; and yet in literature he will not rank with those immortals, rare and distant, who, by the arduous toil of a lifetime, wrung the jewel of fame from unwilling hands. He was a statesman of unsullied patriotism and comprehensive grasp; and yet in this respect he will not rank with the incomparable sage of Monticello, whose magic pen wrote the Declaration of Independence. He was an orator whose cimeter flashed at the front of fierce debate and whose impassioned eloquence swayed multitudes as storm-winds sway primal forests; and yet in this respect he will not rank with that impetuous child of the Revolution whose eloquent defiance was liberty's inspiration, nor with that stately Grecian who learned his first lessons from the thundering sea. He was an ambassador whose culture, grace, and gentle breeding made him a favorite and whose skill in diplomacy won him respect while it dignified the Republic; and yet in this regard he will not rank with Talleyrand, that wizard of the court, who, false it may be, yet played with kings as I might play with carved images upon a chessboard.

Along all these paths he trod, in all these fields he wrought. He was great in all, without being exceptionally great in any. He was not exceptionally great, because he was not and could not have been a specialist. He drank not at one fountain alone, but at many. His foot-prints are left on more than one mountain peak. He was versatile, diverse, eclectic. But whatever work he did was well done and whatever station he filled was adorned. We remember his splendid gifts—his learning, his writings, his eloquence, his statesmanship—and take pride in them as something not apart from ourselves. But those are not the things we love best to recall to-day, for those are the things which have made him known of all men and given him place in history.

The dearest memory to us who knew him, who have felt the pressure of his hand and seen the sunlight on his face, is the man himself. When he laid down for awhile the heavy burden of his thought; when he left his books, those mute solitudes in which wise men lose themselves; turned aside from the intricate and unsolved problems of empire, to seek the companionship of friends, the man himself was seen as he came from the plastic hand of God, just as the flower imprisoned in folded calyx is seen when it uncovers its blushing beauty to the wooing sun. Then he "wore his heart upon his sleeve." How genial and companionable he was! How full of life, of the glad, rollicking joy of life, he sometimes seemed to be!—a very boy except in years, scattering laughter and sunshine along the way—

Turning to mirth all things of earth
As only boyhood can.

And then, again, how gentle he was when sorrow folded her pallid wings and brooded about the homes or the hearts of those he loved! In his presence sadness seemed less sad and a softer light crept in among the shadows, for in whatever he said and did there was something so like the melting music of woman's speech and the delicate touch of woman's hand.

He loved the beautiful and the good. The tints of flowers, the exquisite shading of a bush, the golden glory of an autumn sunset, the swelling symphony of the sea, the glee and merry prattle of childhood—such things as these touched his poetic soul as with the magic wand of sweet enchantment.

Such was the man we loved; and we loved him all the more because we felt and knew that behind this native gentleness, back of this charming companionableness, was the strong, masculine man, familiar with the philosophies of books and trained to the responsibilities of great affairs, who, when occasion required, could be stern, rugged, obstinate, almost vengeful.

Such was the man we loved, such the man we lament. He lived a pure and blameless life, noble, unselfish, useful, and he goes away into the mystic summer-land leaving a great name behind him and taking with him the blessing of his race. He loved this beautiful world, and he had perfect faith in the hereafter. Those who say there is no hereafter deny that they do not know, without asserting aught they do know. He went away without thought of fear, bearing a sweet message from the world to those who should greet him in the great beyond.

I pay this poor tribute to his exalted worth and then go on wearing the memory of him near my heart as an inspiration to higher thought and better things.

He was a man, take him for all in all,
I shall not look upon his like again.

Mr. O'DONNELL. Mr. Speaker, the Fifty-first Congress has been called upon to mourn the loss of nine of its members. Some of these had served here many years—all with fidelity, to their own credit, and advantage to the nation. Death has reaped a rich harvest in this House. Their passing away is but the immutable law of nature. To-day we pay a tribute to the memory of one of that number, Samuel Sullivan Cox. He served in this body nearly twenty-seven years. He entered these halls in 1857; since then more than one-half of those who made up the life of that day have gone to the eternal rest. He held a foremost place in the list of strong men who influenced public opinion and shaped the destinies of mankind during those eventful years.

As a politician, a scholar of large attainments, author, journalist, Representative in Congress, diplomat, he left the impress of his individuality on all undertakings. His native endowments and acquired abilities were of service to his country. A man devoted to the political party with which he affiliated all his life, of strong convictions, he was considerably tolerant of the opinions of others. He was generous and charitable in all things.

No member here thought at the close of the Fiftieth Congress that Mr. Cox was approaching that age in life when shadows foretell the nearness of evening. He carried his sixty-five years as lightly as many men in the noon of life. If any friend coupled death and the statesman, this was almost put away by the feeling that the genial man could turn back the somber Atropos with her fatal shears from his home.

He departed from these familiar scenes to enter upon added duties. Although heavily burdened, as is every member of this body, he assumed greater tasks, overtaxing the resources of nature; the hand was staid, the voice was stilled, and the outcome was the peaceful and eternal silence of death.

Mr. Cox came to public life well equipped to meet every requirement of the position to which he was chosen. At college he graduated with the award of prizes in classics, history, literary criticism, and political economy. He began life as the editor of the leading newspaper in his section in Ohio, and his ability and application were soon the means of calling him to higher fields of usefulness and honorable position. As a member of this House he soon advanced in rank; it was not long before he attained an eminent place in the parliament of the people.

In this land, with its abundant opportunities, he won greatness by doing his best, and the Representative who, when he commenced his duties in this Hall, was little if any known outside of his district, shortly challenged attention by his readiness, acumen, and native ability. He entered Congress in 1857, serving eight years, receiving the approval of his constituents at four successive elections. During this period a new chapter was opened in the political chronicles of the nation. The mighty contest for liberty rolled its crimson tide over the land. Mr. Cox was a firm supporter of the Government during that eventful epoch, while not hesitating to criticize, sometimes harshly and maybe bitterly, the agents of the nation and their methods.

He was a member of the war Congresses and was a deeply interested spectator and participant in the creative period, when new systems took the place of the old, when one of the great movements of the world gathered and spent its mighty force. He saw the avenging genius of the country smite those who would destroy; he observed the period of happy transition from the old to the new, and rejoiced that it was followed by the unification of the American people. He hoped and wrought for an end of the work of blood; he wished for peace to come again to the distracted land; he, like Abraham, longed for the happy day. "He saw it and was glad."

The nation laid deep and broad its future security. He realized that civilization supplied the momentum which swung the wheel past the dead-point in progress; that the restored Union and its results were the muniments of our civil liberty. His history in those dark years was closely interwoven in the struggle for the national life.

In those days party feeling ran acrimoniously high; the blister of

public opinion fell upon the political organization with which he was identified, and he retired from these halls, soon to reappear indorsed by another constituency. Fifteen times in all he was commissioned by the people as a Representative in Congress, and here he remained to serve the nation. His star shone serenely above the gulf where there had been so many shipwrecks.

During all his long years of public service he was never besmirched by any of the foul contaminations which unhappily sometimes envelop modern politics. As secretary of legation, Representative in Congress, or minister to a foreign court, he demeaned himself to his own honor and the glory of the Republic. He was conscientious, industrious, and faithful; his sagacity, discrimination, courage, and adherence to his conception of duty were of that nature which adds to the power of the statesman.

In this Chamber he achieved a marked standing as an effective speaker and was recognized as one of the readiest debaters in this body. His utterances abounded in common sense; he was philosophical, searching, going to the nerve of every subject, while his unflinching and inexhaustible fund of wit, humor, satire, and repartee made him an opponent in the arena of debate not to be sought after. His oratorical magnetism, brilliancy in the coruscations of fancy, drollery, and merry rejoinder often pricked the bubble of illusion, re-enforced by fact, epigram, and pleasantry. His forensic armory proved an arsenal of defense and attack, and he was ever ready to employ the great resources nature had given him.

With his brilliant attainments was the genial, gentle, kindly heart, where the lightness of exquisite merriment welled up from an organization whose basis was laughter, which distinguished him for bright and amusing sayings. His cheerfulness was sunny and invincible. Why We Laugh, one of his books, was exemplified in the author in his drollery, kindliness, and humor, coupled with the joyousness of his life. To him was given the rare faculty of holding the close attention of his auditors when in debate. Withal he was a statesman who labored to secure the general prosperity of the nation and advance the well-being of the people. His long continuance in this House attests the appreciation of his fidelity and capacity.

The annals of Congress exhibit his energy and wonderful industry, and his genius is stamped in useful laws in the statutes of the nation. He was of service to his country; his character and ability adorned the place he occupied with short interregnums during three decades of Federal legislation.

Mr. Cox came from a family of warriors and statesmen. His grandfather, General James Cox, sat in Congress, and, like the grandson, died while a member of this house. He never wearied in advancing the cause of the unhappy land beyond the sea, being true to the Celtic blood which warmed his heart.

As a parliamentarian, Mr. Cox ranked among those best versed in that intricate law and science. By acquirements, knowledge, and natural aptness he was wonderfully equipped for the position of Speaker, the great office of representative government, a place to crown his legislative career. In June, 1876, death hovered over the occupant of the Speaker's chair; the incumbent was too feeble to discharge the duties of the Speakership; it was feared the then Speaker would never recover, and it was only a short time before the fading life of the first officer of the House would expire. Mr. Cox was elected Speaker *pro tempore*, and was in the line of promotion. Political exigency and devotion to his ideas of right took the prize from him just as he was about to attain the eminence.

The party to which he belonged in the State of New York decided to present its great leader as a candidate for the Chief Magistracy. Mr. Cox was hostile to the nomination and determined to oppose the proposition. The alternative was presented of losing the Speakership or joining the ranks of the dominant faction. It did not require long deliberation. Mr. Cox said, "I believe, with Mr. Burke, 'that the representative should represent,' and, as my constituents are opposed to Mr. Tilden and believe his election impossible, I must stand by them." He resigned the place of Speaker *pro tempore*, hastened to the national convention, fought a losing contest, and returned to the floor of the House, putting away forever the great ambition of his life.

Of the domestic life of the departed statesman I delight to speak. No small amount of his success was contributed by the wise counsels of the wife who mourns his departure. The husband believed with Lord Bolingbroke when he said "If I were making up a plan of consequence I should like first to consult with a sensible woman." To the statesman, she was the embodiment of all that was admirable, helpful, and holy in womanhood. Many hearts ached for the desolate wife when the mighty hand of sorrow and affliction was so heavily laid upon her. Those two walked the journey of life in paths of happiness, "each for the other, both for God."

Mr. Cox gave half his life to his country—yea, all. The nation was benefited by his years of devotion to the upbuilding of our institutions. His long continuance in this House was owing to his loyalty to duty, sincere and able; had he toiled less his life would have been prolonged. "The zeal of thine house hath consumed me," might be said of him, "for he labored for his country, as the Hebrew prophet served his God, with an ardor whose flame was clouded by no baseness."

As an author our dead friend added to the literary possessions of the nation. The ten volumes from his brain and pen entitle him to a bright place in the republic of letters.

All his books are interesting and instructive; his writings are entertaining, giving strength and knowledge. His industry, information, and discrimination are apparent upon every page, and the clear, compact, and intelligent treatment of all questions is observed in each chapter. He had the happy faculty of saying things in a striking way, and most of his publications are the product of conscientious study and research. The reader can not but note the admirable treatment of his themes, distinguished by a classic simplicity and lucidity, clear and graceful, denoting the intellect of the author, strong and full of creative force.

His historical works illustrate the experience and learning that embellish every page; the events narrated are excellently concentrated and condensed, and the author established himself as a clear and vigorous writer and thinker, delighting all with his extensive culture, discernment, and superior taste. His latest volumes exhibit the same polish, breadth, and thoroughness of preparation; the advancing years of the author show no deterioration in happy expression, terseness, and reliable statement. He exemplifies the saying of Milton, "A good book is the precious life-blood of a master spirit embalmed and treasured up to a life beyond life." In several of his works there is a glowing style and generous admixture of humor coupled with profound truths semi-humorously expressed. His name will have an honorable place in American literature.

Death had no terrors for our friend. Even as the silver cord that moors us to time had been slackened and as he was drifting away to the still, strange land, just as he was about to vanish into the unknown, the genial spirit turned back and with a sunny smile renewed the joyousness of his being, exemplifying what was written three centuries ago by the great bard, "How oft when men are at the point of death have they been merry!"

The four new States in this Union—the new jewels in the crown of statehood—owe much to Mr. Cox for their places in the galaxy of Commonwealths of the Republic. We remember how persistently and with what ability he labored for their rights and won the long contest in their behalf. Just before the close of his eventful life he visited the four communities brought into the family of States by his efforts and was welcomed with all the honor he had so grandly merited. Just at the hour of his passing away he was to have spoken at his home about the New West, which he termed "Wonderland." It was another wonderland that dawned upon his vision. The veil which hides the future was rent asunder and the radiant soul passed to immortality.

The man of genius who, by gentle and skillful adaptation of circumstances often created so many pleasantries for his hearers, whose amusing sayings have brought joyousness in place of somberness, have lifted the mists of shadows and opened the flood of kindness, placing all beneath the rainbow arch of delight, has he gone to a land of no laughter? Is this the end of all? Has he gone down to the "tongueless silence of the dreamless dust?" No, no! He has entered into rest. Our religion teaches us the inspired and comforting assurance that "though he were dead, yet shall he live." Now he sleeps in the calm serenity of death; the grave's impenetrable shadows will be lifted and dispelled, for it is written, "He shall never die."

Mr. Speaker, the proverb "Say naught of the dead unless good" is a priceless tribute to our humanity and civilization. I am glad of this opportunity to speak of the memory of one now dead whom I esteemed so well in life—he so endowed with justice and generous magnanimity. As I have said, he was a statesman, a scholar, a diplomat. In these fields he attained deserved renown. Greater than all to me, he was a safe counselor and my friend. I lay a stone upon the cairn his countrymen upbuild to his memory. His many acts of considerate kindness extended to me are treasured in grateful remembrance. Before coming here I had heard and read of this man of great gifts; when seen and known I could say of him, as Hasdrubel had said of Scipio, that he was even more admirable when seen face to face than he had seemed when one only heard of his achievements.

Such lives are beacons in the upward path of all who struggle. To my mind such a life enriches the age. As he stood upon the threshold of the world to come he—

Calmly looked on either life, and here
Saw nothing to regret, nor there to fear.

Now, a last farewell. He has gone. We leave him with the words of Wordsworth:

For the weight
Of the whole world's good wishes with him go.

Mr. CARUTH. Mr. Speaker, just before the death of the Fortyninth Congress I visited Washington and first saw Samuel Sullivan Cox. To me his name had always been associated with the deliberations of the American Congress. I had in my school-boy days learned to declaim extracts from speeches he had here made. I had been captivated, charmed, and delighted by his eloquence, his pathos, and his wit. Therefore, when I gazed at the small, active form and looked in the smiling, youthful-appearing face of "Sunset Cox" and felt the

hearty grasp of his friendly hand, I was glad that I had been afforded the pleasure of being personally presented to him and to know the man as he was. From that first acquaintance there dated a friendship which strengthened until severed by death, for he was of too cheerful a disposition, of too open a heart, to hold himself aloof from the companionship of younger men who were just entering on the way over which he had so long traveled. On the contrary, he was among the first to meet them on their arrival, to grasp their hands and lead them onward.

His voice was first to be raised in warning if danger beset them, and in encouragement if, heart-sick and foot-sore, they wearied on the way. No older member became so readily acquainted with those new to the floor, and surely none was on as confidential and friendly terms with them as Mr. Cox. To him the new member would freely go for advice, and all were kindly heard and usefully advised. None need be embarrassed by his manners, for they were so easy and friendly. One could ask him anything without fear of being misconstrued or ridiculed. The new member found that his was not the tongue of detraction to sneer at their efforts or belittle their importance, but rather that of praise to laud their endeavors and magnify their achievements. Such, in the two sessions of Congress I had the honor to serve with him, I ever found him. Is it wonderful that he was popular? What a master of oratory he was!

I have seen the House almost as tumultuous as the sea in storm stilled to silence by the rising of his form from the midst of the tumult, the lifting of his hand with his familiar gesture, and the utterance of his "Mr. Speaker." I have seen the busy men of the House drop their pens and leave their desks to gather about him that they might hear what he had to say. I have seen the lobbies deserted, the cloak-rooms emptied, even the seductive restaurant ignored, the seats of the Chamber filled, because "Sunset Cox" held the floor. I have seen faces which were almost distorted with partisan passion, in the fierce hours of political conflict, smoothed to pleasant humor by the potency of his speech.

Some men wear out or tire out as the months fly and the years pass. Some men stand still or drop behind in the race of life and let youth and vigor press to the fore; but he was ever already with the times. Some statesmen grow dull as they grow older, and prosy and tiresome of speech, but he—never!

Age could not wither him
Or custom stale his infinite variety.

