SENATE.

FRIDAY, *February* 27, 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.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 13218) to define the jurisdiction of the police court of the District of Columbia, agreed to the conference asked by the Senate, and had appointed Mr. CASWELL, Mr. STEWART of Vermont, and Mr. HENDERSON of North Carolina managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 13658) making appropriation to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

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

A bill (S. 1826) granting pensions to Powell's Battalion of Missouri Mounted Volunteers; and

A bill (S. 3046) granting a pension to Fanny L. Davis.

HOUSE BILL REFERRED.

The bill (H. R. 13658) making appropriation to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

RECORD AND PENSION OFFICE, WAR DEPARTMENT—VETO MESSAGE.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return to the Senate without my approval the bill (S. 4620) "to establish the record and pension office of the War Department. and for other purposes."

This bill proposes to change the designation of one of the divisions of the War Department. It is now the "record and pension division," and it is proposed that it shall hereafter be the "record and pension office" of the War Department. The scope of the work assigned to this division or office is not changed, but the organization now existing under a classification made by the Secretary of War is, by the bill, made permanent, and put beyond the control of the Secretary. The change of designation seems to have been intended to add dignity to the position, and the effect of the bill is probably to require that the chief of this office shall hereafter be appointed only by and with the advice and consent of the Senate, though it is not clear that any provision is made for a chief after the particular person designated in the bill has been separated from the place, or in case he is not appointed.

The real object of the bill is disclosed in the following clause: "The President is hereby authorized to nominate and, by and with advice and consent of the Senate, to appoint the officer now in charge of said record and pension division to be a colonel in the Army and chief of said office." It is fairly to be implied from the bill that in the opinion of Congress the public interest would be promoted by making the contemplated change in the grade of this office and by giving the rank and pay of a colonel in the Army to the chief. A new and rather anomalous office is therefore created, that of "colonel in the Army and chief of the record and pension office of the War Department," but upon the condition that the President shall nominate a particular person to fill it. I do not think it is competent for Congress to designate the person who shall fill an office created by law, and practically nothing remains of the bill under consideration if this person is not to be appointed. The office is an important one, connected with the active civil administration of the War Department. I can not agree that the selection of the officer shall be taken out of the discretion of the Executive, where the responsibility for good administration necessarily rests. It is probably true that the officer intended to be benefited is peculiarly deserving and has had remarkable success in the discharge of the duties of the office; but these are considerations for the appointing power and might safely have been left there.

If this particular appointment was backed by reasons so obvious as to secure the support of both Houses of Congress, it should have been assumed that these reasons could have been made obvious to the Executive by the ordinary methods. In connection with the Army and Navy retired lists legislation akin to this has become quite frequent—too frequent in my opinion—but these laws have been regarded as grants of pensions rather than of offices.

If it is to be allowed that active places connected with the Executive Departments can be created upon condition that particular persons are or are not to be designated to fill them, the power of appointment might be wholly diverted from the Executive to the Congress.

BENJ. HARRISON.

EXECUTIVE MANSION, *February* 26, 1891.

The VICE PRESIDENT. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. COCKRELL. I shall move that the message and accompanying bill be printed and laid on the table, and in connection with it I read public act No. 356.

An act to authorize the appointment of Assistant Surgeons Thomas Owens nad William Martin, United States Navy, not in the line of promotion, to the position of surgeons, United States Navy, not in the line of promotion, and for other purposes.

Be it enacted, etc., That the President be, and is hereby, authorized to appoint Assistant Surgeons Thomas Owens and William Martin, United States Navy, not in the line of promotion, to the rank of surgeons, United States Navy, not in the line of promotion, and that for this purpose there be, and is hereby, authorized two additional surgeons in the Navy, to be known and designated as surgeons not in the line of promotion, but in all other respects to be entitled to the rank, pay, emoluments, and privileges of surgeons in the Navy of the United States.

Approved, October 1, 1890.

I ask that the message be printed, and that it lie on the table.

Mr. SHERMAN. I think the bill and message had better be referred to the committee reporting the bill.

Mr. COCKRELL. I think it had better lie on the table until we can determine whether it ought to be referred.

Mr. SHERMAN. It is the more proper way to refer it.

Mr. COCKRELL. Then let it be referred to the Committee on Military Affairs.

Mr. SHERMAN. If the Senator wishes to make remarks upon it, I do not ask for a reference.

The VICE PRESIDENT. What is the motion made by the Senator from Missouri?

Mr. COCKRELL. I move that the bill and message be printed, and laid on the table; but if anyone desires to have it referred I have no objection.

Mr. SHERMAN. I think it had better be referred.

The VICE PRESIDENT. The bill and message will be referred to the Committee on Military Affairs, and printed.

LETTERS ROGATORY IN FOREIGN COUNTRIES.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and on motion of Mr. EDMUNDS, with the accompanying report and documents, referred to the Committee on the Judiciary, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report of the Secretary of State and accompanying documents, in relation to the execution of letters rogatory in foreign countries.

BENJ. HARRISON.

EXECUTIVE MANSION, *February* 26, 1891.

EXPORTATIONS TO BRAZIL.

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

To the Senate of the United States:

I transmit herewith, in reply to the resolution of the Senate of the 9th instant, a report from the Secretary of State, accompanied by the papers relating to the commercial arrangement recently entered into with Brazil.

BENJ. HARRISON.

EXECUTIVE MANSION, *February* 26, 1891.

HAMPTON SOLDIERS' HOME.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of February 16, 1890, a report from General William B. Franklin, president of the Board of Managers of the National Home for Disabled Volunteer Soldiers, relative to the need of greater accommodations for ex-soldiers at the National Soldiers' Home at Hampton, Va., etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

AMERICAN HISTORICAL ASSOCIATION REPORT.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Smithsonian Institution, transmitting, in accordance with law, the annual report of the American Historical Association; which was read.

The VICE PRESIDENT. The communication and accompanying report will be referred to the Committee on Printing, if there be no objection.

Mr. MANDERSON. I suggest that that report be printed in the usual number as it is a regular report coming from the Secretary of the Institution. I think that the better course would be to make that order without reference to the Committee on Printing. The question whether a larger number ought to be printed might be referred to the Committee on Printing.

The VICE PRESIDENT. It will be so ordered.

EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 14th instant, a report from the Commissioner of Indian Affairs relative to instructions which have been given touching allotments of lands on the Pottawatomie reservation in the Indian Territory which may relate to the rights of the Indians of that tribe to select lands upon that reservation according to their own view as to their desirability; which, on motion of Mr. DAWES, was, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a letter from the Acting Secretary of the Treasury, submitting a communication from the Attorney-General containing an estimate of $3,000 for defending suits in claims against the United States for the current fiscal year; which was referred to the Committee on Appropriations, with the accompanying papers, and ordered to be printed.

He also laid before the Senate a communication from the Acting Secretary of the Treasury, transmitting a supplemental list of claims al-

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

lowed by the several accounting officers of the Treasury; which was referred to the Committee on Appropriations, and ordered to be printed in the RECORD, as follows:

TREASURY DEPARTMENT, *February* 27, 1891.

SIR: I have the honor to transmit herewith a supplemental list of claims allowed by the several accounting officers of the Treasury since the allowance of those embraced in House Executive Document No. 171, present session, under appropriations the balances of which have been exhausted or carried to the surplus fund, under the provisions of section 5 of the act of June 20, 1874 (18 Statutes, page 110), amounting to $49,269.58.

Respectfully, yours,

A. B. NETTLETON,
Acting Secretary.

The PRESIDENT OF THE SENATE.

OHIO JUDICIAL DISTRICTS.

The bill (H. R. 11003) to detach the county of Logan, in the State of Ohio, from the northern and attach it to the southern judicial district of said State was read twice by its title.

Mr. HOAR. I ask to have the bill read in full—it is a bill of only five or six lines—and then I shall ask to have it passed, if there is no objection. The Ohio Senators desire it, and the Committee on the Judiciary have informally considered the bill.

The bill was read; and the Senate, by unanimous consent, as in Committee of the Whole, proceeded to its consideration.

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

HENRY L. MOREY.

Mr. HAWLEY. There is upon the table a House bill for the relief of Henry L. Morey. Without sending it to a committee I ask that the Senate concur with the House in the passage of the bill. We have a bill on the Calendar from the Committee on Military Affairs of precisely the same tenor. It is a matter of much interest to Mr. MOREY, a member of the other House, whose term in Congress is about to expire, and I should like to have it passed.

The bill (H. R. 12152) for the relief of Henry L. Morey was read the first time by its title.

Mr. EDMUNDS. Let the bill be read for information.

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

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed to amend the record of Capt. Henry L. Morey, Company G, Seventy-fifth Ohio Volunteers, to show him continuously in service as captain of said company from March 1, 1863, date of his muster-in, until December 22, 1864, the date of his muster-out.

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

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

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

The VICE PRESIDENT. The bill (S. 5036) for the relief of Henry L. Morey will be indefinitely postponed.

CREDENTIALS.

Mr. ALLEN presented the credentials of WATSON C. SQUIRE, chosen by the Legislature of Washington a Senator from that State for the term beginning March 4, 1891; which were read, and ordered to be filed.

Mr. STEWART. I present the certificate of election of William H. Clagget, as a Senator of the United States from the State of Idaho for the term commencing March 4, 1891, with a memorial of Mr. Clagget, and copies of the journals of the Legislature. I ask that these papers be printed and referred to the Committee on Privileges and Elections. I suppose they will not probably be considered until the next Congress, but it is desirable that they should be printed.

Mr. HOAR. That I think is the proper disposition to be made of the matter.

The VICE PRESIDENT. It will be so ordered, if there be no objection. The credentials with the accompanying papers will be printed and referred to the Committee on Privileges and Elections, to report at the next session.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented the petition of D. T. McMalmont, of Glade Mills, Butler County, Pennsylvania, praying for the passage of the bill to prohibit the opening of any exhibition on the Sabbath, etc., which was referred to the Select Committee on the Quadro-Centennial.

He also presented the petition of Emma A. Cranmer, vice-president of the State Woman's Christian Temperance Union, of South Dakota, and the petition of Franklin B. Sawvely, president, and C. B. Wakefield, secretary, of the Granville (Pa.) committee on Sabbath observance auxiliary to the Western Pennsylvania committee of the Reform Church, praying for the passage of the bill to prohibit the opening of any exhibition or exposition on Sunday where appropriations of the United States are expended; which were referred to the Committee on the Quado-Centennial (Select).

Mr. MCPHERSON presented a memorial of the Board of Trade of Passaic, N. J., remonstrating against further silver legislation; which was ordered to lie on the table.

Mr. WILSON presented a petition of the Methodist Episcopal, Christian, Presbyterian, United Presbyterian, Associate Presbyterian, and African Methodist Episcopal churches of Albia, Iowa, numbering 1,075 members, praying for the passage of the bill to prohibit the opening of any exhibition or exposition on Sunday where appropriations of the United States are expended; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. REAGAN presented the petition of Mensing Bros. & Co. and other firms, of Galveston, Tex., and the petition of Leon and H. Blum, and other firms, of Galveston, Tex., praying for the passage of the Torrey bankruptcy bill; which were 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 William Olmstead and 26 other citizens of Red Willow County, Nebraska;

Petition of James Casey and 17 other citizens of Red Willow County, Nebraska;

Petition of North Valley Alliance, No. 855, of Red Willow County, Nebraska;

Petition of D. W. Jenkinson and 26 other citizens of Monroe, Platte County, Nebraska;

Petition of Woodville Alliance, No. 1192, of Platte County, Nebraska;

Petition of Frank Kiernon and 30 other citizens of Platte County, Nebraska;

Petition of G. E. Oatman and 11 other citizens of Oak Creek Township, Webster County, Nebraska;

Petition of Walnut Grove Alliance, No. 1073, of Webster County, Nebraska;

Petition of McCove Junction Alliance of York County, Nebraska;

Petition of C. M. Smith and 19 other citizens of York County, Nebraska;

Petition of C. E. Clement and 11 other citizens of Red Willow County, Nebraska;

Petition of B. F. Allen and 9 other citizens of Cass County, Nebraska;

Petition of Ellis Alliance, No. 884, of Nebraska;

Petition of M. Barrett and 14 other citizens of Ways Township, York County, Nebraska;

Petition of F. M. Churchill and 13 other citizens of Ways Township, York County, Nebraska;

Petition of Albert C. Davidson and 17 other citizens of Phelps County, Nebraska;

Petition of Harmony Alliance, No. 1208, of Phelps County, Nebraska;

Petition of Willmar Farmers' Alliance, No. 814, of Nebraska;

Petition of Samuel Ellis and 12 other citizens of Red Willow County, Nebraska;

Petition of Pleasant Prairie Alliance, No. 1468, of Red Willow County, Nebraska; and

Petition of Prairie Alliance, No. 2013, of Pawnee County, Nebraska.

Mr. MANDERSON presented a petition of Grange No. 10, Patrons of Husbandry, of Dodge County, Nebraska, praying for the passage of the pure food and pure lard bills; which was ordered to lie on the table.

He also presented a petition of the G. A. Custer Post, No. 7, Department of Nebraska, Grand Army of the Republic, praying for the passage of Senate bill 4681 providing for retirement of enlisted men who served in the war of the rebellion, etc.; which was referred to the Committee on Military Affairs.

He also presented a memorial of citizens of Dorchester, Nebr., remonstrating against the opening of any exhibitions or shows on Sunday that are aided by money from the Federal Treasury; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of sundry citizens of Dawes County, Nebraska, praying for protection to person and property against apprehended Sioux raids and in favor of disarming those Indians; which was referred to the Committee on Indian Affairs.

Mr. VEST presented the petition of Peter Loethen and other citizens of St. Thomas, Mo., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. COCKRELL presented the petition of D. A. Williams, treasurer of the Kansas City Electrical Works, and other citizens of Missouri, and the petition of S. C. Frary and other citizens of Missouri, praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table.

