

tors by a direct vote of the people—to the Committee on Coinage, Weights, and Measures.

Also, petition of J. W. Anderson, W. H. Elliott, Will Morin, and 22 others, members of Farmers and Laborers' Union No. 3331, in favor of the Paddock pure-food bill and against the Conger lard bill—to the Committee on Agriculture.

By Mr. WRIGHT: Memorial of Grange No. 820, Patrons of Husbandry, Wyoming County, Pennsylvania, in favor of bimetalism; also, memorial of Anti-Cobden Club, of the same State, for the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

## SENATE.

TUESDAY, February 17, 1891.

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

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

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

### CREDENTIALS.

Mr. INGALLS presented the credentials of William A. Peffer, chosen by the Legislature of Kansas a Senator from that State for the term beginning March 4, 1891; which were read, and ordered to be placed on file.

Mr. TURPIE. I present amended or additional credentials of my colleague [Mr. VOORHEES], chosen by the Legislature of Indiana a Senator for the term beginning March 4, 1891; and I ask that they may be read and filed.

The credentials were read, and ordered to be filed, as follows:

STATE OF INDIANA, Executive Department.

To the President of the Senate of the United States, greeting:

The executive of the State of Indiana certifies that DANIEL W. VOORHEES, an inhabitant of said State, and of the age of thirty years and upwards, and who has been nine years a citizen of the United States, was, by our senate and our house of representatives, by concurrent vote, on the 21st day of January, 1891, duly elected, in conformity to the provisions of the Constitution and laws of the United States, a Senator to represent the State of Indiana in the Senate of the United States for the term of six years, commencing on the 4th day of March, 1891.

In testimony whereof I have hereunto set my hand and caused the great seal of the State of Indiana to be affixed, at the capitol, in the city of Indianapolis, this 14th day of February, 1891, and of the Independence of the United States the one hundred and fiftieth.

By the governor:  
[SEAL.]

ALVIN P. HOVEY.

CLAUDE MATTHEWS,  
Secretary of State.

### DEATH OF GENERAL SHERMAN.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following resolutions:

Resolved, That the House of Representatives has heard with profound sorrow of the death, at his home in New York City, on the 14th instant, of William Tecumseh Sherman, the last of the Generals of the Armies of the United States.

Resolved, That we mourn him as the greatest soldier remaining to the Republic and the last of that illustrious trio of Generals who commanded the Armies of the United States—Grant, Sherman, and Sheridan—who shed imperishable glory upon American arms and were the idolized leaders of the Union Army.

Resolved, That we hereby record the high appreciation in which the American people hold the character and services of General Sherman as one of the greatest soldiers of his generation, as one of the grandest patriots that our country has produced, and as a noble man in the broadest and fullest meaning of the word.

We mingle our grief with that of the nation, mourning the departure of her great son, and of the survivors of the battle-scarred veterans whom he led to victory and peace. We especially tender our sympathy and condolence to those who are bound to him by the ties of blood and strong personal affection.

Resolved, That the Speaker appoint a committee of 9 members of the House to attend the funeral of the late General as representatives of this body.

Resolved, That a copy of these resolutions be forwarded by the Clerk of the House to the family of General Sherman, and that the Senate be advised of this action.

The message also announced that the Speaker of the House, in accordance with the above resolutions, had appointed Mr. CUTCHEN, Mr. SPINOLA, Mr. COGSWELL, Mr. CUMMINGS, Mr. GROSVENOR, Mr. KINSEY, Mr. TARNSEY, Mr. HENDERSON of Illinois, and Mr. OUTHWAITE, as the committee on the part of the House of Representatives.

### EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of the Treasury, recommending that an appropriation of \$2,000 be made for the United States building at Rochester, N. Y.; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, stating, in response to a resolution of the 12th instant, that the records of the Treasury Department fail to show the reservation of any land at Tillamook, Oregon, for military purposes; which, on motion of Mr. MITCHELL, was referred to the Committee on Commerce, and ordered to be printed.

### PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented the joint resolution of the Legislature of Nevada, recommending the passage of Senate bill 4827, providing for the construction of the Nicaragua Canal under control of

the Government of the United States; which was ordered to lie on the table.

He also presented memorials of the New York Board of Trade and Transportation, the National Board of Trade, the Chamber of Commerce of New York, the New York Produce Exchange, the New York Cotton Exchange, and the Wholesale Grocers' Association of New York City, remonstrating against the passage of the Conger lard bill and praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table.

He also presented a petition of the Farmers and Laborers' Union No. 2901, of Texas County, Missouri, praying for the passage of the Paddock pure-food bill and remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. VEST presented a petition of Farmers and Laborers' Union No. 2061, of Atchison County, Missouri, praying for the passage of the pure-food bill and remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. REAGAN presented the petition of C. T. Zapp and other citizens of Zapp, Tex., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. MANDERSON presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of F. W. Richardson and 16 other citizens of Buffalo County, Nebraska; and

Petition of John Campbell and 33 other citizens of Annandale, Clay County, Nebraska.

Mr. MANDERSON. I present a petition of citizens of the county of Dawes, State of Nebraska, representing that their county is on the border of the State and next to the Sioux reservation, and calling attention to the fact that the alleged disarmament of the hostile Sioux has been farcical, and stating that the arms have been taken from friendly Indians, and that those who are hostile have turned in simply those of a worthless and unavailable character. The petitioners call attention to their close proximity to the Sioux reservation and the danger they are constantly in from the armament of those hostile Indians, and urge that something should be done in the direction of their disarmament, and the prevention of the sale of arms to them in the future. I move that the petition be referred to the Committee on Indian Affairs.

The motion was agreed to

Mr. SHERMAN presented the petition of the Franklin Farmers' Alliance, of Mansfield, Ohio, praying for the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented a petition of the Ohio Farmers' Union, praying for the passage of the Conger lard bill and the Paddock pure-food bill; which was ordered to lie on the table.

He also presented a petition of the Cincinnati (Ohio) Furniture Exchange, praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Boston (Mass.) Indian citizenship committee, praying for legislation looking to the government of the Indians by the ordinary laws of the land; which was referred to the Committee on Indian Affairs.

He also presented petitions of councils of the Junior Order United American Mechanics, of Cleveland, Lowellsburg, and Osaburg, in the State of Ohio, praying for the passage of a bill to further restrict immigration; which were ordered to lie on the table.

He also presented the petition of P. J. Donald and 8 other citizens of the United States, praying for the repeal of the law authorizing the World's Fair Columbian Exposition; which was referred to the Select Committee on the Quadro-Centennial.

He also presented a petition, numerously signed by citizens of New England, praying for the passage of the joint resolution providing for closer commercial intercourse with the Dominion of Canada; which was referred to the Select Committee on Relations with Canada.

He also presented a petition of the Woman's Christian Temperance Union of Enon, Ohio, and a petition of members of the Methodist Episcopal Church of Enon, Ohio, praying that any exposition be closed on Sunday when Government appropriations are expended therefor; which were referred to the Select Committee on the Quadro-Centennial.

He also presented a petition of Encampment No. 16, Union Veteran Legion, of Stenbenville, Ohio, praying for the passage of a bill to insure preference in employment, appointment, and retention therein in the public service of the United States of veterans of the late war; which was referred to the Committee on Civil Service and Retrenchment.

Mr. PETTIGREW presented a petition of citizens of Brown County, South Dakota, praying for the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. HALE presented the following petitions, praying for a revision of census legislation and the establishment of a permanent census office; which were referred to the Committee on the Census:

Petition of the Business Men's Association of Fort Wayne, Ind.;

Petition of the Board of Trade of Springfield, Mass.;

Petition of the Board of Trade of Coquille, Oregon;

Petition of the Drysalters' Club of New England;

Petition of the Master Builders' Association, of Lynn, Mass.; and  
Petition of the Chamber of Commerce of South Bend, Wash.

Mr. McMILLAN presented a petition of the Detroit (Mich.) Casket Company, and the petition of Otto Lupe & Co., of Sault Ste. Marie, Mich., praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table.

Mr. QUAY presented the following petitions, praying for the free coinage of silver, and the increase of the currency of the Government to \$40 per capita; which were ordered to lie on the table:

Petition of Eureka Grange, No. 832, Patrons of Husbandry, of York County, Pennsylvania;

Petition of Independence Grange, No. 179, Patrons of Husbandry, of Washington County, Pennsylvania;

Petition of Grange No. 737, Patrons of Husbandry, of Bedford County, Pennsylvania;

Petition of Sewickley Grange, No. 704, Patrons of Husbandry, of Westmoreland County, Pennsylvania;

Petition of Niles Valley Grange, No. 966, Patrons of Husbandry, of Tioga County, Pennsylvania;

Petition of North Fayette Grange, No. 969, Patrons of Husbandry, of Allegheny County, Pennsylvania;

Petition of Central Grange, No. 835, Patrons of Husbandry, of Westmoreland County, Pennsylvania;

Petition of Eureka Grange, No. 816, Patrons of Husbandry, of Crawford County, Pennsylvania;

Petition of Oak Ridge Grange, No. 437, Patrons of Husbandry, of Armstrong County, Pennsylvania;

Petition of O. S. Cary Grange, No. 493, Patrons of Husbandry, of Jefferson County, Pennsylvania; and

Petition of Jefferson Grange, No. 413, Patrons of Husbandry, of Washington County, Pennsylvania.

Mr. QUAY presented the following petitions, praying for the passage of the bill to restrict immigration; which were ordered to lie on the table:

Petition of Venango Council, No. 358, Junior Order United American Mechanics, of Franklin, Pa.;

Petition of Greensburgh (Pa.) Council, No. 82, Junior Order United American Mechanics;

Petition of Pleasant Valley Council, No. 330, Junior Order United American Mechanics, of Allegheny, Pa.;

Petition of William J. Byers Council, No. 282, Junior Order United American Mechanics, of Wilkes Barre, Pa.; and

Petition of Cambria Council, No. 192, Junior Order United American Mechanics, of Wilmore, Pa.

Mr. QUAY presented a petition of North Fayette Grange, No. 969, Patrons of Husbandry, of Allegheny County, Pennsylvania, praying for the passage of a bill to prohibit the opening of any exhibition or exposition on Sunday where appropriations of the United States are expended therefor; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of the Retail Merchants' Protective Association, of Scranton, Pa., remonstrating against the passage of the Conger lard bill and praying for the passage of the Paddock pure-food bill; which was ordered to lie on the table.

He also presented a memorial of the Anti-Cobden Club, of Philadelphia, Pa., remonstrating against the passage of any measure providing for the free coinage of silver; which was ordered to lie on the table.

Mr. WILSON, of Iowa, presented a petition of 310 members of the Methodist Episcopal Church of Waverly Iowa, praying for the passage of a bill to prohibit the opening of any exhibition or exposition on Sunday where appropriations of the United States are expended therefor; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. ALLEN presented the petition of L. E. Buks and 14 other citizens of Luna County, Washington, praying for the speedy passage of the Conger lard bill; which was ordered to lie on the table.

Mr. FAULKNER presented petitions of Piedmont and Anthem Councils of the American Defense Association, of West Virginia, praying for the passage of the bill to restrict immigration; which were ordered to lie on the table.

Mr. COCKRELL presented a petition of Farmers and Laborers' Union No. 206, of De Kalb County, Missouri, praying for the passage of the Paddock pure-food bill; which was ordered to lie on the table.

Mr. PLUMB presented petitions of members of the Farmers' Alliance and Industrial Unions Nos. 87, 182, 513, 518, 559, and 1952, of the counties of Ellsworth, Jefferson, Stafford, Reno, Neosho, and Barton, in the State of Kansas, praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table.

He also presented a memorial of members of Farmers' Alliance and Industrial Union No. 1022 of the State of Kansas, and a memorial of members of Farmers' Alliance and Industrial Union No. 668 of the State of Kansas, remonstrating against the passage of the Conger lard bill and praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table.

He also presented a petition of the Farmers' Alliance and Industrial

Union of Russell County, Kansas, praying for the passage of certain financial and other legislation; which was ordered to lie on the table.

He also presented the petition of George E. Williams and other citizens of Jefferson County, Kansas, praying for the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented the following petitions, praying for the speedy passage of the Conger lard bill; which were ordered to lie on the table:

Petition of B. C. Hill and 9 other citizens of Coffey County, Kansas; and

Petition of J. Arnet Caven and 14 other citizens of Burlington, Coffey County, Kansas.

Mr. FARWELL presented a petition of citizens of Chicago, Ill., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

#### REPORTS OF COMMITTEES.

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

A bill (H. R. 9668) granting a pension to Elizabeth P. Satterfield;

A bill (H. R. 7146) granting a pension to Andrew J. Wallace;

A bill (H. R. 13471) granting a pension to Elizabeth Mounts;

A bill (H. R. 13337) granting a pension to Henry Allhorn; and

A bill (H. R. 12009) to grant a pension to Martha Tennery, widow of James H. Tennery, of Captain Griffin's company, First Illinois, Black Hawk war.

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

A bill (H. R. 10990) granting a pension to Sarah A. Phelps; and

A bill (H. R. 7147) granting a pension to B. Jones.

Mr. RANSOM, from the Committee on Private Land Claims, to whom was recommended the bill (H. R. 9798) to establish a United States land court, and to provide for a judicial investigation and settlement of private land claims in the Territories of Utah and New Mexico, and the States of Colorado, Nevada, and Wyoming, reported it with an amendment.

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

A bill (H. R. 13030) granting a pension to Jennie May Cain;

A bill (H. R. 10323) to pension Frances E. Bidwell;

A bill (H. R. 13173) granting an increase of pension to John D. Terry;

A bill (H. R. 12973) granting a pension to Sarah Steedman;

A bill (H. R. 12645) to place upon the pension rolls the name of Elizabeth Wolcott; and

A bill (H. R. 12402) for the benefit of General W. J. Landram.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 7813) to place the name of James H. Walton on the pension rolls, reported it with an amendment, and submitted a report thereon.

Mr. MORRILL. I am directed by the Committee on Finance to report adversely the bill (S. 4528) to provide the Government with means sufficient to supply the national want of a sound circulating medium, accompanied by a report. I ask to have the bill placed on the Calendar. I shall not move to indefinitely postpone the bill in the absence of the Senator from California [Mr. STANFORD].

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

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

Mr. CAMERON, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 4380) to correct the record of John Holloran, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2106) giving William K. Mayo the rank and pay of rear admiral on the retired list of the Navy, reported it with an amendment, and submitted a report thereon.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1570) to provide for the erection of a public building in the city of Bismarck, N. Dak., reported it without amendment.

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

A bill (S. 5077) granting a pension to Daniel Ullman;

A bill (H. R. 9576) to increase the pension of Mrs. Mary Jane Malory;

A bill (H. R. 12806) granting a pension to William D. Calkins, Company A, One hundred and eleventh Pennsylvania Volunteers;

A bill (H. R. 12757) granting a pension to Mary S. Day;

A bill (H. R. 13041) increasing the pension of John Britton;

A bill (H. R. 13442) granting a pension to Mary C. Broughton;  
A bill (H. R. 13299) granting a pension to Georgiana Smith, an army nurse;

A bill (H. R. 13242) granting a pension to Malinda Porter;  
A bill (H. R. 4033) for the relief of Mrs. Agnes Findley Halsey, who served as nurse in the late war under the name of Mrs. Agnes Findley;  
A bill (H. R. 13082) granting a pension to Mary Jane Allen;  
A bill (H. R. 12145) granting an increase of pension to Edwin H. Dill; and

A bill (H. R. 12120) to increase the pension of Mary Condy Ringgold, widow of George H. Ringgold, late lieutenant colonel and deputy paymaster general, United States Army.

Mr. INGALLS, from the Committee on the Judiciary, to whom was referred the bill (S. 4924) to provide the times and places for holding terms of the United States courts in the State of Idaho, reported it with amendments.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (H. R. 7233) granting a pension to Margaret M. Copeland, reported it with amendments, and submitted a report thereon.

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

A bill (H. R. 13159) restoring the pension of Caroline Dawson;  
A bill (H. R. 13154) granting a pension to Mary Jane Fox, army nurse;

A bill (H. R. 13153) granting a pension to Mary Brooks, army nurse;  
A bill (H. R. 3258) granting a pension to Hannah Cummins;  
A bill (H. R. 11640) granting a pension to Mary B. Cook;  
A bill (H. R. 3174) granting a pension to Mrs. Frederika B. Jones; and

A bill (H. R. 5199) granting a pension to Elizabeth Johnson.  
Mr. VEST, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. EVARTS, from the Committee on the Library, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

#### SYLVESTER TRUESDELL.

Mr. PLUMB. The Committee on Public Lands instruct me to report back favorably, without amendment, the bill (S. 4981) for the relief of Sylvester Truesdell. I ask for the immediate consideration of the bill.

The VICE PRESIDENT. The bill will be read for information. The Chief Clerk read the bill, as follows:

*Be it enacted, etc.*, That Sylvester Truesdell, who, on the 29th day of June, 1886, made homestead entry of the southwest quarter of section 6, in township 122 north, of range 33 west, of the fifth principal meridian, at St. Cloud, Minn., which entry was canceled on the 27th day of June, 1888, be, and he is hereby, authorized to make another entry in lieu of said canceled entry, under and pursuant to the provisions of the homestead act, with credit for fees and commissions, and also with credit as to residence for the time which he held said original entry, in addition to the other rights and privileges conferred by the homestead law.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

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

#### MRS. ELIZABETH R. GORDON.

Mr. SAWYER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 12900) to increase the pension of Mrs. Elizabeth R. Gordon, widow of Maj. George A. Gordon, Fifth Cavalry, to report it without amendment, and I ask immediate action upon it. The Senate passed a bill precisely like it, except that it provided for a pension at the rate of \$50 a month, while the House bill grants a pension of \$40 a month. If this bill is passed I shall ask the Senate to recall its bill from the House of Representatives.

The VICE PRESIDENT. The bill will be read for information. The Chief Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Elizabeth R. Gordon, widow of Maj. George A. Gordon, Fifth Cavalry, to \$40 per month, in lieu of the pension she is now receiving, to date from the passage of this act.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill 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.

Mr. SAWYER. I ask that the bill (S. 4655) to increase the pension of Mrs. Elizabeth R. Gordon, widow of Maj. George A. Gordon, Fifth Cavalry, be recalled from the House of Representatives.

The VICE PRESIDENT. That order will be made.

#### BILLS INTRODUCED.

Mr. PLUMB introduced a bill (S. 5092) granting an increase of pension to Philamon Caywood; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5093) granting a pension to Samuel Langdon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5094) granting an increase of pension to Albert H. Bryan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5095) granting a pension to Sarah M. Loomis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5096) to divide the State of Kansas into an eastern and western judicial district, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 5097) to incorporate East and West Washington Traction Railway Company of District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ALLEN introduced a bill (S. 5098) for the relief of John C. Smith, Milton Evans, and others; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. WILSON, of Iowa, introduced a bill (S. 5099) granting a pension to Robert J. Lisle; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MORRILL introduced a bill (S. 5100) to prevent bookmaking and pool selling in the District of Columbia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. MANDERSON introduced a bill (S. 5101) to remove the charge of desertion now standing against George Alcott on the rolls of the War Department; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5102) granting a pension to Mrs. Isabella Morrow; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 5103) for the relief of N. F. Palmer, jr., & Co., of New York City; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. MORGAN introduced a bill (S. 5104) to grant to the Mobile Transportation Company a right to trestle into Mobile Bay at or near Alabama Port; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MITCHELL introduced a joint resolution (S. R. 163) authorizing the printing of the annual report of the Chief of the Bureau of Statistics for 1890 on internal commerce; which was read twice by its title, and referred to the Committee on Printing.

#### AMENDMENTS TO BILLS.

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

Mr. MORGAN submitted an amendment intended to be proposed by him to the bill (S. 4621) to authorize the Washington and Chesapeake Railroad Company to extend its railroad into and within the District of Columbia; which was ordered to lie on the table and be printed.

Mr. PETTIGREW submitted two amendments intended to be proposed by him to the Indian appropriation bill; which were referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. QUAY submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

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

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

Mr. BLODGETT submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Library, and ordered to be printed.

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

## WITHDRAWAL OF PAPERS.

On motion of Mr. VANCE, it was

*Ordered*, That George C. Haynie have leave to withdraw his papers from the files of the Senate.

## REPORT ON DISEASES OF THE HORSE.

Mr. COCKRELL. I offer a concurrent resolution and I ask that it may be referred to the Committee on Printing. I desire to call the attention of the chairman of the Committee on Printing to it. It is a resolution in regard to printing the special report of the Bureau of Animal Industry of the Department of Agriculture on the diseases of the horse.

The concurrent resolution was read, and referred to the Committee on Printing, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That the Public Printer be, and hereby is, directed to print and bind 15,000 copies of the special report on diseases of the horse by the Bureau of Animal Industry, Department of Agriculture, 5,000 copies of which shall be for the use of the Senate, and 10,000 copies for the use of the House of Representatives.

## INDIAN CONTRACT SCHOOLS.

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

*Resolved*, That the Secretary of the Interior be directed to furnish the Senate with copies of all correspondence between the said Secretary of the Interior and the Commissioner of Indian Affairs, and between either of them and any persons representing different religious denominations, relating to Indian contract schools since July 1, 1889.

## THE LATE REPRESENTATIVE LEWIS F. WATSON.

Mr. CAMERON. Several days since I gave notice that I should at 4 o'clock this afternoon ask the Senate to consider resolutions commemorative of the life, character, and public services of my late colleague in the House of Representatives, Hon. Lewis F. Watson. I now withdraw that notice, and announce that on Monday next, at 5 o'clock in the afternoon, I shall call up the resolutions.

## FORT RILEY MILITARY RESERVATION.

Mr. HAWLEY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2648) granting right of way to the Junction City and Fort Riley Street Railway Company into and upon the Fort Riley military reservation in the State of Kansas, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with the following amendments:

1. In line 1, page 2, section 2, of the House amendment, after the word "and," insert the words "to have the;" and the House agree to the same.

2. In line 1, page 2, section 2 of the House amendment, after the word "use," insert the word "thereof;" and the House agree to the same.

3. In line 8, page 2, section 3, of the House amendment, strike out the words "one passenger" and insert in lieu thereof the following words: "all persons in the military service of the United States and their families;" and the House agree to the same.

4. In line 10, page 2, section 3, of the House amendment, after the word "cents," insert the word "each;" and the House agree to the same.

JOS. R. HAWLEY,  
CHAS. F. MANDERSON,  
F. M. COCKRELL,  
*Managers on the part of the Senate.*  
E. S. WILLIAMS,  
JOS. WHEELER,  
W. M. KINSEY,  
*Managers on the part of the House.*

The report was concurred in.

## ESTATE OF GEORGE W. LAWRENCE.

Mr. HIGGINS. I ask the Chair to lay before the Senate the amendment of the House of Representatives to Senate bill 3270.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3270) for the relief of the administratrix of the estate of George W. Lawrence.

The amendment of the House of Representatives was, on page 1, line 4, after the word "work," to insert:

But no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged term for completing the work rendered necessary by delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor.

Mr. HIGGINS. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House nonconcurring in the amendments of the Senate to the bill (H. R. 12312) to grant a pension to Mary C. Hoffman, widow of General William Hoffman, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAWYER, Mr. BELKNAP, and Mr. YODER the managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12499) mak-

ing appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

## DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. If the morning business is through—

The VICE PRESIDENT. Is there further morning business? If not, that order is closed, and the Calendar, under Rule VIII, is in order.

Mr. HALE. I ask that the diplomatic and consular appropriation bill be proceeded with.

The Senate resumed the consideration of the bill (H. R. 13069) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1892.

The VICE PRESIDENT. The pending question is on the amendment submitted by the Senator from Oregon [Mr. DOLPH], which will be stated.

The CHIEF CLERK. On page 2, line 6, after the word "Colombia," strike out the word "and;" in the same line, after the word "Peru," insert the words "and Portugal;" and in lines 6 and 7, on the same page, strike out the words "fifty thousand dollars" and insert in lieu thereof the words "sixty thousand dollars;" so as to read:

Envoys extraordinary and ministers plenipotentiary to Turkey, Chili, the Argentine Republic, the United States of Colombia, Peru, and Portugal, at \$10,000 each, \$60,000.

Mr. HALE. The Senator from Massachusetts [Mr. HOAR] had the floor upon the amendment when the Senate adjourned yesterday.

Mr. HOAR. I should like to inquire of the mover of this amendment if it proposes to raise the rank of the minister, or does it merely propose to raise the salary?

Mr. DOLPH. I suppose it would have the effect of raising the rank. The clause in which the amendment is inserted is for the salaries of "envoys extraordinary and ministers plenipotentiary." It is proposed to insert "Portugal" in the clause which contains "Turkey, Chili, the Argentine Republic, the United States of Colombia, and Peru," and transfer it from the clause which reads as follows:

Ministers resident and consuls general in Hayti, Persia, Portugal, and Siam, at \$5,000 each.

Mr. HOAR. I will not detain the Senate upon this question for any length of time. I had desired at some time to address the Senate more at length upon the necessity of conforming our diplomatic usages to the usages of other civilized nations with whom we have diplomatic relations.

I suppose that every person who has studied the subject, especially every person who has represented the United States abroad, as you have, Mr. President, in a very distinguished and honorable post in the diplomatic service, understands perfectly well that the customs which have been established, and which have been established for centuries, in the relations of nations with each other, put the United States and the citizens of the United States at a grievous disadvantage.

Every foreign government treats with other nations, not according to their rank, nor according to their importance, nor according to the community of interest between the two nations, but solely with reference to the question of diplomatic rank. So if the minister of the United States, having to discuss important commercial relations and interests which may affect millions upon millions of dollars, having to discuss a question upon which the grave issues of peace or war may turn, although he has been waiting for three hours at the foreign office in England for his audience, if an ambassador from Siam or from Hayti presents himself the United States minister must wait longer, and every American interest suffers and is brought into contempt. It is not merely a question of compliance with the usages of rank and fashion or the unrepugnant usages which prevail in courts. It is a question of the common law of civilized nations, which no single nation can break down or depart from, except to its own detriment. Whatever may be the salary, the question of the due and dignified and respectful conduct of our public business is in issue, and wherever there is a power with whom we transact important business we ought to have officials of the highest rank, which are ambassadors.

I wish to send up to the desk and have read a very spirited and entertaining sketch of the way this thing works at the court of Great Britain by my friend Mr. Smalley, the accomplished correspondent of the New York Tribune, who is himself at this moment the head of the great profession of newspaper correspondents, of which he is almost the creator and the leader. Mr. Smalley's book, entitled "London Letters," will be, I think, one of the most valuable materials in future centuries for the history of our present age, the history of English politics, the character and quality of leading Englishmen, and certainly of the official and political usages which affect so largely the public business there. I ask the Secretary to read, beginning with the words "Mr. Phelps," on page 224, down to the middle of page 226.

The Chief Clerk read as follows:

## MR. PHELPS—HIS DIPLOMATIC RANK IN GREAT BRITAIN.

LONDON, April 28, 1885.

It may be interesting to point out the precise place in the order of diplomatic precedence which Mr. Phelps will occupy on his arrival at the Court of St. James.

As he is not an ambassador, he will rank, of course, after all the ambassadors, of whom there are at this moment seven, Turkey having two. The senior member of the entire diplomatic body is a Turk, an unspeakable Turk, Musurus Pacha, Count Munster, whose quarrel with Prince Bismarck had led to neither his resignation nor removal, comes next, then Count Karolyi, the Austro-Hungarian, who is followed by Count Nigra, of Italy, who is one step before M. Waddington, the ambassador of the French Republic, who immediately precedes M. de Staal, of Russia; to whom succeeds the special ambassador of the Sublime Porte, Hassan Fehmi Pacha.

That closes the list of ambassadors. The first in the list of ministers is Count de Bylandt, the popular envoy of the Netherlands; the second is Baron Solvyns, the not less popular Belgian. For the third you must go all the way to Persia, long represented by Prince Malcom Khan, and from Persia all the way to Brazil for the fourth—the well-known Baron de Penedo, with a social reputation of his own. Portugal comes next but one to her ancient dependency, Spain intervening, and Sweden following. Then the list descends in order through the ministers of Salvador, China, Guatemala, and the Argentine Republic to Mr. Lowell. But on Mr. Lowell's departure the United States loses its present proud position after Guatemala and the Argentine Republic. Denmark steps in, and after Denmark Colombia (supposing Admiral Jouett not to have extinguished her meantime); then Roumania, Chili, Mexico, Siam. It is worth pausing in this downward scale to note that Siam is represented by his Royal Highness Krom Mun Nares Varariddhi, a name which I affectionately commend to the closest solicitude of the proof-reader. We resume with Costa Rica, proceed with Venezuela, and go on by way of Hayti, Servia, Japan, and Uruguay.

Last of all will come Mr. Phelps, as minister of the United States of America. He will be entitled to an uninterrupted view of the backs of twenty-three ministers and seven ambassadors at court and elsewhere. When he calls upon Lord Granville, at the foreign office, seven ambassadors and twenty-three ministers will have the right to go in before him. The business of the United States can not be transacted before the affairs of Guatemala, of Costa Rica, and of Hayti have been disposed of. Salvador is to be heard before her; she will wait upon the good pleasure of Siam; the world-wide interests of the Kingdoms of Servia and Roumania may claim a full discussion before the ear of the British secretary of state for foreign affairs is open to the trivial concerns of the petty republic beyond the Atlantic, with its fifty or sixty millions of people.

It is, I hope, obvious that diplomatic precedence is not determined by such slight considerations as the relative importance of the powers represented. It is determined first by rank. An ambassador is a being superior to a minister, and any ambassador goes before any minister alike in matters of ceremony and matters of business. Seniority is the only other condition of precedence. The ambassador who has been here longest takes precedence of all his colleagues, who follow according to the dates of their appointment, or, I suppose, strictly speaking, their credentials. The rule is the same with ministers.

When Mr. Phelps arrives, the Vermont lawyer of sixty will be—for all official and social and ceremonial purposes—the youngest diplomatist at the Court of St. James; absolutely last on the official "list of foreign ministers at this Court in the order of their precedence in each class," as the lord chamberlain phrases it. As other powers change their ministers less frequently than we do, he will climb upward but slowly. It rests, nevertheless, with the United States to say whether he shall remain at the bottom of this long roll of inferior plenipotentiaries. The moment Congress chooses to enlarge the legation into an embassy, the American ambassador will take his place with other ambassadors. There are usually six; and an American would therefore be one of seven, who rank above all ministers and other diplomatic agents. Falling this, he will remain for an indefinite period as bob to the diplomatic kite.

Mr. PLUMB. Is that the conclusion of the Senator's argument on the subject?

Mr. HOAR. It is at present.

Mr. PLUMB. I am very sorry that the Senator concluded with a quotation of that kind from a very exemplary gentleman, no doubt, but one who has so entirely unamericanized himself that, when he last came to the United States, he could hardly speak the English language, and he had become so entirely affected by the cockney vernacular which he heard in London, that he forgot the English language, or the American language, as the Senator from Massachusetts [Mr. DAWES] suggests.

When an authority of that kind can be quoted to show how near the American Republic comes to the absolute end of its career, how near it comes to entire destruction because it does not change a word in its appropriation bill, because it does not call some man an "ambassador" instead of a "minister plenipotentiary and envoy extraordinary," why, Mr. President, the angels must pause in contemplation of the magnitude of this question. Think of a professional snob, who has set himself up to characterize the American Congress and the American people, to exhibit the peril American institutions are in, and the grave interests involved, and everything of that kind, because, forsooth, according to the rule which prevails at the British court and the order of precedence among those who stand around in meek and lowly attendance upon the holy group of British royalty, an American minister comes in behind some one who happens to have a little more ambitious name and probably more ambitious purple upon his person!

Mr. President, what happened when we were engaged in the war for Independence, when something was at stake? What happened when Franklin was at the court of France, at a time when names were not things, as they are in these latter days? Did anyone degrade Mr. Franklin or was he degraded because he was simply a citizen of a struggling country, seeking to emerge above the ordinary level of things into the atmosphere of nationality? Did anyone speak of Mr. Dayton or Mr. Adams during our late struggle as less entitled to consideration at the time when the life of the nation was in the balance than some pumpernickel representative of a country which might be entitled to an ambassador from some southwest corner of some one of the old and effete monarchies of the old countries?

The VICE PRESIDENT. The hour of 12 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which is the bill (H. R. 10881) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights.

Mr. HALE. I ask that that bill may be laid aside informally.

The VICE PRESIDENT. The bill will be informally laid aside, if there be no objection. The Chair hears none.

Mr. PLUMB. Mr. President, public opinion in this country is not represented by sentiments of that kind, and the interests of this country are not dependent upon considerations of that kind. No American colony in England has any relation whatever in things material to this people. The men who expatriate themselves, as consuls and as Tribune correspondents, do and have done (as under the preceding Republican Administration one of them did to the extent of saying practically, as he ran down from Glasgow to London, that he was sorry he was an American citizen, notwithstanding he drew pay out of American money), are not the class of people who fix the policy of legislation and of ambassadorial designation for the American Congress, or represent American public sentiment; and it is not they, I beg to say, who are going to fix the limits and confine the operations of the American people.

The public sentiment of this country no longer resides in the quarters in which there is an affectation of unamericanism in speech and manners and dress. It is going to be fixed in the interior of this country, as Mr. Seward said in one of the greatest speeches he ever made, among the people who reside at the sources of the great waters, and who will use the cities on the coast as the mouths merely by which they will speak the sentiments which, in their reflective moments, they may have to express.

It would be degrading at this late hour in our history, after having incurred the perils of the Revolution in order to sever ourselves from England, of a second war in order to make our independence more perpetual, and of the war of the rebellion, during which we had to consider the possibility of the active and the hostile intervention of France and England, during which time we were represented by simple citizens of the United States, bearing not the title of ambassadors but of ministers plenipotentiary and envoys extraordinary; after we have got beyond all the things that are material, beyond all questions of independence, it is too late to complain that we do not get the roast at the feast and the good things at the table and the precedence in all the society notes and ordinances that obtain around foreign capitals unless we will change the title of our foreign representatives!

Why, Mr. President, that article reminds me of the society column in the Washington Star. We have got to that point really where we want to settle this question of our relations with foreign governments upon the leather and prunella, the tithes of mint and cummin of social distinctions which prevail in localities where American sentiment no less than American speech is absolutely tabooed.

Mr. HOAR. Mr. President, I think I ought to say for the writer of the statement which I quoted that, although the Senator from Kansas thinks he has forgotten the English language—

Mr. PLUMB. The American language.

Mr. HOAR. The English language as spoken in America, I think his style is a pretty good specimen of as racy, idiomatic, bright, sparkling English as is spoken in the United States, almost as much so as that of the Senator from Kansas. That is saying a great deal, because the Senator from Kansas has an admirable gift of that kind, and the comparison, I hope, will not offend him, because I wish to pay a compliment to the gentleman I allude to in using his own English as a comparison. But the fact is just this, and it can not be rubbed out or answered by sneers at the fashionable column in the Star, or fashionable society abroad, or by talking about the dignity of this country. This country has the right to say in what order her business shall be considered at a foreign court, and when she uses the word "envoy" or "minister" she means just as if she had said, in other words, "this man whom we send to you is to rank No. 50 in his right to have business considered." If we use the word "ambassador," even if we do not raise the pay or change the man, that means that we think our business of importance enough to be considered in England or in France No. 1 or No. 6, according to the date of his commission; and that is all there is of it.

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

Mr. HOAR. Yes.

Mr. PLUMB. Will he please tell me, the Senate, and the country, why it is, if the title of the official is so very important, England does not send an ambassador to the United States?

Mr. HOAR. Because we do not send one to her.

Mr. PLUMB. Ah! Very well. That is it. In other words, we must do it first. They have not sent one to us and we must take the initiative. The fact is, there is not at this Capital of the United States a single ambassador of any foreign nation.

Mr. HOAR. Is that the question?

Mr. PLUMB. I will submit that to the criticism of the Senator as equal to the questions he usually submits himself.

Mr. HOAR. I am not going to transfer this argument into an exchange of personalities with my honorable friend from Kansas, because I have tried that once or twice in my life and I have always got the worst of it, as I have no doubt I should again. The Senator from Kansas has a much readier wit and much greater skill at these gibes than I have, and I do not propose to enter into a controversy of that kind.

The Constitution of the United States provided that we should ap-

point "ambassadors and other public ministers and consuls," expecting that, when the United States got to the proper rank and became able to do it and possessed the means, we would take upon ourselves the attitude of a first-class power, and that is all there is of this question.

It is a question of the meaning of the English language, and the language used in addressing other courts by the law is the English language always. The English language has a fixed meaning. When you say a judge or a judicial officer you do not mean a sheriff, although the sheriff may be just as good, but you mean a judge. When you say "ambassador," you mean that you send a man to another country as an ambassador, that is saying by the United States of America, "We desire you to consider our business as of first-rate importance, and to treat this man as entitled to come first in all competitions for a hearing." That is the meaning of the word ambassador. It is not a question of dignity, or of title, or of social distinction, or of rank, or flourish of trumpets. When we say "envoy," we mean "we do not consider our business of great importance, and you may treat this man as No. 47 or No. 67, as the case may be," according to the date of his commission.

Mr. GRAY. Will the Senator from Massachusetts allow me to make a suggestion?

Mr. HOAR. Certainly.

Mr. GRAY. If the special business in hand between the two countries required the selection of an army officer to go abroad, how would it be obnoxious to popular criticism that we should send a major general instead of a captain of cavalry?

Mr. HOAR. I can not see myself. The Senator from Kansas says if there were a great, imperative occasion the head of the English foreign office might make a special appointment to receive the foreign minister at his house or somewhere else. The case he puts is a very unfortunate one for him. There is nothing more humiliating to American pride than the way, in the early days of our embassy to France, that Franklin and John Adams, and Silas Deane part of the time, and part of the time Mr. Jay—those three men, the most illustrious names, with one exception, almost in our history—had to cool their heels around the court of France and wait days and weeks in order to get an audience. The thing did not happen which the Senator from Kansas states happened. So in regard to our minister to England.

The nations of the world have set this usage, and our Constitution directs us to consider it by saying that we shall appoint ambassadors and other ministers, ambassadors being the only name mentioned.

I state again, it is a simple question of the word we use and our own desire as to how a man shall be received. Write down "ambassador" on his commission, and he is No. 1, or at any rate, not lower than No. 6. Write "envoy," and he goes down behind No. 47 when he first arrives.

Mr. PLUMB. Forty-seven at dinner, or what?

Mr. HOAR. To be heard by the foreign office. The foreign minister comes in after his summer vacation and he finds in his anteroom twenty ministers waiting, and the United States minister has got to wait until all the twenty are served. It is a matter of absolute right for consideration. If the United States minister has been waiting outside two hours and an ambassador from Siam comes in, then the English minister has got to take up Siam, or Turkey, or Persia, or half a dozen others of them and hear them all, keeping the American minister waiting, although he got there first. That is done not by England's wanting to show us any disrespect, but because we have said that is exactly what we want to do; and when it has been proposed, as it has been by every Administration, by Mr. Bayard, by Mr. Blaine, and all their predecessors, somebody gets up and says to the Senate, "Do not do it; the seat of power is in the Northwest, at the source of the rivers, and those fellows that come from the East, who go to London and have their fashionable items of intelligence in the Star, are a poor, miserable set of fellows, and we do not think much of them. The man who happens to see it is a newspaper correspondent, and therefore you had better not do it." That is the logic which prevents its being done, and that is all the argument I have ever heard.

It may be a good plan to send an American minister to London and tell him to stuff his trouser legs in his boots and go without stockings, as I understand at the source of the rivers is the fashionable thing to do. I do not think that is the way, and it is not a question, as I say again, of complying with fashionable folly. It is a question of complying with the regulations that have been established for the intercourse of nations probably for five hundred years, and which our Constitution points out to us.

Mr. PLUMB. The Senator adds nothing to his first statement, except to re-enforce the idea that when we come to deal with foreign countries we have got to accept of their ceremonials as affecting our responsibilities and our interests. He does not meet the case which is presented by the fact that Great Britain sends only a minister here and not an ambassador.

Mr. HOAR. Because we do not send one there.

Mr. PLUMB. Very well. He does not meet the other case. The dean of the whole diplomatic corps at this Capital, at Washington, was for a long time, and perhaps is now, the minister from Hayti, the most inconsiderable nation of the world. That order of precedence grows

up by duration and length of service, which entitles the minister from Hayti—and it requires a search warrant from time to time to find the actual location of that principality—actually sits at the head of the table of all the men representing foreign governments at this Capital of the United States.

Mr. President, if it be true, as the Senator from Massachusetts says, that it is the designation we give to our foreign representatives, then why should we not say by law, if necessary, that we consider that "minister" is a more pretentious title than "ambassador," and why should we not go back to the days of the French revolution and say that "citizen" means more than either "ambassador" or "minister," if names are things and if that is all there is of it? If it is only a question of how deep we can get down into the dust and how prone we can put ourselves before the social usages of foreign capitals, and it is not important to the interests of the country, then we ought to adopt some more humiliating phrase, and idea, and plan than the Senator has suggested, and burn our incense under the nostrils of royalty.

Mr. President, there was something in the sneer of the Senator from Massachusetts that the people out West who have got poor do not wear stockings. There is something in that, I agree. There was a self-sufficiency about it which characterizes the people from whom he comes, and who have been fortunate enough to be able to make a law to suit themselves, and thereby impose a tax upon stockings which people who can fight battles and make speeches and make laws can not buy.

The stroke of the Scotch claymore was no weaker because it was raised above the stockingless legs of the good honest Scotch body which bore it and gave it power. No, Mr. President, names are not things any more. The fact that the Senator has by the arts of legislation been enabled to put his constituents, in their instrumentalities and their power to levy toll upon other people, above the mass of the people of the United States does not constitute a primacy, except that which assumes that there is no principle except power and no morals except interest.

When we go to the Court of St. James in the person of whomever we send there, then it is the power of sixty-five millions of apparently self-respecting people—I say "apparently" advisedly—it is the power of the people who have subdued a continent and have been able to maintain themselves there and extend their power, not by words, not by a simulated language, which affects, not Americanism, but the fashionable speech that is begotten in the presence which surrounds the royalty of Great Britain, but which is good honest Anglo-Saxon, and knows how to express what it wants, as Butler, a good Massachusetts man, said of a widow, that she knew what she wanted and was not ashamed to ask for it.

No, Mr. President, when at this late day we have reached that point where we have got to settle the primacy that we have in the powers of state by the phrase with which we endow the man whom we send abroad, by the title which we put on him, notwithstanding the Revised Statutes meant something when they said, for the purpose of getting away from the very frills and furbelows that the Senator now wants to surround this office with, that no man who represents the United States shall wear a uniform, or anything else but the plain paraphernalia of clothing which is common in circles in which stockings, if common, are not always so dear as those which the Senator's constituents make, and are willing to sell at a small profit to other people.

I beg to say to the Senator that there is more in this thing than a sneer about No. 47, and that if the American Government ever chooses to have its ambassador at the head for any particular purpose it will say so. During our time of trouble, as I said before, the honored citizen of that State of Massachusetts, which the Senator now represents, who was then our minister to England, did not complain that he could not get an audience with the prime minister of Great Britain with regard to matters which affected the integrity of the American Republic. He did not say that if Siam came in he had to drop to No. 47 and wait with his speech half punctuated and half uttered; not at all. Those were days in which there was something at stake. But now we have got into the leather and prunello, the mere drivel of things, in which the affairs of nations are to be settled, not in American speech and on American plans and ideas, but upon this false basis of furniture and uniform.

Mr. HOAR. Will the Senator pardon me for saying to him that Mr. Adams's secretary of legation, Mr. Moran, told me that Mr. Adams was obliged to undergo infinite humiliation to get his opportunity for diplomatic discussion, and the Senator from Maine tells me that Mr. Phelps said the same thing?

Mr. PLUMB. Mr. Phelps, I have no doubt, is very easily humiliated. I expected that of him. He was not living there in the perilous times when Adams served at the Court of St. James. Just think of the enormous consequences of the length of a man's coat tails during Mr. Phelps's service there as compared with the trifling things that affected the integrity of the American Republic when Adams was there.

I want to say one other thing. When this question was under debate before we had here the rules which prevail at the Court of Germany, of which the Senator may have heard, a court of some consequence, in which it is especially laid down "first come first served."

In other words, if the American minister is an early bird and gets up at a proper time in the morning and gets down to the palace before No. 47, he gets in accordingly. Now, I suppose the Senator thinks that if we just hitch the title of ambassador onto his coat-tails, if he came in after No. 47 he would go up ahead simply because he had that title designation on his garments.

Mr. BLAIR. I ask consent of the Senate to be excused from voting on this question. [Laughter.]

The VICE PRESIDENT. The excuse asked by the Senator from New Hampshire will be granted, if there be no objection. The Chair hears none.

Mr. EVARTS. Mr. President, I rise to speak on the amendment offered by the Senator from Oregon [Mr. DOLPH], but I will say a word on the general question of rank.

We had an interesting debate some two years ago on this subject of the rank of ambassadors, and the only sensible view of that rank is this, that under the arrangements with the governments with whom we have these relations and they with us, this title and rank of ambassador gives certain privileges. So far as the great powers themselves are concerned with whom we have to do, it would be desired on their part that we should conform to that regulation and be placed in the first rank of dignity and representation. They would like that for two reasons: First, our importance in our relations, commercial, political, and otherwise, with these great powers entitles them to put us upon such footing if they could. Another reason they have is that they would be glad to find it in their power to send the most eminent of their public servants in the diplomatic employment to us; but that can not be done without injury to the rank and benefits in pension after their service expires and during their service. Their governments can not put them on that footing, in justice to these envoys themselves, which they would like to do.

All this conversation, as it seems to me, of the personal inconvenience of ambassadors and these suggestions that are commented upon are not of any great importance, and the iron does not enter very deeply into the soul of our ministers whom we send abroad. No one has ever resigned by reason of this obstruction in our service, and we have been able to carry on important matters, when important matters arose with foreign courts, without any impediment to a very fair hearing of whatever we had to say. Nevertheless, it is of very great importance in the sense that I have stated that in this rank and intercourse of nations we should conform to the regulations as adopted until they are changed.

I have regretted very much that our envoys to the great powers should not have been clothed with the office of ambassador in order that the nations might be in better relation for their intercourse than they now are. I mean their relation with us and ours with them.

Now, it having been determined upon that matter that we would not raise the envoys extraordinary to the rank of ambassadors, there seems to have set in a disposition to raise all that were below the rank of envoys extraordinary and ministers plenipotentiary up to the level with them, without any very great attention to the importance of the courts or the seriousness of our interests in our intercourse with them. I have nothing to say in regard to that, except, as a general proposition, that it ought to be carefully considered before any elevation in particular instances is made, by considering what effect it would have upon the other representations we have with foreign powers that are on the level or may be regarded in a certain sense of less importance, where we now have ministers resident or chargés d'affaires, etc.

Now, on this particular matter of the minister to Portugal, I shall support that on the question of the entire propriety in every point of view of raising the salary. The Kingdom of Portugal, an ancient monarchy, shorn, no doubt, by the progress of years of its importance from century to century, is a court of expensive residence, and leading to such intercourse as involves expenditures, as in this city, for instance, or in one of our great cities, when in other places the same expenditures would not be needed. It seems to me quite unseemly that a minister should be sent to Portugal and obliged to expend in great part out of his own income not the display, but the proper and reasonable support of his position in society.

I should hope, therefore, that when we have an accomplished minister there indeed, as we had in the last representative and perhaps in previous representatives, important public men held in high regard at home, there should be at least a proper support of his place and rank and employment.

I hope that the amendment of the Senator from Oregon will receive favorable attention from the Senate.

Mr. HALE. Mr. President, since last night I have looked up the statute that fixes all these diplomatic officers. Their grade, designation, and salary are all fixed by existing law, originally by the act of 1873, and incorporated in the Revised Statutes, Title XXVIII, chapter 1. I make the point of order that this amendment changes the existing law, not in reference to the salary, but that it changes the grade and designation and rank of the minister. He is provided for in law as minister resident to Portugal, and the amendment seeks to make him an envoy extraordinary.

The VICE PRESIDENT. The Chair holds that the point of order is—

Mr. DOLPH. Mr. President, I hope I may be allowed to say a word at least. I believe the Senator from Maine made a similar point of order yesterday and the Chair ruled that the point of order was well taken. I think it is a matter that ought to receive a little consideration before such a ruling is made.

In the first place, the proposition made by the amendment is to increase the rank in regard to an individual. It affects no other foreign officer in the service. It simply changes the designation of his office and appropriates money for the payment of an envoy extraordinary and minister plenipotentiary to Portugal instead of being an appropriation for minister resident and consul general. It is the first time, I believe, since I have been in the Senate that such a question of order has been raised. The Senate went so far at one time, I think, as to change upon an appropriation bill the title of all our ministers to the principal foreign countries to that of ambassadors.

Mr. HALE. I raised the point of order yesterday in regard to another amendment and it was sustained.

Mr. DOLPH. I know, but as I was not interested in that amendment, and did not have time to get to my feet, I did not make any protest in regard to it, but I doubt very much whether the point of order was well taken, and I submit the matter to the careful attention of the presiding officer.

Mr. HALE. Does not the Senator see that if this applies to only one case it would result in the entire law being changed, if we took up these places one at a time? The general law is clear and distinct and fixes the rank. It is incorporated in the Revised Statutes, and that law is changed; if you take up one place or take up six places it makes no difference, provided, as I have said, you could change and uproot the law by one case at a time.

Mr. DOLPH. But the general law merely provides that to certain countries there shall be envoys extraordinary and ministers plenipotentiary appointed, and to other countries there shall be ministers resident and consuls general appointed, and it fixes the salaries of those officers. Now, I suggest whether, when the salary is not named in the general act, changing the salary of the officer would be general legislation within the meaning of the rule.

Mr. HALE. It comes under the other part of Rule XVI, which declares that the head of a Department or a committee of the body may report a change increasing an appropriation. That applies only to the salary. My point of order goes to the other matter and only to the change of existing law. I do not think there is any doubt about it, and the Senator, who is a good lawyer himself, should have no doubt about it.

Mr. DOLPH. Sometimes there is difficulty in determining just what is general law and what is special law. I hold in my hand Anderson's Dictionary of Law, in which he says:

GENERAL LAW: Relates to a whole genus or kind, to a whole class or order. Opposed, local or special law. See Public law.

A law which affects a class of persons or things less than all may be a "general" law.

PUBLIC LAW: (1) International law. (2) A law involving public interests. Opposed, private law. A law for the benefit of an individual or individuals.

As I apprehend the scope of the amendment it only affects a single individual, and I can not conceive that it is any more general legislation than legislation affecting the salary that he shall receive. At least it has been quite customary to provide for officers of the Government, assistants to some Department of the Government, to increase their salaries, to change their title, their designation, by amendments to an appropriation bill. I suggest that such a ruling as is sought for by the Senator from Maine may arise hereafter to prove a great inconvenience.

The VICE PRESIDENT. The Chair is of opinion that the point of order is well taken.

Mr. DOLPH. I then offer the amendment which I send to the desk, to come in on page 3, lines 24 and 25. That is in order. It would put Portugal on a par with Corea.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 2, lines 24 and 25, amend so as to read:

Ministers resident and consuls general in Corea and Portugal, at \$7,500 each, \$15,000.

Mr. DOLPH. This amendment does not change the rank. It increases the salary \$2,500; that is, to the amount of \$7,500. It puts Portugal on a par with Corea.

Mr. HALE. Has the amendment been reported from a standing committee?

Mr. DOLPH. It has not, but the increase of salary is recommended by the Secretary of the Treasury.

Mr. HALE. Is the distinctive amendment that is proposed by the Senator either recommended by a standing committee of the Senate or estimated for by the Treasury Department?

Mr. DOLPH. It is estimated for. It is not necessary that this distinctive amendment should be estimated for.

Mr. HALE. The language of the rule is that an amendment which proposes to raise a salary or increase an appropriation or insert a new one must either have been reported by a standing committee of the Senate or estimated for by the Department.

Mr. DOLPH. I showed yesterday that an increase of the salary of

this officer \$5,000 was estimated for by the Department, and that the Department transmitted it here with the favorable recommendation of the Secretary of the Treasury. That brings it within the rule. If an estimate has been made for an increase of salary it is not necessary that the amendment should be reported from a committee.

Mr. HALE. I have sent for the estimates, Mr. President.

Mr. DOLPH. I will hand it to the Senator. The recommendation involves two things, changing the title from minister resident and consul general to minister plenipotentiary, and also increasing the salary from \$5,000 to \$10,000. I claim that that is an estimate, and I think nobody can successfully deny it. That covers this proposed increase and makes the amendment in order. The main question is whether the Department has recommended an increase of salary which covers this amendment.

Mr. HALE. Let the amendment be read.

The VICE PRESIDENT. The amendment of the Senator from Oregon will be again read.

The CHIEF CLERK. On page 2, lines 24 and 25, amend the clause so as to read:

Ministers resident and consuls general in Corea and Portugal, at \$7,500 each, \$15,000.

Mr. HALE. The bill provides for Corea, as last year, at \$7,500.

Mr. DOLPH. That is not changed, but the amendment simply puts Portugal in the same clause, and changes the phraseology of the clause to cover the amendment, which is made necessary by inserting Portugal.

Mr. HALE. No standing committee has reported the amendment, so that it does not come under that provision. In the Book of Estimates—and I will read for the information of the Chair under the head of "Salaries of ministers"—is the following:

Envoy extraordinary and minister plenipotentiary to Portugal, \$5,000. Additional, submitted, \$5,000.

That increase carries with it the reasoning of the Department, that it desired that this mission should be raised and that the salary should be increased. Now, the proposition to raise the grade has gone out on a point of order, and the Senator moves to make it minister resident at \$7,500. That has not been estimated for by the Department. *Non constat* because the Department has recommended \$5,000 increase in the grade of minister that it would have recommended any increase upon the present grade, and therefore I insist on my point of order.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chair thinks the point of order is well taken.

Mr. DOLPH. I appeal from that decision, on which I ask for the yeas and nays.

The PRESIDING OFFICER. From the decision the Senator from Oregon appeals, on which he demands the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. DOLPH. May I say a word?

The PRESIDING OFFICER. The question is debatable.

Mr. DOLPH. I have read from the Book of Estimates to show that the Secretary of the Treasury recommended an increase of the compensation of our representative at Portugal to \$10,000—\$5,000 additional. In the same place, but as a separate recommendation, he recommended that the grade be changed to that of envoy extraordinary and minister plenipotentiary.

Mr. President, I think there can be no sort of question but that this amendment comes within the rule. There is an estimate for it. There is an estimate for twice the amount.

Mr. HALE. For what?

Mr. DOLPH. For the salary of this representative.

Mr. HALE. Of minister resident.

Mr. DOLPH. I do not care what you call it, whether minister resident or envoy extraordinary.

Mr. HALE. That is what the Senator's amendment makes him, minister resident.

Mr. DOLPH. He is minister resident.

Mr. HALE. For his increase of salary—

Mr. DOLPH. I do not change his salary.

Mr. HALE. There is no recommendation—

Mr. DOLPH. The Senator raises the point of order, and I do not change the salary.

Mr. HALE. There is no recommendation of the Department that as a minister resident the salary shall be increased, but if you put him up to envoy extraordinary and minister plenipotentiary an increase of salary would follow.

Mr. DOLPH. No, not necessarily or naturally. I have the pending bill before me, and I read from page 3:

Envoy extraordinary and minister plenipotentiary to Switzerland, \$5,000.

That is the same amount that is now paid to the ministers resident and consuls general at Portugal, Hayti, Persia, and Siam.

Mr. HALE. There is an amendment before the Senate increasing the salary because it has been raised to envoy.

Mr. DOLPH. I do not know anything about the amendment. I

take the judgment of the Committee on Appropriations. They did not think that because this officer was styled envoy extraordinary and minister plenipotentiary his salary should be raised. They have not reported favorably on any amendment proposing to increase his salary.

Mr. HALE. We had no estimate for it.

Mr. DOLPH. No, there was no estimate for that; but we have an estimate for the increase of salary proposed by my amendment. As I said yesterday, so far as I know, long before this gentleman was appointed to this place, without solicitation on the part of his friends, formally the head of the Department asked that the salary of our representative in Portugal should be increased to \$10,000, an addition of \$5,000; and now because the head of the Department recommends at the same time that his grade should be changed I am met with a proposition that there has been no estimate made for any increase of salary. I think the point is very technical, and I do not think it is a good point. I submit the matter to the Senate.

Mr. HALE. Mr. President, simply to repeat, I do not make the point that there has not been made an estimate by the Department for the increase of salary, but that estimate is based upon the proposition of the Department that the mission should be raised to the grade of envoy extraordinary and minister plenipotentiary; and upon that the Department estimates that there shall be an increase of salary. There is no indication whatever that the proposition that as minister resident, which this place has always been, any increase of salary should be made, because it is connected with the proposition of its being raised to the grade of the other missions that get \$7,500 and \$10,000. But I do not think I need argue it.

Mr. MCPHERSON. May I ask the Senator from Maine a question?

Mr. HALE. Certainly.

Mr. MCPHERSON. To change the name of this officer from minister resident and consul general to that of envoy extraordinary and minister plenipotentiary, I understand, is the purport of the amendment. Will it not leave vacant and to be filled the office of consul general? Do we not require a consul general at that place, and would it not make room for a new officer?

Mr. HALE. If the appropriation was struck out for consul general, of course there would be no officer there holding the place; it would lapse.

Mr. MCPHERSON. Who would perform the duties in the mean time?

Mr. HALE. The consular officer who is there. Mr. President, I move to lay the appeal on the table.

The PRESIDING OFFICER. The Senator from Maine moves to lay the appeal on the table.

Mr. DOLPH. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GORMAN. Will the Chair kindly state what the question is, so that Senators may know what we are to vote upon?

The PRESIDING OFFICER. In line 24, on page 2, the Senator from Oregon [Mr. DOLPH] moves to insert "and Portugal." The Senator from Maine raises the question of order that the increase there provided for is not estimated for by the head of any Department and not reported by any committee, standing or select, of the Senate. The Chair sustains the point of order, from which the Senator from Oregon appeals; and the Senator from Maine moves to lay the appeal on the table.

Mr. HOAR. I think the actual estimate should also be read as a part of the point of order.

The PRESIDING OFFICER. The Chair will order the reading of the estimate.

Mr. HALE. Shall I read it, or the clerks?

The PRESIDING OFFICER. The Senator from Maine may read it.

Mr. HALE. Under the head of "Salaries of ministers":

Envoy extraordinary and minister plenipotentiary to Portugal, \$5,000. Additional, submitted, \$5,000.

That is the language of the estimate. The two are connected together. To vote "yea" will sustain the Chair in his ruling.

The PRESIDING OFFICER. To vote "yea" would sustain the Chair, and to vote "nay" would tend to reverse his ruling. The Secretary will call the roll on the motion of the Senator from Maine to lay the appeal of the Senator from Oregon on the table.

The Secretary proceeded to call the roll.

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. BARBOUR]. If he were present, I should on this question of order vote "nay."

Mr. WALTHALL (when his name was called). I am paired with the junior Senator from Wisconsin [Mr. SPOONER]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. BLAIR. As this roll-call bears on the subject-matter upon which I was excused from voting, I avail myself of the courtesy of the Senate and withhold my vote. I will say to the honorable Senator from Mississippi [Mr. GEORGE], with whom I am usually paired, that he is at liberty to vote.

Mr. GEORGE. I vote "yea."  
 Mr. TURPIE. I inquire whether the Senator from Minnesota [Mr. DAVIS] has voted?  
 The PRESIDING OFFICER. He is not recorded.  
 Mr. TURPIE. I withhold my vote, being paired with the Senator.  
 Mr. DAWES. I am paired with the Senator from Georgia [Mr. COLQUITT].

The result was announced—yeas 36, nays 19; as follows:

YEAS—36.

Allison,	Cullom,	Hampton,	Reagan,
Bate,	Daniel,	Hawley,	Stewart,
Berry,	Eustis,	Ingalls,	Stockbridge,
Blackburn,	Farwell,	Jones of Arkansas,	Vance,
Blodgett,	Faulkner,	Pasco,	Vest,
Carlisle,	George,	Payne,	Walthall,
Chandler,	Gorman,	Pugh,	Wilson of Iowa,
Cockrell,	Gray,	Quay,	Wilson of Md.
Coke,	Hale,	Ransom,	Wolcott.

NAYS—19.

Allen,	Evarts,	Manderson,	Sherman,
Carey,	Frye,	Morgan,	Spooner,
Casey,	Higgins,	Paddock,	Warren,
Dixon,	McConnell,	Pierce,	Washburn.
Dolph,	McMillan,	Sawyer,	

ABSENT—33.

Aldrich,	Dawes,	McPherson,	Shoup,
Barbour,	Edmunds,	Mitchell,	Squire,
Blair,	Gibson,	Moody,	Stanford,
Brown,	Harris,	Morrill,	Teller,
Butler,	Hearst,	Pettigrew,	Turpie,
Call,	Hiscock,	Platt,	Voorhees.
Cameron,	Hoar,	Plumb,	
Colquitt,	Jones of Nevada,	Power,	
Davis,	Kenna,	Sanders,	

So the appeal from the decision of the Chair was laid on the table.  
 Mr. MCPHERSON. I desire to enter a motion to reconsider the vote by which the Senate yesterday agreed to the amendment offered by the Senator from Vermont [Mr. EDMUNDS], in which a subsidy of a sum of \$250,000 for a year is to be set aside, provided the Government so agrees, for the purpose of paying a certain cable company. My object is, if the Senate will reconsider the vote, to move an amendment substituting for \$250,000 the sum of \$150,000, as I find that the cost of the cable is not to exceed \$3,000,000.

Mr. HOAR. May I inquire if that was not voted on in the Senate? The bill is in the Senate.

The PRESIDING OFFICER. The bill is in the Senate and open to amendment.

Mr. BLACKBURN. The question as to concurring in the amendment was voted on in open Senate by yeas and nays.

Mr. MCPHERSON. It was voted on in open Senate. I think the sum of \$150,000 would give sufficient capitalization to obtain all the money needed to lay this cable. The Government of the United States would be furnishing the basis upon which the whole capital should rest, and I think \$150,000 is sufficient.

Mr. EDMUNDS. I have only to say, in reply, that I am satisfied the amendment should stand, if there is any good in it at all; and I think there is a great deal of very wide importance. We merely intrust this sum to the President. He is not obliged to use half of it or a quarter of it, but he is to do the best with it that he thinks the public interest requires.

I therefore move to lay the motion to reconsider on the table.

Mr. MCPHERSON. On that I ask for the yeas and nays.

Mr. EDMUNDS. So do I.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont to lay the motion to reconsider made by the Senator from New Jersey on the table, upon which the yeas and nays are demanded.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. EUSTIS (when his name was called). I am paired with the Senator from Nebraska [Mr. PADDOCK]. I withhold my vote, not knowing how he would vote.

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH]. Not knowing how he would vote, I withhold my vote. If he were present, I should vote "yea."

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. BARBOUR]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. BLACKBURN (after having voted in the negative). I do not see the Senator from Nebraska [Mr. MANDERSON] in the Chamber, and being paired with him I ask leave to withdraw my vote.

The result was announced—yeas 29; nays 25; as follows:

YEAS—29.

Allen,	Evarts,	Mitchell,	Stewart,
Allison,	Hale,	Payne,	Stockbridge,
Blair,	Hawley,	Pierce,	Warren,
Carey,	Hiscock,	Power,	Washburn,
Casey,	Hoar,	Sawyer,	Wilson of Iowa,
Chandler,	Ingalls,	Sherman,	
Dixon,	McConnell,	Shoup,	
Edmunds,	McMillan,	Spooner,	

NAYS—25.

Bate,	Faulkner,	Morgan,	Vest,
Berry,	George,	Pasco,	Walthall,
Call,	Gorman,	Pugh,	Wilson of Md.
Carlisle,	Gray,	Quay,	Wolcott.
Coke,	Hampton,	Reagan,	
Daniel,	Harris,	Turpie,	
Farwell,	Jones of Arkansas,	Vance,	

ABSENT—34.

Aldrich,	Cullom,	Jones of Nevada,	Plumb,
Barbour,	Davis,	Kenna,	Ransom,
Blackburn,	Dawes,	McPherson,	Sanders,
Blodgett,	Dolph,	Manderson,	Squire,
Brown,	Eustis,	Moody,	Stanford,
Butler,	Frye,	Morrill,	Teller,
Cameron,	Gibson,	Paddock,	Voorhees.
Cockrell,	Hearst,	Pettigrew,	
Colquitt,	Higgins,	Platt,	

So the motion to reconsider was laid on the table.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations to submit an amendment which establishes a grade but does not change the salary.

The PRESIDING OFFICER. The amendment of the Senator from Ohio will be stated.

The CHIEF CLERK. It is proposed to strike out lines 1 and 2, on page 3, in the following words:

Minister resident and consul general to Greece, Roumania, and Servia, \$6,500.

And in lieu thereof to insert:

Envoy extraordinary and minister plenipotentiary to Greece, Roumania, and Servia, \$7,500.

Mr. HALE. I should make the point of order as to that amendment, but there is no salary raised here.

Mr. EDMUNDS. But it changes legislation.

Mr. SHERMAN. I can explain it in a moment.

Mr. HALE. I understand the Senator to say that there is no raising of the pay.

Mr. SHERMAN. I will state the exact facts.

Mr. HALE. I should make the point of order on it as being legislation but for the fact that this mission of Greece, Roumania, and Servia is a late mission, and is not included in the law that fixes the designation. There is no law that fixes the rank and designation of the minister to Roumania, Greece, and Servia.

Mr. DOLPH. I make the point of order against the amendment.

Mr. SHERMAN. I will state that this amendment is recommended by the State Department. It is also recommended by the Committee on Foreign Relations. There is no mission established by law to Greece, Roumania, and Servia. The law now fixes the salary of minister—

Mr. HALE. If there is any increase of salary proposed here I shall certainly make the point of order.

Mr. SHERMAN. As I understood the Senator himself, the salary of the minister resident to Greece, not by this appropriation bill, but by the general law, is \$7,500.

Mr. HALE. That has been abolished. The present mission to Greece, Roumania, and Servia is a creation of the appropriation bill. It is not fixed in any way by law as to its designation, but the appropriation bill always has provided \$6,500, and I shall certainly make the point of order against the amendment.

Mr. SHERMAN. If that be true, it would not even then be subject to the point of order, because the committee—

Mr. HALE. And all the more because the Senator from Pennsylvania assured me that he did not desire any increase of salary.

Mr. SHERMAN. I was about to say the point of order may be applicable, then. I know the Senate is not in a humor to raise salaries, nor do I think that it is essential, although recommended by the State Department. I am perfectly willing to let the grade stand as envoy extraordinary to these three countries. Two countries have been added to the late mission to Greece, but I will let the salary stand at \$6,500. I understand the gentleman who is there has been comparatively indifferent about the salary.

Mr. HALE. What is the present salary?

Mr. SHERMAN. Six thousand five hundred dollars.

Mr. HALE. Then the amendment should be modified.

Mr. SHERMAN. Yes.

The PRESIDING OFFICER. The Senator from Ohio modifies his amendment. The modification will be stated.

The CHIEF CLERK. Amend the clause at the top of page 3 so as to read:

Envoy extraordinary and minister plenipotentiary to Greece, Roumania, and Servia, \$6,500.

The PRESIDING OFFICER. The question is on the amendment as modified.

Mr. GORMAN. I wish to ask the Senator from Maine if that is not simply laying the foundation for the increase hereafter?