He was born for legislation and adorned this House by his presence. He had seen this body grow until it was forced from the old Hall—now the repository of the marble forms of departed greatness—into this larger and more commodious Chamber, and he was the first member to raise his voice in speech within these portals. Is it a wonder that when in foreign courts, enjoying the distinction of being the representative there of this proud Government, he yearned to return hither and again resume his accustomed seat?

Nothing could divorce him from legislative life. His impress had been set upon the statutes of his country; his life was spread upon the pages of the RECORD; he was part of it; it was part of him; naught but death could part the twain. His last utterance upon this floor was to resent an insult, as he thought, to the dignity of the House of Representatives. He had been an actor during "three decades of American legislation." He loved the institutions of his country, was proud of the part he had taken in shaping its destiny. He had never met foe on battle-field or drawn the sword of war, but he had met in these halls and put to rout the foes of constitutional government and wielded the sword of rights with steady arm and dauntless heart. He had won the stainless victories of peace, and the laurel wreath of honor should be twined in deathless glory about his brow. He was one of America's noblest sons. His life is part of her history and her greatness is reflected upon his name.

Not only was a he great orator and a great statesman, but he was a scholar besides. I asked him once how he found time in his busy life to give attention to literary matters and charm by printed page as he had by spoken word, and he told me that God had given him a helpmate in the person of his wife and that she had shared his labors as she had indeed doubled the pleasures of his life. And thus, loved at home, admired by his peers, honored by the people, the statesman, the wit, the scholar, passed his life away. The passing years left but little impress on his brow and made no mark upon his heart.

I was in a foreign land when the news reached me that illness had stretched him on a bed of pain, and with heavy heart I awaited further news day by day, until in sorrow I read of the end. Had not ocean's waves separated me from his remains I would have stood by his bier and paid the last tribute the living can pay the dead. This poor consolation of friendship was denied me, but I can not refrain from taking a humble part in this closing scene of all and placing upon record this tribute of affection to my departed friend, the scholar, statesman, and patriot, Samuel Sullivan Cox.

Mr. WASHINGTON. Mr. Speaker, we are assembled on this solemn occasion to do a last honor to the memory of our distinguished and beloved colleague, the late Samuel Sullivan Cox, of New York.

It is a maxim as old as humanity to speak nothing save good of the dead; but who, speaking in justice and in truth, could say aught but good of S. S. Cox?

Born at Zanesville, Ohio, September 30, 1824, his youth was passed in that beautiful pastoral region, where the trials and tribulations of the early settlers of that new State fired his imagination and filled his young mind with noble aspirations.

A grandson, on his maternal side, of the Revolutionary hero, General Sullivan, he imbibed at a tender age a lofty ambition to serve his country and to preserve untarnished the heritage of constitutional liberty for which his ancestors so bravely fought. The broad bent of his mind, as well as the kindly love for his fellow-man which warmed his generous heart, aided by the precept and example of his revered father, led him from the first to espouse the principles of Democracy. Often have I heard him tell with pathos in his voice how his father on one occasion lifted him in his arms to the door of a stage-coach to see and speak to that great Democratic apostle, Felix Grundy, then a Senator of the United States from Tennessee. How the kind words of that great man burned into his soul as, with his hand resting on his young head, he dedicated him a boy to the service of the Democratic party. Never in all his long and useful career did he falter in his true allegiance.

His early schooling was at home and at the University of Ohio, at Athens. His collegiate training was at Brown University, at Providence, R. I., where he graduated in the class of 1846. There he imbibed his political economy; there he learned the true theory of taxation, which should be for governmental and not for private purposes.

There, from the lips of the great Baptist divine, Dr. Wayland, of whom he so often spoke in terms of affection, he learned that the government should be so administered as to bring the greatest good to the greatest number. There he acquired that keen, rapier-like logic with which he parried the argument and, breaking down the defense, would overwhelm with satire, wit, and sarcasm his opponent in debate.

Columbus, Ohio, was the home of his early manhood, the theater of his first activity. While editing the Columbus Statesman he wrote that sketch of a glorious "sunset" which gave him the sobriquet which clung to him as long as he lived. I will not follow him through all the details of his long and useful public career, or, rather, I should say, official life, because his career was public in the highest and truest sense from his college days until his death. Twice he served in diplomacy abroad, first as secretary of legation in Peru, in 1855, and afterwards as minister to Turkey, in 1885.

During the latter appointment he gathered the notes and enjoyed the experiences which led to that charming book of his, the *Diversions of a Diplomat*. He had the unusual distinction of representing in Congress at different times two of the greatest States in the Union. He was for eight years the member from the Columbus (Ohio) district, and, having changed his residence to New York City, after an absence of four years he came back to this Hall as one of the Representatives of the Empire State from the city of New York, which honored him by an election eleven successive times. He sat in fourteen Congresses, serving for twenty-eight during a period of thirty-two years, more than a generation. He died in the harness at the comparatively early age of sixty-five, having given half of his life to the service of his country.

No greater or more unexpected shock could have been given to his friends than the telegraphic announcement of his death in the full vigor of his manhood, in the prime of his mental power. He was a man possessed of vast information in literature, science, art, history, and politics. Quick in perception, he readily grasped an idea. In a long practical experience he had almost grown up with the legislation of this most active quarter of our century of national existence, and no false historical statement went unchallenged in his hearing. Possessed of a wonderfully retentive memory, he held in reserve and could call up at a moment's notice facts of history, politics, religion, and science which would charm his hearers and amaze, confound, and silence his opposers.

Whenever he rose to speak a respectful silence fell upon this usually noisy assembly and both political sides paused to listen. Nor did he fail to amuse, entertain, and instruct. He had a thorough knowledge of men and motives, a keen perception of character. Travel had given him a fund of quaint incidents, which he had embellished by a close observation. A thorough parliamentarian, he was a terror to the opposition on the floor. While in the chair he was a correct, easy, impartial presiding officer. He became a prominent figure at a time when the foundations of vast fortunes were laid by the misuse of power and its opportunities, but the breath of scandal never came near his name.

Throughout the whole of his long career we can say—what, alas! it is a reflection on American statesmanship that we should be compelled to refer to at all—that he was scrupulously honest. During the whole struggle of reconstruction which followed the war between the States, his devotion to the Constitution was conspicuous. He showed that he regarded that instrument, not as a mere form of words, a growth of time, but rather as the complete and written chart of our liberties, left by the fathers. He made a record then which endeared him beyond measure to the hearts of the people of the South, and they longed for a fitting opportunity to show it.

Of the rights and privileges of our adopted citizens of foreign birth,

no matter of what nationality, he was always the champion and the defender.

One of the crowning glories of his life was his labor to establish, to build up, and to make thoroughly effective the present Life-Saving Service along our coasts.

Those who travel by water, who go down to the sea in ships, when they hear the hoarse waves' angry murmur should breathe a prayer for the peaceful rest of the soul of "Sunset Cox," for many thousands are the lives that have been and that will be saved by the agencies which he labored to establish.

His sympathetic nature embraced all who labored, even the humblest man. It was he who, recognizing the long hours of toil and the poor recompense for the skill and intelligence required, took up the cause of the letter-carriers and never staid his hand or voice until they were put on an approximately equal footing with the other employes of the Government.

My acquaintance with him began in the Fiftieth Congress. I had the great good fortune to draw by lot a seat just in front of his. From the first he was my friend and my counselor. Always kind, ever ready with advice, aid, encouragement, our acquaintance soon ripened, on my part, into a warm and affectionate regard. After the adjournment of Congress *sine die* on the 4th of last March, I bade him a fond farewell. Later, in April, while he was on a lecturing tour, I had the great pleasure of meeting and entertaining him at Nashville. He was as full of the spirit of fun and laughter as ever. Seemingly in perfect health, he carried sunshine and happiness to the hearts of all who met him.

With a tender voice he spoke to me of his dear wife, and said, "I had nothing else to do; so I told Mrs. Cox I would take a trip with my lecture, and bring her home some shekels to furnish the house." We parted on the train which bore him away to the centennial celebration in New York. A furious rain was falling, the thunder rolled, the sullen storm-clouds produced an awful darkness. It was an April morning. Soon the rain ceased; the sun came out in all his glory; but our friend was gone!

Oh! may the darkness of the shadow of death, through which he has passed, have dawned for him in the cloudless day of a happy eternity!

Ready for action, full panoplied for war, at the sudden call he laid down his arms. The active brain was still; the generous heart ceased to beat. Full of life, full of vigor, it seemed to us poor, blind mortals that his days of usefulness had but just begun. Oh, how he has been missed! A gap in the ranks of his party that no one can fill! A break in the line of his country's defenders that no one can close!

The vacant chair in his household must ever remain empty. Yet who knows but that his task was finished? Who knows but that the all-seeing Providence called him hence in the fullness of time? The hour had struck.

For this corruptible must put on incorruption, and this mortal must put on immortality.

So when this corruptible shall have put on incorruption, and this mortal shall have put on immortality, then shall be brought to pass the saying that is written, Death is swallowed up in victory.

O death, where is thy sting? O grave, where is thy victory?

Mr. MAISH. Mr. Speaker, the deeds of a great and good man are a legacy that a free people will not willingly let die. To perpetuate the memory of a faithful Representative is a fitting occupation for this House. The brother whose life and services we commemorate to-day illustrated by his public career, in an eminent degree, the qualities of an able, zealous, and patriotic statesman. His official life here, with only a few intermissions, extended over a period of more than thirty years, embracing within its compass the most critical period of our country's history.

Men of all shades of political opinion agree that his services to the Republic were of the highest value, and, at times when many honored names were sullied, the breath of suspicion never reached the elevation of his virtues.

He was under all circumstances a thorough American. This country never produced a statesman who had a more sincere devotion for her institutions. He was a staunch Democrat and honestly believed that the teachings and principles of his party would best promote the welfare of his country, but when in his judgment the occasion demanded he rose above party and pursued fearlessly the path of duty. It can never be said of him that he gave to party what was meant for mankind.

I can recall no statesman in our country's history who bestowed such unremitting labor to the promotion of measures that he cherished. During his long career he discussed every prominent question that came before Congress. His speeches would fill volumes, and they display such a depth of learning, such a variety and abundance of illustration, and such rare eloquence as to place him in the very front rank of American orators. Others may have excelled him, and doubtless did, in the possession of one or more of the higher qualities of the orator, but I know none that combined a greater number of the elements that constitute an effective public speaker.

His memory was simply amazing. He seemed to have forgotten nothing that he ever read. It was the habit of members to go to him

to solve their historical and literary difficulties, and I never heard of a single instance in which he failed them. This faculty gave him an immense advantage in debate and often secured him the victory over competitors that were not so highly gifted. His mind was decidedly of a literary cast, and hence he adorned his speeches with select thoughts from English literature and the classics.

Whether discussing a great political problem or merely some subject that unexpectedly arose in the House, literary gems may be found alike sparkling through his speeches. They fell unbidden from his lips. In many cases his productions were interspersed with a rare and delicious humor. It was a humor, too, all his own. It welled up from his generous heart and sparkled through his speeches like crystal fountains by the wayside. Satire was seldom the object of it. It was gentle, good-natured, and betokened the kindly heart that gave it birth.

It has been suggested that if he had not indulged this faculty so much he would have achieved greater results. I do not believe this. Mirth is pre-eminently human. Man alone is stirred by it, and he who can successfully produce it is sure to reach the human heart, and that is the easiest avenue to the mind. Would we willingly give up the wit and humor of the myriad-minded Shakespeare? How barren would seem even his unsurpassed productions with his flashes of mirth blotted out. No one will dispute that much of their efficacy would then be gone.

It was the rare good fortune of our brother to become identified with one of the noblest institutions of modern civilization. The Life-Saving Service owes its present organization mainly to his efforts. To place it upon a sure foundation and promote its efficiency he bestowed untiring industry and his ablest intellectual efforts. It was my rare privilege to hear him deliver in this House his greatest speech in support of that service. It occurred during the second session of the Forty-fifth Congress. He occupied the same seat that by permission of this House he last occupied here and which he uninterruptedly occupied for many years. A number of speeches had been made; his was the last.

No especial interest was manifested in the subject; nothing to distinguish it from the ordinary discussions that daily take place here. It was in the morning, after the routine business had been disposed of, when Mr. Cox arose. The attention of members was gradually arrested. The calling of pages by the clapping of hands grew less and less frequent as he proceeded. In a short while the members sat enchained by the eloquence of the address. Now and then there was applause, but when he stopped a profound silence pervaded the House.

In a moment or two it was broken by a member near by extending his congratulations to him. He was quickly followed by another; then two or three pressed forward to take him by the hand; then almost simultaneously a score or more approached him, and finally, in less time than I can describe it, every member was on his way up the aisle towards him to extend their congratulations. No attempt was made to continue business. The Speaker of the House acquiesced in the temporary interruption, and only called the members to order when they had resumed their seats. I sat immediately opposite to him during the delivery of the speech, and was the last member to grasp him by the hand. As I did so I saw that he had been moved to tears, and not a word passed between us.

I doubt very much, Mr. Speaker, whether in the whole history of this body any speech had such an instantaneous effect. It was a high tribute to the orator. Ay! It was more. It was an homage paid to his subject. As he so felicitously put it:

Humanity, more beautiful than art and more profound than science, has bent over the tempestuous seas her grand ethereal bow, unfolding its hues of promise as an everlasting covenant with heaven.

He struck the key-note of humanity, and all within its sound responded to its spell.

You may search in vain for a more graphic and thrilling piece of word-painting than Mr. Cox's description of the wreck of the *America* in this speech. It consists of a succession of the most startling scenes, drawn with such intense reality as to strike one with wonder and admiration.

The concluding paragraph of that address presents in words better than I can command the motives that actuated our brother in devoting his best efforts to the noble service whose object is the rescuing of human lives from the dangers of the deep. He says:

Mr. Speaker, I have spent the best part of my life in this public service; most of it has been like writing in water. The reminiscences of party wrangling and political strife seem to me like nebulae of the past, without form and almost void. Gladly I would, if I could, for many reasons growing out of personal inconvenience and party incompetency, reverse much that I have done here. Confessing so much inadequacy, recalling so many who have come and gone from this House—gone many of them to another sphere, and, I hope and trust, a better world—I would gladly lay down my commission and turn to other duties which the lapse of time admonishes me should have attention. But what little I have accomplished in connection with this Life-Saving Service is compensation "sweeter than the honey in the honey-comb." It is its own exceeding great reward. It speaks to me in the voices of the rescued; ay, in tears of speechless feeling; speaks of resurrection from death,

"In spite of wreck and tempest's roar,
In spite of false lights on the shore;"

speaks of a faith triumphant over all fears in the better elements of our human nature. It sounds like the undulations of the Sabbath bell, ringing in peace

and felicity. It comes to me in the words of Him who, regardless of His own life, gave it freely that other lives might be saved.

Humanity and civilization should walk white-handed along with government. They strengthen and save society. In the perils which environ our country, from passion and prejudice, from old animosities and new irritations, let us do good deeds—pray hopefully that our vessel of state be free from leakage, collision, wreck, and loss.

Mr. Speaker, what our brother has wrought in establishing the Life-Saving Service of our country will constitute his enduring monument. So long as the sacredness of human life shall be properly appreciated and good men shall employ their lives in guarding against its perils, so long will the name of Samuel Sullivan Cox be cherished as one of the benefactors of our race.

[Mr. WHEELER, of Alabama, withholds his remarks for revision. See Appendix.]

Mr. YODER. Mr. Speaker, we are again called upon to pause for a time in the midst of the toil and cares of legislative duties, and in kind and loving remembrance to pay tribute to the memory of one of our most distinguished colleagues, and for many years a noted figure on the floor of this House, Samuel Sullivan Cox. He has gone from among us to return no more. It is due that we should give to him, our late friend and co-worker, that which we, too, must soon claim from those who live after us—a just and grateful recognition. I desire to express not only my own, but Ohio's, sincere grief at the loss of this noted and brilliant man. Her cherished son, he will ever hold a marked place by the side of Corwin, Chase, Allen, and her other great statesmen, who have gone from earthly honors and preferment to the richer and higher glories of the Master.

Standing near him in party sympathy, as I did, I am free to say that but one thing inspired his actions, but one principle controlled his thoughts, and but one burden rested upon his great soul, and that was the purest of patriotism and the greatest good to all people. Born of distinguished parents—his grandfather a soldier of the war of the Revolution, a friend of Jefferson, and a member of Congress during his administration; his father a member of the Ohio State senate, and his mother the daughter of the State treasurer—he was justly proud of his lineage, and in dying left no shadow upon an honorable and noted ancestry.

Lawyer, diplomat, traveler, poet, essayist, author, and statesman; alike keen, large, trite, and brilliant, his name will ever live in beautiful recollection by all who knew him, and in the hearts of admiring and grateful countrymen will it be cherished and enshrined; and on those tablets more lasting than flinty stone, hammered brass, or polished marble will be inscribed the perfect record of his true greatness. Small in stature and physically delicate, yet he was a man of distinct individuality, strength of will, firmness of purpose, and soundness of judgment. Possessed of genuine human sympathies and sensibilities the most tender, he warmed and gladdened all by his affability and the sweetness of his manners.