Mr. COCKRELL. I hold in my hand a printed slip addressed to me, with my name in writing at the head and then the rest of it printed, except the signature, and headed "Reciprocity that is possible with Canada," calling attention to a resolution recommended by the Committee on Foreign Affairs of the House of Representatives. I suppose I have received twenty or thirty of these papers, and many of them with printed signatures. I have not presented any of them before to the Senate because I do not consider them properly petitions, and I simply call attention to this one without presenting it.

Mr. VANCE presented a petition of Wilson Alliance, of Martindale,

N. C., 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.

He also presented a memorial of the Sugar Creek Alliance, No. 1490, of Charlotte, N. C., remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

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

Resolutions of Plainview Alliance, No. 621, of Red Willow County, Nebraska;

Resolutions of Union Alliance, No. 2066, of Dakota County, Nebraska;

Petition of J. L. Clark and 59 other citizens of Pawnee County, Nebraska;

Petition of H. M. Coulter and 36 other citizens of Sidney, Cheyenne County, Nebraska;

Petition of A. H. Woods and 20 other citizens of Wilber precinct, Saline County, Nebraska;

Resolutions of Wabash Farmers' Alliance, No. 364, of Cass County, Nebraska; and

Resolutions of Blue Valley sub-Alliance, No. 841, of Saline County, Nebraska.

Mr. PADDOCK also presented the petition of Unity Grange, No. 10, Patrons of Husbandry, the petition of Dodge County Pomona Grange, No. 3, and the petition of the State Grange of Nebraska, praying for the speedy passage of the Conger lard bill and the Paddock pure-food bill; which were ordered to lie on the table.

Mr. MITCHELL presented a petition of citizens of Pendleton, Oregon, praying for the passage of a law to prohibit the opening of any exposition on Sundays where appropriations of the United States are expended; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of citizens of Corvallis, Oregon, praying for the passage of a law to prohibit the transmission of immoral literature through the mails; which was referred to the Committee on Post Offices and Post Roads.

Mr. BLAIR. I present a memorial of the Central National Society for Women's Suffrage of London, which is as follows:

CENTRAL NATIONAL SOCIETY FOR WOMEN'S SUFFRAGE,
Central Committee Office, 29 Parliament Street,
London, S. W., January 12, 1891.

To the Representatives of the American people in Congress assembled:

We, the committee of the Central National Society for Women's Suffrage, 29 Parliament street, London, England, wish to express to the Congress of the United States our appreciation of the admission of Wyoming into the Union with a woman-suffrage proviso in its constitution; and we desire, at the same time, to convey our assurance that the noble recognition of the principle of equality by the legislative assembly of a great nation will be a powerful impulse to the cause of freedom in every country on the globe.

HARRIET MORRISON,
(Mrs. FRANK MORRISON), *President.*

The VICE PRESIDENT. The memorial will be referred to the Committee on Education and Labor.

Mr. BLAIR. I suggest that the memorial be referred to the Select Committee on Woman Suffrage. If it were not for the pressure of time on the Senate I should make a few remarks on the memorial.

The VICE PRESIDENT. The memorial will be referred to the Select Committee on Woman Suffrage, in the absence of objection.

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. 8508) granting a pension to Ann Carr, of Vevay, Ind.;
A bill (H. R. 3520) granting a pension to D. G. Scooten;
A bill (H. R. 10602) granting a pension to Charles T. Sloat;
A bill (H. R. 4888) granting a pension to N. E. Palmer;
A bill (H. R. 7002) granting a pension to William Richardson;
A bill (H. R. 4209) granting a pension to Oliver P. Martin;
A bill (H. R. 5106) granting an increase of pension to Squire West;
A bill (H. R. 4878) pensioning Richard Christy; and
A bill (H. R. 8595) for the relief of William M. Bishop.

Mr. COLQUITT, from the Committee on Post Offices and Post Roads, to whom was referred an amendment submitted by himself on the 23d instant, intended to be proposed to the deficiency appropriation bill, providing for granting credit in the account of H. Hubert, late postmaster at Quitman, Ga., in the sum of $100, reported it favorably and moved its reference to the Committee on Appropriations; which was agreed to.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (H. R. 13575) granting a pension to Mary A. Ripley, reported it with an amendment, 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. 3611) for the relief of John F. Mahler;
A bill (H. R. 7937) granting an increase of pension to Mrs. Harriet E. Martin;
A bill (H. R. 4328) granting a pension to Rufus Squire;
A bill (H. R. 5524) granting a pension to Anna Platt;
A bill (H. R. 3485) granting a pension to Caroline Reeble;
A bill (H. R. 7148) granting a pension to Lewis J. Baker;
A bill (H. R. 3958) granting a pension to Fedolin Buckeviller;
A bill (H. R. 11421) granting a pension to Elizabeth Dodge;
A bill (H. R. 6562) for the relief of John O. McDonald, alias William Barnes;
A bill (H. R. 9504) granting a pension to Gottlieb Hunziker;
A bill (H. R. 13592) to pension John Wagnon;
A bill (H. R. 13526) to increase the pension of Leah Allen;
A bill (H. R. 4387) granting a pension to David Keys;
A bill (H. R. 1864) to place the name of Robert C. Kerr on the pension roll;
A bill (H. R. 12777) to increase the pension of John H. R. Storey, Company F, One hundred and ninth Regiment Pennsylvania Veteran Volunteers;
A bill (H. R. 13473) to restore to the pension roll the name of Eliza M. Keith (formerly Eliza Ash);
A bill (H. R. 13443) to pension Nathaniel Noon;
A bill (H. R. 3376) granting a pension to Catherine McManus;
A bill (H. R. 9313) granting a pension to Mary D. McChesney; and
A bill (H. R. 11257) granting a pension to Elizabeth M. Ayars, formerly Elizabeth M. Sutton.

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

A bill (H. R. 7184) granting a pension to Ellen Finnerty;
A bill (H. R. 7473) for the relief of George P. Harbman;
A bill (H. R. 9772) for the relief of Margaret Malloy;
A bill (H. R. 8856) for the relief of James A. Hull;
A bill (H. R. 9431) granting a pension to Jane Fee;
A bill (H. R. 9423) for the relief of Charles Ewing;
A bill (H. R. 6800) granting a pension to Anne Mattocks;
A bill (H. R. 6792) granting a pension to Hetta Brainard; and
A bill (H. R. 11575) granting a pension to Sylvanus B. Dorsett.

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

A bill (H. R. 8438) granting a pension to Esther Walker, formerly Esther Dayton, a nurse in the late war;
A bill (H. R. 13381) granting a pension to Sarah R. Kimball;
A bill (H. R. 13450) granting a pension to Catherine Cook;
A bill (H. R. 13332) granting a pension to Anna C. Dewhurst, invalid daughter of the late George Dewhurst, an acting master in the United States Navy during the late civil war;
A bill (H. R. 5924) granting a pension to Drusilla A. Sherwood;
A bill (H. R. 8226) granting a pension to James H. Fleming;
A bill (H. R. 2518) granting a pension to Ozro Harrington;
A bill (H. R. 8170) granting a pension to Elizabeth Keely;
A bill (H. R. 4779) granting a pension to William Reeder;
A bill (H. R. 13589) granting a pension to Lydia B. Gray;
A bill (H. R. 6838) for the relief of Angus McVigor; and
A bill (H. R. 13224) granting a pension to Emily M. Tyler.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2496) correcting the military record of Ireneus Shortridge, reported it with an amendment, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred an amendment, submitted by himself on the 26th instant, intended to be proposed by him to the post office appropriation bill, reported it favorably and moved its reference to the Committee on Appropriations; which was agreed to.

Mr. MANDERSON. I am directed by the Committee on Printing to report adversely to the printing of the list of clerks sent under the law by the Secretary of the Treasury. It has not been usual to print this document, as it is very voluminous and all the information is contained in other documents. I ask, therefore, that the committee be discharged from the consideration of the subject.

The VICE PRESIDENT. The committee will be discharged from the further consideration of the subject, in the absence of objection.

DISTRICT SOLDIERS' HOME.

Mr. INGALLS. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 10787) to prohibit the granting of liquor licenses within 1 mile of the Soldiers' Home, to report it without amendment, with a recommendation that it be passed. The bill consists of four lines, and I ask that it may be read now for information and that it may then be considered.

The VICE PRESIDENT. The bill will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That on and after the passage of this act no license for the sale of intoxicating liquors at any place within 1 mile of the Soldiers' Home property in the District of Columbia shall be granted.

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.

MELLWOOD DISTILLERY COMPANY.

Mr. CARLISLE. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 9599) for the relief of R. F. Balke, as Mellwood Distillery, to report it without amendment. I ask that the bill be read and then I shall ask for its consideration. I will state that a bill in precisely the same language has been heretofore reported from the Committee on Finance and is now on the Calendar. It was prepared at the Treasury Department and recommended by that Department.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to remit and abate the deficiency tax on 3,456 gallons of spirits assessed against R. F. Balke, as Mellwood Distillery Company, for the months of May and part of June, 1888, the deficiency having resulted from an erroneous survey of the distillery, and not from any fraud or fault of Balke.

Mr. EDMUNDS. Is there a report? I do not object to the present consideration of the bill.

Mr. CARLISLE. There is a report with the Senate bill.

Mr. EDMUNDS. I only ask to have the report read, so that we can understand it.

Mr. CARLISLE. There is a report with the Senate bill, which I presume the clerks have at the desk. I can state the case to the Senator from Vermont.

Mr. EDMUNDS. If the report is long I would just as soon, to save time, have the statement of the Senator.

Mr. CARLISLE. The report is not very long, but it embodies a communication from the Treasury Department, and the bill itself was prepared at the Treasury Department and sent to the committee.

There was an erroneous survey as to the capacity of this distillery and the Treasury authorities did not collect the tax, but held it up in order that Congress might have an opportunity to act upon the matter.

Mr. EDMUNDS. The proposition, I understand, has been considered by the Committee on Finance of this body and reported favorably.

Mr. CARLISLE. It has, and this bill now comes from the House of Representatives. My purpose is to have the House bill passed and to postpone the Senate bill.

Mr. EDMUNDS. Very well.

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

The VICE PRESIDENT. The bill (S. 3454) for the relief of R. F. Balke, as Mellwood Distillery Company No. 34, fifth district of Kentucky, will be postponed indefinitely.

Mr. ALLISON. I ask that the morning business may now be considered without interruption, so that whatever there is to be done after that can go on.

The VICE PRESIDENT. Reports of committees are still in order.

HON. F. A. SAWYER.

Mr. TELLER, from the Committee on Privileges and Elections, to whom was referred the following resolution, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Hon. F. A. Sawyer, late a Senator from South Carolina, the amount due him as a Senator in the Fortieth Congress, from the 4th March, 1867, till he was paid; said payment to be made from the miscellaneous items of the contingent fund of the Senate.

HON. GEORGE E. SPENCER.

Mr. TELLER. I am directed by the Committee on Privileges and Elections, to whom was referred the resolution which I send to the desk, to report it without amendment, and I ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to the Hon. George E. Spencer, late a Senator from Alabama, the amount due him from the beginning of his term, on the 4th of March, 1867, until he was paid; said payment to be made from the miscellaneous items of the contingent fund of the Senate.

The Senate, by unanimous consent, proceeded to consider the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. HALE. Mr. President, I do not know anything about the resolution to oppose it. I suppose the committee has investigated it. But I think that something should be done in these cases which receive the attention of committees and are reported and go through without any reason why the money itself should not go directly to the person stated in the resolution. I know that in a similar resolution to this, and in a case similar to this, when the resolution passed a scene which I shall describe took place in the office of the Secretary of the Senate, where the money is paid. The party in whose favor the resolution read went to the office of the Secretary of the Senate, to the paying office, conducted by Mr. Nixon. An attorney followed him there. A controversy took place in that office between the person representing the claim, the ex-Senator, whoever it was, and the attorney who had dogged his steps there, and out of that controversy at last the attorney had his way and the money was divided there, and only a portion of it came to the party who was entitled to the whole of it.

Mr. President, a thing of that kind ought to be stopped. Those resolutions that the Senate passes in favor of gentlemen who were formerly members of this body are not lobbied through here by claim agents. They are taken up as a labor of love by the committees, who are interested that the right thing should be done by any man who has served here and if there is anything due him that it should be paid to him. It is a shame and a scandal upon the Senate that such an occurrence as I have described should have taken place. Whoever in that case followed up that ex-Senator to the door of the treasury of the Senate and insisted upon dividing with him was exacting what he had no business to do.

These attorneys do not appear before committees. They are not called upon to appear before committees. The Senator from Colorado is not a Senator who is influenced in any such way. I hope if this resolution passes the Senator from Colorado will take it upon himself to see that this money goes to the ex-Senator, and that it is not divided with claim agents here in Washington.

Mr. TELLER. The resolution does not have reference to any attorney. If an attorney has gone to the financial clerk and got any money from him, he must have obtained it with the approval and consent of the person named in the resolution. The clerk must have the receipt of the person named in the resolution.

In this case I am assured by a Senator who knows that there is no contract and there was no attorney. I will state that so far as I know no attorney has been near me in either of these cases, nor near the committee. This is in accordance with an established rule of the Senate, made some time ago, and it will be the fault of the ex-Senator himself if anybody gets any of the money that does not belong to him.

Mr. HOAR. I should like to say in regard to the resolution which was just adopted by the Senate—the one which was passed, not the one pending—that Mr. Sawyer, who was formerly a member of the Senate, who served with some gentlemen here and is well known to nearly all Senators, made his own statement to the members of the committee very modestly and without any pressure. He simply said if he came within the rule he would like to have the pay.

Further, I do not think it is improper to say that Mr. Sawyer is suffering from a disease of the heart which gives himself and his household the greatest anxiety. He is in very feeble health and this sum he is clearly entitled to under the precedents of the Senate.