Mr. COCKRELL. As a matter of course it is.

Mr. SHERMAN. Not necessarily.

Mr. HALE. I am afraid it is, and yet, while I shall vote with the Senator from Maryland, I submit that does not make it subject to the point of order.

Mr. GORMAN. So I understand.

Mr. HALE. Undoubtedly these advances in grades are always accompanied, if not at the time, by a request for increased salaries the year afterwards.

Mr. COCKRELL. Always.

Mr. GORMAN. Now, on that statement I suppose it is understood that, in adopting this amendment, at the next Congress or as soon as possible the increase will follow.

Mr. ALLISON. I should like to call attention to the fact that we did increase this rank in two or three cases last year, and that increase of rank has not been followed by an increase of compensation, although we had some very lively intimations and suggestions that there ought to be an increase of pay, notably in one or two cases. I am perfectly willing that the grade shall be raised in view of the circumstances, but I should be opposed to any increase of salary now or hereafter.

Mr. CULLOM. I will inquire of the Senator if he does not receive pretty lively suggestions as to increase of salaries where there is no increase of grade?

Mr. ALLISON. Everywhere.

Mr. QUAY. I will say in response to the remark of the Senator from Iowa, and for the information of the Senate, that the present incumbent of the mission will claim no increase of salary and desires none. He will claim none during his incumbency of the office.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio as modified.

The amendment as modified was agreed to.

The PRESIDING OFFICER. If there be no further amendments the question is, Shall the amendments be engrossed and the bill be ordered to a third reading?

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

The bill was read the third time.

The PRESIDING OFFICER. Having been read three times, shall the bill pass?

Mr. GORMAN. I trust that before the passage of the bill the Senator from Maine will favor us with a general statement showing how much the bill carries—there is no report with it—and as to the increase in salaries by the bill. I think the Senate ought to have that information.

Mr. HALE. The only increase of salary that has been made by the Senate is the increase in the salary of the consul at Kingston, Jamaica, \$1,000. The increase carried by the amendment proposed by the Foreign Relations Committee as offered by the Senator from Vermont has been debated, and the Senate knows what its provisions are. It is \$250,000.

Mr. MITCHELL. There is an increase in the consulship at Lyons.

Mr. HALE. And there is an increase in the mission to Nicaragua, Costa Rica, and San Salvador, \$10,000. Those are the only increases.

Mr. GORMAN. Do I understand the Senator from Maine to allude to the amendment offered by the Senator from Vermont as being an increase of only \$250,000?

Mr. HALE. Two hundred and fifty thousand dollars in any one year.

Mr. GORMAN. I understand; but the Senator will in his statement recognize that it carries with it \$3,000,000.

Mr. HALE. The Senator and I are too old in service here to bandy words about that. That was all debated, and as to what will be expended nobody can tell. The limitation is \$250,000 in one year, and the limitation of the total appropriations in the fourteen years is \$3,000,000, but in no one year can more than \$250,000 be spent. It is not expected that as much as that will be expended; but that was all brought out yesterday, as the Senator knows. The increases by the bill are very small, and I have stated them.

Mr. GORMAN. But, as I understand the amendment, it authorizes a contract which will be made, I take it for granted, to involve \$3,400,000, so that in addition to the amount stated by the Senator we should add \$3,400,000 then, because Congress will, as a matter of course, be compelled hereafter to appropriate the money.

Mr. President, one of the systems that we have entered on in this Congress is to make appropriations in that way. In some cases I have no doubt it is right; possibly in this case it may be right; that is to say, if we are to enter into this matter at all, which I am utterly opposed to, and which I shall not discuss at this time except to say that I regret exceedingly that such a provision has been placed upon the bill. I have no objection that any proper amount of money for our affairs shall be placed, if you please, in the hands of the President, with his discretion, but here is an obligation we have entered into that does not show on the face of the bill, but future Congresses will be compelled to appropriate \$250,000 each year until the whole amount of \$3,000,000 has been consumed.

It may be, sir, and probably is the case that in the present condition of the Treasury it is not wise to make an appropriation here of \$3,000,000.

Mr. GEORGE. What about the surplus?

Mr. GORMAN. That is among the things that were. It has vanished. Before the next Congress will have expired, I have no doubt

whatever, we shall have to increase taxation to meet the ordinary demands of the Treasury.

Mr. GEORGE. On account of an increase of expenditures or a decrease of receipts?

Mr. GORMAN. Probably both; but certainly there will be an increase of expenditures. The ordinary cost of the Government as it goes on from year to year naturally, under any Administration, is very large; but there have been extraordinary appropriations made, and this is one—three or four cases of this sort, involving one or two million dollars.

Mr. CARLISLE. Mr. President, it seems to me that the amendment placed upon this bill yesterday afternoon by a vote of the Senate has no proper place in an appropriation bill for the support of the consular and diplomatic service of the United States. It relates to a subject which ought to stand by itself on its own merits, and before Congress enters upon it we ought to know what company is organized for the purpose of laying this cable, how it is to be done, what is the estimate of its cost, and all the other facts which bear directly upon the character of the project and its utility when it shall be completed.

For my part, I am not able to see that it will be of any very considerable use to the United States or to the people of the United States when it shall be completed, if it ever shall be; all the authority which the United States Government, or any citizen of the United States, or any corporation created by the United States, or any one of the United States, needs for the purpose of laying a cable there is the authority to land that cable somewhere upon the shore of some one of the Hawaiian Islands. We already have, as the Senator from Mississippi [Mr. GEORGE] argued yesterday afternoon, the right to occupy and use a harbor for a coaling and naval station and to do everything else under the treaty which may be necessary or proper for the United States to do in the prosecution and maintenance of such a work; and I maintain that we have a right now, without looking to this concession to some citizen of the State of Massachusetts to land a cable there at that harbor and to use it.

I think if the Senator from Mississippi will read to the Senate, as I hope he will, the treaty which now exists between the United States and the Hawaiian Islands, it will be seen that if that treaty is to stand, we have a right to do everything for which this citizen of Massachusetts has obtained a concession.

It is true that by the tariff act which was passed at the last session of Congress a law passed by the United States in 1876 to carry into effect the treaty between the United States and the Hawaiian Islands, or at least the commercial part of that treaty, was expressly repealed. It was repealed by the two Houses of Congress, with a full knowledge of the fact that they were repealing it.

That treaty had two aspects, if I may so state. First, there was the commercial part of the treaty, which relates to the admission into the United States free of duty of certain articles the products of the Hawaiian Islands. Second, there was a supplementary treaty, which related to the cession by the Hawaiian Islands to the United States of the harbor at the mouth of Pearl River.

Of course it was not necessary for Congress to pass any law in order to execute the latter part of the treaty in relation to the occupation and improvement of the coaling and naval station in that harbor, but it was necessary for Congress so to change the statutes of the United States as to admit free of duty the various articles that were enumerated in that treaty, and Congress passed that law in 1876.

That has been repealed, repealed expressly and purposely by the Congress of the United States, without notice to the Hawaiian Islands; and I suppose that if that Government sees proper to consider that treaty as now at an end it may do so, upon the ground that the United States have abrogated or broken an essential part of it. But up to this time, so far as I am advised, the Hawaiian Government has not elected to treat it as a broken or abrogated treaty, and we are still talking here about appropriating public money to improve the harbor or coaling station.

Mr. ALLISON. Do I disturb the Senator by an interruption?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Iowa?

Mr. CARLISLE. Certainly.

Mr. ALLISON. Did I understand the Senator a moment ago to state that Congress acted with knowledge and with an understanding that the commercial portion of that treaty was abrogated by the legislation of last year?

Mr. CARLISLE. I do so state.

Mr. ALLISON. I desire to say for one that so far from that being my understanding, when I agreed as one member of the committee of conference to the report, I understood from sources which I supposed had fully examined the question that the omission of the clause originally in the bill did not affect the Hawaiian treaty, and for that reason I have been in favor of restoring the provision here as though the act had not been passed last year. I for one desire to say that if the commercial portion of the treaty was abrogated it was not done with my knowledge or with the understanding that it was to be abrogated.

Mr. CARLISLE. The Senator from Iowa says simply that he was informed by those who had investigated the subject that the omission

of the saving clause, as it is called in the tariff act—that is, the clause providing that nothing in it should affect any existing treaty between the United States and other governments—did not repeal the act of Congress passed in 1876 to carry into effect the Hawaiian treaty. Perhaps that advice was correct, so far as that particular clause was to be interpreted, but the Senator from Iowa must remember that at the close of the late tariff act there was an express provision that all laws inconsistent with that law were repealed, and that the act of 1876, which admitted free of duty sugar, rice, and various other articles, being the products of the Hawaiian Islands, was inconsistent with the provisions of the McKinley tariff act, which imposed duties upon those very articles. In the discussion, if the Senator will allow me, which took place here in the Senate I used this language:

Now it is proposed to enter upon a system of reciprocity or retaliation and have these duties reimposed—

After speaking of the Hawaiian treaty—

and this so-called policy of reciprocity is to be inaugurated by abrogating the only reciprocity treaty we now have with any country in the world and repealing the act of Congress passed to carry it into effect. It is to be inaugurated by abrogating the reciprocity treaty with the Hawaiian Islands and instantly repealing the law of Congress which was passed in 1876 to carry it into effect. This bill as it came from the House proposed to save that treaty by a provision that nothing in it should be held to impair the force or effect of any existing treaty with a foreign country, a provision similar to that contained in the eleventh section of the tariff act of 1883; but the Senate Finance Committee struck it out and the House receded in conference, so that the bill comes back here to us abrogating absolutely and without notice to the Sandwich Islands the only reciprocity treaty we now have in existence.

This same question was made (I presume I have a right to speak of the fact) in the committee of conference and considered upon my own suggestion.

Mr. SHERMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Ohio?

Mr. CARLISLE. Certainly.

Mr. SHERMAN. As I understand the remarks the Senator has now read they were remarks made by him on the report of the conference committee.

Mr. CARLISLE. They were.

Mr. SHERMAN. I remember very distinctly that his remarks were noted at once, and the reason why they were not heeded was because the passage of a tariff bill was a matter of so great importance that it was thought best to let the thing go and correct it afterwards. I remember in the committee of conference—it is now I may say a public matter—when the clause in the House bill was read, I perhaps myself asked that it be put over to see whether it was necessary and whether it extended to treaties that might be affected by it, etc. I probably ought to take the blame of not examining that question as the chairman of the Committee on Foreign Relations, and I think it was partly my fault that the attention of the committee of conference was not again called to the clause. In that way, having been passed over, it was dropped out. That is my recollection, and I think all of it.

The Senator from Kentucky, having been a member of the committee of conference, probably recalls the fact that the section was passed over to be considered further on, and thus it was neglected. When he made his speech I am inclined to think it would have been better then for us (and I freely admit that it would have been wiser) to have re-committed the conference report. But we all know the condition of the Senate and of both Houses at that time. We were hurrying to adjourn Congress, and matters were pressing; it was thought that no great harm would be done by the operation of that law until we could meet again in the course of a couple of months, and then we could correct it. That, I think, is the true condition of affairs, but it was a mistake made in conference in not having that matter disagreed to, for there was no intention on the part of any one to abrogate the treaty.

Mr. CARLISLE. The Senator from Ohio is entirely correct in the statement that no formal vote was ever taken upon the proposition in the committee of conference, if I may now speak of that matter, but it was brought up—

Mr. SHERMAN. And laid over.

Mr. CARLISLE. Upon my suggestion it was brought up, and was talked about, but not in a formal way, and opinions were expressed on one side and the other. The Senator from Ohio will probably remember what his own position was about it. He was opposed to the treaty. The matter was thus passed over, not by any suggestion that it should be passed over, but it was simply dropped, and nothing more was said about it.

Mr. ALLISON. Will I disturb the Senator if I call his attention to a matter?

Mr. CARLISLE. Certainly not.

Mr. ALLISON. I understand that everything which occurs in a committee of conference is public, and therefore whatever was said or done in that committee can properly be repeated on this floor. Now, I wish to briefly state my recollection of the matter respecting this treaty. My recollection is that every member of that conference agreed that the treaty should not be repealed and that whatever was necessary to protect and maintain it should be done. I know that was my understanding. There was a claim that by retaining the House phraseology in the

bill, by repealing all the duties on sugar so as to make sugar entirely free, we were indirectly violating the treaty with the Hawaiian Kingdom which apparently made sugar free exclusively to the Hawaiian Islands, and therefore that we were doing an indirect injury, and they would have a right, under the phraseology of the House, to bring a claim against us for damages.

It was upon that point that I insisted we should not by any means, in the phraseology employed there, allow a claim to be made thereafter against the Government of the United States because we had placed sugar wholly on the free list and when we had hitherto made it free to the Hawaiian people alone by treaty.

I do not remember what occurred afterwards. I suppose in the hurry of affairs probably the matter was not referred to again. I think very likely the Senator from Ohio is correct in his statement that one or two members of the committee were to ascertain and see what the state of the law was. I know when I signed the report and when I supported and sustained it I had no idea that we intentionally intended to interfere in the slightest degree with our commercial obligations respecting that treaty.

Mr. CARLISLE. Mr. President, the mere provision making sugar below No. 16 Dutch standard in color free of duty would not have interfered with the terms of the treaty to any extent whatever. It might have been to some extent considered by the Hawaiians as a violation of the spirit of the treaty, because they might have had reasons to suppose that, having entered into this convention with them, we would not give to any other country the same privileges we had extended to them in regard to the importation of any of the articles embraced in that convention. But there is a conclusive reason why the mere repeal of the duties upon sugar below No. 16 Dutch standard should not be considered as an abrogation of that treaty. The treaty between the United States and the Hawaiian Islands admitted free of duty sugar, rice, and a great number of articles—not a great number, but quite a large number of articles—and the sugar to be admitted was at first described as brown and unrefined sugar. But to be accurate, I will read the exact language used in the act of 1876, which follows the language of the treaty:

Muscovado, brown, and all other unrefined sugar, meaning hereby the grades of sugar heretofore commonly imported from the Hawaiian Islands, and now known in the markets of San Francisco and Portland as "Sandwich Island sugar."

If this had stopped with the mere designation of "muscovado, brown, and all other unrefined sugar," there would have been no room for controversy about its meaning. But when the treaty and statute state that they mean thereby all sugar "heretofore known in the markets of San Francisco and Portland as Sandwich Island sugar," they included all sugar that had been theretofore imported into the United States from the Sandwich Islands and sold in those markets, and I believe the Secretary of the Treasury decided upon a case presented to him that this admitted sugar as high as No. 20 Dutch Standard in color, actually refined sugar, which is still subject to duty under the late tariff law when imported from other countries than the Sandwich Islands.

But this is somewhat aside from the discussion in which we are directly engaged. The single point which I was attempting to make was that we still have in the Sandwich Islands, so far as we have any information upon the subject, an actually subsisting treaty with regard to our occupation and improvement of Pearl River harbor; and, having that right, we have a right to appropriate any part of that harbor to any purpose which may be beneficial or useful in connection with the occupation of it as a coaling or naval station. If we desire to have telegraphic communication between the United States and this coaling and naval station in Hawaii, I would ask some Senator to tell me why we can not lay a cable. We have a right to start it on our own shores. We have a right to lay it in the open sea and on our own shores, and all the privilege we ask from the Hawaiian Government is that we shall be allowed to put one end of it there in the harbor where we have this exclusive right.

Mr. GORMAN. If the Senator will allow me, I should like to call attention to the fact that it has not been ten days since the Senate by a vote inserted in the naval appropriation bill an appropriation for the survey of a line for this cable and the use of the necessary vessels and making the whole step preliminary to laying the cable, and that was to be done at the cost of the United States. We now have that action followed by a provision that it shall be a private enterprise.

Mr. CARLISLE. That shows clearly that in the judgment of Congress, after investigation by committees of the Senate and the House, one of the rights which we now enjoy in the Hawaiian Islands, or in this port, is the right to lay and operate a cable to Pearl River harbor. This coaling and naval station might be utterly useless to the United States unless we could have communication with it.

We can send a message by wire as well as we can send it by a steamship or sailing vessel. And now, after having made an appropriation at this very session of Congress to make a survey with a view of laying a cable, the Government of the United States proposes to surrender that and pay \$250,000 a year for not less than fourteen years nor more than twenty years to some private individual who has no greater right to lay a cable than the Government has.

Mr. President, I say that this scheme should have no place in this bill, and while I will cheerfully support any proper appropriation for the maintenance of the diplomatic and consular service of the United States in other countries, I can not vote for the bill with this provision in it.

Mr. MORGAN. Mr. President, the Senator from Kentucky is a very noted and a very eminent parliamentarian, and I am surprised that he did not make this point of order at the time the matter was under consideration.

Mr. CARLISLE. Mr. President, I raise no point of order.

Mr. MORGAN. No; you are merely excusing yourself for not having done it. If this appropriation has no place on the pending bill, the Senator from Kentucky knew exactly how to keep it off the bill. But he did not do that. He prefers after the closed session upon the bill to come into the Senate and spread his views upon record here to the disparagement and the detriment of other Democrats who have voted for the measure in perfect good faith.

So far as I have had any connection with it I would have preferred a resolution declaratory of the intention and purpose of the United States Government to adhere to its present policy in regard to Hawaii, come weal, come woe. The Committee on Foreign Relations saw proper, under a recommendation, I think, from the State Department, to bring forward a measure which included all of that declaration on the part of the Government of the United States. I believe that the vote taken in the Senate on yesterday will have the same effect upon the diplomatic situation of the United States in reference to Hawaii that the vote of confidence that the Senate expressed in Mr. Cleveland had at the close of his Administration when we put into his possession \$600,000 to be used at his discretion in Samoa, and another \$100,000 for supplying the port of Pango-Pango with coal.

I heard no Democrat object on that occasion that we were confiding too much to the President of the United States, and I am not here now to object, because a Republican is in office, that we are confiding too much to Mr. Harrison. I am an American in that sense, that I do honor to my country and to its officials, and until they have shown some occasion for me to find fault with them or to pick them to pieces I do not intend to make that my business. I do not intend to find fault with any man by innuendo or by suspicion.

Finding fault is an easy thing, Mr. President, and on a very recent occasion we have seen how a character that many of us esteem as being essentially honorable and just has been placed in such a situation as almost to make it tragic to hear a statement read on the floor of the Senate, repelling, overcoming, and dispersing absolutely insinuations, innuendoes, and statements against official conduct.

I believe that it is the duty of the United States Government to take one of two attitudes about this matter: either to abandon our pretensions in regard to the Hawaiian group of islands, Samoa, and all other outlying places beyond the mere border of the United States, or else to follow up a policy which we have declared, to which we have adhered, for which we have made great sacrifices, and to which, in my thought and feeling and in my view of what is to occur hereafter, I am thoroughly and seriously committed. I do not choose to make a football of the policy of the United States Government in regard to foreign countries for its effect upon local politics in this country. I do not think it is a fair way to treat the Government or the people of the United States.

It may be that the amendment which the Senate has twice voted on a call of the yeas and nays upon this bill is an ill-advised amendment. I do not think that it is. I do not believe that the President of the United States, in the use of the powers which we have conferred upon him, will make any extraordinary or extravagant contract with any person, nor do I believe that he will in any sense abuse his authority and power in that particular. He is under the constant observation and the eye of public scrutiny; and of all men in the world he has the least opportunity to do wrong in a matter of contract or bargain between ourselves and any corporation or any person who may be employed in the public service.

It is safer in a great many cases to trust a matter of this kind to the discretionary advisement and action of the President of the United States than it is even to a committee of the Congress of the United States. I am not at all disturbed as to what the result is to be so far as it concerns the administration of the power which we have now lodged, at least so far as the Senate is concerned, in the hands of the President of the United States.

It has been discovered at the eleventh hour, or the twelfth, after the amendments to the bill have been ordered engrossed and when the bill is on its final passage, that we had an opportunity of introducing ourselves into the territory of Hawaii under the last treaty that we made with that country extending a former treaty of reciprocity, under which last treaty we acquired the right to Pearl River harbor and the privilege of going there and establishing a naval station, including, of course, its fortification, if we chose to fortify it.

Now, it must be said that the idea of landing a cable upon any of the Hawaiian Islands was not in contemplation by either Government at the time that treaty was acted upon by the Senate and at the time of its ratification by proclamation by the President of the United States.

If we could introduce that feature into the treaty now, it would be done by a technical use of words which would violate the meaning of the treaty, or would rather enlarge it to an extent that does not in any sense of the language used belong to it; for when we acquired rights in Pearl River harbor we acquired rights for a naval station, expressly so denominated, and not rights that had any relation whatever to the landing of a cable.

King Kalakaua, as we are informed, authorized the minister resident near this Government to make a proposition to our Government that we should, in harmony and in union with that Government, establish the right of either or both to land a cable upon the shores of either country or both. That was to be a right that would subsist between these two Governments, and was to be in execution, as far as it went, of the good will and fraternity, if I may use the expression, that has subsisted between these powers.

After the death of King Kalakaua, the Queen of Hawaii, the present executive authority of that kingdom, revoked those instructions to her minister. A power had, however, been granted by King Kalakaua to an individual, who I believe is a citizen of the United States, to land a cable on the Hawaiian Islands, and on any part of the American coast where he could find authority from the local government to do so.

It is perfectly obvious that the United States Government have not to-day the right by concession from the Government of Hawaii to land a cable upon any one of those islands. That has not been the subject of treaty between the two Governments, and the instructions which were given by Kalakaua in his lifetime to his minister to make such an arrangement with this Government have been determined by his death and revoked by his successor. So to-day we stand with but a single opportunity of getting a cable landed upon the Hawaiian group of islands, and that opportunity arises under the concessions made to an American citizen.

This amendment to the consular and diplomatic appropriation bill provides that the President of the United States may contract with any person who is a citizen of the United States or any corporation chartered in the United States for the use of the cable, not for the privilege of constructing, not for stock in it, not for ownership in it of any kind, but for the use of it, after it shall have been constructed, for a period not exceeding twenty years and not less than fourteen, on the payment of a sum of money not to exceed \$250,000 a year, and in the aggregate not to exceed \$3,000,000. These are the maximum amounts that the President of the United States must be confined to in his arrangement with any citizen or any corporation of the United States who may be found in possession of such a charter.

That we must have a cable to Hawaii I think has been a matter that the commercial men of our country and of all countries have looked upon as being something to be realized in the near future. I do not doubt that we are to have a cable communication with Hawaii; but it might turn out very suddenly, and it probably would turn out much quicker than we desire, that the party holding the concession from Hawaii would choose to make an arrangement with the Dominion of Canada or with the British Government or some other government for the landing of the cable upon their coast.

The situation in regard to Hawaiian affairs at this moment, including that which has been created by what appears to have been a misunderstanding in the tariff enactment, is somewhat confused, is somewhat doubtful; and I might call it somewhat dangerous to our interests. Whatever any other Senator may believe I can not help, but I believe that an active movement on the part of the Government of the United States now to establish its policy in a sedate way in regard to Hawaii will save us in the future a great deal of trouble, for I believe that the question is now about to be presented whether we shall abandon our interests in Hawaii, or whether we shall maintain our interests there. I do not know a more significant way of expressing the intention of the United States to do this thing than by making our actual communications with those islands more complete and more direct. I do not know how we could better signify our purpose to adhere to what we have there and to increase our influence than by an act of the kind which has been crystallized, I may say, in the amendment which has been put upon this diplomatic and consular bill.

It is true that we have a provision in another bill, I understand, to appropriate perhaps the sum of \$500,000, or some very large amount of money, for the purpose of starting our improvement in the Pearl River harbor in order to establish there a naval station. It may be that upon the passage of that—if we should pass it—we shall find ourselves in a very advanced situation towards the Government of Hawaii and its future destiny. I have not got my consent made up that we ought to yield our influence there, and therefore, Democrat or what not, I am free to vote my views upon a great question which I think is intimately connected with the destiny of the commerce of the United States in the Pacific Ocean, whether it may suit other Senators to go with me or not.

I do not think, Mr. President, that the division which has taken place upon this question at all indicates that there is any politics in it, and I am very much gratified that it does not so indicate, for there are questions between the United States and foreign countries which ought to be treated and dealt with all the time without reference to our local

politics. I saw enough of that for my satisfaction when a great treaty in regard to the fisheries on the northeastern coast was dragged into the open Senate by a vote of the other side of this Chamber for political purposes and was made a political football in a Presidential campaign. I think it is time that we had got into some shape where we can consider our foreign relations, to say the least of it, without reference to our political divisions at home.

We have not here a privy council to take into consideration matters of this kind, to act independently of the will of Congress, and to consummate arrangements with foreign powers which in themselves are important and oftentimes conclusive. So we are compelled to intrust a great deal either to the executive discretion of the President of the United States in matters of this kind, or else we are compelled to fall back upon our power to make treaties and conventions and determine questions of foreign policy only through that channel.

So, Mr. President, I have no apologies to make for my vote upon this question, notwithstanding it is assailed by the honorable Senator from Maryland and the honorable Senator from Kentucky.

Mr. CARLISLE. Mr. President, I am somewhat surprised at the tone of the remarks made by my friend the Senator from Alabama. I certainly have neither assailed the President of the United States nor criticised the opinions or votes of any Senator, whether he be on this side of the Chamber or on the other. I do not see why the Senator should rush with such alacrity to the defense of the President when no assault has been made upon him. My remarks were directed, so far as I was capable of directing them, to the merits of this proposition, and I did not say one word which could be construed as a reflection upon the President or as the expression of a want of confidence in his integrity or his capacity to expend this money.

There is no similarity between this proposition and the one to which the Senator from Alabama refers, the appropriation of \$600,000 to be expended by President Cleveland for the protection of our interests in the Samoan Islands. As I understand the situation which then existed, there were complications down there which it was feared might result in actual collisions between this Government and some of the great powers of Europe, and consequently the Congress of the United States, in the exercise of what I consider to be a very wise discretion, saw proper to give to the President some means by which he might protect and defend our interests there, at least temporarily. This, however, is a proposition, not to expend money for the purpose of promoting our relations with foreign countries or preserving the peace between this country and other nations, but to give \$250,000 a year to a private individual or a private corporation.

It is not a political question, I agree; and every Senator is at perfect liberty, without regard to his party affiliations or party associations, to vote his own convictions about it, as I am voting mine, or will vote them when the time comes.

We do not know what corporation is to lay this cable, what its capital stock is to be, what the cost of the enterprise will be, nor do we know yet what the rights of the United States will be with regard to the use of the cable when it shall have been laid. All these matters are left to the judgment and discretion of the President of the United States, whoever he may be; and while I am not assailing or intending to assail, in any degree whatever, either the integrity or the capacity of the present occupant of that office, I say it is not wise or proper for Congress, in advance of any information upon the subject and in the absence of any emergency such as existed in the Samoan case, to place \$3,000,000 of money in the hands of any officer of the Government to be expended by him at his discretion.

In the first place, I think the proposition itself has no merit, or at least very little merit, so far as the information we now have enables us to judge of it.

In the second place, if it has, then let Congress say to what extent, under what circumstances, under what conditions, and at what time it will appropriate and expend the money for the use of the cable by the United States.

I will not again go over the ground as to whether or not we have a right to land one end of the cable at Pearl River harbor. I have already said what I believe to be the proper construction of that treaty, and what I believe to be our rights under it. That is, if we have a right to use it for any legitimate purpose connected with its occupancy and maintenance as a coaling and naval station, and if we want communication between that coaling and naval station and the Government of the United States here at Washington, we have a right to send a message by wire or to send it by steamer or sailing vessel, as we may think proper.

Mr. GEORGE. Mr. President, the amendment being now, I suppose, incorporated irrevocably in the bill, it can not be discussed in any other light than as to whether it constitutes so serious an objection to the bill that, being in it, it is improper to vote for the bill at all. I confess that my objections to the amendment are so serious that if it is to remain as a part of the bill, as I suppose it is, I shall be compelled to vote against the whole measure on account of this very objectionable feature in it.

I regard this, Mr. President, as another step in the fatal policy of subsidizing private interests and private individuals, corporations or

otherwise, out of the Treasury of the United States, so that schemes of corporations and of individuals which might in themselves be or not be profitable shall be made certainly profitable. I am opposed to that whole policy. I believe that the practice into which we have fallen of giving money raised by the taxation of the people of the United States to private corporations or to private individuals, in order that they may more successfully carry out their business, is a very pernicious one. I believe it is dangerous to the happiness and the prosperity, if not to the liberties, of the people of this country.

To show how this policy is working let me state that we have another scheme which has been brought before the Senate by the Committee on Foreign Relations, to subsidize a corporation which we created several years ago, and which professed at that time to have ample means to do the work. It is proposed to subsidize a corporation to enable them to build a canal across the Isthmus of Nicaragua. So it seems, if this system is to be carried out, there remains nothing for the enterprising adventurer who desires to get money out of the Treasury of the United States except to get some concession or some privilege from a foreign country and come before us and say: "We have a concession or a permit to do some great public work in which the interests of the people of the United States are involved, and now if you desire that work to be done you must pay us out of the Treasury of the United States."

I am against all that. I believe that the people's money ought to be appropriated to the people's business. I am opposed to every scheme by which men or corporations are to be enriched out of the public Treasury.

The main argument which has been urged, as far as I have heard—it was certainly urged by the Senator from Alabama [Mr. MORGAN] who has just spoken—is that there seems to be a sort of political, national necessity for us to maintain our influence in the Hawaiian Islands, and that the laying of a cable from our shores to the shores of those islands is a proper means of maintaining that influence. So far as I have stated the argument, I do not know that I disapprove of it. I am in favor of maintaining our influence in the Hawaiian Islands. I am in favor of having the influence of our Government supreme in those islands over the influence of all other nations.

But that argument is supplemented by another which I think is a fallacious one, and which was also stated by the Senator from Alabama, and that is that there seems to be a citizen of the United States, I believe by the name of Hartwell, who has a concession from the Hawaiian Government to build a cable from our shores to the shores of that kingdom, and unless we subsidize or aid this individual in carrying out his part of that concession the result will be that the cable will not be built, and we have no other right to build it except under cover of his contract or his concession. Upon that I take issue with the honorable Senator from Alabama. I say, in the first place, that that premise is wholly unwarranted, in my judgment.

I will read for the consideration of the Senate a treaty which we have now subsisting between our Government and the Government of Hawaii, which I think, when read, will satisfy any impartial mind that the Government of the United States now has the right, conceded by the King of Hawaii, to lay a cable from our shores into Pearl River harbor. Article II of the treaty of 1884 is in the following words:

His Majesty the King of the Hawaiian Islands grants to the United States the exclusive right to enter the harbor of Pearl River, in the island of Oahu, and to establish and maintain there a coaling and repair station for the use of vessels of the United States; and to that end the United States may improve the entrance to said harbor, and do all other things needful to the purposes aforesaid.

That is the contract or concession that we have from that kingdom. Can we fairly, and without resort to technical construction, as was intimated by the learned Senator from Alabama, under the second article of the treaty, which I have read in the presence of the Senate, lay a cable from our shores to the harbor of Pearl River? That is the question. The Senate will remember that the language is very broad. We have the right to establish the coaling station, to improve the harbor, and to "do all other things needful" to that end.

Mr. President, is it at all necessary for me to argue to the Senate that the laying of a cable, by means of which information can be very rapidly communicated from our shores to this coaling station, is a needful thing? Are we to have a naval and a commercial station 3,000 miles from our shores, where our Navy can rendezvous, where our commercial marine may rendezvous, for the purpose of "a coaling and repair station," which is the language used, with no means of rapid communication with our vessels, either war vessels or merchant marine, after the improvement of the harbor shall have taken place and after the "coaling and repair station" shall have been established? What do the words "a coaling and repair station" mean? They have reference to wharves for the purpose of landing vessels properly and for the purpose of lading vessels properly.

What else is meant when a repair station is to be established? It means that docks or marine ways are to be established. What else is meant, Mr. President? It means that there shall be a community of American workmen on the shore, in and about the station, in sufficient numbers to carry on the work. We are to have men engaged in lading and unlading coal and taking care of it. We are to have carpenters

and shipwrights and blacksmiths and all that kind of workmen settled in and around this harbor for the purpose of doing the things for which the harbor was granted to us.

Now, will any Senator say that it is not needful and useful, for the purpose of carrying on all this work and of communication between the United States Government and its own vessels, when they are in this harbor there coaling or repairing, or of communication between the owners of the merchant marine and the vessels themselves, that there should be a submarine cable established to that harbor? To deny that is to go back upon all the commercial history of the world for the last twenty years.

I stated yesterday evening, and I believe I will repeat it, inasmuch as what I said on that subject was in closed session and was not reported, that we have just as much right to lay a cable from the port of San Francisco to the harbor of Pearl River as we have to send a dispatch vessel with dispatches from the Government of the United States to its naval forces in that harbor. Both perform the same office precisely. They communicate to the vessels in that harbor precisely the same thing, that is, the wishes of the Government of the United States with reference to the movements of the fleet, and countercommunicate, exactly as the dispatch vessel brings information as to their condition, as to what progress they have made in the voyage up to that time, and all other matters which it is necessary for the Secretary of the Navy and the Government of the United States to know.

So, Mr. President, I think, without the slightest straining of language, we have a perfect right to lay a cable into Pearl River harbor.

But I believe I have heard it urged somewhere (whether in this debate or not probably I am not at liberty to say) that the harbor of Pearl River is twelve miles from Honolulu, the commercial and political capital of the islands; and therefore if the cable stops at the Pearl River harbor, which I admit is the point beyond which we have no authority under the treaty to carry it, it will not be as useful commercially as it would be if it went to the city of Honolulu.

Now, let us consider that for a moment or two. The point is that we are to give this large subsidy to a private corporation for the purpose of maintaining the influence of the United States in those islands. Now, let us stop at that. Will not that influence be just as well maintained (leaving out commerce) with the harbor of Pearl River improved, with the coaling station established there, and the repair shop established there, by a cable connecting those works and that harbor with the United States? Everything in the way of influence which can be got out of the cable will be gotten out of it if it stops at that place. So there is nothing in that argument.

But again, Mr. President, I have a right to make this argument: If we build the cable to Pearl River harbor and that becomes an accomplished fact, are we to suppose that the Government of Hawaii will be so unfriendly to us on account of this exercise of our undoubted treaty rights that they will not grant authority to the United States or to some company of their own to build a telegraph line from Pearl River harbor to the city of Honolulu, which would be only 12 miles, and which would complete the communication? If we are to assume that there will be no telegraphic connection between Pearl River harbor and the city of Honolulu, we shall assume such a state of unfriendliness between the Government of those islands and the United States that they will not do that very necessary and convenient thing for themselves because it may be an accommodation to us. I do not think we are authorized to assume any such thing.

So upon the whole we find that every argument which has been urged in favor of this very pernicious system, as I think it is, of granting subsidies out of the people's money to private individuals or private corporations has fallen to the ground; and for one I am so bitterly opposed to the practice of subsidizing private corporations and private individuals that I shall not vote for a bill in which a proposition of that sort is contained, however beneficial the remainder of the bill may be.

Mr. DANIEL. Mr. President, the appropriation which is asked for in the amendment which has just been made to the consular and diplomatic bill is one of a series of subsidies which it has been proposed at this session of Congress to grant to private persons and corporations, the result of which will be in all likelihood to give to those private persons and corporations great advantages and perhaps to enrich them at the public expense.

The Senator from Alabama [Mr. MORGAN] has said that there is no politics in this proposition. If he means personal politics there is none. No one has made any stricture upon the President of the United States or upon the Secretary of State, or has manifested any lack of confidence in them as officers of the Government duly performing their duty.

There is no politics in this measure, Mr. President, except a broad principle of public policy for or against the subsidizing of persons and corporations at the public expense. I had conceived that the Democratic party of this country stood before the people and asked popular support in one respect upon the ground that it was opposed to subsidies, while, on the other hand, favor to subsidies and to classes was one of the main elements in the faith and practice of that party of which I am a humble opponent.

Mr. President, the language with which this appropriation has been

urged is the familiar language of him who appeals for subsidies. There is always an emergency when a corporation want to get their hands in the Treasury and there is a party trying to keep them out. The threat that great disaster will befall the public if their demands are not immediately granted is a threat familiar to the language of political disputation.

I am not able to perceive any such emergency in this case as will require the Senate of the United States, with most meager information, without any governmental estimate, to rush into the grant of \$3,000,000 of money to some corporation which does not even appear in its character or in its personnel in the solicitation.

It has been abundantly shown that we have the right upon the shore of the Pacific and in the harbor of Hawaii, by concession from that Government, to establish this line. But if that be questioned there is nothing in the situation to suggest that this Government will ever have any difficulty, or at least that it has now any difficulty, in making any desirable treaty with the friendly Government of Hawaii, between which Government and our own there have long existed the most amicable and cordial relations.

Mr. President, to show that there is no fair ground for the criticism which my learned and able friend from Alabama has made by implication upon those who oppose this appropriation, that they are critical in their attitude towards the Executive, we have but to produce the naval appropriation bill, which has already passed by their assent and approbation, and there we find affirmative testimony of the fact that there is not the slightest disposition to criticize the Government, besides the negative testimony that no person has done so. In the naval appropriation bill, which has passed the Senate, I find this item of appropriation:

Telegraphic cable service: To enable the President to cause careful soundings to be made between San Francisco, Cal., and Honolulu, in the kingdom of the Hawaiian Islands, for the purpose of determining the practicability of the laying of a telegraphic cable between those points, \$25,000, or so much thereof as may be necessary; and the President is hereby authorized to direct the use of any vessel or vessels belonging to the United States in making such survey.

Here, then, Mr. President, is the repose of confidence in the Chief Magistrate of this country. Here is the Navy of the country, any or all war vessels which he may see fit to order, placed at his disposal, together with an appropriation of \$25,000 put in his hands, in order that he may be enabled to take the preliminary steps towards the establishment of telegraphic communications between this country and Hawaii.

Mr. President, what I object to and what, as I conceive, as a humble disciple of Democracy that party objects to, is the putting of the Navy of the United States and the Treasury at the service of private individuals and corporations, and not doing as a Government upon the behalf of the people for itself those things which are necessary to be done in defense of its rights and in the promotion of its commerce and foreign relations.

Very obviously to my mind, Mr. President, the proposition here is now for the Government to pay for a great telegraphic establishment, and for other people to hold it. If the Government is to pay for it and it is essential as a governmental agency, I respectfully submit the question, why shall not the Government construct it and let the people own it, so that it will be preserved for their benefit and be in their control as their property?

Mr. President, no governmental officer of the United States has presented to Congress, nor has Congress called for, nor have we from any source obtained for ourselves any estimate of the cost of this telegraphic line between the United States and Hawaii. Then why shall we make an appropriation for the benefit of others when none but those others themselves have estimated what it will cost? Do men in their private business relations give *carte blanche* to the seller to name the price upon which they will buy? Is it appropriate for those who are the guardians of the people's money to leave others, who are pursuing their self-interest and have their motive to inflate the cost in order that they may get the profit, to draw up their own figures, and then for the Government to become the indorser in blank?

Furthermore, Mr. President, the sum appropriated is not required in my view, from such information as I have been able to obtain, not from those who have favored this appropriation, for they have not honored the public with information upon this subject. They have hastened to silence as far as they could the opportunity to inquire into the matter by laying upon the table the motion to reconsider this proposition. But the public records, those of the present Congress, those that come to us from the House of Representatives, if they are to be relied upon, do not estimate that it will require any such sum as we are here appropriating to subserve the interests of the people of the United States.

I have before me a report which is headed "Pacific Cable Company," being Report No. 3774 of the Fifty-first Congress, second session, which was made by Mr. CHIPMAN, from the Committee on Foreign Affairs, to the House of Representatives. This report was made in respect to a bill which was then, and is now, I believe, still pending in the House of Representatives. That bill proposed to incorporate the Pacific Cable Company, and it had ample provision in it guarding the interests of the United States.

That is the appropriate method in which this matter should be presented to the Senate, that these provisions may be criticised, that estimates may be gone over, and that full information may be given. The very fact that this is offered as an amendment to a subject of a different character should increase, and not diminish, the vigilance of the Senate respecting it.

In this report I find that the cost of a cable to Honolulu, as estimated by competent experts, in the opinion of the Committee on Foreign Affairs, would be \$2,735,000, exclusive of cost of terminal stations and connections from the beach to the offices, and also \$150,000 for a repair ship. I further find that the seventh section of the bill, respecting which that report was made, provides for the making of an agreement with the company by the Secretary of the Treasury whereby an annual sum of \$150,000 shall be paid to the company for a term of fifteen years from the date of effective completion of such telegraph line from San Francisco to Honolulu. The fact is thus presented to the Senate that the only committee of Congress which has made a report upon this subject has estimated that \$150,000 per annum is sufficient to effect the object in view. The committee say:

The bill, in naming as the amount of Government aid the annual sum of \$150,000 for fifteen years, is within the limits of the expense of maintenance and repairs.

We should remember that in addition to the appropriation which the Government was invited to make by this bill, and is now invited to make by the pending amendment, the war vessels of the United States have been placed at the service of the President to carry out the same object and that this appropriation of \$150,000 per annum does not seem to include that item; it seems to be exclusive of that item of cost. Of course, in estimating the cost of a cable, the great expense would be the employment of vessels and the manning of the ships that would lay it. And yet, after the Senate has passed an appropriation giving \$25,000 for the survey and showing a disposition to use the war vessels of the United States in the interests of this cable, we are called upon here by an amendment to the diplomatic and consular appropriation bill to add \$100,000 per annum beyond the estimates of any committee which has dealt with it.

Mr. President, I am conscious that this is a great subject which is presented to the Senate. It is evident that this cable line which is projected between San Francisco and Hawaii is but a link in a long chain of telegraphic communications which at some future day will connect the United States with New Zealand and Japan. That is the *projet* which has been in the minds of enterprising men for years, and one of the steps towards carrying it out is the bill which was submitted to the House of Representatives to incorporate the Pacific Cable Company. That company has asked from Congress an act of incorporation with \$5,000,000 of stock, and in the *projet* which it and others have formed to build a long telegraphic communication between the United States and Hawaii and New Zealand and Japan, they propose that Congress shall be asked in the first instance to set them up in business.

It is a little vague upon what distinct grounds Congress is asked to go thus in partnership with some corporation not recognized in the appropriation, in which the people of the United States are invited to furnish the capital and in which the private stockholders are to enjoy all the profits. It may be taken for granted that no promoters of such a scheme are going into it otherwise than with the idea of personal gain. It belongs to commercial adventure, and they would not devise a scheme of a telegraphic line between the United States and the populous communities of the East, in far-off Japan, unless they fancied that it would be a matter of dividend.

Why shall the Government be called upon, not to subscribe to the stock and take the chances of getting some part of the dividends, but simply to put down the cash at the beginning of the enterprise, to set this corporation up in business by a sheer donation, in which, no matter what the future dividends may be, the people of the United States can not share?

If, Mr. President, this is designed as a part of the national defenses, if it is a military telegraph line which is sought to be established, it is improper that it should be owned by private individuals. The Government should construct it, should own it, should control it, and should be enabled to keep any other communication from passing across the wires but its own.

Mystery, secrecy, the preservation of one's own confidence, is the absolute essential of any military movement; and the whole scheme and plan of this appropriation is in derogation of the idea and is inconsistent with and contradictory of the idea that it is designed as a part of the military defenses. We do not go into partnership with private individuals in the ownership of war ships nor in the ownership of guns, but the Government buys them and controls them. So if it is to be a military telegraph line the Government ought to build it and ought to own it.

Then, Mr. President, is it a commercial line? It may aid commerce. Every railroad, every canal, every telegraph lines does aid commerce in a general way. It is for the Government to determine whether it is essential to the protection of its commerce or to the protection of itself to have the line. If it has so determined, then it ought to own

the line, and if it determines otherwise it ought to have nothing to do with the line.

Mr. President, I have spoken about the report of the Committee on Foreign Affairs. We have had no information here as to what corporation or as to what individuals are soliciting this appropriation. We have had to get that information for ourselves from the miscellaneous documents of another House. But I find in this document, from which I have already quoted, an exhibit with the report of the Committee on Foreign Affairs of the House of Representatives, and in that exhibit is a letter from Mr. Alfred S. Hartwell, dated January 31, 1891. In that letter he recites that—

The Hawaiian Legislature in November last passed an act authorizing the Hawaiian ministry to grant for the period of fifteen years the exclusive cabling right to that group of islands from any point within the United States territory or elsewhere to any person or persons entering into a contract to lay such cable within the time named, and, further, to grant to such person or persons for the same period of fifteen years an annual subsidy of \$25,000.

In order to carry out this proposition of the Government of Hawaii the ministry were given charter to contract with any person, and it is claimed that they have contracted upon these conditions with Mr. Alfred S. Hartwell, who, if he can carry out the contract, will get a subsidy of \$25,000 annually from the Government of Hawaii. No one has here claimed that either he or the corporators with whom he is associated have any ability whatsoever to accept this grant from the Kingdom of Hawaii, and it is very obvious that it is a speculation of an enterprising commercial man who wants to make money on the two Governments. Having obtained a concession from Hawaii and not having the means or the disposition to carry it out, they come to the Government of the United States and threaten it that if we do not give them the money to build this line, and let them own it, somebody else will come in and get the concession.

Well, I have no doubt somebody else will. That is intimated in the very nature of the concession itself. The ministry of Hawaii were not instructed by its legislature to contract with Mr. Hartwell or with anybody else. They were given authority to contract with anybody, showing very clearly that the Government of Hawaii were looking for somebody to build this line either to North America north of the United States or to some portion of the United States, and that they would jump at and be delighted to receive the proposition of the United States to do it.

So, Mr. President, if it is desirable that the United States should put up the money to build this line, the persons who are the applicants to Congress for the appropriation, and who are asking the favor of the United States, are the only persons in the world who occupy a position by which they may possibly temporarily impede it; and I do not think that American citizens who would go abroad and get a concession and then come to their own Government and say, "If you do not enrich us, we shall not let you have it," are fit persons to be the recipients of our gratuity and favor. They are not the kind of American citizens in whose hands I should like to intrust the money or the rights and the interests of my country.

Mr. President, I do not expect to hear any satisfactory information from the promoters of this appropriation. Those who advocate subsidies, who are ready to pour out the money of the people into the hands of individuals and corporations, are never anxious for debate. They have an emergency always on hand to hurry the measure forward and are generally content to be silent, especially when they perceive that they have a majority by which they may carry out their views.

But, Mr. President, I am opposed to the policy which is indicated in this appropriation. While the people of this country have been taxed against their own will and have had high taxation preserved by those repressive influences which operate to impede legislation, they are not too poor to do anything which is essential to the national honor and the national defense.

If this line be necessary to the success of our commerce or the honor of our flag or as a strength to our naval or military forces, I am not only willing to vote for it, but to vote twice, treble, quadruple, what is now called for. It is not the amount that I object to, if the appropriation be necessary. What I object to is this Government going in partnership with corporations and syndicates, the result of which invariably has been that the Government furnished the capital and the corporation and the syndicate got the chief profit.

I would vote to-morrow for a bill, if the Administration says it is necessary and the facts support it, to build this telegraph line to Hawaii and put it under the military department of the Government of the United States and to sustain it; but when all the papers that we can gather upon the subject show that it is an extravagant appropriation, going beyond what seems necessary, in the only report which has been made upon the subject, I can not see that it is wise or just to accede to it. I observe that in his letter Mr. Hartwell uses this language:

I think the foregoing statement clearly shows that in addition to any reasonable sum that can be expected from the receipts of such a cable, and also in addition to the Hawaiian subsidy of \$25,000, \$200,000 per annum would be the lowest sum which would justify the expectation of a return of 5 per cent. upon the investment made in constructing and laying the cable and buying and equipping the repair shop.

Two hundred thousand dollars is the estimate of the applicants for

the subsidy of a sufficiency to build the line and buy the ship to maintain it; and yet, when the Senate wants to debate this subject upon a pending appropriation to give \$50,000 a year more than even the applicants have said was essential, the motion to reconsider its action taken with closed doors is laid on the table.

The PRESIDING OFFICER. The question is, Shall the bill pass?  
Mr. MORGAN. Mr. President, I dislike to detain the Senate on this question or any other at this late hour in the session, but I feel that I am obliged to say something in reply to the Senator from Mississippi [Mr. GEORGE] and the Senator from Virginia [Mr. DANIEL].

If I need to have any proof at all of certain propositions, I need not go any further than the speeches made just now by those Senators. The first proposition which they make is that there is necessity for cable communication between the United States and Hawaii, and that necessity relates to three subjects: First, to commercial convenience and prosperity; second, to naval or military protection of the United States and of its commerce; and, third, to the demand of the people of the United States that they shall have all the available means of communicating intelligence now used by the prosperous foreign countries of the world.

We all agree in these particulars, that the building of the cable is a work in which the Government of the United States might take a part if it chose to do so; in other words, that the purposes in connection with which a cable is to be established are governmental purposes; that they are for the protection of commerce, for the dissemination of information, and also for the military control or defense of commerce and of the shores of our country. All these propositions are conceded in the arguments made by the honorable Senators. So it is not worth while for me to go back and debate them at all. We all agree upon those propositions.

Then we come down to the question as to what is the best means for the Government of the United States to avail itself in order to secure these governmental purposes. The Senator from Virginia, in the close of his remarks, came to the conclusion that he would be entirely willing, if the case was presented in which there was a necessity for governmental action, to vote a great deal more money than is contained in this bill to build a line of cable communication between the United States and Honolulu. He would want, however, that the Government of the United States should have no partners and no assistants in it; he would want the Government to do it entirely through its own officers, its own agents, and to own the property, so that whatever profits might arise out of it would be profits to the United States Government.

I think I could controvert on very good Democratic grounds—if I understand what Democratic grounds are—the proposition of the Senator from Virginia that the Government of the United States can engage in any speculative enterprise of money-making either inside or outside of this country. I do not know of any instance in which the Government standing for the people and for their service has a right to make money by speculation upon the people of the United States in any enterprise that could be named. So I think we can dismiss that view of the question without at all disturbing the equanimity of any Democrat in the United States Senate upon a proposition of that kind, for whatever governmental pursuits the United States may engage in there can not be any legitimate effort to make money for the Government out of such pursuits.

Whenever we find that we have an opportunity of money-making in the exercise of governmental powers, we always turn that opportunity over to our people in order that they may get rich out of the benefits the Government is able to confer. We do not merely try to save taxation into the Treasury by speculation or money-making in carrying the proceeds of our adventures into the common money account of the country. So I feel that, as I am opposed to the Government of the United States entering into such speculations and such efforts, I am perhaps on the safe Democratic side of that question also.

Now, I have no doubt it will be admitted that the carrying of mails between Honolulu and San Francisco is a governmental purpose; that the Government of the United States may engage in carrying mails from Honolulu to San Francisco back and forth. I believe that no man will doubt that our postal system extends across the waters to the uttermost parts of the earth, and the power of the Government of the United States goes along to protect the mails, to care for them, to pay for their transportation, and for everything else connected with the mail service for the benefit of the people of the United States and other people in their intercommunication with each other.

That being a clear governmental purpose, the Senator from Virginia, instead of paying a fair rate of hire, that the Senator calls a subsidy, to some owners of a steamship or a sailing ship to carry the mails between Honolulu and San Francisco, would have the Government to build the ship. I do not believe in that. I do not believe it is any part of the duty or even the privilege of the Government of the United States to build and become the owner of ships for the purpose of carrying the mails. When we have opportunities to have mails carried by ships it is our business, and one of our first duties, to see that the people of the United States who are engaged in building ships or want to put their money in such a venture as that shall have the benefit of

whatever profit is legitimately and fairly to be derived from that sort of enterprise.

So, while the Senator from Virginia, this profoundly sound Democrat, who is opposed to all subsidies, would never consent for the mails to be carried from Honolulu to San Francisco by any incorporated company or by any private individual, but would build the ships to carry them on and have them navigated by United States officers, I beg leave to differ with him and still claim that my Democracy is sound when I say that I am entirely willing, upon a fair levy, to have those mails transported between the different points by vessels that are in the private ownership either of corporations or of citizens.

Mr. DANIEL. Mr. President—  
The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Virginia?

Mr. MORGAN. Certainly.

Mr. DANIEL. I do not object to the Senator's Democracy, but I hope he will allow me to define my own.

Mr. MORGAN. The Senator has defined it. He says he wants the Government of the United States to enter into this enterprise and build it on its own account.

Mr. DANIEL. If the Senator will allow me to finish the sentence, I will say that I do not believe in the United States buying ships and making presents of them to other people. They may hire ships or they may hire railroad or telegraph lines or what not, but if they buy them and pay for them I do not believe in making presents of them.

Mr. MORGAN. That remark of the Senator from Virginia only shows that he has not comprehended this amendment. I felt grieved, when he was arguing upon it so elaborately and so eloquently, to feel that he did not actually comprehend what the amendment is. What is the amendment? It is that the Government of Hawaii having granted a concession to Mr. Hartwell, or to any other person, if that person or that corporation, Mr. Hartwell, or anybody else, under a concession from the Hawaiian Government, shall build a cable line, then after it is built the Government of the United States will pay for the use of it \$250,000 a year for fourteen years, not to exceed twenty, the sum not to exceed \$3,000,000, and the sum to be as much less than \$3,000,000 and as much less than \$250,000, a year as the President of the United States can make a fair and legitimate contract to reduce it to.

Now, I will give an analogous case. Here we are spending vast sums of money annually. How much? No Senator here knows, I suppose; I do not, but it mounts up into the hundreds of thousands, perhaps more than a million dollars a year, for telegrams and cablegrams that are sent over the wires of private companies through the United States and abroad to all the countries of the earth.

Some of these cablegram items amount to as much as \$40,000. Look over your appropriation bills, and see how much money you appropriate every year for the use of various telegraph lines inside the United States. We pay so much, and the exactions have been made so heavy upon us, and there has been so little of competition, that bill after bill has been reported to the Congress of the United States, either to buy the lines and take charge of them, or else to build competing lines.

Now, there, Mr. President, my Democracy comes in the way of those bills, and has always caused me to stand in opposition to them, not because I did not believe that we could save some money by building competing lines or by taking possession of the existing lines, but I did not want to multiply the offices of the country. I did not want to make a thousand offices where there are now ten. I did not want the Government of the United States to have the patronage that belongs to the ownership of these vast and intricate systems of telegraphic intercommunication and cable communication. My Democracy stood me in hand to enable me to oppose the policy of the Senator from Virginia, which, when it is extended and made legitimate in its application to our internal as well as our external affairs, would place us in the possession of every telegraph line in this country.

The Government of the United States is obliged to employ private agencies within the boundaries of our country, and outside also, in order to carry on its governmental operations. We have steamship lines sailing to various ports in the world. We have a subsidized British line that sails from Liverpool to New York; and we pay annually immense sums of money for the purpose of the transmission of our mails between those ports. Who has thought that that was an unwise thing to do, an unnecessary thing to do, an illegitimate thing to do, and that the right way to get rid of it was to go and build lines of steamships to be owned and managed and officered by the Government of the United States? Mr. President, this pretense, for it is nothing else, that Senators desire that the Government of the United States shall own the lines, shall own the steamships, shall own the railways that carry our mails back and forth through the United States, is all intended merely to prevent the public service from being done in a legitimate and fair way.

So I take ground in favor of the employment of private corporations for carrying of mails inside of the United States and private people also, from the little horseback mail, or the man who packs the mail sack on his back and goes on foot, up to the great railway trunk-lines. I favor the plan of the telegraph wires in all the different sections of

this country, in all their great ramifications, being owned by private persons or private corporations rather than by the Government of the United States. I prefer that the two great cables which connect us now with England should be in the private ownership of the companies to whom they belong rather than the Government of the United States should own them, and I would not vote money, unless it was under the pressure of some great military necessity, for the building by the Government of the United States of a cable line even between Florida and Cuba.

But what would I do? As far as the Government is concerned in matters of this kind, instead of having cheap rates for telegrams, and cablegrams, and mails, and the like of that, I would resort to fair contract and agreement with open biddings, so that every competing man might have his fair opportunity to get the contract, and in that way I would get the service as cheap as I could consistently with honesty and fair dealing. Is that not the true plan? Is not that the plan upon which we have operated always, and upon which we expect to operate, and upon which we ought to operate in all of our connections with all of this transamerican service of ours?

Now we come to the proposition of building a cable to Honolulu. Both the Senator from Virginia and the Senator from Mississippi want to build it at the expense of the Federal Government. They want it officered by officers of the Federal Government. The moment you do that you open the door to have every telegraph line in the United States and every telegraph office in charge of a commissioned officer of the United States Government. What a catastrophe, Mr. President, that would be to the country. It is something that I could not look upon with any degree of composure. I would look upon it, sir, with the gravest apprehension.

What, then, is the situation? I do not feel at liberty to describe it all in the Senate to-day. Senators have been informed and they know of certain reasons connected with this project that I can not now name in justice to my own country; but laying those aside and coming down to the mere question of, I may say, profit and loss, the question of bargain between ourselves and whoever may construct this line, what is the situation? The Government of Hawaii, by its legislature, in the time of King Kalakaua, passed an act authorizing that Government to subsidize, as they call it, a line of cable between the Hawaiian Islands "and the United States or any other place on the American continent." Those last words of course are very significant: "If you can not make a co-operative arrangement with the Government of the United States to effect the building of this cable line, make it with Mexico; make it with Great Britain; take it to Victoria and land it there in the Strait of Juan de Fuca."

The Government of Hawaii wants a cable communication with the outside world, and being an independent and free power it issues its order through its legislative authority for the purpose of granting a concession, as it is called, to whoever will build this line, and enables its ministry to make a contract for that purpose. Those ministers make a contract with Mr. Hartwell, of Boston, Mass. That contract is guaranteed by the Hawaiian Government, and when the contractor builds his line he has not merely the right to land his cable, but he has the protection of that Government, and he has a right to it. The Government of the United States is bound to concede that that Government can grant its protection just as much as we can, for while we recognize Hawaii as an independent country we are bound to respect her autonomy in every particular.

We have not to deal with it as a child would with a toy, to buffet it about at its own will and power. It is a sovereign and an independent power. It has taken its ground. It has made its contract. Mr. Hartwell is the party to whom the concession has been made. He presents this subject to the committee of the House of Representatives, and while Senators complain that they have not got any information about it, they have all the information that is necessary for intelligent and decisive and precise action upon this question.

Now, if we were going into the scheme of the Senator from Virginia to build the cable then we would want to know what the estimates are, what it is going to cost, and the like of that. We would want to know something about the bed of the ocean over which it is to pass. We would want to know something about the rights of the United States to get into Hawaii with the cable if as a Government we were trying or expecting to construct this cable line. But we are not. What we are going to do, if this amendment becomes a law, is merely, after the cable line has been completed, to hire it annually at a sum not exceeding \$250,000.

Suppose it is not built, we certainly shall never hire it. Suppose it is built at a cost of \$5,000,000, it is nothing to us. Suppose it is built at the cost of a million dollars, it is nothing to us. What we want to do, and all that we propose to do, is to enable the President of the United States, in the event of the cable being built, to hire the use of it for the Government of the United States annually at a certain sum of money per annum not to exceed \$3,000,000 in the aggregate.

Now, that brings the matter right down to this point: Are we willing to trust the discretion and the integrity of the President of the United States in making such an agreement as that? We might have selected some other agency it is true. We might organize a commis-

sion for that purpose if we choose to do it, but I repeat that I have seen nothing either in the office of the President of the United States or in the incumbent of that office to alarm me in the slightest degree about the proposition that he will make the very best contract that can be made for the Government of the United States. I do not believe it is possible that there can be a job in it. Moreover, it will take two years to build this cable line, and until it is constructed no dollar can ever come out of the Treasury for the purpose of employing it. Very likely, unless Mr. Harrison is renominated and re-elected, he will have nothing to do with making this contract.

I have some faint glimmering of hope that somebody else, perhaps the gentleman who is high in favor on this side of the Chamber, may have the making of that contract. Are we going in advance to say that if the President of the United States should turn out to be a Democrat we are not willing to trust him with the use of \$250,000 a year or \$300,000 a year in making an honorable and a just contract with a company, an American company, about the use of this cable?

Now, sir, when we come down to the real facts of this case, all the ebullitions of fear and all the eloquence that has been bestowed upon it seem to me entirely inapposite and out of place. The real transaction has not been explained to the Senate to-day; it has been heretofore, I believe sufficiently, this being a governmental purpose for which we are authorizing the President of the United States to make this expenditure of money in his proper discretion, to be willing to say that it is constitutional and right that it should be made. I believe sufficiently in the importance of it politically, commercially, and in a military sense—in every one of these important senses—to induce me to say that I think it is the duty of the Government of the United States to avail itself of this opportunity to have the cable constructed, it being a fair and a favorable opportunity.

I have not an idea that it would be constructed unless the Government of the United States could be looked forward to as a patron of the cable line, but with the favorable expectation and security that the Government of the United States through its President will make a fair contract for the use of the cable, then capitalists will be willing to go forward and venture their money, and we shall have the cable; and without it, Mr. President, I see no prospect in the world of having the cable.

The Senator from Mississippi, however, has found out that we have a right to build this cable into Pearl harbor on the Island of Oahu under a treaty which he brings to the attention of the Senate. It would be sufficient to say that the word "cable" is not used in that treaty, nor is the slightest reference made to it in the world. I suppose that you could not inflict a greater surprise upon the Hawaiian Government than to say to them that we understood when you made that treaty that you were stipulating for a cable line.

How could they have done that when after the treaty was made they went into an elaborate system of legislation to make a concession to a company or to an individual to build a cable line from Hawaii to the continent of America, providing for its ample security, providing for its specific charges upon the messages that should be sent across the line? How can the Government of the United States in building a line from San Francisco to Pearl harbor avail itself of the legislation of Hawaii fixing and prescribing the rates of toll that shall be charged upon this line?

Let me ask you, Mr. President, how can the United States Government invade the sacred line of the three-mile limit and get inside of Pearl Harbor with her ships? Why, sir, it would be cause of war if we should attempt to do it, and all of the great nations of the earth would see that that little jewel of the Pacific was as much protected in her autonomy and in her right as to the three-mile limit as any other power on earth could be protected. They would see that we were invading it, and invading it ruthlessly, and not ruthlessly merely, but upon a bald, false pretense. It took an ingenious mind to conjure up this opportunity for building a cable line into Pearl harbor. It does not answer my conscience, my sense of duty, my feeling of honorable regard for a treaty with the Government of Hawaii that I should pervert and misinterpret a treaty so as to say that one that contained this provision was also a treaty for the purpose of establishing cable lines between the United States and the Hawaiian Islands at the option of our Government and not at the option of the other Government. What is that language of the treaty? It is as follows:

His Majesty the King of the Hawaiian Islands grants to the Government of the United States the exclusive right to enter the harbor of Pearl River in the Island of Oahu, and to establish and maintain there a coaling and repair station for the use of vessels of the United States, and to that end the United States may improve the entrance to said harbor and do all other things needful to the purpose aforesaid.

Now, reading that to a plain mind, to one intent upon the preservation of the rights of the United States and also of Hawaii, it is impossible to conceive that the thought ever entered into the minds of the negotiators that it had any reference at all to a cable. What is meant by "the exclusive right?" The Government of Hawaii since this treaty has been adopted could not go into Pearl harbor and establish fortifications, and a naval station, and a place for the repair of ships, and the like of that. Why? Because the Government of the United States has the exclusive right. That is the great right for which we

bargained and which we obtained under the extension of the treaty of reciprocity between the two Governments.

How, then, Mr. President, can the Government of the United States claim under that treaty that it has the exclusive right of establishing as against Hawaii a cable line in Pearl harbor? for, whatever right the United States has under the second clause of this treaty is an exclusive right, whether it relates to cables or whether it relates to ships and repairs, it is an exclusive right. To me the idea, I must say, is not in the slightest degree tenable that Hawaii ever intended to grant to the Government of the United States the exclusive right to have a cable in Pearl harbor.

Senators vex their ingenious minds to get up pretenses of opposition to this measure, and there is no occasion to do it, not even when they consult their Democratic horn-books; for, Mr. President, the only violation that is likely to come to any Democratic doctrine in connection with this project is that which would commit the Government of the United States to the building and ownership and officering and management of a cable line between this and any foreign country.

In this connection, as I expected it would be developed, some allusion was made to the proposed bill from the Committee on Foreign Relations to subsidize, as it is called, the canal company who are authorized by law of Nicaragua and Costa Rica and the law of the United States also to build a canal across the Isthmus of Darien. The two subjects are conveniently mixed up. There was no occasion for it. They are as distinct as propositions can possibly be, and there was no occasion for it. But both the Senators to whom I am now replying argued and insisted that the object of all such legislation, which they call subsidy legislation, is to enrich corporations or to enrich private persons who get franchises or concessions at the expense of the taxpayers of the United States.

Separating the canal project from the other just a moment, let us see what was done. The concession was made by Nicaragua and Costa Rica. They had the right to make it. They prescribed all the terms in connection with it that they saw proper to prescribe. Thereupon the Congress of the United States chartered a company to avail itself of that concession. That company went to work and is still at work with prospects of success that are undeniable, with prospects of success that will result in the building of that canal within six or seven years—prospects of success, Mr. President, which, when the canal is built will place in their control at a cost probably of two hundred and fifty or three hundred million dollars a property that will yield a revenue very much larger than the Suez Canal. The men concerned in that enterprise as stockholders or as contractors are obliged to get rich under the existing condition of affairs.

The Committee on Foreign Relations, being charged by the Senate of the United States to look into this question and to see how far it might injuriously affect the commerce of the United States, and especially that very valuable commerce upon which we set such high store, the coastwise trade, made an investigation of it, and they discovered that this canal was in the process of construction; that it had the power in the money markets of the world to capitalize itself, but at a large cost, as all such enterprises must cost largely when they depend entirely upon private contributions of money for their success.

They found that the certainty of its being built, the certainty of its enormous cost, and the certainty of it being too heavy a tax upon the commerce of the United States constrained them to ask the Congress of the United States to avail itself of a power reserved in the charter of this company to alter, amend, or repeal it whenever the Government of the United States might find that that company was either transgressing the bounds of legitimate authority in piling up the cost of the canal, or whenever that canal became a threat against the Government, or a threat against its commercial freedom in the prolongation of its coast line.

What did the committee do? Instead of granting subsidies to this corporation and pouring out money into their laps to make them rich, they said to them, "We will use the power reserved in this charter to compel you to do this matter right; we will use the charter so as to compel you to build the canal at a cost that will not be an unnecessary and grievous burden upon the commerce of the world. What will we do? We will limit your capital stock to \$100,000,000. You have already got it pledged to the extent of \$150,000,000. We will limit your power to issue bonds to \$100,000,000. You have already got a contract for which you are to issue \$200,000,000 of bonds for the construction of this road, with power to run it to \$400,000,000 if you choose to do it. We will place you under the control of the Government of the United States, by refusing to let you issue one dollar of stock except as to Nicaragua and Costa Rica under the contract, and except some small contracts that you have made, and the extreme amount of stock and bonds that this company shall have at all shall not exceed \$7,000,000, combined stock and bonds. We will hold you down. Now, what will we do for you? Why, in order that your money may come cheap, and in order that bankers' commissions and brokers' commissions and profits and speculative contracts may not ride down this great and beneficent line of communication between these oceans, we will advance you bonds to the extent of \$100,000,000 and no more, at 3 per cent. interest per annum; we will guaranty the bonds and the interest, and those bonds shall be issued only as the work is done, and the

value of that work shall be ascertained by engineers appointed by the President of the United States, who are required to report to the Government every sixty days. We will hold you down to these bonds, and no bonds shall be issued in excess of the actual cost of the canal." Now, when the honest truth is stated, instead of this being what Senators characterize here to-day as a subsidy, it is a knife put into a subsidy to prevent men from the use of the powers which we have given them, and which Costa Rica and Nicaragua have given them, whereby this canal project might have become a terrible incumbrance upon the commerce of the world.