There was no sham, no disguise in him. The true qualities of his soul, the open nature of his heart, though apparent to the multitude, were best known and therefore most highly appreciated by those immediately around him. In temperament, style, and bearing he was eminently himself. Ardent, pungent, glowing, sincere, and winning, whether in conversation or in speech, his society was eagerly sought and his utterances listened to with the greatest interest. Endowed by nature with a quick perception and an intense love of the sublime, his sweeping logic was seldom other than clothed with the flowers of rhetoric, and his thoughts, pointed and brilliant, poured forth like an avalanche, in grand and inspiring words.

Prominent in his forensic efforts were the admirable qualities of thoughtfulness, patient research, energy, and power. His addresses exhibited a freshness and variety of thought, a vigor and impressiveness of argument, a force and aptness of illustration, that impressed the duller as well as commended him to the most intelligent and thoughtful hearer. Yea, often entranced by the magic of his eloquence when some strange power possessed him, his hearers were led beyond comprehension of the real into Elysian fields of a mystic paradise. Aside from gilding and the embellishments of style or elocution, he was master of the solid elements of mind and heart. A student of ancient and modern literature, science, and art, often the quiet midnight found him in contemplative joy over the productions of the world's master minds.

In manner unassuming, in bearing dignified, in statement vigorous, he had a wonderful command of language and peculiar charm of speech, that pleased, convinced, and won. But though he could sway the throng that waited in rapturous eagerness for every word that fell from his eloquent lips, yet his home and the sweet companionship of his devoted wife had far greater charms for him than the praise of men or the fascinations of the forum. Here, at his own fireside, away from the restraint of public life and the cold and distant formalities of modern society, he found his happiest moments and his greatest joy. Here his genial and generous nature and his trusting and confiding heart gave sunshine and cheer to the idol of his life.

He was a philanthropist in the highest sense of the word, a lover of his fellow-men. He was one of the grandest ornaments that modern times have contributed to American public life. Few there are to-day

among great men possessed of his varied abilities and his brilliant intellect, and few will ever equal his grand and unique character. A scholar and historian, he has left us the result of his labors in books that enlighten and instruct his countrymen. His death came like a dark cloud upon us and upon the nation. That great heart is now stilled which could but love, for it contained no malice, and no words of bitterness fell from his lips. The absolute purity of his private life and the unquestioned honesty of his public career are examples to us and to the nation, to praise, emulate and follow.

To the members of this House he was warmly attached. Even on his dying bed often he inquired after and earnestly expressed a desire to be with us again. Constant and true, his devotion to friends was proverbial and unwavering. His good nature, humor, wit, intelligence, and sociability made him a favorite not only here but everywhere.

Ohio in sadness lays on his grave the flowers of her love and pride.

O good, great heart that all men knew,
O iron nerve, to true occasion true;
Fallen at length, that tower of strength
Which stood four-square to all the winds that blew!

Mr. QUINN. Mr. Speaker, after the eloquent tributes which have been paid to the memory of Samuel Sullivan Cox by the gentlemen who have preceded me, men whose genius and whose eloquence have thrilled the civilized world, it becomes a difficult task for me to say aught that has not been already much better said.

Yet I feel that I owe a duty to my own feelings as well as to him whose memory we have assembled here this day to honor. I knew him well, and I loved him even better than I knew him. I loved him, and I honor his memory now, for his patriotic and magnificent Americanism, for the kindly gentleness of his great heart, for the brilliancy of his genius, and for the unselfish purity and grandeur of his whole life.

Though he himself was born in the great State of Ohio, he was descended from the bravest and best of New Jersey's gallant sons. His grandfather, General James Cox, of New Jersey, was one of those whose heroism and bravery, on many a hard-fought field, side by side with Washington and Lafayette, drove the tyrant and the despot forever from our shores and firmly laid the foundation of that freedom which is the glory and admiration of the world, and for which his grandson sacrificed so much of his life that he might hand it down pure and unsullied to the generations yet unborn, to his country for all time.

Few who ever lived were more patriotic or more sincere than his father; few there were whose voices were heard as often in the councils of his State and also in the halls of the National Legislature as his, and, like his patriotic father, he left a record and a name behind him which is the pride and common heritage of his country.

Graduating as he himself did from one of the foremost universities of this country with the highest honors, he soon became one of the most active members of the bar. But another and a wider field awaited him, that of journalism, one that by reason of his brilliant wit, his keen satire, and his great learning, he was destined to adorn.

In 1856 he was elected to the Congress of the United States from his native Ohio. For four consecutive terms did he faithfully, fearlessly, and well represent the Columbus district. In 1868 we find him transferred to the metropolis of the Empire State, where a still wider and more extensive field awaited the outpouring of his genius and his patriotism. In that year he became one of its Representatives in these Halls, and well does New York to-day—yes, and the whole land he loved so well—bear testimony to the manner in which he served their every interest. Well do the toilers of the sea remember his ceaseless efforts in their behalf and the victory achieved by him in the establishment of the Life-Saving Service around our shores.

Dear is his memory to the hearts of those faithful servants of the Government employed in the postal service, for whose emancipation he labored so faithfully and so well. Dear is he to all the toilers of our land, whose champion he was at all times. No man of our time has so faithfully performed the duties of the patriot, the statesman, and the friend as he! To use the words of Hon. J. Proctor Knott, when speaking recently of his departed friend:

No other subject of a mere temporal character so completely filled the soul of Mr. Cox as the sublime perfection he saw in our Federal Union. It inspired him with the same rapt enthusiasm with which the devout astronomer regards the wondrous mechanism of the star-bedecked heavens. To him it was a splendid galaxy of sovereign and co-equal Commonwealths, bound to a common center by an indissoluble tie upon which the preservation of each depended, and the moving in their appointed paths with the precision and harmony which marked the music of the spheres in the glorious dawn when the morning stars sang together and all the sons of God shouted for joy.

But, Mr. Speaker, it is not for his great and untiring love of duty to his country and his people alone that we must admire and honor him. To see him in the midst of his domestic circle was a pleasure never to be forgotten. Generous in his hospitality to a fault, he delighted all around by his lovable disposition and the gentleness of his manner, for he was indeed the most gentle of men, whose heart was full of sympathy and whose tongue, as well as his pen, was ever the first in the fight to strike the shackles from the limbs of the oppressed and downtrodden of every clime.

Supremely blessed was he in the companionship of one of the most charming of helpmates, his wife, formerly Miss Julia A. Buckingham,

whom he married at Zanesville, Ohio, October, 1849. To him she was a priceless jewel, in spirit and disposition pure as the sweetest buds of spring. His constant companion, who cheered him and rejoiced in his every triumph, her love brightened the whole pathway of his life and cast a sweet halo of religious consolation and hope around its close. Well may our tears mingle with hers over his tomb, for a grateful country shares her loss, her suffering, and her woe.

Not yon bright stars that heaven's high arch adorn,
Nor rising sun that gilds the vernal morn,
Shine with such luster as the tear that breaks
For others' woes down Virtue's manly cheeks.

Yes, we mourn with you, dear partner of his life, you the faithful, loving, affectionate wife, who in the bloom of your beauty gathered all his heart's strings together and wound them around your own!

Farewell, Samuel Sullivan Cox, for your sun will rise on earth no more; yet the bright rays of your genius will continue to enlighten and cheer the people of every land! Your name, now a household word, shall live forever with our other immortals. Your career as a patriot and a statesman shall continue to illumine the brightest pages of our history. Empires and thrones will pass away, but your name shall live forever, and forever be dear to the heart of your loving and grateful country.

Mr. McCLAMMY. Mr. Speaker, Horace has declared that "Pale Death advancing with equal and impartial step knocks at the hovel of the poor and the palace of the great." To die is the universal lot. To pass to our kindred dust and be forgotten or else to live in cold and pulseless marble, chiseled by glorious art to vital grace, is all that earth can offer us. Not even the Lord of Life, at whose bidding countless worlds flashed upon the brow of night, at whose command the vanished spirit returned to its abandoned tenement, in whose hands was all power and in whose heart was all purity, not even he escaped that dread and awful penalty in whose shadow we stand to-day, our hearts united with sorrow and our lips dumb with loss.

Mr. Speaker, the custom which we now observe is as immemorial as death itself. Abraham bought the cave of Macpelah and fashioned and beautified it in loving sorrow for nameless loss. Barbaric nations piled uncounted stones on high as rude, but touching memorials to commemorate the virtues of their gifted dead. Advancing civilization builds to heroic worth the graceful shaft that splinters in radiant space the golden beams of light; and we pause beneath our country's drooping banner to eulogize our fallen comrade, whose loved features shall be seen no more and whose eloquent voice is hushed forever.

The author, the scholar, the diplomat, the orator, to whose proud and swelling tones your hearts have thrilled, the patriot whose great soul loved every rood of that mighty empire over which our country's glorious banner floats, has crossed the river. He, whose great intellect for thirty years burned upon the peaks of fame like a beacon of glorious light; he, whose genial humor flashed upon dull debate as the rays of the sun that pierce and scatter the murky folds of clouds; he, whose divining sense, whose scholarly polish, whose kindly heart, whose swelling soul and honor's lofty sense have made his name and life immortal, has passed to his great reward.

Samuel Sullivan Cox is dead!

Ohio mourns not alone her honored dead. New York, with bowed head and faltering step, approaches not alone the grave of buried worth. North Carolina, with whom liberty is an inspiration and duty a watchword, offers upon this shrine, with a grief that is voiceless, her profoundest tribute to the illustrious dead. Everywhere upon this continent of republics true hearts have chanted his mournful requiem and lowered above his honored dust the proud standards of national sovereignty.

It is unnecessary to speak of his public services. Their length and character are the best attestation of their worth and sincerity. They glow upon his country's history; they burn in shimmering glory upon his country's banner. They are written upon the hearts of my people with a stylus of fire. When war had torn and wasted them, when their land was white with the tombs of her flower and dark with the ruins of a century's toil and hope, when Niobe, uncrowned and voiceless, sat amid the ashes of desolation, his voice pleaded with an angel's eloquence for the preservation of the American Union and the perpetuation of American liberty; and my people will love and honor him until Mecklenburgh and Moore's Creek and King's Mountain and Guilford Court-House can no longer thrill the hearts of a degenerate posterity.

Sir, it has been recently said by a distinguished orator that the South builded monuments to men who perished for slavery and anarchy. I wish to say, sir, in the presence of that vacant chair, while in my heart is a chamber that will be dreary and empty forever, that if power equaled desire, I would build a monument to this great leader of the North that should fall amid the wreck of matter and crash of worlds, about whose lofty summit the ethereal graces of the morning mists alone should hover, and upon whose granite heart should burn in fadeless fire the name of the patriot Cox. Not to him alone, but to every American, regardless of section and regardless of all save that he consecrated his abilities to his country and to his God in the cause of liberty, justice, and truth.

My friends, a great captain has fallen, flushed with victory, nearing the zenith of his glory, crowned with bays, wreathed with immortelles.

How sleep the brave who sink to rest,
By all their country's wishes blessed!

The voice that rang so proudly in these Halls as he soared upon his bold and mounting wing is now, alas, but the memory's echo; the face that shone transfigured with intellectual emotion is but a copy of the pale death.

Our friend is Sunset Cox no longer; he has passed the quivering bars of the sunset; his plumed spirit has floated through the translucent seas of ruby and opal and amethyst; passed the glittering splendors and burnished systems that flash from the jeweled arch of the midnight; passed from death unto life, from great tribulation unto perfect rest; joined beyond the golden bars his loved and lost; chanting upon golden harp the sweet refrains of triumph and wearing by the crystal river the victor's crown of life; for him there is no death. Immortal he lives forever.

There is no death. But angel forms
Walk o'er the earth with silent tread;
They bear our best loved things away,
And then we call them dead.
But ever near us, though unseen,
The dear immortal spirits tread;
For all the boundless universe
Is life—there are no dead.

Mr. TURNER, of New York. Mr. Speaker, we sit to-day in the presence of the voiceless mystery death. Samuel Sullivan Cox, but a few short months ago vigorous in life, radiant in hope, strong in courage, has joined the silent army of the shadow-land. Life, that is itself a mystery, has given way and yielded to the greater and the stronger mystery, death. From out this circle the strong man has gone; in the midst of the battle the chieftain has fallen; the wisdom of the statesman has vanished and the voice of the orator is hushed. The strained gaze of the watcher sees nor light, nor form, nor substance on the farther shore of the nameless river; the listening ear of affection catches no murmur from the echoless portals of the tomb.

All the wisdom of all the ages stretches no farther than the little span of human life, bounded by the cradle and the coffin. The revelation of Deity alone can teach to man aught of the eternity that lies back of the cradle or that stretches forever beyond the grave. It is meet and fitting, then, for those who live to pause beside the bier of the giant gone, and learn again the lesson of the weakness and the futility of human hope, the short limitation of human life, and the evanescence of human fame. It was not my fortune, Mr. Speaker, to be associated with Mr. Cox in his Congressional career; it began before my life began.

I can not speak to you, as others to-night have spoken, from the intimacy of long association in these Halls; I can not, as others so well have done, recall the incidents of his life, nor so justly as others can I estimate his abilities, nor tell of the deeds of kindness that endeared him to so many of his fellow-men; but, sir, I can speak of the love and reverence in which he was held by the common people in the great city that honored him so long. Perhaps no man in the last quarter of a century has dwelt so near the hearts of the common people as Samuel Sullivan Cox. In him they felt they had a champion and a representative to whom they could always turn and in whose care their rights and their interests were guarded and were safe.

As few men ever have, he possessed the confidence of the toiling millions of this great land, and none probably deserved that confidence more. To the poorest and the meanest, as well as to the richest and the greatest, he was always accessible; no one was turned away from his door and none denied a hearing who came with remonstrance or petition. In these qualities of Mr. Cox I see a more enduring fame than in even his brilliant course as a member of this body. Great indeed is that man who not alone exerts an influence in the legislative body of this nation, but who throughout a long public life dwells near to the hearts of the people.

The common people of this land, Mr. Speaker, are its government, their wishes and desires its safest and its wisest policy, and he who understands them best and represents them most faithfully is its greatest and its grandest statesman. Their full confidence Mr. Cox possessed, and in this confidence lay his strength. It was this that made him for many years a great and living force, while other men as brilliant vanished from the public gaze and became but shadowy memories of the past. His life was one of singular devotion to their interests, and those of us who gather here to-night, almost about his grave, may from that life draw the most valuable lessons.

We are not all possessed of his keen, incisive intellect; but we can at least imitate his unflinching zeal and tireless industry; we do not all have his brilliant and far-reaching mind, but we can at least emulate his lofty sense of duty and of honor; not all of us shall attain his mighty and lasting fame, but we can at least walk in the way he led and be, as he was, a faithful representative of the people.

Sleep, then, O mighty leader of the public thought; rest forever in peace, tried and faithful servant of the sovereign people; upon thy bier lie not alone the laurel wreaths of victories won, but the fadeless immortelles of the people who loved and followed thee. Long as thy

fame shall last in this body which thy genius adorned, still longer will the people of the great city that delighted to honor thee hold in loving memory thy name as one who gave to them the best service of his life.

Mr. HANSBROUGH. Mr. Speaker, as a representative of one of the new States admitted into the Union largely through the assistance of the statesman whose life and services are now under review, I hope that I may be able to contribute, in a few brief sentences, something which will stand as an expression of the feeling of those who are now enjoying the rights and liberties so long denied them.

It was not my good fortune to occupy a seat in this House with the lamented Samuel Sullivan Cox, nor indeed did I know him beyond a casual acquaintance. Yet, sir, I should have felt greatly honored to be his colleague, and I know that we must have been the warmest of friends by the bonds of sympathy which unite the greatest of strangers in the cause of justice. Few men rise superior to party when great party questions are involved. In the contest over the admission of the new States Mr. Cox achieved fresh distinction as a statesman. He left the beaten path of partisanship and became the new Douglas of the Democracy.

Thus to the garlands he had won in literature, in statecraft, in diplomacy, and in debate were added the laurels that alone belong to the patriot. He had read the lives of the fathers of this Republic not in vain. The history of their devotion to liberty and their abhorrence of oppression must have been deeply graven upon his youthful mind, for in man's estate we find him, as a political leader, disregarding his party's mandate and struggling to liberate a million of his countrymen from Territorial bondage.

Who can fathom the depths of pride with which he witnessed the fruition of what must have been to him the dearest hope of his declining years? It was a fitting and just recognition of his patriotism when he was called, only a few months before his death, to visit, upon the mountains and upon the plains, the grateful people in whose interest he had so successfully labored. It was the statesman's compensation to stand with uncovered head and receive the plaudits of a delighted populace.

So, Mr. Speaker, I believe that I express the sentiment of the people of the two Dakotas, Montana, and Washington when I say that the services of Mr. Cox in our behalf have, as they are entitled to have, the fullest measure of appreciation. We, too, in our humble way, can rise above party; and we come to-day to lay the offerings of our gratitude upon the altar of his renown.