Mr. TELLER. I will say that, so far as I know, both Mr. Spencer and Mr. Sawyer have looked after their own matter and I have never heard of any attorney connected with the cases. If there is any, I do not know anything about it.

Mr. VEST. Will the Senator from Colorado explain this matter? I do not understand it. Do the resolutions give these ex-Senators back pay, or what is the nature of the claim?

Mr. TELLER. Here is a resolution that was passed some time during the present session:

That the Secretary of the Senate be, and he is hereby, authorized and directed to pay Hon. B. F. Rice, late a Senator from Arkansas, the amount due him in the Fortieth Congress from the 4th of March, 1867, until he was paid.

He was entitled to pay from the 4th of March, 1867, and was paid by the resolution every dollar subsequent to that time. I do not remember what the interval was. That is the situation in both these cases.

Mr. VEST. Was he paid at first from the time he took his seat?

Mr. TELLER. He was paid from the time he took his seat and was sworn in. The committee determined unanimously in the cases of Johnston and Lewis at the last session of Congress that they were entitled to receive pay from the commencement of the term, and that has been the practice for many years both in this body and in the other House. It is but an adherence to the old-established custom of the Senate.

Mr. HALE. I wish to ask the Senate whether it is not precisely the case in all these resolutions in favor of ex-Senators that the facts are all patent; they are found from the record; that the committee can gain all of the facts by a little research; that no effort is needed outside; that no lobbying should be resorted to, and no attorney should have any of this money?

Mr. TELLER. That is the fact.

Mr. HALE. I think the Senator will agree with me on that point.

Mr. TELLER. There is not any necessity for the employment of an attorney in these cases; we get the facts from the record.

Mr. HALE. It is a scandal to the Senate that such an occurrence as I have described, which I have only given in brief, should have occurred.

Mr. PLATT. When did it occur?

Mr. HALE. Only a short time since.

Mr. MANDERSON. I should like information on one point, if the Senator will yield to a question. How many of these cases are there, and how much is the amount in each case? Because if there are numbers of them and each one runs into an amount of five or six thousand

dollars it will constitute a drain on the contingent fund of the Senate that it can not stand. I understand that the payment of quite a liberal sum to one of these claimants within a few weeks practically exhausted the contingent fund of the Senate so that when it became necessary to make a call upon it under the order of the Senate for matters in connection with the funeral services of General Sherman there was no money, but money had to be borrowed by the officers of the Senate to perform the behests of the Senate.

Mr. HALE. I think the case I referred to is the one the Senator has in mind. That did exhaust the fund in the hands of the paying officer of the Senate. After that claim had been presented and divided between the ex-Senator and the attorney, the claim agent, the treasury of the Senate was practically denuded; it was stripped; there was no money left for the payment of ordinary expenditures necessary to the business of the Senate, necessary to the sad memorial exercises which were conducted by the Senate. It was cleaned out by this claim that was divided between the ex-Senator and the lobbyist. I repeat that the whole thing is a shame and a scandal.

Mr. MANDERSON. How many of these cases are there?

Mr. HALE. As to the number of these case, I do not know. I think the Committee on Privileges and Elections is the committee that has resuscitated these old claims. How many there are before that committee, how large the constituency is that represents these old claims, I do not know. That committee probably can inform the Senator better than I.

Mr. MANDERSON. It seems to me that that is a very important inquiry, because if these claims are numerous and the amounts large, certainly steps should be taken to pay them from some other source than from the contingent fund of the Senate, for it is likely to be entirely exhausted for the ordinary purposes of business because of these claims. I presume that they are just and equitable claims against the Government. My only inquiry is directed as to how they should be paid. Ought they not to be paid from some special fund appropriated for that purpose?

Mr. HOAR. Mr. President, the only claims of this character I have heard of are the claims which have already been reported to the Senate. At the present Congress there were one or two cases which were referred to the Senator from Colorado [Mr. TELLER] and the Senator from Indiana [Mr. TURPIE] as a subcommittee. They examined very carefully into them, and found the Senators in those cases had not been paid, and, according to the custom of the Senate and of the House of Representatives, resolutions were reported for paying the amounts found due. The resolutions which have been reported this morning are, so far as I know, with one exception, the last which are pending. I will now state——

Mr. ALLISON. If I can, I shall object to the further consideration of the resolution.

Mr. HOAR. Let me finish my sentence.

Mr. ALLISON. I beg the Senator's pardon.

Mr. HOAR. I am answering a question, if the Senator will pardon me. A question has arisen in regard to the proper compensation of the Senators from the newly admitted States. The opinion of the committee has been expressed that they should be paid from the time of the admission of the States. Whether that should date from the President's proclamation or the time when the State had completed everything on its part or the time of the enabling act, is a question which has been raised. The Committee on Privileges and Elections referred that question to a subcommittee with directions to report at the next Congress. That is the only other claim I have heard of, and that is a different question from this.

Mr. PLUMB. I should like to ask the Senator from Massachusetts to state why these things should not be settled by bills instead of by resolutions. It seems to me the question when the compensation of Senators should begin is one that should be settled by bill. I think, on the whole, it is one of those public questions that ought to be resolved by law and not by resolution.

Of course we have control over our contingent fund just as the House of Representatives has control over its contingent fund; and it is given to us in a certain sense to enable us to do anything we please; but if there is anything in this question material as a question of public justice, it ought to be settled not by a resolution of the Senate, but by law.

Mr. HOAR. There is great force in the suggestion of the Senator from Kansas, and, for one, I am unable to give a good reason in answer to his question, except that this class of claims, when they come up, have always been paid out of the contingent fund of the Senate. Therefore the Committee on Privileges and Elections did not see fit to raise the question, for they supposed this was about the last of this class of claims for the present.

Mr. TELLER. I should like to say also, in relation to the other House, that that House has always paid these claims in the same way, out of its contingent fund, and it has never been regarded as a matter for legislation.

Mr. ALLISON. I shall object to further debate.

The VICE PRESIDENT. Objection being made, the resolution goes over.

Mr. TELLER. Mr. President, I did not understand the Senator from Iowa to object to the consideration of the resolution which was pending. He said, if the debate continued, he would object. I think he does not object to the resolution.

Mr. ALLISON. If the vote can be taken, I do not object.

The VICE PRESIDENT. Is there objection?

Mr. INGALLS. I object.

The VICE PRESIDENT. Objection being made, the resolution goes over.

INVESTIGATION OF AFFAIRS IN ALASKA.

Mr. JONES, of Nevada. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Connecticut [Mr. PLATT], to report it favorably. I ask for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the following resolution submitted by Mr. PLATT, February 23, 1891:

Resolved, That the Committee on Territories, or any subcommittee thereof, is hereby authorized to visit Alaska during the recess of the Senate, and to inquire into the resources thereof, the need of a more efficient system of government, as to the character of the legislation necessary for the development of the district and the protection of its people, and to inquire into any and all matters relating to the welfare of the people of said district.

Said committee shall have power to send for persons and papers, to employ a stenographer, and shall make report, with recommendations in respect to future legislation, to the next regular session of the Senate.

The necessary expenses of the committee, stenographer, and witnesses shall be paid out of the contingent fund of the Senate, to be certified by the chairman of the committee, and to be audited and allowed by the Committee to Audit and Control the Contingent Expenses of the Senate.

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

Mr. GORMAN. Let the resolution lie over.

The VICE PRESIDENT. Objection being made, the resolution will lie over.

BILLS INTRODUCED.

Mr. DAVIS (for Mr. FARWELL) introduced a bill (S. 5123) to authorize the city of Chicago to erect a crib in Lake Michigan for waterworks purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. ALLEN introduced a bill (S. 5124) to confirm title to certain lands in the State of Washington; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO BILLS.

Mr. GORMAN submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Printing.

Mr. SPOONER submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations.

He also submitted an amendment intended to be proposed to the deficiency appropriation bill; which was referred to the Committee on the District of Columbia.

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

Mr. MANDERSON, from the Committee on Printing, to whom was referred an amendment submitted this day by Mr. GORMAN, reported it favorably and moved its reference to the Committee on Appropriations; which was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 26th instant approved and signed the act (S. 405) for the relief of James A. Terrell.

The message also announced that the President had this day approved and signed the act (S. 671) for the relief of Daniel B. Washburn.

LEGISLATIVE, ETC., APPROPRIATION BILL.

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. 13049) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1892, and for other purposes.

INVESTIGATION INTO THE CONDITION OF INDIANS.

Mr. DAWES. The Senator from Iowa [Mr. ALLISON] consents, before proceeding with the appropriation bill, that a resolution which was reported yesterday and went over may be submitted to the Senate. There is a somewhat alarming and serious condition of things in the Sioux Nation.

The VICE PRESIDENT. The Chair will lay the resolution before the Senate.

Mr. BLAIR. I desire to submit a report.

Mr. DAWES. This is morning business, and I would not call it up except, as I have stated, there is a somewhat alarming condition of things still existing in the Sioux Nation of Indians.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution reported yesterday from the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Committee on Indian Affairs, or any subcommittee thereof appointed by its chairman, is hereby instructed to inquire into the condition of the Indian tribes in the States of North Dakota, South Dakota, Montana, and elsewhere, the causes leading to the occupation of Indian reservations by United States troops, whether the treaties with said Indians have been fulfilled; to investigate fully the facts concerning the arms and munitions of war in the possession of said Indians, and what steps, legislative and executive, are needed to disarm them and prevent supply of such armament hereafter; also to inquire whether the care and control of Indians living in the tribal relation should be transferred to any other department of the Government, and to report to the Senate by bill or otherwise. Said committee shall have power to send for persons and papers, examine witnesses under oath, employ a stenographer and interpreter, and sit during the session or the recess of the Senate at such times and places as the committee may determine, and the actual and necessary expenses of said investigation to be paid out of the contingent expenses of the Senate upon vouchers approved by the chairman of the committee.

The VICE PRESIDENT. The amendment reported by the committee will be stated.

The CHIEF CLERK. In the line preceding the last of the resolution, after the word "contingent," it is proposed to strike out the word "expenses" and insert "fund."

The amendment was agreed to.

The resolution as amended was agreed to.

FREDERICK HART.

Mr. SAWYER. I move that the bill (H. R. 5213) granting a pension to Frederick Hart may be recommitted to the Committee on Pensions. A pension has been allowed at the Pension Office, and the pensioner does not care to have the bill passed.

The motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. DAWES. I was not able to be in the Senate Chamber yesterday, but I observe the Senator from Iowa [Mr. ALLISON], the chairman of the Committee on Appropriations, in reporting the Indian appropriation bill last evening, expressed the hope that I should be able to take charge of the bill to-day. My relations with the Senator from Iowa have been so intimate for many years that he could express no wish to me that I would not readily yield to which did not conflict with my own convictions. Had I been here when the report was made I should have been obliged to state to the Senate that I did not approve of it. There are some features in that bill which, after patient and honest investigation on the part of all the committee, they came to a conclusion in which I could not concur, because it was so at variance not only with my own convictions but with what I have understood to be the settled policy of the Government for at least ten years in reference to the Indians, and to which I had devoted what little strength I have had in the committee room for that time.

Therefore, so far as those features were concerned, I could not assume that approval of them and that support of them which is implied in the Senator reporting a bill. I desire to say that I accord to the committee the same conscientious convictions on this subject which I claim for myself.

As to the wish of the Senator from Iowa, whom I know to be overwhelmed with the business and burdens necessarily connected with his position, I have only to say that I will aid him in the promotion of the passage of the bill in all other respects except in those particular features which I do not desire to stand as approving.

Mr. PLATT. May I inquire what the features are to which the Senator alludes, briefly?

Mr. DAWES. They are the educational features of the bill.

Mr. ALLISON. I desire to say only one word. The Indian appropriation bill, as will be observed by Senators, is a bill of great magnitude in many regards. It is a bill covering two hundred and thirteen pages. It will require a long time—that is, compared with the time we have—to consider the bill as it ought to be considered.

I was aware that the Senator from Massachusetts [Mr. DAWES] was unable to be in the Chamber yesterday. I was also aware of the fact that it was absolutely necessary that the bill should be reported to the Senate yesterday. I was also aware of the fact that the Senator from Massachusetts disagreed, and sharply, with the final conclusions the committee reached as respects certain features of the bill. I did not in reporting the bill have any other anticipation or expectation than that the Senator from Massachusetts would take charge of it.

If Senators will observe the general features and character of the bill they will see that the disagreements relate only to one topic. I think I have never had charge of an appropriation bill in this Chamber that had not in it a good many features that I personally did not favor, even extending to questions of public policy; but if we are to get on in this Chamber with legislation and with the necessary appropriations to carry on the Government, it is absolutely essential that here and there and now and then we must sacrifice to some degree our personal views and wishes to the wishes of the majority.

In that spirit I have no doubt my friend from Massachusetts, who has had charge of all the Indian appropriation bills for many years, and who has, with such unwavering devotion and unselfishness, taken charge of the great affairs relating to the Indian tribes, under these circumstances will take charge of the bill, as I think he ought to do. If there comes a point in the consideration of the bill where he can not favor the conclusions of the committee, I, for one, shall expect that he will dissent from those views and represent his own, and then leave the matter to the Senate for its judgment and consideration.

I know the Senator has great feeling on the question of the education of the Indian tribes. I sympathize with him in that feeling, and I may vote with him as respects many of the questions involved in that particular feature of the bill.

I hope, therefore, that the Senator from Massachusetts, notwithstanding what may appear to have been a premature reporting of the bill, and notwithstanding the fact that he dissents from its provisions in some respects, will, as soon as the legislative bill is out of the way, call up the Indian appropriation bill, so that the Senate may have it for consideration. I regard that as a matter of great importance to the consideration of the business of the Senate, and certainly of great personal convenience to me.