Mr. GEORGE. Will the Senator allow me to interrupt him just one moment?

Mr. MORGAN. Certainly.

Mr. GEORGE. I believe that in the charter granted to this Nicaragua company the power of amendment of the charter or its repeal is reserved in the United States.

Mr. MORGAN. Oh, yes.

Mr. GEORGE. Would it not be better, if the company we have chartered are going into all kinds of extravagance and rascality, rather than give them \$1,000,000, to stop or repeal the charter entirely or amend it so that such acts can not be committed?

Mr. MORGAN. The term "rascality" has no place in connection with any of the operations of that company.

Mr. GEORGE. I will withdraw it, then.

Mr. MORGAN. You ought to do it.

Mr. GEORGE. I will say extravagance and waste.

Mr. MORGAN. The Senator ought to withdraw that term in consideration of the fact that the incorporators are men as honorable as any who ever existed in the United States. Chief Justice Daly, of New York, and an honorable Ex-Senator from Indiana, Mr. McDonald, who used to do so much credit to the Senate, are two of the incorporators I could name. I venture to say, and I do it with conscious pride, that there has never been assembled in the United States any set of men against whom the impeachment of rascality was so utterly foreign and unjust as towards those men. I do not care to amplify that question. The opinion of the people of the United States will vindicate what I say of them; all their lives have vindicated it and all they have done in regard to the Nicaraguan Canal has vindicated it.

Now I will answer the other part of the Senator's remark as to men in the possession of such franchises as these, who have to step forward, in the first place, and spend \$4,000,000 out of their own pockets without any security or expectation of security except the future completion of the work. When men come forward and spend out of their own pockets \$4,000,000 of their money to get this enterprise into such fine shape as it is now, including the ownership of all the valuable plant of the Panama Canal, and are now at work upon the Nicaraguan Canal, it is to be presumed that when they come to wind up their affairs they will expect that the world will not begrudge it to them (at least no liberal man on earth will begrudge it to them) that they should make fair and liberal gains out of this enterprise. The risk is enormous, and, no matter what the success of this canal is, they will never see profits to correspond with the enormity of the risk that they are now undertaking.

Mr. VEST. Will the Senator permit me to ask him if he does not rather overstate the amount that this construction company has expended?

Mr. MORGAN. I think not, sir.

Mr. VEST. I have examined the testimony very carefully, and the president of the company stated in response to the Senator from Vermont [Mr. EDMUNDS] that altogether they had expended, he thought, about \$2,500,000.

Mr. EDMUNDS. It was a good while ago when he stated that. They have been spending money ever since.

Mr. MORGAN. Oh, yes; they have been spending money since then.

Mr. VEST. The Senator from Alabama stated that they had expended \$4,000,000.

Mr. MORGAN. I mean up to date, they have.

Mr. VEST. They stated that they had expended up to the time when the testimony was given \$2,500,000.

Mr. MORGAN. That was last June.

Mr. VEST. That is all the information we have on the subject.

Mr. MORGAN. But the Government of the United States makes no concessions to these gentlemen in that behalf except for the amount of money actually expended, to be ascertained by the Secretary of the Treasury upon vouchers presented and audited and approved by him. Now, can anything be safer than that? It does not make any difference to me whether it is \$2,000,000 or \$4,000,000 that they have expended, that security is there and it is immutable; it is there to stand forever. So the transaction is in every particular a clean one—just as clean as any transaction that human hands ever touched.

Now, the point I was approaching is this: Senators say, *arguendo*, and they have said it otherwise, that if the canal is in this situation it is the duty of the Government of the United States to take hold of it and build it. I have stated reasons why I did not think the Government of the United States ought to build anything of the kind—a

cable line, a ship to carry the mails, or a canal—but there is one bar to it which is the result of our own wisdom or else of our own folly. While Mr. Arthur was President of the United States he negotiated what I thought was a most admirable treaty through Mr. Frelinghuysen for the acquirement of the right of building a canal and the imposition upon the United States of the duty and obligation of building it along with the territory on either side, I think 12 miles over which we would have such a suzerainty as that we could control it in every possible particular.

Nicaragua, in its anxiety to get the Government of the United States to build this canal, made to us concessions which would have been considered as a concession of the independence of that State to any other power in the world except this wise and strong and just and benevolent Government of the United States. The Senate of the United States, it requiring a two-thirds majority to accept that proposition, rejected it by a very slight vote. There was very much more than a majority of this body in favor of accepting that treaty, but there was not quite two-thirds, and thereupon it was withdrawn by the succeeding President of the United States, Mr. Cleveland, and was not again resubmitted to the Senate.

What attitude did that leave Nicaragua in? The prime desire of her whole life as a people has been to have this communication by canal through her borders. She immediately negotiated with an American citizen to make to him and his associates a concession of the right to build that canal. He brought that concession to the United States and organized a company that had gone on with their surveys and continued to go on with the surveys until they developed and proved as mathematically as any proposition can be proved not merely the practicability of the canal, but its cheapness, that it was a very cheap route and one that had obviously been placed in view of mankind by the hand that created these continents.

Thereupon the Government of the United States, finding that Nicaragua had disrobed itself of the power to make a further treaty by a concession that it had made to a citizen of the United States and his associates, chartered a company to go on and avail themselves of that concession. That company went on then and is still going on under that concession.

Now, let me ask the Senate of the United States how the Government of the United States can possibly go to Nicaragua and build that canal without violating its duty to a sister republic. Shall we go there and seize and capture the country that we refused to accept at her hands when she made a treaty with us? Shall we violate our own conduct and action in rejecting that treaty when we said we did not want sovereign power in Nicaragua and were afraid of entangling alliances there? Shall we do that, and, for the purpose of enabling the Senators to feel better reconciled to that attitude of affairs, seize the country and build the canal on Government account?

Why, sir, that is an impossibility, a physical, a moral, a legal, a national impossibility. The nations of the earth would be justified in intervening if the Government of the United States as a Government should go into Nicaragua to-day and assume the right to build that canal.

But why consult an impossibility of that kind? Why draw off the public thoughts and attention from the real plan and project that is before the country to a scheme of that kind which is so entirely impossible unless it is as a mere tub to the whale, a mere diversion to prevent the minds of the people of the United States from grasping the real question and to prevent them from coming up to its realization as they ought to do?

Now, we see, Mr. President, that there is no analogy, no comparison at all, between the two cases of a cable from Honolulu to the United States and the case of the Nicaragua Canal. In the case of the Nicaragua Canal we took an American company chartered by our laws, from whom we have reserved the right to do these things, and we say to them, "You shall not build this canal in such a way as to encumber and embarrass and destroy the coastwise trade of the Union. You must not do that, but in order that you shall suffer no injustice we will submit to you for your acceptance, rather than to accept a worse alternative, that you will take our indorsement for your bonds for \$100,000,000," and the other provision of the bill to which I have just referred.

Now, asks the Senator from Mississippi, had we not better repeal the charter and abandon the project? I would just as soon have said to Thomas Jefferson when he acquired the Louisiana Territory, "Had you not better consult your secret constitutional scruples and not buy that vast domain?" I might just as well have said to President Polk when Texas was annexed, "Had you not better raise some scruples in your mind and prevent the annexation of Texas to the United States?" I might just as well have said to the Government of the United States after the war with Mexico, that that was not a war for conquest, but a war for defense of our national pride and honor, and therefore we will reject any of the vast territory to the west of us as a part of the compensation of that struggle, indemnity for the past and security for the future.

We might just as well have said to General Gadsden when he was making the treaty of purchase of another immense area of country out there for \$15,000,000, "Do not spend the money of the people of

the United States, do not oppress the taxpayers of this country by spending \$15,000,000 for the purchase of that sand belt out in Arizona and New Mexico."

I am very proud of the Democratic party, but, Mr. President, I have no such pride in any other part of its progress as I have in those giant steps that laid the hand of power and conquest upon the Louisiana Territory, upon our Mexican possessions, upon our possessions in Florida; and I have no ground of respect for the memory of Mr. Seward and the Republican party, great and grand as it is in its achievements, that equals that of his venturing to purchase Alaska from the Government of Russia.

Let me say to my friends in the Democratic party that they had better try to keep up with the procession, for the reason that they are leading a heroic set of men; they are leading men who, when they have got their feet on firm ground, dare to march as far to the front as any men in this world. Their history sustains them in it, and I glory in it. I hope to God that I may be able, through some assistance or even sacrifice that I might make, to aid the Democratic party in progressing now shoulder to shoulder with the Republican party of this country in giving to American commerce a free transit across the Isthmus of Darien, connecting intimately those beautiful shores of the West, reaching from the highest point of Washington down to the Mexican border, with this grand development of ours along the Gulf of Mexico and the Atlantic Ocean.

Sir, I would not permit my Democracy, I would not permit my allegiance to any party, to stop me from an enterprise of this kind when it rests upon grounds that no Democrat can challenge as being unconstitutional. This country will require an answer at our hands now that this opportunity is presented, soon to pass and never again to be realized, why is it that we have been sluggards upon our post when these vast events were passing into history, and we did not participate as men ought to do in their realization?

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. CARLISLE. I ask for the yeas and nays on that question. The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. PIERCE (when Mr. CASEY's name was called). My colleague [Mr. CASEY] has been compelled to retire from the Chamber, being sick. He is paired with the Senator from Florida [Mr. PASCO].

Mr. DAWES (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT]. Otherwise I should vote "yea."

Mr. PASCO (when his name was called). I am paired with the Senator from North Dakota [Mr. CASEY]. If he were present, I should vote "nay."

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. BARBOUR]. If he were present, I should vote "yea."

Mr. VEST (when his name was called). I have a general pair with the junior Senator from Kansas [Mr. PLUMB]. I do not know how he would vote if present. I should take great pleasure in voting "nay," if I were at liberty to do so.

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON]. If he were present, I should vote "yea."

Mr. WOLCOTT (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA]. If he were present, I should vote "yea." My colleague [Mr. TELLER] is detained from the Chamber by illness and is paired with the Senator from Arkansas [Mr. BERRY].

The roll call was concluded.

Mr. DIXON. My colleague [Mr. ALDRICH], who is absent, is paired with the Senator from New Jersey [Mr. MCPHERSON].

Mr. WILSON, of Iowa. I transfer my pair with the Senator from Maryland [Mr. WILSON] to the Senator from Washington [Mr. ALLEN] and vote "yea."

Mr. BERRY (after having voted in the negative). I ask leave to withdraw my vote. I am paired with the Senator from Colorado [Mr. TELLER]. If he were present, I should vote "nay."

Mr. PADDOCK. I am paired with the Senator from Louisiana [Mr. EUSTIS], but I understand that he is favorable to the proposition which has been under discussion. I will therefore vote "yea."

Mr. HISCOCK. I desire to announce that the Senator from Connecticut [Mr. HAWLEY] and the Senator from Arkansas [Mr. JONES] are paired.

Mr. MITCHELL. I wish to announce the pair of the Senator from Idaho [Mr. MCCONNELL] and the Senator from New Jersey [Mr. BLODGETT]. If the Senator from Idaho were here, he would vote "yea."

Mr. DOLPH (after having voted in the affirmative). Yesterday I voted for the amendment in regard to the submarine cable, believing that the senior Senator from Georgia [Mr. BROWN] if here would favor it as it was reported from the Committee on Foreign Relations. I will withdraw my vote unless I can transfer my pair to the Senator from Colorado [Mr. TELLER], in which case the Senator from Arkansas [Mr. BERRY] and myself can vote.

Mr. BERRY. That is satisfactory.

Mr. DOLPH. In that event the Senator from Georgia [Mr. BROWN] will be paired with the Senator from Colorado [Mr. TELLER]. My vote will stand.

Mr. BERRY. I vote "nay."

Mr. PADDOCK. My colleague [Mr. MANDERSON] is paired with the Senator from Kentucky [Mr. BLACKBURN]. If my colleague were here, he would vote "yea."

Mr. BLODGETT (after having voted in the negative). As stated by the Senator from Oregon [Mr. MITCHELL], I am paired with the Senator from Idaho [Mr. MCCONNELL]. Hence I withdraw my vote.

Mr. FAULKNER. I ask whether the junior Senator from Pennsylvania [Mr. QUAY] is recorded?

The PRESIDING OFFICER. He is not recorded.

Mr. FAULKNER. I am paired with that Senator, and withhold my vote.

Mr. DANIEL (after having voted in the negative). I will withdraw my vote. I am paired with the Senator from Washington [Mr. SQUIRE].

Mr. PLATT. I suggest to the Senator from Virginia [Mr. DANIEL] that our pairs may be transferred, so that his vote can stand and I shall be at liberty to vote.

Mr. DANIEL. I shall transfer my pair, at the suggestion of the Senator from Connecticut, to my colleague [Mr. BARBOUR], and vote "nay."

Mr. PLATT. I vote "yea."

The result was announced—yeas 33, nays 16; as follows:

YEAS—33.

Allison,	Frye,	Mitchell,	Shoup,
Blair,	Gorman,	Morgan,	Spooner,
Carey,	Hale,	Morrill,	Stockbridge,
Cullom,	Hampton,	Paddock,	Warren,
Davis,	Higgins,	Payne,	Washburn,
Dixon,	Hiscock,	Pierce,	Wilson of Iowa.
Dolph,	Hoar,	Platt,	
Edmunds,	Jones of Nevada,	Sawyer,	
Evarts,	McMillan,	Sherman,	

NAYS—16.

Bate,	Cockrell,	Gray,	Reagan,
Berry,	Coke,	Harris,	Turpie,
Call,	Daniel,	Pettigrew,	Vance,
Carlisle,	George,	Pugh,	Walthall.

ABSENT—39.

Aldrich,	Colquitt,	Kenna,	Sanders,
Allen,	Dawes,	McConnell,	Squire,
Barbour,	Eustis,	McPherson,	Stanford,
Blackburn,	Farwell,	Manderson,	Stewart,
Blodgett,	Faulkner,	Moody,	Teller,
Brown,	Gibson,	Pasco,	Vest,
Butler,	Hawley,	Plumb,	Voorhees,
Cameron,	Hearst,	Power,	Wilson of Md.
Casey,	Ingalls,	Quay,	Wolcott.
Chandler,	Jones of Arkansas,	Ransom,	

So the bill was passed.

RAILROAD RATES FOR COMMERCIAL TRAVELERS.

Mr. QUAY. Mr. President, I desire to submit a few remarks upon a proposition that I had the honor to introduce to the Senate last May, which I will send to the desk and ask to have read.

The PRESIDING OFFICER (Mr. HARRIS). The Secretary will read as requested.

The Secretary read as follows:

A bill (S. 3786) to amend section 22 of an act entitled "An act to regulate commerce," approved February 4, 1887, and as amended March 2, 1889.

Be it enacted, etc., That at the end of section 22 of an act entitled "An act to regulate commerce," approved February 4, 1887, and amended March 2, 1889, the following proviso be inserted:

"Provided, That nothing in this act shall be construed to prohibit any common carrier from giving reduced rates of transportation and a permit to carry a weight of sample baggage in excess of the amount allowed the ordinary traveler to commercial travelers, whether employer or employé, who travel to sell merchandise for a wholesale business, taking orders from dealers for goods for subsequent delivery."

Mr. QUAY. This proposition I advocate upon the ground of public policy. It is a measure in the interest of the whole people of the United States. It is not designed for the benefit of any single class, but to bring prosperity alike to the great centers of population, to the most remote crossroads, and to enlarge our commerce with other nations.

The first argument I wish to bring, in support of this general statement, is that this proposed amendment to the interstate commerce law is entirely just and is in accordance with an established commercial custom based upon the principle, recognized everywhere in trade, of giving within limits the lowest price to the largest purchaser. Under the interstate commerce act this principle is already recognized in its regulation of freight rates. That act allows transportation companies to accept whole or unbroken carloads of freight at a reduced rate.

Now, to illustrate the wholesale character of the transportation in persons and in baggage which the commercial travelers of this country bring to the transportation companies, it is only necessary to state that the best authority—my informant being M. J. Pickering, chairman of the national committee of commercial travelers, having this matter in charge—gives as the number of men engaged in that branch of our domestic trade 180,000. These 180,000 men are on the wheels eight

months in the year. A careful estimate of the amount of their expenditure per diem for railroad fares is about \$1.50 each. This multiplied by 180,000 shows the total amount expended per day to be \$270,000, which again multiplied by the two hundred and forty days contained in the eight months of the year in which they are actively following their occupation shows a grand total of \$64,800,000. This enormous contribution to the income of the transportation companies of the country shows the American commercial traveler to be by far the largest purchaser of passenger transportation in the world.

Entirely apart from this statement of fact as to the largest purchaser and its corollary of the lowest price must be considered a statement no less one of fact as to the nature and influence upon the commercial life of the nation of the duties performed by commercial travelers. In the first place the broad assertion may be made, the truth of which will be recognized by every one, that commercial travelers market the entire product of the manufacturing industries of the United States. Between the loom, the spindle, the machine shop, the vat, the foundry, and other primary sources of manufactured goods they are the intermediaries for the retail merchant and his customers. Their mission is commercial, but it is also instructive.

To the small towns of the interior these agents bring products entirely new to the eyes of their inhabitants, whether merchants or customers. More than this, they bring to the small manufacturer the visible results of the enterprise, investigation, and accumulated capital of the larger manufacturer. I wish also to emphasize the fact that the traveling commercial agents do not bring to these interior towns the fruits of American invention and ingenuity alone. They present also the finished products of all the nations of the earth.

Every commercial traveler has as his mission to bring before the people the special products of trade in which he is expertly interested. Upon that particular branch of product the very requirements of his duty compel him to be thoroughly informed; so that as these 180,000 bright-eyed, quick-witted, alert men move over the land they present to its people a processional bazar which is almost equivalent to an international exposition of the manufactures of the world.

It is estimated that the amount of freight shipped to fill the orders booked by the commercial traveler reaches the enormous figure of 600,000,000 tons annually in this country alone.

But these figures, pregnant with meaning as they are, fail to carry with them the significance of the work that these men do. They represent not alone the manufacturers and the toiling thousands, whose golden reward they quicken in its course from consumer to employé. The commercial traveler also markets the products of agriculture. It is he who places within reach of the manufacturer the raw material which feeds his mill. The commercial traveler places within reach of the manufacturer the wool of the ranches and of the uplands, the lumber of the forest, the grain of the Northwest, and the corn of the prairies; the oil, the coal, and the precious ores of mother earth. It is in this phase of his work that he does most effective service in sustaining in our favor our balance of trade with foreign nations, through his constantly seeking a market abroad for all of the resources of our country.

Not only does the commercial agent thus enlarge our foreign trade, but he stimulates the activity of internal commerce. In illustration of this fact it may be recalled that a few years ago several States, with the purpose of increasing their revenues, levied license fees upon commercial travelers. These States speedily learned that their revenues were decreased rather than enlarged by this obstacle to interstate commerce. It soon became apparent that the presence of the commercial traveler had given a stimulus to local trade and an encouragement to local industries which were speedily lost as the result of the barrier against him.

Those States also discovered that retail prices in the absence of competition from wider markets soared upward to the maximum instead of gravitating to the minimum figures and that the exclusion of the commercial traveler meant a draining of the pockets of the customer without bringing at the same time any increased profit to the retail merchant. It is only necessary to add that the Legislatures of the States which set up this barrier against commerce beyond their borders have generally removed these barriers to their own prosperity. This simple fact is of itself an indication of local opinion developed through practical experience which might well guide the national legislature in its action upon this subject.

Prior to the passage of the Interstate-commerce law it was the custom of many of the railroad companies to grant certain concessions to this class of travelers. Among these was a permit granted by the transportation company to the traveler known as an excess sample baggage permit, entitling the holder thereof to carry a weight of sample baggage, to be regulated by the necessities of his peculiar business, in excess of the amount of luggage allowed the ordinary traveler. These permits were issued under proper restrictions to those the nature of whose business absolutely required the carrying of large sample lines.

The passage of the law necessitated the withdrawal of these permits—they being held to be class discriminations. This has led to the necessity of curtailing the lines of samples; thus less scope is given the people generally in the selection of their purchases. Under the existing law

the traveler who carries a necessarily large line of samples frequently pays over double the amount for the transportation of his baggage that he does for the transportation of his person.

Another purpose which this proposed amendment to the interstate-commerce law would effect would be the restoration of what is known as the "week-end ticket." To the student of our social conditions the purpose of this ticket must be obvious. The ticket, which under the present law was sold only to commercial travelers, ran substantially from Friday night of any given week to Monday night of the following. Under the old law such a ticket was sold good for going and returning for a single fare from one station to another. The result was that the commercial traveler away from his family was enabled substantially without financial sacrifice to spend Sunday at his home. Under the law as it stands this concession is denied.

It is to be noted that this proposed amendment carries with it nothing of a mandatory nature. It simply proposes to allow such transportation companies as may see fit to do so the right under the law to grant such concessions as they may think just.

There is ample precedent for this proposed encouragement to our domestic commerce to be found in the policy of other nations. The legislation of England affecting transportation has invariably as its first thought the question of its effect on trade within its own borders and between its own communities. Its colonies and dominions carry out the policy of the mother country.

For example, in Canada commercial travelers are charged but two-thirds the rate of fare given the general public, and their baggage allowance is gauged in accordance with the requirements of the trade represented by the traveler. France, Germany, Italy, and Spain have all of late years recognized this practical policy in their legislation affecting commerce within their own borders.

But I have said enough as to public policy and public justice, which speak for themselves in favor of this amendment to the interstate-commerce act. I have only to ask the Senate to consider for a moment the importance, the strength, the dignity, all worthy of our American manhood, which these representatives of commerce have formed. Almost every State in the Union has a chartered body of commercial travelers representing every avenue of their interests throughout their own communities. The only exception to this statement, I believe, is the new State of Washington, where these enterprising and alert men have already taken steps to form their organization. The various State societies are concentrated in a national union known as "The Federation of the Commercial Travelers' Associations of America."

Probably the most influential of their organizations is the Travelers' Protective Association, having branches in almost every State in the Union. It was under the auspices of this organization that this bill was drawn and submitted, the request for its passage having been supplemented and strengthened by the unanimous action of every member of the Federation of the Commercial Travelers' Associations of America in petitioning Congress for its passage.

Comprising the most vigorous and enterprising class of our trading population, the pioneers of our artistic industry and of economical comfort in our land as well as the promoters of our commercial intercourse with foreign nations, the living bonds between manufacture, agriculture, and mining, the largest individual patrons of transportation and the most active stimulators of its freight traffic, these men come to us with every argument in their hands, asking, not for a discrimination in their favor, but for simple justice to themselves and to their employers, as well as to retail merchants and the common people, whose comfort and knowledge are broadened simultaneously with a decrease of their household expenses because of the cheapening of retail prices in every hamlet in the country.

#### INTERNATIONAL COPYRIGHT.

Mr. PLATT. I now ask that the unfinished business may be laid before the Senate.

The PRESIDING OFFICER. The unfinished business is now before the Senate.

The Senate resumed the consideration of the bill (H. R. 10831) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Virginia [Mr. DANIEL].

Mr. EDMUNDS. Let it be reported.

The PRESIDING OFFICER. The Secretary will state the amendment.

The CHIEF CLERK. In section 3, line 26, after the word "therefrom," insert "or shall be otherwise produced in the United States from process executed in the United States;" so as to read:

That in the case of a book, map, chart, dramatic or musical composition, engraving, cut, print, photograph, chromo, or lithograph, the two copies of the same required to be delivered or deposited as above shall be printed from type set within the limits of the United States, or from plates made therefrom, or shall be otherwise produced in the United States from process executed in the United States.

Mr. PLATT. I am exceedingly anxious for two things: first, that this bill shall pass as it came from the House of Representatives in or-

der that we may have an international copyright law without further delay and secondly, I am very anxious to get a vote. Therefore I shall not occupy time in the discussion of the bill or its amendments, except, I think I ought to explain the operation of the pending amendment as it strikes me, and I will do so very briefly.

The clause which it is proposed to amend is this:

*Provided*, That in the case of a book the two copies of the same required to be delivered or deposited as above shall be printed from type set within the limits of the United States or from plates made therefrom.

That is not new in this bill. It was in the Chace bill, which passed the Senate at the last Congress. I ask that the amendment proposed by the Senator from Virginia [Mr. DANIEL] may be again stated.

The CHIEF CLERK. On page 3, line 26, after the word "therefrom," it is proposed to insert "or shall be otherwise produced in the United States from process executed in the United States."

Mr. PLATT. So that the copyright could be obtained by depositing the two copies printed from type set within the limits of the United States or from plates made therefrom, or if the books were produced by any other process than typesetting. The effect of this, if it has any effect at all, will be to make copyright to the American author more onerous than to the foreign author. It will be to give the foreigner who desires to obtain copyright an advantage over the American. It practically destroys, so far as any foreign books may be copyrighted, the effect of the clause to which it is proposed as an amendment.

The production of books, in the first instance, involves the setting of type. The American who desires a copyright will have to get the type set in this country for his book, because there is no process known for the production of a book which does not first involve the typesetting process; but the foreigner, who has had the type set in another country, can, if this amendment prevails, avail himself of some process by which reproductions from type are made and obtain his copyright without having the type set in this country. That is the effect of the amendment.

I desire simply to read a portion of a letter which was written by a gentleman who thoroughly understands this matter, Mr. J. L. Kennedy, who is a practical printer and who represents the International Typographical Union, written to the Senator from Indiana [Mr. VOORHEES], who is unable to be here, and he has sent me the letter and asked me to read that portion of it which refers to this matter. The writer says:

The typesetting clause will afford us—

The printers—

ample protection if enacted into law in its present shape. But now comes Senator DANIEL's amendment, and that amendment is "loaded." If adopted it will leave our craft's interests in exactly the same condition that they would be in if the words "printed from type set within the limits of the United States or from plates made therefrom" did not appear in the bill at all.

That amendment says, following the word "therefrom," "or produced by other processes executed within the limits of the United States." Now, let me tell you two "processes" that could and no doubt would be "executed within the limits of the United States."

The American publisher would procure papier-mâché matrices from the other side of the Atlantic and he would make his plates therefrom; and what sane man would contend or what honorable court would decide that a book printed from such plates was not produced by other processes executed within the limits of the United States?

Then, again, the American publisher could procure the shell copper plates from England; and, to evade the typesetting clause, yet complying with Senator DANIEL's proposed amendment, he could have other plates made from those imported plates; and a book printed therefrom would be "produced by other processes executed within the limits of the United States."

So the Daniel amendment is a veiled blow at American printers and is one that should not be dealt at them by an American Senate. American book-printers have long been at a disadvantage in their own country and in their own market. The reason therefor has been previously stated in this letter. Permit me as their representative to express the hope that the United States Senate will not let pass the present opportunity to secure to American printers the work which is rightfully theirs. I send you herewith a papier-mâché matrice and also a shell copper plate to illustrate to you the "other processes" previously referred to.

The papier-mâché process is to take a yielding substance, and when the type have been set to take an impression upon the paper. Then the plates can be manufactured from that impression. Therefore all that a foreign publisher would have to do, if this amendment should pass, to get a copyright in America, would be to send over this impression which he had taken and produce his book from that process. Typesetting is involved in the first instance. In any case the American who sought a copyright would have to set up the type. The foreigner, the type already being standing, could get his copyright without setting up the type in this country, and the foreigner would have the advantage over the American copyright man. The copper-plate shell process is also illustrated in the specimen which is sent me.

That is all I desire to say on the amendment.

Mr. DANIEL. I beg leave to ask the Senator, for information, what is it now necessary for the American author to do in order to get a copyright in Great Britain?

Mr. PLATT. It is necessary now for an American author to deposit, first, the title of his book, and then, before the copyright is issued or within ten days after the publication of each book or other article, to send two complete copies of the best edition to the Librarian of Congress to perfect the copyright.

Mr. DANIEL. He is not required to have his book printed abroad, I believe, in order to get a copyright there?

Mr. PLATT. I understood the Senator to ask me what the American must do to obtain a copyright?

Mr. DANIEL. I did; but the American author is not now required in any country to have his work printed there in order to get a copyright there.

Mr. PLATT. I suppose an American might have his work printed abroad.

Mr. DANIEL. I say he is not required to do so as a condition precedent to a foreign copyright. If, for instance, an American author wants to get a copyright in England, is it necessary that he shall go there or send there and have his work printed there in order to get an English copyright?

Mr. PLATT. That is a question which I can not answer. I know he must reside there.

Mr. DANIEL. I understand it is not necessary for him to reside there.

Mr. PLATT. He must be a resident in order to get a copyright in England.

Mr. INGALLS. Is it not one of the current facts of history that American authors go over the border to Canada and, upon the shortest residence, obtain an English copyright?

Mr. PLATT. He must be a resident.

Mr. INGALLS. That is a subterfuge. Everybody knows that they do that. Mr. Clemens goes over to Toronto, or to Montreal, or Quebec. He is not a resident of the Canadian Dominion, and yet he does take out a copyright there.

Mr. PLATT. Oh, yes, copyrights are taken out which are utterly valueless. Whenever the question comes up in court, whenever anybody undertakes to interfere with copyright, the whole question of whether he was a resident when he took out the copyright comes into court. To illustrate how copyrights are taken, here is Sir Edwin Arnold's *The Light of the World*, which has been copyrighted in this country. By whom? By Messrs. Funk & Wagnalls, publishers. They are not the authors. They are not the proprietors, and here is what is put in the book to frighten off anybody else, if it may, who may attempt to publish it:

Entered according to act of Congress, in the year 1891, by Funk & Wagnalls, in the office of the Librarian of Congress, at Washington, D. C.

This copyright protects the work of an American poet, who, in collaboration with Sir Edwin Arnold, has contributed lines to various portions of this poem, which lines are incorporated in both the American edition and the English edition. It protects, also, the introduction by R. H. Stoddard and the reproduction of the Hoffman illustrations.

That copyright, I venture to say, is not a good copyright under our law; but here is the book copyrighted just as Mr. Clemens's work is copyrighted in Toronto or in England, by reason of residence there, but if that question comes up in court that would be held to be a mere evasion.

Mr. EDMUNDS. It would not be worth a cent.

Mr. DANIEL. The whole object of my inquiry was simply to ascertain, if the Senator will permit me, what is the status of the American author who wants to get a copyright in Great Britain, and what benefits will the American author receive from this bill, and how will he be benefited if this bill passes.

Mr. PLATT. This bill takes effect if other countries extend to our citizens the same rights which they give to their citizens.

Mr. DANIEL. I ask the Senator if we do not invite, by this bill, other countries to require that our authors shall have their works set up in type abroad before getting a copyright abroad. If this is a plan of reciprocity, what good will it do our authors if they are required, as they would be required, to have their books set up abroad?

Mr. PLATT. I can not answer the Senator's question as to whether it is necessary now to print in another country in order to obtain a copyright there. I presume it is not, but I am not informed on that subject. It is necessary that an American should be a resident, temporarily at least, in a foreign country. If we require that when a foreigner comes here to obtain a copyright he shall print his book in this country, I do not see that we ought to complain if other countries require that when our authors go there they shall print in that country. I see neither injustice nor hardship in it.

Mr. CALL. Mr. President, this bill allows a foreign author who has not taken out copyright or acquired an exclusive right of property in his own country to take out a copyright in the United States, and then it prohibits the importation of the published book or magazine or newspaper from abroad which the author has given to his own country and to the world. It gives him the privilege of a monopoly of the American reader, the American mind, the American desire for literature and learning, without his being required to take out an exclusive right in his own country.

It seems to me that there can be no question that our own people should not be discriminated against by a provision of this kind. If an author publishes his book, or allows it to be published, or neglects to acquire an exclusive right in his own country and gives it to the people there, he should not be allowed by law to come here and impose a monopoly and a higher price upon the American citizen.

The principle of copyright and all the provisions of this bill, as well as the necessary limitations of the subject itself, relate, first, to the case of the American author and his right in his own country, then to his right in foreign countries, and to the right of the foreign author in his own country and to his right in our country. Our laws have decided that to give an exclusive right for a limited period of time should be the policy of the Government, as a means of encouraging invention and authorship, and the inducement to writers and authors to place their thoughts in a shape that would be useful to mankind.

This exclusive right is what? It is the right to the publication, the ownership, and the sale of the published copy, but when that right is exercised the purchaser acquires an ownership in the copy which he has bought. It is his property, and no law prevents the sale in the second instance of the published copy, but it relates simply to the reproduction of other copies. If the foreign author in his own country publishes his book without any exclusive right, without taking out a copyright, or he publishes it with it, he has lost all rights of property in the copy which he has sold or which his assignee has sold, but this bill imposes upon the American reader the obligation to buy that book a second time and at higher rates.

Mr. PLATT. This bill provides that the copyright shall be taken not later than the day of publication in this or a foreign country, so that if the book has been published in a foreign country it can not be copyrighted in this country.

Mr. CALL. I beg the Senator's pardon. This bill provides that the copyright shall be taken before or not later than a certain fixed time.

Mr. PLATT. Exactly. So that if it had been published in a foreign country it could not be copyrighted in this country.

Mr. CALL. Suppose it has not been published; then the word "before" comes in. He can take the copyright before its publication in a foreign country, and it may never be published there. So that, by the express provision of this bill, the foreign author may never publish his book, and that is no objection to his obtaining this exclusive right here. Suppose he has copyrighted it and has published it. The published copy has become the property of the world, and it has nothing more to do with the question of copyright. It is like every other subject of property, something that may be sold and transferred indefinitely and may be imported into this country.

Now, the question is, Shall the American reader be required, by our laws giving the author an exclusive right to property in the United States, to pay a higher price for the volumes here than he could obtain the volumes published abroad, for which the foreign author has been paid in his own country? In that respect not only the prohibitory clause of the bill, but even the tariff rate would be objectionable. It is no protection to the foreign author that he has already sold his right and this published property has become the property of the world, so far as he is concerned, to be transferred from hand to hand, and it can not be said to be in any shape a measure of protection to him. It is true that it is a protection and imposes upon the American reader the obligation to pay a higher price to the American publisher.

Mr. President, I am entirely at a loss to perceive, when a foreign author has sold his copyright, his right to the publication of his book, and it has been published, why the law of our country shall say that that published article, that published book, shall not be imported here. The foreign author has it in his power to sell his exclusive right for a country, for all countries, and has it in his power to protect himself. It is his right of property. If you make it an exclusive right, as this bill does and as has been the policy of our laws, he can sell it for this country or for that country, for this State or that State, and he has it in his power to protect himself; but when he has once sold it and you give him the right to say this book shall not be published in this country except upon terms agreeable to him, he has the power to protect himself to any reasonable extent in the first instance in his negotiation for the sale of this right of property. He may say it shall relate only to England, or only to the United States, and if he wishes to make it throughout the world he may say, "Wherever a copyright is allowed in any country, I sell you this right."

Why add anything more to that? I say that if you sell this right to publish in the United States separate from the right to publish in Great Britain, there being, under the hypothesis, a reciprocal copyright law, why say to him that there shall be a prohibition in the law to transfer any copy of this book, the ownership of which he has parted with, to any citizen of the United States or person resident there for any purpose of sale?

Mr. President, clearly all that we ought to seek to do is to furnish a reasonable compensation, to furnish the same right to the foreign author that we give to the American, even upon all the propositions and arguments of this bill. We can not say with any kind of propriety that we will impose a greater burden upon the American reader than is imposed upon the reader of the country in which the foreign author lives and under the policy of whose laws he publishes his books.

There is no question, therefore, that this provision in this bill does give a double copyright or imposes upon the American reader of the copyrighted book an obligation to pay a greater price than that which the book may be obtained for in the author's own country. It is true

that the price of publication in one country or in another may be less or may be greater; but when sold in Great Britain without being copyrighted it is, of course, without the increased price that the author's percentage would give to him. Then when imported here it has a duty imposed upon it and the price is again increased. For the copyrighted book in England or in France or in Germany or whatever foreign country it may be where the book or the magazine or the newspaper is published without a copyright it comes here without other cost than the cost of the publication; no price is paid to the author, no copyright fee, and no tribute is exacted; but, coming to our shores, he has first the exclusive right of property, and it has imposed upon it the price which the publisher may put upon it under that exclusive right and the tariff rate imposed upon it, and in that instance, where the book is not copyrighted, it is manifestly a clear wrong to the American purchaser and the American reader.

The language of the law is that the book may be copyrighted here before it is copyrighted in any foreign country, and that opens up the whole of this objection. There can be no question in regard to it. Then, again, if copyrighted abroad under the laws and published abroad and then copyrighted here, why should there not be a reasonable competition in the price of the American book between the American publisher who had bought the copyright for America and the English publisher who has bought it for England? In the nature of this property the right of the owner stops with the sale of the copy and the second, the third, and the fourth, and the indefinite sale after that is the sale of the property of another person, for which the author has already been paid. If he sells his right of publication to an English publisher, why should not the public have the advantage, and why should not the American reader be protected by allowing the value of that property upon the market for which the author has been paid to come into competition with the value of the book published in America?

I can see no reason whatever for it. Certainly there is nothing that relates to the just compensation of the author in it. To the publisher in the United States it may be that you may say that to foster and encourage these branches of business "we will require every American reader to pay for this book a higher price than it can be obtained for abroad;" but that has no kind of reference to a proper compensation of the foreign author or to the inducement to be afforded by giving an exclusive right of property for a limited time to an author.

Mr. President, this is a very important subject and has been presented at length to the Senate. It is a limitation upon the opportunities of knowledge, a limitation upon the genius of man; to say that it shall be subjected, for the benefit of the trades and pursuits and employments and the industries of life, to a tribute, to a levy, is something that is unknown in any sound process of argument and reason.

Of all things the most valuable is human thought, the development of the human intellect, the knowledge of nature. These are the only treasures of the world. Now, by a law to declare that an imposition shall be levied upon them, that a limitation shall be placed upon them, that they shall be made to be the means of tribute to those who are not the discoverers, are not the inventors, are not the authors, is certainly without any kind of justification.

Then, again, we may say that a monopoly is the best means of cheapening everything that is the subject of production. That is not a theory in accordance with our habits of business. There may be possibly some foundation in an abstract point of view for the assertion that monopolies can produce more cheaply, but the experience of mankind has not been that that is the way in which to obtain things at the lowest cost and the smallest amount of human labor. Competition is the life of all effort, and is the only means by which the amount of human labor required to be bestowed upon anything can be reduced and made smaller to each one of the vast laboring multitudes of the world.

So I think that this bill, Mr. President, even upon the theory of those who defend it, ought to be amended. The American reader ought not to be required, upon any of the theories upon which this bill is defended, to pay the price which an exclusive right of property, which the copyright under this bill, gives to the foreign author or his assigns, unless it has been copyrighted in a foreign country before the copyright is granted here. That is a manifest proposition, and I will not discuss the proposition whether the tariff rates upon the copy which has been sold abroad ought to be reduced or not. In my judgment they ought, and in my opinion the book ought to be free.

If the foreign author wishes to protect himself he can sell his copyright in England and limit it there, but when the book is once published and it becomes the property of individuals, it can be sold as property and transferred throughout the wide world. That is his own lookout. If he wishes to have the copyright in America and to have one edition cover the whole production, let him bargain with his publisher there, the purchaser of his exclusive interest—let him bargain with him and sell him his copyright for England and America and all countries where he has this exclusive property.

The amendment of the Senator from Ohio qualifies the exclusive right of property given a foreign author in this country by putting him upon precisely the same foundation that the American author is and with the same exclusive right. It limits it and qualifies it by saying,

"You shall have the exclusive right of publishing in this country and the exclusive right of selling in this country, qualified by the right of importation from a foreign country of a copyrighted book which you have sold and received payment for upon the payment of a certain duty."

Mr. PLATT. Suppose the book is not copyrighted anywhere except in the United States?

Mr. CALL. Then, unquestionably, if it is not copyrighted, he ought not to have any exclusive right here at all, because he has no right to say that every American shall pay him and give him an exclusive right to that which in his own country he has given free to the world.

Mr. PLATT. I am talking about the American author. For one hundred years now we have prohibited against the importation of the book which the American author copyrights in the United States. Does the Senator propose to change that?

Mr. CALL. Undoubtedly not. The exclusive rights which he is given is a prohibition, of course, against the importation of the American copyrighted book, except in the second instance, just as if you were to buy from me, a publisher, a copyrighted book and immediately you acquire a right to that book and you may sell it to anybody. If you are the purchaser you can take that book to England, have it copyrighted, and bring it back. You have that right. Our laws have never prevented that.

Then, in the second instance, the book is free to sell, and your exclusive right of property, the right of publishing, in the first instance, or of selling the right to publish, that includes the right of selling the published book, the copy which is published, but it stops with the first sale. The second, the third, and the indefinite sales for all time of that book have never been prohibited by the law and are not now prohibited. The book becomes the property, in the second instance, of the purchaser to sell to whom he pleases. He has acquired for that book all the rights which the original author had in every copy, and he may send it to any country as he would any other property.

In respect to this second sale of the published copy—and that is what we are talking about—a book copyrighted in England and published there and bought becomes the property of the purchaser. Why say that that book shall not be admitted into America like anything else that a purchaser has bought? You say that it is because it interferes with the vending of what? With the vending of the book published in America by an American publisher and set up by an American typesetter with all the various processes of cost which accumulate and follow the limitation of the publication of the book here; but that does not attach to the second copy; it has no reference to that, and it ought not to have. If you prohibit the introduction of the foreign copy for which the author has been paid—whether he be an American or a foreigner makes no difference—if you prohibit it and limit it to the foreign book, then, of course, you give to the American publisher and impose upon the American reader a double rate of charge. That is all there is in that proposition.

So that, in respect to the fact that no man ought to have, being a subject of a foreign country, a right to come into the United States and obtain an exclusive right of property in his production unless he has done it in his own country, he, being a resident of that foreign country, has no right to allow his book to be published and the use of his knowledge to be disseminated in his own country and foreign countries and come to us Americans and say, "You must pay me for that which I have allowed to be made free for the use of all the rest of the world but you."

I will go to any reasonable extent, so far as I am concerned, in the protection by a reasonable tribute, a reasonable levy upon the people of the country for a compensation to encourage authors and inventors, but it ought to be limited to that, and strictly to that. It ought not to go beyond that. Where it takes the shape of an exclusive right of property it ought not to be accumulated and increased by the prohibition of the introduction of a foreign copyrighted book, nor by the prohibition of the introduction of a noncopyrighted foreign book.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The question recurs on the amendment of the Senator from Virginia [Mr. DANIEL].

Mr. PLATT. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. STEWART. Let the amendment be again stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 3, on page 3, line 26, after the word "therefrom," it is proposed to insert "or shall be otherwise produced in the United States from process executed in the United States."

The Chief Clerk proceeded to call the roll.

Mr. BLAIR (when his name was called). I am paired with the senior Senator from Mississippi [Mr. GEORGE].

Mr. DANIEL (when his name was called). I am paired with the Senator from Washington [Mr. SQUIRE]. I transfer that pair to my colleague [Mr. BARBOUR], which will release the Senator from Connecticut [Mr. PLATT] from his pair with my colleague, who will stand paired with the Senator from Washington [Mr. SQUIRE], and the Senator from Connecticut and myself will be at liberty to vote.

Mr. PLATT. The Senator from Virginia [Mr. BARBOUR] sent a request that he might be paired rather in favor of the bill to-day. Therefore I am at liberty to vote.

Mr. DIXON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. HAMPTON], but I have his authority on this bill to disregard that pair, and I therefore vote. I vote "nay."

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES, of Arkansas] is paired with the Senator from Connecticut [Mr. HAWLEY]. My colleague, if present, would vote "yea."

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS].

Mr. PLATT (when his name was called). I am paired generally with the Senator from Virginia [Mr. BARBOUR], but on this question I am released from my pair, and I vote "nay."

Mr. SHERMAN (when his name was called). I am paired with my colleague [Mr. PAYNE] on this question.

Mr. TURPIE (when his name was called). I am paired with the Senator from Minnesota [Mr. DAVIS]. I therefore withhold my vote.

The roll-call was concluded.

Mr. HISCOCK. I desire to announce the pair of the Senator from Connecticut [Mr. HAWLEY] with the Senator from Arkansas [Mr. JONES].

Mr. CULLOM. I am paired with the Senator from Delaware [Mr. GRAY]. I observe that he is not in his seat and I suppose has not voted. I therefore withhold my vote. I should vote "nay," if I had the opportunity.

Mr. DIXON. My colleague [Mr. ALDRICH] is paired with the Senator from New Jersey [Mr. MCPHERSON].

Mr. PADDOCK. My colleague [Mr. MANDERSON] is paired with the Senator from Kentucky [Mr. BLACKBURN]. If present, my colleague would vote "nay."

Mr. BLODGETT (after having voted in the affirmative). Being paired with the Senator from New Hampshire [Mr. CHANDLER], and that Senator not being present, I withdraw my vote.

Mr. HALE (after having voted in the affirmative). I announce my pair on this amendment with the Senator from Indiana [Mr. VOORHEES] and withdraw my vote.

Mr. SHERMAN. Has a quorum voted?

The PRESIDING OFFICER. A quorum has not yet voted.

Mr. SHERMAN. Then I will vote "yea."

Mr. BLAIR. I inquire if a quorum has voted?

The PRESIDING OFFICER. A quorum has not yet voted.

Mr. BLAIR. I suggest to the Senator from New Jersey [Mr. BLODGETT] that my colleague [Mr. CHANDLER] and the Senator from Mississippi [Mr. GEORGE] may be paired together, and he and I can then vote.

Mr. BLODGETT. That is satisfactory to me.

Mr. BLAIR. I vote "nay."

Mr. BLODGETT. I vote "yea."

Mr. EVARTS. I observe that the Senator from Alabama [Mr. MORGAN] is not recorded as voting, but I am at liberty to vote on this question. I vote "nay."

Mr. PLATT. I desire to state that on this vote my colleague [Mr. HAWLEY] is paired with the Senator from Arkansas [Mr. JONES], and that the Senator from South Carolina [Mr. BUTLER] is paired with the Senator from South Dakota [Mr. MOODY].

Mr. PASCO (after having voted in the affirmative). I am paired with the Senator from North Dakota [Mr. CASEY]. As he is not present, I withdraw my vote.

Mr. PADDOCK. I have transferred my pair with the Senator from Louisiana [Mr. EUSTIS], and am therefore at liberty to vote. I vote "nay."

The result was announced—yeas 18, nays 27; as follows:

YEAS—18.

Bate,	Coke,	Mitchell,	Sherman,
Berry,	Daniel,	Power,	Vance,
Blodgett,	Gorman,	Pugh,	Walthall.
Call,	Harris,	Ransom,	
Cockrell,	Ingalls,	Reagan,	

NAYS—27.

Allen,	Edmunds,	Hoar,	Shoup,
Allison,	Evarts,	McMillan,	Spooner,
Blair,	Faulkner,	Morrill,	Stewart,
Carey,	Frye,	Paddock,	Stockbridge,
Dawes,	Hampton,	Platt,	Warren,
Dixon,	Higgins,	Quay,	Washburn.
Dolph,	Hiscock,	Sawyer,	

ABSENT—43.

Aldrich,	Davis,	Kenna,	Sanders,
Barbour,	Eustis,	McConnell,	Squire,
Blackburn,	Farwell,	McPherson,	Stanford,
Brown,	George,	Manderson,	Teller,
Butler,	Gibson,	Moody,	Turpie,
Cameron,	Gray,	Morgan,	Vest,
Carlisle,	Hale,	Pasco,	Voorhees,
Casey,	Hawley,	Payne,	Wilson of Iowa,
Chandler,	Hearst,	Pettigrew,	Wilson of Md.,
Colquitt,	Jones of Arkansas,	Pierce,	Wolcott.
Cullom,	Jones of Nevada,	Plumb,	

So the amendment was rejected.

Mr. EDMUNDS. I move to amend the thirteenth section, which was drawn into the discussion the other day. In line 1, after the word "citizen," I move to insert the words "or subject," which perhaps is not of much importance, but the substantial and important amendment is the following: I move to strike out, besides that, all after the word "citizens," in line 4, to the end of the section and to insert these words:

The existence of the condition aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require.

So that the thirteenth section will read:

That this act shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens.

Then providing, as I read before, that the existence of that condition of affairs shall be determined by the President of the United States. After the amendment is reported I will repeat what I said the other day.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 13, line 1, after the word "citizen," it is proposed to insert "or subject," and in line 4, after the word "citizens," to strike out the remainder of the section and insert in lieu thereof:

The existence of the condition aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require;

So as to make the section read:

SEC. 13. That this act shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens. The existence of the condition aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require.

Mr. EDMUNDS. Mr. President, I withdraw for the time being, at the suggestion of my friend from Connecticut [Mr. PLATT], the first amendment, after the word "citizen" to insert the words "or subject;" so as to take the judgment of the Senate on the last substantial amendment, because I presume the word "citizen," interpreted in our law, might be taken to include the people of other countries who are not citizens, but are subjects. That is a mere matter of phrase.

The part of the bill that I propose to strike out provides:

Or when such foreign state or nation permits to citizens of the United States of America copyright privileges substantially similar to those provided for in this act; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the grant of copyright, by the terms of which agreement the United States of America may at its pleasure become a party to such agreement. The existence of either of these conditions shall be determined by the opinion of the Attorney General of the United States, whenever an occasion for such a determination arises.

As stated the other day by my friend from Alabama [Mr. MORGAN], this, in its literal terms, appears to make the Attorney General of the United States in each case between man and man—and that is the only way in which any case can arise that brings the subject into decision—the arbitrator, or the court, or whatever it is, to determine whether, in a given contest of copyright or piracy, one party or the other is to win the victory.

As the Senator from Alabama so well stated, and in which I concur (if that is what it means and it seems to literally), that is, of course, totally inadmissible; but on a different consideration than that it appeared to me the other day, and on further reflection and consideration it appears to me to be perfectly clear that it is entirely wrong to allow the existence of reciprocity as to copyright between the citizens of the United States and the citizens or subjects of foreign countries to be determined by any subordinate officer of the Government. I believe it to be an entire innovation. It is perfectly unique, and this is the first time anything of that kind has ever been proposed or suggested.

We have provided from the beginning of the Government, from time to time, about one thing and another relating to our intercourse with foreign countries and reciprocal rights, that the President of the United States, by a public proclamation, should determine whether the existing condition of affairs that warranted reciprocity did exist or did not exist, and when it ceased to exist to change his proclamation so as to protect the interests of the United States.

I am in favor of the main features of this bill, without going into details, but, as one Senator, I should feel compelled to vote against this bill if such a strange, and, as I think, extremely improper provision should continue in it. I should hope, therefore, that the Senate would agree to the amendment I have proposed.

Mr. PLATT. Mr. President, I regret that the Senator from Vermont has felt compelled to offer this amendment, because it does seem to me that it is scarcely necessary. This bill came from the House of Representatives. It is not the work of any committee of the Senate. While I agree that it is awkward and perhaps unusual that the determination of a fact or the existence of conditions in a foreign country with reference to copyright or any similar fact should be determined by a subordinate officer that is the head of a Department rather than by the President, I think there is no reason why Congress can not do

it if it chooses to do it. It is not an infringement of anybody's constitutional privilege.

All I can say in opposition to this amendment is that I should regret that any amendment should be attached to this bill. The amendment in itself is perhaps for the improvement of the bill; but as I said, I regret that any amendment should have been offered to it.

Mr. HALE. I should be glad to have the Senator state wherein is the odor of sanctity about this bill, and why, if it has an awkward or ungainly provision in it, it should not be changed. Here is a bill upon which, as appears from divers questions which have been taken, the Senate is nearly evenly divided. I ask why it is, when an attempt is made to perfect a universally admitted imperfect bill, we should be appealed to not to pass any amendment? As the Senator from Vermont [Mr. EDMUNDS] suggests, the bill is not only imperfect, but it is worse than that, it is absolutely and positively bad, and whenever anybody approaches the dread tabernacle of sanctity that is thrown around this one bill, over and above all other bills, we are told that it must not be amended, that it must be taken just as it came from the House of Representatives; and when anybody, even Senators who expected to vote for it originally, as I did myself—although I am beginning to doubt the wisdom of my conclusion in that regard when I see the processes by which it is urged—seek to amend it as we are amending other bills every day, we are told, and the only argument against amendments is, that we should not touch this bill. I wish the Senator would tell us why this bill is an exception to all other bills.

Mr. PLATT. This is not the first time that a measure has been wounded in the hands of just such friends as the Senator from Maine.

Mr. HALE. I did not offer this amendment. It is not my amendment, but it is the amendment of the Senator from Vermont [Mr. EDMUNDS], who has stated that he is a friend of the bill, and that he will not vote for it if this amendment is not inserted in it.

Mr. PLATT. I do not claim that there is any odor of sanctity about this bill. There is not a Senator here who does not know that an amendment of the bill seriously imperils the prospect of its passage. That is the answer to the Senator.

Mr. INGALLS. If there is any considerable majority in favor of this bill in the co-ordinate branch of the Legislature, there is not the slightest doubt that if it goes there with amendments it will be taken up and considered. The difficulty is not that the amendments are not correct and proper, but the apprehension in my mind is that, if it ever escapes from this body with an amendment, it will fare badly elsewhere.

Mr. PLATT. The Senator from Kansas has answered the Senator from Maine perhaps better than I could.

Mr. HALE. Then I should like to know if there is a reasonable apprehension in the mind of the Senator from Connecticut, as there is in the mind of the Senator from Kansas, that if the bill is sent back to the co-ordinate branch of the Government it would receive new consideration and might not get there a majority? That, to me, is no argument why the bill should not be amended and made perfect. The best bills and the best legislation come out of just these conflicts between the two Houses, and either House passing a bill at first may change its mind and accept amendments it approves to provisions in a bill it has already passed. That is our everyday experience. The Senator, in effect, confesses that if the bill goes back to the other House he is afraid it will not receive the consideration or favor of a majority of that House.

Mr. PASCO. Before the Senator from Maine takes his seat, I wish to ask him if, in his opinion, the fears which are held out by certain Senators—not by the Senator from Maine—that the bill may fare badly in the other House, are a legitimate mode of discussing the question of amendment? Must we not perfect this measure to the best of our ability without reference to what is done elsewhere?

Mr. HALE. I suppose it is the duty of the Senate to act in the exercise of its own best wisdom.

Mr. PLATT. Imitating the Senator from Maine in what he has so often said on other bills, I hope we may have a vote now.

Mr. EDMUNDS. I must be allowed to say a word. In looking at the thirteenth section more and more—and if my friend from Connecticut will not suspect me when I say I am a friend of the substance of this bill all the way through; being a friend of it and believing that the Senate is bound to exercise its independent judgment on matters of importance—I am not speaking of mere matters of form and phrase like this matter of "citizen" or "subject," and I should not have put that in, except that I supposed the Senate would be in favor of my other amendment—I think it is our bounden duty not to pass obviously bad legislation. The Senator from Connecticut does not defend this section of the House bill as it stands. He is too wise and too upright to stand up and defend it for a moment; and I will add, as a friend of this bill, that my belief is that if we leave it as it came from the House and pass it now it will break it down altogether, and no court will sustain a provision of that kind. Therefore, as a friend of the bill, I wish to make it right. What may happen in another branch is no part of my constitutional duty or moral business at all. I should not propose a trifling amendment on account of the lateness of the session, or whatever, because we might say that is a mere matter of phrase or imperfection, and it can be supplied by and by.

The main substance and provision of the thing is all right; but here is a matter of infinite substance which is to determine the right of every printer and of every author and of every other person in the United States engaged in the business that this bill proposes to deal with. This bill is to be left to the determination of the Attorney General of the United States as it regards private right—not by a public proclamation that affects everybody alike, that regulates international concerns, but as each occasion may arise, as the Senator from Alabama very properly put it the other day, in each individual case. It is impossible for me to suppose that the Senate of the United States will be willing to enter upon a species of legislation of that kind. We must regulate international right in a somewhat broader and more public way.

The PRESIDING OFFICER. The question recurs upon the amendment submitted by the Senator from Vermont [Mr. EDMUNDS].

The amendment was agreed to.

Mr. EDMUNDS. Now, Mr. President, as that amendment has been made, in order to make the bill complete in phrase, which I do not care anything about, but I think it is the proper phrase, after the word "citizen" I move to insert the words "or subject."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 13, line 1, after the word "citizen," it is proposed to insert "or subject;" so as to read:

That this act shall only apply to a citizen or subject of a foreign state or nation.

The amendment was agreed to.

Mr. DANIEL. I beg leave to ask the Senator from Vermont if that applies to the whole of this bill?

Mr. EDMUNDS. It only applies to the words in that section, which is the limitation section of reciprocity. It is a mere phrase. Probably the court would hold that "citizen of a foreign state or nation" is a "subject," but for accuracy of phrase, as an amendment has been made, I thought it right to insert those words.

Mr. VANCE. I offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

Mr. EDMUNDS. If the Senator from North Carolina, on a mere question of phrase, will permit me to offer one other amendment which has been called to my attention, I shall be gratified.

Mr. VANCE. Certainly.

Mr. EDMUNDS. On page 8, lines 4 and 5 of section 8, the bill now reads:

If any person, after the recording of the title of any map, chart, dramatic musical composition.

By somebody's mere error of writing the word "or" between "dramatic" and "musical" is omitted. It should read obviously "dramatic or musical composition." I move to insert the word "or" after "dramatic," in line 5 of section 8, on page 8.

The amendment was agreed to.

The PRESIDING OFFICER. The amendment submitted by the Senator from North Carolina [Mr. VANCE] will now be stated.

The CHIEF CLERK. In section 3, on page 4, line 33, after the words "United States," it is proposed to insert "and except in the case of newspapers and periodicals, which are hereby exempt from prohibition of importation;" and in the same section, line 33, to strike out from the words "And provided," in line 38, to the word "country," in line 41, inclusive, as follows:

And provided, That any publisher of a newspaper or magazine may, without such consent, import for his own use, but not for sale, not more than two copies of any newspaper or magazine published in a foreign country.

Mr. VANCE. It seems to me that subjecting periodicals and newspapers to the provisions of this proposed law amounts to an absolute prohibition upon the attainment of any of those publications whatsoever from abroad. In the case of a periodical published once a week it will be impossible to comply with the law, and much more impossible would it be to comply with the law in the case of a newspaper which is published once a day. The publisher of any kind of periodical issued once a week in London could not comply with the law, for the reason that the manuscript, which would be required to be sent over here and set up in type simultaneously with the setting of it up in England, could not reach our shores in a week; and the only way to publish a weekly newspaper in this country under the law would be to anticipate the date of its publication by the length of time which would be required to transmit the manuscript across the ocean and have it set up in this country. In other words, it would be providing that next Sunday morning's newspaper should be issued last Sunday morning, a manifest impossibility, which I do not suppose is the intention of the authors of this bill.

If this bill should become a law it is apparent we never can get, under any circumstances, a foreign newspaper or publication issued so often as once a week. We might possibly get monthly magazines in that way, but we surely could get none with any shorter period of time intervening between their publication. Therefore I hope the words will be stricken out of the bill and that my amendment will be adopted, so that the prohibition provided for in this bill shall not extend to periodicals and newspapers.

Mr. PLATT. Perhaps this amendment is not so important to be defeated as some of the other amendments which have been proposed to the bill. The effect of the amendment will be this: If the Senator from North Carolina should write a book and copyright it in America (and if he should write as well as he speaks there would be a very great demand for his book in America), and if he did not choose to copyright it in England, the proprietor of an English magazine could publish the book in his magazine and send the magazine to this country. That would be the effect of it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Carolina [Mr. VANCE].

Mr. PLATT. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CARLISLE (when his name was called). I am paired with the Senator from North Dakota [Mr. PIERCE].

Mr. PASCO (when his name was called). I am paired with the Senator from North Dakota [Mr. CASEY], but I have the right to vote on this amendment, and I vote "yea."

Mr. REAGAN (when his name was called). I have a standing pair with the Senator from Oregon [Mr. MITCHELL]. I do not see him present, and I withhold by vote. If he were present, I should vote "yea."

Mr. VEST (when his name was called). I am paired with the junior Senator from Kansas [Mr. PLUMB].

The roll-call was concluded.

Mr. BLODGETT. My colleague [Mr. McPHERSON] is necessarily absent, and is paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. BERRY. I desire to state that my colleague [Mr. JONES, of Arkansas] is paired with the Senator from Connecticut [Mr. HAWLEY]. My colleague, if present, would vote "yea."

Mr. PADDOCK. The Senator from Louisiana [Mr. EUSTIS] and the Senator from Georgia [Mr. BROWN] are temporarily paired. My colleague [Mr. MANDEYSON] is paired with the Senator from Kentucky [Mr. BLACKBURN].

The result was announced—yeas 19, nays 27; as follows:

## YEAS—19.

Allen,	Call,	Gorman,	Pugh,
Bate,	Cockrell,	Harris,	Ransom,
Berry,	Coke,	Morgan,	Vance,
Blair,	Daniel,	Pasco,	Walshall.
Blodgett,	Faulkner,	Power,	

## NAYS—27.

Allison,	Edmunds,	Hoar,	Shoup,
Carey,	Evarts,	McMillan,	Spooner,
Chandler,	Frye,	Morrill,	Stewart,
Cullom,	Gray,	Paddock,	Stockbridge,
Dawes,	Hampton,	Platt,	Warren,
Dixon,	Higgins,	Quay,	Washburn.
Dolph,	Hiscock,	Sawyer,	

## ABSENT—42.

Aldrich,	Farwell,	McPherson,	Squire,
Barbour,	George,	Manderson,	Stanford,
Blackburn,	Gibson,	Mitchell,	Teller,
Brown,	Hale,	Moody,	Turpie,
Butler,	Hawley,	Payne,	Vest,
Cameron,	Hearst,	Pettigrew,	Voorhees,
Carlisle,	Ingalls,	Pierce,	Wilson of Iowa,
Casey,	Jones of Arkansas,	Plumb,	Wilson of Md.
Colquitt,	Jones of Nevada,	Reagan,	Wolcott.
Davis,	Kenna,	Sanders,	
Eustis,	McConnell,	Sherman,	

So the amendment was rejected.

Mr. VANCE. I propose another amendment as a proviso at the end of section 3, on page 4, after the word "permitted," which I ask to have read.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. After the word "permitted," at the end of section 3, it is proposed to add:

*And provided further,* That copies of any book printed abroad, in any country which becomes a party to this law and which has been duly copyrighted thereunder in such country, may be imported into the United States on payment of the duties required by law.

Mr. EDMUNDS. I wish the Senator would explain that.

Mr. CARLISLE. If that amendment should be adopted its only effect would be to permit the importation into the United States of foreign books, and the bill will still prohibit the importation of any lithographs, photographs, paintings, statuary, chromos, prints, cuts, and other things which may be copyrighted under this bill.

The Senator from Ohio [Mr. SHERMAN] proposed an amendment, which was agreed to in Committee of the Whole but was afterwards rejected when all the amendments were voted upon together in the Senate, and he has now another amendment, which I believe he has placed in the hands of the Senator from Montana [Mr. POWER], which will cover all these articles when they are first produced and published or made abroad.

I have stated two or three times during the discussion that I was entirely willing to vote for a provision in this bill which would prohibit

the importation into this country for sale or hire of any of those copyrighted articles which were first produced and published in this country, leaving the people of the United States to procure, if they desire to do so, editions of foreign books and copies of foreign works of art which were copyrighted abroad. This amendment does not accomplish that purpose. This will confine it alone to books.

Mr. BLAIR. I do not quite understand the original amendment of the Senator from Ohio to be confined to books abroad, which were copyrighted abroad and published in countries which were parties to this agreement.

Mr. CARLISLE. It was not.

Mr. BLAIR. The feature that the book which may be imported must be copyrighted abroad certainly protects the author absolutely, and I do not see, upon the principle of protecting the author, which is the fundamental idea of this bill or ought to be, how there can be a possible objection to the amendment which I am informed will now be presented by the Senator from Ohio, or to the pending amendment, if it be made to apply to lithographs, etc.

Mr. CARLISLE. I will state that the Senator from Ohio [Mr. SHERMAN] and I have had some conversation about the matter, and the amendment which was prepared may be said to be the joint production of us both. I will ask the Senator from Montana to send the amendment to the desk and ask that it be read.

Mr. PLATT. An amendment to the amendment?

Mr. CARLISLE. To insert after the word "prohibited," in line 31, of section 3, the words the Senator from Montana will please have read for information.

Mr. POWER. I offer the amendment as suggested by the Senator from Kentucky.

The PRESIDING OFFICER. By unanimous consent, the amendment proposed by the Senator from Montana will be read for information.

The CHIEF CLERK. On page 4, in section 3, line 31, after the word "prohibited," it is proposed to insert:

Except that all books, maps, charts, dramatic or musical compositions, engravings, cuts, prints, lithographs, or photographs, or negatives thereof, or any paintings, drawings, chromos, or any statues or statuary so copyrighted, the author, inventor, designer, or proprietor of which shall be a citizen, subject, or resident of a foreign country, may be imported into the United States upon the payment of duties, if any, imposed by law at the time of such importation.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from North Carolina [Mr. VANCE].

Mr. PLATT. Then the amendment offered by the Senator from Montana is not pending?

The PRESIDING OFFICER. The amendment of the Senator from Montana is not now in order unless the amendment of the Senator from North Carolina [Mr. VANCE] is first withdrawn.

Mr. PLATT. It would be in order as an amendment to the amendment.

The PRESIDING OFFICER. It is not offered as an amendment to the amendment.

Mr. CARLISLE. It has been read for information.

Mr. VANCE. If that be offered as a substitute I will withdraw my amendment for the present, in order that the amendment of the Senator from Montana may be offered in its place.

The PRESIDING OFFICER. The Senator from North Carolina withdraws his amendment. The Senator from Montana [Mr. POWER] submits the amendment which has been read by the Chief Clerk.

Mr. HOAR. That means, as I understand, that nobody shall have a copyright under this bill unless, if he sells it to one man, he shall also sell the thing to another, who shall be authorized to sell it in competition with the first purchaser; so that it will be impossible for him to make a sale.

Mr. GRAY. I should like to ask what the words "so copyrighted" mean there?

Mr. CARLISLE. They mean, as I suppose, or they were intended to mean at least, that books of foreign authors and works of art which are copyrighted in this country may be imported, whereas books of American authors which are copyrighted here can not be imported.

Mr. GRAY. That is, books and other productions which are copyrighted in this country and also copyrighted in the country from which importation takes place?

Mr. CARLISLE. Yes.

Mr. GRAY. Does that language, in the opinion of the Senator from Kentucky, mean that and restrict it to that meaning?

Mr. CARLISLE. If they are not copyrighted in the foreign country, and if they are not copyrighted at all, I suppose they would be admitted, at any rate, with duty under our laws, because this bill relates only to copyrighted works.

Mr. GRAY. Suppose they are copyrighted in this country and not abroad?

Mr. CARLISLE. If foreign works are copyrighted in this country and not copyrighted abroad, as I understand this amendment, they could be imported, because it permits only the importation of those literary works and works of art which are produced by citizens, subjects, or residents of foreign countries. The articles enumerated in this amendment are the articles which are subject to copyright under

the bill if it becomes a law. Our present law prohibits the importation of American copyrighted works, and my purpose was to preserve that feature of the existing law.

Mr. PLATT. May I inquire whether I understand what is the object of this amendment? I understand the object of it and the purpose of it to be that, if a foreigner copyrights in the United States, then the subject of copyright may be imported from a foreign country into the United States upon a payment of duty? Is that it?