To him, after a ripe age, a long life of usefulness, death must have come like a gentle sleep—without pain, full of peace, laden with assurance of immortality. May the memory of his worth never perish.

Mr. MCCARTHY. Mr. Speaker, I rise to participate in these sad services, realizing the great responsibility and aware of the lack of ability on my part to do justice to the memory, virtues, and statesmanship of our deceased friend, Samuel Sullivan Cox.

However, I ask you to bear with me and make allowance for my imperfections, and to accept the assurance that but for the love I have for his memory I would not venture upon such a task.

He is dead, and all that is left of him is the small particle of clay which lies cold and silent in the tomb. He is not dead. His spirit lives. It is abroad. A man dies, but his memory lives. His life, character, and virtues will always be cherished by and live in the hearts of the American people. Men of his character and his fame never die.

The lives of such great men always encourage us to greater efforts, and to attempt at least to make our lives sublime, and, in the words of Longfellow,

Departing, leave behind us,
Footprints on the sands of time.

How few there are who loved him in life that do not mourn him in death, realizing all that was great in his marvelous character! A citizen of the purest manhood, his every undertaking was a triumph sublime. His deeds were beneficent and his every contest through life was a victory of peace. By his great ability he has raised on a solid foundation a fame which kings might envy and which will last to the end of time in the history of his country.

No statesman has been more widely known among his countrymen than he. At home and abroad, wherever our language is spoken, his name is familiar. There is scarcely a home in our land where civilized man has his abode, even in the solitude and fastnesses of the western wilderness, where his name is not a household word.

He was born at Zanesville, Ohio, on the 30th of September, 1824. He was a scion of Revolutionary fame. He was the son of Ezekiel Taylor Cox, who was one of the pioneer journalists of Ohio and who started the *Muskingum Messenger*, at Zanesville, in the early part of the present century. His father held many offices of trust and confidence. From 1821 to 1828 he held the office of clerk of the supreme court, and was also officially connected with the court of common pleas of his county. In 1831 he was a State senator, subsequently held the office of recorder, and was later again appointed a United States marshal by the President then in office.

The grandfather of S. S. Cox was General James Cox, a distinguished

officer of the Revolution, who was born at Monmouth, N. J., and who fought at Brandywine, Germantown, and Monmouth. His mother was the daughter of Samuel Sullivan, who was treasurer of the State of Ohio in 1818.

Samuel Sullivan Cox attended the university at Athens, Ohio, for a brief period, finally becoming a student at Brown's University, Rhode Island, where he paid his expenses by his literary ability as a teacher, afterwards graduating with the highest honors in 1846 and receiving three years later the degree of A. M. As late as 1885 this great seat of learning honored him further by conferring the degree of LL. D.

To illustrate his ambition for literary fame and the great solicitude he felt about his education personally, I could not perhaps do better than read to you one of his letters to his father, from Athens, Ohio, in 1843.

DEAR FATHER: Although I wrote you yesterday, circumstances have occurred which would require I should write again. Do not think I am troubling you too much about my future course. It is not a very trifling matter where I am to pass the remainder of my collegiate course, and it should receive a degree of consideration, you will admit, corresponding to its importance.

I wrote you I determined on leaving Athens (owing to changes). I can spend my time (vacation) profitably by reading, studying for debates, etc., and can easily enter junior at Cannonsburgh. If I trouble you too much, I have a tolerably good reason, you will admit, and I hope you will give me credit for wishing at least to do the best with the least inconvenience and expense. But I am perfectly at your will in regard to my future course.

Your son,

SAMUEL.

Although exceedingly anxious about his future college course, this most ambitious youth seriously considered his father's pecuniary circumstances and unmistakably disclosed undoubted reluctance to trespass on his affectionate parent.

However, for some reason unknown to me, Cannonsburgh was not chosen. Brown's University, at Providence, R. I., was selected; and a generous relative, Mr. James C. Cox, furnished the requisite funds. It may also be stated here that as soon as the good student became self-sustaining this indebtedness was gratefully remembered and canceled.

A letter written by him at Cincinnati, in 1849, to a younger brother, in a most remarkable manner forecasts the power and genius of this great statesman and the key to his afterlife. I read from it:

It pleases me immeasurably to see that you try yourself a little. I like to look to motives rather than to motions, to promptness rather than to flourishes, to principles rather than to semblances; and when I see in a good performance a good motive, a creditable promptness, and a noble principle, I can open some part of my nature which no one can ever see, not even my father, without these golden keys. You may learn some day of aspirations and the close, unremitting industry with which I have followed up certain ends—of the irrepensible love I have of triumphing over difficulties I have had; but enough. I only mention it to show you that the least effort on your part to rally under the "Excelsior" ensign touches a genial chord.

I would ever advise you, as your elder brother and as one in the better moments hopes to be (if he be not a Christian, to rise above every obstruction, come from where it may. By willing it you can do it. Will alone becomes confirmed and strengthened by the first act under its guidance.

I am used to writing freely and would rather be looked upon as unkind and forbidding, in writing something that may stir, rather than to indulge in fancy, etc.

Returning to his *alma mater*, as well as defraying his collegiate expenses with his literary labors, he secured prizes in classics, history, literary criticism, and political economy.

He had the reputation of being a good student, and never ceased to treasure a warm affection for his professors. Later on in life he had the honorary membership of the Cobden Club, of England, bestowed on him.

Adopting the profession of the law, he returned to his native State, and entered, as a student, the office of the firm of Goodard & Convers. Afterwards he removed to Cincinnati, and completed his legal studies with Hon. Vachel Worthington. Here he practiced for a few years. He was also a close student of theology, and was familiar with the different doctrines of the various religions, knowing the Bible almost by heart.

In his *Orient Sanbeams*, speaking of the holy sepulcher, he says:

In this far-off country one is very near his highest and best thought, and at the very tomb or, at least, in the very precincts of the spot where He suffered, agonized, and died, utter helplessness of one's condition, without divine aid, subdues all pride and humbles all worldliness.

In 1851 he attended the first World's Exposition in London and traveled extensively through Europe, touching on Asia.

On his return to his native country in 1853 he settled in Columbus, where he assumed the duties of an editor. The *Ohio Statesman*, of which he took charge, was a very prominent political organ of the Democratic party. It was while editing this paper that he wrote a strikingly literary and exceedingly picturesque article, entitled "Sunset," from which thereafter he carried with him, even to his honored grave, his widely known sobriquet.

In 1855 he was offered the secretaryship of legation to London, but declined to accept that high honor. Still, shortly afterwards, in a similar capacity, we find him at Lima, Peru, in the service of his country. But on account of the fever so prevalent in this southern clime he soon resigned that office and returned to his home in Columbus. Here his district sent him to Congress four terms in succession, where he distinguished himself from December, 1857, to March, 1865. It was about the beginning of this time that this able and honored statesman de-

livered his first speech. It was noticeable that it was the first speech ever delivered in this Hall in which we are now assembled. It was on the Lecompton constitution, admitting Kansas into the Union as a State. At the end of his term, in 1865, he was admitted to the bar of the Supreme Court of the United States, before which he succeeded to a most extensive practice. Here his zest and activity established the fact that he was a shrewd, careful, and able lawyer and a master of that honored profession.

That he was an adherent and staunch supporter of the great party he cast his fortune with, his honored career gives ample proof. We find him next serving as a delegate to the Charleston, Chicago, New York, and St. Louis conventions of 1856, 1864, 1868, and 1876.

It was during the civil war that his patriotism spoke the virtues of his brilliant and noble character, when his country needed his services most, when he sustained the Government by voting men and money, notwithstanding that he took a prominent part in opposing several policies of the Administration. In short, he was a staunch adherent and faithful advocate of the preservation of the Union.

It was in 1865 that he came to reside in the great metropolis of the country, which, three years later, sent him to Congress again. New York, always remarkable for honoring the worthy, pleased with the sterling qualities of the great statesman and to bear testimony of her high appreciation of Mr. Cox's patriotic services, re-elected him eight times thereafter in succession to the position he so honorably filled. Our deceased friend was a representative man in every sense of that term. He served on numerous committees, among others, on Foreign Affairs, Banking, Naval, Library, Centennial, Rules, and Census, of all of which, excepting perhaps the Committee on Rules, he was chairman.

In the Forty-fourth Congress he was appointed Speaker *pro tempore* June, 1876.

At the opening of the first session of that Congress, 1877, he was one of the candidates for the Speakership, and, although not elected, he served frequently thereafter in that office with the most marked ability and distinction. In the very session of the House I now speak of, he organized the new census, and his individual efforts in relation thereto reflected creditably on his energy and capacity. He distinguished himself as an author of a system of apportionment which met the highest approval of his colleagues and evoked the entire satisfaction of his constituents, and is the author of the present apportionment law under which the representation of the States in Congress is made.

In the tariff he was always at home. It was his pet theme. His orthodox views were as broad as he was whole-souled and liberal-minded. He was the friend of the Hebrews of every country, and their interests under every condition were safely and solicitously guarded by him. A true and sterling patriot, born in the most liberal, liberty-loving country on the face of the globe, he loved to see liberty prevail the world over. The persecution of the Hebrews abroad evoked his deepest sympathy, sense of justice, and his most earnest services in behalf of suffering humanity.

As an evidence of the great gratitude of the Jewish people and their high appreciation of and friendship for Samuel Sullivan Cox, I will briefly quote you a passage from the language used by Simon Wolf, chairman of the executive committee, at the general convention of the supreme lodge of the order of Keshar Shel Barzel, delivered very recently, and already quoted by the gentleman, Mr. DUNNELL. This Mr. Wolf continues:

He was a statesman, a patriot, a legislator, a diplomat, an author, a wit, a lecturer. He was, notwithstanding all these attributes which caused him to be devoted day and night to the many duties of his calling, a devoted friend, a strong and wise defender of the oppressed of all climes and of all faiths, a counselor humane, gentle as a woman, effulgent with the well-springs of a humanity that had its fount in the heart and its elevation in the loftiest attributes of a refined and cultured brain. While his name and his praises had been sung by all people there is no class that should remember him more gratefully than the Jews. In sunshine and in storm, in and out of Congress, he was their constant friend, their champion most devoted and true.

He was the friend of the oppressed in all countries alike, irrespective of creed or class.

He believed in home rule and a government of the people, by the people, and for the people, and therefore always advocated home rule for Ireland.

He it was who secured and had extended the use of the Hall of the House of Representatives and the attendance of Senators and other influential and public men of note to hear that great champion of Irish liberty, Charles Stewart Parnell, place before the American people in their true light the great grievances of Ireland. This was the greatest honor ever extended to any stranger by our people.

His efforts in the cause of humanity stand to-day as living monuments of his worth, earnestness, and sincerity. His legislative acts were always of the substantial, serviceable, and few fell short of being institutions of universal benefit to humanity.

For many years he was the introducer and champion of the bill organizing the Life-Saving Service; in fact, he was the father of this service, the passage of which he had the pleasure of witnessing.

Writing on this subject, the Chicago Times says:

To the late lamented S. S. Cox, more than to any individual Representative in the country, falls the honor of making our Life-Saving Service effective. It is now a grand monument to his wisdom and humanity.

Over 3,950 persons were rescued, and ships and cargoes valued at \$7,965,690 saved this year. Ages hence, S. S. Cox will be remembered by those who go down to the sea in ships and are rescued from the treacherous waves by the crews of lifeboats.

To account for Mr. Cox's deep interest in this great and successful undertaking of his, I will read an extract from a speech delivered by him in the House of Representatives, June, 1878:

It is impossible, Mr. Speaker, personally not to felicitate myself upon having given much earnest study to this life-saving legislation. It would not perhaps be in good taste to boast of having been instrumental in its organization and improvement.

The inspiration for what I have done, however, came out of a storm upon the Scilly Isles, in the winter of 1863, when a great steamer barely escaped shipwreck. It was the worst tempest in thirty years upon that coast. When we arrived in port the day after the peril, the English journals were full of the glorious exploits, by rocket and signal and coast-guard and mortar and life-boat. I wondered if so much could be done in England, with her forty-five hundred miles of coast line, why should not our country, with double that number of miles, have a similarly efficient service. It was this that led me to propose what the superintendent of the service called the efficient beginning of the patrol of the Jersey coast. Since that time how much has been done for the well-being and rescue of imperiled human life! How much of comfort and joy has been vouchsafed to families and friends of the beneficiaries, of that mercy which droppeth as the gentle rains from heaven in this warm-hearted legislation, blessing and blessed.

Again, in 1883, when speaking on the same subject, he declared that the saving of life at that time exceeded 36,000 persons.

Speaking of the same subject then he says:

May I not, then, take pardonable pride in the establishment and progress of this system which has no peer in the world for its effective work, and no paragon in the history of nations for its inspiration? I sometimes think, Mr. Speaker, that I have, through the mercy of God, more than my compensation for the little I have done in the promotion of this service. When struggling for life one year ago, in this city, when the little will power which was remaining was ready to succumb before the ravages of disease and the agony of pain, and when friends had almost given up my surviving, I cast my eyes upon two pictures at either side of my sick-bed.

One was that of the life-boat going out through the storm to the rescue of a ship wrecked upon a rock-bound coast, while thus on the shore the relatives of the surfmen stand speechless with anxiety as to the fate of the brave men who hazard all for the rescue. The other picture is that of the same lifeboat coming in. It is laden with its precious freight. The howling storm, the chime of the breakers, and the dark clouds around the beetling cliffs; the cry goes up from thankful hearts, "All safe; all well."

In my poor sick fancy I grasped the tiller of the life-boat. I clung to it with the tenacity that overcame the sinking heart of an emaciated body. The good doctor, when I related to him the incident and the source, and how it had inspired me with a fresh hope and a new life, gave me smiling assurance that I might still survive as a rescued man to plead for the Life-Saving Service in many Congresses.

Not alone to the man who travels on the sea was Mr. Cox a benefactor. He was a friend to every man. Enemies he had but few. He was a friend to the letter-carrier. He supported the legislation which raised their salaries and granted them a vacation every year without loss of pay for such time, which lessened their hours of labor to eight hours a day. This last-mentioned measure necessitated an additional appropriation, but faithful service and gratitude from the beneficiaries proved the outlay in many respects a saving.

The gratitude of these hitherto overworked servants of the people was sincerely and truly illustrated by their feelings of sorrow for the deceased and sympathy with the wife in her great bereavement, and numerous testimonials which came from them show a grateful recognition of the great statesman's kindness of heart.

His life was one of unceasing activity. He served on the committees to investigate the doings of Black Friday, the Federal elections in cities, the New York post-office, and the ku-klux troubles.

He was one of the regents of the Smithsonian Institution and always took a deep interest in the affairs of that institution.

One of the most important services rendered by Mr. Cox, and for which New York gratefully remembers him, was his instrumentality in the passage of a law to effectually preserve New York Harbor and its tributaries from destruction.

In 1885 he was appointed minister to Turkey under the Cleveland administration. Here the resources were infinite for his studious pen, and so deeply interested was he in the country and its people, much to the unfeigned discontent of his numerous friends and the public at large, that he was loth to return to America very soon. But a severe hemorrhage necessitated his coming home immediately. He accordingly was constrained to abandon his mission, and after eighteen months' sojourn abroad he was with his own people again.

As his health soon was restored, the people again felt a great interest in their faithful representative, and two months later he was again in the campaign, a political contest which comprised two elections. One was to the Forty-ninth Congress to fill the place of Hon. Joseph Pulitzer, who had resigned, and then an election to the Fiftieth Congress. I need not say that in both elections Mr. Cox was a successful candidate.

In the fall of 1888 he was strongly advised to resign his seat in Congress and accept a nomination for the mayoralty of the city of New York, but many reasons have been given for his refusal to allow his name to be used on this occasion.

As an able, effective speaker and a *littérateur* he had a wide reputation. He was a great wit as well as a humorist. He was considerable of a writer and was the author of a volume on his experiences while in Congress from Ohio, entitled *Eight Years in Congress*, published in 1865; *Search for Winter Sunbeams in Corsica, Algiers, and Spain*, in

1869; Why We Laugh, in 1877; and in 1882, After a Summer Tour, Northern and Eastern Europe, Arctic Sunbeams and Orient Sunbeams.

His latest political work was the Three Decades of Federal Legislation, published in 1885. In this latter work his writing alludes to the most critical and exciting era in the history of the American Republic, his first decade beginning with the birth of the Republican party, the last ending with the return of the Democratic party to power, in 1885.

During twenty-four years of this eventful and momentous period Mr. Cox was an active member of the House of Representatives.

In 1887, after his return from Turkey, he published Prinkipoo and a much larger volume, entitled Diversions of a Diplomat, both of which have been widely read and are popularly sought after.

But the last and crowning act in the legislative career in the great statesman's busy life was in connection with the admission to the Union of four new States: Washington, Montana, and North and South Dakota. So, even to the close of his busy life, his energy and patriotism were directed toward the honor and advancement of his country.

It was at Zanesville, too, where he was born, that Mr. Cox, on the 11th of October, 1849, found the best and truest companion of his life, Miss Julia A. Buckingham. Liberally educated, gifted, and ever devoted to her husband's greatest interests and welfare, in her wifely love she realized his truest ideal of the standard of noble womanhood. She in all things was his most trusted adviser, and to-day more than all of us mourns his loss and reveres his memory.