Mr. DAWES. The Senator from Iowa will have no occasion to find fault with me in any matter pertaining to that bill. I simply desired that those who are watching the progress of events in relation to the Indians might know precisely the situation in reference to the bill.

Mr. COCKRELL. Mr. President, just one word. This is not such an appalling bill as one might suppose from the statement which has been made. Sixty-four pages are stricken out and bodily reinstated in italics. Take sixty-four pages off, and it is not such a very voluminous bill. It is not as large as bills we have had heretofore.

Mr. ALLISON. I supposed that the bill was of some importance and that it was necessary to report it yesterday, and I think my colleague on the committee, who has just taken his seat, concurs with me in that statement; but, in view of the suggestion that there is nothing in the bill——

Mr. COCKRELL. I did not say there was nothing in it, and I am astonished that the Senator from Iowa should undertake to assert such a ridiculous proposition as to get up here and turn to the 213 pages of that bill as something appalling, which would occupy almost the balance of the session, when he knows that 64 pages of the bill are practically only repetitions of 64 pages stricken out. We have plenty of time to consider it and consider it in detail. It does involve a large amount of money, and has many provisions in it that it probably ought not to contain, which were inserted in a body where there is no longer any deliberation or consideration given to anything.

Mr. SPOONER. I should like to ask the Senator from Iowa if we might not have had the bill passed by this time? [Laughter.]

Mr. HALE. It has been stated that the bill only involves a little money. I ask the chairman of the committee how the bill compares in amount with last year's bill?

Mr. ALLISON. I hope my friend will not ask for information about the bill at present. It is not now pending.

Mr. HALE. I merely wanted the Senate to know.

MARITIME CANAL COMPANY OF NICARAGUA.

Mr. SHERMAN. I wish to give a notice to the Senate that will relieve the Calendar somewhat. The unfinished business, the Nicaragua Canal bill, came up last night in my absence. I am now authorized by the members of the Committee on Foreign Relations, so far as I have been able to consult them, to say that in view of the state of the public business, especially the appropriation bills and other pressing business, and in view of the fact that the bill can not be acted upon in the other House at the present session, we consent to its postponement. I will ask unanimous consent that the bill be postponed until the first Monday in December next.

Mr. PLATT. The Senator can not do that. All bills die with the Congress in which they originated.

Mr. SHERMAN. I give notice that the bill will not be called up again at this session.

Mr. HARRIS. The RECORD shows that the bill to which the Senator refers was displaced by a motion yesterday morning and ceased to be the unfinished business. At the desk, however, the fact was not remembered last night and the bill was laid before the Senate as the unfinished business, but the RECORD shows that at a prior hour the bill was displaced by a vote of the Senate and the sundry civil appropriation bill taken up.

Mr. SHERMAN. I give notice that no effort will be made during the present session to call up the bill.

Mr. MORGAN. Mr. President, I did not know that an appropriation bill displaced other business except temporarily.

Mr. HARRIS. There was a motion to proceed to the consideration of the sundry civil bill.

Mr. GORMAN. I call for the regular order.

Mr. MORGAN. I wish to say that, by unanimous consent of the Senate, we have always considered that an appropriation bill had the right of way, and when an appropriation bill came in it was not at the expense of the regular order.

Mr. HARRIS. When the request for unanimous consent was made yesterday morning the Senator from Nevada [Mr. STEWART] objected,

and then the Senator from Iowa [Mr. ALLISON] moved that the sundry civil bill be taken up, and by vote of the Senate it was taken up. That is the fact as shown by the RECORD.

Mr. PADDOCK. That was the statement I made last night. I am glad to know that there is a consensus of opinion with respect to it.

I desire now to state that, in accordance with the predetermined arrangement of the order of business by those responsible for it, the next bill under that order is Senate bill 3991, relating to the adulteration of food. I shall therefore, after the close of the pending appropriation bill, or if immediately after that another appropriation bill shall be taken up, after the conclusion of that bill, insist upon a vote of the Senate on taking up the bill to which I have referred.

Mr. FRYE. Regular order.

Mr. BUTLER. I could not hear the Senator. May I inquire to what bill he referred?

Mr. PADDOCK. It is the bill (S. 3991) for preventing adulteration and misbranding food and drugs, and for other purposes.

Mr. BUTLER. The bill known as the Conger lard bill?

Mr. PADDOCK. No; not the bill known as the Conger lard bill, but the pure-food bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. 1395) to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated for other purposes, with an amendment; in which it requested the concurrence of the Senate.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The VICE PRESIDENT. The unfinished business will be proceeded with.

The Senate resumed the consideration of the bill (H. R. 13049) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1892, and for other purposes.

The VICE PRESIDENT. The pending amendment will be stated.

Mr. DOLPH. Mr. President, I understood that the Senator in charge of the bill gave way for the consideration of resolutions coming over from yesterday. There was one offered by me, simply calling for information, to which there can be no objection, and which I desire to have considered at this time. I shall be gratified if the Senator will allow that resolution to be considered.

Mr. ALLISON. The regular order was called upon me. Of course strictly morning business I should not object to, but the regular order has been called for, and I have no control over the matter.

Mr. DOLPH. I hope there will be unanimous consent that morning business may be received.

Mr. ALLISON. Later in the day there will probably be ample time for morning business.

Mr. HOAR. I ask unanimous consent that the resolutions which came over from yesterday shall not lose their position and go to the Calendar, but shall stand as resolutions coming over from the preceding day, to be in order when resolutions are next considered.

The VICE PRESIDENT. The resolutions referred to will lie on the table temporarily if there be no objection. The Chair hears none.

Mr. HALE. I call for the regular order of business.

The VICE PRESIDENT. The regular order is the legislative, executive, and judicial appropriation bill. The pending amendment will be stated.

The CHIEF CLERK. On page 20, line 24, after the word "dollars," it is proposed to strike out down to and including the word "necessary," in line 6, on page 21, as follows:

One stenographer, $1,600; one messenger; and for all other necessary expenditures to enable the Civil Service Commission to give effect to and execute the provisions of "An act to regulate and improve the civil service of the United States," approved January 16, 1883, $35,400, or so much thereof as may be necessary.

And in lieu thereof insert:

Five clerks of class 4; five clerks of class 3; seven clerks of class 2; three clerks of class 1; three clerks, at $1,000 each; two clerks, at $900 each; one messenger; and one laborer.

And in line 10, after the word "all," to strike out "fifty-three thousand seven" and insert "fifty-two thousand two;" so as to make the clause read:

For three commissioners, at $3,500 each; one chief examiner, $3,000; one secretary, $2,000; five clerks of class 4; five clerks of class 3; seven clerks of class 2; three clerks of class 1; three clerks, at $1,000 each; two clerks, at $900 each; one messenger; and one laborer; in all, $52,200.

Mr. GORMAN. I should like to ask the chairman of the committee what necessity there is for these ten additional clerks in the Civil Service Commission? Is it not a fact that under the operations of existing law they have the right to detail clerks from the various Departments, so that the business can be conducted without creating ten new places?

Mr. ALLISON. The ten additional clerks provided for in this paragraph are the clerks who are detailed from the several Departments of the Government and are performing duties in the office of the Civil Service Commission.

The amendment has been recommended by the Civil Service Commission as more convenient and as better adapted to the efficient working of that great service than the plan now followed. The Senator is well aware that the majority of the committee—and we are ruled by majorities as far as we can be—decided to insert this appropriation for ten clerks and make them the direct appointees of the Civil Service Commission.

Mr. MCPHERSON. Are they to be continually employed?

Mr. ALLISON. They are to be continually employed. I will say also, as the Senator from Maryland will perhaps remember, the president of the Civil Service Commission stated to the committee that the commission would probably retain the majority of the men who are now engaged in that service if this provision remained in the bill.

Mr. GORMAN. I have no objection to the Civil Service Commission having the necessary number of employés to carry out the law, but, as I understand this matter, the ten clerks who have heretofore been detailed from the Departments are appointed by the Civil Service Commission under this provision. The number of clerks in the Departments will not thereby be reduced. On the contrary, this proposition is simply to give ten more clerks than are now provided for by law. I ask the Senator from Iowa if that is not the effect of the provision, and if this is not an increase of ten clerks? There is no reduction in the Departments from which the details have heretofore been made.

Mr. ALLISON. That is not quite true. There will be a net increase, I think, of eight clerks. The Senator will remember we have increased the clerical force here and there through all the Departments by the addition now and then of a clerk. With reference to two or three of these clerks who are detailed, the heads of the Departments tell us that it is absolutely necessary that they should have the services of these men.

Mr. SPOONER. What heads of Departments?

Mr. ALLISON. The Secretary of the Navy, the Secretary of the Interior, and I think the Postmaster-General, but I am not certain, as to the particular Departments. They tell us that the growing work of their Departments requires the presence of these clerks in their Departments. We have provided for probably seven or eight new clerks by this paragraph, but not ten.

We have not increased the number in the Post-Office Department where there is one detailed, and that is also true of the Interior Department. Of the ten clerks now detailed, I should say eight are provided for in this bill, and there probably will not be an increase of more than eight.

Mr. GORMAN. There is an increase on account of the Civil Service Commission of eight clerks?

Mr. ALLISON. Eight, I think.

Mr. HAWLEY. On that point my information differs from the Senator's. I am sorry to say the Senator from Iowa ought to know better. I have the facts before me. I understand the case to be this: The Civil Service Commission has had twenty-seven clerks, seventeen of its own and ten detailed from the Departments to help out.

If the House for other reasons gave additional clerical force anywhere else that ought not to be charged against the commission. Practically there is a reduction of ten clerks elsewhere below what the number would be but for this transfer. There is in reality no addition to the clerical force of the Government.

Mr. ALLISON. The Senator is right as respects the bill as it came to us from the House of Representatives, but the Senate Committee on Appropriations reinserted, I say to the Senator from Connecticut, at least seven of the ten clerks who are detailed because the heads of the Departments from which the clerks were detailed said they could not be spared.

Mr. HAWLEY. But they have been sparing them and never expected to see them again. If dropped now from the detail they will be out of the service and will not go back where they were before.

Mr. PLATT. If I may have the attention of the Senator from Iowa for a moment, I think I ought perhaps to have understood from the discussion the effect of the proposed amendments. I see the bill as it came from the House of Representatives appropriates $53,700, and the bill as reported by the Senate committee appropriates $52,200. The amounts are not very different. I suppose the same clerks would be employed under the House provision and be paid about the same amount as will be paid under the amendment reported by the committee. I do not exactly understand what it is that the Senate proposes to do different from what has been done by the House of Representatives.

Mr. ALLISON. If the Senator wants an explanation I will give it to him.

Mr. PLATT. Perhaps I ought to have understood it, but I did not.

Mr. ALLISON. The Committee on Appropriations of the House of Representatives reported a provision giving the Civil Service Commission the seventeen clerks which it has hitherto had and then gave to it directly the ten clerks who have been heretofore detailed from the various Departments; in other words, they appropriated for twenty-seven clerks for the commission instead of seventeen clerks. Then, as will be seen in the report of the House committee, they ascertained

whence these clerks were detailed and wherever they found a bureau or a Department having a clerk detailed to the Civil Service Commission, they cut that bureau down one. So that in the bill as reported to the House of Representatives the clerical force of the Government was not increased in the aggregate, but there was a simple transfer of ten clerks to the Civil Service Commission who were scattered here and there among the different Departments. Under some ruling of the Chair in the House of Representatives, if I may allude historically to a matter of that kind—and I do not know that I have even the right to do that—that whole scheme was torn down and this lump sum was appropriated.

Mr. PLATT. What the Senator has been talking about is not included in the bill as it came from the House of Representatives to the Senate, but as it was reported to the House from the committee there.

Mr. ALLISON. As reported to the House.

Mr. PLATT. I understand.

Mr. ALLISON. They appropriated a lump sum which would provide for all these clerks. That was the situation. The bill came to the Senate Committee on Appropriations, and we inserted the original House provision as it came from the House Committee on Appropriations. As we went over this bill, looking at the items for the several Departments, we found that they needed, or we were led to believe that they needed, most if not all of the clerks who were thus detailed. Therefore we restored these clerks where the House had reduced them in the various Departments. That is all there is about it.

Mr. STEWART. In the legislation now pending, do we increase the force of the Civil Service Commission?

Mr. ALLISON. No; not a single person is added to the Civil Service Commission by the operation of the bill.

Mr. WOLCOTT. As I understand the amendment it simply reinserts the provision that was contained in the report made by the House Appropriation Committee. It adds no clerks whatever to the force of clerks to be utilized by the Civil Service Commission, but it simply enables them to employ their own clerks instead of compelling them to accept a detail of ten clerks from other Departments, the fact being that under this detail of course the worst clerks (and there are some pretty bad ones) were always sent to the Civil Service Commission, because they had to take what was sent them from the different Departments.

The provision seems to be a very modest one, and unless we are to repeal the civil service altogether it certainly is entitled to a fair chance to prove its efficiency, if it has any, and it ought not to be subject to insidious attack.

We understand that the efforts that are being made are all in the direction of improving the public service, and I think the Civil Service Commission ought to be approved in this body until they are discredited. They have a hard row to hoe at best. There is a sort of political feeling against them; and I think many of us understand that there is a deep and bitter opposition to the Civil Service Commission in certain Departments of this Government, because, possibly civil-service methods calling for efficiency do not always agree with Chestnut-street methods.

Mr. STEWART. I think that the civil-service reform ought to be reformed largely. I think the fact that a large number, I do not know the exact number, perhaps a thousand or two, young persons have been examined with the expectation that they would be employed, and are left to wait for appointment and are disappointed in life is a calamity. It seems to me that instead of increasing the force of the Civil Service Commission there should be less force and fewer examinations. If it is to be carried out I can hardly conceive of a more unfortunate condition than that of a young man or young woman coming to Washington and taking the examination with the expectation that it will do them some good, and then be put off from year to year, and finally get nothing.