Mr. CARLISLE. That is it.

Mr. PLATT. That is what I understand to be the object of it. Whether the language is carefully and sufficiently guarded to give it that effect or not I do not know.

Mr. CARLISLE. I think it is.

Mr. BLAIR. If the Senator will permit me, I understand that this amendment applies to all American works copyrighted abroad or foreign works copyrighted abroad and also copyrighted in this country, either by an American or by a foreigner, and that they are included in the general language of the section to which this is an amendment. Let him get his copyright wherever he pleases, in this country or in foreign countries, and the foreign author sells in his own country and in our country and our author in our country and in foreign countries. Now, upon the payment of duties, the work published in the foreign country can be imported, as I understand.

Mr. CARLISLE. If it is the work of a citizen, subject, or resident of the foreign country. If not, it can not be imported.

Mr. BLAIR. Suppose it was an American author who had obtained a copyright abroad, could not the work of that American author, copyrighted abroad, be imported into this country upon the payment of duties under this amendment?

Mr. CARLISLE. It could not, because the amendment confines the articles which are permitted to be imported to those which are the products of the citizens, subjects, or residents of foreign countries. There is an express provision that is preceded by a general prohibition of all importation.

Mr. BLAIR. Why is it not possible for somebody in all this effort of amendment to produce an amendment which will put the American and the foreign author upon precisely the same condition, so that, an author's work being copyrighted everywhere, there can be an interchange of their literature and the other things covered in the bill on precisely the same basis?

Mr. CARLISLE. If the Senator will allow me, that observation opens a question which I thought had perhaps been sufficiently discussed heretofore. This amendment, if adopted, puts the American author in this country upon precisely the same footing as the English author and the English author upon precisely the same footing that the American author is now upon in England.

The English copyright law expressly prohibits the importation into England, or any part of the English dominions anywhere, any of its colonies or dependencies, any work which was first produced or published in England or within its jurisdiction, and, if this amendment passes, this bill will do the same thing in regard to the works of English authors.

I prefer to use in this amendment precisely the language of the English statute; that is to say, that the importation of all these works of art and literary works is prohibited whenever they were first composed and published in this country, or first invented or designed and made in this country; but the Senator from Ohio, instead of using those words, has used what he supposed to be equivalent terms; that is, that their importation shall only be permitted when they are the product of the subject, citizen, or resident of a foreign country. This would be reciprocal.

Mr. HISCOCK. I wish to ask the Senator a question. At the present time the works of all the foreign authors may be pirated here and reprinted. The effect of this amendment might be that the foreign author could procure his work to be copyrighted here, not printed, here, and the result would be that all of the printing of foreign works, where they will have the advantage of this copyright law, will be transferred to the other side.

Mr. CARLISLE. I do not see that this affects that question in the least.

Mr. HISCOCK. Why not?

Mr. PLATT. It ought to be suggested that, as the bill now stands, in order to obtain copyright at all, the printing must be done in this country.

Mr. HISCOCK. There is an argument in favor of the provision, I concede, but I am merely reaching for the effect of it now. To illustrate, a foreign author procures his work to be copyrighted here. He owns the copyright himself, and whether the book will be printed under it or not depends entirely upon him.

Mr. CARLISLE. The book can not be copyrighted here unless it is printed.

Mr. HISCOCK. He can print a certain number. He procures two of them to be printed here and those he files. Then he can stop the printing of that work here and have his printing done entirely upon the other side, and his books to be imported here upon the payment of the duty. The result would be that, so far as all foreign works are con-

cerned, the printing of them would be transferred to the other side, if the authors regarded it as to their interests to have them printed there rather than here.

Mr. CARLISLE. I suppose possibly that might follow if the author was disposed to subject himself to the expense of having the type set and his book published in this country merely for the purpose of having two copies.

Mr. HISCOCK. So far as the present bill is concerned, as I understand it, there is actually a prohibition upon the importation of the works of foreign authors.

Mr. CARLISLE. That is true.

Mr. HISCOCK. Under the amendment which is offered it would result, or might result, in the entire printing of the works of foreign authors upon the other side, they procuring the copyright here, and going no further here. It is fair to say, and it is doubtless true, that they would have the type set and they would have the printing and publishing of the book on the other side, and all they would have to do would be to enlarge their edition and import here upon the payment of the duty provided by the statute. The criticism upon this provision, if there is any, is that it would have the effect to transfer all that labor to the other side.

Mr. CARLISLE. I am not able to understand why that labor can not be done there now under the present law.

Mr. HISCOCK. That which is complained of now by those people is that it is done here.

Mr. CARLISLE. Certainly.

Mr. HISCOCK. That is, their books are pirated and printed here. It seems to me that the effect of the provision may be practically the entire printing of the works of foreign authors on the other side.

Mr. CARLISLE. As the law stands now in England, notwithstanding an American author has his work copyrighted in that country, it may still be imported. I will read the section of the British statutes—

Mr. HISCOCK. That would not affect this provision at all.

Mr. CARLISLE. We propose to give them reciprocal copyright and put their authors upon the same terms that they put ours. The statute to which I refer is 5 and 6 Victoria, chapter 45, section 17.

Mr. HISCOCK. I wish to suggest further, if the Senator will permit me before he proceeds, that it seems to me if this provision should be adopted it would include newspapers and periodicals. I very frankly say that I am not very well satisfied with the amendment to the present tariff law practically prohibiting the importation of periodicals and newspapers to this country.

Mr. CARLISLE. I agree with the Senator from New York that we ought not to prohibit the importation of newspapers and magazines; for, as I had occasion to say the other day, it might happen that there was a single copyrighted article only printed in an English, French, or German newspaper, or an English, French, or German periodical, and under this bill, if it should become a law, the incorporation in that publication of a single copyrighted article, a short piece of poetry or other article, would preclude its importation to this country. I will now read the section:

17. *And be it enacted*, That after the passing of this act it shall not be lawful for any person, not being the proprietor—

I hope we may have order, Mr. President; for, if we are to have reciprocal international copyright, we ought to know exactly what the rights of our authors are in other countries whose authors are to be admitted here to copyright under our statutes.

Mr. SPOONER. Is the Senator reading the English law on the subject?

Mr. CARLISLE. I am reading from the English statute:

17. *And be it enacted*, That after the passing of this act it shall not be lawful for any person, not being the proprietor of the copyright, or some person authorized by him, to import into any part of the United Kingdom, or into any other part of the British dominions, for sale or hire, any printed book first composed or written or printed and published in any part of the said United Kingdom, wherein there shall be copyright, and reprinted in any country or place whatsoever out of the British dominions; and if any person, not being such proprietor or person authorized as aforesaid, shall import or bring, or cause to be imported or brought, for sale or hire, any such printed book, into any part of the British dominions, contrary to the true intent and meaning of this act, or shall knowingly sell, publish, or expose to sale or let to hire, or have in his possession for sale or hire, any such book, then every such book shall be forfeited, and shall be seized by an officer of customs or excise, and the same shall be destroyed by such officer.

And it proceeds then to prescribe the penalty to be imposed upon the offender.

Mr. HISCOCK. As I understand it, the law which the Senator has read in effect is that the present copyright laws of England provide that whoever avails himself of the copyright there shall have the printing done there.

Mr. CARLISLE. No, it is not.

Mr. HISCOCK. I understood it in that way.

Mr. CARLISLE. No. The importation of all books is prohibited into the United Kingdom if the book was first composed or published there. It is a provision for the protection of its own authors. The language is very plain. There is nothing about the printing.

Mr. HISCOCK. It includes the printing, does it not?

Mr. CARLISLE. Of course, if the book is to be copyrighted it must be printed, but it does not require it to be printed there. If it was first composed there, then it can not be imported from any other country.

Mr. HISCOCK. Very well. Then, as a matter of course, that includes the printing. It forces the printing of the book there.

Mr. CARLISLE. If the Senator will take the statute and look at it, he will find there is no provision which requires the book to be printed in England.

Mr. HISCOCK. As I understand it, if the book was first composed there, it can not be imported there. Therefore it is impossible that it should be printed elsewhere, because, if printed elsewhere, it would have to be carried there.

Mr. CARLISLE. It is impossible to be printed elsewhere and protected by this nonimportation clause. If it is composed and printed elsewhere, it may still be imported into England.

Mr. HISCOCK. I leave out the word "composed." What I mean to say is that, under the English statute which the Senator has read, as I understand it, an author, to avail himself of an English copyright, must publish his book in England, and the importation of books published elsewhere, which would include their being printed elsewhere, is prohibited.

Mr. CARLISLE. Oh, no. A book may be copyrighted in England whether it was printed there or not.

Mr. HALE. Mr. President—

Mr. CARLISLE. If the Senator from Maine will allow me to read for just a moment—

Mr. HALE. Will the Senator yield to me to make a motion?

Mr. CARLISLE. Before the Senator makes his motion, I wish to read just one clause. The language prohibits the importation of any book "which was first composed or written or printed and published in any part of the said United Kingdom." Not altogether composed and printed, but "first composed or written or printed."

Mr. HALE. Mr. President, I move that the Senate do now adjourn.

Mr. EDMUNDS. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLAIR (when his name was called). I am paired with the senior Senator from Mississippi [Mr. GEORGE], who is absent on account of the illness of a friend; otherwise I should vote "nay."

Mr. DIXON (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON]. My colleague [Mr. ALDRICH] is paired with the Senator from New Jersey [Mr. McPHERSON].

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. BARBOUR].

Mr. SPOONER (when his name was called). I am paired with the Senator from Mississippi [Mr. WALTHALL]. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. COKE. I was requested by my colleague [Mr. REAGAN] to announce that he is paired with the Senator from Oregon [Mr. MITCHELL].

Mr. MITCHELL (after having voted in the negative). I voted under a misapprehension. I wish to withdraw my vote. I am paired with the Senator from Texas [Mr. REAGAN].

Mr. QUAY. I announce my pair with the junior Senator from West Virginia [Mr. FAULKNER].

Mr. PADDOCK. My colleague [Mr. MANDERSON] and also the Senator from Louisiana [Mr. EUSTIS] are paired, as I have before stated.

The result was announced—yeas 23, nays 18; as follows:

YEAS—23.

Allison,	Coke,	Hale,	Power,
Bate,	Cullom,	Hampton,	Pugh,
Berry,	Daniel,	Harris,	Ransom,
Blodgett,	Everts,	Ingalls,	Vance,
Call,	Frye,	McMillan,	Vest.
Carlisle,	Gorman,	Morgan,	

NAYS—18.

Allen,	Dolph,	Morrill,	Stockbridge,
Carey,	Edmunds,	Paddock,	Warren,
Chandler,	Higgins,	Sawyer,	Washburn.
Dawes,	Hiscock,	Shoup,	
Dixon,	Hoar,	Stewart,	

ABSENT—47.

Aldrich,	Farwell,	Manderson,	Sherman,
Barbour,	Faulkner,	Mitchell,	Spooner,
Blackburn,	George,	Moody,	Squire,
Blair,	Gibson,	Pasco,	Stanford,
Brown,	Gray,	Payne,	Teller,
Butler,	Hawley,	Pettigrew,	Turpie,
Cameron,	Hearst,	Pierce,	Voorhees,
Casey,	Jones of Arkansas,	Platt,	Walthall,
Cockrell,	Jones of Nevada,	Plumb,	Wilson of Iowa,
Colquitt,	Kenna,	Quay,	Wilson of Md.
Davis,	McConnell,	Reagan,	Wolcott.
Eustis,	McPherson,	Sanders,	

So the motion was agreed to; and (at 5 o'clock and 58 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 18, 1891, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 17, 1891.

The House was called to order at 11 o'clock a. m. by Mr. PAYSON, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES, February 17, 1891.

I hereby designate as Speaker *pro tempore* for this day Hon. L. E. PAYSON, of Illinois.

T. B. REED, Speaker.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

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

IMPEACHMENT OF JUDGE ALEX. BOARMAN.

Mr. THOMPSON. Mr. Speaker, I rise to submit a privileged report.

On the 1st day of April last this House adopted a resolution instructing the Committee on the Judiciary to investigate certain alleged illegal practices of the United States courts and their officers. The committee took testimony, and have made certain findings and report certain recommendations, which I am instructed to submit to the House. I accordingly report two bills, which I ask may be placed on the House Calendar, and also a resolution impeaching Alexander Boorman, judge of the United States district court for the western district of Louisiana, for high crimes and misdemeanors. I ask that this resolution be printed and recommitted to the Committee on the Judiciary.

The SPEAKER *pro tempore*. In the absence of objection, that order will be made.

There was no objection, and it was so ordered.

PRACTICE IN UNITED STATES COURTS, ETC.

The bills reported by Mr. THOMPSON are as follows, namely:

A bill (H. R. 13655) to regulate the practice of United States courts in pronouncing sentence in criminal cases, and for other purposes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

A bill (H. R. 13656) amendatory of certain sections of the Revised Statutes of the United States, and for other purposes; which was read a first and second time, and referred to the House Calendar.

PRINTING OF CERTAIN TESTIMONY.

Mr. THOMPSON. I am also instructed by that committee, Mr. Speaker, to report and ask the immediate consideration of the resolution I send to the desk, authorizing the printing of testimony, etc.

The Chief Clerk read as follows:

*Resolved*, That 2,000 copies of the testimony taken by the Committee on the Judiciary on the resolution of the House of Representatives adopted April 1, 1890, instructing that committee to investigate certain alleged illegal practices of the United States courts, and of the officers thereof, and of the report of said committee thereon, be printed, of which 500 copies shall be for the use of the Senate, 1,000 copies shall be for the use of the House of Representatives, and 500 copies shall be for the use of the Department of Justice.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this resolution?

Mr. COLEMAN. I object until I know more about it.

The SPEAKER *pro tempore*. This is not subject to debate.

Mr. COLEMAN. I object.

Mr. THOMPSON. This is simply a resolution to authorize printing.

The SPEAKER *pro tempore*. The gentleman from Louisiana [Mr. COLEMAN] objects.

Mr. OWEN, of Indiana. Mr. Speaker—

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. OWEN] has a matter which was before the House on yesterday.

Mr. OWEN, of Indiana. It has been agreed upon by the gentleman from Kentucky [Mr. BRECKINRIDGE], who objected yesterday.

Mr. BUCHANAN, of New Jersey. Before this matter of the gentleman from Ohio [Mr. THOMPSON] is completed, I desire to state that I wish to file the views of the minority as to one of the bills reported.

The SPEAKER *pro tempore*. Without objection, the views of the minority may be filed and printed. Is there objection? [After a pause.] The Chair hears none.

EVENING SESSION, THURSDAY, FEBRUARY 19.

Mr. OWEN, of Indiana. I ask unanimous consent for the present consideration of the following resolution:

The Clerk read as follows:

*Resolved*, That Thursday evening, February 19, 1891, be set apart for the consideration of bills reported by the Committee on Immigration and Naturalization, the session to open at 8 o'clock and not to continue later than 10.30 o'clock.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none, and the question is upon agreeing to the resolution.

The resolution was agreed to.

Mr. GROSVENOR. Mr. Speaker, I rise to a question of privilege. Mr. HOPKINS. Mr. Speaker, I ask for the present consideration of the bill which I send to the Clerk's desk.

Mr. GROSVENOR. I rise to a question relating to the record of the proceedings of yesterday with regard to the death of General Sherman.

ORVILLE B. MERRILL.

The SPEAKER *pro tempore*. The gentleman will withhold it for a moment, as the matter presented by the gentleman from Illinois [Mr. HOPKINS] is pending.

The Clerk read as follows:

A bill (H. R. 11663) to relieve Orville B. Merrill, late captain Company I, Thirty-sixth Regiment Illinois Volunteers, of the charge of dishonorable discharge.

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to remove from the rolls and records in the office of the Adjutant General of the United States Army the charge of dishonorable discharge now standing on the said rolls and records against Orville B. Merrill, late captain of Company I, Thirty-sixth Regiment Illinois Volunteers, and when so removed that the said Orville B. Merrill be restored to all rights lost or suspended by the said record.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. OWENS, of Ohio. I call for the regular order.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. OWENS] demands the regular order.

DEATH OF GENERAL SHERMAN.

Mr. GROSVENOR. Mr. Speaker, in the resolutions adopted yesterday in relation to the death of General Sherman there was inadvertently omitted an order directing the Clerk to inform the Senate of the action of the House, and I ask unanimous consent that that order be placed in the resolutions.

The SPEAKER *pro tempore*. Without objection, the order will be entered, directing the Clerk to inform the Senate of the action of the House with reference to the death of General Sherman on yesterday.

Mr. CUTCHEON. Mr. Speaker, I rise to a matter of privilege. In order that the Sergeant-at-Arms may make proper order in regard to the movement of the committee to New York to attend the funeral of General Sherman, I ask that the sum of \$300, or so much thereof as may be necessary, be appropriated out of the contingent fund of the House.

The SPEAKER *pro tempore*. The gentleman should reduce that to writing.

Mr. CUTCHEON. I did, and I have lost it. I want to get it in before the regular order.

The SPEAKER *pro tempore*. The matter should be reduced to writing.

ORVILLE B. MERRILL.

Mr. HOPKINS. Mr. Speaker, I wish to state that the gentleman from Ohio [Mr. OWENS] withdraws his objection to the consideration of the bill which I presented a moment ago.

The SPEAKER *pro tempore*. The House will please be in order. The gentleman from Illinois [Mr. HOPKINS], in connection with the bill which he presented and upon which unanimous consent was asked a few moments since, states that the objection to its consideration has been withdrawn. Is there further objection?

Mr. ENLOE. I want to know something about this before we go into its consideration.

Mr. HOPKINS. It is simply to correct the record of Captain Merrill, who through the malice of his colonel received a dishonorable discharge. The facts are stated in the report. Captain Merrill is a man whom I have known for more than a quarter of a century, and he is an upright, honorable, Christian gentleman. For the sake of his family he desires to have his military record corrected.

Mr. TURNER, of Georgia. Is this the gentleman concerning whom there was some effort to relieve him some time since in the House?

Mr. HOPKINS. No, sir.

Mr. TURNER, of Georgia. In regard to placing him upon the retired list?

Mr. HOPKINS. No, sir.

Mr. ENLOE. I would like to ask the gentleman from Illinois [Mr. HOPKINS] what has become of the colonel whose malice caused this man to be dismissed.

Mr. HOPKINS. He was killed at the battle of Franklin. Colonel Campbell, of the Thirty-sixth Illinois Volunteers, gives the strongest indorsement of Captain Merrill in regard to this matter, and says it was an injustice to him. He was discharged without any military trial whatever.

Mr. FARQUHAR. Who was the colonel who brought the charge? Was it Colonel Greusel?

Mr. HOPKINS. No, sir.

Mr. TARSNEY. Does the bill carry any pay as a consequence?

Mr. ENLOE. Does the restoration of this man to the rolls carry with it an appropriation?

Mr. HOPKINS. None whatever. The only object in doing this, as I understand it, is that his military record shall be corrected for the sake of his mother and other relatives.

Mr. ENLOE. And that he may have a pension afterwards?

Mr. HOPKINS. He is not seeking a pension. The only object sought is that which I have mentioned. This matter has been brought to my attention for a number of years. I have known this gentleman for twenty years, and have known his entire family. He comes from a good

family. He made a splendid record during the war. He was acting major of his regiment for a time, and after serving three years, when his regiment was discharged, he desired to go out of the service. He got into some trouble with his colonel, who recommended his discharge for drunkenness and licentiousness, and being the commanding officer that recommendation carried. Captain Merrill showed by a number of his associates in the Army and by Colonel Campbell that these charges were unfounded.

Mr. ENLOE. How long was it after these charges were preferred against him before he commenced to seek a refutation of them and to get his record corrected?

Mr. HOPKINS. That I am unable to state.

Mr. ENLOE. How long has this matter been before Congress?

Mr. HOPKINS. I have had charge of it since I have been in Congress. When I first came here I did not know the mode of procedure to get a military record corrected; but when I found the means by which it was to be done, I went before the Committee on Military Affairs with affidavits and letters of some of the leading citizens of my district, and upon these representations there was a unanimous report made by the Committee on Military Affairs granting the relief prayed for.

Mr. ENLOE. I suppose that in view of the fact that this is a unanimous report it might be allowed to go through; but it looks to me a little strange that a man should rest under a charge of that character for such a length of time.

Mr. HOPKINS. I can assure the gentleman that this is a measure of relief that ought to be granted.

Mr. CAMPBELL. Regular order, Mr. Speaker.

Mr. MONTGOMERY. Is the gentleman from Illinois a member of the Committee on Military Affairs?

Mr. HOPKINS. No, sir.

Mr. CAMPBELL. Regular order.

Mr. MONTGOMERY. There are quite a number of cases of that character pending which ought to be considered. I have the cases of two or three myself.

Mr. HOPKINS. I will state to the gentleman that this measure of relief was granted purely on its merits.

Mr. MONTGOMERY. We ought to have a night session at some time at which matters of this kind can be considered. I do not think that it is right that one should be allowed to go through while others can not be heard and disposed of.

The SPEAKER *pro tempore*. The Chair did not hear what the gentleman from New York said.

Mr. CAMPBELL. I renew the objection, Mr. Speaker.

The SPEAKER *pro tempore*. Objection is made, and the regular order has been demanded.

FORFEITURE OF LAND GRANTS.

Mr. STONE, of Missouri. Mr. Speaker, I rise for the purpose of making a privileged report from the Committee on the Public Lands, and ask for the immediate consideration of the bill (H. R. 8739) reported by the committee as a substitute for the bill (H. R. 5728) providing in certain cases for the forfeiture of certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes.

The bill was read, as follows:

*Be it enacted, etc.*, That the Attorney-General of the United States is hereby authorized and directed, as speedily as possible after the passage of this act, to institute suit or suits, at law or in equity, in the name of the United States, in the circuit court of the United States having jurisdiction, against any person, corporation, or association of persons claiming to own under or through the grant of Congress any lands heretofore granted by Congress to any State or to any corporation to aid in the construction of a railroad or a railroad and telegraph line, where any such lands so claimed lie opposite to or contiguous with any constructed part of any such railroad which was not constructed and completed within the time specified in the granting act or acts for the construction and completion of the whole railroad, to determine whether any such granted lands so claimed by any such person, corporation, or association of persons are subject and liable under the law to be forfeited and reclaimed by the United States on account of the nonconstruction of such part of any such railroad in accordance with the requirements of the granting act or acts, and to obtain and recover judgments declaring forfeited to the United States all of such lands as are opposite to and contiguous with such constructed part or parts of either of said railroads which were not constructed within the period fixed in the granting act or acts for the completion of the whole road or otherwise in accordance with the requirements of the granting acts, and setting aside any patents which have issued for any such lands: *Provided, however*, That no judgment of forfeiture shall extend to the right of way of any such railroad, or to the necessary grounds for depots, switches, side tracks, machine shops, and turntables, or to lands included in any village, town, or city within the limits of any such granted lands.

Sec. 2. That in bringing and prosecuting the suits provided for in the next preceding section the Attorney General shall treat each grant of lands coming within the provisions of said section separately, and in each case shall institute suit in that circuit court of the United States within the jurisdiction of which the lands affected thereby, or any part thereof, may lie: *Provided*, That where the lands affected by any suit may lie within the jurisdiction of more than one circuit court suit may be brought in either of such courts for the forfeiture of the whole of such lands.

Any person or corporation claiming any interest in the lands to be affected by said suit or suits, and whether made a party thereto or not, may intervene therein by sworn petition to defend his interest therein, and may, upon such petition for intervention, also put in issue and have adjudicated and determined any other question, whether of law or fact, which may be in dispute between said intervenor and the United States, or between themselves, and affecting the right or title, predicated on the grant of the United States, to any part of the lands embraced in any such suit.

Appeals or writs of error may be prosecuted to the Supreme Court as in other cases from the judgment or decree of any circuit court rendered under the provisions of this act, and in all cases where any such judgment or decree shall be adverse to the United States the Attorney General shall prosecute an appeal or writ of error to the Supreme Court; and in all without regard to the value of the lands affected thereby; and any suit brought under the provisions of this act shall be advanced to hearing in preference to all other civil cases on the dockets of the circuit or Supreme Courts.

And in all cases where any final judgment shall be rendered by any circuit court or the Supreme Court under the provisions of this act, declaring any lands forfeited to the United States, such lands shall thereafter be and become a part of the public domain, any withdrawals heretofore made to the contrary notwithstanding, except as may be herein otherwise provided.

SEC. 3. That in all cases where any lands affected by any final judgment or decree of any circuit court or of the Supreme Court, rendered under the provisions of this act, have been, prior to January 1, 1888, sold and conveyed by deed or written contract by any State or corporation to which any such grant was made, or by any corporation owning any railroad for the benefit of which any such grant was made to any person, such lands, in quantities not exceeding 320 acres to any one person, shall be exempt from the operation, force, and effect of any such judgment or decree, and the title to any such lands, to the extent herein limited to any one person, is hereby confirmed to the purchaser, his heirs or assigns: *Provided*, That if any one person shall claim to own more than 320 acres of any such lands under and by virtue of any such sale and conveyance made by any such State or corporation to him or her as an original purchaser, in good faith and for a valuable consideration, or who shall claim by mesne conveyance from such original purchaser, such person may, within one year from the passage of this act, make and file before the register and receiver of the proper land office, subject to an appeal to the Commissioner of the General Land Office, proof of the good faith, consideration, date, and extent of his or her purchase; and if after hearing the proof and investigating the case the register and receiver shall determine that the purchase was made in good faith and for a valuable consideration prior to January 1, 1888, then, in that case, the register and receiver shall note the finding on the records of the local land office, and thereafter certify the same to the Commissioner of the General Land Office. If the finding and decision of the register and receiver be adverse to the purchase, he may within six months thereafter, under such rules as the Secretary of the Interior may prescribe, appeal to the Commissioner of the General Land Office.

Whenever any case shall be certified or appealed to the Commissioner of the General Land Office under the provisions of this section, he shall carefully examine the same, and approve or disapprove the finding and decision of the register and receiver therein. Any person aggrieved by the action of the Commissioner of the General Land Office may appeal to the Secretary of the Interior.

Whenever the Commissioner of the General Land Office, or the Secretary of the Interior in case of appeal, shall determine that any purchase was in fact made in good faith and for a valuable consideration prior to January 1, 1888, the purchaser, if then a citizen of the United States, or having in due form of law, declared his or her intention of becoming such, shall be entitled to purchase from the United States the said lands claimed by him or her in excess of the 320 acres hereby confirmed to him or her, at the rate of \$1.25 per acre, at any time within two years after the decision of the Commissioner of the General Land Office or the Secretary of the Interior has been rendered: *Provided further*, That nothing herein contained shall be construed to confirm any such purchases of land upon which there were prior bona fide pre-emption or homestead claims subsisting on the 1st day of January, 1888, arising or asserted under color of the laws of the United States: *Provided further*, That a mortgage or pledge of any of said lands shall not be considered a sale for the purposes of this section.

SEC. 4. That all bona fide settlers upon any of the lands which may be declared forfeited by any final judgment of the Supreme Court or any circuit court under the provisions of this act are hereby permitted and authorized to acquire title to not exceeding 160 acres in each case, as a homestead, under and pursuant to the laws relating thereto, and in making final proof of such homestead the settler shall be allowed for the time he has already resided upon and cultivated the same, and if such settler is not entitled to the benefits of the homestead law, he or she shall have the prior right to enter the tract settled on, not exceeding 160 acres, at \$1.25 per acre.

SEC. 5. That no lands declared forfeited to the United States by this act, or by any judgment of the Supreme Court under the provisions of this act, shall inure to the benefit of any State or corporation to which lands may have been granted by Congress; nor shall this act be construed to enlarge the area of lands originally covered by any such grant.

SEC. 6. That the price of the even sections of the public lands not reserved within the limits of the several grants heretofore made is hereby fixed at \$1.25 per acre.

Mr. ADAMS. Mr. Speaker, I desire to know why this bill is privileged, as I wish to raise the question of consideration if I can.

Mr. DINGLEY. The House ought to go on with the appropriation bills, and not take up a matter of this kind.

Mr. HOLMAN. I submit that before the question of consideration is raised the report on the bill ought to be read, so that it may be before the House and it may know its object.

The SPEAKER *pro tempore*. The gentleman from Illinois makes the parliamentary inquiry as to why this matter is privileged. The Clerk will read a portion of clause 51 of Rule XI indicated.

The Clerk read as follows:

The following named committees shall have leave to report at any time on the matters herein stated, namely:

The Committee on the Public Lands, bills for the forfeiture of land grants to railroad and other corporations, bills preventing speculation in the public lands, and bills for the reservation of the public lands for the benefit of actual and bona fide settlers.

Mr. ADAMS. Mr. Speaker, I desire to submit to the Chair whether the fact that at the last session we passed a general bill on this subject would not exhaust the power of privilege of the committee on bills of that kind.

The SPEAKER *pro tempore*. The Chair thinks that this bill in some of its provisions is different from the bill passed at the last session, and in the judgment of the Chair the bill is privileged; but the question of consideration can be presented.

Mr. ADAMS. I raise the question of consideration.

Mr. HOLMAN. The report should be read before action is taken on the question of consideration.

Mr. STONE, of Missouri. Mr. Speaker, I desire to inquire if the reading of the bill had been concluded.

The SPEAKER *pro tempore*. It has.

Mr. STONE, of Missouri. I will say, if the Chair will indulge me, that my friend from Illinois who raises the question of consideration expresses anxiety to go on with the appropriation bills—

Mr. DINGLEY. Is debate on this motion in order?

The SPEAKER *pro tempore*. Debate is not in order.

Mr. DINGLEY. Then I call for the regular order.

The SPEAKER *pro tempore*. The gentleman from Maine calls for the regular order. The regular order is demanded, and debate is not in order.

Mr. STONE, of Missouri. I have no desire to debate the bill, and will move the previous question if it be permitted.

The SPEAKER *pro tempore*. The question is, Will the House proceed to the consideration of this bill?

The question was put, and the Speaker *pro tempore* announced that the yeas seemed to have it.

Mr. STONE, of Missouri. Division.

The House divided; and there were—yeas 40, noes 54.

Mr. STONE, of Missouri. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 94, nays 110, not voting 125; as follows:

YEAS—94.

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|-----------------|------------------|---------------|----------------|
| Anderson, Miss. | Fithian,         | Mansur,       | Rogers,        |
| Bankhead,       | Forman,          | Martin, Ind.  | Rusk,          |
| Barwig,         | Forney,          | Martin, Tex.  | Sayers,        |
| Blanchard,      | Fowler,          | McClammy,     | Shively,       |
| Bloom,          | Geissenhainer,   | McClellan,    | Skinner,       |
| Brickner,       | Goodnight,       | McRae,        | Spinola,       |
| Brookshire,     | Haugen,          | Montgomery,   | Springer,      |
| Brown, J. B.    | Hayes, W. I.     | Moore, Tex.   | Stockdale,     |
| Brunner,        | Haynes,          | Mutcher,      | Stone, Ky.     |
| Buchanan, Va.   | Heard,           | Oates,        | Stone, Mo.     |
| Caruth,         | Hemphill,        | O'Ferrall,    | Stump,         |
| Catchings,      | Henderson, N. C. | O'Neil, Ind.  | Tarsney,       |
| Chipman,        | Herbert,         | O'Neil, Mass. | Tillman,       |
| Clarke, Ala.    | Holman,          | Outwaite,     | Turner, Ga.    |
| Clements,       | Hooker,          | Owens, Ohio   | Turner, N. Y.  |
| Cobb,           | Kerr, Pa.        | Parrett,      | Vandever,      |
| Cooper, Ind.    | Lacey,           | Paynter,      | Wheeler, Ala.  |
| Cowles,         | Lanham,          | Peel,         | Wike,          |
| Crisp,          | Lee,             | Pennington,   | Wilson, Mo.    |
| Cuberson, Tex.  | Lester, Ga.      | Pindar,       | Wilson, W. Va. |
| Cummings,       | Lester, Va.      | Quinn,        | Yoder.         |
| Dockery,        | Lewis,           | Reilly,       |                |
| Edmunds,        | Lind,            | Richardson,   |                |
| Enloe,          | Maish,           | Robertson,    |                |

NAYS—110.

- |                 |                 |              |                |
|-----------------|-----------------|--------------|----------------|
| Adams,          | Darlington,     | Lehlbach,    | Rockwell,      |
| Allen, Mich.    | De Lano,        | Lodge,       | Rowell,        |
| Atkinson, Pa.   | Dingley,        | Mason,       | Russell,       |
| Baker,          | Dorsey,         | McComas,     | Scull,         |
| Beckwith,       | Dunnell,        | McCormick,   | Simonds,       |
| Belden,         | Evans,          | McDuffie,    | Smith, W. Va.  |
| Belknap,        | Ewart,          | McKenna,     | Smyser,        |
| Bergen,         | Farquhar,       | Miles,       | Snider,        |
| Bingham,        | Finley,         | Miller,      | Spooner,       |
| Bliss,          | Flick,          | Moffitt,     | Stephenson,    |
| Boothman,       | Frank,          | Moore, N. H. | Stewart, Vt.   |
| Boutelle,       | Funston,        | Morrow,      | Stivers,       |
| Brewer,         | Gear,           | Mudd,        | Stookbridge,   |
| Brosius,        | Gifford,        | Nute,        | Struble,       |
| Browne, Va.     | Grosvenor,      | O'Donnell,   | Taylor, E. B.  |
| Buchanan, N. J. | Grout,          | O'Neil, Pa.  | Taylor, J. D.  |
| Burton,         | Hall,           | Osborne,     | Thomas,        |
| Butterworth,    | Hansbrough,     | Owen, Ind.   | Thompson,      |
| Campbell,       | Hays, E. R.     | Perkins,     | Turner, Kans.  |
| Candler, Mass.  | Henderson, Ill. | Peters,      | Van Schaick,   |
| Cannon,         | Hill,           | Pickler,     | Wade,          |
| Cheadle,        | Kennedy,        | Post,        | Wallace, Mass. |
| Cheatham,       | Kerr, Iowa      | Pugsley,     | Wheeler, Mich. |
| Clark, Wyo.     | Kinsey,         | Quackenbush, | Wickham,       |
| Coleman,        | La Follette,    | Raines,      | Williams, Ohio |
| Culbertson, Pa. | Laidlaw,        | Randall,     | Wilson, Wash.  |
| Cutcheon,       | Lansing,        | Ray,         |                |
| Dalzell,        | Laws,           | Rife,        |                |

NOT VOTING—125.

- |                    |              |                 |               |
|--------------------|--------------|-----------------|---------------|
| Abbott,            | Candler, Ga. | Flower,         | McKinley,     |
| Alderson,          | Carlton,     | Geary,          | McMillin,     |
| Allen, Miss.       | Carter,      | Gest,           | Milliken,     |
| Anderson, Kans.    | Caswell,     | Gibson,         | Mills,        |
| Andrew,            | Clancy,      | Greenhalge,     | Morey,        |
| Arnold,            | Clark, Wis.  | Grimes,         | Morgan,       |
| Atkinson, W. Va.   | Clunie,      | Hare,           | Morrill,      |
| Banks,             | Cogswell,    | Harmer,         | Morse,        |
| Barnes,            | Comstock,    | Hatch,          | Niedringhaus, |
| Bartine,           | Connell,     | Henderson, Iowa | Norton,       |
| Bayne,             | Cooper, Ohio | Hermann,        | Payne,        |
| Biggs,             | Cothran,     | Hitt,           | Payson,       |
| Bland,             | Covert,      | Hopkins,        | Perry,        |
| Boatner,           | Craig,       | Houk,           | Pierce,       |
| Bowden,            | Crain,       | Kelley,         | Priest,       |
| Breckinridge, Ark. | Dargan,      | Ketcham,        | Reed, Iowa    |
| Breckinridge, Ky.  | Davidson,    | Kilgore,        | Reyburn,      |
| Brower,            | Dibble,      | Knapp,          | Rowland,      |
| Browne, T. M.      | Dickerson,   | Lane,           | Sanford,      |
| Buckalew,          | Dolliver,    | Langston,       | Sawyer,       |
| Bullock,           | Dumphy,      | Lawler,         | Seranton,     |
| Bunn,              | Ellis,       | Magner,         | Seney,        |
| Burrows,           | Featherston, | McAdoo,         | Sherman,      |
| Bynum,             | Fitch,       | McCord,         | Smith, Ill.   |
| Caldwell,          | Flood,       | McCreary,       | Stahlnecker,  |

Stewart, Ga.	Townsend, Colo.	Washington,	Williams, Ill.
Stewart, Tex.	Townsend, Pa.	Whitelaw,	Wilson, Ky.
Stone, Pa.	Tracey,	Whiting,	Wright,
Sweet,	Vaux,	Whitthorne,	Yardley.
Sweeney,	Waddill,	Wiley,	
Taylor, Ill.	Walker,	Wilkinson,	
Taylor, Tenn.	Wallace, N. Y.	Willcox,	

So the House refused to consider the bill.

The following-named members were announced as paired until further notice:

Mr. MCKINLEY with Mr. MILLS.  
 Mr. MORSE with Mr. ELLIS.  
 Mr. THOMAS M. BROWNE with Mr. STAHLNECKER.  
 Mr. HOUK with Mr. WHITTHORNE.  
 Mr. BOWDEN with Mr. DUNPHY.  
 Mr. REED, of Iowa, with Mr. WILKINSON.  
 Mr. COGSWELL with Mr. ANDREW.  
 Mr. TAYLOR, of Tennessee, with Mr. WASHINGTON.  
 Mr. ATKINSON, of West Virginia, with Mr. ALDERSON.  
 Mr. HENDERSON, of Iowa, with Mr. STEWART, of Georgia.  
 Mr. CLARK, of Wisconsin, with Mr. BULLOCK.  
 Mr. COOPER, of Ohio, with Mr. KILGORE.  
 Mr. COVERT with Mr. SHERMAN.  
 Mr. BURROWS with Mr. BRECKINRIDGE, of Kentucky.  
 Mr. HERMANN with Mr. McMILLIN.

On this vote:

Mr. WADDILL with Mr. WILEY.  
 Mr. KETCHAM with Mr. GRIMES.  
 Mr. GREENHALGE with Mr. CRAIN.  
 Mr. CALDWELL with Mr. WHITELAW.  
 Mr. ARNOLD with Mr. ABBOTT.  
 Mr. MOREY with Mr. MCCREARY.  
 Mr. REYBURN with Mr. PENNINGTON.  
 Mr. TOWNSEND, of Pennsylvania, with Mr. McADOO.  
 Mr. GEST with Mr. STEWART, of Texas, until Thursday next.  
 Mr. BAYNE with Mr. DAVIDSON, for this day.  
 Mr. ATKINSON, of West Virginia. Mr. Speaker, I am paired with my colleague [Mr. ALDERSON]. If he were present, I would vote "nay."

The result of the vote was then announced as above recorded.

Mr. STONE, of Missouri. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore* (Mr. PAYSON). The gentleman will state it.

Mr. STONE, of Missouri. I desire to inquire whether this bill now retains its place as a privileged matter or whether it goes to the Calendar.

The SPEAKER *pro tempore*. The present occupant of the chair would prefer not to pass upon that question, as he is here only temporarily. When the matter is presented again by the gentleman from Missouri the question of order can be argued and decided.

Mr. STONE, of Missouri. I desire to ask, then, whether I have now the right to withdraw the bill?

The SPEAKER *pro tempore*. Undoubtedly.

Mr. STONE, of Missouri. Then I withdraw it.

#### FUNERAL OF GENERAL SHERMAN.

Mr. CUTCHEON. Mr. Speaker, I desire to offer a privileged resolution.

The resolution was read, as follows:

*Resolved*, That the Clerk of the House be, and he is hereby, directed to advance to the Sergeant-at-Arms of the House, out of the contingent fund, the sum of \$300, or so much thereof as may be necessary, to defray the expenses of the committee appointed to attend the funeral of the late General William T. Sherman.

The resolution was adopted.

#### LEAVE TO PRINT.

Mr. RICHARDSON, by unanimous consent, obtained leave to print in the RECORD, in consecutive order, remarks made by him on different days on the question of race discrimination.

#### TRANSFER OF CLERKS FROM CENSUS BUREAU.

The joint resolution (H. Res. 233) authorizing the transfer of clerks, copyists, and computers from the Census Bureau to any other Department of the Government was reported back by the Committee on the Eleventh Census, and, by unanimous consent, it was referred to the Committee on Reform in the Civil Service.

#### RELIEF OF SETTLERS UPON CERTAIN LANDS IN IOWA.

On motion of Mr. STRUBLE, by unanimous consent, the bill (S. 4746) for the relief of settlers upon certain lands in the State of Iowa, was permitted to remain upon the Speaker's table; a bill for the same purpose being now upon the House Calendar.

#### JOHN FINN.

On motion of Mr. FRANK, by unanimous consent, the Committee on Claims was discharged from further consideration of the bill (S. 921) for the relief of John Finn, and it was returned to the Speaker's table; it being substantially identical with the bill H. R. 1649.

#### MARY C. HOFFMAN.

The SPEAKER *pro tempore* appointed as House conferees on the committee of conference heretofore ordered on the disagreeing votes of the two Houses on the bill (H. R. 12312) granting a pension to Mary C. Hoffman Mr. SAWYER, Mr. BELKNAP, and Mr. YODER.

#### FORTIFICATIONS APPROPRIATION BILL.

Mr. BREWER submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12499) "making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 7, and 8.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 9, 12, and 13 and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"Artesian well at Fort Monroe, Va.: For obtaining water for the garrison, \$6,000."

And the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: At the end of the amended paragraph insert the following:

"Provided, That no contract for the expenditure of any portion of the money herein provided or that may be hereafter provided for the purchase of steel shall be made until the same shall have been submitted to public competition by the Department by advertisement."

And the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$150,000;" and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows:

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

"And one additional member shall be added to said Board of Ordnance and Fortifications, who shall be a civilian and not an ex-officer of the regular Army or Navy, and he shall be nominated by the President and, by and with the advice and consent of the Senate, appointed, and shall be paid a salary of \$5,000 per annum and actual traveling expenses when traveling on duty: *Provided*, That the Board of Ordnance and Fortifications shall make an annual report to Congress, through the Secretary of War, on the first Monday in December in each year, showing the general operations of the board, and shall give a detailed statement of all contracts, allotments, and expenditures made by the board; the first of these reports to cover these subject-matters from the beginning of the operations by the board until the first report which they shall make."

And the Senate agree to the same.

M. S. BREWER,  
 BENJ. BUTTERWORTH,  
*Managers on the part of the House.*  
 H. L. DAWES,  
 P. B. PLUMB,  
 A. P. GORMAN,  
*Managers on the part of the Senate.*

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12499) making appropriations for fortifications and other works of defense, submit the following written statement in explanation of the effect of the action agreed upon and recommended by the conference committee as to each of the Senate amendments, namely:

On amendment numbered 1: Appropriates \$6,000 for an artesian well at Fort Monroe, Va., instead of \$10,000 as proposed by the House.

On amendment numbered 2: Appropriates \$50,000 as proposed by the Senate, instead of \$100,000 as proposed by the House, for the purchase of submarine mines and necessary appliances to operate them.

On amendment numbered 3: Appropriates \$50,000 as proposed by the Senate, instead of \$100,000 as proposed by the House, for casemates and cable galleries to render it possible to operate submarine mines.

On amendment numbered 4: Appropriates \$16,000, as proposed by the House, for the construction of a wharf, a keeper's dwelling, and for a water supply for the torpedo station at Yerba Buena Island, California.

On amendment numbered 5: Appropriates \$750,000 as proposed by the Senate, instead of \$1,000,000 as proposed by the House, for the construction of gun and mortar batteries.

On amendment numbered 6: Appropriates \$800,000 as proposed by the Senate, instead of \$1,000,000 as proposed by the House, for the purchase of oil-tempered and annealed steel for high-power coast-defense guns.

On amendment numbered 7: Appropriates \$56,500, together with the unexpended balance of \$13,500, for two gun carriages of the disappearing type, as proposed by the House.

On amendment numbered 8: Appropriates \$248,743 as proposed by the House, instead of \$148,743 as proposed by the Senate, to complete the army gun factory building at Watervliet arsenal.

On amendment numbered 9: Appropriates \$268,000 as proposed by the Senate, instead of \$468,000 as proposed by the House, for machinery, tools, and fixtures for the south wing of the army gun factory at Watervliet arsenal.

On amendment numbered 10: Appropriates \$150,000, instead of \$100,000, as proposed by the House, and \$200,000, as proposed by the Senate, for expenditures under the Board of Ordnance and Fortifications.

On amendment numbered 11: Provides for the appointment of one civilian member, at \$5,000, of the Board of Ordnance and Fortifications, instead of two civilian members of said board at \$6,000 each, as proposed by the Senate, and requires that the Board of Ordnance and Fortifications shall annually submit to Congress a report in detail showing the general operations of the board.

On amendment numbered 12: Inserts in the bill, as provided by the Senate, the following provision:

"That section 2 of 'An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes,' approved August 18, 1890, is hereby modified and enlarged so that the amount authorized to be expended thereunder be increased to \$1,250,000, to be expended on the terms and conditions and for the purposes therein set forth, except that fifty thousand of said sum shall be reserved to cover all expenses other than the powder and project-

files incident to the tests and inspection of the guns, and also that the Secretary of War be authorized to contract thereunder for such less number of guns than one hundred as he may deem for the best interests of the Government."

On amendment numbered 13: Inserts, as proposed by the Senate, the following provision:

"That the Secretary of War be, and he is hereby, authorized to transfer such portion of the site of the United States powder depot, near Dover, N. J., to the Navy Department for magazine purposes as in his judgment may be for the interest of the public service, and the property so transferred shall thereafter be under the exclusive jurisdiction of the Secretary of the Navy."

As agreed upon, the bill appropriates \$3,774,803, being \$3,709,520 less than the estimates, \$458,132 less than the law for current fiscal year, \$704,000 less than the bill as it was passed by the House, and \$123,500 more than the bill as it was passed by the Senate.

M. S. BREWER,  
BENJ. BUTTERWORTH,  
Managers on the part of the House.

The SPEAKER *pro tempore*. The question is on agreeing to the conference report.

Mr. BREWER. Mr. Speaker, my colleague on the committee the gentleman from Texas [Mr. SAYERS] desires to be heard for a few moments, and I yield to him.

Mr. SAYERS. Mr. Chairman, if I can get the attention of the House I desire to submit a few reasons why I have declined to sign the conference report just read. In the first place, it provides for the appointment of a civilian member, at a cost of \$5,000 a year in addition to his traveling expenses, as a member of the Board of Ordnance and Fortifications. This, it occurs to me, is not only a useless and extravagant expenditure, but it may be productive of discord in the board, and thus, instead of accomplishing good, lead to a contrary result.

In the second place, I wish to call attention to the twelfth amendment to the bill by the Senate. It will be remembered that in 1883 Congress provided that the Secretary of War might contract for the construction of a certain number of 8, 10, and 12 inch guns. The provisions of that act so carefully protected and guarded the Government against extravagant and useless expenditure as well as inferior work that manufacturers were unwilling to contract. At the last session of the present Congress those safeguards were so removed as to render it easier and more profitable for manufacturers to make contracts. In pursuance of the amended act the Secretary of War advertised for bids, but the manufacturers still found themselves unable even under the amended law to undertake the construction of guns.

This amendment increases the limit over the act of 1890 by as much as \$475,000, and enlarges the discretion of the Secretary of War, which, it must be admitted, can not but be beneficial to the manufacturer.

In my judgment the Government is not sufficiently protected by the provisions of the Senate amendment, taken in connection with the act of 1890. For this reason I have refused to sign the conference report.

Mr. KERR, of Iowa. Do you think the manufacturers have been asking too much?

Mr. SAYERS. I believe that this amendment is entirely too favorable to the manufacturers; that if it become law, taken in connection with the act of 1890, the manufacturers will be enabled to produce guns, not of the very highest type, but of an ordinary type, and at such a cost as will not only enable them to build their plants, but also to make a profit upon the guns; so that when they shall have delivered the guns and shall have been paid for them they will have received not only a profit upon the cost of the construction of the guns, but also the cost of the plant itself. In other words, this amounts to a gift—

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

Mr. SAYERS. Certainly.

Mr. HOPKINS. The gentleman, as I understand him, makes the general statement that if these contracts are carried out—

Mr. SAYERS. And the existing law carried out.

Mr. HOPKINS. The manufacturers will get paid enough to compensate them for the building of the plant, and will also be enabled to make a profit on the work which they do for the Government.

Mr. SAYERS. Yes, sir.

Mr. HOPKINS. Now, I would like to have the gentleman give us some figures on that point, so that we may know the process by which he arrives at that conclusion; because if the statement is true, no member of the House would vote for the adoption of this conference report.

Mr. SAYERS. I have not the figures before me; but I do know—at least I gather it from information derived from those who know or claim to know—that no manufacturer of this country will undertake to construct these guns under the act of 1890 and this amendment unless he gets enough in payment for the guns not only to compensate him for the metal and labor going into the guns with a profit besides, but also to pay for the construction of his plant.

Mr. HOPKINS. If that is so, why does not the Government itself construct these guns?

Mr. SAYERS. That is what the Government is doing. The Government is building a plant at Watervliet, and is constructing its own guns. I am in favor of the Government doing this, but I am opposed to the letting of contracts of this character to the private industries of the country under the loose limitations provided for by the act of 1890 and of this amendment.

Mr. HOPKINS. One question further. I would like to know from the gentleman whether the members of the conference committee who

approve this report agree with him that the manufacturers will make profit enough upon these contracts to pay for the construction of the plant and also give them a handsome profit on the work done for the Government.

Mr. SAYERS. I can not speak as to that. I do not know what the gentleman from Ohio [Mr. BUTTERWORTH] and the gentleman from Michigan [Mr. BREWER] may think; but I state to the gentleman from Illinois and to the House as my firm conviction, that any contract which shall be made under this bill and under the act of 1890 will insure to the contractor not only a profit upon the construction of the guns, but also indemnification for his expenditure for the plant. I ask the gentleman from Michigan whether that is not true?

Mr. BREWER rose.

Mr. SAYERS. Mr. Chairman, I will append to my remarks portions of the acts of 1888 and 1890, together with the clause of the bill now under consideration, so that the House may thoroughly understand this question and see to what extent the manufacturers are being favored.

Act of September 22, 1888.

Whenever any party shall present for test a completed single-charge breech-loading steel gun of 10 or 12 inches caliber, and of weight and dimensions to be prescribed by the board, with the proper supply of ammunition for the test of the same, such gun shall, in the presence of the party presenting it, be subjected to such tests as the board shall have prescribed; and should such gun be shown to the satisfaction of the board by such tests to fulfill the requirements previously prescribed in respect to accuracy, range, power, endurance, and general efficiency, the gun and ammunition shall be paid for at a fair valuation, including cost of transportation, and contract shall be made at a price reasonable, in the opinion of the board with the party presenting the best of such guns, for a further supply of similar guns, to be subjected to the usual service test before acceptance, the experimental gun and all guns purchased hereunder to be subject to inspection at each stage of manufacture, as follows, namely: For not less than fifty 10-inch steel guns, and for not less than fifty 12-inch steel guns.

The board is authorized to make all needful and proper purchases, investigations, experiments, and tests, to ascertain, with a view to their utilization by the Government, the most effective guns, including multicharge guns and the conversion of Parrott and other guns on hand, small arms, cartridges, projectiles, fuses, explosives, torpedoes, armor plates, and other implements and engines of war; and the Secretary of War is hereby authorized to purchase or cause to be manufactured such guns, carriages, armor plates, and other war materials and articles as may, in the judgment of said board, be necessary in the proper discharge of the duty herein devolved upon them: *Provided*, That the amount expended and liabilities incurred in such purchases, investigations, experiments, and tests shall not exceed \$500,000, which sum is hereby appropriated: *Provided further*, That said board shall test and, if found satisfactory, shall purchase two breech-loading field guns of 3.2-inch bore of aluminum bronze.

That under the provisions of this section there shall not be expended or contract or contracts entered into involving the Government in an aggregate expenditure exceeding \$3,500,000, nor an expenditure on the part of the Government in any one fiscal year in excess of \$2,000,000, and all guns and materials purchased under authority of this section shall be of American production and furnished by citizens of the United States.

Act of August 18, 1890.

SEC. 2. That the Secretary of War is hereby authorized and directed to purchase under contract, after due advertisement inviting proposals, and at prices which the Board of Ordnance and Fortifications shall adjudge to be fair to the manufacturer and for the interests of the United States, twenty-five 8-inch, fifty 10-inch, and twenty-five 12-inch guns, all of which guns shall be breech-loading single-charge steel guns, and of weight and dimensions to be prescribed by the board, and shall fulfill the conditions hereinafter provided: *Provided*, That if two or more persons, citizens of the United States, submit proposals to furnish said guns, either in part or in whole, at prices not materially different from each other, contracts may be awarded, in such proportion, among the citizens submitting such proposals as the Secretary of War may direct. One type gun of each of the above-mentioned caliber, with the proper supply of ammunition therefor, shall be presented for test at such place and within such time as the contract shall provide, and shall be subjected to such tests in respect to accuracy, range, power, endurance, and general efficiency as the Board of Ordnance and Fortifications shall have prescribed. All the other guns of each caliber, with the proper supply of ammunition, shall be delivered at such place and within such times as the contract shall provide, and shall be subjected to the ordinary service test of ten rounds with the full charge and weight of projectile, which shall develop the standard power prescribed for the gun. If the type gun sustains the prescribed test to the satisfaction of the Board of Ordnance and Fortifications, it and each of the other guns which sustains the ordinary service test, and the ammunition expended in such tests, shall be accepted under the contract. All guns manufactured under these contracts, including the type guns, shall be subjected to inspection at all stages of manufacture, and no change whatever shall be made in the material, mode of manufacture, or dimensions of the guns for service from those employed in the type gun without the approval of the Secretary of War. Payment for each gun and ammunition for testing same, including cost of transportation, shall be made upon the satisfactory completion of the prescribed test for that gun. All tests of guns shall be made in the presence of the board and of the person presenting the gun, or his authorized agent, and due regard shall be paid to suggestions offered by him with respect to the mode of making such test.

That under the provisions of this section there shall not be expended or contract or contracts entered into involving the Government in an aggregate expenditure exceeding \$3,775,000, nor an expenditure on the part of the Government in any one fiscal year in excess of \$1,000,000. And all guns and materials purchased under the authority of this section shall be of American manufacture and furnished by citizens of the United States: *Provided further*, That contracts may be made for not exceeding one-fourth of the guns herein provided for, to be constructed on the Pacific coast, in the discretion of the Secretary of War: *Provided further*, That all expenditures made under this section shall be paid from the amount made available and provided for in section 6 of the "Act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes," approved September 22, 1888, and the Secretary of War shall embrace in his estimates of appropriations for fortifications from time to time the amounts necessary to carry out all contracts made hereunder: *Provided further*, That full and accurate accounts shall be kept, showing the cost of all type and experimental manufacture of guns and other articles, and the average cost of the several classes of guns and the other articles manufactured by the Gov-

ernment, a statement of which account shall be laid before Congress annually in the same manner as is now required from national armories under section 1655 of the Revised Statutes.

Senate amendment to bill under consideration.

(12) That section 2 of "An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes," approved August 18, 1890, is hereby modified and enlarged so that the amount authorized to be expended thereunder be increased to \$4,250,000, to be expended on the terms and conditions and for the purposes therein set forth, except that fifty thousand of said sum shall be reserved to cover all expenses other than the powder and projectiles incident to the tests and inspection of the guns, and also that the Secretary of War be authorized to contract thereunder for such less number of guns than one hundred as he may deem for the best interests of the Government.

Mr. BREWER. Mr. Speaker, I do not desire to occupy much of the time of the House. The question which seems to be uppermost in the mind of my colleague on the committee [Mr. SAYERS] is that which relates to what might be denominated the blanket clause, which was first enacted in 1888, being reported by my friend who is now opposing this section as it stands. In 1888 a section reported from the committee having this bill at that time in charge made available \$6,000,000 to aid in the encouragement of the production of guns under private contract.

Mr. SAYERS. Will my friend allow me a question?

Mr. BREWER. Yes, sir.

Mr. SAYERS. Will not he state that the act of 1888 so guarded the Government against loss and against having guns of inferior quality forced upon it under these contracts that no manufacturer would offer to contract under that clause? Is not that so?

Mr. BREWER. Yes, that is true; and this very provision protects the interests of the Government as well.

Mr. DOCKERY. What is the use of the provision if parties will not contract?

Mr. BREWER. The Senate insists on retaining this provision.

Mr. DOCKERY. And you agree to it, fully aware of the fact that no manufacturer will offer to do the work under its terms?

Mr. BREWER. We agree to it upon the supposition that the Government, as the act itself provides, will enter into no contract for these guns unless it be to its interest to do so. That is what the clause expressly provides.

Not a dollar of this money is appropriated, and it can only become available when the guns are produced, if a contract can be made which shall be beneficial to the interests of the country and to the Government. Now that is about all there is of that provision.

Mr. DOCKERY. But in the light of experience would you judge that such a contract could be made?

Mr. BREWER. I do not believe that any individual or any company can enter into a contract for the production of guns at such prices as will warrant them in entering upon their manufacture, or that will justify the Government in accepting their bids for the same. We have tried it, and I do not believe the Government will succeed any better hereafter than it has succeeded in the past.

Mr. SAYERS. Let me put a question to my colleague.

Mr. BREWER. Certainly.

Mr. SAYERS. Under the act of 1890 the Secretary of War was authorized to contract for twenty-five 8-inch guns, fifty 10-inch guns, and twenty-five 12-inch guns, at an aggregate cost of \$3,775,000. Under the Senate amendment this amount is proposed to be increased to \$4,250,000, making a difference of \$475,000. Now, let me ask for what purpose is the increase of \$475,000 to be made?

Mr. BREWER. The purpose would be, of course, that if there should be guns which were tendered to the Government, or if a contract was entered into with the Government by which the contractor could produce the guns and deliver them to the Government, so as to make it to the interest and to the benefit of the Government to enter into such a contract, the Government has a right to accept them whether the number be fifty or one hundred. In other words, it allows some latitude as to the number of guns, provided the prices are within the limit.

Mr. SAYERS. Then do you mean to deny that it was the purpose of the committee of conference to allow \$475,000 more for the same work than is allowed by the act of 1890?

Mr. BREWER. Not at all; because the act itself expressly provides that this contract is not to be entered into unless it shall be found to be in the interest of the Government. But my friend and myself have been all over this matter.

Mr. SAYERS. Certainly, and we do not agree upon it.

Mr. BREWER. He presented his ideas a year ago in the same manner and on the same subject incorporated in the bill. It is an honest difference of opinion. I think the provision is entirely right and is in the interest of the Government; and, as I say, we have gone over this matter very thoroughly.

Mr. SAYERS. My friend and I understand each other, and agree with one another generally on the provisions of the bill, but not in the line of this amendment.

Mr. BUTTERWORTH. Mr. Speaker, I want to supplement what my colleague on the committee has said by a single statement.

The provision in this bill, against the adoption of which my friend

from Texas protests, is one of considerable importance to the Government. The Government is powerless without the provision to avail itself of any offer which may be made by private enterprise. In other words, if it should occur that the Government had presented to it an opportunity to get a better gun, and a cheaper gun, without the provision it is powerless to do it. Without the provision we draw against the genius of a half dozen men; with the provision we draw against the genius of the whole nation.

It is an open competition to the inventive talent of the country. Without the provision we must rely on what can be accomplished by one establishment and by a few men. With the provision we can avail ourselves of what may be accomplished by the private enterprise of the entire country. If they can sell the Government a better gun and a cheaper gun, or as good a gun as those which are made by the Government, will anybody tell me why there should not be power to accept the offer, if desirable?

Mr. HOPKINS. I would like to ask the gentleman from Ohio a question which I asked the gentleman from Texas.

Mr. BUTTERWORTH. Certainly.

Mr. HOPKINS. A statement was made by the gentleman from Texas that if the provision, against the adoption of which in the report he protests, is by this amendment of the Senate incorporated in the bill, and a contract is executed under it, it would enable the contractor to build his plant and still make a profit on the work done for the Government, leaving him the plant free and made out of this contract. I would like to have the gentleman state his views as to that point.

Mr. BUTTERWORTH. Well, that is entirely theoretical on the part of my friend from Texas.

Mr. SAYERS. No, not theoretical; it is practical.

Mr. BUTTERWORTH. The Government is authorized and required in the purchase of a gun to protect the interests of the people, and pay only what the gun is worth to the Government. If it costs more to have it fabricated by the Government, or more than the gun is worth to the Government, they are not only not authorized to buy it, but the converse of the proposition is true, they will not touch it. This simply authorizes the Government, in the exercise of its discretion, when it can do as well, or do better, by encouraging private enterprise in the fabrication of guns of the character contemplated by the provision, to do so.

Mr. SAYERS. Will my friend allow me right here?

Mr. BUTTERWORTH. What he suggests in regard to making a plant is *arguendo*. In other words, he says a private individual can not establish a plant and make a gun at a profit, and hence he will not do it; that is, that he could not compete with the Government. That depends entirely on whether a new and a cheaper and a better gun can be fabricated; and if a new and cheaper and better gun can be fabricated at less price, then he may be able to supply it; but if he can not he will not. That is all. And if it is not furnished the Government will not buy it; but under the law as it is now the Government could not purchase a popgun. In other words, the only controversy between my honored friend from Texas [Mr. SAYERS] and ourselves is that it is perfectly proper and it ought to be competent for the War Department to draw against private enterprise and private effort if it can be done without sacrifice to the public interest. Every other Government on earth except ours does it.

Mr. SAYERS. Will my friend now allow me to say a word?

Mr. BUTTERWORTH. Certainly.

Mr. SAYERS. My friend has said that the statement which I have just repeated, and which was referred to by the gentleman from Illinois [Mr. HOPKINS], was merely theoretical. Now, I want to put a question to my friend. Has he not been told by parties who have been before the Subcommittee on Fortifications that it would be impossible for private parties to engage in the manufacture of guns for the use of the Government, upon an equal footing with the Government, unless they were also allowed pay for the plant with which they constructed the guns?

Mr. BUTTERWORTH. Well, I will say to my friend that I do not suppose that any human being on earth would go into an enterprise with direct reference to losing what he had.

Mr. SAYERS. My friend should answer "yes" to my question.

Mr. BUTTERWORTH. I knew it before I heard it said that no firm, combination, or individual would establish a plant to manufacture a gun or anything else without the hope of ultimately making something out of it; but unless some provision is made to authorize my friend from Illinois or my friend from Texas to avail himself of that genius which provides improved machinery of war it will never be done, and the argument of my friend from Texas [Mr. SAYERS], instead of being for no appropriation, is an argument in favor of a larger appropriation.

Mr. SAYERS. No, I object to any appropriation at all for this particular purpose.

Mr. HOPKINS. I desire to ask the gentleman from Ohio a question. Why is it now, if private enterprise will not enter into a competition of this kind without being guaranteed against loss, that provision is not made for the Government to do this work, instead of private enterprise?

Mr. BUTTERWORTH. There has never been a guaranty against loss; and more than that, the experiments conducted by the Government, the moneys expended to produce guns from time to time, amount to more than would have supplied us with a complete outfit if we had adopted proper measures and drawn against the genius and enterprise of the world to produce them.

The amount expended from year to year and decade to decade in experiments under the supervision of the Government is something fabulous, and all this proposes is to offer an inducement to men to fabricate if they can, to invent and construct if they can, a gun which will prove to be equal if not superior to any used now by the Government; and it is admitted that if they will produce such a gun the Government will take a large number, because it is conceded that we must have a large number.

Mr. HOPKINS. Now, what is this inducement you speak of for private enterprise? Is it a bonus you propose to give them?

Mr. BREWER. I want to make this suggestion—

Mr. SPINOLA. Give him a chance to put his question first.

Mr. BREWER. All there is in this section is that it authorizes the Government, through the Secretary of War, to advertise for the construction of guns of a certain kind.

Mr. SAYERS. Why do you increase the limit imposed by the act of 1890?

Mr. BREWER. I would like to make my statement, if you please, before I am interrupted.

Mr. BUTTERWORTH. Rest, perturbed spirit! [Laughter].

Mr. BREWER. It simply authorizes the Secretary of War to advertise for sealed proposals for the construction of guns; and if the bids are received at a price for the production which will warrant the Secretary in accepting the contract, he is permitted to do so; but only if he shall find it to be to the advantage of the Government to do so. Now, that is all there is in this section.

Mr. HOPKINS. I would like to ask the gentleman why he increases the amount of the appropriation? I see that in the act of 1889 there was appropriated \$3,775,000.

Mr. SAYERS. Authorized.

Mr. HOPKINS. Recommended.

Mr. BREWER. In the last appropriation bill we made available \$3,775,000. We authorized that sum and made it available provided these bids were accepted. The Senate increased this to \$4,250,000.

Mr. SAYERS. This year?

Mr. BREWER. This year.

Mr. HOPKINS. Why is this increase made? That is what I want to get at.

Mr. BREWER. I can not tell you why the Senate made it, except they wanted to give encouragement for the production of more guns by private parties; because if the Government should enter into a contract for the production of five hundred of these guns instead of one, private parties could unquestionably produce them at a much cheaper price than they could a few, because of the great expense of the construction of the machinery and the buildings necessary for the construction of these guns; and under the larger amount thus made available more guns can be constructed.

Mr. HOPKINS. Is it not a fact that the larger appropriation is made for this reason, and is an instruction to the Secretary to grant larger contracts, carrying greater profits?

Mr. BREWER. Oh, no; not at all. This act expressly provides that unless these bids shall be for the best interests of the Government the Secretary is not to enter into contracts.

Mr. HOPKINS. The point that is made upon the gentleman from Michigan is this: That by the increased appropriation it is an implied instruction that the Secretary of the Navy may make more favorable contracts with private individuals than he could grant under the appropriation of 1889.

Mr. BREWER. No, not at all.

Mr. SAYERS. I ask the gentleman from Michigan to give me five minutes.

Mr. BREWER. Mr. Speaker, I ask that we may have a vote on this question.

Mr. SAYERS. I ask the gentleman to yield me five minutes, or two minutes.

Mr. BREWER. I will yield the gentleman from Texas two minutes.

Mr. SAYERS. Now, Mr. Speaker, I want to say, if I can be heard, that the gentleman from Michigan has not been exactly candid in his answer to the questions propounded by the gentleman from Illinois [Mr. HOPKINS].

Mr. BREWER. I think I have been entirely so, and I do not want to be put in the attitude suggested by the gentleman from Texas.

Mr. SAYERS. The act of 1889 authorizes an expenditure to the amount of \$3,775,000 for so many guns.

Mr. ADAMS. The act of 1890?

Mr. SAYERS. Yes, the act of 1890. The bill under consideration increases that amount, but does not increase the number of guns.

Mr. ADAMS. Diminishes them.

Mr. SAYERS. It authorizes the Secretary to contract for a less number.

Mr. BUTTERWORTH. He can buy ten or five, if he finds it best.

Mr. DOCKERY. I understand the gentleman from Michigan to state that in his opinion that provision will be of no avail in securing private contracts.

Mr. BREWER. I do not expect that anybody will be able to furnish the guns as cheaply as the Government can produce them. I now ask that a vote be taken.

Mr. SPINOLA. Mr. Speaker, I wish to be heard on this question.

The SPEAKER *pro tempore*. The gentleman from Michigan demands the previous question on the adoption of the conference report.

The question was put; and the Speaker *pro tempore* announced that he ayes seemed to have it, and the previous question was ordered.

Mr. SPINOLA. I ask for a division of the House.

The SPEAKER *pro tempore* proceeded to put the question again.