His illness was so brief that news of his death was at first discredited. The sad event occurred at 8.30 p. m., at his home, No. 13 East Twelfth street, New York City, in the presence of his ever-devoted wife and most trusted friends.

News of his death was received by men of all parties with profound and unfeigned regret and sorrow. Ever since the Thirty-fifth Congress he was prominent as a man of mark in national affairs. I might say truly, not in the history of the United States has there been a more prominent Representative on the floor of this House. Everybody knew him and everybody liked him.

There were few more industrious students or riper and versatile scholars in the field of literature or politics. In the most important branches of the public service, he was an invaluable worker. He was one of the ablest debaters on the floor; he was an accurate speaker, eloquent, sometimes humorous, and ever quick and keen at repartee. He was a thorough parliamentarian; in a word, he was in every sense a national man. In years to come he will be universally missed, whilst to-day he is mourned by political friends and foes alike.

Mr. Speaker, the spirits of the great Washington, Jefferson, Madison, Monroe, Clay, Webster, Lincoln, and Grant hover about us and bid us give our fullest expression to the virtues and the memory of this great statesman. Here assembled we obey their bidding. We can not speak too much of him. Often within these halls has his familiar voice been heard pleading in behalf of liberty, justice, and charity.

In the words of Dr. Talmage, at the funeral services in New York: A nation mourns. What a wide, deep vacuum is left when such a man as this dies. We shall not see his like again. He was the first and last of his kind. Without a predecessor, he will be without a successor.

Mr. Speaker, as I said in the beginning, our honored friend lives and his good works will go down to posterity in the history of his country.

As a mark of our love, respect, and esteem, I respectfully suggest to this House, for consideration at some more favorable time, that a suitable bust of the Hon. Samuel Sullivan Cox, statesman, philosopher, and patriot, be erected within the precincts of this Hall. In the words of Antony over Brutus—

His life was gentle, and the elements
So mixed in him that Nature might stand up
And say to all the world, "This was a man!"

In my very humble way I have labored to place before you a few of the many great qualities possessed by this remarkable man. Thanking you most sincerely for the kind manner in which I have been listened to, I leave the subject with the reflection and wish that the memory of Samuel Sullivan Cox may ever live in the hearts of his countrymen.

Mr. SHERMAN. Mr. Speaker, to sketch even briefly the events which made up the life of Samuel Sullivan Cox, to pause upon and touch each step of his remarkable career, to review his public acts, to analyze his public character and works, to summarize all that gave him place among America's christian statesmen, I do not intend. A perfect word-painting by the most eloquent among us, intensified by the memory of some special kindly act, could hardly do justice to his memory.

Those better fitted by nature and by longer and more intimate acquaintance with him have outlined the more important doings of his life. Of a life full of activity, so full of service to his country and mankind, too much can not be said. It is in my heart to do justice to his memory; but to pronounce his fitting eulogy in all things I shall not attempt.

I would speak a few unvarnished words, descriptive of his goodness, as a recorded proof that memory still holds dear the face, the form, the heart of a departed friend; speak them feelingly, tenderly, reverently, as I would scatter a handful of flowers upon his grave.

The name of Mr. Cox has been familiar to me as that of an esteemed and trusted friend of my father, though I had never met him until the meeting of the Fiftieth Congress. As my father's son, I made myself known to him. My reception was most cordial. From the first I found in him a friend, ever ready to give ear and counsel, no matter how trivial the subject upon which I approached him. His great kind heart seemed open to me. It opened so quickly, so freely, that I seemed to have found a friend of years. I learned by observation, neither long nor keen, that I was not an exceptional recipient of his kindness.

Of him could it have been literally said, "He salutes the world and extends the hand of friendship to the human race." His most striking characteristic to one who came to know him well was his kind and tender heart. Day by day it grew upon his associates. At times it seemed as if it must break the confines of the frail body. Quick, alert, sharp as he was in debate, earnest as was his advocacy of a cause he espoused, ready as he always was to parry the thrusts of his opponent, and by his rhetoric, his wit, or his satire blunt the point of the argument, his words were framed, were spoken with such a manner of personal, kindly feeling for his adversary as to leave no wound behind. The subject and not its champion was the object of his attack.

His heart had room to share the sorrows of others. His hand was ready to lighten others' ills. His very busy life was never too busy to prevent his turning aside to alleviate suffering or soften grief. Above his statesmanship, his versatility, his humor, above his intense Americanism, shines out the goodness and greatness of his heart. He will be forever remembered for

That best portion of a good man's life—
His little nameless, unnumbered acts
Of kindness and of love.

Mr. MORROW. Mr. Speaker, reference has been made to the legislative services of Mr. Cox for the benefit of the letter-carriers of the United States. The legislation he proposed was always in the direction of a liberal and enlightened government policy in all branches of the public service. He was a man of broad sympathy and generous impulses, and appreciated the fact that the Government while not always exacting was yet sometimes a hard task-master.

The letter-carrier system has always imposed long hours and hard work on its employes. Mr. Cox advocated and secured for this most deserving class much-needed relief and endeared himself to them by his able and active services in their behalf.

The letter-carriers of San Francisco, Cal., as an organization have prepared and adopted a series of resolutions expressing the tribute they would pay to the memory of our departed friend. These resolutions have been handsomely engrossed and framed, and are now in front of the Speaker's desk. I ask that they may be read and incorporated into the proceedings as giving voice to one thought coming to-day from the far Pacific.

The resolutions were read, as follows:

THE LETTER-CARRIERS' AID ASSOCIATION OF SAN FRANCISCO, CAL.

At a meeting of the United States letter-carriers of the city of San Francisco, held on Tuesday evening, October 15, 1889, a subjoined preamble and resolutions were unanimously adopted:

Whereas we contemplate with feelings of mingled sorrow the announcement of the death of the Hon. Samuel S. Cox, member of Congress from the Ninth Congressional district of New York: Be it therefore

Resolved, That in the death of Mr. Cox the nation has lost an able and experienced legislator, whose most conspicuous features were a long and useful career of eminent scholarship, tireless industry, and unsullied reputation for honesty and integrity, and a never-failing devotion to the ties of friendship and the rights and welfare of the people.

Resolved, That, as employes of the free-delivery system of the United States postal service, we shall ever hold in grateful remembrance the painstaking research, laborious compilations, and eloquent pleading for which on so many occasions during his long and honorable career in the halls of Congress Mr. Cox so ably assisted in securing for ourselves and our fellow-employes of the service mentioned the just provisions which from time to time have been accorded to us by Congressional enactments.

Resolved, That a copy of these resolutions, suitably engrossed, be transmitted to the honorable Clerk of the national House of Representatives, with a respectful request that he may please to cause the same to be read in the presence of the honorable body of whom the deceased was long esteemed a distinguished associate, and thereby confer a lasting favor upon the letter-carriers of the city at the Golden Gate.

JOHN F. GLOVER, Chairman,
EUGENE FLANDERS,
ROLLA FAIRBANKS,
EDWARD L. BOLAN,
JOHN RULES,
Committee on Resolutions.

SAN FRANCISCO, October 15, 1889.

Mr. GEISSENHAINER. Mr. Speaker, it is a custom somewhere in our land for relatives and friends to drop, in succession, upon the casket when deposited in its final resting-place a white rosebud. This House is at this hour decking the tomb of a revered and distinguished brother. It is casting the rosebuds culled along the pathway of affectionate companionship and memory upon the bier of him who beginning the journey anew was plucked away even before the road was reached.

The ancestry of Samuel Sullivan Cox is of noble and patriotic history. His grandfather, General James Cox, a Revolutionary hero, was a native of old Monmouth. Leaving New Jersey early in the century, his family was drawn further and further toward the land of that setting

sun so vividly described by him, and which description gained for him the title by which he was known until his end.

Mr. Cox was born at Zanesville, Ohio, in 1824. Reared among the great fields and beneath the majestic, overshadowing trees, he early learned to love the soil and to honor those whose mission it was to labor. Ever amid the pursuits of his life, whether as lawyer, journalist, author, diplomat, or statesman, he never forgot the sons of toil, and ever strove to assist and direct them. Frank and free, he drew them around him, and rejoiced in their approval and support. With them he was earnest, and when addressing audiences of laboring men struggled to forge some mighty truth in such fashion that all might grasp and comprehend.

His genial nature was carried in the front and turned alike to all. Never shall be forgotten the kindly clasp of his hand nor the pleasant word of welcome with which he greeted the member coming from the home of his sires, the home where a few years before he had participated in the laying of the corner-stone of the Monmouth battle monument.

He was careful of his good name and well guarded it, believing that desire for reputation when founded on integrity was as much a duty to one's self as approbation beyond one's own convictions was falsehood and vanity.

His friendship was a worthy, honest one, built upon a sympathetic and reciprocal foundation, a friendship ready to share alike a pleasure or a grief.

Although the hand of death has fallen heavily upon this House and even this very week has beckoned away, as the ninth, one of the foremost of this body, it can not take from us the recollection of what the departed have been, nor can it check their influence upon the present and the future.

The Seneca Indians had a beautiful superstition. When a loved one of the tribe was called to the "happy hunting-grounds" a young bird was imprisoned until it began to chirp its little song. It then was loaded with caresses and set free, with a firm conviction that it would neither fold wing nor close eye until it had borne its burden to the shadow in the spirit land. The bird is freed to-day, and were the superstition true there would be carried to our deceased brother the loving burden breathed upon it by his eloquent successor.

We know, however, that our brother is in that eternal world where no superstition, however beautiful, can ever enter. He has been guided by death to an everlasting life. He has left us in the land of the dying and gone before into the land of the living.

The last act has been performed, the earthly record is closed, and having mingled the laurel with the myrtle, we leave the brother trustingly to the tender care of the Infinite and Eternal.

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that those members who have not spoken and who desire to pay tribute to the memory of Hon. Samuel Sullivan Cox be allowed to print their remarks in the RECORD.

There was no objection, and it was so ordered.

Mr. MCADOO. Mr. Speaker, I ask unanimous consent to insert in the RECORD, in connection with these exercises, the address of Hon. Proctor Knott, of Kentucky, an ex-member of this House, the remarks of ex-President Cleveland, and the proceedings at the great memorial meeting held at the Cooper Union, New York, October 10, 1889.

There was no objection, and it was so ordered.

MEMORIAL MEETING IN NEW YORK.

COOPER UNION, October 10, 1889.

Mr. Julius Harburger, president of the Steckler Association, called the meeting to order, and introduced Rev. Dr. P. F. McSweeney, who delivered the prayer:

In the name of the Father, and of the Son, and of the Holy Ghost. Amen.
O Almighty and Eternal God, source of all power, wisdom, and goodness, we praise and bless Thy holy name, and we offer Thee our humble thanks for all Thy graces and gifts to us, Thy creatures. On Thee do we depend for all that we are and possess, and for all that we hope for in this life and in the next. But, while we hail Thee as the great Master and just Judge, we also know, through Jesus Christ, Thy Son, our Lord, that Thou art, above all, our loving and merciful Father. We thank Thee for giving us this beautiful and spacious land in which to dwell, and for the noble and christian principles of freedom under law by which it is governed. Especially do we return Thee thanks this night for raising up great and good leaders of Thy people, like him whose loss we mourn so deeply, while bowing with pious resignation to Thy holy decree. In him we miss the servant whom Thou didst choose as the minister of Thy mercy when Thou didst hearken to the distressful cry of the shipwrecked mariner and of the laborer oppressed, and when Thou didst dry the tears of the widow and of the orphan.

Do Thou, we beseech Thee, comfort the sorrowful heart of his beloved relict during the remainder of her lonesome journey through this mortal life, and bring her one day to Thy holy face in the kingdom of Thy glory. May those who will be called to occupy his place be endowed by Thee with intellectual power and civic virtue like those which characterized him. May they, like him, have a kind heart and an appreciative sympathy for Thy holy church and for the poor of Christ. And may this glorious Republic continue under Thy fostering care to be the refuge of the afflicted of every country and an exemplar to those who rule the nations in Thy name. To Thee, O, Lord, be benediction, and honor, and glory, and power forever and ever. Amen.

After which Mr. Harburger came forward and said: Ladies and gentlemen, members of the Steckler Association, and invited citizens, under the auspices of the Steckler Association: This memorial meeting is held in honor of our lamented member, friend, and valued Representative in Congress, Samuel Sullivan Cox. The high honor and privilege has been conferred on me, as president of the association, of presenting to you the presiding officer of this memorial meeting, ex-President of the United States Grover Cleveland.

Hon. Grover Cleveland said: It is peculiarly fit and proper that among the tributes paid to the worth and usefulness of Samuel S. Cox the most hearty and sincere should flow from the hearts of his Congressional constituents. These he served faithfully and well; and they were honored by the honor of his life. It was as their chosen public servant that he gathered fame and exhibited to the entire country the strength and the brightness of true American statesmanship. It was while he still served them that he died. All his fellow-citizens mourn his death and speak in praise of his character and his achievements in public life; but his constituents may well feel that the affliction of his death is nearer to them than to others, by so much as they are entitled to a greater share of pride in all that he wrought.

I should not suit the part allotted to me on this occasion if I should speak at length of the many traits of character within my personal knowledge that made your friend and mine the wise and efficient legislator, the useful and patriotic citizen, and the kind and generous man. These things constitute a theme upon which his fellow-countrymen love to dwell, and they will be presented to you to-night in more eloquent terms than I can command.

I shall not, however, forbear mentioning the fact that your Representative, in all his public career and in his relations to legislation, was never actuated by a corrupt or selfish interest. His zeal was born of public spirit and the motive of his labor was the public good. He was never found among those who cloak their efforts for personal gain and advantage beneath the disguise of disinterested activity for the welfare of the people. These are pleasant things for his friends to remember to-night; and they are without doubt the things upon which rest the greatest share of the honor and respect which his memory exacts from his fellow-citizens.

But while we thus contemplate the value of unselfish public usefulness, we can not restrain a reflection which has a sadder coloring. What is the condition of the times when we may justly and fairly exalt the memory of a deceased public servant because he was true and honest and faithful to his trust? Are we maintaining a safe standard of public duty when the existence of these virtues, instead of being general, are exceptional enough to cause congratulation?

All public servants should be as true and honest and faithful as the man whom we mourn to-night.

I beg you to take home with you among the reflections which this occasion shall awaken an appreciation of the truth that if we are to secure for ourselves all the blessings of our free institutions we must better apprehend the interest we have at stake in their scrupulous maintenance, and must exact of those whom we trust in public office a more rigid adherence to the demands of public duty.

I congratulate you and myself upon the fact that we are to be addressed to-night by one whose eloquence and ability, as well as his warm friendship for Mr. Cox, eminently fit him to be the orator of the occasion.

It is with much satisfaction that I now introduce Hon. J. Proctor Knott, of Kentucky.

MEMORIAL ADDRESS OF HON. J. PROCTOR KNOTT, OF KENTUCKY.

Mr. President, there has always been a disposition among men to honor living, dead, to linger with a mournful pleasure upon the recollection of their virtues, and to speak of their merits in gentle terms of commendation. The sentiment is coeval with our race and will continue with it to the end of time. It is peculiar to no clime; it is confined to no class; it is limited by no condition in life. It is common to humanity everywhere. It is innate with every member of our species who is capable of the slightest feeling of respect for his fellow-man. It wrecks itself upon expression in the simple ceremonies that attend the unobtrusive sepulture of the peasant and the solemn pomp that waits on the imposing obsequies of the king. Its memorials are seen alike in the fading wreath that exhales its dying fragrance upon the obscure grave of humble poverty and the sculptured column that lifts its lofty head above the moldering dust of departed grandeur. It has brought us here to-night to offer with one accord the tribute of affectionate admiration to the memory of one who was endeared to many of us by the tenderest ties of friendship, and to all by the magnanimity of his nature and the luster reflected by his genius upon the history of our country and our race.

No bloody laurel entwined his brow, no braying trumpet heralded his going forth, no nodding plumes were veiled at his approach, no embattled armies waited on his word, no serried hosts rushed to the carnival of slaughter at his bidding. The "pomp and circumstance of glorious war" were not for him. His weapon was mightier than the sword, his arena grander than the stricken field, with its mangled dead and dying thousands. His triumphs were sublimer than crested leader ever won. They were the beneficent but bloodless victories of peace. In them he laid the broad foundations of a fame more durable than storied marble or monumental brass. The name of no man was ever more widely known or more lovingly revered among his countrymen than his. It has been heard wherever the language of civilized men is spoken. There is scarcely a home in all this wide and wondrous land, whether amid the busy haunts of the crowded city or in the solitudes of the far-off mountains, in which it is not a familiar household word. Thousands who had never looked upon his kindly face nor listened to his friendly voice read through the blinding mists of bitter tears the mournful tidings that his generous pulse had been stilled by the icy touch of death. Millions of loving hearts ached with silent anguish at the thought that all the sweet melodies of nature were hushed to his dull, cold ear forever; that the cheerful sun would rise and set on busy, joyous generations through all the cycles of coming time, but bring no light to his fixed and rayless eye. Yet how few there are among all the mighty multitudes who loved him in life and who mourn for him in death who fully realize all that was admirable in his marvellous, many-sided character!