Besides, there is always a great deal of doubt in my mind about the improvement of the public service by the civil service. I do not believe that it furnishes as good an opportunity to employ efficient clerks to do the public business as it would if the examination was made by the heads of Departments. An examination such as can take place under civil service seldom has direct reference to the business in hand. The way business men throughout the country secure good clerks (and they secure more efficient clerks than the Government service as a rule) is when a young man has a good recommendation as a business man, as a clerk, or anything of that kind, if they want one they give him a trial, and if he does not suit they change him. Now, if the heads of the divisions had the same opportunity, if they themselves were competent they could certainly make better selections than can be made by an abstract examination generally having no relation to the business in hand. The whole system presupposes what is sometimes true, that the heads of divisions and the heads of Departments themselves do not understand the business. If they did there would be no difficulty in their selecting proper servants.

If more attention were paid to the heads of divisions, if they were examined so that they would be certain to be competent before being put there, they could certainly get a better force than they can by the civil-service examination, which places upon the country a whole multitude of disappointed young people, perhaps whose whole prospect of life in the future is destroyed by the disappointment. It is a great misfortune that so many should be left in that condition, which would not be the case if the heads of bureaus would make the examinations and employ those who are competent and discharge the others, and if there was no place for persons desiring Government employment let that fact be known at once so they could go in some other business. That would be a better mode.

I know this system arose from the supposition that there was too much Congressional influence. Now, that could very well be arranged if a law was passed that the recommendation of Congressmen and others should be in writing and not otherwise, leaving heads of Departments free to make proper selection. Certainly we would have more efficient service if everything was done publicly, if the recommendations were placed on file and the newspapers were allowed to have all the recommendations for employés. Then every Senator and every Member and every person making a recommendation would be on his honor. There would be no scandal at all; the publicity of the recommendations is all that would be required.

The present system is not working satisfactorily. It is not popular in the country. It creates great dissatisfaction. The multitude of disappointed people is increasing year by year, and they look upon the whole system as unfair. To disappoint a large class of young people and cause them to complain of the unfairness of the Government is a bad system.

I do not believe there is anything in the system that we should enlarge, but if it is to prevail it ought to be taken up on a bill for that purpose, its provisions examined, and if it is necessary to have a civil service it should be discussed at length. Since we have had the present trial we have seen the defects of the system. We should have a bill to reform it, to so amend it as to put it in harmony with business principles, and not create in the Government what the public regard as a monopoly of offices.

The public so regard it now. It is laughed at throughout the land. There is hardly a person in the country who is satisfied with it. It seems to me that Congress should take up the subject and make proper rules and regulations for securing the employment of persons on business principles.

Then there are many Departments of the Government where civil service is most needed that it does not obtain at all. For example, take the $200,000 that is appropriated for the purpose of protecting timber and examining fraudulent entries. We who live in that part of the country know that there is great complaint of the incompetency of those agents; that they are inexperienced persons; that they can not take hold of this great subject. Still there are no civil-service examinations as to qualifications applied to them when they need qualifications so much. They should be land lawyers at least. They should be men of experience and discretion.

But there is no civil-service examination for them. Here is all your scientific department needing previous examinations more than any other branch of the service. We find men put in there to discharge scientific duties who have no knowledge of science whatever. When you come to the Geological Department you will find that examination as to qualification is more important there than elsewhere. In all the scientific bureaus you need men who are experts in the positions, but still you do not extend the civil service over them.

This subject, I say, is a large one and ought to be carefully examined and treated squarely by Congress on a bill to reform this civil-service reform. I am opposed to any legislation whereby it will be increased directly. Of all the Departments this is the very last bureau that should be enlarged without investigation.

Mr. WOLCOTT. Mr. President, this bill does not, as I understand it, enlarge the jurisdiction or scope of the Civil Service Commission. It simply gives to the commission the right to employ their own clerks, and not to receive them as a gift from the different Departments of the Government. It enables them to employ the necessary number of clerks to perform their duties; and it is for us, after having given them a competent force of people, to determine whether the commission should be continued.

The Senator from Nevada speaks of the difficulty of obtaining positions here. He may be aware of the fact that until the Civil Service Commission was created more than one-half of the appointments came from the District of Columbia, but that now they are fairly divided, irrespective of party proclivities, based upon the population of the different States in the Union. The number of eligibles from each State are kept in an open book where each applicant for office can see them, and gradually vacancies are being filled up from this eligible list. Instead of being compelled to wait here, as under the old plan they were, until some examination with a "pull" could give them a place, they may go back to their duties and wait until the vacancy comes, and then they are appointed to the position whether they are on the ground or not.

But the Senator from Nevada says heads of Departments should appoint. Heads of Departments, Mr. President, do not appoint. It is the Senator or Representatives who will vote for an appropriation who appoints. It is the man who has got a "swing;" it is the man who has got the influence who appoints. I do not know whether the Sen-

ator from Nevada is in this trouble with regard to Congressional influence or not. I know I am in every Department of this Government absolutely powerless to secure the appointment or removal of a single official of the Government. I am glad of it. I think the matter may be a great deal more intelligently left to this Civil Service Commission than to any other branch of the Government at this time.

Mr. DAWES. Mr. President, this is a very simple question. The difference between the provision as it came from the other House and the provision proposed by the Committee on Appropriations is just this: The House proposes to give this commission a certain sum of money in a lump to carry out the provisions of the law as they see fit, appoint whom they please, as many as they please, when and where they please. The Senate committee propose to treat the commission precisely as they treat every other bureau. For the force needed they prescribe that they shall have so many clerks of class 4, so many clerks of class 3, of class 2, and of class 1, precisely as is required in reference to every other bureau in the Government. It does not prescribe how they shall be appointed. It makes no direction in that particular. It leaves them to be appointed as the law requires they shall be appointed, precisely as in reference to every other bureau of the Government save the Interstate Commerce Commission.

It has been the tendency of the appropriation bills for very many yeasr to go into details and specifications of force and prescribe just how many of one class or another each bureau shall have; but the House of Representatives went back upon all of its own policy and prescribed a certain lump sum, leaving this commission without restraint of law or prescription by appropriation as to how they can expend this money. They can put it all on the fourth-class clerks if they please. They can put it all on clerks paid at the rate of $600 if they please, which does not require an examination at all. They are with the House provision above all law and all regulation. But the Senate committee in this amendment follow the analogy of any other bureau in the bill and prescribe, as I think they ought to do, just exactly what force this bureau shall have.

The committee of course heard the commission upon the needs of the service just as they heard in detail every other bureau that desired to be heard, and so far as they were able they were disposed to meet the needs and the necessities and the requirements of the commission. It does not involve in one iota a comparison of policies. Whether one policy pursued be wiser than another is not involved in this amendment. The Civil Service Commission are here to stay, and they are here under the charge of the Government and dependent upon the Government for fit and proper appropriations to carry out the law in its spirit and in good faith, but they are not to be put above the law with a lump sum of money in their hands to spend in this or that way as shall be deemed by them best. They have the limitation of law put upon them in this bill jut as every other bureau. You might as well give to the Third Auditor, the Second Auditor, or the First Auditor and all of the chiefs of the many bureaus in the Treasury Department a given sum and then tell them to expend it as they see fit.

Mr. EDMUNDS. May I ask my friend a question? Do the Civil Service Commission ask to have a lump sum placed at their discretion, as the other House provided?

Mr. DAWES. They do not ask it.

Mr. EDMUNDS. I should hope not.

Mr. DAWES. The Civil Service Commission wanted this precisely in accordance with the provision in reference to all the other bureaus. If I may be allowed to allude to proceedings elsewhere, it was so reported there, but it came here in lump, and the question is between a given round sum unrestricted and this detailed appropriation.

Mr. STEWART. I am glad to know that the committee is not enlarging the jurisdiction of this bureau in the appropriation and that they are going to stand right by the law. That is what we should do in an appropriation bill. But I should like to make a suggestion in reply to my friend from Colorado. He says the applicants can go home after these examinations and wait until their turn comes; that they will be sure it will come in its order. I do not believe he can satisfy any of those who fail to get an office that there is not some occult influence that prevents them from receiving favorable action when their turn comes.

I stand in the same position that my friend does as to influence in the Departments. The Departments have been very kind to me to refrain on all occasions from placing me under any new obligations to them. So I am not under any obligations to them. But stories come to me daily by disappointed applicants showing that some come here and get in in a few days and they have been examined year after year and have received no appointment, while others have come from the same State and been given appointments in a few days, on a special examination, for example. These complaints are constantly coming, and the great mass of the disappointed feel that they have not been fairly dealt with. That grows out of the very nature of this vast examination beyond the necessities of the Government service. Some do not get office and others do who have passed no higher grade than themselves, and in the way this is managed there will be a growing discontent. It is growing every year. It is a discontent that will be heard in the halls of Congress sometime, and the question must be then taken up and considered.

Mr. SHERMAN. Mr. President, I wish to call the attention of the Senator having this matter in charge to one of two doubts that have arisen in my mind. I ask by whom are these officers to be appointed? The bill itself upon its face does not specify who shall appoint these clerks.

Mr. PLATT. I will inquire of the Senator from Ohio whether they would not fall within the rules as to the classified service. If they are of the classes which fall within the rules of the classified service, would they not be appointed upon civil-service examinations? If they would not, they would be appointed by the head of the Department.

Mr. SHERMAN. What head of Department? That is what I want to know.

Mr. PLATT. I can not answer that conundrum.

Mr. SHERMAN. I wish to call attention to the fact that the clause as left here does not provide any mode by which they could under the Constitution be appointed. The power of the appointment of all officers must be invested either in the President of the United States or in some head of a Department, naming it, or in the courts of law. Now, there is no provision made here for the appointment of this clerical force.

Mr. ALLISON. I will say to the Senator that these clerks are to be appointed just as all the others have been. We have not changed the situation as respects the appointment of the clerks. They are drawn from the civil service. Of course they may be transferred, as the law authorizes, permanently from the Departments. I understand they expect to transfer some portion of these clerks from the Departments.

Mr. SHERMAN. I understand that under the present practice they do draw from the different Departments clerks who have been legally appointed, but this provides for a new class of clerks.

Mr. ALLISON. No; they now draw ten clerks, who are provided for here, from the Departments; but they have seventeen clerks besides, and these ten are to be appointed as the seventeen are.

Mr. SHERMAN. How are they to be appointed? By whom?

Mr. ALLISON. They are to be appointed by certification, and by the commissioners themselves, I understand.

Mr. SHERMAN. If that is true, it is clearly unconstitutional.

Mr. ALLISON. They are appointed under the law.

Mr. SHERMAN. I have here a copy of the law.

Mr. EDMUNDS. What is the date of the law?

Mr. SHERMAN. It is the law passed at the second session of the Forty-seventh Congress, page 403 of the Statutes. The civil-service law does not provide anywhere for the appointment of any person to office except the commission. They are to be appointed by the President by and with the advice and consent of the Senate, but it makes no provision for any other officer. So here is a law that does organize the Civil Service Commission in the nature of a bureau, but it ought to be placed under some Department so that the head of the Department may designate and make the legal appointments in the office.

Mr. ALLISON. The provision here does not change the situation in the slightest degree. There are seventeen clerks now under the direction of the Civil Service Commission who have not been drawn from any Department, as I understand it, and we simply make provision for twenty-seven instead of seventeen.

Mr. SHERMAN. Who appoints those?

Mr. HAWLEY. I take it for granted the President appoints them.

Mr. SHERMAN. The President is not authorized to appoint those clerks, because these are new offices created, and therefore under the Constitution the law must designate who shall appoint the officers. The Constitution confines the appointing power to certain classes, of which the Civil Service Commission is not one. There ought to be a distinct provision for their appointment.

Mr. ALLISON. I am quite willing that should go in the bill.

Mr. SHERMAN. Now, there are one or two other things to which I wish to call attention. The civil-service law as originally framed is based upon the idea that these commissioners are separate and distinct from the other Departments. They form a kind of bureau organized for a particular purpose, that is to examine into the fitness of applicants for office. That law does not change the mode of appointment, nor can the law change the mode of appointment because the Constitution fixes in a very specific process who shall make all appointments, and Congress would not have the power to invest in this Civil Service Commission the power to make an appointment to office.

Mr. BUTLER. Is not the authority for the appointment of these commissioners vested in the President of the United States?

Mr. SHERMAN. Clearly.

Mr. BUTLER. I understand that they make the civil-service rules under direction of the President of the United States, so that properly the bureau, if you choose to call it a bureau, is under the direction, supervision, and charge of the President by the terms and operations of the law itself.

Mr. SHERMAN. The law says that the President shall appoint by and with the consent of the Senate certain officers, but it does not authorize the appointment of other officers.

Mr. EDMUNDS. It authorized the President to provide a secretary and does not provide for clerks at all.

Mr. SHERMAN. That is it. The commission is composed of three persons together with a secretary, and those officers are here provided for. I know of no law which authorizes the appointment, and that is my inquiry. Can the Senator from South Carolina tell me by what law the Civil Service Commission could appoint a clerk or any other employé?

Mr. HAWLEY. We do not know that they do appoint anybody.

Mr. SHERMAN. Here is the bill, which provides for these clerks without designating who shall appoint them.

Mr. HAWLEY. They can be appointed in the way all the others have been appointed, and we have no evidence that it is unconstitutionally done. I think the President selects those, because they are not under any Department.

Mr. SHERMAN. But the law does not say that the President shall appoint them.

Mr. BUTLER. The law provides that the President shall make rules and regulations for the conduct of this bureau; and I take it for granted that carries with it the right to appoint everybody necessary to carry that law into effect.

Mr. SHERMAN. Such language as that would not authorize the appointment of an officer. It requires a specific act.

Mr. BUTLER. The Civil Service Bureau has certainly been acting ever since the passage of the law——

Mr. SHERMAN. It has been done by the detail of clerks.