Mr. SPINOLA. Here are millions of the people's money that are to be expended, and members of Congress proposing to speak on the subject can not be heard.

Mr. DOCKERY. Mr. Speaker—

Mr. BREWER. If the gentleman from New York wants a few minutes I will yield to him.

The SPEAKER *pro tempore*. But the gentleman from New York desires recognition for the consideration of a bill.

Mr. SPINOLA. Oh, no, I do not; I ask recognition to be heard before this House passes on this bill under consideration.

The SPEAKER *pro tempore*. Without objection, the question on the demand for the previous question will be withdrawn temporarily.

Mr. SPINOLA. I want five or ten minutes.

Mr. BREWER. I yield five minutes to the gentleman from New York.

Mr. SPINOLA. Mr. Speaker, I listened with a great deal of attention to the questions submitted to the gentleman from Michigan [Mr. BREWER] by the gentleman from Texas [Mr. SAYERS] as to why the appropriation in this bill was increased \$475,000. I failed to hear any good reason assigned for that increase. In the first place, the bill provides \$2,750,000 for the manufacture of guns, and the gentleman from Ohio [Mr. BUTTERWORTH] says it is to encourage American genius. Now, sir, I do not believe in encouraging American genius by entering the Treasury of the country for that purpose. Genius should be developed without that.

Mr. DOCKERY. You do not want to take the Treasury doors off the hinges.

Mr. SPINOLA. I do not want to take off the doors of the Treasury, but I want something to be left there if possible. I am satisfied there will be nothing left in the Treasury, for now it is proposed to carry away the doors of the Treasury, and there will be nothing left if they keep up at their present gait. Now, sir, I know of no good reason, unless it is in response to that infamous lobby which has been hanging about the Capitol for two or three years to secure contracts for three, four, or five million dollars for the manufacture of guns of large caliber. We have been spending money in providing for the construction of these guns by the Government itself, and there is where the matter should rest. The Government should construct all these guns if they are required, and there is no doubt they are required or will be.

Now, I would like the gentleman from Michigan [Mr. BREWER] to give us some reason if he can, and if he has none let him state that to the House, so that it can act intelligently upon this question of whether there should be this increase of \$475,000. Bear that in mind, Representatives of the people. That amount is called for in this bill over and above the appropriation of a year ago. Why has that been put in? The gentleman from Michigan told the gentleman from Texas in response to his inquiry that he could not answer the question. If he can not answer it, being one of the conferees, how can he expect this House shall understand so as to be able to vote on it intelligently? I hope and trust, sir, that this report may be set aside; that there may be new conferees appointed so that this House may protect its own dignity, and in doing that protect the Treasury of the country at the same time.

There are other portions of the bill that are correct enough in all probability, but that portion which makes this increase is not correct; it is not right, it is not just, and it is an outrage against the Treasury of the Government and the taxpayers of the country.

Not only this, sir, but we are sitting here and voting away millions of dollars daily. Day after day it is million after million, but when I come here and ask for the paltry sum of \$100,000 to raise a monument to commemorate eleven thousand heroes who died for American liberty in the Revolutionary war, gentlemen raise their hands in holy horror and cry out that the Treasury can not stand that enormous outlay. [Laughter and cheers.] Mr. Speaker, I trust that we shall now take the vote, and I hope the conference report will be voted down and new conferees appointed.

Mr. LANSING. With instructions to in put the monument? [Laughter.]

Mr. SPINOLA. Oh, no; I will trust to the future for the monument.

Mr. BREWER. Mr. Speaker, if I can have the attention of the gentleman from New York [Mr. SPINOLA] for a moment I think I can make a statement which will be satisfactory to him. The gentleman

seems to understand but very little about the question upon which he has been addressing the House.

Mr. SPINOLA. I understand enough. I know it is a square steal. [Laughter.]

Mr. BREWER. I have noticed, Mr. Speaker, in my experience of eight years here that there are always a great many members upon this floor who can make the best speech upon that subject which they know the least about. [Laughter.]

Mr. SPINOLA. That is your case. [Laughter.]

Mr. BREWER. Now, what are the facts touching this section of the bill? Instead of its increasing the appropriation, as stated by the gentleman from New York, it does not appropriate a single dollar.

Mr. SPINOLA. But it puts it where the thieves can steal it.

Mr. BREWER. Well, my friend from New York may live among thieves; I do not know how that may be; but I have not seen many of them here on the floor or about this House, and if there are lobbyists here, as the gentleman tells us, no one of them has ever approached me.

Mr. SPINOLA. I judge only from what the newspapers say.

Mr. BREWER. Well, if the gentleman believed all that the newspapers say about some of us it would be dangerous. Now, Mr. Speaker, what are the facts in regard to this section? In 1888, in connection with the appropriation bill, of which my honored friend from Texas [Mr. SAYERS] had charge, he met with the same difficulties between the two Houses that we have always encountered in the consideration of the fortifications bill.

In the Senate there was a desire to encourage private parties in the production of these heavy guns, and hence in that bill of 1888 there was made available for this purpose the sum of \$6,000,000. A year ago, in the appropriation bill which I had charge of, we cut that down, at the same time changing the phraseology of the section somewhat, to \$3,750,000.

Mr. SAYERS. Did you not make it more liberal to the manufacturers?

Mr. BREWER. I have answered that, and you have discussed your proposition a half dozen times. We cut down the amount that was made available to \$3,750,000.

The Senate, when the bill went there this time, increased the amount to \$4,250,000. Now, what must be the procedure under this section? The Secretary of War advertises for bids for the construction of a certain number of guns under this provision. If he can receive bids which will require private parties who enter into contracts to deliver these guns to the Government, on terms which will make it advantageous for the Government to take them, he is authorized to take them, and this money is made available for the purpose. In making available \$4,250,000, or whatever amount we do make available, even if it were ten millions, we do not authorize the Secretary to enter into any contract unless on such terms as to be advantageous to the Government; and, as I stated before, the larger the amount we make available—in other words, the greater the number of guns that these private parties are permitted to produce, the lower the price at which they can afford to make them, and that, I suppose, was the object the Senate had in view in increasing the amount to be made available. That is all there is of this matter.

Mr. LANSING. And is it not true that the Government knows exactly what these guns cost, because it manufactures them itself?

Mr. BREWER. Yes, as suggested by my friend from New York [Mr. LANSING], the Government knows just how cheaply these guns can be made at its own factories, because it is producing them there, and I take it for granted that no price will be paid above the cost of producing them in the Government factories.

Mr. KERR, of Iowa. Does not the gentleman think that that is vesting too much discretion in the head of a Department?

Mr. BREWER. I think not. I now ask for the previous question. The previous question was ordered.

The report of the committee of conference was then adopted.

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

The latter motion was agreed to.

FANNIE L. DAVIS.

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

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 3046) granting a pension to Fannie L. Davis, widow of John L. Davis, admiral in United States Navy, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate concur in the amendment and agree to the same.

E. N. MORRILL,

S. A. CRAIG,

I. H. GOODNIGHT,

Managers on the part of the House.

C. K. DAVIS,

H. W. BLAIR,

DAVID TURPIE,

Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The bill as it passed the Senate granted a pension to the beneficiary at the rate of \$100 per month. The House amended the bill by striking out "one hundred" and inserting "fifty." The Senate concurs in the House report, which leaves the amount as fixed by the House.

E. N. MORRILL,

S. A. CRAIG,

I. H. GOODNIGHT.

The SPEAKER *pro tempore*. The Chair will state in regard to the bill to which this conference report relates that the Senate has receded from its disagreement to the amendment of the House; so that the bill has now received the concurrent action of the two Houses. Action upon this conference report is, therefore, unnecessary.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3270) for the relief of the administratrix of the estate of George W. Lawrence.

The message also requested the House of Representatives to return to the Senate the bill (S. 4655) to increase the pension of Mrs. Elizabeth R. Gordon, widow of Maj. George A. Gordon, Fifth Cavalry.

The message also announced that the Senate had passed without amendment the bill (H. R. 12900) to increase the pension of Mrs. Elizabeth R. Gordon, widow of Maj. George A. Gordon, Fifth Cavalry.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 2648) granting right of way to the Junction City and Fort Riley Street Railway Company into and upon the Fort Riley military reservation in the State of Kansas, and for other purposes.

The message also announced that the Senate had passed the bill (S. 4981) for the relief of Sylvester Truesdell; in which concurrence of the House was requested.

#### UNIVERSAL PEACE.

Mr. MARTIN, of Indiana, obtained unanimous consent to have printed in the RECORD the following petition of the Universal Peace Union, United States of America, for the appointment of a commission to secure an international court of arbitration:

#### MEMORIAL TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED.

Whereas your memorialists are convinced that the military system could not be introduced among civilized nations in this age were it not already fastened upon us, being fostered by long standing, nurtured by selfishness, and protected by prejudice against the dictates of reason and justice; and

Whereas we are convinced that military rules and practices are antagonistic to right, truth, and liberty, and we believe the present age is fully ripe for the creation and maintenance of an international tribunal of arbitration, giving each nation equal rights and equal representation, the efficiency of which will make it successful in the adjustment of all national and international disputes when nations by negotiation have failed to agree:

Therefore we earnestly petition your honorable body to create a commission to visit other civilized governments to induce them to unite in the organization of an international tribunal of arbitration, with the sole and only object to hear and determine such vexed questions as nations have failed to determine among themselves, and which would otherwise result in a declaration of war.

Equal safety for the weaker nations with the stronger should be provided for. No form of government or phase of religion should have preference in this tribunal, or any special language, except such as may be determined by mutual agreement for the use of the tribunal.

Since such a tribunal will be the greatest safeguard for life, liberty, peace, and prosperity to all people and the means to preserve the nation's highest honor and dignity, and since without such a tribunal there is danger that devastating and cruel wars may occur, we feel an emergency exists for prompt and immediate action.

Jacob J. M. Miller; Alfred H. Love, Philadelphia; Thomas I. Whitney, No. 60 North Fourth street, Philadelphia, Pa.; Sarah T. Rogers Eavenson, M. D., 1015 Vine street, Philadelphia, Pa.; A. T. Eavenson, 2013 Vine street, Philadelphia; M. M. Eavenson, 2015 Vine street, Philadelphia; William J. Eavenson, 1231 Parrish street, Philadelphia; John J. Lytle, 537 North Twentieth street, secretary of the Universal Peace Union; Henry S. Clubb, 310 Chestnut street, Philadelphia, vice president Universal Peace Union; Victor B. Hall, 1121 Arch street, Philadelphia; Phoebe A. Leeds, Bouvier street, Philadelphia; Jennie Heppenstall, 715 North Tenth street, Philadelphia; Belva A. Lockwood, vice president, District of Columbia.

VERA CRUZ, IND., February 4, 1891.

#### FLORIDA G. CASEY.

Mr. SPOONER. I desire now to call up Senate bill 1813, on which the previous question has been ordered, with the right of amendment and debate.

The Clerk read the bill, as follows:

A bill (S. 1813) granting increase of pension to Florida G. Casey.

*Be it enacted, etc.* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Florida G. Casey, widow of Maj. Gen. Silas Casey, of the regular Army, and pay her a pension at the rate of \$100 per month, in lieu of that which she is now receiving.

Mr. KERR, of Iowa. Mr. Speaker, how does this come up?

The SPEAKER *pro tempore*. This is unfinished business coming

over from the last session. The previous question was then ordered upon the passage of the bill, reserving the right of amendment and also the privilege of debate not exceeding one hour and thirty minutes.

Mr. CANNON. I hope that bill will not be brought up at this time.  
Mr. PERKINS. If the bill can be passed without debate, all right; but if there is to be discussion, I think I must move to go into Committee of the Whole on appropriation bills.

Mr. SPOONER. I do not think there will be any considerable debate.

Mr. CANNON. With the important public business now pending in this House, I think we can not afford to take time just now for the consideration of this private bill.

Mr. SPOONER. This bill is quite as important as other matters of similar character which have been considered within a recent period.

Mr. PERKINS. I move that the House resolve itself into Committee of the Whole for the consideration of general appropriation bills.

Mr. SPOONER. I do not know of any reason why this bill should not be acted upon now. If it is to be disposed of at all during this session it must receive consideration very soon.

Mr. CANNON. The gentleman knows that the country can get along if this bill is not disposed of at all.

Mr. SPOONER. The bill failed to secure consideration at the last session on account of difficulties of the same kind that are now urged.

Mr. CANNON. In view of the important legislation pending affecting the gentleman's own section and the rest of the country, legislation of universal interest, I submit that the gentleman should not press this matter now.

Mr. SPOONER. Bills of similar character with similar conditions as to debate have been disposed of. I think this will occupy only a few minutes. I do not expect that all the time allowed under the special order will be consumed, as this bill involves the same principles which have been discussed in connection with other measures.

Mr. CANNON. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the consideration of the bill called up by the gentleman from Rhode Island [Mr. SPOONER].

Mr. FLOWER. Allow me to say one word to the gentleman from Illinois. This is a bill for the relief of Mrs. General Casey. She has been dependent upon Lieutenant Casey, her husband's son, who was recently killed in battle.

The SPEAKER *pro tempore*. The previous question has been ordered on this bill and provision made by the House for debate upon it. The only way that the objection to its consideration can be made effectual—

Mr. CANNON. I move to postpone the consideration of the bill.

The SPEAKER *pro tempore*. The question of consideration can be raised.

Mr. SPOONER. But the previous question has been ordered.

The SPEAKER *pro tempore*. In the opinion of the Chair, the motion of the gentleman from Illinois is not in order. The only method of defeating the consideration of the bill at this time is by raising the question of consideration or by the gentleman from Rhode Island withdrawing the bill.

Mr. SPOONER. I suggest, as a point of order, whether the question of consideration can now be raised, as this bill has come up regularly for consideration and the previous question is operating. Is not the only question the disposition of the bill in some way in pursuance of the order of the House?

The SPEAKER *pro tempore*. The bill is before the House for consideration, and the question of consideration may be raised against it or the bill can be withdrawn. It must be disposed of in one or the other of these two ways—either the presentation of the bill withdrawn or the question of consideration raised.

Mr. CANNON. Mr. Speaker, in the interest of progress with the public bills pending, I must raise the question of consideration.

The SPEAKER *pro tempore*. The question of consideration being raised, the pending question is, Will the House proceed with the consideration of the bill?

The question was taken; and on a division there were—ayes 76, noes 30.

Mr. CANNON. Mr. Speaker, I call for tellers.  
Tellers were ordered.

Mr. SPOONER. The gentleman is taking time that might be devoted to the consideration of this bill. It could be disposed of in a few moments.

The SPEAKER *pro tempore*. Tellers are ordered, and the Chair will appoint—

Mr. SPINOLA. I ask for the yeas and nays.

Mr. SPRINGER. We may as well have the yeas and nays at once. The yeas and nays were ordered.

Mr. BUCHANAN, of New Jersey. Now, Mr. Speaker, I ask unanimous consent that in order to save time the yeas and nays may be called on the passage of the bill itself instead of on the question of consideration.

Mr. TURNER, of New York. I object to that. [Cries of "Regular order!"]

The question was taken; and there were—yeas 102, nays 114, not voting 113; as follows:

YEAS—102.

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|-----------------|----------------|---------------|----------------|
| Anderson, Miss. | Dalzell,       | Lacey,        | Perry,         |
| Baker,          | Darlington,    | Lane,         | Pindar,        |
| Banks,          | Dibble,        | Lawler,       | Price,         |
| Barnes,         | Dorsey,        | Laws,         | Quinn,         |
| Barwig,         | Dunphy,        | Lee,          | Raines,        |
| Bayne,          | Edmunds,       | Lehbach,      | Reilly,        |
| Belknap,        | Ellis,         | Lester, Ga.   | Rogers,        |
| Bergen,         | Ewart,         | Lester, Va.   | Russell,       |
| Bowden,         | Finley,        | Lewis,        | Senev,         |
| Brickner,       | Fithian,       | Maish,        | Shively,       |
| Brown, J. B.    | Flick,         | McAdoo,       | Snider,        |
| Buchanan, N. J. | Flower,        | McClammy,     | Spinola,       |
| Buchanan, Va.   | Forman,        | McCreary,     | Spooner,       |
| Bynum,          | Fowler,        | Miles,        | Springer,      |
| Candler, Mass.  | Frank,         | Montgomery,   | Stockdale,     |
| Caruth,         | Geary,         | Nute,         | Stone, Ky.     |
| Catchings,      | Geissenhainer, | Oates,        | Stump,         |
| Cheatham,       | Gibson,        | O'Ferrall,    | Tarsney,       |
| Chipman,        | Goodnight,     | O'Neill, Ind. | Wallace, N. Y. |
| Clarke, Ala.    | Grosvenor,     | O'Neil, Mass. | Whitelaw,      |
| Coleman,        | Hatch,         | O'Neill, Pa.  | Wilke,         |
| Connell,        | Hayes, W. I.   | Outhwaite,    | Wiley,         |
| Cotbran,        | Haynes,        | Owen, Ind.    | Wilson, W. Va. |
| Covert,         | Holman,        | Parrett,      | Wright.        |
| Culbertson, Pa. | Hooker,        | Paynter,      |                |
| Cummings,       | Kennedy,       | Penington,    |                |

NAYS—114.

- |                  |                  |              |                |
|------------------|------------------|--------------|----------------|
| Abbott,          | Craig,           | Lind,        | Seull,         |
| Adams,           | Crain,           | Mansur,      | Sherman,       |
| Allen, Mich.     | Culbertson, Tex. | Martin, Ind. | Skinner,       |
| Atkinson, Pa.    | Dargan,          | Martin, Tex. | Smith, W. Va.  |
| Atkinson, W. Va. | Dockery,         | Mason,       | Smyser,        |
| Bankhead,        | Dunnell,         | McComas,     | Stephenson,    |
| Belden,          | Enloe,           | McCord,      | Stewart, Vt.   |
| Bingham,         | Evans,           | McDuffie,    | Stivers,       |
| Blanchard,       | Flood,           | McKenna,     | Stockbridge,   |
| Blount,          | Forney,          | McKinley,    | Stone, Mo.     |
| Boutelle,        | Gear,            | Miller,      | Stone, Pa.     |
| Brookshire,      | Gifford,         | Moffitt,     | Struble,       |
| Brosius,         | Grimes,          | Moore, N. H. | Sweney,        |
| Browne, Va.      | Grout,           | Moore, Tex.  | Taylor, E. B.  |
| Brunner,         | Hall,            | Morrill,     | Taylor, J. D.  |
| Buckalew,        | Hansbrough,      | Mutchler,    | Thomas,        |
| Bunn,            | Hare,            | Norton,      | Thompson,      |
| Burton,          | Haugen,          | O'Donnell,   | Tillman,       |
| Caldwell,        | Hays, E. R.      | Oshorne,     | Turner, Ga.    |
| Campbell,        | Hemphill,        | Peel,        | Turner, Kans.  |
| Candler, Ga.     | Henderson, N. C. | Perkins,     | Van Schaick,   |
| Cannon,          | Hill,            | Peters,      | Vaux,          |
| Carter,          | Hopkins,         | Pickler,     | Waddill,       |
| Caswell,         | Kerr, Iowa       | Pugsley,     | Wade,          |
| Cheadle,         | Ketcham,         | Ray,         | Wallace, Mass. |
| Clark, Wyo.      | La Follette,     | Rife,        | Washington,    |
| Clements,        | Langston,        | Robertson,   | Wheeler, Mich. |
| Cobb,            | Lanham,          | Rowell,      |                |
| Cooper, Ind.     | Lansing,         | Sayers,      |                |

NOT VOTING—113.

- |                    |                 |               |                 |
|--------------------|-----------------|---------------|-----------------|
| Alderson,          | Cutcheon,       | McCormick,    | Stahlnecker,    |
| Allen, Miss.       | Davidson,       | McMillin,     | Stewart, Ga.    |
| Anderson, Kans.    | De Lano,        | McRae,        | Stewart, Tex.   |
| Andrew,            | Diekerson,      | Milliken,     | Sweet,          |
| Arnold,            | Dingley,        | Mills,        | Taylor, Ill.    |
| Bartine,           | Dolliver,       | Morey,        | Taylor, Tenn.   |
| Beckwith,          | Farquhar,       | Morgan,       | Townsend, Colo. |
| Biggs,             | Featherston,    | Morrow,       | Townsend, Pa.   |
| Bland,             | Fitch,          | Morse,        | Tracey,         |
| Bliss,             | Funston,        | Mudd,         | Tucker,         |
| Boatner,           | Gest,           | Niedringhaus, | Turner, N. Y.   |
| Boothman,          | Greenhalge,     | Owens, Ohio   | Vandever,       |
| Breckinridge, Ark. | Harmer,         | Payne,        | Walker,         |
| Breckinridge, Ky.  | Heard,          | Payson,       | Wheeler, Ala.   |
| Brewer,            | Henderson, Ill. | Pierce,       | Whiting,        |
| Brower,            | Henderson, Iowa | Post,         | Whitthorne,     |
| Browne, T. M.      | Herbert,        | Quackenbush,  | Wiekham,        |
| Bullock,           | Hermann,        | Randall,      | Wilkinson,      |
| Burrows,           | Hitt,           | Reed, Iowa    | Willcox,        |
| Butterworth,       | Houk,           | Reyburn,      | Williams, Ill.  |
| Carlton,           | Kelley,         | Richardson,   | Williams, Ohio  |
| Clancy,            | Kerr, Pa.       | Rockwell,     | Wilson, Ky.     |
| Clark, Wis.        | Kilgore,        | Rowland,      | Wilson, Mo.     |
| Clunie,            | Kinsey,         | Rusk,         | Wilson, Wash.   |
| Cogswell,          | Knapp,          | Sanford,      | Yardley,        |
| Comstock,          | Laidlaw,        | Sawyer,       | Yoder.          |
| Cooper, Ohio       | Lodge,          | Scranton,     |                 |
| Cowles,            | Magner,         | Simonds,      |                 |
| Crisp,             | McClellan,      | Smith, Ill.   |                 |

So the House refused to consider the bill.

The following additional pairs were announced:

On this vote:

Mr. TOWNSEND, of Pennsylvania, with Mr. RICHARDSON.

Mr. GREENHALGE with Mr. McRAE.

Mr. BLISS with Mr. BIGGS.

For the rest of the day:

Mr. LODGE with Mr. DAVIDSON.

Mr. ARNOLD with Mr. WILSON, of Missouri.

Mr. MORSE with Mr. ALDERSON.

Mr. ROCKWELL with Mr. LEE.

The result of the vote was then announced as above recorded.

DEFICIENCY APPROPRIATION BILL.

Mr. CANNON, from the Committee on Appropriations, reported a bill (H. R. 13658) making appropriations to supply deficiencies in the

appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. DOCKERY. I reserve all points of order on the bill.

#### INDIAN APPROPRIATION BILL.

Mr. PERKINS. I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DINGLEY in the chair.

The CHAIRMAN. The Clerk will continue the reading of the amendment which was interrupted yesterday.

The Clerk read as follows:

#### ARTICLE IV.

It is further stipulated and agreed that there shall be allotted to each individual member of the bands of Indians, parties hereto, a sufficient quantity, which, with the lands heretofore allotted, shall make in each case 160 acres, and in case no allotment has been made to any individual member of said bands, then an allotment of 160 acres shall be made to such individual, the object of this article being to equalize the allotments among the members of said bands, so that each individual, including married women, shall have 160 acres of land, and patents shall issue for the lands allotted in pursuance of the provisions of this article upon the same terms and conditions and limitations as are provided in section 5 of the act of Congress approved February 8, 1887, hereinbefore referred to.

#### ARTICLE V.

The agreement concluded with the said Sisseton and Wahpeton bands of Dakota or Sioux Indians, on the 8th day of December, 1884, granting a right of way through their reservation for the Chicago, Milwaukee and St. Paul Railway, is hereby accepted, ratified, and confirmed.

#### ARTICLE VI.

This agreement shall not take effect and be in force until ratified by the Congress of the United States.

In witness whereof we have hereunto set our hands and seals the day and year above written.

ELIPHALET WHITTLESEY,  
D. W. DIGGS,  
CHAS. A. MAXWELL,

On the part of the United States.

The foregoing articles of agreement having been fully explained to us, in open council, we, the undersigned, being male adult members of the Sisseton and Wahpeton bands of Dakota or Sioux Indians, do hereby consent and agree to all the stipulations, conditions, and provisions therein contained.

Simon Ananangmari (his x mark), Matoduzahan John (his x mark), Wakinganeigadan Adam (his x mark), Wanigarpuya John (his x mark), Wakinganduta John (his x mark), Wakanhdiduta (his x mark), Siharota (his x mark), Rantewahacauka (his x mark), Paska Titus (his x mark), Wicwaste (his x mark), Lahotanka John Sherman (his x mark), Wakinyanwicakte (his x mark), John Canhdiska (his x mark), Jal Caskidan (his x mark), Taokiyeota (his x mark), Adam Tukauwicarea (his x mark), Joseph Minucivava (his x mark), Saml. Maka (his x mark), Wachinwakan John (his x mark), John Kinajin (his x mark), John Itisnamarii (his x mark), Patanin (his x mark), Peter Wacehinduta (his x mark), Dedermo Johnson, Pe in-tan-ta-wa-wo-ha-rote, Daniel Takse William Day, John Nanatan, Jim Ieicarape (his x mark), Moses Sintonni (his x mark), Jesse Banker, Wasteinajin (his x mark), John Wantanyeya (his x mark), Wakanhdippeedan (his x mark), Joseph Snayanhdinajin (his x mark), Nujawaste, Ogoota (his x mark), William Johnson (his x mark), Tamakocewaste (his x mark), Mazakanyubedan (his x mark), David Mazawakute (his x mark).

Noah Kabudan (his x mark), Tukansabiciye (his x mark), Wm. Siyake (his x mark), Isaac Mettlewing, George Wacehin (his x mark), Wahohnu (his x mark), Sol. Dawouyanke, John Harpikayagmaln, John Hegidan (his x mark), Marpingawakozne (his x mark), John C. Brown (his x mark), Ehakeon Thos. Good Bird (his x mark), Charley Paul, Richard King, Jacob Goodbird, Danl. Wing (his x mark), John Piipya (his x mark), Doval Lum Wan mazo, Daniel Wisi Samuye, Thomas Capepte, Louis Marlow, George Cloutier (his x mark), William La Belle, Pukanhdawa (his x mark), Michael Renville, Fred. La Croix, Peter La Belle, Louis La Croix.

Solomon Muller (his x mark), Charlie La Belle, John B. Renville, (his x mark), Peter Tirewis, Andoto (his x mark), John Iyahpeya, Lazarus Skyman (his x mark), Amos Good Bird, John Paul, Tawahinkpeota (his x mark), Louie Ed. Williams, Hankiduta, (his x mark), Magatyne (his x mark), Tateyuskariskan (his x mark), John A. Barse, Lot Itojanian (his x mark), Elias Driver (his x mark), Frank Harris, John Little Thunder, William Stevens, Wm. L. Quinn, Abram Demarris (his x mark), A. D. Campbell (his x mark), Baptiste La Belle, Thomas Lawrence, Henry Ortleby (his x mark), Tahocokawakan—Albert Nelson (his x mark).

John S. tar (John Star), David Star William Tail (his x mark), Tainyuhdinajiu (his x mark), John T. Lynd, Elijah Skyman, John Wilson, John Sweetcorn, Makarota (his x mark), Mazanahacauka (his x mark), Marri Aiyakeduta, Tiyokarda (his x mark), Wakinyaurdia (his x mark), We-cu-rt-o-wa-ste, Marpya-hdiheya-manri, Wamderupuhadan (his x mark), Isbu, Geo. Wantawa, Frank Roy (his x mark), Isaac Goodteacher, Isaac Renville, Guy F. Donnelly, Thomas Paul, Henry Roy, Thomas Kalate, Thomas Dick, James King.

Thomas Supangi (his x mark), Titus Madusmani, Joseph LeBlance, Jr. Amos Owens, John Tabe, William Bain, James Graycloud, Job Ninaygypte, George Mate (his x mark), Levi Bird, Thos. A. Robertson, Samuel La Belle, J. R. Brown, J. E. Demarce, sr., Moses Tamazakanduta, Piter Dumarce, George Campbell, Augustus Tremor, James Tukaugidan (his x mark), Felix Randell, Marpiyahontanka (his x mark), Peter Rossau, Amasa Skyman, Moses K. Max, Noah Stevens, Amos Earth, Saml. J. Crawford, Moses Wakeman Eli Ortleby.

G. A. Robinson, Chas. A. Robertson, Frank W. Ortleby, Narcis Demarries, John Weackin (his x mark), William Wakana (his x mark), James Scott, Wichurdewastena (his x mark), Sdiyana (his x mark), Otaiceage (his x mark), Alexis Renville, Bomduna (his

x mark), Joseph Ruya (his x mark), William Bernard, John Campbell, Jim Itewayaka (his x mark), A. F. Bailly, Moses Greeley, Joseph Main, Adam Greeley (his x mark), Thomas Wind, Philip La Bette, George H. Bailly, Chas. E. Bailly, David Hdakinyun, Borpa, (his x mark), Samson Foster, James Johnson (his x mark), Joseph Good Bird, Moses Manis, Charles Hayes, Simon Kirk, Chas. R. Crawford, Thomas Crawford, Victor Renville, Moses Renville, Henry Campbell, Sunkaska (his x mark), Michael Paul, Jacob Heduta, Jos. Campbell (his x mark), Henry Hopkins, Thomas Quinn, Daniel J. Robertson, Tasinta (his x mark), Huhazizi (his x mark), Robt. Higga, John Thompson, (his x mark), J. E. Bannon, Darby Johnson, Ajiji (his x mark), Richard Cloud, Joshua Shepherd, Abram Hoksidaumaza (his x mark), Daniel Kamspeka, John Keble, Canwapa (his x mark).

I, Henry Campbell, interpreter, do hereby certify that the foregoing instrument was fully explained in council and to the Indians whose names are affixed thereto, and that I was present and witnessed the signature of each.

HENRY CAMPBELL, Interpreter.

DECEMBER 12, 1889.

We hereby certify that at a full council of the adult male members of the Sisseton and Wahpeton bands of Dakota or Sioux Indians, belonging to the Lake Traverse reservation, Dakota, held upon said reservation the 12th day of December, 1889, we caused the foregoing instrument to be read, interpreted, and fully explained, and that after having heard the same read, interpreted, and explained, and being fully advised in the premises, a majority of said male adult members agreed to and accepted the same, and voluntarily signed the same in our presence or in the presence of one or more of us.

E. WHITTLESEY,  
D. W. DIGGS,  
C. A. MAXWELL.

SISSETON AGENCY, DAK., December 12, 1889;

And

Whereas David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, duly appointed commissioners on the part of the United States, did, on the 25th day of June, 1890, conclude an agreement with the Citizen band of Pottawatomie Indians, in Oklahoma, formerly a part of Indian Territory, which said agreement is in words and figures as follows, to wit:

"Articles of agreement made and entered into at Shawnee Town, in the Indian Territory, on the 25th day of June, 1890, by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, commissioners on the part of the United States, and the Citizen band of Pottawatomie Indians, in the Indian Territory.

#### ARTICLE I.

The Citizen band of Pottawatomie Indians of the Indian Territory, in consideration of the fulfillment of the promises hereinafter made, hereby cede, relinquish, and forever and absolutely surrender to the United States all their claim, title, and interest of every kind and character in and to the following-described tract of country in the Indian Territory, according to Morrill's survey, under contract of September 3, 1872, to wit: Beginning at a point on the right bank of the North Fork of the Canadian River, in section 21, of township 11 north, range 5 east, where the western boundary line of the Seminole reservation strikes said river; thence south with said boundary line to the left bank of the Canadian River; thence up said river, along the left bank thereof, to a point on said left bank in the northeast quarter of section 36, township 6 north, range 1 west 39 chains and 82 links (by the meanders of the river west) from the point where the Indian meridian intersects said river, or 38 chains and 52 links due west from said Indian meridian; thence north, as run by O. T. Morrill, under his contract of September 3, 1872, to a point on the right bank of the North Fork of the Canadian River; thence down said river, along the right bank thereof, to the place of beginning, comprising the following, namely:

Fractional township 5 north, ranges 1, 2, 3, 4, and 5 east, north of Canadian River. Fractional township 6 north, ranges 1, 3, 4, and 5 east, north of the Canadian River. Township 6 north, range 2 east.

Townships 7, 8, and 9, ranges 1, 2, 3, and 4 east. Fractional townships 7, 8, and 9 north, range 5 east.

Townships 10 and 11 north, range 1 east. Fractional township 10 north, ranges 2, 3, and 4 east, south of the North Fork of the Canadian River. Fractional township 10 north, range 5 east. Fractional township 11 north, ranges 2, 3, 4, and 5 east, south of the North Fork of the Canadian River. Fractional township 12 north, ranges 1 and 2 east, south of the North Fork of the Canadian River.

Also that portion of sections 1, 12, 13, 24, and 25, and section 36, north of the Canadian River in township 6 north, range 1 west, lying east of the western boundary line of the said Pottawatomie reservation, as shown by the Morrill survey, and that portions of sections 1, 12, 13, 24, 25, and 36, in townships 7, 8, 9, 10, and 11 north, range 1 west, lying east of the western boundary line aforesaid, and that portion of sections 1 and 12 south of the North Fork of the Canadian River, and sections 13, 24, 25, and 36, in township 12 north, range 1 west, lying east of the western boundary line aforesaid, containing an area of 575,570.42 acres of land.

#### ARTICLE II.

Whereas certain allotments of land have been heretofore made, and are now being made to members of said Citizen band of Pottawatomie Indians, according to instructions from the Department of the Interior at Washington, under the act of Congress entitled "An act to provide for the allotment of lands, in severalty, to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," approved February 8, 1887, and according to said instructions other allotments are to be made, it is further agreed that all such allotments so made shall be confirmed—all in process of being made shall be completed and confirmed, and all to be made shall be made under the same rules and regulations, as to persons, location, and area, as those heretofore made, and when made shall be confirmed.

When said allotments shall be so confirmed and approved by the Secretary of the Interior, the title in each allottee shall be evidenced and protected in every particular in the same manner and to the extent provided for in the above-mentioned act of Congress: *Provided*, That, in allotments to be hereafter made, no person shall have the right to select his or her allotment in sections 16 and 36 in any Congressional township—nor upon any land heretofore set apart in said tract of country for any use by the United States, or for school, school farm, or religious purposes—nor shall said sections 16 and 36 be subject to homestead entry but shall be kept and used for school purposes; nor shall any lands set apart for any use of the United States, or for school, school farm, or religious purposes, be subject to homestead entry—but shall be held by the United States for said purposes, so long as the United States shall see fit to use them: *And provided further*, That all such allotments shall be taken on or before February 8, 1891, when any right to allotment, in any one, shall be deemed waived and forever cease to exist.

And it is specially agreed that the south half of section 7 and the north half of section 18 in township 6 north, range 5 east, heretofore set apart by a written agreement between said Citizen band of Pottawatomie Indians and certain Catholic fathers, for religious, school, and farm purposes, shall not be subject to allotment or homestead entry, but shall be held by the United States for the

Sacred Heart Mission, the name under which said association of fathers are conducting the church, school, and farm on said land.

And in any lawful manner, to be provided by Congress, shall be conveyed to said fathers for the uses above expressed.

#### ARTICLE III.

It is further agreed that the number entitled to take and who shall take allotments, including those who have already taken allotments, is 1,400.

But if it shall be ascertained that a greater number than 1,400 shall be entitled to and shall take allotments hereunder, then there shall be deducted from the sum hereinafter agreed to be paid to said Pottawatomie Indians the sum of \$1 for each acre of land allotted to those in excess of said number.

#### ARTICLE IV.

It is further agreed, as a further and only additional consideration for such relinquishment of all title, claim, and interest of every kind and character in and to said lands, that the United States will pay to said Citizen band of Pottawatomie Indians, in said tract of country, within four months after this agreement shall have been ratified by Congress, the sum of \$160,000 for making homes and other improvements on the said allotments. And if it shall be ascertained that said Citizen band of Pottawatomie Indians did purchase and pay the United States for the tract of country above described in accordance with the provisions of a treaty between the United States and said Citizen band of Pottawatomie Indians, proclaimed August 7, 1868, and that the United States did retain and yet retains and shall continue to retain of said Indians' funds the sum of \$119,790.75 on account of such purchase, then the United States agrees to pay to said Citizen band of Pottawatomie Indians the additional sum of \$119,790.75.

All payments of money herein provided for shall be made per capita to said Indians.

#### ARTICLE V.

This agreement shall have effect after it shall have been ratified by the Congress of the United States.

In witness whereof, the day and year first above written, the said David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, have hereunto set their hands for and on behalf of the United States, and Alexander B. Pelcier, Joseph Moose, John Anderson, Stephen Negahriquet, John B. Pambago, Alexander Rhodd, and Davis Hardin, the business committee of said Citizen band of Pottawatomie Indians authorized by law and custom and by general council now and here present and in session so to do, have hereunto set their hands, and the adult male members of said band present representing in their families the number set opposite their names, respectfully have hereunto set their hands.

DAVID H. JEROME,

A. M. WILSON,

WARREN G. SAYRE,

*Commissioners for the United States.*

ALEXANDER B. PELTIER, 6,

JOSEPH MOOSE, 3,

STEPHEN NEGAHRIQUET, 9,

JOHN B. PAMBAGO, 5,

ALEXANDER RHODD (his x mark), 7,

*Business Committee.*

George L. Young, 3; George L. Young, jr., 2; James Yott, 8; John E. Bruno, his x mark, 15; Francis N. Yott, his x mark, 1; Charles Vieux, his x mark, 2; Jacob Vieux, his x mark, 7; James Baldan, his x mark, 7; James Acton, his x mark, 4; Joe Haus, 2; Alexander A. Yott, 1; Nack-nash-kuk, his x mark, 3; Joseph Ap-tas-ka, his x mark, 3; Andrew Curley, his x mark, 7; Pamdosh, his x mark, 3; John Megaw, his x mark, 2; Wah-kah-sae, his x mark, 3; Seymour Kah-dot, his x mark, 7; John Acton, his x mark, 4; Joseph Milot, his x mark, 8; Claude Milot, his x mark, 3; William Frapp, his x mark, 1; Joseph C. Milot, his x mark, 4; John B. Beaubien, 3; P. H. Beaubien, 1; G. E. Beaubien, 2; Frank Puh-sagah, his x mark, 4; George Nah-mah-skuk, his x mark, 3; Nicholas Tromble, 3; Antoine Fuller, 4; Albert McLean, 1; Paul Toupin, 4; Amable Toupin, 3; Aaron Davis, 6; Aaron F. Bourbonnais, 2; John A. Bourbonnais, 4; Charles Greemore, 3; J. R. Blair, 5; Antoine Bourbonnais, 6; O-sken-mah, her x mark, 6; Emerson Spear, his x mark, 7; Maugaurite, her x mark, 6; Sidney Smith, 5; William Moore, 5; Joseph Whipple, his x mark, 3; Mitchell Phelps, 3; A. Burnett, 6; Joel Deloinals, 4; Jobie Moun, 3; Daniel O'Brien, his x mark, 1; Jacob Johnson, 8; Rachal Johnson Wall, 4; Loren Johnson, 1; Leon Boursaw, 2; Thomas Hardin, 3; John Vient, 5; Osmil, his x mark, 3; John Whitehead, 4; Frank Darling, 4; Eugene Bursaw, 11; Joel Burns, 5; Joseph Regnier, 7; Francis Vieux, his x mark, 6; Joe Burnett, 6; J. E. Kennedy, 2; Frank Goodboob, 1; Catherine Griffenstein, by William Griffenstein, her attorney in fact, 5; Daniel Chilson, 1; Jacob B. Countryman, 1; G. W. Morris, his x mark, 5; Ben. Bertrand, 2; W. Weld, 2; Samuel McFarland, 2.

I, Joseph Moose, do hereby certify that I am a member of the Citizen band of Pottawatomie Indians of the Indian Territory; that I am also a member of the business committee of said Indians now residing upon what is commonly called the Pottawatomie reservation in the Indian Territory; that I am secretary of said business committee and the interpreter for said Indians.

That said business committee, subject to the ratification of the Indians in general council, by law and custom of said Indians, transact all business for said Indians; that on the 25th day of June, A. D. 1890, in pursuance of lawful notice by me given said Indians assembled in general council at Shawnee Town, in which council all the Citizen band of Pottawatomie Indians were represented; that the contract made and concluded by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, commissioners on the part of the United States, and said business committee, acting for and on behalf of said Indians, to which contract this certificate was appended was by me interpreted and fully explained to said Indians at the time and place mentioned when so assembled and they made to fully understand the same; that said general council ratified and approved said contract and directed said business committee to sign the same on the part of said Indians, and that I witnessed said signing by the business committee, except John Anderson and Davis Hardin, who were absent, and that I witnessed all other signatures thereto, and as to those who signed by mark I now and hereby attest their signatures.

Witness my hand at Shawnee Town the day and year above written.

JOSEPH MOOSE; and

Whereas said commissioners did also, on the 26th day of June, 1890, conclude an agreement with the Absentee Shawnee Indians, said Indians being joint occupants with the Citizen Pottawatomies of the 80-mile-square tract in the Indian Territory lying next west of the Seminole reservation, which said agreement is in words and figures as follows, to wit:

"Articles of agreement made and entered into at Shawnee Town in the Indian Territory, on the 26th day of June, 1890, by and between David H. Jerome, Warren G. Sayre, and Alfred M. Wilson, commissioners on the part of the United States and the Absentee Shawnees residing on what is commonly known as the Pottawatomie reservation in the Indian Territory, represented by their chiefs and headmen or counselors, whose names are hereto subscribed:

#### ARTICLE I.

The Absentee Shawnee Indians of the Indian Territory, in consideration of the fulfillment of the promises hereinafter made, hereby cede, relinquish, and surrender, forever and absolutely, to the United States, all their claim, title, and interest of every kind and character in and to the following described tract of country in the Indian Territory, according to Morrill's survey, under contract of September 3, 1872, to wit: Beginning at a point on the right bank of the North Fork of the Canadian River, in section 21 of township 11 north, range 5 east, where the western boundary line of the Seminole reservation strikes said river; thence south with said boundary line to the left bank of the Canadian River; thence up said river, along the left bank thereof to a point on said left bank, in the northeast quarter of section 36, township 6 north, range 1 west, 39 chains and 82 links (by the meanders of the river west) from the point where the Indian meridian intersects said river, or 38 chains 52 links due west from said Indian meridian; thence north as run by O. T. Morrill, under his contract of September 3, 1872, to a point on the right bank of the North Fork of the Canadian River; thence down said river, along the right bank thereof to place of beginning, comprising the following, namely:

Fractional township 5 north, ranges 1, 2, 3, 4, and 5 east, north of the Canadian River. Fractional township 6 north, ranges 1, 3, 4, and 5 east, north of the Canadian River. Township 6 north, range 2 east.

Townships 7, 8, and 9, ranges 1, 2, 3, and 4 east. Fractional townships 7, 8, and 9 north, range 5 east.

Townships 10 and 11 north, range 1 east. Fractional township 10 north, ranges 2, 3, and 4 east, south of the North Fork of the Canadian River. Fractional township 10 north, range 5 east. Fractional township 11 north, ranges 2, 3, 4, and 5 east, south of the North Fork of the Canadian River. Fractional township 12 north, ranges 1 and 2 east, south of the North Fork of the Canadian River.

Also that portion of sections 1, 12, 13, 24, and 25, and section 36, north of the Canadian River in township 6 north, range 1 west, lying east of the western boundary line of the said Pottawatomie reservation as shown by the Morrill survey, and that portion of sections 1, 12, 13, 24, 25, and 36, in townships 7, 8, 9, 10, and 11 north, range 1 west, lying east of the western boundary line aforesaid, and that portion of sections 1 and 12 south of the North Fork of the Canadian River, and sections 13, 24, 25, and 36 in township 12 north, range 1 west, lying east of the western boundary line aforesaid, containing an area of 375,870.43 acres of land.

#### ARTICLE II.

Whereas certain allotments of land have been heretofore made and are now being made to said Absentee Shawnees according to instructions from the Department of the Interior, at Washington, under the act of Congress entitled, 'An act to provide for the allotment of lands, in severally, to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes,' approved February 8, 1887, and according to said instructions other allotments are to be made, it is further agreed that all such allotments so made shall be confirmed—all in process of being made shall be completed and confirmed, and all to be made shall be made under the same rules and regulations, as to persons, locations, and area, as those heretofore made, and when made shall be confirmed.

When said allotments shall be so confirmed and approved by the Secretary of the Interior, the title in each allottee shall be evidenced and protected in every particular, in the same manner and to the extent provided for in the above-mentioned act of Congress: *Provided*, That in all allotments to be hereafter made, no person shall have the right to select his or her allotment in sections 16 and 36 in any Congressional township—nor upon any land heretofore set apart in said tract of country for any use by the United States, or for school, school farm, or religious purposes—nor shall said sections 16 and 36 be subject to homestead entry, but shall be kept and used for school purposes; nor shall any lands set apart for any use of the United States, or for school, school farm, or religious purposes be subject to homestead entry—but shall be held by the United States for such purposes, so long as the United States shall see fit to so use them: *And provided further*, That all such allotments shall be taken on or before January 1, 1891, after which time and up to February 8, 1891, the allotting agent then on said reservation shall make allotments to those Absentee Shawnees resident in said tract of country, who have failed or refused to take their allotments as aforesaid, and such allotments so made by such allotting agent shall have the same force and effect as if the selections were made by the Indians in person. After said date of February 8, 1891, any right to allotment hereunder or by act of Congress shall be deemed waived and forever cease to exist.

#### ARTICLE III.

It is further agreed that the number who are entitled to take allotments and who shall take allotments, including those who have already taken allotments, is 650. But if it shall be ascertained that a greater number than 650 shall be entitled to and shall take allotments hereunder, then there shall be deducted from the sum hereinafter agreed to be paid to said Absentee Shawnees the sum of \$1 for each acre of land allotted to these in excess of said number.

#### ARTICLE IV.

It is further agreed, as a further and only additional consideration for such relinquishment of all title, claim, and interest of every kind and character in and to said lands, that the United States will pay to said Absentee Shawnees in said tract of country, as soon as may be after this agreement shall have been ratified by Congress, and under the direction of the Commissioner of Indian Affairs, the sum of \$65,000 for making homes and other improvements on their said allotments. All payments of money herein provided for shall be made per capita to said Absentee Shawnees according to the list of all those to whom allotments shall be hereunder made, and the wives of allottees.

#### ARTICLE V.

This agreement shall have effect after it shall have been ratified by the Congress of the United States.

In witness whereof, the day and year first above written, the said David H. Jerome, Alfred M. Wilson, and Warren G. Sayre have hereunto set their hands for and on behalf of the United States, and Chief White Turkey and Charley Starr, Elephant, Thomas Rock, William Little-axe, and Jim Bullfrog, headmen of the Absentee Shawnees and counselors of White Turkey, have hereunto set their hands on behalf of the Absentee Shawnee Indians.

DAVID H. JEROME,

A. M. WILSON,

WARREN G. SAYRE,

*Commissioners on behalf of the United States.*

White Turkey, Chief, his x mark, 9; Charley Starr, 5; Elephant, his x mark, 9; Thomas Rock, his x mark, 5; William Little-axe, his x mark, 5; Jim Bullfrog, his x mark, 8.

I, Thomas W. Alford, do hereby certify that I am an Absentee Shawnee Indian, resident in the Indian Territory, and now residing upon what is commonly called the Pottawatomie reservation; that I was this day chosen as the interpreter for said Indians in negotiating and concluding the contract to which this is appended. That said Absentee Shawnee Indians assembled in general council at Shawnee Town, on the 26th day of June, A. D. 1890. That the contract to which this is appended, made and concluded by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, commissioners on the part of the United States, and Chief White Turkey and the headmen of the said Absentee

Shawnees, and counselors of White Turkey, was by me interpreted and fully explained to said Indians at the time and place mentioned when so assembled, and they made to fully understand the same. That said general council approved and ratified said contract, and directed said chief and headmen to sign the same on the part of said Indians, and that I witnessed said signing by each and every person whose name is signed thereto, and as to those who signed by mark I now and hereby attest their signatures. I further certify that I know that this contract is signed by the chief and headmen who represent a majority of all of said Absentee Shawnee Indians.

Witness my hand at Shawnee Town the day and year above written.

THOMAS W. ALFORD,

Interpreter; and

Whereas David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, duly appointed commissioners on the part of the United States, did, on the day of October, 1890, conclude an agreement with the Cheyenne and Arapaho tribes of Indians in Oklahoma Territory, formerly a part of the Indian Territory, which said agreement is as follows, to wit:

"Articles of agreement made and entered into at Darlington, in the Indian Territory, on the day of October, A. D. 1890, by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, commissioners on the part of the United States, and the Cheyenne and Arapaho tribes of Indians, in the Indian Territory.

"ARTICLE I.

"The said Cheyenne and Arapaho tribes of Indians hereby cede, convey, transfer, relinquish and surrender forever and absolutely, without any reservation whatever, express or implied, all their claim, title, and interest of every kind and character, in and to the lands embraced in the following-described tract of country in the Indian Territory, to wit: A tract of country west of the ninety-sixth degree of west longitude, bounded by the Arkansas River on the east, the thirty-seventh parallel of north latitude (being the southern boundary line of the State of Kansas) on the north, and the Cimarron or Red Fork of the Arkansas River on the west and south.

"ARTICLE II.

"Subject to the allotment of land in severalty to the individual members of the Cheyenne and Arapaho tribes of Indians, as hereinafter provided for, and subject to the conditions hereinafter imposed, for the considerations hereinafter mentioned, the said Cheyenne and Arapaho Indians hereby cede, convey, transfer, relinquish, and surrender forever and absolutely, without any reservation whatever, express or implied, all their claim, title, and interest, of every kind and character, in and to the lands embraced in the following-described tract of country in the Indian Territory, to wit:

"Commencing at a point where the Washita River crosses the ninety-eighth degree of west longitude as surveyed in the years 1858 and 1871; thence north on a line with said ninety-eighth degree to the point where it is crossed by the Red Fork of the Arkansas (sometimes called the Cimarron River), thence up said river, in the middle of the main channel thereof, to the north boundary of the country ceded to the United States, by the treaty of June 14, 1866, with the Creek nation of Indians, thence west on said north boundary and the north boundary of the country ceded to the United States by the treaty of March 21, 1866, with the Seminole Indians, to the one hundredth degree of west longitude; thence south on the line of said one hundredth degree, to the point where it strikes the North Fork of the Red River; thence down said North Fork of the Red River, to a point where it strikes the north line of the Kiowa and Comanche reservation; thence east along said boundary to the point where it strikes the Washita River, thence down said Washita River, in the middle of the main channel thereof, to the place of beginning; and all other lands or tracts of country in the Indian Territory, to which they have or may set up or allege any right, title, interest, or claim whatsoever.

"ARTICLE III.

"Out of the lands ceded, conveyed, transferred, relinquished, and surrendered by Article II hereof, and in part consideration for the cession of lands named in the preceding article, it is agreed by the United States that each member of the said Cheyenne and Arapaho tribes of Indians over the age of eighteen years shall have the right to select for himself or herself 160 acres of land, to be held and owned in severalty, to conform to legal surveys in boundary; and that the father, or, if he be dead, the mother, if members of either of said tribes of Indians, shall have a right to select a like amount of land for each of his or her children under the age of eighteen years; and that the Commissioner of Indian Affairs, or some one by him appointed for the purpose, shall select a like amount of land for each orphan child belonging to either of said tribes under the age of eighteen years.

"ARTICLE IV.

"It is further agreed that the land in said reservation shall be classed as bottom land and grazing land; and, in making selection of lands to be allotted in severalty as aforesaid, each and every Indian herein provided for shall be required to take at least one-half in area, of his or her allotments, of grazing land. It is hereby further expressly agreed that no person shall have the right to make his or her selection of land in any part of said reservation that is now used or occupied for military, agency, school, school farm, religious, or other public uses, or in sections 16 and 36 in each Congressional township, except in cases where any Cheyenne or Arapaho Indian has heretofore made improvements upon and now uses and occupies a part of said sections 16 and 36 such Indian may make his or her selection within the boundaries so described so as to include his or her improvements, or in that part thereof now occupied and claimed by the Wichita and affiliated bands of Indians described as follows, viz: Commencing at a point in the middle of the main channel of the Washita River, where the ninety-eighth meridian of west longitude crosses the same, thence up the middle of the main channel of the said river to the line of 98° 4' west longitude, thence up said line of 98° 4' due north to the middle of the main channel of the main Canadian River, thence down the middle of the main Canadian River to where it crosses the ninety-eighth meridian; thence due south to the place of beginning.

"It is further agreed that wherever in said reservation any Indian, entitled to take lands in severalty hereunder, has made improvements and now uses and occupies the land embracing such improvements, such Indian shall have the undisputed right to make his or her selection within the area above provided for allotments, so as to include his or her said improvements.

"It is further agreed that said sections 16 and 36 in each Congressional township in said reservation shall not become subject to homestead entry, but shall be held by the United States and finally sold for public school purposes. It is hereby further agreed that wherever in said reservation any religious society or other organization is now occupying any portion of said reservation for religious or educational work among the Indians, the land so occupied may be allotted and confirmed to such society or organization; not, however, to exceed 160 acres of land to any one society or organization so long as the same shall be so occupied and used, and such land shall not be subject to homestead entry.

"ARTICLE V.

"All allotments hereunder shall be selected within ninety days from the ratification of this agreement by the Congress of the United States, provided the Secretary of the Interior, in his discretion, may extend the time for making such selection, and should any Indian entitled to allotments hereunder fail or refuse to make his or her selection of land in that time, then the allotting agent

in charge of the work of making such allotments shall, within the next thirty days after said time, make allotments to such Indians, which shall have the same force and effect as if the selection was made by the Indian.

"ARTICLE VI.

"When said allotments of land shall have been selected and taken as aforesaid, and approved by the Secretary of the Interior, the titles thereto shall be held in trust for the allottees, respectively, for the period of twenty-five years, in the manner and to the extent provided for in the act of Congress entitled: '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 and the Territories over the Indians, and for other purposes,' approved February 8, 1887. And at the expiration of said period of twenty-five years the titles thereto shall be conveyed in fee simple to the allottees, or their heirs, free from all incumbrances.

"ARTICLE VII.

"As a further and only additional consideration for the cession of territory and relinquishment of title, claim, and interest in and to lands as aforesaid, the United States agrees to pay to the Cheyenne and Arapaho tribes of Indians \$1,500,000, as follows: \$250,000 in cash, to be distributed per capita among the members of said tribes within sixty days after this agreement shall be ratified by the Congress of the United States; \$250,000 to be paid out for said Indians under the direction of the Secretary of the Interior, and the remaining \$1,000,000 to be retained in the Treasury of the United States, placed to the credit of the said Indians, and while so retained to draw 5 per cent. interest per annum, to be paid to said Indians per capita annually.

"Nothing herein contained shall be held to affect in any way any annuities due said Indians under existing laws, agreements, or treaties.

"ARTICLE VIII.

"It is further agreed that wherever in said reservation any member of either of said tribes has, in pursuance of any laws or under any rules or regulations of the Interior Department, taken an allotment, such an allotment, at the option of the allottee, shall be confirmed and governed by all the conditions attached to allotments taken under this agreement.

"ARTICLE IX.

"This agreement shall have effect whenever it shall be ratified by the Congress of the United States.

"In witness whereof the said commissioners on the part of the United States have hereunto set their hands, and the undersigned members of said tribes, for themselves and their tribes, set their hands the day and year first above written.

"DAVID H. JEROME,

"ALFRED M. WILSON,

"WARREN G. SAYRE,

"Commissioners."

Left hand, his x mark, and 554 others: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said agreements be, and the same are hereby, accepted, ratified, and confirmed.

SEC. 2. That for the purpose of carrying into effect the said two agreements with the Cœur d'Alène Indians, of Idaho, there are hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, in the manner and for the purpose as hereinafter specifically stated, the following sums, to wit: For the first installment of \$150,000, as provided for in Article VI of the first of said agreements, \$30,000, to be expended for the building and erection on said Cœur d'Alène Indian reservation of a saw and grist mill, to be operated by steam, and for the payment of the wages of the engineer and miller to be employed in said mill, respectively, the remaining portion of said \$30,000, if any, to be expended in the purchase of such useful and necessary articles as shall best promote the progress, comfort, improvement, education, and civilization of said Cœur d'Alène Indians, all of said articles to be purchased, and said engineer and miller to be employed as near as may be in strict conformity with Articles IX and X of the first of said agreements. And for the purpose of meeting the requirements of Articles II and III of the second agreement aforesaid the sum of \$500,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to be paid by the United States to the said Cœur d'Alène tribe of Indians upon their compliance with all the provisions of the said second agreement herebefore recited, the same to be paid to the said tribe of Indians pro rata, or share and share alike, for each and every member of the said tribe as recognized by said tribe now living on said reservation.

SEC. 3. That all lands so sold and released to the United States, as recited or described in both of said agreements, and not heretofore granted or reserved from entry or location, shall, on the passage of this act, be restored to the public domain, and shall be disposed of by the United States, to actual settlers only, under the provisions of the homestead law, and under the law relative to town sites or to locators and purchasers under the mineral laws of the United States: Provided, That each settler or purchaser under and in accordance with the provisions of said homestead act shall 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, and shall be entitled to a patent therefor, in accordance with said law under which the same may be entered as aforesaid, and after the full payment of said sums; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections 2304 and 2305 of the Revised Statutes of the United States, shall not be abridged except as to the said sum to be paid as aforesaid: Provided further, That the Secretary of the Interior shall cause to be surveyed for and patented to Frederick Post, upon his making final proof of all thereof before the register and receiver of the proper United States land office, and to the satisfaction of the Commissioner of the General Land Office and Secretary of the Interior, and paying therefor \$2.50 per acre and the cost of making such survey of such portion of said reservation as is recited in the agreement in word and figures as follows, to wit:

"Know all men by these presents that I, Andrew Seltice, chief of the Cœur d'Alène Indians, did on the 1st day of June, A. D. 1871, with the consent of my people, when the country on both sides of the Spokane River belonged to me and my people, for a valuable consideration sell to Frederick Post the place now known as Post Falls, in Kootenai County, Idaho, to improve and use the same (water power); said sale included all three of the river channels and islands, with enough land on the north and south shores for water power and improvements; and have always protected the said Frederick Post, for eighteen years, in the rights there and then conveyed, and he has always done right with me and my people. We, the chiefs of the Cœur d'Alènes, have signed articles of agreement with the Government to sell the portion of the reservation joining Post Falls, in which we have excepted the above-described rights, before conveyed to Frederick Post, and no Indian and no white man except Frederick Post have any rights on the above-described lands and river channels; the said Frederick Post has fulfilled all of his agreements with me and my people by improving the water power and building mills at great expense, and I hereby authorize him to build a house and take full possession of the above-described lands on the reservation site, so that when the treaty is confirmed he may have full possession and protection of the Government in the same.

"Given under my hand and seal this 16th day of September, A. D. 1889.

"ANDREW (his x mark) SELTICE,

"Witnesses:

"GEO. A. MANNING,

"FRED. M. MANNING.

**TERRITORY OF IDAHO, County of Kootenai, ss:**

"On this 16th day of September, 1889, before me, George A. Manning, a notary public in and for the county of Kootenai, Idaho Territory, personally appeared Andrew Seltice, personally known to me to be the person whose name is subscribed to the within instrument, and he duly acknowledged to me that he executed the same.

"In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[SEAL.] (Signed) "GEO. A. MANNING, Notary Public.  
And duly recorded in the office of the county recorder of Kootenai."

SEC. 4. That for the purpose of carrying out the terms and provisions of said agreement, made with the said Sisseton and Wahpeton bands of Dakota or Sioux Indians, there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$2,203,000, of which amount the sum of \$503,200 shall be immediately available, and the same, or so much thereof as may be necessary, shall be paid as follows, to wit: To the Sisseton and Wahpeton Indians, parties to this agreement, the sum of \$376,578.37, said amount to be distributed per capita. To the scouts and soldiers of the Sisseton, Wahpeton, Medawakanton, and Wapakoota bands of Sioux Indians, who were enrolled and entered into the military service of the United States and served in suppressing what is known as the "Sioux outbreak of 1862;" or those who were enrolled and served in the armies of the United States in the war of the rebellion, and to the members of their families and descendants now living, of such scouts and soldiers as are dead, who are not included in the foregoing class, as parties to said agreement, the sum of \$126,620, said amount to be distributed per capita; and the said sum of \$503,200, or so much thereof as may be necessary, when paid to the said Sisseton, Wahpeton, Medawakanton, and Wapakoota bands of Sioux Indians, their families and descendants, designated in this act, shall be deemed a full settlement of all claims they may have for unpaid annuities under any and all treaties or acts of Congress up to the 30th day of June, 1890; and the balance, after deducting the said \$503,200, to wit, the sum of \$1,699,800, or so much thereof as may be necessary, to pay for lands by said agreement, ceded, sold, relinquished, and conveyed, at the rate of \$2.50 per acre, shall be placed in the Treasury of the United States, to the credit of said Sisseton and Wahpeton bands of Dakota or Sioux Indians (parties to said agreement), and the same, with interest thereof at 3 per cent. per annum, shall be at all times subject to appropriation by Congress or to application by order of the President for the education and civilization of said bands of Indians or members thereof.

SEC. 5. That any religious society or other organization now occupying under proper authority any of the lands by said agreement ceded, sold, relinquished, and conveyed shall have the right for a period of two years from the date hereof, within which to purchase the land so occupied, not exceeding 160 acres in any one tract at the price paid therefor by the United States under said agreement.

SEC. 6. That in order to further carry out the provisions of said agreement and of this act, the Secretary of the Interior is authorized and directed, as soon as practicable, to cause the additional allotment provided for in said agreement to be made in the manner and form as provided in an act entitled "An act to provide for the allotments of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes," and as provided in any existing amendments of said act, approved February 8, 1887, and to pay the sums hereinbefore made immediately available, first to the parties to said agreement, or their proper representatives, and to appoint suitable officers for such purposes who shall furnish bonds usual in such cases, and whose compensation and expenses shall be paid out of said available funds as the Secretary of the Interior shall direct, and whose lawful acts, when approved by him, shall be final and conclusive.

SEC. 7. That the lands by said agreement ceded, sold, relinquished, and conveyed to the United States shall immediately, upon the payment to the parties thereto their share of the funds made immediately available by this act, and the completion of the allotments as provided for in said agreement, be subject only to entry and settlement under the homestead laws of the United States at the rate of \$2.50 per acre, excepting the sixteenth and thirty-sixth sections of said lands, which States of North and South Dakota shall be permitted to purchase at the price of \$2.50 per acre for common school purposes: *Provided*, That the settlers upon said lands shall be permitted to purchase the same at the rate of \$2.50 per acre, one-fourth to be paid in cash and the balance in three equal annual instalments until paid, and patents shall not issue until the settlers or entrymen shall have paid to the United States the sum of \$2.50 per acre.

SEC. 8. That for the purpose of making the compensation to the said Citizen band of Pottawatomie Indians and to the said Absentee Shawnee Indians, as provided in said respective agreements, the sum of \$225,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as in said agreements provided, subject to any lawful and authorized charge upon the same: *Provided*, That any of said Citizen Pottawatomie Indians who have not yet selected allotments may make such selections anywhere within the 30-mile square in said agreement described, not already selected or occupied, in quantities as therein provided: *And provided further*, That such selections may be made at any time within thirty days after the passage of this act, and not thereafter.

SEC. 9. That full jurisdiction is hereby conferred upon the Court of Claims, subject to an appeal to the Supreme Court of the United States as in other cases, to hear and determine the question as to whether or not the said Citizen band of Pottawatomie Indians did purchase and pay the United States for the tract of country in said above agreement described in accordance with the provisions of a treaty between the United States and the Pottawatomie Indians of Kansas, and proclaimed August 7, 1868; and whether or not the United States did retain and yet retains the sum of \$117,790.75 on account of said purchase, or otherwise, and to hear and determine all questions between said Citizen band of Pottawatomie Indians and the United States, or between said Citizen Indians and the proper band of Pottawatomie Indians in Kansas relative to the credits and accounts of said Indians under the various treaties with the United States. The exercise of such jurisdiction shall not be barred by any lapse of time heretofore, nor shall the rights of said Indians be in any way impaired by any ruling or determination upon such question heretofore made. Suit may be instituted in said Court of Claims against the United States at any time within twelve months after the approval of this act, but not later, on behalf of said Citizen band, the style of such suit to be "The Citizen Band of Pottawatomie Indians of Oklahoma Territory against the United States," said suit to have preference upon the trial dockets of said court.

If it shall be found and determined that the said sum of \$117,790.75 or any part thereof, or any sum, has been and is yet retained by the United States to that said Indians have a legal or equitable right or title, then the amount so found to be due shall be paid to said Citizen band of Pottawatomie Indians out of any money in the Treasury not otherwise appropriated, less the fees for the services of the attorney or attorneys of said Citizen band, in accordance with duly executed and approved contracts therefor, which amount shall be deducted and paid to said attorney or attorneys. That the Secretary of the Interior and Secretary of the Treasury shall transmit to said Court of Claims, upon its request, certified copies of all records, documents, and papers that relate in any way to the accounts of said Indians under the various treaties with said tribe, and shall furnish such excerpts and statements and accounts regarding the same as may be called for during the progress of said suit.

SEC. 10. That for the purpose of making the allotments provided for in the said agreement made with the Cheyenne and Arapaho Indians, including the pay and expenses of the necessary special agent or agents hereby authorized to be appointed by the President for the purpose, and the necessary resurveys, there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$15,000, or so much thereof as may be necessary.

SEC. 11. That for the purpose of carrying the provisions of the said agreement with the said Cheyenne and Arapaho Indians into effect there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,500,000, of which amount the sum of \$1,000,000 shall be placed in the Treasury to the credit of the Cheyenne and Arapaho Indians, parties to the foregoing agreement, to bear interest at the rate of 5 per cent. per annum, which interest shall be paid to them per capita annually; the balance of \$500,000 to be expended as provided for in Article VII of said agreement.

SEC. 12. That whenever any lands within the Territory of Oklahoma, or within any tract which may hereafter be added thereto, 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 exceed \$1.25 per acre, and such person, having complied with all the laws relating to such homestead settlement, may at his option receive a patent therefor at the expiration of twelve months from date of settlement upon said homestead, and any person otherwise qualified who has attempted to but for any cause failed to secure a title in fee to a homestead under existing law, or who made entry under what is known as the commuted provision of the homestead law, shall be qualified to make a homestead entry upon any of said lands.

SEC. 13. That the Secretary of the Interior shall have the right to make lawful rules and regulations for carrying this act into effect.

During the reading of the above,

Mr. HOLMAN said: Mr. Chairman, I rise to a question of order. It is impossible in this portion of the Hall, on account of the confusion and the rapid reading of the Clerk, to keep track of the reading of the amendment.

The CHAIRMAN. The point of order is well taken. The committee will please be in order.

Mr. HOLMAN. The reading by the Clerk is so rapid, I can not keep track. I shall insist on the reading of this amendment in the regular way.

The Clerk then resumed and completed the reading of the amendment.

Mr. PERKINS. Mr. Chairman, I think the gentleman from Indiana [Mr. HOLMAN] has an amendment which he desires to offer to one section of this amendment.

Mr. HOLMAN. The question of order on this bill is still pending, as I understand.

The CHAIRMAN. The question of order was reserved.