SAMUEL SULLIVAN COX

was born in Zanesville, Ohio, September 30, 1824. His ancestors, from whom he inherited the germs of those sterling qualities which were always so conspicuous in his singularly brilliant career, were, in all the elements of genuine respectability, eminently worthy of their illustrious descendant.

His grandfather, General James Cox, of New Jersey, was an ardent advocate of American independence and a gallant soldier in the Revolutionary war, in which, by the force of his own distinguished merits, he rose from the rank of captain to the command of a brigade, and after the close of that heroic struggle was repeatedly elected to the General Assembly of his native Commonwealth, and later on to a seat in the Federal Congress, dignifying every position to which he was chosen as well by his disinterested devotion to every duty as by the singular vigor of his enlightened understanding.

His father, Hon. Ezekiel Cox, having emigrated to Ohio, soon became a prominent citizen of his adopted State, and among other flattering evidences of popular consideration was chosen to represent his district in the higher branch of the Legislature, where his intelligence and his integrity amply vindicated the confidence reposed in him by his constituency, while his private life was a constant illustration of highest virtues that pertain to an honorable and useful manhood.

How far the subsequent success of their gifted son may be attributed to the pure example, prudent counsels, and pious solicitude of his excellent parents it would be impossible now to estimate. It may be sufficient for the present occasion to say, therefore, that they furnished him every educational advantage their modest means would afford; and that no more encouraging example could possibly be presented for the emulation of his aspiring young countrymen than

the manner in which he improved his opportunities. Every fiber and tissue of his soul was inspired by the golden truth that

"In the lexicon of youth, which fate reserves
For a bright manhood, there is no such word as fail."

He realized that labor was the only talisman of success. He ate no idle bread; he flung away no priceless moment. In his boyhood, as in his mature age, he was a prodigy of intellectual activity, a miracle of mental energy.

On entering Brown University, whence he was graduated in the twenty-second year of his age, he absolved his honored father from all further claims upon his paternal aid, and while maintaining himself throughout his entire collegiate course by his own literary labors—performed at hours when his fellow-students were asleep or treading the seductive paths of idle pleasure—he carried off the highest prizes for proficiency in the classics, in history, in literary criticism, and in political economy. And when he left the threshold of his *alma mater*, wearing the badges of her coveted honors on his breast, he was distinguished by the same insatiate thirst for knowledge, the same indomitable energy, the same untiring industry, the same inflexible fidelity to duty, the same earnest devotion to truth, the same incorruptible sense of justice, the same purity of conduct, the same buoyancy of disposition, and the same fearless self-reliance that characterized him in the rich, ripe years of his usefulness and renown.

From the curriculum of the university, strewn with the rarest flowers of classic literature, festooned with the curiously woven garlands of speculative thought, and adorned by the rich spoils of experimental science, he stepped upon the narrower and less attractive arena of the law. Nor did he enter its lists unarmed or ill-equipped to be battered, bruised, and mangled in an unequal contest with the grim old veterans of the bar. With his natural avidity for knowledge, he had mastered the quaint learning of Coke, the charming analyses of Blackstone, the dry formalities of Chitty, the abstruse principles of Fearnle, the philosophic logic of Starkie, the learned lectures of Kent, the voluminous compilations of Story, and the long catalogue of other authorities that went to make up the ordinary armament of the legal practitioner of the period.

With his brilliant wit, his trenchant satire, his accurate learning, his incisive logic, and his adroitness in debate, he might have become one of the most formidable and famous forensic gladiators of the age; but neither the lawyer's office nor the court-room afforded a world wide enough for his restless, active, aspiring spirit to bustle in. He consequently abandoned the bar, and after a brief tour in Europe sought the more congenial field of journalism, for which his tastes, his genius, and his rare attainments pre-eminently qualified him, and it is not surprising to those who are acquainted with his varied abilities that, as editor of the Columbus Statesman, he speedily took rank among the foremost political writers of our country at a period when the ablest journalists it has ever produced were at the zenith of their powers.

He was soon diverted, however, from the arduous and exacting labors of journalism—which he had assumed in 1853—by an appointment as secretary of the legation to Peru, tendered him by President Pierce, in 1855, but returned to his native State in the following year, when he was elected as a member of Congress from the Columbus district, which he continued to represent for four consecutive terms. In 1865 he located in this magnificent metropolis, and in 1868 made his first appearance in the House as a member of Congress from New York, of which he remained one of the most distinguished and useful Representatives to the day of his death, with the exception of a brief interval in 1873 and another extending a little beyond a year, during which he was employed in the diplomatic service of his country as minister near the Turkish court.

In Congress Mr. Cox found his appropriate sphere. No other forum could have suited his tastes so well or been more precisely adapted to his talents, and in that his peer in all particulars will probably never be seen again. Almost immediately on entering the House of Representatives he took a conspicuous position among the most prominent members of that distinguished body, which he maintained with a constantly increasing reputation for a period almost equal to the average life of a generation. There, amid the most memorable and exciting scenes in the parliamentary history of our Government, he found frequent occasion for the exercise of the varied faculties of his extraordinary intellect and the exhibition of his illimitable stores of information. There his remarkable character appeared like a diamond of purest water, fashioned with a thousand facets, each emitting a blaze of iridescent splendor. There its manifold features were presented in the clearest light, and there alone can they be considered in the rich glow of their associated beauty.

The one trait, however, which distinguished him pre-eminently in the estimation of a large majority of his fellow-men was the gentle, joyous, lovable disposition which constantly displayed itself in the playful wit, the genial humor, the kindly sentiments and tender sympathies which welled up from the serene depths of his generous nature like a perennial fountain of bright and sparkling waters.

It was this that made him a favorite everywhere with all classes and conditions of men, not only among the masses of his own countrymen, who can not recur to his honored name without a loving thought, but alike with the polished circle of distinguished diplomats around the Sultan's court and the stolid peasantry of Scandinavia, with the titled dignitaries of the proudest empires of Europe and the ignorant but liberty-loving Kabyles of Algeria, in the historic halls of British nobility and the rude tent of the wandering Bedouin, and with the diverse peoples of other lands as well.

He was, indeed, the gentlest of men; and had he been asked to designate, among all the diversified transactions of his long and brilliant career in Congress, those which afforded him the supreme pleasure, he would probably have mentioned his repeated and earnest appeals for universal amnesty, his eloquent defense of the homes and firesides of the South against a merciless and unconstitutional act of confiscation, his generous and disinterested services to a large class of ill-paid employes in the humbler grades of the public service, his repeated manifestations of an earnest and active sympathy in the sufferings of the oppressed and down-trodden kindred of thousands of his fellow-citizens of foreign birth, and his ultimate triumph, after laborious and long-continued effort, in the establishment and successful organization of an efficient Life-Saving Service, which has been the means of preserving multitudes of valuable lives and of protecting myriads of happy hearthstones from the grim specters of desolation and despair. It may be safely said, at least, that by these and similar exhibitions of an enlightened philanthropy he reared for himself in the grateful hearts of his countrymen a monument of affection which will survive in the memory of their posterity long after the majestic dome beneath whose shadow his beneficent labors were performed shall have crumbled into dust.

It would be a grave mistake to suppose, however, that because he reveled in joyous mirth and delighted, above all things, in deeds of loving kindness, he lacked in the least degree the sensitive, courageous spirit always inseparable from genuine manhood or that he would under any circumstances suffer himself to be imposed upon with impunity. No man ever had a more delicate appreciation of the respect due to his own dignity of character or was readier to enforce it when the occasion required it. None knew this better than those who were unfortunate or fatuous enough to willfully provoke his indignation; and of the very few whose indiscretion brought upon themselves his scathing invective, his burning satire, and defiant scorn, none ever ventured to repeat the discouraging experiment.

It is a mistake, moreover, to suppose that the brilliancy of his wit and the playfulness of his humor were the qualities in the character of Mr. Cox which

were most admired by those who knew him best. Nothing, in fact, could be further from the case; and no one could possibly regret more than he would have done that his merits should be measured by that standard alone. While they recognized wit and humor, not only as belonging to the legitimate armory of the parliamentary champion, but as being often among his most potential weapons, and while they knew that no one ever employed them more dexterously or effectively than himself, they were infinitely more impressed by the substantial equipments of his athletic intellect, which were more or less obscured, perhaps, in popular estimation by the glamour of those other more fascinating but perilous endowments.

It is true that his tendency, as well as ability, to employ the glittering cimeter of satire and the no less dreaded archery of humorous ridicule was most extraordinary; but he was equally as capable and far more fond of wielding the trenchant broadsword of logic and the ponderous battle-ax of truth. He was, in fact, one of the most serious, earnest, devoted, and practical of mankind. Beneath the rippling, sparkling surface of his never-failing, effervescent humor there lay the serene depths of thought, an energy of will that knew no impediment, and powers of intellectual labor that defied fatigue.

His hunger for information was as ravenous as the genius of famine. It devoured everything that could amuse the fancy, improve the mind, or elevate the soul. The extent and variety of his knowledge were amazing. There was scarcely a branch of elegant or useful learning in which he was not more or less proficient. He had explored all the fields of ancient and modern literature, and culled their choicest fruits. He had threaded the mazes of every school of philosophy and watched with interest the wondrous developments of physical science. He was familiar with the technology of the useful arts and hymned in sweetest notes "the poetry of mechanism." He had examined the origin of every creed and was acquainted with the dogmas of all religions. He had traveled through many lands and enriched his mind with the results of their varied civilizations. He had analyzed every theory of politics and understood the principles of every system of jurisprudence. He had made his own Government the subject of special and conscientious study, and had every provision in its Constitution and every fact in its history at his fingers' ends.

No one who was close enough to Mr. Cox in life to understand the prodigious extent and infinite variety of his attainments will mistake what I have said for the fulsome language of inflated panegyric, which, if living, he would himself despise; nor will any one, in view of those vast and varied stores of learning, systematically arranged in the capacious chambers of his well ordered and tenacious memory, be surprised at the marvelous felicity of expression and readiness in debate in which he has rarely had an equal and never a superior among men.

It was this abounding plenitude of accurate information which distinguished his speeches from those of all the popular or parliamentary orators with whom he was associated or came in contact during his long and admirable public career. Did the subject in hand require an illustration from the wide range of history, a flower from the bright parterres of poetry, a jewel from some musty repository of antiquated lore, a golden grain from the sacred garner of Holy Writ, or a crystal from the crowded cabinet of science, did he need a principle of international law, a rule of enlightened jurisprudence, a precedent of parliamentary practice, or an incident in the public record of his antagonist, the ministering genius of his memory brought it instantly from his exhaustless treasure-house of knowledge. With the deft skill of an accomplished artist and such abundant and varied materials constantly at hand, his public utterances—whether extemporaneous or prepared—were like rich mosaics of rarer gems finished with a master's skill. Every apple of gold had its picture of silver.

But Mr. Cox was not one of those who manufacture their wares simply for show. He was not only in the fore-front of every important parliamentary battle that occurred during his long period of service, but he was one of the most careful, painstaking, indomitable workers that ever occupied a seat in Congress. Often at the head of the most important committees in the House, he not only kept up with the multifarious business on his own docket, but seemed to have an intelligent insight into almost every question that came up for consideration, whether it involved matters of important public moment or a mere claim for a few dollars on the Private Calendar. He was far oftener found delving in the hard-pan of practical labor than disporting himself in the rose-tinted clouds of fancy. He was more at home in the rugged paths of parliamentary business or amid the intricate details of statistical science than in the airy realms of poesy or the inviting fields of elegant literature. As an illustration of this it is not necessary to recite the long catalogue of measures involving the most important commercial and financial interests of the country which he from time to time introduced or discussed. I have only to refer to his valuable services to our postal system or to the complete reports of the Census of 1880, which are the offspring of his wisdom and his labor.

His industry, indeed, was simply enormous. He not only discharged all his manifold public duties faithfully, punctually, and ably, but in the intervals of his official labors wrote several of the most entertaining books of foreign travel that ever emanated from the pen of an American writer; the most complete if not the only philosophic review of American humor ever written; a volume devoted to the discussion of important problems in economic science which would have done credit to the ablest statesman among his contemporaries, either in this country or in Europe, besides a work of several hundred pages containing the clearest and most comprehensive statement of the more important features of Federal legislation for three decades that has yet been published; yet, with all this, he never neglected even the most trivial duty to his humblest constituent.

Notwithstanding his long-continued occupancy of public position, Mr. Cox was far from being a politician in the lower and more common acceptance of that term. He was firmly fixed in his convictions upon all questions of popular importance and as bold in their expression. He never "crooked the pregnant hinges of the knee where thrift might follow fawning." He bowed to no behest but the imperious dictates of his own honest and enlightened judgment. He was no manipulator of the dirty machinery by which small men have so often been elevated to exalted position during the later years of our history. Every election with which he was ever honored was a spontaneous tribute of affectionate confidence on the part of a generous and enlightened constituency, a just recognition of his ability, integrity, and fidelity to the grand principles of constitutional liberty.

With what boundless gratitude he regarded those marked manifestations of popular esteem and with what deep devotion he required them, none knew like those he loved so well and served so faithfully. Yet his solicitude was not confined to the welfare of his own constituents. He was a patriot in the grandest, broadest sense of that word. His love of country amounted to a passion. It knew no section, it recognized no class. It embraced the impoverished people of the South as tenderly as the proud and prosperous population of his native State or the generous inhabitants of the great city in which he had made his home. His fealty to the Union was paramount to all other obligations; his pride in its grandeur and power touched the extremest limit of exultant enthusiasm; his veneration for its Constitution was the supreme sentiment of his soul; his faith in its destiny transcended the wildest dream of optimism.

In faith, in feeling, in practice, in all the ardent aspirations of his soul, Mr. Cox was a Democrat of the purest Jeffersonian type. It was impossible, indeed, from the very nature of his moral and intellectual organization, that he should be otherwise. Sprung from the body of the people; with the most delicate appreciation of their inherent rights; with the liveliest solicitude for their individual happiness and social prosperity; with an abounding confidence in

their capacity to control their own affairs, and detesting from the innermost depths of his being everythingavoring of unfairness, inequality, or oppression, his brightest ideal of political organism was "a government of the people, by the people, and for the people," a government instituted for the benefit of the governed, and not for the aggrandizement of the governing class, a government so administered as to secure "equal and exact justice to all, with exclusive privileges to none."

Trusts, monopolies, and all other contrivances resulting from the abuse or nonuser of legislative authority for the emolument of the few at the expense of the many were the objects of his supreme abhorrence. He believed in the absolute invariability of private property, except when required for public uses with just compensation, and that any taxation, in whatever form or for what ever purpose, beyond what was necessary to defray the legitimate expenses of the Government, economically administered, was not only in violation of its organic law, but of the fundamental principles of civil liberty. He held with Mr. Justice Miller, one of the most distinguished members of our Supreme Bench, that "to lay with one hand the power of the Government on the property of the citizen and with the other to bestow it upon favored individuals, to aid in private enterprises and build up private fortunes, is none the less a robbery because it is done under the forms of law and is called taxation." He felt that to despoil one citizen of his property and transfer it to another under the pretext of promoting the general welfare was the very essence of despotism. It was impossible for him to discriminate between the morals of communism, which would ravage the coffers of the rich and distribute their hoarded millions among the poor as a means for the promotion of popular prosperity, and those of an insidious system of spoliation under the guise of a bounty taxation which robs the rich and poor alike for the benefit of a favored few. For the one he might have had some of the respect he would probably have entertained for the brute courage of the highwayman, who meets his victim in the open face of day and boldly demands his money or his life; for the other he felt something like the loathing with which he would have regarded the stealthy burglar who would creep into his chamber at midnight and rifle his pockets after having lulled him into delightful dreams of security and happiness by the administration of some poisonous drug.

It was not surprising, therefore, that, with his exquisite sense of justice, his extreme love of fairness, his clear apprehension of what was right, his detestation of all that was wrong, and his ever-abiding interest in the welfare of the masses, as well as his reverent respect for the limitations of the Constitution, Mr. Cox should have been found among the earliest and most persistent advocates of a "tariff for revenue only."

His numerous speeches upon that interesting and important question of public policy are among the most remarkable ever delivered before a deliberative assembly. They disclose an enormous mine of intellectual treasures. Radiant with wit, rich in learning, replete with facts, and vigorous in logic, they are like strings of rarest pearls strung on threads of gold. In all the recent discussions of that vital subject, tremendous in power, exhaustive in research, and fervid in eloquence as they have been, there can scarcely be found a single argument or a solitary fact illustrating the views of his party in relation to it which he had not presented in some form or other long before. He had fathomed it in all its depths and shoals, and dragged to light every valuable thought, every tenable principle, and every just conclusion that the most active and inquisitive intellect could find beneath them. A compilation of his brilliant and instructive utterances concerning it would form one of the most entertaining and useful textbooks that could be placed in the hands of the student of economic science.