Mr. ALLISON. If the Senator will allow me, it is not done by the detail of clerks. If he will allow me just a moment, I will read the law.

Mr. SHERMAN. Certainly; I should like to have the law read.

Mr. ALLISON. The law provides——

Mr. SHERMAN. On what page?

Mr. ALLISON. The law of the Forty-seventh Congress, volume 22, page 404:

> The commission shall have a secretary, to be appointed by the President, who shall receive a salary of $1,600 per annum. It may—

That is, the commission—

> when necessary, employ a stenographer and a messenger, who shall be paid, when employed, the former at the rate of $1,600, and the latter, etc.
>
> The commission shall, at Washington, etc.

That was the authority of the commission. They can appoint a stenographer, or employ one, and a messenger, and of course there has been built up under that, from time to time, in appropriation bills an organization for clerks. I think there is some force in what the Senator says, that they have not the power to make these appointments, but they have undoubtedly done so under this general idea and the appropriation bills. So I think it may be wise to insert that these clerks shall be appointed by the President. I think that would be a wise provision.

Mr. SHERMAN. That is one objection. Now, there are those two employments that are made. I doubt very much whether that, so far as it authorizes the employment of a stenographer, etc., is not an office within the language of the Constitution, and whether the authority to fill that office—it is called an employment, but it is really an office—ought not to be conferred either upon the head of a Department or on the President of the United States.

Mr. BUTLER. That, I understand, is the suggestion of the Senator from Iowa. Here is the language of the Constitution:

> But the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of Departments.

Mr. SHERMAN. But the authority can not be vested in the Civil Service Commission. That is the point I want to make.

Mr. BUTLER. That may possibly be.

Mr. SHERMAN. I think, therefore, there is a defect in the law, inasmuch as the power to appoint these persons is not designated to be in the President. We should make the President responsible for these appointments. Then they could be made subject to the examination.

Mr. ALLISON. I think that is wise.

Mr. EDMUNDS. I move to amend, on page 21, line 9, after the semicolon, following the word "each," by inserting these words, which I will thank the Chief Clerk to take down:

> All of whom shall be appointed by the President——

Mr. DANIEL. Mr. President, is not that general legislation?

Mr. EDMUNDS. Do not ask a question until I offer my amendment, please.

Mr. DANIEL. I will wait.

Mr. EDMUNDS. "Shall be appointed by the President under the rules provided for appointments in the civil service."

I ask that the amendment may be now reported.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 21, line 9, after the word "each," insert:

> All of whom shall be appointed by the President under the rules provided for appointments in the civil service.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Vermont to the amendment of the committee.

Mr. EDMUNDS. I will now reply to the question of my friend from Virginia. I do not think it is general legislation. For a quarter of a century on these appropriation bills, in providing for the service of the Government, for clerks, etc., when we provide for the appointment of clerks who only exist, as do almost all of them, on appropriation bills, there is no standing law as there is about the foreign legations, and about an Assistant Attorney-General, and all that, for the appointment of any number of clerks anywhere; it depends upon the will of Congress from year to year, and always we have provided for more clerks or less clerks and for the terms and conditions under which and upon which they might be appointed. So I submit that the point of its being general legislation is not well taken, if it is suggested.

Mr. DANIEL. I am not now making any point of order, but I beg leave to inquire, with the permission of the Senator from Vermont, does not this change the existing law as to appointments, and, second, if the President appoints them they would not have to stand a civil-service examination, I understand; and if they do not have to stand a civil service examination would it not be a bad example to have the Civil-Service Department itself unprovided for in the way that they provide for others, by civil-service examination?

Mr. EDMUNDS. I agree entirely to the principle that my friend from Virginia has stated, and I had endeavored in the amendment as it has been read at the desk to accomplish the very thing that he wishes to have done, requiring that the President shall appoint them, because I do not think it right that the same examining board, the civil-service board, should make their own examinations and their own appointments. I want to separate that power. So I propose to put it in the President, as in the original foundation of the commission the power to appoint a secretary was not given to the board, but to the President.

Then I provide that these appointments by the President shall be under the rules provided for appointments in the civil service. Those rules under the law provide for equality among the States. They provide for a competitive examination. When there is a vacancy or an appointment is required they provide—under the law these rules do, as they must, provide that a State that is entitled to more clerks shall have that appointment if that State has any person fit for it. Then the Civil Service Commission is called upon under these rules by the President (supposing the State of Virginia ought to have one of these clerks, just to illustrate, in order to make up the number of people of that ancient Commonwealth who are entitled to be employed in the Government service) to certify the three who stand at the head, who passed the best examination. Out of those three the President is authorized to select one, just as the Secretary of the Treasury is, and all the other Secretaries, and so on around among the States.

So, if my amendment be agreed to, I humbly submit that the persons in the service of the Civil Service Commission will stand upon the same footing as the persons in the service of the Treasury Department, or the War Department, or any other Department, and that the commission does not stop to appoint them, but on a competitive and open examination which everybody can see, as has already been stated. They must certify the States that are entitled to be made up to make their complement of officers and the three highest from that State, if a particular State is entitled to it. Then the President is given the authority, just as the Secretary is given in an ordinary case of a Department, to select which one of the three he thinks it proper to appoint. I think that is a fair statement of the case.

Mr. DANIEL. This seems to me to change the existing law, and I therefore make the point of order that it is general legislation and changes the existing law.

Mr. SPOONER. The Senator seems to think—he may be right about it, but I have not understood that to be the rule of the Senate—that every proposition in an appropriation bill which changes an existing law is therefore of necessity out of order. The appropriation committees report a vast number of items which operate to change the existing law as to a specific subject. The rule is against putting general legislation on an appropriation bill. I should hope the Chair will not decide that under no circumstances is it competent to adopt an amendment to an appropriation bill which operates to change existing law, without some further consideration and discussion than has been given to it here to-day.

Mr. BLACKBURN. Will the Senator from Wisconsin allow me to ask him a question?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Kentucky?

Mr. SPOONER. Certainly.

Mr. BLACKBURN. Is it not true that under existing law these ten clerks may be detailed, but if this amendment should be agreed to then they are to be appointed?

Mr. SPOONER. I grant it; but I think where we are appropriating for any bureau, it can not be said to be general legislation to direct the course of the appropriation or to define the items of the appropriation.

Mr. BLACKBURN. I know how good a lawyer the Senator is. I submit to him the proposition that under existing law these ten clerks may be supplied whenever they are needed; but that is done by detail. If this amendment shall prevail, then it is to be done by appointment, which means the creation of ten new officers.

Mr. SPOONER. I admit that it might change the existing law. My contention was that to change existing law was one thing; to put in a general appropriation bill general legislation may be an entirely different thing.

Mr. EDMUNDS. That is exactly what our rule says.

Mr. SPOONER. And the rule is directed to that, that in the exigencies perhaps of partisan fight or otherwise the appropriation bills shall not be made the vehicle of general legislation, but that where we are appropriating money for a particular Department we may not increase the number of clerks for that Department or rearrange the salaries of clerks in that Department or direct in any way we choose the expenditure of the money appropriated in an item in this bill for that Department, it seems to me is to attempt to tie up the hands of the Senate by a misconstruction of a rule too plain for misconstruction, in a way which would be to the detriment of the public interests. This is not general legislation within the letter or spirit of the rule.

Mr. EDMUNDS. If I may be indulged by the Chair, as this question of order is raised; I know it is not debatable unless the Chair permits it.

The VICE PRESIDENT. The Chair would be glad to hear the Senator.

Mr. EDMUNDS. I wish to call the attention of the Chair and the Senate to the difference between the rules of the two Houses. It has been frequently stated here that an amendment was objectionable for it changed existing law. The rule of the Senate reads that "general legislation," in those very words, shall not go on an appropriation bill.

The House of Representatives has this rule:

Nor shall any provision changing existing law be in order on an appropriation bill.

The two sets of phrases were industriously selected, the House endeavoring to tie itself up within a much narrower compass of action than the Senate. The Senate has had in its rules for a great many years, in the face of this House rule which says that you can not change existing law in any way, not any such provision as that, but that you shall not put on an appropriation bill any "general legislation."

Therefore I say, with great respect to gentlemen who may differ with me, that the constant custom of the Senate in the interpretation and construction of that rule has been that where on an appropriation bill the matter was germane to the topic in hand, of an appropriation for this Department or that, the Senate might provide for any special thing to be done and the money be appropriated for it, and determine the terms and conditions upon which it shall be done.

Mr. DANIEL. If it concerns the general laws of the country, if it changes a general statute in regard to appointment, is it not general legislation? Does it not then change the general law of the land?

Mr. EDMUNDS. It is not by any means whatever, with great respect to my friend.

Mr. DANIEL. I should like to know what is meant by "general legislation." Is it not legislation that concerns the general welfare of the whole country, instead of a change with reference to some individual?

Mr. EDMUNDS. Mr. President, there is no act of Congress that ever has been passed or that ever will be passed that does not affect the general welfare of the country. If you authorize the Secretary of War to issue rations to an inundated branch of the country on the Mississippi River or the Connecticut River, which borders the State in which I have the honor and the pleasure to live, you have affected the general welfare. You have drawn upon the general power. You have affected some one very small part of the great circulating system of the whole body.

You can not do a right thing for the humblest citizen of the United States to the extent of a dollar or to the extent of changing his right that you do not touch the general welfare. The administration of justice in the smallest case affects the general welfare whichever way the case may be decided.

Therefore the rule of the Senate did not say that you shall put nothing on an appropriation bill that affects the general welfare. It said you shall not make a general law applying all over the country and to everybody alike, like systems of government, on an appropriation bill, and it has used that language purposely and industriously.

Mr. HARRIS. Will the Senator from Vermont allow me?

Mr. EDMUNDS. If the Senator will pardon me for one single moment, a hundred times has this been done when the naval appropriation bill was up. I remember it was up when I had the honor to be the Presiding Officer here, and the point was made on an extensive provision for a systematic building of ships. I was not hungry for going into that systematic building of ships, so far as I remember, and therefore so far as I know I could not have been under any bias which might warp my opinion about it. I examined the subject and it went over from one day to another, and I stated my opinion the next morning.

The point of order was raised by our late and much beloved friend from Kentucky, Senator Beck; and after the case was stated from the Chair and the reasons for it given, everybody acquiesced and no appeal was taken. Before that time and since then, after I had cited what had happened before and the construction that had been put upon it, it has been so held. So I submit with great respect that whether it may be right or wrong to make this provision, it is perfectly in order. Now, I will hear my friend from Tennessee.

Mr. HARRIS. The question I wanted to ask the Senator was simply this: If an amendment is proposed to a general appropriation bill which does modify and change existing general law, can it be said that such an amendment is not general legislation?

Mr. EDMUNDS. I think it can be said it is very special legislation. It may be objectionable on the ground that we ought not to have special legislation, and that appeals to the judgment of the Senate as to whether the case will warrant special legislation. That is the very distinction between general legislation and special legislation.

Mr. HARRIS. Where you legislate in a way that does affect and change and modify existing and general law it is very difficult for me to conceive how you are to say that such legislation is not general legislation.

The VICE PRESIDENT. The Chair will submit the question of order to the Senate for its decision. Is the amendment proposed in order?

Mr. VEST. Now, let us hear the amendment read.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In line 9, page 21, after the word "each," insert:

All of whom shall be appointed by the President under the rules provided for appointments in the civil service.

So as to read:

Five clerks of class 4; five clerks of class 3; seven clerks of class 2; three clerks of class 1; three clerks, at $1,000 each; two clerks, at $900 each; all of whom shall be appointed by the President under the rules providing for appointments in the civil service; one messenger; and one laborer; in all, $32,200.

Mr. COCKRELL. There can be no question in my mind but that that is in order, and I hope it will be sustained. There is not a particle of doubt about it.

Mr. DANIEL. There is enough doubt about it for gentlemen to have just as clear and strong opinion on the subject as the Senator from Missouri. I think anything that affects the general laws of the country as to appointments is general legislation, and if that is not general legislation it would be very difficult to imagine what was except a tax law that concerns every human creature. But these are officers of the Government to be appointed by the President of the United States to be servants of the people of the whole country in a Department of the Government. It concerns the very texture of the Government itself in appointing persons to be governmental representatives under commissions from the President. That seems to me, sir, under any fair definition, to be general legislation.

Mr. SHERMAN. This question has arisen very often and has been brought to the attention of every presiding officer. The distinction between what is general and special legislation I think has been very distinctly marked at different times. General legislation is a proposition of a general character affecting all interests. For instance, suppose a provision was offered affecting all officers appointed by the President of the United States, that would be general legislation; it would be general in its application. But special legislation relating to a particular subject-matter is in order.

An amendment to the civil-service law would be general legislation undoubtedly, but a mere special provision pointing out the mode by which particular officers provided for in the bill are to be appointed, whether it should be done by the Secretary of the Treasury, the President, or the Secretary of State, it seems to me is particular legislation which is applicable to the particular subject-matter. That settles the question, because when a matter is proposed to us on a bill appropriating money providing for a certain number of clerks for a particular purpose, the mode of appointment is a necessary incident of the appointment of these officers, and therefore a provision providing for the mode of appointing would not be general legislation. It is particular legislation applicable only to that particular provision.

On this question of order we ought certainly not to be governed by anything but the general practice of the Senate. It is perfectly clear in my mind that it is special legislation, and therefore it is proper and often it is indispensably necessary to be provided for, to regulate any item of appropriation that may appear in the bill.

Mr. DANIEL. I wish to say just a few words in reply to the Senator from Ohio. I admit that it is a little difficult to draw a very clear and precise line between what is general and special legislation. The claim of a single person I would suppose to be special legislation. For instance, in the States, if there were an application to the General Assembly of a State for a divorce, that, only affecting the two persons who were in the bonds of matrimony, would be a special act of special legislation applicable only to them.