Mr. HOLMAN. I wish to say to my friend from Arkansas [Mr. PEEL] that the main objection to this amendment, and especially to the treaties with the Sioux of South and North Dakota and with the Cour d'Alène Indians, is this: That the lands are to be disposed of upon a principle entirely different from that contemplated by the homestead law. In view of the fact that the lands we are now acquiring from the Indians, with the exception of the western portions of the Indian Territory, are the best lands remaining, and the only ones, practically, which are adapted to settlement without irrigation, it does seem to me that if there ever were any lands to which the homestead feature of the law ought to apply, it should apply to these lands.

I think, notwithstanding the fact that \$1.25 an acre has to be paid for some of these lands, namely, those ceded by the Cour d'Alène Indians, and that \$2.50 an acre is to be paid for those ceded by the branch of the Sioux Indians in the Dakotas—notwithstanding these payments are to be made, that is no reason whatever why the homestead principle should be abandoned. I insist upon that as the only way in which you can prevent speculation in your public lands, and I trust my friend from Kansas [Mr. PERKINS] will not even desire that the disgraceful scenes witnessed in the settlement of Oklahoma shall again occur in this country; the spectacle of speculators seeking to seize land, and then pressing upon Congress legislation in violation of the principles of the homestead law, by which to acquire their title.

Mr. PERKINS. My friend will allow me to suggest that at the time he speaks of the only provision of law opening these lands to settlement was the homestead law.

Mr. HOLMAN. Well, not strictly; but the hope was manifestly held out that that law would be modified.

Mr. PERKINS. Oh, no.

Mr. HOLMAN. I live in a section of the country from which there was a heavy emigration to Oklahoma. As a general rule persons went there for the purpose of speculation and not for the purpose of obtaining homes.

Mr. GIFFORD. If my friend from Indiana will permit me, I will say that under the agreement ratifying the treaty made with the Sisseton and Wahpeton Indians the lands are only open to homestead settlers, and they are to be paid for at the rate of \$2.50 an acre.

Mr. HOLMAN. But the provision is deceptive, as my friend will see.

Mr. PICKLER. Oh, no, it is not.

Mr. GIFFORD. The gentleman will see by referring to section 5—

Mr. PERKINS. If the gentleman wishes to offer an amendment covering the proviso that he states I will not interpose any objection.

Mr. ROGERS. That is right.

Mr. HOLMAN. I want to say to my friend that the proviso he refers to reads as follows:

*Provided, That the settlers upon said lands shall be permitted to purchase the same at the rate of \$2.50 per acre, one-fourth to be paid in cash and the balance in three equal annual installments until paid, and patents shall not issue until the settlers or entrymen shall have paid to the United States the sum of \$2.50 per acre.*

My friend will see that nothing is said about the homestead law.

Mr. GIFFORD. But in section 5 of that bill that is provided for.

Mr. HOLMAN. Section 5 does not apply here.

Mr. GIFFORD. I do not agree with the gentleman about that. But in any event we are perfectly willing to accept an amendment making the lands open to homestead settlers only, because that is what we want.

Mr. HOLMAN. I propose this amendment:

*Provided, further, That all the lands ceded to the United States by said treaties which shall be subject to entry and settlement shall be disposed of under the provision of the homestead law in all respects whatever, except as to the payments therefor, as provided by law, and except also as to section 2301 of the Revised Statutes, which shall not apply to such lands.*

Those are the two exceptions I wish to make.

Mr. PICKLER. What is the section of the Revised Statutes which you provide shall not apply?

Mr. HOLMAN. That is the commutation clause. I wish to call my friend's attention to the fact that if these \$2.50 sales are made, retaining that section, then at the end of six months, unless the bill is amended, a purchaser may pay the \$2.50 an acre, which opens up this whole great body of land to speculation; a thing that ought not to be thought of at this time.

Mr. GIFFORD. I, for one, am willing to accept the amendment, because I wish to see the same object accomplished which the gentleman intends.

Mr. PERKINS. I wish my friend from Indiana would send his amendment to the Clerk's desk so that it may be read. I did not quite comprehend it.

Mr. HOLMAN. This will require that the several provisions shall be stricken out which would be in conflict with this.

Mr. PERKINS. Certainly.

Mr. WILSON, of Washington. I want to ascertain the gentleman's views on this matter.

The CHAIRMAN. The amendment of the gentleman from Indiana will be read.

The Clerk read as follows:

*Provided, further, That all the lands ceded to the United States by said treaties which shall be subject to entry and settlement shall be disposed of under the provisions of the homestead law in all respects whatever, except as to the payment therefor, as provided by law, and except also as to section 2301 of the Revised Statutes, which shall not apply to such lands.*

Mr. HOLMAN. Now, Mr. Chairman, I wish to say but one word further. With the understanding that the proposition shall be accepted, and also that all the provisions in conflict with the provision shall be modified, I shall not, so far as I am concerned, press the point of order.

Mr. PERKINS. I hope, Mr. Chairman, that that may be done.

Mr. WILSON, of Washington. Does the section of the Revised Statutes apply to the commutation?

Mr. HOLMAN. Yes, sir.

Mr. WILSON, of Washington. And you want to eliminate that?

Mr. HOLMAN. Yes, sir. I wish to call the attention of the gentleman to the fact that, as to these two bands in South and North Dakota, I think the vast body of land in the Dakotas occupied by the Sisseton and Wahpeton bands of Indians would go to the speculators if some such provision were not applied.

Mr. PEEL. That amendment is acceptable.

The CHAIRMAN. Does the gentleman understand that the point of order is not pressed, and that this amendment is accepted?

Mr. HOLMAN. This amendment is to come in at line 13; and also the other proposition, that the other provisions of the bill be made to conform to it.

Mr. PERKINS. Certainly.

The CHAIRMAN. Is the point of order withdrawn?

Mr. HOOKER. I want to say a word upon that.

The CHAIRMAN. The gentleman from Mississippi.

Mr. HOOKER. This bill, which is proposed now in its entirety to be made part of the general Indian appropriation bill for the current fiscal year, is the bill (H. R. 13192) introduced by the gentleman from Kansas [Mr. PERKINS], chairman of the Committee on Indian Affairs, and referred to the Committee on Indian Affairs. That amendment consists of a bill of 53 pages, and makes a very large appropriation, amounting to millions of dollars eventually, and it seems that this character of legislation and of amendment to a general appropriation bill is altogether in opposition to what has been the uniform custom of the House under former rules, and I suppose ought to be now if the bill is not amendable.

The bill is not amendable if we insert the entire bill as an amend-

ment, for the reason that the House could not consider it. This is a bill of multiform provisions contained in 53 pages of printed matter. It is with reference to an agreement made by the commissioners with certain tribes, and is entitled "A bill to ratify and confirm certain agreements with the Cœur d'Alène Indians in Idaho, the Sisseton and Wahpeton band of Dakota or Sioux Indians in North and South Dakota, the Citizen band of Pottawatomie Indians and the Absentee Shawnee Indians, and the Cheyenne and Arapaho tribes of Indians in Oklahoma Territory, and to make appropriations for carrying the same into effect, and for other purposes."

Now, I have examined this bill to some extent, but not as carefully as members of the House ought to examine it before it passes it. So far as it refers to the ratification of the agreement made with the Cœur d'Alène Indians in Idaho, the Sisseton and Wahpeton band of Dakota or Sioux Indians in North and South Dakota, I do not know that I shall press the objection which I make to the propriety of the measure; but so far as it refers to the ratification of the agreements made with the other tribes I am not disposed to withdraw the point of order which I made against the amendment.

Mr. DOCKERY. You mean as to the Cheyennes and Arapahoes.

The CHAIRMAN. Does the gentleman withdraw his point of order against a portion of the amendment?

Mr. HOOKER. I withdraw it so far as it relates to the Cœur d'Alène Indians and the Sisseton and Wahpeton band of Dakota or Sioux Indians in North and South Dakota; but as to the balance I do not.

The CHAIRMAN. And as to what part of the amendment does the gentleman insist on the point of order?

Mr. PERKINS. He insists on the point of order so far as the amendment relates to the Citizen band of Pottawatomie Indians, the Absentee Shawnee Indians, the Cheyenne and the Arapaho tribe of Indians of Oklahoma Territory.

Now, without speaking to the point of order, I want to say to the gentleman from Mississippi that I hope he will not interpose a point of order as to that portion of this amendment.

I know that the gentleman from Mississippi has conscientiously taken a very pronounced position in this House as to the Cherokee Outlet. He thinks that Congress has no authority to open that outlet to settlement without the consent of, or without negotiation with, the Cherokees; and I am not going to controvert or to join issue with him on that proposition; but I desire to suggest to him that there are forty thousand people at least, and I think that is not an exaggerated statement, camped to-day on the borders of Kansas, and upon the border of Oklahoma Territory, waiting to take possession of that outlet; and if there is no relief by legislation which gives them an opportunity to go elsewhere, the probabilities are they will go upon that land, and whether they go there legally or under a process of law or not, the Department will have a crisis precipitated upon it that will result in disaster to hundreds and thousands who are honest and sincere and who are looking for homes elsewhere.

Now, if we ratify this agreement with the Cheyennes, Arapahoes, and Pottawatomies it will give them an opportunity of going in and occupying these lands under the provisions of law, and will remove the difficulty that otherwise exists there; and it is very important, I think, that this legislation or this amendment should be ratified. It has been carefully, laboriously, conscientiously made. It is indorsed by the President, by the Secretary of the Interior, by every one that has had an opportunity to investigate it, and it is important to the people of Oklahoma Territory that this land should be opened to settlement. When that Territory was organized but little more than 2,000,000 acres were opened to settlement, and we are confining a Territorial government to a narrow strip of country like that, and I hope that my friend from Mississippi will not insist upon his point of order.

Mr. ROGERS. I was going to ask the gentleman from Kansas, by his consent, whether or not there would be objection at all, inasmuch as the gentleman from Mississippi [Mr. HOOKER] thinks this bill ought to be considered maturely by the committee, to taking it up section by section and discussing it under the five-minute rule until we get through with it.

Mr. PERKINS. That is what I propose. I have no objection to the consideration of every section of this bill, and have not asked that that be dispensed with.

Mr. ROGERS. If we could agree upon that it seems to me that my friend from Mississippi could afford to withdraw his point of order.

Mr. MANSUR. Mr. Chairman, if the point of order remains before the committee I wish to be heard upon it.

The CHAIRMAN. The Chair desires to ascertain first upon what portion of the amendment the gentleman makes the point of order.

Mr. HOOKER. I maintain the point of order as to all portions of this bill offered as an amendment to the general Indian appropriation bill, except that portion which refers to the Cœur d'Alène Indians in Idaho and the Sisseton and Wahpeton band of Sioux Indians in North Dakota.

Mr. ROGERS. If we could agree by unanimous consent to consider it as I have suggested, I think the gentleman's point would be met.

Mr. HOOKER. I do not think that would obviate my objection.

The CHAIRMAN. The Chair desires to have the matter settled as

to the portion of the amendment to which the gentleman from Mississippi makes the point of order.

Mr. PERKINS. The gentleman from Mississippi has just suggested that he withdraws his point of order as to two of these treaties, and insists upon it as to the others, and now we are trying to see if we can not come to some agreement as to the others.

Mr. HOOKER. The portion of the amendment terminating at the word "Dakota," in the third line, embraces the two Indian tribes as to which I do not make the point of order, but I maintain the point as to the others.

Now, a word as to what has fallen from the gentleman from Kansas [Mr. PERKINS] with regard to the fact that so many people are camping upon the border of the Cherokee Strip, and, as he says, are likely to take possession of it unless we consummate these agreements and open up these other lands. The same argument was made with regard to the establishment of the Territory of Oklahoma when the bill for that purpose was under discussion; but I take it for granted that there are a great many settlers in that land of promise, Oklahoma, who would be very glad now to get out of it, for it does not seem to have turned out to be exactly such a paradise as it was then represented to be. The same sort of intimidation—for it amounts to nothing else—is held over Congress and the country by the representation now made, that the men who want to make homesteads on the Cherokee Outlet are bordering it in Kansas and elsewhere, and will swoop down upon it, with or without law, if they are not allowed to go into some other Territory for the purpose of making homestead entries.

I do not think the argument is a good one. There are plenty of vacant lands in the Territories of the United States that are open to homestead entry without our holding over these Cherokees the threat on the part of the Government that either we will take possession of the Cherokee Strip by legislation or we will do it by legalizing the acts of men who go there without authority of law and settle upon lands which belong to the Cherokees by a title as absolute and unquestioned as the title of any man who holds the patent of the Government of the United States.

The CHAIRMAN. The gentleman from Mississippi [Mr. HOOKER] makes the point of order as against the portions of the amendment offered by the gentleman from Kansas, which the Clerk will read.

The CLERK. The point of order is made against the treaties with the Citizen band of Pottawatomie Indians, the Absentee Shawnees, and the Cheyenne and Arapahoes.

The CHAIRMAN. Is there any point of order made as to the remainder of the amendment? [A pause.] The Chair hears none.

Mr. PEEL. Mr. Chairman—

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. PEEL. Yes, sir. I desire first, however, to say to my friend from Mississippi [Mr. HOOKER] that he will always find me standing side by side with him for the protection of the Cherokees and all the other Indians of this country in all their treaty rights. I never have attempted, by any vote or any act of mine, to take any land from those people in the Indian Territory without their consent, and I never expect to do so.

I think we should appoint commissioners to negotiate with them as we would with anybody else; that we should recognize their interests and their rights, and pay them a fair compensation for whatever lands we get from them. That is exactly what we have been trying to do with regard to the treaties now before the House. The Citizen band of Pottawatomies, the Absentee Shawnees, and the Cheyennes and Arapahoes all live in that same country; they have been negotiated with by the commissioners on the part of the Government in a reasonable, orderly, respectful, and proper way.

We have agreed to pay them a satisfactory compensation for all the lands they yield up. This is simply to ratify that agreement. If this point of order is urged against these three contracts and sustained, it will only defer the matter until the next Congress meets, and the effect of that delay (in addition to what my colleague on the committee [Mr. PEEL] has said about the emigrants that may go in there) will be to embarrass the Cherokees. It will greatly obstruct the progress of that commission in dealing with the other tribes, six, eight, or ten in number, in that Territory, because those Indians when approached during the coming summer will say, "The Cheyennes, the Arapahoes, and the Pottawatomies sold you their lands and you have not paid them."

If it is the desire of the House and the country to negotiate for these surplus lands in the Territory of Oklahoma and to pay compensation for them in a respectable, dignified, and honest manner, these agreements ought by all means to be ratified. My friend from Mississippi wants to guard the interests of the Cherokees and to hold the Government to its contracts and obligations, to make it respect the rights of these Indians. Now, the way to bring that about, in my judgment, is to encourage these Indians in dealing with the Government and to ratify their reasonable wishes when they have been expressed to Congress. We should not allow parties to go into that country to obstruct and embarrass the interests of the Indians as well as the Government. I hope my friend from Mississippi will on mature consideration withdraw his point of order.

Mr. ALLEN, of Michigan. Mr. Chairman, I would like the attention of my friend from Mississippi [Mr. HOOKER] as well as the Committee of the Whole for a moment, because this question of order is now assuming great importance. The gentleman from Mississippi makes a point of order on this amendment as read, which in effect confirms the work of a commission appointed by virtue of law. The commission was empowered to do this work by a statute of the United States, which points out how it shall be done and the agents who shall accomplish it. The only warrant for their action is the statute itself. Carrying out existing statutes, carrying out the behests of Congress, these commissioners have performed their duty. The question now arises for my friend from Mississippi and the other members of this committee, Shall we ratify and confirm what has been done, and if not, why should we refuse to do so?

The CHAIRMAN. The Chair begs pardon of the gentleman; but is not the question really whether the ratification proposed is an act of legislation?

Mr. ALLEN, of Michigan. I will say, Mr. Chairman, that I have two objects in view: First, I want my friend from Mississippi to withdraw his point of order; and secondly, upon the point of order I wish to urge that the action of the commission, as proposed now to be enacted into law, has been taken in pursuance of law already on the statute book, in fact carrying that law into effect. I may diverge somewhat from the question of order, Mr. Chairman, but it will be for the purpose of inducing my good friend from Mississippi to withdraw his point.

In the first place, as to the *personnel* of this commission. I suppose no one will raise any objection to it whatever. One member of the commission is a gentleman formerly governor of Michigan—Mr. Jerome—a man "without fear and without reproach," well versed in all that is necessary in order to bring about under the forms of law justice to the whites as well as the Indians. Another member of the commission is a well-known gentleman from Indiana, Judge Sayre; another is from Arkansas, Judge Wilson. These gentlemen have been faithfully at work for many months seeking to bring about a settlement with the Indians relative to their lands, and their work has been done to the entire satisfaction of those people. We are now asked to do what? Not to have these Indians ratify what the commissioners have done, but to agree to what the Indians themselves have done.

But what has this commission accomplished? In the first place, it has concluded contracts with the tribes of Indians whom I will name. With the Iowas, embracing 81 persons, whose reservation has an area of 228,466 acres; the Sac and Fox Indians, 528 persons, with a reservation of 479,668 acres; the Pottawatomies, 400 persons, and the Absentee Shawnees, 650 persons, the reservations of these two tribes embracing 575,870 acres; the Cheyennes and Arapahoes, 3,363 persons, with a reservation of 4,297,804 acres.

The whole area of land embraced in these reservations that it is proposed to purchase from these Indians, by ratifying the contracts freely assented to by them, and to which the white people of this country are to be invited on the consummation of this contract, invited by the Indians themselves, who are entirely satisfied with the arrangement, is 4,809,268 acres. That is but 1,000,000 acres less than the Cherokee Outlet itself. By ratifying these contracts we throw open the vast area I have stated to the men who, having been unfortunate in Mississippi, having been unfortunate in Oklahoma, having been unfortunate in various portions of the West, will be enabled to acquire homes, paid for under arrangements satisfactory to all parties.

The allotments to the Indians are as follows: Iowas, 81 persons, 80 acres each, 6,480 acres; Sacs and Foxes, 528 persons, 160 acres each, 84,480 acres; Pottawatomies and Absentee Shawnees, under the law giving them, according to their age, different quantities of land, 143,500 acres; making a total of 234,460 acres. Then there are the Cheyennes and Arapahoes, 3,363 persons, who, at 160 acres each, will receive 538,080 acres. Thus there will be left subject to white settlement 4,809,268 acres after giving allotments to 6,022 Indians. This would furnish a homestead entry of 160 acres to each of 30,000 white families.

It is worth considering, in settling this point of order, whether it is not true that the action of this commission was taken in pursuance of law, and whether thereby the force of the point of order raised by the gentleman from Mississippi is not defeated. In the second place, is it not worth while for my friend from Mississippi to consider the vast interests at stake, the fact that here is an honorable and satisfactory agreement which the Indians themselves desire to have ratified, and which it is to the interest of the Government to ratify, so as to open to 30,000 families, 150,000 people, an opportunity to establish new homes upon land which from the day of the creation till now has done scarcely anything toward the support of the human family?

My friend from Mississippi assumes a great responsibility if by a point of order he undertakes to thwart, to set aside, to make null and void the honest work of three sworn commissioners, who are as honorable as the gentleman himself; and when I say this I say a great deal. These gentlemen have gone to work with a clear understanding of their duty, and they now bring their work before us. Why should we upon a quibble—why should we, proposing to do no injustice to

any living creature, thwart this work and let it go for naught, leaving these questions to be settled in the far distant and uncertain future?

Mr. CULBERSON, of Texas. I would like to ask my friend from Michigan why this amendment is subject to a point of order?

Mr. ALLEN, of Michigan. I have intimated or stated that the work of the commission was performed under a law of the United States.

Mr. CULBERSON, of Texas. As I understand, this proposition simply carries out a contract—

Mr. ALLEN, of Michigan. That is all.

Mr. CULBERSON, of Texas. And the disposition of the land is a mere incident to the carrying out of a contract authorized by law.

Mr. PERKINS. This is necessary in order to carry out the contract. This legislation is a part of the contract and is necessary to carry it out. The contract is authorized by statute.

A MEMBER. There is already a statute authorizing it?

Mr. PERKINS. Certainly; I have the statute here, and intend to refer the Chair to it.

Mr. HOLMAN. But it must be remembered that this bill goes further, and provides for the disposal of the lands after they are acquired. That, of course, has nothing to do with the mere process of acquiring them.

Mr. CULBERSON, of Texas. That is a mere incident to carrying out the contracts.

Mr. HOLMAN. But a very important incident.

Mr. CULBERSON, of Texas. And the amendment is clearly in order.

Mr. MANSUR. Mr. Chairman, I desire to be heard on this question for a few moments, and think I will be able to demonstrate from the law itself that the amendment is clearly in order.

The CHAIRMAN. The gentleman from Missouri.

Mr. MANSUR. The Constitution of the United States expressly provides that all appropriations shall originate in the lower House of Congress, and Congress is now seeking to appropriate for specific Indian purposes, when we find ourselves confronted with a point of order made against the proposed amendment to this bill. Were it not for that point of order there could be no doubt about our right to enact the proposed amendment into law.

What is the point of order and on what is it based? Manifestly on this portion of Rule XXI—

2. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

That is all there is of it. Now, I propose to take the square position that this is authorized by law.

The CHAIRMAN. Will the gentleman please read the remainder of the rule to which he has referred?

Mr. MANSUR. Certainly; although in my opinion it does not apply in this connection—

unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

Mr. CULBERSON, of Texas. Well, this is in continuation of an object.

Mr. MANSUR. Now, what are the circumstances under which this bill is sought to be put on as an amendment to the Indian appropriation bill, and what are the provisions of the amendment itself?

Mr. Chairman, existing statutes provide that two commissions be authorized, one to negotiate with the Indians in the Northwest, and another to deal with the Indians in the Southwest. That work has been accomplished and the several reports are before us. The gentleman from Mississippi does not raise the point of order against the contracts entered into with the Indians who have proposed to cede their lands in the Northwest, but only with reference to the proposed arrangements which the contracts contemplate with the Indians of the Southwest.

I hold in my hand the public law creating this commission, being the bill making appropriations for the current and contingent expenses of the Indian Department, approved on the 2d of March, 1889, in which section 14 provides as follows:

SEC. 14. The President is hereby authorized to appoint three commissioners, not more than two of whom shall be members of the same political party, to negotiate with the Cherokee Indians and with all other Indians owning or claiming lands lying west of the ninety-sixth degree of longitude in the Indian Territory for the cession to the United States of all their title, claim, or interest of every kind or character in and to said lands, and any and all agreements resulting from such negotiations shall be reported to the President, and by him to Congress at its next session, and to the council or councils of the nation or nations, tribe or tribes agreeing to the same for ratification.

Now these contracts have been already made. They have been reported to the President, and the President has reported them to Congress for ratification. They came too late to be embodied in the regular way in this bill when it was being prepared; and hence it will be necessary, in order to avoid a year's delay, to ingraft them upon the pending bill by way of amendment, as is suggested by the gentleman from Kansas. That they are germane to the subject-matter of the bill can not be questioned. Nor can there be any doubt, Mr. Chairman, that if this amendment had been reported originally in the bill at the time

it was submitted to the House and referred to the Calendar they would have been in order. That being the case, why is the amendment not in order now?

The CHAIRMAN. The Chair desires to ask the gentleman from Missouri whether, in his opinion, the agreements or contracts are in force until ratified by Congress?

Mr. MANSUR. I understand not. No, sir; they are not, and necessarily so, because the authorization to the commission did not go that far. Their acts had to be reported to Congress for ratification. For that reason they are reported here for our action.

Now, when they come before Congress, Congress can just as well agree to them and ratify them by making the appropriation as by the enactment of a law stating that we do approve of them, or by the passage of a joint or a concurrent resolution stating that we approve of the action of the commissions in making the contract, and then subsequently enacting legislation in the regular appropriation bill to meet expenses. If that was done, that is, if by a separate act Congress approved these contracts, there would be necessity afterwards for including the expenditure necessarily involved in the regular annual appropriation bill; and technically, it is just as proper to include the whole transaction in this bill, it being germane and authorized by law, as it is to adopt the other course.

This commission, acting under authority of law, and representing the United States, has made its contract with the parties. The commissioners have negotiated and report their work to Congress. That work being fairly before Congress for consideration, it is as proper to signify the assent of Congress by ingrafting it upon the appropriation bill as by any other method, whether by a separate act or a joint resolution. This, then, being in furtherance of already existing legislation—the law authorizing it three years ago—these commissions being put to work in pursuance of law, and required to report their action to Congress, so that Congress should keep an oversight in the matter, we have now their annual reports before us for our action. That oversight was necessary, so that in the end neither the United States nor the Indians should be imposed upon in any way.

I have the assurance of those who have investigated this matter that there has been no wrong perpetrated by these contracts on any of these Indians in any way. The amounts paid them so far are reasonable, little of the lands running as high as \$1.25 per acre. I have somewhere in my desk, not now accessible, a statement showing that the Southwest commission paid \$1.25 an acre for the lands of the Sacs and Foxes, and for the most of the balance from 50 to 70 cents an acre. All of this was done with the consent of the Indians themselves, and not only with their consent, but by their invitation. We can complete this work at this time by making necessary appropriations in pursuance of existing law; yea, with knowledge of plighted faith on the part of Congress, that if these negotiations were had, legislation in pursuance of the contracts would be enacted by Congress, by which the Indians would be paid the money which Congress, through this commission, agreed to pay them for their released lands.

Now, sir, we are near the end of the session. The crowded and congested condition of the House Calendar, as well as the existing rules of the House, almost forbid the hope of passing the necessary appropriations in any other way, and unless these lands are opened this spring, as the gentleman from Kansas [Mr. PERKINS] has well said, 50,000 people probably will be denied the opportunity of making homes in the great Southwest and of raising crops this year. Besides the importance of the matter, I go back to the point of order, and agree with the distinguished gentleman from Texas [Mr. CULBERSON], that as a legal proposition there can be no point of order raised against it, because it is simply carrying out existing legislation on the statute books, which exact these appropriations by every reason and principle of law, as well as exacted by justice and good faith.

Mr. PERKINS. I desire just for a moment to emphasize what has been so well said by the gentleman from Missouri [Mr. MANSUR]. I have in my hand the United States Statutes, volume 25, in which the act is found providing for this commission, and directing it to conduct negotiations with these Indians for the purchase of their land; and this statute provides that this commission shall make report to the President of the United States of their doings, and that he shall report the proceedings to Congress for its action.

Now, to illustrate, Mr. Chairman. If we should pass a bill providing for a public building in Philadelphia, but should make no appropriation for its construction, pass an act providing for its erection, and stop there, would it not be subsequently in order on an appropriation bill to make the necessary appropriation to carry out the act of Congress theretofore passed? In this case we are simply attempting to do by this proposed amendment what it seems to me Congress has heretofore authorized the doing of. It directly provided for these commissioners. It provided for these negotiations. It directed that they should report their proceedings to the President, and that he should submit their proceedings to Congress for its consideration.

This was done; and now, in keeping with that provision of law, we ask to have this treaty ratified. The law authorizes this legislation, and it is to carry out the act of Congress heretofore put upon the statute book. In my judgment, the point of order made by the gen-

tleman from Mississippi is not well taken, for the reasons briefly stated. It can not be said that this legislation is not in keeping with the statute, or for the purpose of carrying out statutes heretofore enacted; and the statement of the proposition, it seems to me, is the strongest argument that can be made in its support.

Mr. SPINOLA and Mr. ROGERS addressed the Chair.

The CHAIRMAN. The gentleman from Arkansas [Mr. ROGERS] had risen once before. He will be recognized.

Mr. ROGERS. I desire to confine what I have to say directly to the point of order, and I invoke the attention of the Chair to that point. There are two questions which have not been elaborated in connection with what has been said by my friend from Missouri [Mr. MANSUR] and the gentleman from Kansas [Mr. PERKINS]. By the terms of the act which created the Cherokee Commission, they were authorized to negotiate for these lands; and coupled with the power to negotiate was that of reporting back to Congress; and coupled with that also was an appropriation made. I allude to this because of the peculiar language of the rule:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriation for such public works and objects as are already in progress.

The main object in the creation of the Cherokee commission and the directing them to negotiate, and also carrying an appropriation for that purpose, was to secure a treaty with these Indians by which these lands should be acquired. That brings me then to the second consideration. When Congress authorized the negotiations for the purpose of securing the title to these lands, the question at once arose, as it has in all previous treaties with the Indians, as to the disposition of the lands after they had once been acquired; for the object in creating the commission was not only to acquire the land but to make some disposition of the land.

Just, for instance, as my friend from Kansas has said, that if Congress should authorize a commission to construct a public building and to make a contract for that purpose, but should make no appropriation at all, could it be said that when they had made the contract, in pursuance of the public law, to construct the building, that on an appropriation bill the necessary appropriation for carrying out the contract could not be made?

So in this case, when they came to make this negotiation, the question at once arose in doing that, as to what would become of the land. And that becomes an incident to the object for which the commission was created, the negotiations authorized, and the appropriation made in the Forth-ninth Congress. The disposition, therefore, of the lands is purely an incident, as to what shall become of them after you have once gotten them.

Let me illustrate it a step further. Take up, if you please, any one of the treaties with the five semicivilized tribes, made, I believe, in 1865. Cessions of land were made by each one of these treaties, but in the treaties special provisions were also made as to the occupancy of the lands which were ceded; in the Choctaw treaty, to the colored people; in other treaties, friendly tribes; and various other things, all of which were incident to the treaty-making power. So in this case the incident which arose from the negotiation and acquirement of title was the necessary disposition of the land; and, as I say, that part of the bill which alludes to the disposition of it is purely an incident to the other object, the main and ulterior object, which was to secure the negotiation and quiet the title to these lands in the Government of the United States.

There is another suggestion made to me at this moment, namely, by virtue of the organic law creating the Territory of Oklahoma it is provided, by the terms of that bill, that, immediately upon the quieting of the titles to the Government of the United States by the other tribes of Indians settled in that country, *eo instanti* and *ipso facto* they become subject to the laws of Oklahoma. So that the manifest purpose and object of all this legislation is made perfectly clear by the Oklahoma bill, and by the very terms of the act under which the Cherokee commission was created, as well as the uniform practice which had obtained with reference to the cession of land from the Indian tribes to the Government of the United States. That legislation itself was put upon an appropriation bill in the last Congress.

Now, there is one other suggestion that I want to make for fear somebody else may raise it. It is said that the Committee on Indian Affairs have no jurisdiction to dispose of the land. I have answered that by saying it was purely incidental to the measure; but it does not make a particle of difference under the present rules of the House. If the Committee on Indian Affairs have acquired the subject-matter and elect to act upon it and bring it into the House, it has as much jurisdiction as any committee of the House. If they have got it for one purpose they have got it for all purposes.

Mr. Chairman, the Oklahoma bill itself, organizing the Territory of Oklahoma, affected the jurisdiction of the Federal courts of Texas, Kansas, and Arkansas, extending large jurisdiction over the five civilized tribes and organizing a court there, and that was all done by the Committee on the Territories. The Committee on the Judiciary, to which is exclusively sent all legislation which affects the judiciary system of the country, never touched that bill. It came from the Com-

mittee on the Territories, and now that the Committee on Indian Affairs acquired jurisdiction of this subject-matter for the purpose of ratifying these treaties, the committee have also acquired jurisdiction of whatever is incident thereto.

Mr. SPINOLA. Mr. Chairman, not having very much disposition to take part in this Indian discussion, inasmuch as I come from a very peaceable tribe, as they ask nothing at the hands of Congress to maintain and sustain them except the little monument to which I have alluded—[Laughter.]

The CHAIRMAN. The gentleman will remember that a point of order is pending.

Mr. SPINOLA. I propose to confine myself closely to the question of order. In doing so, my attention has been called, I think by the gentleman from Michigan, to the fact that 50,000 settlers, white settlers, are now hovering along the border of Oklahoma with a view of entering and claiming these lands. Now, sir, if that be true, it is almost the first instance that has come to my attention where 50,000 American citizens were rushing in where nothing but starvation and suffering are to be found, for, sir, as we have been informed through the public press, there are a large number of the settlers in Oklahoma who are perishing for the want of food and clothing and proper protection from the elements.

Mr. BLANCHARD. Tell them to go South.

Mr. SPINOLA. Now, sir, they have come here and asked us—

Mr. HARVEY. That is a mistake; that is not true.

Mr. SPINOLA. Well, sir, I only know what the papers state. It is for my friend to convince the press of that, and not me.

Mr. SAYERS. There is an appropriation on the deficiency bill for that purpose.

Mr. SPINOLA. I was coming to that, and I will state this additional fact, that the governor of Oklahoma has been here during this session, and upon the floor of this House, urging Congress to grant some relief to the inhabitants of that Territory.

Mr. HARVEY. With the permission of the gentleman from New York I will say that it is not true that general destitution prevails in that Territory. If he was informed of the situation he would know that the reason of the poverty of some citizens is because Congress and the Government kept them out of that country for no earthly reason that can be suggested until it was too late for them to raise their crops. It is not the fault of the country, but is the fault of Congress and the Government.

Mr. SPINOLA. My friend can settle that when he comes to speak himself.

Mr. BLANCHARD. Tell them to go South.

Mr. SPINOLA. As my friend from Louisiana suggests, let these men go South, where there is a good climate; and he suggests that their people will take care of them.

Mr. STRUBLE. They are pretty well South already.

Mr. SPINOLA. Tammany will take care of them. Tammany asks no protection, no assistance or encouragement, from that side of the House. [Laughter.] Tammany will take care of herself in the future as she has in the past.

Mr. BLANCHARD. Is Tammany a hostile or a friendly tribe?

Mr. SPINOLA. Tammany is a tribe that is friendly to the Union. It is a tribe friendly to the Government, organized to perpetuate and transmit the blessings that we enjoy; and so long as this Government exists so long will Tammany live. [Laughter and applause.]

[Here the hammer fell.]

The CHAIRMAN. The considerations which have been suggested with reference to this point of order are such that the Chair will submit the question of order to the committee.

Mr. BUCHANAN, of New Jersey. One moment. [Cries of "Vote!"] The Chair has announced his determination to submit this point of order to the committee, and our attention should be directly and sharply drawn to the exact situation. An amendment is proposed to the bill under consideration. That amendment is of like character throughout, dealing with the same subject-matter and in the same way, supported by the same previous legislation, and looking to the same ultimate end. To a portion of that amendment a point of order is made by the gentleman from Mississippi [Mr. HOOKER]. As an abstract legal proposition that point of order may be well taken. I am inclined to think it is; but it seems to me that there is no justice or fairness in striking out a portion of the amendment and leaving the remainder in order to be voted upon by the committee; and while I dissent *in toto* from many of the arguments that have been adduced to the point of order, it does seem to me, for one, that it is a case in which fairness and justice should weigh rather than mere technical legal rules.

The CHAIRMAN. The Chair will submit the question, Is the point of order of the gentleman from Mississippi [Mr. HOOKER] well taken? The committee divided; and there were—ayes 13, noes 103.

So the point of order was overruled by the committee.

Mr. PERKINS. I ask that the question now be taken on the amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana [Mr. HOLMAN] to the amendment submitted by the gentleman from Kansas [Mr. PERKINS].

Mr. HOOKER. I rise to a parliamentary inquiry. I want to know of the Chair whether the gentleman proposes to adopt this amendment of fifty-three pages in *solido* or to discuss this bill itself.

Mr. ROGERS. Well, we tried to make terms and could not do it, and I think we may now just as well take it as a whole.

Mr. PERKINS. I hope the amendment of the gentleman from Indiana will be adopted.

The Clerk read the amendment, as follows:

Page 53, line 16, of the proposed amendment, after the word "acre" insert: "Provided further, That all the lands ceded to the United States by said treaties which shall be subject to entry and settlement shall be disposed of under the provisions of the homestead law in all respects whatever, except as to the payment therefor as provided by law, and except also as to section 2301 of the Revised Statutes, which shall not apply to such lands."

The amendment to the amendment was agreed to.

Mr. HOLMAN. Now, I trust that my friend [Mr. PERKINS] will see that the other portions of the bill are made to conform to this.

Mr. PERKINS. Certainly. I ask unanimous consent that the pending amendment may be passed over without prejudice, with the right to recur.

There was no objection, and it was so ordered.

Mr. CARTER. I desire to offer the amendment which I send to the desk.

The CHAIRMAN. The Chair will suggest to the gentleman from Montana that when the committee recur to the amendment offered by the gentleman from Kansas [Mr. PERKINS] the amendment which the gentleman from Montana [Mr. CARTER] desires to offer can be considered. The Clerk will read.

The Clerk resumed the reading of the bill.

Mr. BLANCHARD. Mr. Chairman, I desire to offer an amendment, to come in as a separate provision under the head of "Miscellaneous items," after the amendment proposed by the gentleman from Kansas [Mr. PERKINS].

The amendment was read, as follows:

That a committee, consisting of six members elect to the House of Representatives of the Fifty-second Congress, to be appointed by the Speaker of this House, and one person to be designated by the Secretary of the Interior, shall, prior to the first Monday of December next, inquire into and investigate the condition of the Indian tribes of the United States, with the view of recommending such changes in the Indian policy of this Government and in legislation pertaining thereto as may be necessary to the amelioration of the condition of those people and to promoting their protection by the law and advancement towards citizenship.

That said committee shall have power to appoint subcommittees and visit the places where the Indians live, and in so doing they are authorized to use Government conveyances and means of transportation.

Said committee or any subcommittee thereof shall have power to send for persons and papers and to appoint a clerk, and the committee may report by bill or otherwise to the Fifty-second Congress.

A sum sufficient to pay expenses of said committee and of witnesses that may be summoned before it, not exceeding \$5,000, is hereby appropriated out of any money in the Treasury not otherwise appropriated, which shall be immediately available on the draft of the chairman of said committee in sums not exceeding \$1,000 at a time.

Mr. BLOUNT. Mr. Chairman, I reserve the point of order on that amendment.

Mr. BLANCHARD. I trust that neither my friend from Georgia nor any other gentleman on this floor will make the point of order against this amendment. I will state that this proposition is offered after consultation with a number of gentlemen upon the floor, all of whom concur in favoring its adoption. There is a sentiment in the country favorable to a change in the policy of this Government towards the Indians, a sentiment favorable to the enactment of legislation by Congress looking to a change of policy; and this committee will be charged with the duty of investigating this question during the recess, in order that they may be informed with reference to it, and in a condition to report to the next Congress what legislation on this line should be had.

I understand this proposition to be favored by the Committee on Indian Affairs. The chairman of that committee has no objection to it, and various other leading gentlemen upon this floor have expressed their approbation of it. It is well known, Mr. Chairman, that there should be thrown around the Indian tribes of the United States a greater protection of law than they have had in the past. Now, just what legislation is needed in that direction it will be the duty of this committee, if appointed, to ascertain and report to Congress.

Mr. CANNON. Mr. Chairman, I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. CANNON. I understand that there is a point of order made to this amendment.

The CHAIRMAN. The point of order has been reserved.

Mr. CANNON. It seems to me that if this bill is to pass at all we ought to get on with it. There is quite enough of substance in the bill that it is in order to discuss without going outside—

Mr. BLANCHARD. Mr. Chairman, I have no desire to make a speech if no point of order is made against the amendment.

Mr. CANNON. I shall object to any reservation of the point of order. If there is to be a point of order, let it be made at once.

Mr. DOCKERY. I understood the gentleman from Georgia [Mr. BLOUNT] to make the point of order.

The CHAIRMAN. The gentleman reserved the point of order.

Mr. BLOUNT. I did, according to the usual practice here.

The CHAIRMAN. If the gentleman from Georgia had made the point of order absolutely without reserve the Chair would have ruled upon it.

Mr. BLOUNT. Well, if the Chair forces me—

Mr. BLANCHARD. I hope the gentleman will not make his point of order.

Mr. CANNON. If there is to be a point of order, I insist on its being made now.

Mr. HOOKER. I hope the gentleman from Louisiana [Mr. BLANCHARD] will be heard upon his proposition. He does not occupy a great deal of time here.

Mr. CANNON. There is plenty of substance in this bill for discussion. We have been already three or four days engaged upon it, and we ought to get through with it.

The CHAIRMAN. The Chair will suggest to the gentleman from Illinois [Mr. CANNON] that the gentleman from Louisiana [Mr. BLANCHARD] has only two minutes left.

Mr. BLANCHARD. Mr. Chairman, I stated that I had no desire to discuss this matter. The Indian question has been discussed quite elaborately on this bill and on the sundry civil bill. That there is a necessity for some change in the policy of the Government toward those people seems to be recognized by every gentleman who has inquired into this matter; and it is with a view of suggesting what changes should be made in the policy of the Government in this respect, with the view of bettering the condition of the Indian tribes of the United States, that it is proposed to have this committee visit some at least of the Indian tribes during the recess of Congress and report at the next session what changes there should be in the laws relating to the Indians.

Mr. OATES. If my friend from Louisiana [Mr. BLANCHARD] can afford us any sound assurance that the advice of this committee, whatever it may be, will be accepted, I think there is a good deal of force in what he says.

Mr. BLANCHARD. Mr. Chairman, I think it will be recognized by gentlemen generally on this floor that very few members of the House are well informed with reference to the Indian question. It is time that by some investigation, such as is proposed in this amendment, information on this question should be diffused among the members of the House.

[Here the hammer fell.]

Mr. WASHINGTON. I would like to offer an amendment to the amendment.

The CHAIRMAN. The Chair is ready to rule on the point of order.

Mr. BLOUNT addressed the Chair.

The CHAIRMAN. Does the gentleman from Georgia [Mr. BLOUNT] insist on the point of order?

Mr. BLOUNT. I do. My point is that this is new legislation.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

#### FOR SUPPORT OF SCHOOLS.

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, including pay of draughtsman to be employed in the office of the Commissioner of Indian Affairs, \$820,000; for the construction on Indian reservations of school buildings and repair of school buildings, \$150,000; *Provided*, That \$25,000 of this amount may be used in the erection of buildings for an industrial school for the Mission Indians, near the village of Paris, in California, upon a tract of land to be donated for that purpose of not less than 80 acres; and for purchase of horses, cattle, sheep, and swine for schools, \$15,000, \$5,000 of which shall be immediately available; in all, \$1,010,000; *Provided*, That the entire cost of any boarding-school building, exclusive of out-buildings, to be built from the moneys appropriated hereby, shall not exceed \$20,000, and the entire cost of any day-school building to be so built shall not exceed \$600.

Mr. PERKINS. In order to perfect the text of the paragraph just read, I move to amend by striking out in line 9, page 53, the words "one million ten thousand" and inserting "nine hundred and eighty-five thousand."

The CHAIRMAN. Without objection the amendment proposed by the gentleman from Kansas correcting the amount named in the bill will be agreed to.

There was no objection, and it was ordered accordingly.

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

The Clerk read as follows:

After the word "available," in line 9, page 53, insert the following:

"And provided further, That \$10,000 of this amount shall be expended in the education of the Indians of the State of Mississippi, of which sum not exceeding \$5,000 shall be expended in the erection of an industrial school in Mississippi, to be located by the Secretary of the Interior; and for purchase of horses, cattle, sheep, and swine for said industrial school, \$2,000.

Mr. CANNON. I make a point of order on this amendment. I do not think that the Indians in the State of Mississippi, who have never been under the care of the Government—at least not for a great many years—who are not needy, with whom we have no treaty stipulations, whom we have not heretofore supplied with schoolhouses or other educational facilities, should be provided for in this bill. I do not think there is any law that authorizes such an expenditure.

Mr. STOCKDALE. What does the gentleman from Illinois [Mr. CANNON] know about the Indians of Mississippi?

Mr. CANNON. I know what the gentleman told me the other day, that the Indians down there are getting along very nicely.

Mr. STOCKDALE. And upon that you make the point of order. [Laughter.]

The CHAIRMAN. Does the gentleman from Mississippi [Mr. STOCKDALE] desire to be heard on the point of order?

Mr. STOCKDALE. I do—

The CHAIRMAN. The Chair will hear the gentleman.

Mr. STOCKDALE. Although I can not imagine upon what ground the gentleman from Illinois puts the point of order.

The CHAIRMAN. The point of order is presented on the ground that this is an appropriation not authorized by existing law.

Mr. STOCKDALE. What legislation is there to authorize this California school?

Mr. CANNON. Well, I think that is an appropriation for the continuance of a "public work already in progress." [Laughter.]

Mr. STOCKDALE. When the gentleman wants an appropriation where it suits him, it is in pursuance of public policy; when the appropriation is where he does not want it, it is subject to a point of order based upon what "the gentleman from Mississippi" told him.

Mr. CANNON. Well, I do not want the appropriation in either place.

Mr. STOCKDALE. Then why did not the gentleman make a point of order upon this paragraph of the bill? I only desire to amend the paragraph in precisely the same line of the paragraph.

Mr. CANNON. For the reason that the Indians of California proposed to be provided for here are under the control of the Government. The Government is in large part supporting them, and has been for years. They are not able to support themselves. They have been pauperized, and I suppose we ought to continue to pauperize them. But I do not think it fitting on this bill to pauperize your Indians, who I understand are good Indians, quite able to take care of themselves. I do not believe that is sound policy, and I do not believe it is in order on this bill any more than it would be to provide for building schoolhouses for white people, or black people, or yellow people down in the State of Mississippi.

Mr. STOCKDALE. And that is the legal argument in support of the point of order—that because the Government has pauperized the California Indians it is proper that we should continue to pauperize them; but when I want an appropriation to educate the Indians of Mississippi it is subject to a point of order. And that is the legal argument of the gentleman from Illinois.

Mr. CANNON. Now, I have some Indians in my district—

Mr. STOCKDALE. Well, if you want to educate them I will help you to do it; but do not make a point of order where there is no ground for a point of order.

Mr. CANNON. I am addressing my friend in good faith. There are some Indians in my district—not many of them—not Indians of pure blood, but persons with Indian blood—

Mr. STOCKDALE. This is not on the point of order.

Mr. CANNON. I am trying to argue the point of order in good faith. Does my friend from Mississippi think that whether in Mississippi, Illinois, Maine, or in any other State, wherever you find one person or a dozen persons with Indian blood in their veins, it is in order to move on this bill an appropriation for their education, or to build schoolhouses for them? If so, where is the legislation that authorizes any such proposition?

Mr. STOCKDALE. I will answer the gentleman from Illinois. It involves an expression of opinion as to the Indian policy of the Government of the United States. I say that if this provision, in this bill, to appropriate \$25,000 for an industrial school for the Indians in the State of California, and \$15,000 more to equip that school and support it, is a proper provision, it is just as legal to appropriate \$10,000 for a similar purpose in the State of Mississippi, and \$2,000 for the support of a school so inaugurated. The point of order is based, or ought to be, upon that legal proposition, unless it be made against this provision of the bill establishing a school in California. If you want the paragraph out I will not object.

Here is a committee on which are a number of amongst the finest lawyers of this House. They have presented here an appropriation bill, with the concurrence, I suppose, of the whole Committee on Appropriations, including the chairman [Mr. CANNON]—I assume with his concurrence, because he makes no objection to the California appropriation and does not reserve a point of order against that. If this amendment is not a legal appropriation of money, then the committee stands in an attitude in this House that they ought to at once correct. That is, of appropriating money of the Government in a way not authorized by law. Either both are legal, or both are illegal. Now, if that be true—and I suppose I have the unanimous consent of the committee to indorse the statement as being correct—if that be true, the same legal power exists in the committee to make an appropriation for the Indians of the State of Mississippi as for those of California. The education of the Indians of the United States is not done pursuant to treaty stipulations, but is a gratuity.

Mr. CANNON. Let me interrupt the gentleman for a single question to elucidate the point of order just here.

Mr. STOCKDALE. Certainly.

Mr. CANNON. Are the Indians in the State of Mississippi that the gentleman seeks to educate, to build a schoolhouse for, and make other provision for, under the guardianship or control of the Government? Is there an Indian agent there? Has the Government anything more to do with them as wards than with any other citizens of the State of Mississippi?

Mr. STOCKDALE. No; and just because the Government skulked away from its responsibilities and left them to shift for themselves. I hope for the good of the Indians there never will be an Indian agent there.

Mr. CANNON. Well, the Indians there have been doing pretty well, have they not?

Mr. STOCKDALE. Yes, but that is not a legal proposition, and this point of order is; but I will come to the question you ask. Let us confine ourselves to that for the present.

The Government of the United States I say has no control over them any more than it has over other Indians in this country that it seeks to educate and support. Now, I want the Government to do something for the Indians of Mississippi, and so far as I am concerned they shall do something for them, or else they must take the responsibility for acting with partiality towards certain Indians and neglecting and absolutely ignoring the existence of others in different parts of the country.

Mr. CANNON. Do the Indians in the State of Mississippi still maintain their tribal relations, or are they citizens of the State?

Mr. STOCKDALE. Does that go to the amendment or the argument on the point of order?

Mr. CANNON. Certainly.

Mr. STOCKDALE. Whether they have severed their tribal relations or not?

Mr. CANNON. Certainly; the Indians can only be relieved who are wards of the Government, where the Government has charged itself specifically with their support and education.

Mr. STOCKDALE. By what authority does the gentleman make that statement?

Mr. CANNON. It is by general legislation and by annual appropriations.

Mr. STOCKDALE. There is no such legislation.

Mr. CANNON. Well, there is the legislation of appropriation from year to year for their support.

Mr. STOCKDALE. Ah, yes; but that is a different thing. Appropriations have been made voluntarily to educate Indians, but there is no law confining appropriations to those in tribal relations and under control of the Government. There are also partial appropriations for other purposes, but there is no such legislation as the gentleman invokes against this amendment.

Mr. PERKINS. With the permission of the gentleman from Mississippi I would like to suggest, not in regard to the point of order, but as to the facts, simply this: There are Indians in Kansas that this bill does not carry a single dollar of appropriation for.

Mr. CANNON. Also in Illinois.

Mr. PERKINS. There are also in Illinois, as suggested by my distinguished friend.

Mr. CHEADLE. And in Indiana.

Mr. PERKINS. This bill does not carry a dollar of appropriation for any Indians in Indiana, or for the education of the five civilized tribes. It does not carry it for the Osage Indians; not a dollar for the education of the Indians of Iowa; not a dollar for the Indians in New York, or the Indians that are scattered in various other sections of the country, where they have adopted habits of civilized life, where the tribal relations have been severed, and they are taking care of themselves.

Mr. STOCKDALE. Then why put in the appropriation for California?

Mr. PERKINS. Because the Indians of California stand on a very different footing from those I have mentioned. As suggested by my friend from Illinois, the tribal relations have not been severed. They still maintain their tribal organization, and they have not become self-sustaining.

Mr. STOCKDALE. How many others in the country are in the same condition?

Mr. PERKINS. We hope to break up the tribal habits and organization, and qualify them for the duties of citizenship. But until that is done the Government will have to support many of them.

Mr. STOCKDALE. Why not apply the same rule to other tribes that is applied in California?

Mr. PERKINS. I have just explained that the Indians in California are those who have not yet adopted habits of civilized life. In regard to these Indians the Government must sustain them until those habits have been acquired.

Mr. STOCKDALE. There are many others in the same condition.

Mr. PERKINS. The policy of the committee has been, as far as practicable, to break up the tribal relations, and as soon as the Indians become self-supporting, as soon as they become civilized, then we al-

low them to depend upon themselves. For the present the Indians of California are not in that condition.

Mr. STOCKDALE. And that is simply the policy of the committee. If the Government supports them in their tribal relations only they never will abandon them. Mr. Chairman, as I was about to say— [Cries of "Vote!" "Vote!"] Do you want a vote on a point of order.

Mr. PERKINS. I hope the point of order will be insisted upon.

Mr. STOCKDALE. As I was saying, Mr. Chairman, the educating of the Indian is not by authority of treaty stipulations. It is purely a voluntary action on the part of the Government of the United States. It is merely a question of humanity, it is merely a question of public policy to educate these people.

Now, if that be true, and if it be a true policy to establish a school in California where these people live and where they ought to be educated, I say it is good policy, and I have been long of that opinion, to educate these people in the State of Mississippi. They are a remnant of the Choctaw tribe principally, with some Chickasaws.

Mr. PERKINS. We do not appropriate a dollar for the Choctaws or Chickasaws for educational purposes.

Mr. STOCKDALE. I know that. I have known it all the time, and that is what I complain of, and I am trying to show the gentleman from Kansas [Mr. PERKINS] that his policy is unfair and discriminating in reference to these Indian tribes—

Mr. PERKINS. Not at all.

Mr. STOCKDALE. In reference to a great many others as well as in Mississippi. If they do not appropriate for them in other States, there are gentlemen here who are amply able to bring the matter to the attention of Congress. I am bringing these people in Mississippi to the attention of Congress, that the Indians there have been discriminated against and treated unfairly. The tribe went across the river. These people chose to remain there. They had a right to remain there under the treaty and under the subsequent enactments of law. They were authorized to take lands in severalty if they wished to. Some of them did, and some of them made good citizens. Some of them are citizens of the State to-day. Some few of them became wealthy.

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

Mr. STOCKDALE. Yes, sir.

Mr. OUTHWAITE. I want to ask the gentleman whether these Indians about whom he is speaking, the Choctaw Indians, received a large judgment from the Government only a short time ago, and whether an appropriation was made to pay them?

Mr. STOCKDALE. Yes, and those in Mississippi did not receive a dollar of it.

Mr. OUTHWAITE. That is the point I want to get at.

Mr. HOOKER. They were entitled to it, but did not receive it.

Mr. STOCKDALE. They were entitled to their share of it, but did not receive a dollar.

Mr. OUTHWAITE. Why did they not?

Mr. STOCKDALE. I do not know. I will ask the committee. It is, I suppose, because they have been treated unfairly from the time the treaty was made. They had a right to stay there, and each head of a family who became a citizen of the State of Mississippi, and resided on his land for five years, was entitled to a section; a half section for each child over ten years of age, and a quarter section for each child under ten.

Mr. PERKINS. I hope we can have a ruling on this point of order. Let us proceed one way or the other.

The CHAIRMAN. The Chair is ready to rule on the point of order.

Mr. STOCKDALE. What does the Chairman remark?

The CHAIRMAN. Has the gentleman from Mississippi any further remarks to submit upon the point of order?

Mr. STOCKDALE. I desire to submit an observation or two further. I have been led away from the point of order by interruptions. Gentlemen want to get rid of this amendment. I have no doubt they want it decided and sustained, just as they have been doing all along this bill, for they want to make these appropriations for their favorites; they want to discriminate and treat these people unfairly; and when a man gets up on this floor to speak for them there are half a dozen on each side trying to force him down. I say I am a member of this House by authority of constituents, and I propose to speak on the point of order when I want to, and if you do not want to hear me, do not make the point of order. [Laughter.]

Now, I was saying on the point of order that these people were entitled to a part of this appropriation upon the ground with the California Indians, for whom an appropriation is made. Only a few of them became citizens of the State of Mississippi. Those who have become citizens have the right to vote. They have the right to send their children to the schools of Mississippi. A very few of them do. The others have no opportunity to have schools of their own or for themselves, for they have no money. They should have the very sort of a school that is proposed for California, a school where these children could be taken and educated. If the Government is to embark in that enterprise why not treat all alike?

So far as their obedience to law is concerned these people are as

obedient to the law as any people I know. They are very seldom in the courts. They transgress the laws very seldom indeed, but they are to some extent nomadic, and a thriftless, worthless sort of people, as Indians generally are. But if they could be brought under a good educational system, if they could be brought to a good school and the younger children educated, I believe they might make useful and good citizens; and I say, Mr. Chairman, that if this point of order is good against this amendment it is good against the establishment of that school in California, and I want this amendment voted on and not ruled out.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

Mr. SHIVELY. Mr. Chairman, before the Clerk proceeds I wish to offer an amendment to the clause which has just been passed over.

The CHAIRMAN. The Chair will receive the amendment, as the gentleman rose once before. The gentleman from Indiana offers the following amendment to the previous paragraph, which the Clerk will report.

The Clerk read as follows:

Amend by inserting after the word "dollars," in line 10, page 53, the following:

"Provided, That at least \$375,000 of the moneys appropriated hereby shall be used exclusively for the care and tuition of Indian pupils in industrial and day schools in operation under contract with the Indian Department, and which are not herein otherwise provided for or paid from treaty funds."

Mr. SHIVELY. I ask the gentleman in charge of the bill whether he is willing to accept this amendment without debate?

Mr. PERKINS. Mr. Chairman, I would say that under existing law something like \$570,000, according to the report of the Commissioner of Indian Affairs, is used in this way at this time, and hence for one I have no objection to this.

Mr. SHIVELY. It does not increase the appropriation for general school purposes. It simply involves an exercise of discretion by Congress that has heretofore been exercised by the Indian Department. It sets apart and makes specific a sum of money for contract-school purposes. It preserves the *status quo* of these schools under contract, and which are not otherwise provided for in this bill.

Mr. OUTHWAITE. Does it diminish the amount that shall be used for contract schools?

Mr. SHIVELY. It does not.

The amendment was agreed to.

Mr. STOCKDALE. Mr. Chairman, I want to make a parliamentary inquiry. Is it too late to make the point of order against this paragraph?

The CHAIRMAN. It is too late, for the consideration of the paragraph has been progressing.

Mr. OUTHWAITE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do this for the purpose of saying a few words upon the subject of contract schools, because while general debate was being had gentlemen discussed this question, and called attention to the fact that large sums of money appropriated for the education of Indian children by the Government went to sectarian schools. One gentleman, in discussing this matter, called attention also to the fact that one of the religious denominations having these schools among the Indians was receiving a much larger sum than other denominations were. In fact, that that denomination was receiving over half of the total amount appropriated for these schools.

Now, Mr. Chairman, there is a reason for this. These denominational schools are not there by virtue of aid from the Government, but were there in advance of the Government, established by these several religious denominations as a portion of their organization to christianize the Indians of this country. The church that has the largest number of these schools is the one that has pushed its missionary work far in advance of the other churches. It established its schools before the other churches were established, and in greater numbers.

Now, as to the number of these contract schools. There are 58 boarding schools and 24 day schools, receiving a total of \$570,218. The Catholic Church, the one to which these remarks were directed, has 37 of these boarding schools and 14 of the day schools, while all the other denominations together have but 21 of the boarding schools and 10 of the day schools. Therefore there is no favoritism on the part of the Government in appropriating to pay for the education of children going to the schools of that church, which has the largest number of schools for them to attend, the sum of \$303,349, against \$206,869 for the schools of all the other denominations. Neither is there any cause for complaint on the other hand.

In this connection, Mr. Chairman, I call attention to the fact that while we have had in the United States destructive Indian wars, expensive Indian wars, wars that have carried off many of our citizens and destroyed a great deal of our material wealth, the Canadian Government on the north of us, which has to a great extent pursued this policy of reaching the Indians through the civilizing influence of the church, has had no such wars. I do not say that this has been the only good feature of the Canadian Indian policy. There are other things in their treatment of their aborigines which we might well adopt. While the

Indians of British America far outnumber those of the United States, in their history we read of no such massacres at their hands; of no such frequent and destructive attacks upon the citizens. We find that the Indians under the Canadian Government have been maintaining peaceable and prosperous relations with that Government, and that they have been progressing in civilization.

Mr. KERR, of Iowa. Does the gentleman not know about the wars on the western border, and of the Riel rebellion?

Mr. OUTHWAITE. The Riel rebellion was not an Indian war. The Riel rebellion was led by a man whose name itself shows he was not an Indian. It was led by one of the desperadoes in that region of country who was seeking power for himself.

Mr. LANSING. From his name he must have been an Irishman.

Mr. OUTHWAITE. I do not know what he was. It was not an Indian war, not a tribal war; it was not a war coming from the Indians in the way that those in the United States have been.

Mr. KERR of Iowa. Oh, yes.

Mr. OUTHWAITE. It was a war brought on by rebellion as against the Government there, instead of being an Indian war. Therefore, Mr. Chairman, I think the criticisms made by the gentleman against the appropriation of this money in such a large amount for the schools of this particular denomination were not well founded. I wish to add an extract from a letter written from the midst of our recent Indian troubles, which presents another striking example of the aid which the missionaries of the church sometimes render the Government.

Last Sunday a crowd of savages came galloping into the mission armed to the teeth. I observed the arms they carried—one had a shotgun, a Winchester rifle, a tomahawk, a bow and arrows and knives. They called for the Rev. Father Jutz (the same Jesuit who went to the Bad Lands) and wanted to know what was to be done to make peace. He advised them the best he knew how, and then asked them only why they were so savage and painted the whole heaven red and frightened everybody? They answered "Because the soldiers killed our squaws and papooses."

We prepared a dinner for them, and although they looked horrid in their yellow war paint and red blotches, we had not the least fear of them. They shook hands with us and said: "Cante waste" (exclamations of the Indians in high glee). They had washed away half of their war paint. Rev. Father Jutz (not Jules, as the papers called him before) notified General Miles immediately. The general answered forthwith that the chiefs should come to the agency the next morning. The camp of the 7,000 Indians broke up with everything they had—tepees, wagons, horses, dogs, and cattle; the whole train filed by our door and proceeded to the agency.

The procession lasted from 7 o'clock in the morning until after 12 o'clock at noon without interruption. The Indians marched not singly but in closed ranks, filling the whole road. They had thousands of horses. Many of them came into the mission, but none of them without arms. They camp at present at the agency, surrounded by about 2,000 to 4,000 soldiers. They have to surrender now. One of the conditions is to give up their arms. May God grant a happy end of all these troubles, for such a condition is very hard for the Indians, and there are 200 of them who persistently refuse to comply with it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DUNNELL. Mr. Chairman, just one word. The gentleman from Ohio [Mr. OUTHWAITE] will not find any word in my remarks on yesterday aimed at the Catholic Church or any other. I drew no comparison between the amount of money going to the Catholic Church and that going to other churches. The aim of my remarks was against the principle of the Government giving money to distinctive religious denominations. The gentleman from Ohio knows that these efforts made by the church are in the interest of the church; and we are aiding those churches in extending their borders and augmenting the number of their membership.

My remarks are not of any one church more than all the others. I believe that under our Constitution Congress has no right to appropriate money for the support of any schools under the control of any denomination, whatever the denomination may be. The tendency is to create a state church, against which our Constitution speaks with no uncertain sound. There must not be a state church in the Republic of the United States of America, and we ought not to take a single step in that direction. I would say that to a congregation of Catholics. I have many Catholics in my district. Many of them are my personal friends. They know my views, and I would speak to them as I do here, that the principle underlying this can not be allowed. I do not believe in it.

Mr. JOSEPH. Mr. Chairman, I offer the following amendment.

Mr. PERKINS. I thought that paragraph was completed.

The Clerk read as follows:

Page 53, line 19, amend by striking out "\$66,000" and inserting in lieu thereof "\$100,000."

Mr. JOSEPH. Mr. Chairman, the object of my amendment is to fix the appropriation at the exact amount originally recommended by the Department of the Interior to be appropriated for this Indian industrial school at Albuquerque, in the Territory of New Mexico. General Morgan, the Commissioner of Indian Affairs, visited this industrial school last fall and very closely examined the system and methods adopted there for educating the Indians and instructing them in mechanical as well as in agricultural pursuits, and he became satisfied that this school possesses great advantages over similar institutions in some of the Eastern States. He found conditions existing there which, if encouraged by Congress by liberal appropriations, will not only result to the benefit of the Indians, but also to the advantage of the Government in the saving of vast sums of money which are appro-

priated yearly for the purpose of carrying out the benevolent object of civilizing and Christianizing the Indians.

Amongst those conditions he found one of the most important to be that the farm attached to this industrial school is of the same character of soil as that upon which the Indians will reside when they return to their homes. This, in connection with the instruction which they receive there in agricultural pursuits, is a most important consideration, and one which I hope this committee will specially consider. This school is located within half a mile of one of the most thriving and enterprising cities in our Territory, and the civilizing and Christianizing elements to be found there are as great as can be offered by any city in the Western States or Territories.

Again, the homes of these Indians are near enough to the institution to enable the parents to visit their children from time to time and note their progress, and that of course has a very beneficial effect upon the pupils. Then, too, the many churches and Sunday schools in the city of Albuquerque welcome these Indian pupils to their precincts, and exert an excellent influence upon them. Another condition is that the climate there is the same as that where the homes of the Indians are located. All these conditions are important and ought to be considered at this time by this committee, and I therefore hope that the appropriation will be increased to the full amount recommended by the Department.

Mr. PERKINS. I can not consent, as one member of the committee, to the amendment suggested by the gentleman from New Mexico. Last year we appropriated for this school \$46,500, and that was found sufficient for the purposes of the school. It is proposed now, as the gentleman suggests, to add to the capacity and perhaps to the usefulness of this school, and to enable them to do that we have recommended an additional appropriation of \$20,000. It is true, as the gentleman from New Mexico states, that the Commissioner of Indian Affairs recommended \$100,000 for this school this year, but the committee investigated the subject and were satisfied that for the approaching year that amount of money could not be used either profitably to the Indians or to the Government, and I think that the committee was exceedingly liberal to this school in recommending the additional appropriation contained in this bill.

I hope that the amendment will not prevail for the reasons I have stated, and also because the adoption of such an amendment would be an incitement to the friends of all the other schools to ask for larger amounts than those which are recommended in the bill.

The question was taken on the amendment of Mr. JOSEPH; and there were—ayes 51, noes 69.

Mr. JOSEPH. I demand tellers.

Tellers were ordered, and the Speaker *pro tempore* appointed Mr. PERKINS and Mr. O'FERRALL.

The committee again divided; and the tellers reported—ayes 56, noes 73.

So the amendment was rejected.

The Clerk read as follows:

For support of Indian industrial school at Carlisle, Pa., at not exceeding \$167 for each pupil, for transportation of pupils to and from Carlisle school, and for the erection and repair of buildings, \$115,000, \$5,000 of which may be used in discharging debt on buildings, and \$5,000 of this amount to be used in the erection of a new dormitory for girls, and authority is given to purchase, from the appropriation for this school for the fiscal year 1891, 4 acres of additional land, at a cost not to exceed \$1,000.

Mr. ROGERS. Mr. Chairman, I move to strike out the last word, in order that we may have some explanation as to this increase of buildings for the school at Carlisle.

Mr. PERKINS. We made an appropriation a year ago of \$10,000 for a new dormitory for girls. The old accommodations for the girls were inadequate, and it turned out that the amount appropriated last year was not sufficient to complete the new dormitory, and hence we recommend \$5,000 more this year to complete the work that was provided for in the appropriation bill of last year.

Mr. ROGERS. Then you are not extending the buildings any further?

Mr. PERKINS. Not at all. This is simply to complete and put into condition the building that was provided for at last session.

Mr. VAUX. Has the gentleman any reliable information that that Indian school at Carlisle is worth an additional \$5,000?

Mr. PERKINS. I think it is worth a great many thousand dollars.

Mr. VAUX. There is a difference of opinion about that.

Mr. ROGERS. Mr. Chairman, I know nothing about the management of the Carlisle school, and I have no criticism to make in that regard; but I feel that the tendency ought to be to bring these Indian schools nearer to the reservations, and I supposed from the reading of this portion of the bill that the appropriation was to be made for the extension of the school at Carlisle. That, I think, ought not to be done. I do not know what the policy of the Committee on Indian Affairs is upon this point, whether it is to get the schools nearer to the Indians or farther off, but I have no doubt as to what would be the correct policy.

Mr. PERKINS. I will say to the gentleman that all the new schools that have been provided for during the last three or four years have been established nearer to the Indians.

Mr. ROGERS. I am very much gratified to hear that, and to know that this is not a provision for a further extension of the school at Carlisle.

Mr. STOCKDALE. Mr. Chairman, I move to amend by striking out the words "sixty-seven." I will ask the chairman of the Committee on Indian Affairs where the pupils of these schools come from?