Nor was his interest less intense, his vigilance less alert, or his labors less untiring when any other proposition affecting the property-rights or the private prosperity of the masses was presented for consideration. He maintained with the illustrious apostle of his political creed that there should be the most rigid economy in the expenditure of public moneys, in order that labor, the ultimate source from which the "general coffers of the state" are invariably replenished, should be lightly burdened. I would not be understood as intimating, however, that he was one of those who frequently, from a want of any other merit to commend them, seek a cheap reputation by posing conspicuously as guardian angels of the public treasury, nor that he was ever on any occasion influenced by a niggardly spirit of parsimony, that would begrudge to the public service sufficient means to secure the highest degree of efficiency in any of its departments. On the contrary, when any such laudable purpose was involved, he was uniformly actuated by the most enlightened liberality. But, honest to the last degree, punctiliously faithful to every trust, and despising from the uttermost depths of his soul the foul spirits of fraud and corruption, too frequently found brooding like unclean birds in various branches of the Government service, no man ever set his face more firmly against all appropriations to be wasted in criminal extravagance, lavished in gratuities upon unworthy objects or squandered in dirty jobs and nefarious schemes. In that regard, in the actual preservation of the Treasury from the "felonious fingers" of speculation and pillage, he was without doubt among the most useful and efficient members of the House of Representatives throughout his three decades of service in the Federal Congress. During those thirty years, as has been said of him by one of his most impartial friends, it is safe to assert that he was never approached by the low manipulator of any fraudulent scheme with a dishonorable proposal; such a thing, indeed, was an impossibility. His pure integrity was a perpetual rebuke to everything bearing the semblance of dishonesty. The filthy ministers of corruption and plunder slunk away abashed and cowering from his presence. No man dared to ask him to support a measure unless he was satisfied that it was free from the slightest taint of dishonesty and demanded by the necessities of the Government.

Regarding the people as the original source and ultimate repository of all political authority, and government as a mere agency contrived by themselves for the protection of their own rights, the preservation of their own liberties, and the promotion of their own happiness, with its duties clearly defined and its powers carefully limited by the Constitution, Mr. Cox realized in its fullest force the conclusion logically resulting from those undisputed premises and so aptly expressed in the golden maxim that "a public office is a public trust," and with that conscientious sense of the sanctity of every obligation which influenced him in the discharge of every duty in life he not only made it the guiding star of his own official conduct on all occasions, but felt that the integrity of our institutions demanded that every one who occupied a position of public responsibility should be required to do so likewise.

He was not only in favor of a "rigid arraignment of all abuses of public trust before the established tribunals of public justice, as well as the great bar of popular opinion," but was earnestly opposed to the appointment of any one to official position unless he could sustain the fullest test of the Jeffersonian touchstone of honesty, qualification, and fidelity to the Constitution. Entertaining such views it was but natural that he should be an ardent and active advocate of civil-service reform and a zealous supporter of the statute which was passed by Congress with the view of accomplishing that purpose, notwithstanding its provisions fell far short of his own conceptions of what such a measure should embrace, and his settled conviction that in many respects it would fail to meet the standard of popular expectation. He nevertheless regarded it as the initial step in the right direction; the inauguration of a policy which, if faithfully carried out, would ultimately relieve the Government to a great extent of evils of incompetency and purify many of its branches from the hideous corruption with which he had so often seen them polluted. He therefore sustained its administration as vigorously as he had supported its enactment.

But no other subject of a mere temporal character so completely filled the soul of Mr. Cox as the sublime perfection he saw in our Federal Union. It

inspired him with the same rapt enthusiasm with which the devout astronomer regards the wondrous mechanism of the star-decked heavens. To him it was a splendid galaxy of sovereign and co-equal Commonwealths, bound to a common center by an indissoluble tie, upon which the preservation of each depended, and all moving in their appointed paths with the precision and harmony which marked the music of the spheres in the glorious dawn "when the morning stars sang together and all the sons of God shouted for joy." He knew of no other means among men for preserving the priceless heritage of liberty it was designed to secure, and made every other consideration subsidiary to its perpetuity.

To that all-absorbing end he felt that the complete autonomy of the States was as essential as the most sedulous maintenance of Federal authority within its legitimate sphere. He knew that the Union could no more exist without the power in its integral parts to perform their proper functions than the life of the human body could survive the complete paralysis of its various members. He knew that consolidation and disintegration were equally certain to result in its absolute destruction, just as the relaxation of one of the mysterious forces which anchor the solar system to its center would hurl the planets into the vortex of chaotic ruin, while a suspension of the other would send them "darkling through eternal space."

Therefore, in the true spirit of the great founder of his chosen school of political philosophy, he was ever found foremost among the most zealous champions of "home rule," defending the State governments in all their rights, dignity, and equality "as the most competent administrators of our domestic concerns and the surest bulwarks against anti-republican tendencies," while as ardently supporting "the General Government in its whole constitutional vigor, as the sheet-anchor of our peace at home and our safety abroad." In these simple but sublime principles he discerned the true foundation, and in their beautiful correlation the keystone of the grand political arch which spans our continent from ocean to ocean. Take either away, and, in his judgment, the stupendous structure would topple into ruins. With their necessary corollaries, so tersely formulated by Mr. Jefferson in his first inaugural, they were to him the crowning truths of a political gospel whose precepts he followed with the faith of a devotee, and whose doctrines he would have maintained with the constancy of a martyr. They were his pillar of cloud by day and his pillar of fire by night, and it was his intrepid fidelity to their guidance, at all times and under all circumstances, which gave that well rounded symmetry and consistency to his public life which have always challenged the admiration of his political friends and foes alike.

It was not the effulgence of his genius, however, by which this great man was most endeared to those who knew and loved him best. It was the milder glow of those gentle virtues which lit up his private character with "the lambent purity of the stars." The incarnation of personal honor and the very soul of sincerity, perpetually overflowing with the milk of human kindness; free "from envy, hatred, malice, and all uncharitableness," his social relations were of the purest, gentlest, loveliest character, constantly illustrated by the most generous self-abnegation and unremitting thoughtfulness for the happiness of others. No tender plea for the sake of sweet charity ever met his ear, whether from the humble beggar on the street or the promoters of some laudable work of public beneficence, but his purse was instantly open and his most active sympathy immediately enlisted.

All evil-speaking and unkind allusion in disparagement of others were as foreign to his habit as they were repulsive to his nature. He made a close and constant study of the Holy Scriptures and adopted their divine precepts as the criterion of his conduct in all things. To him the golden rule was not merely the highest result of the most enlightened social philosophy, but a direct emanation from Divinity itself, and the most fervent petition in his humble prayer—whether on committing his soul to the fatherly care of his great Creator on lying down at night or in his morning offering of reverent gratitude for the light of a new day—was that he might be taught to extend to all men the generous forgiveness, the tender sympathy, and the loving kindness he would be glad to receive from them.

Of his religious views he rarely ever spoke, and then only with his most intimate friends. He preferred to exhibit the principles of his creed in his practice, instead of proclaiming his sentiments from the housetop. They were to him too sacred for the coarse ribaldry of the vulgar scoffer, the cold cynicism of the skeptic, or the uncharitable censorship of the narrow sectarian. But those who lived nearest to his heart and were permitted to look in upon the secret chambers of his inner life found there not only the "pleasing longing after immortality" which filled the soul of the ancient philosopher, but the most serene and childlike faith in the full realization of that Heaven-sent hope through the priceless promises of the gospel.

Fortunate as he was in many respects, infinitely beyond the average of his race, Mr. Cox found the crowning blessing of his beautiful life in the affectionate devotion and genial companionship of his gifted and loving wife. She was Miss Julia A. Buckingham, whom he married at Zanesville, Ohio, October 11, 1849. Pure in spirit as thrice-sifted snow; sweet in disposition as the breath of new-blown roses; gentle in manner as the evening zephyr kissing the violet's eye; faithful to every obligation and cheerful in the discharge of every duty that affection, humanity, or religion could impose, she realized her husband's brightest ideal of the highest, holiest type of noble womanhood. To him she was indeed the pearl beyond all price. His constant companion, his truest friend, his trusted adviser in all things, she was to him a crown of glory and a song of rejoicing throughout all the days of their married life. She shared all his high ambitions and gloried in his grand successes. Her tender sympathies supported him in the dark hours of sorrow and her cheering smile gave a lovelier glow to the bright rays of returning joy. Hand in hand they trod life's journey together, strewing its pathway with the rich jewels of gentleness and charity, until, in the full flush of his fame, with his blushing honors thick upon him, he was beckoned to a brighter clime—to the real "Wonderland"—whether his pure spirit is wooing her in the soft, sweet music of an angel's whisper.

I have done. I need not detain you longer with this pleasing but mournful theme. It is one upon which I shall delight to linger with the fondness of a brother's love when I, too, shall have crossed the cold, dark waters of death. I turn from it now with a sad sense that the beautiful story of a life so lovely can never be told in any poor words of mine. The purest offering I can lay upon the tomb of my dead friend is the silent homage of my soul.

BENEDICTION OF REV. RABBI G. GOTTHEIL, D. D., OF TEMPLE EMANUEL.

May that all-merciful Power, whom to invoke is our highest privilege, grant that in the goodman whose loss we mourn may be fulfilled the promise given by the mouth of the prophet: "And the wise shall shine like the brightness of the firmament and those that lead many to righteousness like the stars of the heaven for ever;" and also this: "that the memory of the just shall be for blessing." May that blessing appear what time we are called upon to perform our duty as citizens in that we follow closely the steps which he trod whilst among us. May peace reign within our borders and good-will be shown by one towards the other throughout our land. Amen.

Mr. CUMMINGS. Mr. Speaker, as a further mark of respect to the memory of Hon. Samuel Sullivan Cox, late a member of the House of Representatives from the State of New York, I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 52 minutes p. m.) the House adjourned until Monday next.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

SALE OF LIQUOR TO CANADIAN INDIANS.

Letter from the Secretary of State, transmitting a copy of a note from the British minister, calling attention to the fact that there is no law in force in the United States to prevent the sale of liquor to Canadian Indians, and asking if there is any disposition to supply the needed legislation; with an inclosed report from the Secretary of the Interior—to the Committee on Foreign Affairs.

DEFICIENCIES SUBMITTED BY ATTORNEY-GENERAL.

Letter from the Acting Secretary of the Treasury, transmitting a communication from the Attorney-General submitting deficiencies in the appropriations for expenses of the United States ascertained and estimated for the fiscal years 1883, 1889, and 1890—to the Committee on Appropriations.

CLAIM OF THE SENECA INDIANS.

Letter from the Acting Secretary of the Treasury, transmitting a communication from the Commissioner of Indian Affairs for an appropriation to pay the claim of the Seneca Indians for land taken by the United States—to the Committee on Indian Affairs.

RIGHT OF WAY OF VESSELS IN CHANNEL OF CHESAPEAKE BAY.

Letter from the Secretary of War, transmitting the draught of a bill to regulate the right of way by vessels within the limits of the channel in and from Chesapeake Bay to the city of Baltimore, and an accompanying letter from the Chief of Engineers—to the Committee on Commerce.

OBSTRUCTION IN HARBOR AND ADJACENT WATERS OF NEW YORK.

Letter from the Secretary of War, transmitting a letter from the Chief of Engineers and the draught of a bill to amend the act entitled "An act to prevent obstruction and injurious deposits within the harbor and adjacent waters of New York City, by dumping and otherwise, and to punish such offenses"—to the Committee on Commerce.

JUDGMENT IN CASES AGAINST THE UNITED STATES.

Letter from the Attorney-General, submitting a report in accordance with section 11 of the act of Congress entitled "An act to provide for the bringing of suits against the Government of the United States," and calling attention to accompanying exhibits—to the Committee on Appropriations.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to the Committee on Public Buildings and Grounds, as follows:

A bill (S. 222) providing for the erection of a public building at the city of Norfolk, Nebr.;

A bill (S. 594) to provide for the purchase of a site and the erection of a public building thereon at Kansas City, in the State of Kansas;

A bill (S. 678) to provide for a building for the use of the post-office, the office of the superintendent of the Hot Springs reservation, and the Government offices;

A bill (S. 1384) to provide for the purchase of a site and the erection of a public building thereon at Mankato, in the State of Minnesota;

A bill (S. 2816) for the erection of a public building at Newburgh, N. Y.;

A bill (S. 2825) to provide for the purchase of a site and erection of a public building thereon at Mansfield, in the State of Ohio;

A bill (S. 2999) to provide for the construction of a public building at Fremont, Ohio;

A bill (S. 3062) for continuing the erection of the public building at Worcester, Mass.; and

A bill (S. 3079) to provide for the purchase of a site and the erection of a public building thereon at Grand Haven, in the State of Michigan.

A bill (S. 293) for the relief of William F. Wilson—to the Committee on War Claims.

A bill (S. 2455) making appropriation for the improvement of the military reservation known as Fort Walla Walla, in the State of Washington—to the Committee on Military Affairs.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. McRAE:

Whereas there are in the General Land Office a large number of old original land patents which from various causes have not been delivered to the grantees of the United States as they should have been; and

Whereas their retention in the Department is an expense and burden to the Government and the source of annoyance and vexation to the present owners, who are generally not aware of the non-delivery: Therefore,

Be it resolved by the House of Representatives, That the Secretary be, and he hereby is, requested to cause to be made a list and description of such patents as were issued prior to August 20, 1866, and not yet delivered, showing the number, date, the grantee and description of the land, and transmit the same to the House for information;

to the Committee on the Public Lands.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. MORRILL, from the Committee on Invalid Pensions, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 8326) granting a pension to Benjamin F. Douglass;

A bill (H. R. 6726) granting a pension to Isaac Moore;

A bill (H. R. 5868) granting a pension to Francis Pearce;

A bill (H. R. 5585) granting a pension to William P. Witt;

A bill (S. 789) granting an increase of pension to Henry G. Healy;

A bill (S. 2017) to increase the pension of Henry H. Penrod;

A bill (S. 2733) granting a pension to Theodore Gardner;

A bill (S. 2734) granting a pension to Ada Johnson;

A bill (S. 798) granting a pension to Mariah L. Pool;

A bill (S. 820) granting a pension to Mary Kinney;

A bill (S. 796) granting a pension to Maggie Stauffer;

A bill (S. 1729) granting a pension to Lucy A. Coffield;

A bill (S. 786) granting a pension to Mrs. M. A. Hooper;

A bill (S. 797) granting a pension to Lucy I. Bissell;

A bill (S. 763) granting a pension to Martha F. Webster;

A bill (S. 779) granting a pension to Mary J. Foster;

A bill (S. 1577) granting a pension to Francis E. Smith;

A bill (S. 776) granting a pension to John K. Evans;

A bill (S. 448) granting a pension to Dobson Amick;

A bill (S. 1717) granting a pension to Mrs. Harriet Dada Emens, formerly Miss Hattie A. Dada;

A bill (S. 1735) granting a pension to J. M. Stevens; and

A bill (S. 773) granting a pension to James E. Kabler.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported with amendment the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 2531) granting a pension to R. W. Herod; and

A bill (H. R. 6725) to increase the pension of Lee H. Utt.

Mr. YODER, from the Committee on Invalid Pensions, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 1284) granting a pension to Theodora M. Piatt;

A bill (H. R. 4935) to increase the pension of Elmore E. Ewing;

A bill (H. R. 2804) to increase the pension of Charles W. Kridler;

A bill (H. R. 7285) granting a pension to Norman B. Pratt;

A bill (H. R. 1804) granting a pension to Henry H. Knopp;

A bill (H. R. 7824) granting a pension to Mary F. Cochran;

A bill (H. R. 4209) granting a pension to Oliver P. Martin;

A bill (H. R. 1334) granting a pension to Davis Foster;

A bill (S. 1256) granting a pension to James A. Myers;

A bill (S. 2698) granting a pension to Johanna Loewinger;

A bill (S. 2066) placing the name of Elizabeth Domm on the pension-rolls;

A bill (S. 510) granting a pension to John W. Reynolds;

A bill (S. 513) granting a pension to Alfred Denny; and

A bill (S. 973) granting an increase of pension to Virginia L. M. Ewing.

Mr. YODER, from the Committee on Invalid Pensions, reported with amendment the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 4369) to increase the pension of Milton Barnes; and

A bill (H. R. 3143) increasing the pension of Mrs. Rochie Brien Buell.

Mr. SMITH, of Arizona, from the Committee on Private Land Claims, reported favorably the bill of the House (H. R. 4657) forfeiting the El Paso de los Algodones grant in Arizona, and restoring the same to the public domain—to the House Calendar.

Mr. POST, from the Committee on Public Buildings and Grounds, reported with amendment the bill of the House (H. R. 7983) amending an act of Congress passed July 12, 1882, relative to fire limit of site of post-office and Federal building, Brooklyn, N. Y.—to the Committee of the Whole House on the state of the Union.