If a mistake had been made in levying a tax upon one person when another person was intended, and there were mistaken identities, an act to relieve the mistake would be special legislation affecting only those persons. If a mistake were made in an assessment for taxation and the party had not in due course taken steps to remedy it, on account of its being too high, his application to the Legislature for relief would be special legislation. If there were an applicant here to be discharged from suretyship upon the bond of a public officer, relieving him would be an act of special legislation.

But, Mr. President, we speak of this Government very often as the General Government; and I submit, sir, that anything that touches the important work of the General Government in the establishment of a general law by which the President may appoint officials who are to serve the whole country is general legislation affecting the whole people and is as distinctly contradistinguished from special acts, particular cases, as it is possible for a line of demarkation to be.

Mr. GORMAN. I trust the Senator from Virginia will withdraw the point of order he has made. The peculiar conditions surrounding this case I think make it necessary that we should make provision for this commission.

I understand the law to be precisely as stated by the Senator from Ohio, that in the original act creating this commission it was provided that they shall have a secretary, to be appointed by the President, who shall receive a salary of $1,600 per annum, and they may, when necessary, employ a stenographer and messenger, who shall be paid, etc.

Mr. SHERMAN. It is temporary employment.

Mr. GORMAN. There is no other provision for the officers of that organization, and hence followed the provision that the detail might be made from the various Departments of clerks to be used by them to conduct their affairs. Now, the number they have ascertained and reported to Congress. They come here now naturally wanting their own corps and ask for the appointment of these ten clerks, but no provision whatever is made, as the matter stands before the Senate, for the appointment of the clerks. Like the Senator from Ohio, I believed when I asked for a separate vote on this amendment that some additional amendment should be inserted providing for the appointment. I think he is perfectly clear about it.

But the House of Representatives in framing the bill on the point of order after it was made, determined to insert a provision for the Secretary and stenographer and messenger, and then gave to this commission a lump sum to be expended as they thought proper for the employment of any number of clerks that they could obtain within that amount. So you would have, if we adopted the House provision, this commission, with clerks and examiners, paid for out of this appropriation, to examine everybody, themselves never having been subjected to the operations of the civil-service law. That I agree is wrong, and it ought to be corrected.

Now comes the amendment suggested by the Committee on Appropriations for the ten clerks. The effect of this is—and the Senate and the country will know it—that there is a demand for an increased number of clerks in the Departments. This bill is full of such demands, I do not know how many there are, but a very, very large number. Not to have it so that all this increase goes to the various Departments of the Government, it is found convenient to make this specific provision for the Civil Service Commission for ten clerks, so that hereafter when the people of the country look at this bill as a whole and at these increases, it will be said, "Why, as a matter of course, we had to keep the Civil Service Commission going;" the number of increases in this instance going to the extent of ten clerks, all for the benefit, or, as the Senator from Colorado [Mr. WOLCOTT] has put it, for the better government of the country, the real effect being, however, that in every stage of this bill it contains an increased number of officers.

Now, Mr. President, it may be well to make a specific provision for the commission. I confess that so long as they are organized and going on under the law they ought to have a sufficient number of persons to properly carry it on. I do not object to that. But I do object to the provision as it came from the House, for a lump sum. I do believe, with the Senator from Ohio [Mr. SHERMAN], that if the authority for the payment of ten additional clerks is granted, as the Senate committee proposes, then some provision ought to be made for their appointment.

Now, as the Senator from Vermont [Mr. EDMUNDS] has an amendment pending, suggested to himself I have no doubt since this matter came up, for the appointment by the President, there may be a very peculiar condition of affairs, or would be, it strikes me. Here is a commission organized, with officers detailed from the Departments now as examiners and what not, and they will examine, under the operations of the amendment, if I understood it correctly, one hundred applicants, and out of that number certifying ten or twenty or thirty, or whatever the number may be, to the President, that they have examined, and thereupon the President is to select one of three in each case. It seems to me even that is awkward.

Mr. EDMUNDS. If my friend from Maryland will permit me——

The VICE PRESIDENT. Does the Senator from Maryland yield?

Mr. GORMAN. Certainly.

Mr. EDMUNDS. It is awkward, theoretically awkward, that these gentlemen should examine the people from whom they are to certify to the President or to the head of a Department the three highest for each one to be appointed. But inasmuch as that is the only body in the country that the law provides shall have this competitive examining administration, if there is to be a competitive examination, as I clearly think there ought to be, then they ought not to be at liberty to appoint my friend, or the friend of the Senator from Maryland, any more than the Secretary of the Treasury could do.

It is an awkwardness, I admit, but I do not see any way to avoid it. I merely suggested the President because in the foundation law he was to appoint.

Mr. ALLISON. If I do not disturb the Senator from Maryland——

Mr. GORMAN. Not at all.

Mr. ALLISON. I should like to make a single observation respecting what the Senator said a moment ago, that this bill is full of increases of the clerical force in the Departments. It is not full of them, but, like every other bill of this character, there are more or less of increases in the clerical force in certain bureaus, as, for instance, the Patent Office. We have increased the Patent Office force by some fifteen or sixteen. Everybody understands perfectly well that the business of the Patent Office is increasing all the time.

Mr. HAWLEY. Will the Senator from Iowa allow me to inquire whether the fundamental trouble is not because a census is taken every ten years, showing that the population of the United States is increasing and that the work is all the time increasing? That is the trouble.

Mr. ALLISON. I thank the Senator from Connecticut for his suggestion. I do not know that I should have thought of it. The increase in the number of people is one of the troubles about this matter.

Now, take the Post-Office Department. Why, Mr. President, since I have been a member of the Committee on Appropriations the Post-Office Department appropriations have swollen from $26,000,000 to $76,000,000, and the revenues have increased from $24,000,000 to $72,000,000. I do not want to spend much time on this; I mean to respect the five-minute rule. Where we have made increases it is because the necessary work of the Government has increased. Take the Navy Department. We have increased the force of the Navy. We are building new ships, requiring guns, etc., to be made.

There is no increase in this bill, I submit to the Senator, that ought not to be made; and if there is, and he will move to strike it out and show me that the increase is unnecessary, I will vote with him.

Mr. COCKRELL. Will the Senator permit me to make one suggestion?

Mr. ALLISON. Certainly.

Mr. COCKRELL. We shall have ample time after the 4th of March to discuss all these questions of increase and the necessity for them. We have scarcely time now to go on with them.

Mr. ALLISON. I know the Senator will have time enough to discuss particularly a great many things in these bills that I am quite sure will be discussed after the 4th of March. But it is worth while to discuss this question now, in view of the statement at least impliedly made that we are unnecessarily increasing this force.

Mr. GORMAN. Now, Mr. President, I agree with the Senator from Iowa that there are increases that must be made every year, no matter what comes. I want to be candid and fair about that. As the country grows its expenses must increase, as a matter of course. As the Senator from Iowa has stated, the Post-Office Department and other Departments, during the time that he has been connected with the Appropriations Committee, whatever the time may be, during that long service, have expanded, and they will continue to expand. But I think the Senator will agree with me that but for the fact that we are compelled to make increases in the force of these other Departments, from which these ten clerks have been detailed, there would have been no change in this provision for the Civil Service Commission.

I think it is unfortunate that the matter should be thus called up at this stage of the session when we have not sufficient time to consider it. All I desire to call attention to now is that this proposition, as it came from the House, seems to be a monstrous one, to place in the hands of these gentlemen a large lump sum to permit them to employ whomsoever they see proper, and who are to be placed outside of the civil-service examination while they are a civil-service examining board.

Mr. EDMUNDS. Without regard to the very law under which they were created.

Mr. HAWLEY. Mr. President, I think a wrong inference may be drawn from what has been stated. Let us suppose that the form in which the bill came from the House was really an accident, and let us suppose that the Appropriations Committee of the House desired to have this change made so that the Civil Service Commission should not have this lump sum of money. Let us suppose that that was regarded as an accident to be corrected by the Senate.

Mr. GORMAN. Mr. President, I have made no remark implying that the Civil Service Commission asked for the provision as it came from the House.

Mr. HAWLEY. Mr. President, I intended to say that there might be a wrong inference drawn from the remark of the Senator from Maryland.

Mr. GORMAN. I know the sentiments of the Senator from Connecticut in regard to the Civil Service Commission; and I know the further fact that the gentlemen composing that commission do not tolerate criticism. They are constantly getting into the newspapers and criticising those of us who only desire to get the matter into the right shape. They are denouncing everything we do as an attempt to belittle them, and degrade their office, and so on.

Mr. STEWART. If the Senator will permit in that connection, I think one of the great evils of this commission is the tendency perhaps

to produce a class of men who are Pharisees, self-righteous men. The head of this commission, Mr. Roosevelt, has been in the papers recently, and the tone of his utterances tends to show that he thinks himself better than other men. In that connection I wish to call attention to an interview with him in which he assumes to be better than other people in this way:

I do not pretend—

He says—

that under the civil-service rules the Supervising Architect's Office is getting an ideal lot of men. I claim merely that it gets a better average under these rules than under the spoils system, and that I defy anyone to deny.

"The spoils system!" When the head of a Department makes a selection of men whom he regards as competent to fill an office it is assumed that that is the spoils system. If it is the spoils system it is the very system that every business man applies in the selection of men to perform the work when he has a job to do. He selects competent persons to peform the duties without regard to the spoils system. Take a great railroad company or banking institution, and those who have charge of any such department of business select their own employés, and I believe it is the only system by which effective work can be done.

From what knowledge I have of the workings of the different Departments now, I do not believe that they are working anything like so effectively as they would if the proper responsibility were put upon the heads of those Departments. It is impossible to properly discharge the work of the Executive Departments unless the heads of those Departments can select those whom they think proper and competent to do the clerical work, and whom the heads of the Departments can control. This civil-service system takes away all that control, and I think has a tendency to demoralize the service. I think this system has at least taken away all the modesty from the commission. When the tendency of a system is such as to make a Pharisee of a man it seems to me that system is not all good.

Mr. GORMAN. Mr. President, I desire to suggest to the Senator from Vermont [Mr. EDMUNDS] to modify his amendment so as to authorize the President to appoint these officers from any on the eligible list, without any reference to the examination.

Mr. EDMUNDS. That on the civil-service principle would not be fair, because that principle is that but one of three persons in each particular case shall be selected. But I suggest that that is not now a pending question; the pending question is one of order.

Mr. GORMAN. I understood that the Senator from Virginia [Mr. DANIEL] had withdrawn, or would withdraw, his point of order and let us try to perfect this bill.

Mr. DANIEL. Mr. President, I will yield to the request of the Senator from Maryland. I do not desire to embarrass the situation at all.

Mr. EDMUNDS. I think we had better ask the judgment of the Senate upon the point of order, inasmuch as it has been discussed so much, after the Senator from Maryland [Mr. GORMAN] shall have concluded his remarks.

If I may have just two minutes more, Mr. President, I wish to call the attention of the Senate to its own action on the 8th of June, 1880, when the sundry civil appropriation bill was under consideration and there was one item proposing to appropriate $10,000 and requiring it to be used by the Superintendent of the Census "in obtaining statistics as to the number of citizens of the United States, being males," etc.—I will skip a little in order to save time—"whose right to vote for members of Congress is denied or abridged by the provisions of the Constitution or laws of any State, which said provisions are not applicable to all the citizens of the United States resident in such State," etc.

My colleague [Mr. MORRILL] raised the point of order that the amendment proposed general legislation. The President *pro tempore* submitted the question to the Senate, and after debate the yeas and nays were taken upon it, and it was decided by a vote of 24 to 17 that it was in order, although it was legislation which covered the whole country, applying to everybody and every State, and provided for a special investigation. That was really what made it in order; it applied to a particular subject, although, as I say, it covered the whole country.

Mr. COCKRELL. General legislation must apply to everything.

Mr. EDMUNDS. I am only stating what this amendment was.

On the yeas and nays it was, by a vote of 24 to 17, decided to be in order. Among the gentlemen who voted in favor of its being in order, and who are now here—skipping the others—were Messrs. FAULKNER, HAMPTON, HARRIS, MCPHERSON, and VEST. I have read the names of all that are now members of the Senate, so that I think here is a precedent which goes a good many miles further than the particular amendment which I offered.

The VICE PRESIDENT. The question is, Is the amendment in order which was submitted by the Senator from Vermont [Mr. EDMUNDS] to the amendment reported from the committee?

Mr. DAWES. Mr. President, may I hear it read?

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In line 9, page 21, after the word "each," insert the following:

All of whom shall be appointed by the President under the rules providing for appointments in the civil service.

The VICE PRESIDENT. The question is whether the amendment is in order. [Putting the question.]

The Senate decided that the amendment to the amendment was in order.

Mr. DANIEL. I would like to offer an amendment to the amendment, to read as follows——

The VICE PRESIDENT. That would be an amendment in the third degree, and is not now in order. The amendment to the amendment has not been agreed to.

Mr. EDMUNDS. My amendment is an amendment to an amendment; therefore any further amendment would be an amendment in the third degree.

Mr. DANIEL. Very well.

The VICE PRESIDENT. The question is on the amendment of the Senator from Vermont to the amendment proposed by the committee.

The amendment to the amendment was agreed to.

Mr. VANCE. Mr. President, I have an amendment to offer, to come in on page 57.

The VICE PRESIDENT. The Chair will first put the question on agreeing to the amendment reported by the committee as amended.

Mr. VANCE. I will yield to the Senator from Virginia [Mr. DANIEL] to offer an amendment to the amendment.

Mr. DANIEL. Mr. President, I move to add to the amendment of the committee the following proviso:

Provided, That any person from any State whose quota is not full who has passed a civil-service examination shall hereafter be eligible to any appointment by the President or head of Department, as the case may be, without further reference to the Civil Service Commission.

I simply desire to say, Mr. President, in favor of that amendment, that it preserves all the examination by the Civil Service Commission and restores the eligibility of American citizens who are to hold office to the right to receive appointments.