Mr. PERKINS. They come from the Dakotas, from the wild tribes of Oklahoma Territory, from Arizona and New Mexico—

Mr. STOCKDALE. How do they get to these schools?

Mr. PERKINS. They are brought there.

Mr. STOCKDALE. At whose expense?

Mr. PERKINS. For the most part at the expense of the Government. I will state, however, that much money is contributed by persons who are interested in the cause of Indian education.

Mr. STOCKDALE. I was surprised that the gentleman from Arkansas [Mr. ROGERS] did not, in his usual incisive way, pursue this question a little further. I am satisfied that these Indian schools should cease to be in the East and should be established in the West, near the Indians, if they are to be supported by the Government at all.

Mr. HOLMAN. On the reservations?

Mr. STOCKDALE. Yes, on the reservations. I would like to know from some gentleman who claims to understand the matter why it is that an Indian boy or girl is required to be transported from the Dakotas or any of the Western Territories to Pennsylvania to be educated—although that is a very good State and has produced some excellent people. [Laughter.] Why should these Indian youths be transported from the Far West at the expense of the Government to be educated in the East and then sent back at the Government expense? Why not send them to schools in the West and save the transportation at least?

Mr. PERKINS. I will say—

Mr. STOCKDALE. No, I do not want you to answer me in my time. Answer me in yours. I am asking these questions in good faith, and I shall be glad to hear the gentleman's reply in his own time; he has plenty of time as chairman of the committee.

Now, I say that the school now under consideration should not be enlarged or extended, but rather circumscribed, and in a very few years should go out of existence. If the Government is under any obligation to keep up these expensive institutions, they should be maintained upon the Indian reservations, as suggested by my friend from Indiana [Mr. HOLMAN], where the Indians have their homes and where they can enjoy equal advantages in these schools.

Who does not know that preference, discrimination, unfairness, are practiced in the selection of the Indian boys and girls who are to be brought to Pennsylvania to be educated? How much better is it to be educated in Pennsylvania than in some Western State or on the reservation? How much better are the people in the East than the people of the West? Do not the people of the West know more about the Indians than the people of the East? Probably there is no one in the whole country adjacent to Carlisle, Pa., who ever saw an Indian in his native condition. People in the West, near whom the Indians live, people who have mingled with the Indians and know their habits and nature and wants, are better fitted to educate the Indians, and can discriminate better as to who should attend these industrial schools and who should not. Now, I would like to hear from the gentleman from Kansas why the expenditure upon these Indian schools should be increased. Let it come from the chairman himself.

Mr. PERKINS. I yield to the gentleman from New Jersey [Mr. BUCHANAN].

Mr. BUCHANAN, of New Jersey. Mr. Chairman, the gentleman from Kansas having kindly yielded to me, I will endeavor to answer some of the questions which have been propounded by the gentleman from Mississippi [Mr. STOCKDALE].

I have visited the Indian school at Carlisle, have examined its workings carefully, have been familiar with the institution for years. It is situated in the center of one of the most fertile districts of Pennsylvania; and a part of its policy has been to permit these Indian boys, either at the conclusion of their course of instruction or during the summer months, to take service among the farmers of that section, extending as far east as the district which I have the honor to represent.

A large number of these boys are every year engaged in farming in my district. The object of having them educated at Carlisle is that they may have this employment among a people who, by virtue of their Quaker ancestry, entertain the kindest feeling toward the Indians and are ready to give them that friendly care and wise counsel which are characteristic of the members of that peaceful denomination.

Knowing all the facts as I do, I have no hesitation in saying that in my judgment no money is more humanely expended by the Government of the United States than that which is spent in support of the school at Carlisle. And let me say that the money appropriated by Congress is not all that is expended there. Benevolent, kind-hearted people in Philadelphia, Trenton, and elsewhere are continually adding to the funds which are being placed at the disposal of Captain Pratt for the erection of necessary buildings. While there my attention was directed to one fine brick building, which had been erected without one dollar of expense to the Government, the material having been purchased by private contributions, and the whole of the mechanical work done by these boys rescued from savagery.

Mr. PEEL. Mr. Chairman, I desire to be heard in opposition to this amendment. I believe it was during the Forty-eighth or Forty-ninth Congress that the question as to the propriety of appropriating money to support Indian schools in the East as compared with the policy of providing for schools upon the reservations was agitated. I had the honor, I believe, to offer at that time an amendment limiting appropriations to the number of pupils then enrolled, the object in view being to close the Eastern schools and expend our money on the reservations where the Indians live. As an original policy I would stand by that system now. And from that time to the present not a dollar has been expended to enlarge the school at Hampton or the Lincoln Institute.

But upon examination of the school at Carlisle I discovered that large sums of money had been donated by benevolent societies or organizations in the Eastern States for the purpose of assisting in the education of these Indians. That school had grown to such proportions, had reached such popularity throughout the entire Eastern country, that I felt it to be unjust to withdraw the Government aid and leave the institution without our support.

As I said awhile ago, I would not as an original proposition vote one dollar to establish any school so far from the reservations; but in this particular case it has appeared to be the best policy to support and encourage the institution because of the generous support which has been given it by those who have liberally expended their private funds to sustain the institution and who are entitled to the gratitude of the whole American people for their philanthropy in this direction. I hope, therefore, the amendment will be voted down and the appropriation proposed in the bill sustained.

Mr. HOLMAN. Mr. Chairman, I wish to be heard a moment in regard to the policy of maintaining these Indian schools in the East, at points remote from the reservations. Up to this time there is no evidence that any benefits have resulted from this policy. As a general rule the children brought here from their distant homes in the Western country, on returning to those homes after an absence of four or six years, experience such a change in their condition as compared with the comforts of civilized life, that unless they are kept in Government employment, they relapse into a worse condition of barbarism than that of those who have always remained on the reservations.

Our friends here have spoken of humanitarian efforts in this matter. It is a thing to be proud of that there is so much of humanity in our country, and I have no doubt of the philanthropic purposes of the gentlemen who are urging year after year the expenditure of large sums of money at Carlisle and Hampton, at the Lincoln Institute, and elsewhere. But I want gentlemen here to remember that in gratifying this philanthropic spirit of our people we are inflicting untold miseries on these unfortunate savages.

By order of the House I visited, in company with some gentlemen now on the floor, a large number of the Indian tribes five years ago. While at Rosebud an old Indian woman, foot-sore and weary, came to the agency to see her little girl, who was there at school. The agent informed us that she had traveled 90 miles for this purpose. Are we to suppose that the affections of such a mother are weaker than those of mothers more refined and civilized? They are the same, if not stronger. The idea of removing their children from Dakota and regions of country still farther west to these points in the East is to those Indian mothers simple misery. It is like taking their children away from them altogether, and it is one of the grounds of their trouble and complaint. Three things afflict the Indians more perhaps than anything else: One, that we do not carry out our contracts with them—

Mr. LANSING. That is the first and principal one.

Mr. HOLMAN. The next, that we take their land from them without their consent; and, third, that we take their children away from them, send them to schools in distant parts of the country and in many cases never return them. It is one of the saddest spectacles you will witness, gentlemen, if you ever have occasion to visit any of the tribes, to hear their anxious inquiries about their children at schools in the East, the old squaw mothers and the Indian fathers taking it for granted that those who come from the East are familiar with them. It is touching to witness the great anxiety they exhibit to know something about the little children in a distant and unknown part of the country. They do not understand what we are doing with them. They can not appreciate the efforts we may make in their behalf, especially amongst the semicivilized tribes. It is simply untold wretchedness to them.

But, Mr. Chairman, where the schools are on the agencies they are the very best in the country. I do not care what encomiums may be pronounced upon the Hampton school or the Carlisle school, you will find, away out on the reservations, even at the Puyallup reservation, on Puget Sound, as admirable schools as can be found in any part of the country of their class. Besides that, these schools on the reservations do another service. Of course you can not expect to immediately educate the Indians in civilized ways. You can not do it at once. But it is done gradually where the schools are on the reservations, because there you elevate the Indians at the same time that you educate their children. Both are benefited. But here in the East, instead of accomplishing this result, you educate the children and inflict unspeakable misery and wretchedness upon the parents, without, in many

instances, conferring any real or lasting benefit on the Indians themselves.

With regard to the schools on the reservations an interesting illustration occurs to my mind at this time. Out amongst the Arapahoes and the Cheyennes a Mennonite missionary established a school, and he related a most interesting story in connection with the way the Comanches, wild, untutored Indians, would gather around the schoolhouse from time to time to see their children. The children and parents were both contented, as well as benefited, by the operation of the school. But these schools in the East inflict wretchedness on the Indians without benefit to them.

[Here the hammer fell.]

Mr. CUTCHEON. Mr. Chairman, I desire to occupy the time of the committee but for a few moments and with no extended remarks. I have taken but little of the time of the House in the discussion of the Indian question for a number of years. But I am unwilling to allow the remarks of the gentleman from Indiana to pass without my most earnest protest, and, so far as possible, without traversing them. I do not believe the gentleman states the entire fact in connection with these schools. He may state the fact in part, but not the entire fact.

The condition of things has changed very much since the gentleman from Indiana had personal experience amongst the Indians, and therefore what he says of the condition then existing does not now apply.

There has been a great advance in the sentiment of many of the Indian tribes and amongst the Indian families since he made his celebrated trip throughout that country. Unless I am grossly misinformed there has been a marked improvement of the sentiment of the Indian parents about their children entering the schools at Carlisle and Hampton, and I am told by agents going amongst them that for the past two years they have not only been willing, but in fact exceedingly anxious, to secure the entrance of their children in these schools.

Mr. GIFFORD. Right here, if the gentleman will allow me to say it, more children are offered by the Indian parents for these schools than can now be accommodated.

Mr. DORSEY. That is correct.

Mr. CUTCHEON. I have so understood. I have no doubt of the correctness of that statement. They have learned that their children are well taken care of, that they are kindly treated, that they are well clothed, fed, and educated, and that they are improved in every way; and although they love their children with the strong natural affection which they feel, yet because it is for the benefit of the children they are willing that they shall go away and be educated.

The gentleman from Mississippi [Mr. STOCKDALE] asks why they should be brought to Carlisle or sent to Hampton? Why not educate them on the reservation? I answer him, Mr. Chairman, that it is because we desire not only to educate but to civilize and christianize them. Living on the reservation, where they have Christianity on one side and savagery or a partly savage condition of the tribes on the other, there is but little progress in their advancement. But bring them to the good old Quaker State of Pennsylvania, where you have the highest Christian civilization on all sides of them; it makes a vast difference in their advancement and in the position they occupy when they are between barbarism on one side and civilization on the other, as on the reservation.

Again, in these Eastern schools they not only learn civilized habits and become efficient in manual training, but they are taught habits of industry.

Mr. DORSEY. That is right.

Mr. CUTCHEON. Besides that, they are sent out amongst the farmers for training in that direction. Last year two hundred of the Indian pupils were sent around to different families of Pennsylvania for the purpose of learning the habits of civilized domestic life; and, Mr. Chairman, they gather more of civilization in six months in a good old Pennsylvania family than on the reservation in six years.

So I enter my earnest protest against some things that have been said to-day, as well as some that were said a few days ago by the gentleman from Arizona [Mr. SMITH] in regard to the barbarism of these people. I want to say that in my opinion there never has been a race from the beginning of time until now who were elevated so rapidly from savagery to civilization as our Indian population within the last fifty years. The gentleman spoke of the Apaches, who are perhaps the lowest of all the Indian tribes.

Mr. DORSEY. And the worst.

Mr. CUTCHEON. And the worst, undoubtedly; but he did not tell about the five civilized tribes in the Indian Territory, or about the 9,000 Indians in my own State of Michigan, to-day many of them successful farmers and good citizens, many of them residing in my own district. He did not tell about the progress made among the Sioux Indians since 1862, when they were on the warpath in Minnesota.

Mr. DORSEY. Nor about the Omahas and Poncas and Winnebagoes.

Mr. CUTCHEON. Nor, as my friend suggests, about the Indians in the State of Nebraska, who are useful citizens and voters of that State.

Mr. DORSEY. And vote the Republican ticket, too.

Mr. CUTCHEON. In the name of the coming civilization, in the name of the coming American citizenship, which is to be the final solution of this great Indian problem, I protest against any such back-

sliding and back-looking as the gentleman from Arizona [Mr. SMITH] gave us the other day. Let us set our face to the future, turn our thoughts in the direction of advancement and civilization, and not allow the wheels of progress to be turned back in this last decade of the century. [Applause.]

Mr. PERKINS. I hope now we can finish this bill, and I move to close the debate on this paragraph and pending amendments.

Mr. STOCKDALE. I want to say a word on that before it is passed.

Mr. HOLMAN. I move to amend by making it ten minutes, and I wish to have two or three minutes of the ten.

The CHAIRMAN. The gentleman from Kansas moves that all debate on this paragraph and amendments thereto be closed.

Mr. STOCKDALE. Before that is put, Mr. Chairman, we ought to have a little more time on this side.

Mr. BRECKINRIDGE, of Kentucky. I move to amend by striking out the last paragraph, so as to limit debate to the pending amendment only.

Mr. PERKINS. Oh, no; the motion is as to the paragraph and amendments. Of course if the gentleman from Mississippi [Mr. STOCKDALE] would like two or three minutes I will yield to him. Though, as it is now 4 o'clock, and this is the third day we have been considering this bill, I am quite anxious to complete it to-night.

Mr. STOCKDALE. I will be satisfied with five minutes.

Mr. PERKINS. I will yield it.

Mr. STOCKDALE. Mr. Chairman, I desire to say this in regard to several of the replies that have been made to my question, why the Indians should be brought away from their homes. The gentleman from New Jersey [Mr. BUCHANAN] and the gentleman from Michigan [Mr. CUTCHEON] say these Indians are educated in Pennsylvania, and that they go out to work on farms and in families. Well, now, if we are going to spend \$165 a year apiece for five or six years to educate servants for Pennsylvanians, then let us do it for all the United States.

If we spend this money to make farm hands for Pennsylvania farmers let us have some in Mississippi and the other States of the Union. We can not afford to take individual children and pay \$165 a year apiece for them and the expense of the buildings besides simply for the sake of making farm hands for people in Pennsylvania. The good effect upon the tribe was the original intention in the establishment and maintenance of these schools, that the young Indians educated at them should go back to their tribes and exercise a civilizing influence upon them. The gentleman from Indiana [Mr. HOLMAN], who knows more about the Indians than any other man I have heard speak, except perhaps the gentleman from Arkansas [Mr. ROGERS], has given us the history of the result of that.

Now, I say, in reply to the gentleman from Michigan [Mr. CUTCHEON], who says that it is necessary to remove these young Indians away from their homes to educate them, that if the schools are located on the reservations there would be barbarism on one side and civilization on the other side. Is it true—is it true, in the name of God, that civilization and Christianity are so weak that they can not face barbarism, and that the Indians are so constitutionally barbarous that civilized, Christian ladies and gentlemen in the schools on the reservations can not teach Christianity then and there, and civilization then and there, without bringing the child away from his parents, away from his home, and away from his reservation; that he alone shall be educated away from the influences of these people? If so, what becomes of all these fine stories that come to us about the civilizing and christianizing effects of the common schools on the reservations? Has that money been wasted? I say that civilization is not that weak.

I say that Christianity is not that weak. I say that Christianity and civilization put down amid barbarism will educate, will christianize, and civilize people, if they are capable of being christianized and civilized. If civilization and Christianity together can not cope side by side with barbarism, their vitalism is weaker than our estimate has put it at. If Christian gentlemen and ladies—true ones, not counterfeit—were teaching these youths among their tribes I think their conduct would have good effect. The Indians could see what was being done.

Mr. LANSING. Do not you send your children away to boarding school?

Mr. COLEMAN. Will the gentleman allow me to ask him a question? Is not the gentleman from Mississippi aware that a great many children of people living in the South are sent North to be educated?

Mr. STOCKDALE. Why certainly, but the Government does not pay their expenses, and if a man in the South does such a foolish thing as to send his children North to be educated it is his own business. The Government does not pay for it. In that case the child is not taken away from his tribe and people and sent away by force to be educated at Government expense. I have no doubt a large number of the people of the South, if the Government would pay the expense, would send their children North and have them educated; but I say this whole system of taking these Indian children East and educating them there at the expense of the Government of the United States is wrong if it does furnish farm hands and servants to the people of Pennsylvania. I insist that the taxpayers have some right to be considered, although one would not expect it by listening to this discussion.

Mr. BUCHANAN, of New Jersey. It is not for the benefit of the

Pennsylvania people, but it is for the benefit of the Indian boys, to teach them farming.

Mr. STOCKDALE. You pay about \$4,000 to educate a boy that he may be put down upon a farm in Pennsylvania. I say you can buy them cheaper. You can get farmers in Pennsylvania cheaper than that; and further, by what right do you take money out of the Treasury to make farmers out of Indians at three to four thousand dollars a head?

Mr. BUCHANAN, of New Jersey. The farmers of Pennsylvania are not benefited, but the Indian youths are benefited by being taught farming. If you can not see that point I can not help it.

Mr. STOCKDALE. If we can not benefit the tribes, if we can not advance the civilization of the Indians, if we can not Christianize them, you have no right to expend \$165 a year each for support, besides all the other expenses attending these establishments, upon Indian boys and girls that they may become farmers. It is a robbery of the Government of the United States.

[Here the hammer fell.]

Mr. HOLMAN. I want two or three minutes.

Mr. PEEL. I just desire to say a word or two.

Mr. HOLMAN. Mr. Chairman, I wish to say a few words in regard to this matter. I think the gentleman from Michigan [Mr. CUTCHEON] misapprehended me. My sympathies are entirely with the efforts being made to educate the Indians. I am in favor of the appropriation of any necessary and reasonable amount of money out of the public Treasury for their education and the improvement of their condition. But I am in favor of doing it in such a way as to benefit and improve not only the Indian children which are to be educated, but the whole tribe of Indians. I wish to ask my friend from Michigan a question. Does he himself know personally of a single instance of an Indian child being sent to Carlisle or Hampton or to the Lincoln Institution or to the schools anywhere off of the Indian reservations with the consent of the parents and kindred? I know they gladly let their children go to the boarding schools which are established on their reservations, schools within their reach, where the mother can go from time to time to see her child and feel sure that it is doing well. I know all this very well. But do they consent that their children shall be taken beyond their reach or care?

Mr. CUTCHEON. I am assured that they are solicitous of having their children educated in these schools. I talked with Professor Standing on the subject. He came into my district last year and got thirty Indian children. I spoke to him about it, and he assured me that they were very anxious to have their children educated in these schools.

Mr. HOLMAN. I can see how that would be with the Chippewas, who have been within the reach of civilizing influences for many generations; but I am speaking of these other Indians of the West, the Sioux and other similar tribes.

Mr. CUTCHEON. And many of the others.

Mr. HOLMAN. But you take the Sioux; you take the Indians in North and South Dakota, from Devil's Lake clear down to Pine Ridge; you take the Apaches, who are doing the best they can to improve their condition, who are an industrious people, and who cultivate all the land capable of cultivation you have left them; you take all these, all similar tribes, and I give my friend my word of honor that from all that could be learned by a committee of the House, less than six years ago, no child left the wigwam for these schools that was not carried away by a species of force dishonorable to our Government. Pressure was brought to bear upon the father, the mother, and the kindred of the child by withholding their food and supplies, and by other oppressive methods easily exerted by an Indian agent with absolutely despotic power over the Indians under his control.

Mr. CUTCHEON. That may have been true years ago, but it is not true now.

Mr. HOLMAN. It was true only five years ago everywhere, and there certainly can be no great change since that time. There was no person who testified before that committee of the House on the subject but who testified that when an Indian child was taken to the Eastern schools from the reservations it was without the consent of its parents and kindred, that it was not beneficial to the children, that they could not stand the strain of the change from these schools to the wigwam, and returned to savage life unless supported and backed by the Government in some public employment; but that if the child, after six or eight years at these schools, had on return to rest upon himself or herself, he or she went back to a barbarism lower than that from which they had been taken. I assure my friend that there is a mistake about this. No race of people have ever been civilized in a single generation. Those who in fact intend well for the Indian will insist upon the education of the children on the reservations. There is no Indian school anywhere this side of the Mississippi River that is equal to many of those that I have visited on the reservations, and none which have equaled the beneficial results of the schools on the reservations.

Many of the schools on the reservations are superior to any east of the Mississippi River, and they are all through the Indian reservations superior to those of the East—Pennsylvania and Virginia, Carlisle, Hampton, and Lincoln schools. Such is my conviction after examining the results of the schools on the reservations and those in the Eastern

States. All these schools, both on the reservations and in the East, are boarding schools.

Mr. CUTCHEON. I am glad of it.

Mr. HOLMAN. I for one protest in the name of humanity against taking these children away from their parents, from their friends and kindred, whose attachment for their children is just as strong as ours for our children, and bringing them to the remote East to be educated; it falls as a living death on the parents of these children.

In the name of humanity I protest against this misery inflicted on a brave race of people under a misguided idea of philanthropy. I protest against the remorseless injustice to these Indians now steadily going on, robbing them of their lands. You are now taking from these Indians the best of their lands. You have already robbed them of their agricultural lands. Take these Apaches whom gentlemen have mentioned. There are four or five thousand on the San Carlos reservation, in Arizona. They have on that reservation for each family less than 10 acres which can be cultivated, and no body of farmers could produce sufficient to support them on that land. You have taken from all these tribes, except the five civilized tribes, the best of their land, and left them the very worst. Occasionally a man negotiating with the Indians, like Col. Isaac Stevens, of blessed memory, secured to the tribes under his control lands adapted to cultivation; but as a rule you have driven the Indians onto lands which the most skillful farmers could not make produce crops sufficient for subsistence, and then say, "Let them work or die."

The land you have forced the Indians of the Pine Ridge agency, South Dakota (the scene of the late massacre of men, women, and children) to receive as their portion of their once great reservation, solemnly guaranteed to them by treaty, is almost barren of land that even a skillful farmer could cultivate, and when they complained of injustice and the bad faith of our Government, a stain is written on our history that no time can erase, and yet, as never before, this spoliation of these Indians goes on.

With the history of the last few years before us of our dealings with these tribes, the ruthless violation of treaties, made with them when they were powerful, as soon as our policy had reduced them to poverty and wretchedness, with the spoliation of their lands now going on in the name of treaties which we force them by ignoble means to accept, how can we without blushing protest against the barbarism and inhumanity of any other power towards those unfortunate peoples subject to their control? Gentlemen say these tribes have more land than they do or can improve, and although held under patent and great seal of the nation, you are seeking to take them away, and yet you confirm to railroad corporations by act of the present Congress 50,000,000 acres of land to which they have no title, legal or equitable, and which they will not employ in any way, but hold for speculation! Is this humanity or justice?

Mr. PERKINS. I do not agree with the conclusions of my friend upon many points, but am anxious to have a vote upon this amendment.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Mississippi.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

For annual allowance to Capt. R. H. Pratt, in charge of said school, \$1,000; in all, \$121,000.

Mr. PERKINS. In line 9 I desire to correct the footing. It should be \$116,000 instead of \$121,000.

The CHAIRMAN. Without objection, that amendment will be considered as agreed to.

There was no objection.

The Clerk read as follows:

For support of Indian pupils, at \$167 per annum each; enlarging and improving buildings, necessary outbuildings, repairs, and fencing at the Indian school at Pierre, S. Dak., and for pay of superintendent of said school, at \$1,500 per annum, \$35,000: *Provided*, That any unexpended balance of the current appropriation made for the establishment and support of the Indian school at Pierre, S. Dak., is continued and reappropriated, not exceeding \$16,000.

Mr. PERKINS. I move to amend by striking out the proviso found in that paragraph, as it is unnecessary.

The amendment was agreed to.

The Clerk read as follows:

For support of Indian pupils, at \$175 per annum each; necessary buildings, repairs, and fencing, and irrigation at the Indian school at Santa Fé, N. Mex., and for pay of superintendent of said school, at \$1,500 per annum, \$40,000.

Mr. JOSEPH. Mr. Chairman, I offer an amendment to that paragraph.

The Clerk read as follows:

Amend by striking out "forty thousand" and inserting "seventy-three thousand five hundred and fifty," in line 15, page 55.

The CHAIRMAN. The question is on the amendment.

Mr. JOSEPH. I want to be heard on that.

Mr. Chairman, the purpose of the amendment I have offered is to fix this appropriation at the exact amount recommended by the Department of the Interior to the committee—to appropriate the sum of \$73,550 for the support and maintenance of this industrial school at Santa Fé for the fiscal year ending June 30, 1892.

This school was established principally for the benefit of the Pueblo Indians. These Pueblo Indians of New Mexico are direct descendants of the Aztecs, a race of people that represented the highest type of civilization when Cortez landed upon Mexican soil, nearly four centuries ago. These people are peaceably disposed, industrious, and are ambitious to receive education.

These Pueblo Indians were made citizens of the United States by the treaty of Guadalupe Hidalgo of 1848, and do not receive rations or supplies from the Government. The duty of the agent in charge is largely to protect these Indians from the avarice of bad men, who constantly attempt to encroach upon their lands. The population of the nineteen pueblos is as follows:

Pueblos.	Number.	Pueblos.	Number.
Total .....	8,278	San Felipe .....	554
Acoma .....	566	San Ildefonso .....	148
Cochiti .....	268	San Juan .....	406
Isleta .....	1,059	Santa Ana .....	253
Jemez .....	428	Santa Clara .....	225
Laguna .....	1,143	Santo Domingo .....	670
Nambé .....	79	Taos .....	409
Picuris .....	100	Tesuque .....	91
Pojoaque .....	20	Zia .....	106
Sandia .....	140	Zuñi .....	1,613

These Indians will soon be called upon to assume the great responsibilities of American citizenship, and this Government ought in justice to its humane policy afford these Indians the facilities for education, that they may become good and useful citizens.

Since the institution was established about fifty genuine Geronimo Apaches from the San Carlos reservation in Arizona have been sent to this industrial school at Santa Fé, thereby filling it to overflowing, so that the Pueblo Indians or their children are practically denied an opportunity to receive an education at the expense of the Government, and in order to increase the facilities at that school this increased appropriation is asked for by the superintendent, and I hope that the committee will not object to granting it.

Mr. PERKINS. Mr. Chairman, I hope this amendment will not prevail. Last year we gave \$25,000 for this school, and this year we propose by this bill to give \$40,000, and the gentleman from New Mexico [Mr. JOSEPH] will verify my statement that as yet they have not been able to utilize all the accommodations already provided. Therefore the amendment offered by the gentleman from New Mexico is entirely unnecessary, and I hope it will be rejected.

The amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PAYSON having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the bill (S. 4411) to authorize the Norfolk and Western Railroad Company of Virginia and the Washington and Cumberland Railroad Company of Maryland to extend their respective lines of road into and within the District of Columbia, and for other purposes; in which concurrence was requested.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For support of Indian pupils, at \$167 per annum each; necessary outbuildings, repairs at the Indian school at Lawrence, Kans., and for pay of superintendent of said school, at \$2,000 per annum, \$100,000.

Mr. PERKINS. I move to strike out the word "out," before "buildings," in line 14.

The amendment was agreed to.

The Clerk read as follows:

For support of pupils at \$175 per annum each, erection of buildings, purchase of lands, not to exceed \$4,000, and pay of superintendent at Phoenix, Ariz., at \$1,800, \$50,000.

Mr. PERKINS. I move to insert after the word "lands" the words "or improvements," and also in the same line to amend by changing "four" to "six," so as to make the provision there read "not to exceed \$6,000."

The amendment was agreed to.

Mr. BUCHANAN, of New Jersey. I move to strike out the last word. I do this for the purpose of asking unanimous consent to have printed in the RECORD, without reading, a communication which I have received from a gentleman of large experience in connection with Indian schools.

There was no objection.

The communication is as follows:

The entire work of educating the rising generation of Indians under the care of the nation as its wards should be done in the Government schools. Among the reasons which may be urged for this are the following:

First. These schools are better equipped for the work than any private or mission schools, and can consequently give to their pupils a broader training, and thus more quickly and successfully prepare them for their work. This is especially true with regard to the facilities for affording industrial training. It is of the highest importance for the interests of all concerned that the In-

dians should be taught to work, and arrangements have now been completed by which they can receive in the Government schools instruction and training in all the ordinary trades and occupations, including farming, gardening, fruit-growing, dairyming, stock-raising, the work of the carpenter, wheelwright, wagon-maker, blacksmith, shoemaker, harness-maker, tailor, tinsmith, broom-maker, and printer.

Second. The Government schools have been thoroughly systematized and now have a carefully graded course of study, a uniform series of text books, a carefully prepared system of rules and regulations, and are critically supervised. It is safe to say that in most if not all of these particulars the Government schools are superior to the ordinary contract school.

Third. The teachers in the Government schools are selected with great care, and special stress is laid upon their ability to speak the English language with correctness and fluency in order that the Indians who are trained by them shall be able to use the English language at all times with ease.

Fourth. Special attention is paid in the Government schools to the inculcation of patriotism. The Indian pupils are taught that they are Americans, that the Government is their friend, that the flag is their flag, that the one great duty resting upon them is loyalty to the Government, and thus the foundation is laid for perpetual peace between the Indian tribes in this country and the white people. Over every Government schoolhouse floats the American flag, and in every Government school there are appropriate exercises celebrating Washington's birthday, the Fourth of July, and other national holidays.

Fifth. The utmost pains are taken in the Government schools to inculcate in the minds of the Indian pupils the broadest principles of morality, honesty, integrity, truthfulness, fidelity to duty, respect for the rights of others, etc., in no narrow way, but in such a manner as to lead them to cherish good will towards all, and to be prepared to take their places as American citizens on the plane of good fellowship with all.

Sixth. In the Government schools coeducation prevails. The Indian boys and girls are educated together; they sit at the same tables, recite in the same class, and are thus brought into such relationship as to lead them to respect each other. This is particularly helpful in destroying the false notion which so largely prevails among the Indians as to the inferiority of the women. Indian boys who are educated in the same schools with Indian girls, and who are often surpassed by them in their studies, come to have such a respect for them as will insure to the Indian women in the future a fuller recognition of their rights and a greater respect for their womanhood.

Seventh. The teachers employed in the Government schools are, in many instances, married men, with their families. The Indian pupils have thus before them constantly an example of an intelligent American family, and they thus unconsciously imbibe those ideas of the sanctity and sweetness of home which will go very far towards destroying the false notions now obtaining among the Indian tribes regarding polygamy, hasty marriage, easy divorce, and social impurity.

Eighth. The Government schools are modeled after the public schools, and the Indians pupils who are educated in them are prepared to understand the workings of the Government schools, passing easily from the Government Indian schools into the public white schools as opportunity offers. Those educated in these schools will be prepared, as they become citizens of the United States, to understand and appreciate the value of the public school and will seek to establish and maintain such for their own children. The Indians will thus be brought into close sympathetic relationship with one of the greatest American institutions.

Ninth. In all the large Government training schools there is a blending together of many tribes. There are to-day more than forty tribes represented at Carlisle. By bringing representatives of these various bodies of Indians together they learn to respect and love each other, and there is thus broken down those tribal animosities and jealousies which have been in the past productive of so much harm and a fruitful source of so much trouble both to the Indians and the nation.

Tenth. Finally, the Government schools all being modeled on the same plan and administered in the same spirit, the thousands of Indian pupils who are educated in them have for each other a fellowship that will in a few years result in bringing about homogeneity among all the various Indian tribes and render future strifes between tribes and wars between the Indians and United States entirely improbable, if not impossible.

For these and other reasons it is wise that provision should be made at an early day by the Government for the education in its own schools of all available Indian pupils of school age.

The Clerk read as follows:

For support of Indian pupils, at \$175 per annum each; necessary outbuildings, repairs, and fencing at the Indian school at Salem, Oregon (formerly Forest Grove school), and for pay of the superintendent of said school, at \$2,000 per annum, \$54,500.

Mr. HERMANN. I offer the amendment which I send to the desk. The amendment was read, as follows:

At the end of line 16, page 58, amend as follows:

"For the education and support of fifty children at the Miss Kate Drexel school, at Umatilla Indian reservation, in Oregon, \$6,000."

Mr. PERKINS. Mr. Chairman, we are now using of this appropriation almost \$600,000 for these contract schools, and as a committee we did not believe it wise to specify by name any additional schools. I hope the amendment of my friend will not prevail. If this school is equipped and prepared to take these Indian children, undoubtedly it can obtain aid through the Indian Office without being named or specially provided for in the bill, and I must make the point of order against the amendment.

Mr. HERMANN. I will content myself with asking the chairman of the committee one or two questions. First, I desire to know whether it will be within the province of the Commissioner of Indian Affairs, or of the Secretary of the Interior, to distribute a portion of the fund which is now provided for to this school, if, from the facts laid before him, he shall find it proper to do so.

Mr. PERKINS. There is no question about that. He is now using \$570,000 in the very manner suggested by the gentleman from Oregon.

Mr. HERMANN. I will ask the gentleman a second question. I will ask him why it is, then, that specific mention is made in the bill of other schools, as, for example, the St. Ignatius Mission school on the Jocko reservation in Montana, the St. Boniface industrial school at Banning, Cal., and others?

Mr. PERKINS. They were named in former bills before we began appropriating so much in gross for this purpose; but this year the

committee refused to name one single additional school, because we thought we ought not to extend the practice any further.

Mr. HERMANN. One additional question; and that is whether, as he understands the policy of the Indian Bureau at the present time, it is their intention or their practice to assist any new schools, or do they confine their aid to schools which have been continuously in operation for a number of years past?

Mr. PERKINS. That is with the Commissioner of Indian Affairs, together with the Superintendent of Indian Education, and wherever they find that this money can be used to good advantage in the cause, it may be so used within the limits of the appropriation.

The CHAIRMAN. The Chair understands that the gentleman from Kansas makes the point of order against this amendment.

Mr. PERKINS. Well, I think that probably the gentleman from Oregon will not insist upon the amendment in view of what I have stated.

Mr. HERMANN. With the assurance of the distinguished chairman of the Indian Committee that it is within the authority of the Commissioner of Indian Affairs and the Secretary of the Interior to extend aid to this particular school, which now, by the generosity and munificence of Miss Kate Drexel, has been in existence for several years past and is doing a wonderful amount of good—with that assurance, and hoping the Department will give this school the assistance which it so much merits, I shall withdraw the amendment.

As I have just said, this very successful school has been established on the Umatilla Indian reservation, in Oregon, by the munificent charity of Miss Kate Drexel. The school is now in progress, over sixty children being now educated there by the Sisters. The children are devotedly attached to these teachers, and the Indian parents of these children not only feel well satisfied, but, I am informed, heartily desire the continuance of the present system under the Sisters. It has been shown to the Department that this school has worked in harmony with the Government school, and has indeed aided in stimulating other Indians to patronize the Government school, since they have been convinced of the value in general of education. A large preponderance of the Indians on this reservation are of the Catholic faith; many of the children are very young in years, and to those of them who reside at a distance from the Government school their attendance at that school is rendered impossible.

It may also be said that the Government school is already so overcrowded with pupils that another school is a necessity. I am advised by Archbishop William H. Gross, of Oregon, that the United States Indian agent himself highly commends the excellent system and good results of the Drexel school on the reservation. Archbishop Gross himself strongly recommends this appropriation. I have great confidence in the recommendation of the eminent divine Archbishop Gross, who has done much for the advancement of the Indians of the Pacific coast. He has dedicated the best years of his active life to the subject of education, and has given the Indian problem as much practical thought as any authority upon this question. The object of the Government is to obtain results in this matter of Indian education. Contract schools have been for years encouraged on other reservations, as they are at present; and indeed I may say that, previous to the last Administration, special appropriations were made for a contract school on the Umatilla, but during the early part of that Administration this support was withdrawn, to the regret of the larger body of these reservation Indians.

There is no doubt of the good results from this school. Then why not encourage it? No more children can now be taken by the school because of the inadequacy of the Drexel contribution. Every consideration should prompt us to give aid to this school on the same principle as that applied to the St. Ignatius Mission school on the Jocko reservation, in Montana, St. Boniface's industrial school at Banning, in California, the Holy Family Indian school at Blackfoot agency, in Montana, St. Joseph's normal school at Rensselaer, Ind., St. Paul's industrial school, at Clontarf, Minn., and other schools in the nation which are doing a splendid work among the Indians.

The Clerk read as follows:

For collecting and transportation of pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools, and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupils moral, industrial, and educational training, under arrangements in which their proper care, support, and education shall be in exchange for their labor, \$40,000.

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

The amendment was read, as follows:

After the word "dollars," in line 25, page 53, insert the following: "And it is provided that nothing in any of the foregoing provisions shall be construed as a direction that all Indians must follow agriculture for a living, but the Indian, like the white man, shall be left free to choose, either on or off the reservation, such lawful trade, profession, or pursuit as he may select."

Mr. DORSEY. I hope my friend the chairman of the committee [Mr. PERKINS] will accept this amendment.

Mr. PERKINS. I see no objection to it.

Mr. CANNON. I make a point of order on the amendment; and I do so for the reason that under this provision any of the Indians, Sioux

or others, in peace or war, could at their pleasure go off the reservations to which they are at present confined by law.

Mr. DORSEY. I think if the gentleman understood the provision he would not object to it.

Mr. CANNON. We have already put legislation on this bill *ad infinitum*. Let us stop now and confine ourselves to passing the appropriations.

Mr. DORSEY. I must insist on the amendment, unless the chairman of the committee [Mr. PERKINS] says that the committee object to it.

The CHAIRMAN (Mr. ALLEN, of Michigan). The Chair is obliged to sustain the point of order.

The Clerk read as follows:

That in the expenditure of money appropriated for any of the purposes of education of Indian children, those children of Indians who have taken lands in severalty under any existing law shall not, by reason thereof, be excluded from the benefits of such appropriation.

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

The Clerk read as follows:

Amend by adding at the end of line 5, page 59, the following: "Provided, That no contract for the education of Indian youths shall be awarded to any sectarian or exclusively religious denomination or society."

Mr. TRACEY. I make a point of order on this amendment.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

And the Commissioner of Indian Affairs, subject to the direction of the Secretary of the Interior, is hereby authorized and directed to make and enforce by proper means such rules and regulations as will secure the attendance of Indian children of suitable age and health at the schools established and maintained for their benefit.

Mr. PERKINS. I move to amend by inserting before the word "schools," in line 10, page 59, the word "reservation."

The amendment was agreed to.

Mr. PERKINS. I move further to amend by inserting after the paragraph last read the provision which I send to the desk.

The Clerk read as follows:

That the expenditure of the money appropriated for school purposes in this act shall be at all times under the supervision and direction of the Secretary of the Interior, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may from time to time be prescribed by him.

The amendment was agreed to.

The Clerk read as follows:

For trust-fund interest due Iowa, \$3,520.

Mr. PERKINS. I move to amend the clause just read by striking out "520" and inserting "280," so as to read: "\$3,280."

The amendment was agreed to.

The Clerk read as follows:

For trust-fund interest due Delaware general fund for fiscal years 1889 and 1890, \$4,130.

Mr. PERKINS. I move to amend by striking out in the clause just read the words "for fiscal years 1889 and 1890." Those words have been printed in this bill by mistake.

The amendment was agreed to.

The Clerk read as follows:

SEC. 3. That no purchase of supplies for which appropriations are herein made exceeding in the aggregate \$500 in value at any one time shall be made without first giving at least three weeks' public notice by advertisement, except in cases of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency and shall report the same to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding \$3,000 at any one purchase: *Provided*, That funds herein and heretofore appropriated for construction of ditches and other works for irrigating may, in the discretion of the Secretary of the Interior, be expended in open market: *Provided further*, That purchase in open market may be made from Indians under the direction of the Secretary of the Interior: *And provided further*, That the Secretary of the Interior is authorized, for the period of thirty days after the approval of this act, to purchase in open market supplies necessary for the Indian service, until contracts are executed and approved and contractors have had time to deliver supplies to the several agencies, to an amount not exceeding \$10,000 at any one time, a special report thereof to be made to Congress at its next session.

Mr. PERKINS. I move to amend by striking out the last proviso in the paragraph just read. That proviso was incorporated in the bill of last year because the necessity for it then existed. But that necessity does not now exist; hence I make this motion.

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. That so much of the appropriations herein made as may be required to pay for goods and supplies, for expenses incident to their purchase, and for transportation of the same, for the year ending June 30, 1892, shall be immediately available; but no such goods or supplies shall be distributed or delivered to any of said Indians prior to July 1, 1891. (And hereafter the Commissioner of Indian Affairs is authorized to advertise in the spring of each year for bids, and enter into contracts, subject to the approval of the Secretary of the Interior, for goods and supplies for the Indian service required for the ensuing fiscal year, notwithstanding the fact that the appropriations for such fiscal year have not been made: *Provided*, That the contracts so made shall be on the basis of the appropriations for the preceding fiscal year: *And provided further*, That these contracts shall contain a clause that no deliveries shall be made under the same, and no liability attach to the United States in consequence of such execution, if Congress fails to make an appropriation for the fiscal year for which those supplies are required; and the Secretary of the Interior, under the direction of the President, may use any surplus that may remain in any of the said appropriations herein made for the purchase of subsistence for the several Indian tribes, to an amount not exceeding \$25,000 in the

aggregate, to supply any subsistence deficiency that may occur: *Provided, however*, That funds appropriated to fulfill treaty obligations shall not be so used: *And provided further*, That any diversions which shall be made under authority of this section shall be reported in detail, and the reason therefor, to Congress at the session of Congress next succeeding such diversion: *And provided further*, That the Secretary of the Interior, under the direction of the President, may use any sums appropriated in this act for subsistence, and not absolutely necessary for that purpose, for the purchase of stock cattle for the benefit of the tribe for which such appropriation is made, or for the assistance of such Indians to become farmers, and in aiding such Indians as have taken allotments to build houses and other buildings for residence or improvements of such allotments, and shall report to Congress, at its next session thereafter, an account of his action under this provision.

Mr. STOCKDALE. I observe that the fund here appropriated for the fiscal year 1892 is made immediately available. Why is that?

Mr. PERKINS. Only a certain portion of this fund is made immediately available. The object is that the work of preparation may be expedited. These appropriations under the ordinary terms of the bill do not become available until the 1st of July; but if the Department is compelled to wait until that time before advertising for contracts, etc., the goods and annuities can not be furnished to the Indians until it is so late in the season that they suffer for want of them. This is one thing of which the Sioux have complained. The object of the clause to which the gentleman has referred is to avoid that difficulty.

The Clerk read the last paragraph of the bill, as follows:

SEC. 7. That at any of the Indian reservations where there is now on hand Government property not required for the use and benefit of the Indians at said reservation the Secretary of the Interior is hereby authorized to move such property to other Indian reservations where it may be required, or to sell it and apply the proceeds of the same in the purchase of such articles as may be needed for the use of the Indians for whom said property was purchased; and he shall make report of his action hereunder to the next session of Congress thereafter.

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

The Clerk read as follows:

After the word "thereafter," in line 14, page 61 of the bill, insert the following:

Whereas J. Clifford Richardson, Charles M. Dole, and Rockwell J. Flint, duly appointed commissioners on the part of the United States, did, on the 8th day of December, 1890, conclude an agreement with the Crow tribe of Indians, in Montana, which said agreement is in words and figures as follows, to wit:

We the undersigned adult male Indians of the Crow tribe, now residing on the Crow Indian reservation, in the State of Montana, do, this 8th day of December, A. D. 1890, hereby agree to dispose of and sell to the Government of the United States, for certain considerations hereinafter mentioned, all that portion of the Crow Indian reservation, in the State of Montana, lying west and south of the following lines, to wit:

Beginning in the midchannel of the Yellowstone River, at a point which is the northwest corner of section No. 36, township No. 2 north, of range 27 east, of the principal meridian of Montana; thence running in a southwesterly direction, following the top of the natural divide between the waters flowing into the Yellowstone and Clarke's Fork Rivers upon the west and those flowing into Pryor Creek and West Pryor Creek on the east, to the base of West Pryor Mountain; thence due south and up the north slope of said Pryor Mountain on a true meridian line to a point 15 miles due north from the established line between Montana and Wyoming; thence in a due easterly course on a parallel of latitude to a point where it intersects the midchannel of the Big Horn River, thence following up the midchannel of said river to a point where it crosses the Montana and Wyoming State line.

That in consideration of the cession of territory herein made by us as individual Indians and heads of families of the Crow tribe to the Government of the United States, the said Government of the United States, in addition to the annuities and sums for provisions and clothing stipulated and provided for in existing treaties and laws, hereby agrees to pay the sum of \$46,000, lawful money of the United States, in the manner hereinafter described:

First. That of the above-named sum there is hereby appropriated and set apart \$200,000 to be expended under the direction of the Secretary of the Interior in the building of dams, canals, ditches, and laterals for the purposes of irrigation in the valleys of the Big Horn and the Little Big Horn Rivers and on Pryor Creek and such other streams as the Secretary of the Interior may deem proper: *Provided*, That not to exceed \$50,000 shall be expended annually in performing this work: *And provided further*, That the superintendent in charge of said works shall, in the employment of laborers, be required to give preference to such Indians of the Crow tribe as are competent and willing to work at the average wages paid to common laborers for the same kind of work, and the labor so employed shall be paid in cash.

Second. That the sum of \$75,000 is hereby appropriated and set apart as an irrigating fund, to be expended under the direction of the Secretary of the Interior for the maintenance and management of the system of irrigation provided for in this agreement.

Third. That the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated and set apart, to be expended under the direction of the Secretary of the Interior, for the construction of three grist mills, to be located, one on Pryor Creek, one on the Big Horn, and one on the Little Big Horn River at such points as the Indian agent may deem convenient and practicable and at such times as the needs of the Indians may require.

Fourth. That the sum of \$20,000 is hereby appropriated and set apart to be expended in the construction and maintenance of a sub-Indian depot, to be located on Pryor Creek, provided that the Secretary of the Interior shall deem it advisable to establish such depot on the reservation; otherwise the amount herein appropriated shall, at the expiration of two years from the date of this agreement, be placed in the fund provided for by section 9 of this agreement.

Fifth. That the sum of \$5,000, or so much thereof as may be necessary, is hereby appropriated to be expended under the direction of the Secretary of the Interior in the building of schoolhouses at such points on the reservation, and at such times as the Indians may require, and upon the recommendation of the Indian agent.

Sixth. That the sum of \$10,000 is hereby appropriated and set aside as a fund to be expended under the direction of the Secretary of the Interior in repairing and improving the houses of the Indians now erected on the reservation, and to make them as far as possible warm and comfortable dwellings.

Seventh. That the sum of \$3,000, or so much thereof as may be necessary, is hereby appropriated for the construction and equipment of three blacksmith shops, to be located at such places upon the reservation, and to be built at such times as the Indian agent may recommend, subject to the approval of the Secretary of the Interior.

Eighth. That the sum of \$552,000 is hereby appropriated and set aside as an annuity fund, to be distributed as follows: Each Indian of the Crow tribe, male

and female, shall receive an annual annuity of \$12 in cash for the period of twenty years from the date of this agreement. Said annuity to be paid semi-annually, in accordance with such rules and regulations as the Secretary of the Interior may prescribe.

Ninth. That the sum of \$46,000 is hereby appropriated and set aside, to be expended by the Indian agent, under the direction of the Secretary of the Interior, in the purchase of cattle from time to time as may be deemed advisable; the cattle so purchased to form a herd to be held in common by the Crow tribe. All cattle sold from said herd shall be paid for in cash, and the net proceeds of such sale shall constitute a fund to be known as the Crow herd fund. When said fund shall exceed the sum of \$15,000, it shall be the duty of the Indian agent, and he is hereby required, to apportion to each Indian entitled to the annual annuity provided for in section 8 the sum of \$5, to be paid in cash, under such rules and regulations as the Secretary of the Interior may prescribe.

Tenth. That when each object for which a specific appropriation has been made in this agreement shall have been fully carried out and completed, then the balance remaining of such appropriation shall constitute a fund to be expended for the benefit of the Crow tribe in such manner as the Secretary of the Interior may determine.

Eleventh. That all lands upon that portion of the reservation to be herein ceded which, prior to the date of this agreement, have been allotted in severalty to Indians of the Crow tribe shall be retained and enjoyed by them: *Provided, however*, That such Indians shall have the right at any time within three years to surrender his or her allotment, and select a new allotment within the retained reservation upon the same terms and conditions as were prescribed in selecting the first allotment.

*It is further provided*, That every Indian who shall surrender an allotment within the time specified, that has improvements upon it, shall have like improvements made for him upon the new allotment, and for this purpose the sum of \$5,000, or so much of it as may be necessary, is hereby appropriated and set apart.

Twelfth. It is further provided, in accordance with the provisions of Article VI of the treaty of May 7, A. D. 1868, that this cession of lands shall not be construed to deprive, without his or her consent, any individual Indian of the Crow tribe of his or her right to any tract of land selected by him or her in conformity with said treaty, or as provided by the agreement approved by Congress April 11, A. D. 1882; and it is further provided that in ratifying this agreement the Congress of the United States shall cause all such lands to be surveyed and certificates duly issued for the same to said Indians, as provided in the treaty of May 7, 1868, before said ceded portion of the reservation shall be opened for settlement.

Thirteenth. It is a condition of this agreement that it shall not be binding upon either party until ratified by the Congress of the United States, and when so ratified that said cession of lands so acquired by the United States shall not be opened for settlement until the boundary lines as set forth and described in this agreement have been surveyed and definitely marked by suitable permanent monuments, erected every half mile, wherever practicable, along the entire length of said boundary line.

Fourteenth. That the sum of \$5,000, or so much thereof as may be necessary, is hereby appropriated and set apart to pay the expenses of twelve Crow chiefs and one interpreter to visit the President of the United States at Washington, to consult with him for the benefit of the Crow tribe, at such time as the President may determine, within one year from the date of this agreement.

Fifteenth. That all existing provisions of the treaty of May 7, A. D. 1868, and the agreement approved by act of Congress dated April 11, 1882, shall continue in force.

Done at Crow agency, Montana, this 8th day of December, A. D. 1890.

J. CLIFFORD RICHARDSON,  
C. M. DOLE,  
R. J. FLINT,  
Commissioners to the Crow Indians.

CROW AGENCY, MONT., December 8, 1890.

I certify on honor that I explained the nature of the above agreement or treaty to all the Indians who have signed their names thereto, and that they fully understand all the conditions and provisions therein contained, and that I have witnessed each and every signature of the Indians thereto, from No. 1 to No. 390, inclusive, said signatures contained on pages numbered from 10 to 24, inclusive. (Original agreement.)

HENRY KEISER,  
Interpreter to Commissioners.

Witnesses:

JAMES H. CISENEY,  
J. CLIFFORD.

1. Carl Lieder.
2. Old Dog, his x mark (Kahdeas Behear).
3. Medicine Crow, his x mark (Peritse Makpah).
4. Two Leggins, his x mark (Esots Noopis).
5. Spotted Nose, his x mark (Echote Kukish).
6. Bell Rock, his x mark (Mea Talmash).
7. Bull Nose, his x mark (Chedup Ahpesh).
8. Bobtail Crow, his x mark (Pentse Okashes).
9. Tom Balls, his x mark (Ashka Shoopis).
10. Cut the Bear Ear, his x mark (Dakpitsa Upa Preskase).
11. Three Wolves, his x mark (Chate Nahmis).
12. Bear Wolf, his x mark (Chate Dakpitsa).
13. Iron Fork, his x mark (Oomut Kawish).
14. Little Bear, his x mark (Dakpitsa Eacot).
15. Has Plenty Things, his x mark (Eea Ahoosh).
16. Big Ox, his x mark (Beshea Eash).
17. Crazy Sister-in-law, his x mark (Oonka Manakish).
18. Smokes, his x mark (Opish).
19. Big Neck, his x mark (Oppa Hishes).
20. Medicine Wolf, his x mark (Chate Makposh).
21. Good Luck, his x mark (Muhin Dies).
22. Stands on a Cloud, his x mark (Ahpahka Edan).
23. Arapahoe, his x mark (Arapahoe).
24. Wrinkle Face, his x mark (Esa Kupsa).
25. Big Snake, his x mark (Eukesa Esash).
26. Mountain Pocket, his x mark (Ohwakkoun Ikpish).
27. Enemy Hunter, his x mark (Ushwike Chunst).
28. Plenty Coos, his x mark (Arachea Ahoos).
29. Plenty Eagle, his x mark (Dake Ichis).
30. Knows the Antelope, his x mark (Ouka Heahsas).
31. Two Bears, his x mark (Dakpeta Noopis).
32. Crazy Head, his x mark (Ashua Mahmaks).
33. Shell on the Neck, his x mark (Monnekeda Ahpish).
34. Alligator Stands Up, his x mark (Bedooksa Edan).
35. Big Hair, his x mark (Echu Esash).
36. Round Face, his x mark (Esa Papusha).
37. Bear Comes From Below, his x mark (Dapitsa Barook Iahosh).
38. Leads the Wolf, his x mark (Chate Naksish).
39. Old Snake, his x mark (Esash Kahdeas).
40. Pretty Grass, his x mark (Beheas Ichis).

41. Walks Above, his x mark (Mahka Neemish).
42. One Star, his x mark (Eka Ahratcat).
43. Coons His Foot, his x mark (Esche Akoosh).
44. Yellow Weasel, his x mark (Oota Shuders).
45. Crane in the Sky, his x mark (Appit Maks).
46. Hunts his Enemy, his x mark (Eschate Chedish).
47. Runs the Wolf, his x mark (Chate Ekmuse).
48. White Bear, his x mark (Dakpitsa Cheis).
49. Antelope Cap, his x mark (Ooka Ekupsa).
50. Little Waist, his x mark (Halup Eakootes).
51. Dancing Woman, his x mark (Mea Dishutsesh).
52. Mountain Chief, his x mark (Ahwakoe Muschisu).
53. His Medicine, his x mark (Ee Makpah).
54. Medicine Tail, his x mark (Chus Makpah).
55. Sport, his x mark (Baa Itsut).
56. Wet, his x mark (Ahkkitse).
57. Coons his Fall, his x mark (Eseah Koosch).
58. Left Hand, his x mark (Edushesta).
59. White Bull, his x mark (Chies Chedupa).
60. Shows his Lance, his x mark (Akasha Ahses).
61. Little Nest, his x mark (Ichesa Eakats).
62. Old Coyote, his x mark (Wutta Kahdeas).
63. Big Nose, his x mark (Appa Esah).
64. Bull that Raises Up, his x mark (Chedup Mapohaish).
65. Bird Hat, his x mark (Echupa Lagaks).
66. Knows where he Walks, his x mark (Uhmua Heaksas).
67. Strong Legs, his x mark (Esaw Dutsooch).
68. Goes in a Day, his x mark (Walpah Deis).
69. Gets Down, his x mark (Ekoopis).
70. Black Foot, his x mark (Kalminess).
71. Spotted Face, his x mark (Esa Cachur).
72. Sitting Elk, his x mark (Echelgash-amache).
73. Bear's Tale, his x mark (Dapsitsa Cheisa).
74. Old Elk, his x mark (Echyash: Kahdeas).
75. Runs Himself, his x mark (Erwet Wasaish).
76. Bird Turns his Head, his x mark (Lagak Esa Basash).
77. Spotted Rabbit, his x mark (Eishe Hukish).
78. Gray Bull, his x mark (Chis Chedupa).
79. Goes on it Good, his x mark (Ahkalah Deistses).
80. Push, his x mark (Pahts).
81. Old Tobacco, his x mark (Opa Kahdeas).
82. Three Bears, his x mark (Dahpitsa Nehmuiss).
83. Walking Bear, his x mark (Kakpitsa Krenahiss).
84. Old Rock, his x mark (Meah Kahdeas).
85. Fights, his x mark (Butteah).
86. Cut Lip, his x mark (Eah Chistpush).
87. The Nose, his x mark (E. Budush).
88. Bird's Head, his x mark (Layah Eatsh).
89. Scolds the Bear, his x mark (Kakpitsa Bahnatsa).
90. Well Known Bull, his x mark (Chedup Heahsas).
91. Flat Mouth, his x mark (Comah Haps).
92. Bear that Lays Down, his x mark (Dakpatsa Hoopish).
93. Conley, his x mark (Shesshies).
94. Rock Chief, his x mark (Mea Machatsen).
95. Goes in a Crowd, his x mark (Hara Wahness).
96. Bad, his x mark (Knowus).
97. Horse, his x mark (Budish).
98. Knows the Ground, his x mark (Ahma Echete).
99. The Light, his x mark (Sahsis).
100. Big Sky, his x mark (Ohwake Esash).
101. Stands on the Bull, his x mark (Chedup Ahka Emashe).
102. Knows a Bird, his x mark (Lagah Ahsash).
103. Strikes on top of the Head, his x mark (Ishishala Diches).
104. Half White, his x mark (Chusah Cheis).
105. Spaniard, his x mark (Spiola).
106. Takes it Himself, his x mark (Itutsduche).
107. Yellow Iron, his x mark (Oohmut Shudees).
108. His Medicine is Strong, his x mark (Mahppah Botsets).
109. No Shin Bone, his x mark (Itsoop Data).
110. The Bird, his x mark (Layaks).
111. Hunts, his x mark (Chudest).
112. Bird all over the Ground, his x mark (Awakin Lagaks).
113. Talks Everything, his x mark (Muk Cheis).
114. Takes a Horse, his x mark (Eshun Doosche).
115. Looks at the Ground, his x mark (Alma Echias).
116. Knows his Coos, his x mark (Ahek Chia Akuse).
117. Red Hat, his x mark (Ekapa Hishes).
118. White Man Runs Him, his x mark (Miasta Shide Karoose).
119. Bad Bear, his x mark (Dakpisa Kowess).
120. Snout Mouth, his x mark (Echu Keis).
121. Grosventre Horse, his x mark (Ahwahka Echete).
122. Plenty Butterflies, his x mark (Minnash Ahoos).
123. Bird in the Ground, his x mark (Ahwasun Lagaks).
124. Outside, his x mark (Olmara).
125. Old Bear, his x mark (Dakpitsa Kahdeas).
126. Does it Himself, his x mark (Ehtuts Bahreas).
127. Covers His Face, his x mark (Eseah Koosch).
128. Medicine, his x mark (Mahkpask).
129. One Goose, his x mark (Menaahwakot).
130. Spy on Camp, his x mark (Ahsea Utee Kush).
131. Big Shoulder Blade, his x mark (Atlas Esash).
132. Bird Shirt, his x mark (Lagak Elashdist).
133. Plain Owl, his x mark (Popuea Heaseas).
134. Goes to other Ground, his x mark (Ahmehat Koshtak).
135. His Breath, his x mark (Ehmenhis).
136. Nose High Up, his x mark (Alpa Maks).
137. The Calf, his x mark (Nahkup Kots).
138. The Meat, his x mark (Edhu Kish).
139. Strong Will Known, his x mark (Ahra Batsats Hoosas).
140. The Bread, his x mark (Mahkawus).
141. Full Mouth, his x mark (E. O. Miss).
142. He Knows, his x mark (Ekisiss).
143. The Other Gun, his x mark (Istuka Ehaus).
144. Shows as he Goes, his x mark (Ahsimiss).
145. The Lazy Wolf, his x mark (Chate Mahmakah).
146. Knows his Coos, his x mark (Aluk Chea Akuse).
147. He Says, his x mark (Echoise).
148. Looks with his Ears, his x mark (Alpa Emi Ekash).
149. Rock, his x mark (Mea).
150. Turns Back, his x mark (Eche Esishes).
151. High Hat, his x mark (Echupa Maks).
152. The Bank, his x mark (Ahmnie).
153. Plenty Stars, his x mark (Ehkots Ohoos).
154. Big Wind, his x mark (Hootscha Estsh).
155. The Rivers, his x mark (Ahsis).
156. Stray Horse, his x mark (Aksahratesh).
157. Three Irons, his x mark (Oomut Mahnis).
158. Knows his Enemy, his x mark (Eschate Eschise).
159. Plenty Wings, his x mark (Ikpah Ahoos).
160. Not Afraid, his x mark (Chideasah).
161. Bust, his x mark (Embudushish).
162. Shows the Fish, his x mark (Boah Aksush).
163. On Side of the Hill, his x mark (Alaksash).
164. Rides the Horse, his x mark (Echitz Ahmadish).
165. Runner, his x mark (Koosha).
166. Alligator, his x mark (Wooluksa).
167. Writes Down, his x mark (Monakdea).
168. In the Water, his x mark (Mina Ahmokin).
169. Fox, his x mark (Eahkookah).
170. White Hat, his x mark (Ukupa Chis).
171. Little Fire, his x mark (Bedas Eahentes).
172. Red Fox, his x mark (Eahkooka Hishis).
173. Bull all the Time, his x mark (Chedup Kochetish).
174. Red Mane Horse, his x mark (Esaha Eshna Hishis).
175. He is a Bear Now, his x mark (Dakpitsa Enaks).
176. Dreamer, his x mark (Mohsheandee).
177. Black Bird in Front, his x mark (Bahkedea Basash).
178. Bear in the Cloud, his x mark (Ahpaka Hadore Dakpitsa).
179. Flat Head Woman, his x mark (Ahsukpa Meas).
180. Goes to War, his x mark (Dukeah Dust).
181. The River Crow, his x mark (Mina Peretse).
182. Long, his x mark (Hotskei).
183. Strong, his x mark (Botsots).
184. Little Star, his x mark (Ika Eshokots).
185. Fights the Enemy, his x mark (Eschate Su Buktseuah).
186. He Bucks, his x mark (Ouchapre).
187. Grosventre, his x mark (Ahpewasa).
188. The Other Medicine, his x mark (Ahpupa Eheas).
189. Comes from Above, his x mark (Mahkohta Hoos).
190. Fog, his x mark (Ahwashus).
191. Takes his Horse from his Enemy, his x mark (Escoche Sahsky Duches).
192. Bird Horse, his x mark (Enchude Lagaks).
193. Three Foretops, his x mark (Ikapia Nahum).
194. Fine Tail, his x mark (Chies Bedas).
195. Goes to the Horses, his x mark (Echete Estute).
196. Young Yellow Wolf, his x mark (Chate Nak Shudes).
197. The Elk, his x mark (Echetahgashes).
198. Point of the Shoulder Blade, his x mark (Ahtaspa Ahkosh).
199. Yellow Tail, his x mark (Chis Shudes).
200. Old Horse, his x mark (Echeter Kahdeas).
201. Takes a Gun, his x mark (Oomat Manak Desterese).
202. Yellow Fringe, his x mark (Ishtape-Shudes).
203. Sugar, his x mark (Botskins).
204. Long Otter, his x mark (Nahpookta-Hotskish).
205. Little White Stone, his x mark (Ismetse-Ischeche-Ealiks).
206. Little Wolf, his x mark (Chate Eakots).
207. Strong Alone, his x mark (Etuts Batsas).
208. Spotted Buffalo, his x mark (Besha Hukis).
209. White Fox, his x mark (Echuka Cheis).
210. Bull's Tongue, his x mark (Chedup Daschis).
211. Five, his x mark (Chichis).
212. Wolf, his x mark (Chates).
213. Don't Mix, his x mark (Esheditis).
214. Sharp Nose, his x mark (Oppa Otta).
215. Red Wolf, his x mark (Chate Hishes).
216. Fog in the Morning, his x mark (Snenahshadsis).
217. Stops, his x mark (Ahrochis).
218. One Feather, his x mark (Mahsha-wats).
219. Look at a White Horse, his x mark (Chase Ekash).
220. Turns Back, his x mark (Echochies).
221. Got a Pipe, his x mark (Is-ep-eduis).
222. Nest, his x mark (Eetishish).
223. Bull Bird, his x mark (Chedupah Lagaks).
224. Crooked Arm, his x mark (Arla Skoopa).
225. Little Arm, his x mark (Oita Ish).
226. Black Tail, his x mark (Chusa Spitta).
227. Bull Snake, his x mark (Eukasa Chidups).
228. Under the Ground, his x mark (Ahma Sahda Buches).
229. Hold him Up, his x mark (Ino Duchassis).
230. Three Wolves, his x mark (Chate Nahmiss).
231. Walking Bird, his x mark (Lagak Nudus).
232. Sorrel Horse, his x mark (Eschete Shuders).
233. Root Digger, his x mark (Mahchipsi).
234. Black Hair, his x mark (Eseah-Spits).
235. Calf that Strays, his x mark (Nakupana Nakus).
236. White Swan, his x mark (Muna Chis).
237. Black Hawk, his x mark (Anasa Hoos).
238. Spotted Tail, his x mark (Chis Hukish).
239. The Mountain, his x mark (Ahwahkonish).
240. Old Crow, his x mark (Purtes Kahdeas).
241. Hoop on the Forehead, his x mark (Ike malika-Wisha).
242. Buy that Grabs, his x mark (Shegakdoochis).
243. Gets Down First, his x mark (Echik-Ekoopis).
244. J. Buffalo, his x mark (Beshea Manakis).
245. Medicine Pipe, his x mark (Eeptsu Makpash).
246. Wolf lays down, his x mark (Chate Kapis).
247. The fly, his x mark (Mahpotish).
248. Buffalo Calf, his x mark (Beshea Waks).
249. Well Known Cloud, his x mark (Ahpaka-Heahsas).
250. Makes Foretop, his x mark (Ekapeda Dies).
251. The Fat, his x mark (Edushpish).
252. Sharp Nose No. 2, his x mark (Akpa Otta).
253. The Feather, his x mark (Masha).
254. Yellow Head, his x mark (Ashoos Shudes).
255. Charges Among Them, his x mark (Hiletash-Basash).
256. Fights the Enemy, his x mark (Ishkate-Busteah).
257. Runs with the Enemy, his x mark (Ishkoke-Akpesa-Bosash).
258. Iron, his x mark (Oomitish).
259. White Man, his x mark (Miasta Shude).
260. Big Otter, his x mark (Wahputta Esash).
261. White Dog, his x mark (Bisca Chies).
262. Sun Goes Slow, his x mark (Ahkasa-Ahalo-tak-Deedus).
263. Rides Alone, his x mark (Etuts Ahkindesh).
264. Cuts a Hole in It, his x mark (Dukapish).
265. Plenty of Buffalo, his x mark (Beshe Ahoos).
266. Leggins Strap, his x mark (Esash Karusis).
267. Shows his ears, his x mark (Alpa Esush).
268. Goose Goes over the Hill, his x mark (Mena Aphkaphis).
269. Fights Old, his x mark (Butseah-Rahdeas).
270. Wrinkle Face, his x mark (Esa Kupah).