Mr. ADAMS, from the Committee on the Judiciary, reported favorably the bill of the House (H. R. 9289) to provide for a term of court at Danville, Ill.—to the House Calendar.

Mr. PEEL, from the Committee on Indian Affairs, reported with amendment the bill of the House (H. R. 7708) to allow Choctaw, Chickasaw, and other tribes to lease grounds to railway company for railway purposes—to the House Calendar.

Mr. SIMONDS, from the Committee on War Claims, reported favorably the bill of the House (H. R. 2757) for the relief of George O. Donnell—to the Committee of the Whole House.

Mr. KINSEY, from the Committee on Military Affairs, reported with

amendment the bill of the House (H. R. 8154) authorizing the Pneumatic Gun-Carriage and Power Company to build a siege-gun and disappearing siege-carriage for the War Department—to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the following changes of reference were made:

A bill (H. R. 3257) granting an increase of pension to James McMullin—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8398) to repeal certain provisos in the sundry civil act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1890, and for other purposes, approved March 2, 1889—Committee on Military Affairs discharged, and referred to the Committee on Appropriations.

A bill (S. 2030) donating condemned cannon and small-arms to Naval Post No. 400, Grand Army of the Republic, Department of Pennsylvania—Committee on Military Affairs discharged, and referred to Committee on Naval Affairs.

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and joint resolution of the following titles were introduced, severally read twice, and referred as follows:

By Mr. JOSEPH (by request): A bill (H. R. 9520) annulling an act of the Twenty-eighth Legislative Assembly of the Territory of New Mexico, entitled "An act to define boundary lines of Santa Fé County"—to the Committee on the Territories.

By Mr. LESTER, of Georgia: A bill (H. R. 9521) to authorize the construction of a bridge across the Savannah River—to the Committee on Commerce.

By Mr. FORNEY: A bill (H. R. 9523) authorizing the construction of a bridge over the Tennessee River at or near Guntersville, Ala., and for other purposes—to the Committee on Commerce.

By Mr. STEWART, of Georgia: A bill (H. R. 9524) for the erection of a public building at Griffin, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. BUCHANAN, of New Jersey: A bill (H. R. 9525) amending the practice before the Court of Claims in the consideration of war claims cases—to the Committee on the Judiciary.

By Mr. BRECKINRIDGE, of Kentucky: A bill (H. R. 9526) to make appropriation to put in order military reservation at Fort Douglas, Utah—to the Committee on Appropriations.

By Mr. CARLISLE: A joint resolution (H. Res. 148) to pay the mileage of James Laird, deceased, for the second session of the Fiftieth Congress—to the Committee on Appropriations.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BLISS: A bill (H. R. 9527) granting a pension to David Morse—to the Committee on Invalid Pensions.

By Mr. BREWER: A bill (H. R. 9528) for the relief of Mrs. Mary Peterson, widow of Swan M. Peterson—to the Committee on Indian Affairs.

By Mr. CRAIG: A bill (H. R. 9529) granting a pension to Emma Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9530) granting a pension to Ann Guffy—to the Committee on Invalid Pensions.

By Mr. DE LANO: A bill (H. R. 9531) to restore the pension of Susan D. Page—to the Committee on Pensions.

By Mr. KINSEY: A bill (H. R. 9532) for the relief of Jefferson Griffin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9533) for the relief of A. T. Philley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9534) to increase the pension of Louis D. Thurman—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 9535) for the relief of James H. Clark—to the Committee on War Claims.

By Mr. McCLAMMY: A bill (H. R. 9536) for the relief of James R. Lee, of Cumberland County, North Carolina—to the Committee on War Claims.

By Mr. McCORMICK: A bill (H. R. 9537) granting a pension to Susan Franke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9538) granting a pension to Electa Jane Fuller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9539) granting a pension to Kate Ramsdell—to the Committee on Invalid Pensions.

By Mr. NORTON (by request): A bill (H. R. 9540) for the relief of William J. Kinion—to the Committee on Invalid Pensions.

By Mr. SIMONDS: A bill (H. R. 9541) granting a pension to Mervin A. Shearer—to the Committee on Invalid Pensions.

By Mr. STONE, of Missouri: A bill (H. R. 9542) granting a pension to Sarah E. Edwards—to the Committee on Invalid Pensions.

By Mr. TURNER, of New York: A bill (H. R. 9543) granting an increase of pension to Caroline Hannemann—to the Committee on Invalid Pensions.

By Mr. WHEELER, of Alabama: A bill (H. R. 9544) for the relief of William A. Callahan—to the Committee on War Claims.

Also, a bill (H. R. 9545) granting a pension to Washington Grigsby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9546) for the relief of F. W. Waugh—to the Committee on War Claims.

Also, a bill (H. R. 9547) for the relief of Jacob M. Williams—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid upon the Clerk's desk and referred as follows:

By Mr. BAKER: Request by J. W. Jones, of Penfield, Monroe County, New York, for special legislation in favor of the survivors of the ill-fated Sultana—to the Committee on Invalid Pensions.

Also, petition of George C. Houck and others, of Rush, Monroe County, New York, for an increased duty on hay to \$4—to the Committee on Ways and Means.

By Mr. BLISS (by request): Memorial of Emil Scheurmann and 32 others, citizens of Saginaw, Mich., protesting against the proposed tobacco schedule in the McKinley tariff bill—to the Committee on Ways and Means.

Also, petition of H. Menkee, against increasing duty on photographic albumen paper—to the Committee on Ways and Means.

By Mr. BOOTHMAN: Resolutions of Ford Post, No. 14, Department of Ohio, Grand Army of the Republic, relating to pensions to Union soldiers—to the Committee on Invalid Pensions.

By Mr. BRUNNER: Twenty-one petitions of tobacco manufacturers of Reading, Pa., opposing the passage of article 242, Schedule F, of the new tariff bill—to the Committee on Ways and Means.

By Mr. CARUTH: Protest from Charles Nenner, against the increase of duty on roses and other stock from florists—to the Committee on Ways and Means.

By Mr. COGSWELL: Protest of Charles H. Creary and others, of Massachusetts, against a duty on hides—to the Committee on Ways and Means.

Also, protest of Chick Brothers against duty on hides—to the Committee on Ways and Means.

By Mr. COOPER, of Ohio: Remonstrance of J. N. Hays, against increase of duty on photographers' material—to the Committee on Ways and Means.

Also, remonstrance of C. H. Bodertha, for same purpose—to the Committee on Ways and Means.

By Mr. DORSEY: Petition from citizens of Nebraska, for free lead from the Republic of Mexico—to the Committee on Ways and Means.

Also, resolutions of committee on ways and means of Greeley County, Nebraska, for same purpose—to the Committee on Ways and Means.

By Mr. FUNSTON: Resolutions of the city council of Argentine, Kans., protesting against a duty on lead in ores imported into the United States—to the Committee on Ways and Means.

Also, resolutions of R. Gilpatrick Post, No. 180, Garnett, Kans., asking Congress to donate the Kansas Soldiers' Home the remaining land of the Fort Dodge military reservation—to the Committee on the Public Lands.

Also, resolutions of Jewell Post, Woman's Relief Corps, No. 17, Pleasanton, Kans., for same purpose—to the Committee on the Public Lands.

Also, resolutions of Jewell Post, No. 3, Grand Army of the Republic, Pleasanton, Kans., for same purpose—to the Committee on the Public Lands.

Also, protest of citizens of Fort Scott, Kans., against the passage of House bill 8278, to amend an act to regulate commerce—to the Committee on Commerce.

By Mr. HILL: Memorial and petition for the erection of a public building at Joliet, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. JOSEPH: Petition from citizens of Santa Cruz, Española, and Chimayo, N. Mex., to the Congress of the United States—to the Committee on the Territories.

Also, petition of the citizens of Chilili, N. Mex., to the Fifty-first Congress of the United States—to the Committee on the Territories.

By Mr. KELLEY: Petition of Quenerno Post, No. 221, Department of Kansas, asking the Government to appropriate the 1,200 acres of land near Fort Dodge, Kans., for support of Soldiers' Home near that place—to the Committee on the Public Lands.

By Mr. KERR, of Iowa: Petition of 130 citizens of Bangor, Iowa, against any increase in the Navy—to the Committee on Naval Affairs.

By Mr. KERR, of Pennsylvania: Petition of grangers and farmers, officers and representatives of Grange No. 654, Clarion County, Pennsylvania, asking favorable consideration of their interests, etc.—to the Committee on Agriculture.

By Mr. KINSEY: Protest of 11,411 citizens and laboring men of

St. Louis, Mo., against the passage of House bill 283, known as the Conger bill, placing a tax on compound lard, which they declare to be a healthy article of food, and that the legislation is class legislation, taxing one industry for the benefit of another—to the Committee on Agriculture.

By Mr. LACEY: Petition of Jacob Helming, of New Sharon, Iowa, asking for pension for the survivors of the Sultana disaster—to the Committee on Invalid Pensions.

By Mr. LANHAM: Petition of citizens of El Paso, Tex., in relation to sale of railroad tickets, etc.—to the Committee on Commerce.

By Mr. McCLELLAN: Protest of W. C. Johnston and 8 others, citizens of Kendallville, Ind., against the imposition of a duty on hides—to the Committee on Ways and Means.

Also, a petition of the photographers of Fort Wayne, Columbia City, Auburn, Garrett, Waterloo, Kendallville, and Albion, Ind., protesting against the increase of the duty upon photographic albumen paper from its present rate of 15 per cent. to 35 per cent., and declaring that the proposed increase will take from the photographers of the United States \$100,000 per annum without benefiting any one—to the Committee on Ways and Means.

By Mr. McRAE: Petition of A. J. Robbins and 43 others, citizens of Hempstead County, Arkansas, favoring the passage of House bill 5353, relating to options and futures—to the Committee on Agriculture.

Also, resolutions of the Helena (Ark.) Chamber of Commerce, favoring a limited postal telegraph system—to the Committee on the Post-Office and Post-Roads.

Also, petition of Gabe A. Block and 67 others, business men, against sections 24 and 25 of House bill 8278, to amend an act to regulate commerce—to the Committee on Commerce.

By Mr. NORTON: Petition of William Bruner and 39 others, citizens of Franklin County, Missouri, protesting against further duty on tin-plates—to the Committee on Ways and Means.

By Mr. REED, of Iowa: Petition of 300 citizens of the Ninth Congressional district of Iowa, praying for the enactment of a law prohibiting the transmission through the mails of any paper or publication devoted to the publication of police or criminal news—to the Committee on the Post-Office and Post-Roads.

By Mr. SAYERS: Petition of citizens of Waldo County, Texas, for the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. SENEY: Petition of Levi G. Morgan, of Hancock County, Ohio, favoring pensions to the survivors of the ill-fated Sultana—to the Committee on Invalid Pensions.

By Mr. SIMONDS: Petition against alien labor on Government works—to the Committee on Labor.

By Mr. SMITH, of Arizona: Remonstrance of residents of Tempe, Ariz., against the passage of a court bill for the settlement of Mexican land grants in Arizona—to the Committee on Private Land Claims.

By Mr. TRACEY: Petition of W. H. Sample, Albany, N. Y., in opposition to the increased duty on breech-loading guns—to the Committee on Ways and Means.

By Mr. WIKE: Remonstrance of Anton Heine and others, against the passage of Schedule F of tariff bill, relating to tobacco tax—to the Committee on Ways and Means.

By Mr. WILSON, of West Virginia: Petition of James M. Hen and 76 others, citizens of Morgantown, W. Va., in favor of the passage of the Conger pure-lard bill—to the Committee on Agriculture.

By Mr. WRIGHT: Petition of citizens of Pennsylvania, against duty on hides—to the Committee on Ways and Means.

Also, memorial of Grange No. 884, Bradford County, Pennsylvania, Patrons of Husbandry, for farm product duties—to the Committee on Ways and Means.

Also, memorial of Grange No. 806, Susquehanna, Pa., in relation to duties on farm products—to the Committee on Ways and Means.

SENATE.

MONDAY, April 21, 1890.

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

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

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, stating that, in pursuance of a resolution of the 15th instant, careful inquiry has been made with the result of showing that since the adoption of the Treasury regulations of September 28, 1889, no Chinese who have entered the United States for transit have failed to depart therefrom; which was read.

Mr. WILSON, of Iowa. I move that the communication be printed and referred to the Committee on Immigration.

Mr. HALE. Yes; that committee is considering the subject.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. WILSON, of Iowa, presented resolutions of the Farmers' Alliance, No. 1327, of Davenport, Iowa, favoring the passage of House bill 283, taxing compound lard; which were referred to the Committee on Agriculture and Forestry.

Mr. VEST presented a memorial of the Commerce Club, the Merchants' National Bank, the United States Trust Company, the Consolidated Kansas City Smelting and Repairing Company, Richards and Conover Hardware Company, Midland National Bank, the Armour Packing Company, the American National Bank, and others, of Kansas City, Mo.; the Anheuser-Busch Brewing Company, the Manufacturers' Railway Company, and others, of St. Louis, Mo., remonstrating against placing a duty upon silver-lead ores from Mexico; which was referred to the Committee on Finance.

Mr. GORMAN presented the petition of A. J. Brown and sundry other citizens of Washington, D. C., praying for the removal of the Baltimore and Ohio Railroad Company's depot from its present site and that it be located north of H street; which was referred to the Committee on the District of Columbia.

Mr. REAGAN presented the memorial of Judge W. J. W. Jowers and 38 other citizens of Anderson County, Texas, remonstrating against the imposition of import duties on silver-bearing lead ores from the Republic of Mexico; which was referred to the Committee on Finance.

Mr. COKE presented a petition of 525 citizens of Brown County, Texas, a petition of 49 citizens of Palo Pinto County, Texas, a petition of 37 citizens of Palo Pinto County, Texas, a petition of 40 citizens of Greer County, Texas, and a petition of 57 citizens of Cook County, Texas, praying for the free coinage of silver; which were referred to the Committee on Finance.

Mr. WALTHALL presented a memorial of the Farmers' Alliance of Grenada County, Mississippi, remonstrating against any legislation having for its object the taxation of compound lard; which was referred to the Committee on Agriculture and Forestry.

Mr. BLAIR. I present a petition of the Woman's National Industrial League, Charlotte Smith, president, praying for such action by Congress as will lead to the establishment of a woman's national industrial university and school of useful and ornamental arts at the Capital of the United States. The petition comprises three pages of written matter, and I ask that it be printed in the RECORD, and referred to the Committee on Education and Labor.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from New Hampshire?

There being no objection, the petition was referred to the Committee on Education and Labor, and ordered to be printed in the RECORD, as follows:

At a regular meeting of the Woman's National Industrial League, held in Washington, D. C., Thursday, April 17, 1890, the following memorial was submitted, read, adopted, and ordered to be published, and that a committee of three, consisting of Mrs. Charlotte Smith, our president, and two others to be appointed by her, present said memorial to the Senate and House of Representatives, the President of the United States, the Vice-President, and the Cabinet.

CHARLOTTE SMITH,
President Woman's National Industrial League of America.

To the Senate and House of Representatives in Congress assembled:

Your memorialist, the Woman's National Industrial League of America, "ever prays" that as the dawn of 1892 draws near the time is propitious for the women of the United States to receive some practical and financial recognition in establishing a Woman's National Industrial University and School of Useful and Ornamental Arts in Washington, the Capital of our great and prosperous nation.

Your memorialist believes that now, in the closing years of the nineteenth century, the time has fully arrived when the American people should show a proper appreciation of the importance of the industrial education of women. With all our boasted enlightenment in this advanced age of civilization we are far behind other governments in establishing industrial schools and colleges for women.

France has established and maintains two hundred and fifty industrial schools and universities for her women, in which useful and ornamental trades are taught.

Two million two hundred and fifty thousand dollars have been expended in the city of Washington for monuments and statues to men. These fabulous sums of money have been appropriated to honor warriors and statesmen, but no monument in the national Capital commemorates the virtues of women or records the blessings which she has conferred upon man. Woman is ignored. Woman gave her brightest jewels to man, and her kindness, sympathy, and devotion constitute the corner-stone upon which is erected the greatest, purest, and most progressive nation in the history of ancient or modern times, having a population of sixty-five millions. With an overflowing Treasury, with peace and prosperity in our land, woman should receive some recognition in her unequal battle for bread and should be aided by a paternal government in obtaining a knowledge of the useful and ornamental arts and professions, thereby fitting her for some useful industrial pursuit in life. We have a large surplus of female population in every State, excepting the new ones recently admitted into the Union.

The serious question arises, "What are we to do with our girls?" All can not marry and have husbands to provide for them. Congress appropriates large sums of money annually to sustain naval and military schools at Annapolis and West Point for our boys, to fit them to become sailors and soldiers.

The Government of the United States has in its beneficence, or perhaps extravagance, provided a home for many purposes here at its Capital—for the deaf and dumb, the insane, the soldier, and even the bird, the fish, and the alligator, and the snake—but no place where the industrious worker, the wage-woman of the land, can find a refuge or a home. And is it not much more important that a wealthy and prosperous government should aid and encourage our girls to fit themselves for some useful and industrial occupation by establishing a woman's