271. His Horse is a Bull, his x mark (Esash-Chedups).  
 272. Sits before a Cloud, his x mark (Ahpakah-Echoka-Amak).  
 273. Wood Spouts up, his x mark (Mo-Na-Oppana).  
 274. Covers his Neck, his x mark (Abpa Ehoosis).  
 275. Mountain Chief, his x mark (Ahmakonee Muchalsau).  
 276. Round Rock, his x mark (Me-Papuches).  
 277. Bad Boy No. 2, his x mark (Shigalky-Howus).  
 278. Pretty Coos, his x mark (Aruchea Ahoos).  
 279. Looks at the Water, his x mark (Mina-Ekash).  
 280. White Arm, his x mark (Aria Chies).  
 281. Bridle Bits, his x mark (Ehoks).  
 282. Beaver that Slides, his x mark (Bedapa-Okeah-Duis).  
 283. Old Wolf, his x mark (Chate-Chadeas).  
 284. Owl Above, his x mark (Poputa Maks).  
 285. Small, his x mark (Eahkat).  
 286. Holds the Enemy, his x mark (Escoche-Du-kaskis).  
 287. Lance Hand, his x mark (Ista-Eskukah).  
 288. Bull Goes Hunting, his x mark (Chidupa-Eda-Ekash).  
 289. Spotted Arm, his x mark (Asta Kulkish).  
 290. Ten Bear, his x mark (Dakpitsa Penkusk).  
 291. Bird that Turns Back, his x mark (Layak-Echockins).  
 292. Goose Chief, his x mark (Mina-Muchatus).  
 293. Buffalo Neck Hair, his x mark (Doches).  
 294. Big Around, his x mark (Dahpsuchess).  
 295. Child in Mouth, his x mark (Nakpahish).  
 296. Good Fighter, his x mark (Butsea Stsu).  
 297. Garter, his x mark (Itustook-duches).  
 298. Old Man, his x mark (Esaka Batsa).  
 299. Kills, his x mark (Malapes).  
 300. Old Fell Down, his x mark (Aritumbetesa-Kahdish).  
 301. Plenty Tobacco, his x mark (Ope Ahoos).  
 302. Poor Old Man, his x mark (Esahka Batschates).  
 303. No Horse, his x mark (Budesish).  
 304. Horse No. 2, his x mark (Esaska).  
 305. Flat Face, his x mark (Eis Napa).  
 306. Left Arm, his x mark (Arta Iduchis).  
 307. Rides the Pinto, his x mark (Hukis Akundis).  
 308. Plays with Bird, his x mark (Lagako Amundesi).  
 309. Red Fish, his x mark (Booah-Hishes).  
 310. Gives all over the Earth, his x mark (Ahmakatah-Bahkes).  
 311. Grey Blanket, his x mark (Esash-Beeshkeda).  
 312. Brave over the Land, his x mark (Ahwahkata-Biachedeas).  
 313. Blue Handle, his x mark (Oopa-Shuis).  
 314. Young Otter, his x mark (Wahputa-Naks).  
 315. Hairy Moccasins, his x mark (Sahpa-Ewishes).  
 316. Little Face, his x mark (Esesh-Kota).  
 317. Shot, his x mark (Minopish).  
 318. Rides Again, his x mark (Kuttachia-Ahkindu).  
 319. White Bull, his x mark (Chidupa-Bichioses).  
 320. He Bear, his x mark (Daksisa-Buda).  
 321. Nobody Likes Him, his x mark (Ahoosa-mi-Isses).  
 322. Little Crane, his x mark (Ahpit-Eahkat).  
 323. Rides Again, his x mark (Kuta-Chea-Ahkandes).  
 324. White Bull No. 2, his x mark (Chidupa Chosa).  
 325. Deaf, his x mark (Ahkookdotu).  
 326. Skin-in-the-Forehead, his x mark (Ohkheah Duhpa).  
 327. Can't be Seen, his x mark (Iekta-Suckh).  
 328. Two Hearts, his x mark (Nasha-Nopis).  
 329. Young Antelope No. 2, his x mark (Dak-a-naks).  
 330. Wood Tick, his x mark (Eshu-Chies).  
 331. Bull Dog, his x mark (Bishka-Chedups).  
 332. Fire Heart, his x mark (Nash-Beads).  
 333. Dutchman, his x mark (Ashkup-t).  
 334. Old Bull, his x mark (Chidopa-Kahdeas).  
 335. Shining Teeth, his x mark (Eahsasha).  
 336. Their Mark, his x mark (Kapa-Upsuis).  
 337. Bead on Forehead, his x mark (Ohkheeah-Baro).  
 338. Hard Rock, his x mark (Me-Setchusa).  
 339. Spotted Hat, his x mark (Ahpit-Hakish).  
 340. Another Blackbird, his x mark (Bahkeda-Ehuh).  
 341. Big Mountain, his x mark (Awhawakowi-Essash).  
 342. Plain Runner, his x mark (Kahmoso-Heahsas).  
 343. Plain Medicine Rock, his x mark (Me-Mak-past-Esahsas).  
 344. Fool Crane, his x mark (Ahpit-Manaka).  
 345. Knife in the Mouth, his x mark (Mitse Oakish).  
 346. Plain Traveler, his x mark (Ahnequah-Heahsas).  
 347. Bull in the Mountain, his x mark (Ahmahuknoe-Hera Chedup).  
 348. Look Out, his x mark (Ahmaheachas).  
 349. Paints Himself Plenty, his x mark (Stumonotse Ahoos).  
 350. Turned Back, his x mark (Echusekuse).  
 351. Lion Went Out, his x mark (Espeah-Ahsonis).  
 352. Plain Fighter, his x mark (Bucheah-Heahsas).  
 353. William Steal Bear, his x mark.  
 354. W. T. No Belly, his x mark.  
 355. Covered Up with Grass, his x mark (Beska-Eahkats).  
 356. Bull Went, his x mark (Chedap Dies).  
 357. Sees a Great Deal, his x mark (Biaekha-Ahoos).  
 358. Old Crane, his x mark (Ahsit-Kahdeas).  
 359. Bear Crane, his x mark (Ahpit Dakpitsa).  
 360. Comes Together, his x mark (Botmeosh).  
 361. Bird That Goes, his x mark (Legak-Wamiss).  
 362. Comes Back Plenty, his x mark (Ahwahosh-Ahoos).  
 363. Bad Bear, his x mark (Dakpitsa-Kowns).  
 364. Rides Very Good, his x mark (Ahrakin-Ichis).  
 365. Has Sharp Horns, his x mark (Asahsus).  
 366. Whiskers, his x mark (Etscheshsa).  
 367. Hunting to be Killed, his x mark (Undapedah Chedish).  
 368. Hall, his x mark (Makupa).  
 369. Black Donkey, his x mark (Ahpitsah-Spitta).  
 370. Cut Turnip, his x mark (Eph-Wukish).  
 371. Hides Away, his x mark (Ahoochies).  
 372. Plain Feather, his x mark (Bashahsas).  
 373. Wants to Run, his x mark (Kahwoosa-Meas).  
 374. White Forehead No. 2, his x mark (Eahkeah Chies).  
 375. Old Joint, his x mark (Itsoop-Kahdeas).  
 376. Hears Something Everywhere, his x mark (Atsche-Mia-Ekookase).  
 377. One Eye, his x mark (Ishhta-Awotish).  
 378. Likes the Coyote (Wutta-Istesesh).  
 379. Back of the Head, his x mark (Ahposisus).  
 380. Bobtail Bear No. 2, his x mark (Dakpitsa Ookashu).  
 381. Young Swallow, his x mark (Ahmako-Ishish-Nako).  
 382. Little Daylight, his x mark (Eshas Eakots).  
 383. Joe Stewart.  
 384. Ed. No Hair on the Tail (Chisa Edata).  
 385. Robert Raise Up.

386. John Wesley.  
 387. George Thomas.  
 388. Charlie Bravo.  
 389. Henry Russell.  
 390. Amos Martinez.

The signatures are witnessed on each page of the original agreement by C. H. Barstow and N. M. Wyman.

CROW AGENCY, MONTANA, December 8, 1890.

I certify on honor that I have explained the nature of the above agreement or treaty to all the Indians who have signed their names thereto, and that they fully understand all the conditions therein contained, and that I have witnessed each and every signature thereto, from No. 1 to No. 390, inclusive, contained on pages numbered from 10 to 24 (original agreement) inclusive.

T. STEWART, Agency Interpreter.

Witnesses:  
 JAMES H. CHISNEY.  
 J. CLIFFORD.

CROW AGENCY, MONTANA, December 8, 1890.

I hereby certify on honor that I have witnessed each and every signature to the above agreement or treaty between the Government of the United States and the Crow tribe of Indians, and that I had said treaty carefully explained to said Crow Indians, and am satisfied that they understand all the provisions therein contained, and that the signatures thereto, numbered from 1 to 390 inclusive, on pages from No. 10 to No. 24 (original agreement), inclusive, represent a majority of the adult males of the said Crow tribe of Indians.

M. P. WYMAN,  
 United States Indian Agent.

Therefore,  
*Be it enacted, etc.*, That said agreement be, and the same is hereby, accepted, ratified, and confirmed.

SEC. 2. That for the purpose of carrying the provisions of this act into effect there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$946,000, to be expended for the purposes and in the manner provided in said agreement.

SEC. 3. That the sum of \$7,500, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the survey of the boundary line between the Crow reservation and the lands ceded by said agreement, as stipulated in section 14 thereof, and for the survey of lands selected by members of the Crow tribe of Indians under the provisions of Article VI of the treaty between the United States and the Crow Indians, concluded May 7, 1868, or under the provisions of the act approved April 11, 1882, entitled "An act to accept and ratify the agreement submitted by the Crow Indians of Montana for the sale of a portion of their reservation in said Territory, and for other purposes, and to make the necessary appropriations for carrying out the same." And certificates shall be issued for such selections under said article, as required by section 12 of the foregoing agreement.

SEC. 4. That the land ceded shall, when the title of the United States becomes perfect in conformity with the aforesaid agreement, become a part of the public domain subject to settlement, location, and entry, under the homestead and mining laws; and the Secretary of the Interior shall thereupon cause the public surveys to be extended over the same as rapidly as practicable: *Provided*, That in all cases where claims were located on said ceded land prior to December 1, 1890, by persons who believed in good faith they were locating outside the exterior boundaries of said reservation, such persons shall be allowed thirty days after the opening of such land to location and settlement within which to file on or relocate the claims theretofore located by them within the limits of the ceded portion of said Crow reservation: *Provided*, That in addition to compliance with the requirements of the homestead law, \$1.25 per acre shall be paid by persons seeking title under said law to any portion of said ceded land; and section 2301 shall not apply to any of said land.

Mr. HOOKER. I make the point of order upon this amendment that it is new legislation.

Mr. CARTER. Mr. Chairman, the principle involved in this question of order is identical with that passed upon by the committee during the session of to-day.

This treaty was made under and in conformity with the provisions of a law passed by the Congress and approved on the 25th of September, 1890. The purpose of the act is to carry into full force and effect the provisions of that law and the subsequent action taken under it. I am informed by the Interior Department that this treaty is considered one of the most wise and prudent in its provisions that was ever negotiated.

I am satisfied that the point of order is not well taken.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard upon the point of order?

Mr. HOOKER. I have already submitted the point of order, Mr. Chairman, that this is new legislation, and it is not necessary to occupy time in discussing it.

The CHAIRMAN. The Chair will submit in this case, as in the other, the question of order to the committee.

The question was taken; and on a division (demanded by Mr. HOOKER) there were—ayes 40, noes 73.

So the point of order was not sustained.

Mr. HOOKER. I would like to have a vote in the House on that proposition.

Mr. CUMMINGS. Now, Mr. Chairman, I wish to offer as a new section what I send to the desk.

Mr. BUCHANAN, of New Jersey. But we have not yet voted on the amendment offered by the gentleman from Montana.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Montana.

Mr. HOLMAN. Had the reading of the entire amendment been concluded?

The CHAIRMAN. It had been.

The amendment was adopted.

Mr. CUMMINGS. Now, I offer this amendment as a new section. The Clerk read as follows:

Amend by adding the following as a new section:  
 "SEC. 8. That nothing in the foregoing provisions shall be construed as a di-

rection that all Indians must follow agriculture for a living; but that the Indian shall be left free to choose, on or off the reservation, such lawful trade, profession, or pursuit as he may select."

Mr. CANNON. I make the point of order on that amendment.

Mr. CUMMINGS. On that point of order I wish to be heard.

The CHAIRMAN. Does the gentleman from Illinois wish to be heard on the point of order?

Mr. CANNON. Mr. Chairman, I make the point of order that the amendment, if adopted, allows the Indians on the reservations under treaty, in charge of the Government agent and under the control of the Army, as many of them undoubtedly are in Arizona, the Apaches and others, under the excuse of going off the reservation to work at any calling, whether it be at labor or otherwise, to do so in spite of the Army or the agent in whose charge he is.

Geronimo and his band, if alive, or his successor, or the Sioux Indians, or the Cheyennes, any of them may snap their fingers in the face of the agent under the Interior Department, or the officer under whose command he is, the colonel or captain, and without permission walk over into Nebraska or Arizona, or anywhere else that he chooses, in defiance of discipline, without being under the charge of anybody, with nobody privileged to prevent him, alleging that he is going in search of employment under this provision of law. It is all wrong.

Mr. DORSEY. Oh, pshaw! That is all bosh. [Laughter.]

Mr. CANNON. The gentleman says "Oh, pshaw!" but that is exactly what it means.

Mr. DORSEY. No; there is nothing of the kind in it.

Mr. CANNON. Well, if it does not mean that I do not think it means anything; and under the law, under the treaty, the Indians are to remain on the reservations.

While I have no objection to the Indians learning any trade, yet I doubt the wisdom or propriety of this legislation, which would allow him at his own will to go off the reservation and do as he pleases.

Mr. CUMMINGS. Mr. Chairman, the gentleman has argued against my proposition, but he has raised no point of order.

Mr. CANNON. Well, I raise the point of order that it is new legislation.

Mr. CUMMINGS. And I can not see where the point of order comes in.

Mr. CANNON. I submit that point of order.

Mr. CUMMINGS. The right to personal liberty is the dearest of all rights. It is a right inherent in man as man, a right inalienable and indefeasible. And it necessarily includes a right to earn an honest living in whatever way one may be best able to do so. In a recent Nebraska case Judge Dundy held that an Indian was entitled to these rights as well as any other man. He certainly, as man, is entitled to all the rights of man. These truths are self-evident, and it would be unnecessary to assert them were it not that some misguided individuals seem to think that they do not apply to the Indian. It is necessary to the existence of the Indian that he should be permitted to exercise this right. From the New York World of February 11 I learn that the Commissioner said on the 9th "that he could not furnish all the Indians with work, but that they must, as the white people do, seek employment wherever they can find it."

The Commissioner said yesterday that he could not furnish all the Indians with work, but that they must, as the white people do, seek employment wherever they can find it. One of the chiefs, commenting on this to-day, said: "Why do they object to our men seeking money, clothes, and food by doing work that we can do without an effort? Ugh! this makes me smile. Buffalo Bill does not take school children, farmers, or students for the ministry. He takes men who know how to ride and shoot, and when they come back they know much about the world, and they tell us about it; tell the school children what is true in their books; tell the old men how the world goes on; tell the would-be warriors what they would have to fight against; and it makes such good men as Major Sword, American Horse, Rocky Bear, Red Shirt, Lone Wolf, Stand Fast, Black Bear, Yankton Charlie, No Neck, etc., and the many men who stood firm by the Ogallalas in favor of peace and against war by the knife, gun, and pistol. These chiefs are still loyal to their race and willing to fight the battle of their people by appeal, by eloquence, and by argument with the white chiefs in Washington."

"Not one of the men who have traveled with 'Long Hair' (Buffalo Bill) deserted the Government in the late troubles, and not one of them but will argue to the last for justice to their people before the authorities here. They have been taught that that is the proper way to appeal to the white man's chiefs, and not to go on the warpath. Is that not good employment? 'Long Hair' pays us from \$25 to \$50 a month in cash, besides clothing, food, and attendance. The police on the agency only get \$10 per month and they furnish their own horses."

The CHAIRMAN. The time of the gentleman has expired.

Mr. CUMMINGS. I ask unanimous consent to proceed for one minute.

There was no objection.

Mr. CUMMINGS. Now, sir, when the Indian Commissioner himself says that he can not find work for these people, and that they must do as others do, that is, go out and find work, I say that is the strongest argument in favor of my proposition.

Mr. ROGERS. I hope we will have a ruling on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SPINOLA. I ask the Chair to submit it to the House.

Mr. DORSEY. Has the Chair ruled?

The CHAIRMAN. The Chair has ruled.

Mr. DORSEY. I appeal from the decision of the Chair.

Mr. HOLMAN. In the confusion the decision of the Chair was not heard.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CUMMINGS. I appeal from the decision of the Chair.

Mr. DORSEY. I fear my friend from Illinois [Mr. CANNON], chairman of the Committee on Appropriations, understands but little about this amendment or this new section. I will read it for the benefit of the committee and state what it contemplates:

That nothing in the foregoing provision shall be construed as a direction that all the Indians must follow agriculture for a living, but that the Indian shall be left free to choose, either on or off the reservation, such lawful trade, profession, or pursuit as he may select.

Now, if a band of Indians attempt to leave the reservation they can be stopped.

Mr. LACEY. Could not the Indians leave their reservations to pursue hunting under that provision?

Mr. DORSEY. No, sir. But if one Indian desires, after being educated by this Government, to leave the reservation and go into any town in Nebraska or elsewhere to follow any trade or profession that has been taught him by this Government, he should have the right to do so. That is the point stated by the gentleman from New York [Mr. CUMMINGS], and it has been decided and held—

The CHAIRMAN. The point of order is that the amendment proposes new legislation, not whether it would be expedient or not.

Mr. DORSEY. All right, I will come to that. This is a new section of the bill, and I understand that I am proceeding with the consent of the Chairman, but I wish to answer the argument made by my friend from Illinois [Mr. CANNON]. We are complaining that the Indians on the reservation cost us immense sums to maintain them there. Now, if we educate those Indians and let them go into business on their own account and become self-supporting their cost to the Government is lessened so much, and I think that no harm can come to the Indian or to the white man by the adoption of that section of the bill, and I shall not consume further time, but ask the committee to overrule the decision of the Chair. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the Chairman announced that he was in doubt.

On a division (demanded by Mr. McCLAMMY) there were—ayes 73, noes 45.

Mr. CUMMINGS demanded tellers.

Tellers were ordered; and the Chair appointed Mr. CUMMINGS and Mr. PERKINS.

The committee again divided; and the tellers reported—ayes 74, noes 33.

So the decision of the Chair was sustained.

Mr. MANSUR. Mr. Chairman, I send up the following amendment.

The Clerk read as follows:

Amend by inserting after the word "capita," in line 5, page 50, the words "in two equal annual payments," and after the word "capita," in line 10, page 50, the words "in two equal annual payments."

Mr. PERKINS. I have no objection to that.

The CHAIRMAN. The paragraph on page 50 was passed without prejudice when reached in the reading of the bill. The committee will now recur to that paragraph, and the gentleman from Missouri [Mr. MANSUR] offers the amendment which has been read.

Mr. MANSUR. I understand it to be accepted, and I do not desire, therefore, to say anything further.

The amendment was agreed to.

Mr. PERKINS. The point of order was reserved against the paragraph pertaining to the Delawares, on page 15. I think the gentleman from Illinois [Mr. CANNON] who reserved the point of order has decided upon investigation that the point is not well taken except as to the item commencing on line 12, page 15, and extending to the bottom of that paragraph, and then commencing again at line 13, on page 16, and extending to line 2, on page 17, and I concede that as to those the point of order is well taken.

The CHAIRMAN. When the paragraph in relation to the Delawares, on pages 14, 15, and 16, was reached the gentleman from Illinois [Mr. CANNON] made the point of order against it, and it was passed without prejudice. The committee will now recur to it for the purpose of determining the point of order.

Mr. CANNON. And I desire to say, as stated by the gentleman from Kansas, that as to the matter beginning with line 12, on page 15, and the balance of that page, to and including line 7, on page 16, I still insist the point of order was well taken; also as to the matter beginning with line 13, on page 16, to and including line 2, on page 17, I insist on the point of order.

The gentleman concedes that these are subject to the point of order and should go out of the bill. As to the portions under the title of Delawares, as well as the provision touching the Pottawatomies that I made the point of order to, I desire to say, while I still think it subject to the point of order, the Committee on Indian Affairs seem to be unanimously of the opinion that these claims are just, and they are so positive and direct about it that, while I have no knowledge touching them, I do not feel it is my duty to insist upon the point of order further than I have indicated.

The CHAIRMAN. The gentleman from Illinois withdraws the

point of order as to the paragraph relating to the Delawares and renews it as to that portion of the paragraph commencing at line 12 of page 15 and closing with line 7 of page 16, and commencing at line 13 on page 16 and closing with line 2 on page 17.

Mr. PERKINS. That is correct.

The CHAIRMAN. The Chair sustains the point of order as to the portions of the paragraph mentioned.

Mr. HOLMAN. Mr. Chairman, I ask the committee to go back to the provision in regard to the settlement of lands mentioned under the homestead law.

The CHAIRMAN. On what page of the bill?

Mr. HOLMAN. At page 43, line 6, where it relates to the land acquired by treaty.

The CHAIRMAN. At what page?

Mr. HOLMAN. The amendments covers quite a number of pages. I will send the amendments to the Clerk's desk.

The CHAIRMAN. Are the amendments which the gentleman from Indiana proposes to one of the reserved paragraphs?

Mr. HOLMAN. The pages are indicated.

Mr. PEEL. Mr. Chairman, I will ask unanimous consent that the amendments be inserted as indicated by the gentleman from Indiana. It was understood when his amendment was adopted that the other provisions of the bill were to conform to that.

Mr. PERKINS. I think they had better be read.

The CHAIRMAN. They will have to be read to the House.

The Clerk read as follows:

On page 43, after the word "law," in line 6, insert the words "except section 2301 of the Revised Statutes, which shall not apply."

The CHAIRMAN. Without objection this amendment will be considered as agreed to.

There was no objection.

The CHAIRMAN. The word "law" does not occur in line 6.

Mr. HOLMAN. On page 43?

The CHAIRMAN. On page 43.

Mr. PERKINS. The gentleman has evidently given the wrong line.

Mr. HOLMAN. Are there two prints of this bill?

The CHAIRMAN. Does the amendment have reference to the amendment that was offered by the gentleman from Kansas?

Mr. HOLMAN. Oh, yes; I supposed that was understood. It is in line 43 of the amendment that was offered by the gentleman from Kansas.

The CHAIRMAN. Without objection, this amendment will be considered as agreed to.

There was no objection.

The Clerk read as follows:

Strike out lines 13, 14, and 15, down to the word "sums," on the same page.

The CHAIRMAN. Without objection, this amendment will be considered as agreed to.

There was no objection.

The Clerk read as follows:

On page 49, add, after the word "acre," in the seventeenth line, the words: "and in all else comply with the provisions of the homestead law, but section 2301 of the Revised Statutes shall not apply."

The CHAIRMAN. Without objection, this amendment to the amendment will be considered as agreed to.

There was no objection.

The Clerk read as follows:

On page 53 strike out all after the word "acre," in line 16, down to and including the word "homestead," in line 20.

The CHAIRMAN. Without objection, this amendment will be considered as agreed to.

There was no objection.

Mr. HOLMAN. Now, Mr. Chairman, I ask leave to modify the proposition I submitted, and instead of making it a proviso make it section 13 of the bill. I hope the gentleman from Kansas will agree to that.

The Clerk read as follows:

Sec. — All land ceded to the United States by said several treaties and coming within the provisions of this act shall be disposed of under the provisions of the homestead law only in all respects whatever, and except also as to section 2301 of the Revised Statutes, which shall not apply to any of said land.

Mr. PERKINS. Mr. Chairman, I would like to ask the gentleman from Indiana if he offers that as a substitute for the amendment which had already been passed.

Mr. HOLMAN. It was a proviso. The language is substantially the same as that now in the bill.

Mr. PERKINS. Then this is a substitute for the proviso which has been adopted?

Mr. HOLMAN. This will be section 13, and the last section 14.

The CHAIRMAN. The gentleman from Indiana asks to substitute the amendment which has been read by the Clerk for that which was adopted by the committee. Is there objection?

Mr. MANSUR. I raise the point of order against that, because the existing law creating the Territory of Oklahoma provides how all the land embraced within the Territory shall be disposed of. If this includes the Territory of Oklahoma or includes all those southwestern ne-

gotiations and how they shall be disposed of under this bill, of course it is a change of existing legislation.

Mr. HOLMAN. It has already been adopted.

Mr. PERKINS. I would suggest to the gentleman from Missouri that he do not make the point of order.

The CHAIRMAN. Does the gentleman from Missouri object?

Mr. PEEL. I would suggest to the gentleman from Missouri that he withdraw the point of order.

Mr. MANSUR. I object.

The CHAIRMAN. Then the proviso will stand as adopted by the committee on yesterday.

Mr. HOLMAN. Yes, if the gentleman objects to transferring it to the proper place it stands well enough as it is, although it destroys somewhat the harmony of the bill.

Mr. MANSUR. Mr. Chairman, I withdraw my objection to the request of the gentleman from Indiana [Mr. HOLMAN] that the proposition which was read a few moments ago may be substituted for the proviso adopted on yesterday.

Mr. HOLMAN. And that it be made section 13 of the bill.

The CHAIRMAN. Is there further objection?

There was no objection, and it was so ordered.

The CHAIRMAN. The question is on the amendment of the gentleman from Kansas as amended.

Mr. SHIVELY. I wish to offer an amendment to the amendment.

The amendment of Mr. SHIVELY was read, as follows:

Page 47 of the amendment offered by the gentleman from Kansas [Mr. PERKINS], line 34, after the word "ninety," insert the following: "Provided, however, That all contracts or agreements between said Indians or any of them and agents, attorneys, or other persons for the payment of any part of this appropriation for or on account of fees or compensation to said agents, attorneys, or other persons, are hereby declared null and void; and that the Secretary of the Interior shall cause all moneys herein appropriated to be paid directly to the beneficiaries aforesaid."

The amendment was agreed to.

The amendment of Mr. PERKINS as amended was then adopted.

Mr. VAUX. Now, Mr. Chairman, I propose to go back to page 56, line 18, and move to strike out these words: "For support and education of two hundred Indian pupils at Lincoln Institution, Philadelphia, at \$167 per annum each, \$33,400."

The CHAIRMAN. The committee have already disposed of that paragraph.

Mr. VAUX. I know they have.

The CHAIRMAN. And the paragraph can not be recurred to except by unanimous consent.

Mr. PERKINS. I shall have to interpose an objection, Mr. Chairman.

Mr. VAUX. All right. I only want to have it on record that I moved to strike that out, because I know exactly what the facts are. [Laughter.]

Mr. HOLMAN. Mr. Chairman, there is a small provision yet undisposed of on page 46, lines 14, 15, and 16. I moved to strike that out, but I shall be content with a reduction of the appropriation to one-half the amount in the bill and the addition of the language which I send to the desk.

The CHAIRMAN. The Chair understands that that is a provision which was passed without prejudice?

Mr. HOLMAN. Yes, sir.

The amendment of Mr. HOLMAN was read, as follows:

Page 46, line 16, strike out the word "twenty" and insert "ten," and add the following:

"Provided, however, That the Cherokee nation may negotiate directly with the Secretary of the Interior for the sale of the Cherokee Outlet to the United States, and the Secretary of the Interior shall from time to time report to Congress the state of such negotiations."

Mr. SPRINGER. I desire to have the paragraph read in connection with the proposed amendment.

The CHAIRMAN. The Clerk will read the paragraph as it would stand if the amendment were adopted.

The Clerk read as follows:

To enable the Secretary of the Interior to continue the Cherokee Commission provided for by the act approved March 2, 1889, \$10,000: *Provided, however,* That the Cherokee Nation may negotiate directly with the Secretary of the Interior for the sale of the Cherokee Outlet to the United States and the Secretary of the Interior shall from time to time report to Congress the state of such negotiation.

Mr. SPRINGER. I desire to be heard on that. There is a provision of law authorizing the appointment of a commission to treat with the Cherokee nation for the purchase of their lands, and I understand that this would repeal that.

Mr. PERKINS. Oh, no.

Mr. SPRINGER. This would authorize the negotiations to be had directly with the Secretary of the Interior.

Mr. BARNES. Both would be authorized.

Mr. PERKINS. This will give an additional channel through which negotiations may be conducted; they may be conducted through the commission or directly with the Secretary of the Interior.

Mr. SPRINGER. But the authority to treat through the existing commission is coupled with an authority to tender to the Cherokees \$1.25 an acre.

Mr. PERKINS. That is not repealed by this.

Mr. SPRINGER. If this provision is adopted, I understand that that provision, which is inconsistent with it, will be repealed, and to that point I desire to call the attention of the committee in order that this action may not be hastily taken.

Mr. HOLMAN. It very clearly repeals nothing.

Mr. SPRINGER. Well, there is an authority now to which is committed the whole question of negotiating with the Cherokee Nation; that commission is now in existence, and the first part of this paragraph appropriates money to continue that commission in existence, but then comes the proviso that the negotiation with the Cherokees is to be hereafter conducted by the Secretary of the Interior directly with them.

Mr. HOLMAN. That it may be so conducted.

Mr. SPRINGER. Now, the authority given by law to this commission authorizes it to treat with all the tribes owning or claiming any interest in the lands west of the ninety-sixth meridian, while this proviso excepts from the power of the commission authority to treat for the Cherokee Outlet.

Mr. HOLMAN. Let me state the effect of this proposition. It is obvious that under the present law no negotiations with the Cherokees will amount to anything. If anything is accomplished it will be done by the Secretary of the Interior negotiating directly with the Cherokees. It is not proposed to continue the negotiations under the present law. If any progress is to be made in that direction it must be by some such provision as this.

Now, as to the clause striking out \$20,000 and inserting \$10,000. The work of this commission is comparatively completed; there remains substantially nothing for the commission to do. Their work, whatever it was, in treating with the Arapahoes, the Cheyennes, and the Kiowas has already been accomplished. There is no necessity for appropriating in this bill \$20,000, which in my judgment is \$10,000 more than by any possibility can be properly expended.

The Cherokee Indians understand that they are seized of these lands in fee simple; that they hold them not merely under a solemn treaty with the Government, but by the same title under which all the other lands in this country are held, a solemn patent. These Indians do not propose to treat on any other basis; and for one I feel a pride that, broken and scattered as the Indian race is, one tribe still stands up and asserts its rights, claiming to be treated by us as these tribes in former years were treated by our fathers.

Mr. PEEL. I desire, as a parliamentary inquiry, to know whether this amendment is divisible. I have no objection to the latter part of the proposition, but the clause reducing the appropriation from \$20,000 to \$10,000 ought not to prevail. I know something about the work of this commission. My friend from Indiana says that comparatively speaking it is finished. I beg leave to differ with him. It is not half done. It was a year before the commission could be organized. We propose to appropriate here simply what has been appropriated before, the usual amount.

This Cherokee Commission has done good work—splendid work—better than any other commission that ever was in the field. It has negotiated five contracts within the last six, eight, or ten months; and there are at least eight or ten other tribes to be negotiated with besides the Cherokees.

I have no objection whatever to that part of the amendment which proposes to allow the Cherokees to treat directly with the Government. I think they can do so now. But I do object to cutting down this appropriation, because the commission has more work to do than it has yet done—twice as much, I should say.

Mr. BAKER. I wish to inquire of the gentleman from Indiana [Mr. HOLMAN] whether it is necessary to make any appropriation whatever if this commission is to be abolished and negotiations are in the future to be carried on directly between the Secretary of the Interior and the Indians.

Mr. HOLMAN. We have been appropriating \$20,000 a year to this commission, composed of a gentleman from the State of my friend here [Mr. PEEL], and another gentleman from the State of Michigan, and another from my own State. The commission has been in operation some two years. There is but little more work to be done. The work has been substantially accomplished; and I do trust that a bill carrying so vast a sum of money, going millions beyond any of its predecessors, will not be loaded down with appropriations of any money not absolutely necessary to give effect to this service.

Mr. BAKER. It is evident to my mind, Mr. Chairman, that there is a well-defined purpose to take away by force, if need be, the lands of the Cherokee Indians, the Cherokee Outlet, and of course I think their rights and interests ought to be carefully guarded. My understanding is that their title is an absolute title in fee. If not, that question can be very easily determined. The Committee on Territories has recently prepared and filed in this House an elaborate report upon this question, with which I take issue. The views of the minority of the committee have not yet been presented; I understand that my colleague on this committee [Mr. BARNES] will in due time present them; but that is one of the living issues connected with the Indian question: whether those Indians have an absolute ownership in their lands or not.

Mr. HOLMAN. There can be no doubt about that.

Mr. SPRINGER. I desire to move an amendment to the amendment of the gentleman from Indiana [Mr. HOLMAN].

Mr. PERKINS. Before the gentleman from Illinois offers his amendment I would like to move, in the spirit of compromise, to amend the amendment of the gentleman from Indiana by striking out "\$10,000" and inserting "\$15,000."

Mr. SPRINGER. I have no objection to that, but I want to offer another amendment.

Mr. MANSUR. If the gentleman will withhold his amendment, I desire to say a word upon the other question.

Mr. SPRINGER. I wish to offer an amendment which can be considered as pending, and then the committee can rise, if that is the disposition of members.

Mr. CANNON. Oh, no, let us finish the bill.

Mr. SPRINGER. This is a very important amendment which I desire to offer—

Several MEMBERS. Offer it now.

Mr. SPRINGER. I send the amendment to the desk.

The Clerk read as follows:

Amend the amendment by adding the following:

"That the sum of \$7,489,718.72 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay in full the Cherokee nation of Indians for all their title, claim, or interest, of every kind or character, which said nation of Indians may have in and to any lands lying west of the ninety-sixth degree of longitude in the Indian Territory, known as the Cherokee Outlet; said sum to be paid as follows: Five million dollars to remain in the Treasury of the United States to the credit of said nation of Indians and to bear interest at the rate of 5 per cent per annum from and after the passage of this act, said interest to be paid semiannually to the treasurer of said nation, and the sum of \$2,489,718.72 to be immediately available, to be paid under rules and regulations to be prescribed by the Secretary of the Interior to the persons entitled by existing treaties to share in the proceeds of the sale of the Cherokee lands in accordance with said treaties.

"That said Outlet is hereby incorporated into and made a part of the Territory of Oklahoma and subject to all laws thereof, and the lands in said Outlet not assigned to or occupied by other tribes or nations of Indians are hereby opened to settlement and entry only under the homestead laws and the town-site laws applicable to said Territory and under this act: *Provided*, That any person, otherwise qualified, who has not received the benefit of or perfected title under the homestead law, shall be entitled to make homestead entry of said lands, except that section 2301 of the Revised Statutes shall not apply: *And provided further*, That the rights of honorably discharged Union soldiers and sailors in the late civil war, as defined in sections 2304 and 2305 of the Revised Statutes, shall not be abridged: *And provided further*, That each entry shall be of one-quarter section, or of one or more legal subdivisions contiguous and containing not more than 160 acres: *And provided further*, That each settler under the provisions of this act, in addition to the fees required by law, upon making satisfactory final proof in support of his entry as required by the homestead laws, shall pay to the United States the sum of \$1.25 per acre for the land covered by his entry, and thereupon shall be entitled to a patent therefor in accordance with the provisions of said homestead laws: *And provided further*, That until said lands are opened to settlement and entry as aforesaid no person shall be permitted to enter upon and occupy the same with a view of making entry thereof, nor shall any person, lawfully within the limits of the lands opened to settlement at the time the same are opened for entry, be permitted to take any advantage by reason of his presence therein, and any person attempting to violate this provision shall be prohibited from entering any of said lands or acquiring rights thereto.

"That the President is authorized, in his discretion, to establish not more than two land districts, embracing the lands which may be opened to settlement as hereinbefore provided, and he may also locate land offices therein, appointing thereto registers and receivers for the same, in accordance with the provisions of existing law; and for the purpose of carrying out this provision \$5,000, or so much thereof as may be necessary, is hereby appropriated."

Mr. BAKER. I make a point of order on this amendment.

Mr. JOSEPH D. TAYLOR. I make a point of order—

The CHAIRMAN. In the opinion of the Chair the amendment is out of order, as not being germane to the pending proposition.

Mr. SPRINGER. I desire to be heard on the question of order.

My proposition is offered as an amendment to the amendment of the gentleman from Indiana. This is an important matter, and I wish to call the attention of the Chair and the Committee of the Whole—

Mr. MANSUR. I think the chairman of the Committee on Indian Affairs will accept this amendment. As I understand, he does not object to it.

Mr. SPRINGER. The amendment offered by the gentleman from Indiana, to which this is submitted as an amendment, is new legislation, and would itself have been subject to a point of order. It proposes to provide for the disposition of this very land. No point of order was made upon that proposition, and it is now regarded as pending. And this is another manner of disposing of the same lands.

Mr. HOLMAN. But it is an entirely different matter. It is not germane at all to the bill.

Mr. SPRINGER. It is not germane to the original proposition, but unquestionably it is germane to the amendment of the gentleman.

Mr. HOOKER. Mr. Chairman, this is undoubtedly new legislation and it can not come in.

The CHAIRMAN. It is manifestly new legislation, and the Chair holds that it is not germane.

Mr. HOOKER. It is out of order. It adds seven millions and over to the bill, and the gentleman certainly does not expect to secure action on such a proposition in this way.

Mr. MANSUR. It does not take a dollar from the Government.

Mr. SPRINGER. Mr. Chairman, allow me a moment. This amendment is for the purpose of acquiring title to the very same lands covered by the amendment of the gentleman from Indiana.

The CHAIRMAN. The paragraph under consideration and the amendment to it offered by the gentleman from Indiana relate entirely to the Cherokee Commission.

Mr. SPRINGER. But the proviso of the gentleman relates to the lands acquired under the operations of the commission.

The CHAIRMAN. And obviously the matter is not germane, saying nothing of the fact of its being new legislation.

Mr. SPRINGER. Will the Chair have the proviso of the gentleman from Indiana read? [Cries of "Regular order!"]

Mr. HOOKER. The Chair has ruled the amendment out of order and I call for the regular order.

Mr. SPRINGER. But the Chair will indulge me for a moment. This is equally germane with the pending amendment—

Mr. HOLMAN. But no point of order was made on that.

Mr. SPRINGER. And I ask that the proviso to that amendment be read.

The CHAIRMAN. Is there objection to reading the proviso of the amendment of the gentleman from Indiana?

Several members objected.

Mr. SPRINGER. I only desire that the committee shall understand this proposition. Let the proviso be read, and it will be clear that this is germane.

Mr. ROGERS. I want the gentleman to understand that if this amendment goes in I want to put on the Hot Springs bill. [Laughter.]

Mr. McCLAMMY. And the road to the national cemetery—

Mr. BAKER. We might put the elections bill on.

Mr. WILSON, of Washington. And the Spokane Falls building.

Mr. SPRINGER. I am satisfied if the committee would consider this seriously for five or ten minutes that they would agree with me that this is the most important amendment to the entire bill, and the one of all others that ought to be immediately considered and adopted. I desire to be heard on that subject prior to the appeal from the decision of the Chair, which I shall take—

The CHAIRMAN. The Chair has ruled on the question of order, and the only thing in order is an appeal from the decision or to proceed with the bill.

Mr. SPRINGER. I appeal from the decision of the Chair, and on that I desire to be heard.

Mr. PERKINS. I wish the gentleman from Illinois would permit a suggestion before he does that.

Mr. SPRINGER. Certainly.

Mr. PERKINS. I was about to suggest to the committee that my friend from Illinois knows I am as anxious as any one can possibly be to secure legislation that is fair and right and which will open up the Cherokee Outlet to settlement. But I think it must be apparent to him, as it is to me, that this committee is with the Chair in sustaining the point of order as to this proposed amendment; and I hope for that reason that the time of the committee will not be consumed by discussing an appeal, but that we may dispose of the bill at once. We can get through now in a very few moments.

Mr. SPRINGER. I fully appreciate the kind remarks of the chairman of the committee. I only ask that this committee shall understand the question before it passes upon it.

This was an amendment to an amendment which clearly opened up the whole question; and I was of opinion and am now of opinion that it was clearly in order as an amendment to the proposition of the gentleman from Indiana. While it is not germane, perhaps, to the text of the bill, yet it is undoubtedly germane to the amendment of the gentleman from Indiana.

Mr. HOLMAN. No; it is an entirely different proposition. Clearly they are not in the same line.

Mr. SPRINGER. Yet I think I can convince the gentleman—

Mr. HOOKER. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOOKER. The Chair having already ruled this proposition out of order, the gentleman from Illinois is not proceeding according to the rules of the House. No discussion is in order, there being nothing before the committee.

The CHAIRMAN. The Chair understood the gentleman to appeal from the decision of the Chair.

Mr. SPRINGER. I did appeal from the decision.

Mr. HOOKER. Then let the question be decided by the committee.

Mr. SPRINGER. But upon that appeal I wish to be heard. Pending it, however, I desire that the committee shall rise, so that we may have time to consider this matter.

I move that the committee rise.

Mr. CANNON. Oh, I hope not; the bill should be finished to-night.

Mr. SPRINGER. I submit the motion.

The question was taken; and on a division there were—ayes 36, noes 64.

Mr. SPRINGER demanded tellers.

Mr. PERKINS. I hope my friend from Illinois will not insist upon tellers, but I ask unanimous consent that he may have five minutes in which to explain his amendment before a vote is taken upon his appeal from the decision of the Chair.

Mr. BARNES. And I would like to have five or ten minutes to reply.

Mr. SPRINGER. I think that if the committee will rise we can dispose of the matter in a few minutes in the morning.

Mr. CANNON. Let us dispose of it to-night. We want to dispose of two or three other bills in the morning.

Tellers were ordered; and the Chairman appointed Mr. SPRINGER and Mr. PERKINS.

The committee again divided; and the tellers reported—ayes 24, noes 65.

Accordingly the committee refused to rise.

Mr. SPRINGER. I do not desire to insist on this matter against the decision of the Chair, and I will withdraw the appeal, but I do not change my views, however, as to the fact that this is in order.

The CHAIRMAN. The gentleman from Illinois [Mr. SPRINGER] withdraws his appeal, and the question recurs on the amendment to the amendment offered by the gentleman from Indiana.

Mr. HOLMAN. I accept that. I believe I have a right to do so.

The CHAIRMAN. Does the gentleman modify it accordingly?

Mr. HOLMAN. I do.

Mr. PERKINS. I would like to have the amendment read as modified, so that there will be no controversy about the effect of it, that the Cherokee Commission may still continue their negotiations.

Mr. SPRINGER. I understand that you entirely repeal the law relating to the Cherokee Commission?

Mr. PERKINS. Let the amendment be read, so that there will be no misunderstanding as to the effect.

The Clerk read as follows:

To enable the Secretary of the Interior to continue the Cherokee Commission provided for by act approved March 2, 1890, \$15,000: *Provided, however,* That the Cherokee nation may negotiate directly with the Secretary of the Interior for the sale of the Cherokee Outlet to the United States, and the Secretary of the Interior shall from time to time report to Congress the state of such negotiations.

Mr. MANSUR. I object to this amendment, and raise the point of order that it changes the existing statute, which provides that the Cherokee nation shall not receive more than a dollar and a quarter an acre for that land.

Mr. HOLMAN. It is too late to raise that question. There is no modification at all except as to the amount in the original text.

The CHAIRMAN. The Chair is of the opinion that the point of order comes too late.

Mr. SPRINGER. Mr. Chairman, we are voting for the proviso only, as I understand.

The CHAIRMAN. No, for the whole amendment. The gentleman from Indiana has modified his amendment, as read.

Mr. SPRINGER. Suppose we vote this down, will there be any appropriation to carry on this commission?

Mr. PERKINS. If this is voted down, the question will recur upon the proposition in the bill as printed.

The question was taken on the amendment; and the Chairman announced that the ayes seemed to have it.

On a division (demanded by Mr. SPRINGER) there were—ayes 67, noes 11.

So the amendment was agreed to.

#### MESSAGE FROM THE SENATE.

The Committee informally rose; and Mr. PAYSON having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. McCook, its Secretary, announced that the Senate had passed with amendments the bill (H. R. 13069) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1892; in which the concurrence of the House was requested.

#### INDIAN APPROPRIATION BILL.

The committee resumed its session.

Mr. DORSEY. I desire to offer a new section to come in at the end of the bill.

The Clerk read as follows:

That in case any responsible person, firm, or corporation shall desire to employ any number of Indians living upon any reservation for any specified time, and shall make a satisfactory contract with them for services to be rendered, and shall give to the Government a satisfactory bond, to be approved by the Secretary of the Interior, sufficient for the payment for the services, maintenance, and safe return of said Indians to the reservation, permission for leave shall be given to the Indians so employed.

Mr. BUCHANAN, of New Jersey. I make the point of order against that that it is new legislation.

Mr. DORSEY. I hope the gentleman will not insist upon that.

Mr. BUCHANAN, of New Jersey. I do.

The CHAIRMAN. The Chair will be obliged to sustain the point of order.

Mr. PERKINS. I move that the committee do now rise, and that the bill as amended be reported to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. DINGLEY reported that the Committee of the Whole House on the state of the Union had had under consideration the Indian appropriation bill, and had directed him to report the

same to the House with sundry amendments and a favorable recommendation.

Mr. PERKINS. I ask unanimous consent that the amendments be voted upon in gross, and that long amendments be not read at length.

Mr. HOOKER. I hope we will have a separate vote on one of the amendments.

Mr. PERKINS. Then I ask unanimous consent that the amendments may be voted upon in gross, except the amendment that my friend speaks of, known as the "omnibus amendment."

Mr. HOOKER. I refer to the two instances in which amendments were ruled in order.

Mr. SPRINGER. I want a separate vote on the last amendment adopted.

Mr. ROGERS. I think we had better adjourn.

The SPEAKER *pro tempore*. The gentleman from Kansas asks unanimous consent that the reading of the amendments be dispensed with; that the amendments be voted upon in gross, except the amendment indicated by the gentleman from Mississippi [Mr. HOOKER] and also the amendment indicated by the gentleman from Illinois [Mr. SPRINGER].

Mr. ROGERS. Mr. Speaker, I will have to object to that. I think we ought to adjourn. It is now long after 5 o'clock, and we ought to adjourn.

Mr. PERKINS. I move the previous question on the bill and pending amendments; and, if that is agreed to, I will move that the House adjourn.

Mr. ROGERS. The gentleman can take it up in the morning.

Mr. SPRINGER. This is a privileged matter. The gentleman has the right to take it up at any time.

The SPEAKER *pro tempore*. The gentleman from Kansas moves the previous question on the amendments reported from the Committee of the Whole, and the engrossment, third reading, and passage of the bill, and pending that the gentleman from Arkansas moves to adjourn.

Mr. PERKINS. We can dispose of this in a moment or two. Let us have the previous question and then I will move to adjourn.

The SPEAKER *pro tempore*. Does the gentleman from Arkansas insist upon his motion?

Mr. ROGERS. I insist upon it.

The question was put on the motion to adjourn; and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. ROGERS. Division.

Pending the division,

Mr. PERKINS said: Mr. Speaker, if we can have unanimous consent I will ask that the previous question be considered as ordered upon the pending amendments, engrossment, third reading, and passage of the bill; and after that I will move that the House adjourn.

Mr. ROGERS. If that can be agreed to I will not object.

The SPEAKER *pro tempore*. The gentleman from Kansas asks unanimous consent that the previous question be considered as ordered upon the pending amendments, engrossment, third reading, and passage of the bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. PERKINS. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 47 minutes p. m.) the House adjourned.

#### EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communication was taken from the Speaker's table and referred as follows:

##### PACIFIC RAILROAD CLAIMS.

Letter from the Acting Secretary of the Treasury, transmitting a statement of the amounts due for transportation service performed for the Government over the various Pacific railroads—to the Committee on the Pacific Railroads.

#### MEMORIALS AND RESOLUTIONS OF STATE LEGISLATURES.

Under clause 3 of Rule XXII, the following memorials and resolutions were presented and referred as follows:

By Mr. CARTER (by request): House joint memorial of the State of Montana, praying for the passage of a bill permitting the construction of a railroad by the Montana Mineral Mining Company—to the Committee on the Public Lands.

By Mr. BARTINE (by request): Memorial of the Legislature of the State of Nevada, praying for the passage of Senate bill No. 4827, for the completion of the Nicaragua Canal—to the Committee on Railways and Canals.

#### HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, a House bill of the following title, with Senate amendments, was taken from the Speaker's table and referred as follows:

A bill (H. R. 13069) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1892—to the Committee on Foreign Affairs.

#### SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, a Senate bill of the following title was taken from the Speaker's table and referred as follows:

A bill (S. 4610) granting to the State of Wyoming certain lands in Fort D. A. Russell military reservation for agricultural fair and industrial exposition grounds, and for other purposes—to the Committee on Military Affairs.

#### RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. CHEATHAM:

*Resolved*, That Tuesday, February 24, 1891, be set aside for the consideration of House bill No. 634, entitled "A bill to aid in the establishment and temporary support of common schools." That this order is to become operative immediately after the reading of the Journal and the consumption of sixty minutes for the morning hour, and is to be the continuing order for each and every day thereafter until the said bill is disposed of;

to the Committee on Rules.

By Mr. THOMPSON:

*Resolved*, That 2,000 copies of the testimony taken by the Committee on the Judiciary under a resolution of the House of Representatives adopted April 1, 1890, instructing that committee to investigate certain alleged illegal practices of the United States courts and of the officers thereof, and of the report of said committee thereon, be printed, of which 500 copies shall be for the use of the Senate, 1,000 copies shall be for the use of the House of Representatives, and 500 copies shall be for the use of the Department of Justice;

to the Committee on Printing.

By Mr. McCLAMMY:

Whereas the people of this country demand financial reform; and Whereas it can not be effected without the passage by Congress of the sub-treasury bill introduced at the last session of this Congress, and the passage by the House of the bill for the free coinage of silver: Therefore,

*Be it resolved*, That the Committee on Ways and Means be discharged from the consideration of the sub-treasury bill, and that the Committee on Coinage, Weights, and Measures be discharged from the consideration of the free-coinage bill, and that the two bills be reported back to the House for immediate consideration;

to the Committee on Rules.

#### REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. GOODNIGHT, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 9827) granting a pension to John M. Wiggins, accompanied by a report (No. 3824)—to the Committee of the Whole House.

Mr. RANDALL, from the Committee on Commerce, to which was referred the joint resolution of the House (H. Res. 267) authorizing the Secretary of the Treasury to suspend law as to certain life-saving appliances, in behalf of the minority of said committee submitted his views in writing thereon; which were ordered to be printed as Part 2 of Report No. 3464.

Mr. MANSUR, from the Committee on Claims, reported favorably the bill of the Senate (S. 681) making an appropriation for the benefit of the estate of William Moss, deceased, accompanied by a report (No. 3825)—to the Committee of the Whole House.

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. 12234) to increase the pension of George Garfield, late second lieutenant Company D, Fifth Ohio Volunteer Cavalry. (Report No. 3826.)

A bill (H. R. 13343) granting an increase of pension to Augustus G. Frable. (Report No. 3827.)

A bill (H. R. 11975) granting a pension to Mary P. Pitezel and Caroline E. Pitezel. (Report No. 3828.)

Mr. FLICK, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 7148) granting a pension to Lewis J. Baker, accompanied by a report (No. 3829)—to the Committee of the Whole House.

Mr. LAWS, from the Committee on Invalid Pensions, reported favorably the bill of the House (H. R. 12679) to increase the pension of Francis A. Gaskill, Company K, Sixth New Jersey Volunteer Infantry, accompanied by a report (No. 3830)—to the Committee of the Whole House.

Mr. NUTE, from the Committee on Invalid Pensions, reported with amendment the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 13589) granting pension to Lydia B. Gray. (Report No. 3831.)

A bill (H. R. 7477) granting a pension to Mrs. Hannah M. Foss. (Report No. 3832.)

A bill (S. 4428) granting a pension to Matilda S. Thompson. (Report No. 3833.)

Mr. CRAIG, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 12777) to increase the pension of John H. R. Storey, Company F, One hundred and ninth Regiment Pennsylvania Veteran Volunteers, accompanied by a report (No. 3834)—to the Committee of the Whole House.

Mr. ATKINSON, of Pennsylvania, from the Committee on the District of Columbia, reported with amendment the following bills of the House; which were severally referred to the House Calendar:

A bill (H. R. 13191) to amend the charter of the Rock Creek Railway Company. (Report No. 3835.)

A bill (H. R. 13402) to incorporate the Washington and Great Falls Electric Railway Company. (Report No. 3836.)

Mr. GROUT, from the Committee on the District of Columbia, reported with amendment the bill of the Senate (S. 845) to provide for the appointment of a reporter for the supreme court of the District of Columbia, accompanied by a report (No. 3837)—to the Committee of the Whole House on the state of the Union.

Mr. LAIDLAW, from the Committee on Claims, reported favorably the bill of the House (H. R. 9347) to authorize the Secretary of the Treasury to pay the balance found to be due the State of Florida, according to the account stated between the General Government and such State by the said Secretary, under the authority of the act approved March 2, 1889, known as the deficiency appropriation act, accompanied by a report (No. 3839)—to the Committee of the Whole House on the state of the Union.

Mr. LAIDLAW also, from the Committee on Claims, reported favorably the bill of the House (H. R. 13067) for the relief of Austin A. Yates, accompanied by a report (No. 3840)—to the Committee of the Whole House.

Mr. WILLIAMS, of Ohio, from the Committee on Military Affairs, reported with amendment the bill of the House (H. R. 10339) for the relief of Peter Weber, accompanied by a report (No. 3841)—to the Committee of the Whole House.

Mr. LANE, 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. 13473) to restore to the pension roll the name of Eliza M. Keith (formerly Eliza Ash). (Report No. 3842.)

A bill (H. R. 10953) granting a pension to Lettie E. Covell-Buckley, late a nurse in the war of the rebellion. (Report No. 3843.)

Mr. MARTIN, of Indiana, from the Committee on Invalid Pensions, reported with amendment the bill of the Senate (S. 4915) granting a pension to Col. Benjamin C. Shaw, accompanied by a report (No. 3844)—to the Committee of the Whole House.

Mr. EWART, from the Committee on Claims, reported with amendment the bill of the Senate (S. 3752) for the relief of the legal representatives of Israel Kimball, accompanied by a report (No. 3845)—to the Committee of the Whole House.

Mr. SKINNER, from the Committee on Indian Affairs, to which was referred a letter from the assistant clerk of the Court of Claims transmitting a copy of the findings filed by the court in the case of the Western Miami Indians against The United States (Miscellaneous Document No. 83), reported, in lieu thereof, a bill (H. R. 13660) to reimburse the Western Miami Indians for money and lands improperly taken from them; which was read twice and, accompanied by a report (No. 3852), referred to the Committee of the Whole House on the state of the Union.

Mr. OSBORNE, from the Committee on Military Affairs, reported favorably the bill of the Senate (S. 4472) for the relief of Charles B. Stivers, accompanied by a report (No. 3853)—to the Committee of the Whole House.

Mr. WILLIAMS, of Ohio, from the Committee on Military Affairs, reported favorably the following bills of the Senate; which were severally referred to the House Calendar:

A bill (S. 4763) granting right of way for irrigation ditch and railroad sidetrack across the quartermaster's depot reservation in Yuma County, Arizona. (Report No. 3854.)

A bill (S. 4610) granting to the State of Wyoming certain lands in the Fort D. A. Russell military reservation for agricultural fair and industrial exposition grounds, and for other purposes. (Report No. 3855.)

Mr. MORRILL, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 12381) granting a pension to Laura A. Burns, widow of Capt. Ross Burns, of Battery A, Second Regiment Kansas State Militia Volunteers, accompanied by a report (No. 3856)—to the Committee of the Whole House.

#### ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. LANE, from the Committee on Invalid Pensions, on the bill (H. R. 4363) granting a pension to William O. Noble. (Report No. 3846.)

Also, on the bill (H. R. 4309) granting relief to Wesley Phillips. (Report No. 3847.)

Also, on the bill (H. R. 3230) for the relief of James C. Finn. (Report No. 3848.)

Also, on the bill (H. R. 5882) granting arrears of pension to Mrs. Mary Brown. (Report No. 3849.)

Also, on the bill (H. R. 5675) for the relief of Elias Cleveland. (Report No. 3850.)

Mr. THOMAS, from the Committee on War Claims, on the following resolution of the House:

*Resolved*, That the Secretary of the Treasury be, and he is hereby, requested, if not incompatible with the public interests, to furnish to this House a statement of all moneys and funds received and collected from occupiers, owners, lessees, or agents of certain tenements in the city of New Orleans, and of certain plantations in the State of Louisiana, seized by authorities of the United States during the years 1862, 1863, 1864, 1865, by Capt. John McClure, assistant quartermaster United States Army, or by Benjamin F. Flanders, then supervising special agent of the Treasury Department, and by them transmitted to the Treasury Department at Washington, together with the names of the individuals from whom received, and the several amounts received, and also what, if any, disposition or disbursement of said sums has been made by the Department.

(Report No. 3851.)

#### BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a joint resolution of the following titles were introduced, severally read twice, and referred as follows:

By Mr. CLARKE, of Alabama: A bill (H. R. 13657) to grant the Mobile Transportation Company the right to trestle into Mobile Bay at or near Alabama Port—to the Committee on Commerce.

By Mr. CHIPMAN: A bill (H. R. 13659) to suspend the enforcement of the act approved March 2, 1889, entitled "An act to amend sections 4488 and 4489 of the Revised Statutes, requiring life-saving appliances on steamers"—to the Committee on Commerce.

By Mr. WRIGHT: A joint resolution (H. Res. 284) for printing 20,000 copies of new customs law as compared with law of 1883—to the Committee on Printing.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. EVANS: A bill (H. R. 13661) for the relief of the legal or personal representatives of William H. Willhite, deceased—to the Committee on War Claims.

By Mr. GOODNIGHT: A bill (H. R. 13662) for the relief of James G. Adams, of Warren County, Kentucky—to the Committee on War Claims.

Also, a bill (H. R. 13663) granting a pension to Sarah E. Hastings, of Central City, Ky., an army nurse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13664) for the relief of James Westbrook, of Bowling Green, Ky.—to the Committee on Military Affairs.

By Mr. MORRILL: A bill (H. R. 13665) granting a pension to Mrs. Eliza Weaver—to the Committee on Invalid Pensions.

By Mr. ROBERTSON: A bill (H. R. 13666) for the relief of Joseph Block, of St. Landry Parish, Louisiana—to the Committee on War Claims.

By Mr. STONE, of Kentucky: A bill (H. R. 13667) for the relief of the estate of Adeline L. Hebron—to the Committee on War Claims.

Also, a bill (H. R. 13668) for the relief of the estate of John Hebron—to the Committee on War Claims.

By Mr. GOODNIGHT: A bill (H. R. 13669) for the relief of John Dishman, of Warren County, Kentucky—to the Committee on War Claims.

Also, a bill (H. R. 13670) for the relief of A. B. Ray, of Logan County, Kentucky—to the Committee on War Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BECKWITH: Petition of Rev. James Twine, for a pension—to the Committee on Invalid Pensions.

By Mr. BURTON: Memorial of General George H. Thomas Council, 105, Junior Order United American Mechanics, Cleveland, Ohio, in favor of restriction of immigration—to the Select Committee on Immigration and Naturalization.

By Mr. CANDLER of Massachusetts: Petition for survey for breakwater at Lynnhaven Bay, Virginia—to the Committee on Rivers and Harbors.

By Mr. CRAIG: Memorial of New Derry Grange, 917, Westmoreland County, Pennsylvania, for financial legislation—to the Committee on Coinage, Weights, and Measures.

By Mr. DALZELL: Resolutions of American Defense Association, General J. K. Morehead Council, Junior Order United American Mechanics, in favor of the passage of legislation restricting immigration—to the Select Committee on Immigration and Naturalization.

By Mr. FLICK: Petition of 37 citizens of Page County, Iowa, asking passage of a bill giving the State the right to control the manufacture and sale of oleomargarine, etc.—to the Committee on the Judiciary.

Also, petition of 142 citizens of Page and Taylor Counties, Iowa, asking the passage of House bill 11568, known as the Conger lard bill—to the Committee on Agriculture.

By Mr. GEISSENHAINER: Petition of D. Du Bois Demarest, presi-

dent, and William B. Tompkins, secretary, of the Society of Inquiry, representing the students in the Theological Seminary of the Reformed (Dutch) Church in America at New Brunswick, N. J., for the closing of the World's Columbian Exposition on Sundays—to the Select Committee on the Quadro-Centennial.

Also, petition of citizens of Franklin Park, N. J., in favor of the passage of the bill relative to short method of spelling—to the Committee on Printing.

By Mr. GOODNIGHT: Affidavit of S. A. Waggoner, to accompany bill for the relief of L. A. Waggoner, of Kentucky—to the Committee on Invalid Pensions.

By Mr. KERR, of Pennsylvania: Memorial of officers and members of Penn Grange, Clearfield County; also, of officers and members of Sylvan Grove Grange, No. 765; also, of officers and members of Kersey Grange, No. 628, Elk County, Pennsylvania, asking for the free coinage of silver—to the Committee on Coinage, Weights and Measures.

By Mr. LACEY: Evidence in support of House bill for granting a pension to Jesse R. K. Lamb—to the Committee on Pensions.

By Mr. LEWIS: Petition of Martha J. Mayes, of Mississippi, for reference of her war claim to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. LODGE: Petition of Professor Hjalmar Hjorth Boyesen and 1,956 others, citizens of the United States, representing sixteen States, praying that Congress insert in any bill for the regulation of immigration a provision that the American consul nearest the point of embarkation of any emigrant shall issue a certificate to said emigrant stating that he is not inimical to American institutions, that he can read his native language, that he is physically and mentally sound, that he is not under contract to perform labor of any kind in the United States, and that he is not and never has been a pauper. Any measure not containing these prerequisites they consider worthless and inadequate—to the Select Committee on Immigration and Naturalization.

By Mr. McCLELLAN: Petition of Dr. George W. McConnell and 25 others, citizens of Angola, Steuben County, Indiana, requesting the immediate consideration of House bill 12353, for the relief of George Elliott, to accompany said bill—to the Committee on Military Affairs.

By Mr. MCKINLEY: Petition of citizens of Ohio, favoring the passage of the bill defining futures and options—to the Committee on Agriculture.

By Mr. MOREY: Resolution of Washington Garrison Regular Army and Navy Union, United States Army, in favor of House resolution 269—to the Committee on Military Affairs.

By Mr. MUTCHLER: Memorial of officers and members of Grange No. 504; also, of officers and members of Grange No. 782, praying for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. RAINES: Petition of Woman's Christian Temperance Union of Ontario County; also, of the same organization of Steuben County, New York, for the passage of Senate bill 4173, respecting the social vice—to the Committee on Education.

By Mr. RUSSELL: Petition of the New London (Conn.) Board of Trade, in favor of a breakwater in Lynnhaven Bay, at the foot of Chesapeake Bay—to the Committee on Rivers and Harbors.

By Mr. SENEY: Petition of R. W. Baker and 25 others, citizens of Seneca County, Ohio, favoring House bill 5353, defining options—to the Committee on Agriculture.

By Mr. SMYSER: Petition of Daniel Webster Council, No. 90, Junior Order United American Mechanics, of New Portage, Ohio, favoring the passage of a bill to restrict immigration—to the Select Committee on Immigration and Naturalization.

By Mr. STRUBLE: Resolutions of Farmers' Alliance No. 1914, Milford; also, petition of L. G. Mecher and 43 others, citizens of Dickinson County, Iowa, requesting the passage of House bill 5353—to the Committee on Agriculture.

By Mr. THOMAS: Remonstrance of the executive committee of the Manufacturers and Jobbers' Union of La Crosse, Wis., and of a large number of business men of La Crosse, Wis., against the passage of Senate bill 4962, authorizing the construction of certain booms, etc., in the Mississippi River—to the Committee on Commerce.

By Mr. TOWNSEND, of Pennsylvania: Memorial of officers and members of Grange No. 335, Mercer County, Pennsylvania, for free coinage of silver; also, memorial of the officers and members of Potter Grange, No. 96, of Centre County, in the same State, for the same measure—to the Committee on Coinage, Weights, and Measures.

By Mr. VANDEVER: Resolutions of the Los Angeles (Cal.) Chamber of Commerce, favoring legislation for the speedy construction of an inter-oceanic highway, such as the Nicaragua Canal; also, resolutions of San Francisco and San Diego (Cal.) Chamber of Commerce, favoring the construction of the same improvement—to the Committee on Commerce.

By Mr. WRIGHT: Memorial of Grange No. 342, Patrons of Husbandry, Susquehanna County; also, of Grange No. 259, Patrons of Husbandry, of the same county; also, of Grange No. 173, of same organization, Bradford County; also, of Grange 806, Susquehanna County; also, of Grange No. 83, Bradford County; also, of Grange No. 798, Susquehanna County; also, of Grange No. 926, of Wyoming County, Pennsylvania, in favor of bimetallicism—to the Committee on Coinage, Weights, and Measures.

## SENATE.

WEDNESDAY, February 18, 1891.

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

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

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

MARY C. HOFFMAN.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives nonconcurring in the amendments of the Senate to the bill (H. R. 12312) to grant a pension to Mary C. Hoffman, widow of General William Hoffman.

Mr. DAVIS. I move that the Senate insist on its amendments and agree to the conference asked by the House of Representatives.

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. SAWYER, Mr. PADDOCK, and Mr. TURPIE were appointed.

## PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the General Assembly of the State of Colorado, praying that a portion of the Ute Indian reservation be laid aside for a national park; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Legislature of North Dakota, praying for the enlargement of Fort Abraham Lincoln and an increase of the number of troops at that post; which was referred to the Committee on Military Affairs.

He also presented a petition of 79 residents of the State of Maine, praying for the adoption of a resolution providing for negotiations to extend the trade relations of the United States with Canada; which was referred to the Select Committee on Relations with Canada.

He also presented a printed petition of the Farmers' Mutual Benefit Association, praying for a constitutional amendment to secure to women the rights of suffrage, certified as having been rejected by Lodge No. 4785, of Salem, Ind.; which was ordered to lie on the table.

The VICE PRESIDENT. The Chair presents an address and resolutions of the National Association of Builders, praying for the passage of the Torrey bankruptcy bill; which, by request, if no objection is made, will be printed as a document, and laid on the table.

Mr. DAVIS presented a petition of citizens of Nerstrand, Minn., praying for the enactment of a law giving to the several States authority to control the manufacture and sale of oleomargarine, butterine, and all compounds in imitation of butter; which was referred to the Committee on Agriculture and Forestry.

Mr. CULLOM presented a petition of citizens of Illinois, praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a memorial of citizens of Illinois, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented a petition of Pleasant Ridge Lodge, No. 457, of Illinois, and a petition of District Assembly No. 2478, Farmers' Mutual Benefit Association, of Illinois, praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table.

Mr. EVARTS presented a petition of 250 citizens of New York and New Jersey, praying for the appointment of a commission to consider measures looking towards closer trade relations with Canada; which was referred to the Select Committee on Relations with Canada.

Mr. HOAR presented a petition of 100 voters of Groveland, Mass., praying for the passage of a bill to restrict immigration; which was ordered to lie on the table.

Mr. HOAR. I present a petition of several very important business houses of the city of Boston, praying for the enactment of the Torrey bankruptcy bill. I move that the petition lie on the table.

The motion was agreed to.

Mr. TURPIE presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of John M. Mourey and 12 other citizens of Coesse, Whitley County, Indiana;

Resolutions of Subordinate Alliance No. 11, of Coesse, Whitley County, Indiana;

Resolutions of Jay County Assembly, No. 113, Farmers' Mutual Benefit Association, of Jay County, Indiana;

Petition of W. A. Daily and 17 other citizens of Blackford County, Indiana;

Petition of Lodge No. 3671, comprising 64 members;

Petition of Lodge No. 3151, comprising 42 members;

Petition of Lodge No. 3677, comprising 20 members;

Petition of Lodge No. 2844, comprising 32 members;

Petition of Lodge No. 3333, comprising 20 members;

Petition of Lodge No. 3436, comprising 36 members;

Petition of Lodge No. 3778, comprising 23 members;

Petition of Lodge No. 3330, comprising 60 members;

Petition of Lodge No. 3489, comprising 20 members;

Petition of Lodge No. 3257, comprising 22 members;

Petition of Lodge No. 3624, comprising 27 members;