Mr. COCKRELL. Let the amendment be reported.

The CHIEF CLERK. Add to the amendment the following:

Provided, That any person from any State whose quota is not full who has passed a civil-service examination shall be hereafter eligible to any appointment by the President or head of Department, as the case may be, without further reference to the Civil Service Commission.

Mr. EDMUNDS. That is general legislation.

Mr. DAWES. In the absence of the chairman of the committee, I raise the point of order that that is an attempt to change existing law.

Mr. HAWLEY. It is general legislation.

The VICE PRESIDENT. The Chair is of the opinion that the point of order is well taken. The question is on agreeing to the amendment of the committee as amended by the amendment submitted by the Senator from Vermont [Mr. EDMUNDS].

The amendment as amended was agreed to.

Mr. VANCE. On page 57 I propose to amend the bill by striking out in line 7 the words "two hundred and fifty" and inserting the words "five hundred."

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In line 7, page 57, after the word "thousand," strike out the words "two hundred and fifty" and insert the words "five hundred;" so as to read:

Assistant assayer, $1,500.

Mr. EDMUNDS. Is that in order?

Mr. VANCE. In connection with that amendment, Mr. President, I desire to say that that office is located in the town of my residence, and I am familiar with its workings and with the officer who fills the position of assistant assayer.

Mr. DAWES. I am obliged to make a point of order on the amendment.

Mr. VANCE. He is a man of the highest character for probity and intelligence, of the most exact learning in the science of his profession, and has been serving there at a salary ranging from $1,000 to $1,250, a sum less than we pay clerks of the fourth class in this city. The assayer has ordinarily been selected for political reasons by either party, and though he is the responsible head, the main work of the establishment has always been done by this gentleman who holds the office of assistant assayer.

I submit that he should have this small increase of salary. It has been recommended by the Director of the Mint, and that recommendation has been approved and transmitted by the Secretary of the Treasury to this Congress. So that I suppose it is open to no technical objection.

Mr. DAWES. Mr. President, there is no more doubt about the worthy character of this officer than there is with reference to a thousand or fifteen hundred others who may be commended equally as highly as the Senator from North Carolina has commended this gentleman. But if we should adopt the principle of recognizing every official in this way by increasing his compensation, everybody can see that that would not do. The committee have resisted the temptation with some degree of stiffness, so that I am compelled to raise the point of order on this matter.

Mr. VANCE. Mr. President, I would be very glad if the Senator would inform me why the point of order is raised upon the increase of this officer's salary, when yesterday in the case of the assay office at

Helena, Mont., precisely the same motion was made, and the salary of the assayer at that place was increased from $2,250 to $2,500, and the salary of the melter was also increased from $2,250 to $2,500, without intimation that there was any point of order to be made in the case. The chairman of the Committee on Appropriations in that case went so far as to invite the Senator from Montana [Mr. SANDERS] to offer his amendment, and went so far as to say that he had agreed that the Senator from Montana should have the opportunity to offer it.

The VICE PRESIDENT. Is the amendment reported from a committee?

Mr. VANCE. No, sir. It is recommended by the head of a Department, however. Nor was the amendment offered by the Senator from Montana [Mr. SANDERS] yesterday reported by a committee, so far as the record shows.

Mr. SPOONER. If it is estimated for, it is certainly in order.

Mr. HARRIS. It is unquestionably in order, if estimated for by the head of a Department.

Mr. SPOONER. The Chair will notice that the language of that rule is in the disjunctive.

Mr. RANSOM. It says: "Or proposed in pursuance of the estimate of the head of a Department."

The VICE PRESIDENT. The Chair thinks the point of order is not well taken. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. VANCE. Now it will be necessary, Mr. President, to change informally the summing up of the amount appropriated.

Mr. COCKRELL. Oh, yes; the clerks will do that.

Mr. VANCE. The Clerk can do that.

Mr. SAWYER. I offer an amendment, and will state that I will have read a letter from the Postmaster-General in support of it, which letter is addressed to the Speaker of the House of Representatives.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 98, line 21, insert:

For Fourth Assistant Postmaster-General, $4,000.

Mr. SAWYER. There is no opposition to it. I have a letter addressed to the Speaker of the House of Representatives, a copy of which was indorsed to me, which I ask to have printed in the RECORD.

The VICE PRESIDENT. The Chair hears no objection.

The letter is as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 25, 1891.

SIR: I am greatly concerned over the condition of the work of the Post-Office Department, and my inability to alter certain serious conditions for want of legislation that probably would not require ten minutes' time of the House of Representatives.

The passage of bill No. 4781, passed by the Senate, authorizing a Fourth Assistant Postmaster-General, copy of which I inclose, with report of the Senate committee in its favor, will relieve me and greatly improve the efficiency of the Department.

The fact is that the Postmaster-General and the three Assistant Postmasters-General are so overloaded with work that the question of some method of relief is a matter of life and death. The First Assistant Postmaster-General is now laid aside from nervous prostration, arising from overstrain and long hours in his office, and the Third Assistant Postmaster-General has just returned from a month's illness, and has possibly impaired permanently his eyesight from excessive application to his duties.

With the postal service growing to the extent of an annual increase of $5,000,000 in net revenue, additional labors are imposed upon the Department that can not be performed without additional assistance or the breaking down of the officials now in office. It is fifty-five years since the Third Assistant was authorized—before the postage stamps were in use—and since that time over fifty thousand post offices have been added to the postal service, and an entire new system has been created.

I have the honor to add that the appointment of this one new officer will not necessitate more than the transfer of certain clerks to put it into effective operation.

I will be grateful for your aid in this matter in the interest of the public service.

Very respectfully,

JOHN WANAMAKER,
Postmaster-General.

Hon. THOMAS B. REED,
Speaker of the House of Representatives.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Wisconsin [Mr. SAWYER].

The amendment was agreed to.

Mr. ALLISON. Now, I want to take up the Utah matter.

The VICE PRESIDENT. The amendment will be reported.

The CHIEF CLERK. Page 61, after line 21, the Senate, as in Committee of the Whole, inserted the following:

To enable the governor, Territorial secretary, and the board of commissioners mentioned in section 9 of the act approved March 22, 1882, entitled "An act to amend section 5330 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," in said Territory, as soon as practicable and upon the basis of the census of said Territory taken in the year 1890, to redistrict said Territory, and apportion representatives in the same in such manner as to provide, as nearly as the same may be, for an equal representation of the people, excepting Indians not taxed, according to numbers, in the Legislative Assembly, and to the number of members of the council and house of representatives thereof, respectively, as now established by law; and to cause a record of the establishment of such new districts, and the apportionment of representation thereto, to be made in the office of the secretary of said Territory; and such establishment and representation shall continue until Congress shall otherwise provide, $5,000, or so much thereof as may be necessary.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

Mr. MITCHELL. Mr. President, I move to amend by striking out the word "four," in line 24, on page 103, and inserting in lieu thereof the word "five."

One Assistant Attorney-General of the Post-Office Department, $5,000.

Mr. President, this has been estimated for, and it is in the Book of Estimates. The effect of it will be simply to increase the compensation of the Assistant Attorney-General for the Post-Office Department from $4,000 to $5,000.

There are five Assistant Attorney-Generals altogether under the direction of the Department of Justice. Three of them are performing their duties in the Department of Justice, one assigned to the Interior Department, and one to the Post-Office Department. The three who are in the Department of Justice and the one in the Interior Department receive each $5,000, while the present salary of the Assistant Attorney-General assigned to the Post-Office Department is but $4,000. The Attorney-General recommends the increase, and it is estimated for.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Oregon [Mr. MITCHELL].

Mr. ALLISON. Mr. President, I desire to say a word upon the amendment; but first I make the point of order that this being a salary fixed by law, it can not be changed, even though estimated for. However that may be, I wish to say one word to Senators on both sides of the Chamber, if the amendment is to be ruled in order.

There is undoubtedly some inequality, as I suppose, in the matter of the salaries of the Assistant Attorneys-General, but the inequality, whatever it is, was fixed some time ago in the law organizing the Department of Justice. It has so remained for many years.

There is in this Book of Estimates submitted by the Secretary of the Treasury, and now before me, an increase probably of two or three hundred salaries. There are also in this bill probably one hundred and fifty or two hundred salaries more that are below the salaries fixed by law, salaries here in these Departments and salaries of officers in the Territories and States.

Now, with all due respect to the Senator from Oregon, and with a feeling, so far as I am personally concerned, favorable towards this amendment, I want to say to Senators here that if we enter upon this matter of increasing the compensation of the higher officers of the Government on the ground stated by the Senator from Oregon, we shall enter upon a field which, to do full and exact justice, will require a substantial reorganization, rearrangement, and readjustment of the pending bill; and, for one, I shall not consent to this increase until the Senate has so directed in the most thorough way. That is all I have to say.

Mr. MITCHELL. Mr. President, just a word or two in reply. I submit to the Senator and the Senate that this is an exceptional case. The proposition is not to raise the salary of a certain person, but it stands alone. It is simply to place on an equality one of a class which, for some reason or other, which reason does not appear, has been made an exception. There are five Assistant Attorneys-General. The duties of the Assistant-Attorney General for the Post-Office Department, as we all know, are none the less necessary or responsible than the duties of any other of the four Assistant Attorneys-General. The other four receive $5,000 each, while the Attorney-General for the Post-Office Department receives but $4,000.

The object of the amendment is simply to place the Assistant Attorney-General for the Post-Office Department on an equality with the other four. It seems to me that it is an act of justice; that this is an exceptional case, and in that view of the case the amendment ought to be adopted.

Mr. BLACKBURN. It is not my purpose, Mr. President, to consume time either upon this or any other amendment. But I take the same view of this amendment as the Senator from Oregon [Mr. MITCHELL] does. If I may be permitted to speak of what occurred in committee, I endeavored there to do precisely what he is endeavoring to do here. It may be that the duties of the Assistant Attorney-General assigned to the Post-Office Department are not so onerous or so responsible as those of the other four Assistant Attorneys-General, but if such be the case I have no information upon that subject.

I can not, for my life, see how it ever happened, in the first place, that such a distinction should have been made in the law in the matter of their salaries; and one of two things, it seems to me, we ought to do—either make this officer's salary $5,000 a year, to comport with the other four, or reduce the other four and make them $4,000, and it is a matter of perfect indifference to me which. I will vote to do either one or the other.

Mr. MITCHELL. So will I.

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

Mr. VEST. Mr. President, I have been out of the Senate Chamber. What was done with the amendment on page 61?

The VICE PRESIDENT. It has been concurred in.

Mr. VEST. That was subject to the point of order which was made, and the understanding was that it was to be considered as pending in the Senate.

Mr. ALLISON. Undoubtedly, if the Senator from Missouri so desires, it can be considered as still open.

Mr. HOAR. It ought to be considered as open under the circumstances.

Mr. VEST. That was the understanding.

The VICE PRESIDENT. Then it will be considered as open, if there be no objection.

Mr. VEST. I make the point of order that that amendment is general legislation. It was ruled upon by the Committee of the Whole as subject to the objection; and then, at the request of the Senator from Vermont [Mr. EDMUNDS], it went over to be brought up in the Senate with the point of order considered as pending.

The VICE PRESIDENT. The point of order, as the Chair understands, was made by the Senator from Vermont [Mr. EDMUNDS] and overruled by the then occupant of the chair [Mr. HARRIS].

Mr. VEST. I made the point of order, and it was sustained by the occupant of the chair; and then, at the request of the Senator from Vermont [Mr. EDMUNDS], it was allowed to go over into the Senate with the point of order still pending.

Mr. HOAR. I understand that an appeal was taken, and the appeal was pending.

Mr. ALLISON. That question was reserved until to-day.

Mr. VEST. I do not know whether the appeal was considered as pending or not.

Mr. HOAR. Yes, an appeal was taken.

The VICE PRESIDENT. The present occupant of the chair will submit the question to the Senate. Is the amendment in order?

Mr. COCKRELL. I suggest that it is only right and proper that the Senator from Vermont [Mr. EDMUNDS] be here, and I have sent for him. He was in the Chamber a few moments ago.

Mr. SPOONER. I have sent for the Senator from Vermont also.

Mr. HOAR. Mr. President, unless there should be some other unanimous consent given, would it be in order for the Chair to submit the question to the Senate? The Chair will find the record of the whole transaction in regard to the appeal on page 3625 of the RECORD of yesterday's proceedings, second column:

> Mr. EDMUNDS. I must appeal from the decision of the Chair, Mr. President.
> The PRESIDING OFFICER. Upon this ruling the Senator from Vermont appeals; and the question is, Shall the decision of the Chair stand as the judgment of the Senate?
> Mr. EDMUNDS. The Senator from Iowa asks me that this question on the appeal may be suspended until to-morrow, when the Senate will be more full, and if the Chair is willing, let it go over.
> The PRESIDING OFFICER. It will go over, if there be no objection.

That is what happened. So that, by unanimous consent, the question on the appeal from the decision of the Chair is now pending.

The VICE PRESIDENT. The Chair is aware of that, but he put the question in that form, supposing that would reach the result.

Mr. STEWART. Mr. President, I would like to appeal to the Senator from Missouri [Mr. VEST] to withdraw his objection, and upon this state of facts: By law passed by Congress an apportionment was made some years ago, and it was provided that it should continue until it was changed by Congress.

The population of the Territory has very much changed since that law was enacted, and there has been a new census which creates the necessity for a new apportionment if we are going to have a fair representation in that Territory. The cities of Salt Lake and Ogden have more than doubled their population since that apportionment was made. The remainder of the Territory has not grown accordingly, but there have been developments in different parts of the Territory which make representation now very unequal.

If Congress has taken the control of the apportionment, as it has in this case, then Congress at the proper time ought to allow a new apportionment to be made so the people can have fair representation and so that they can make their own apportionment in the Territories. But Congress has not undertaken it at this session, and the people can not be fairly represented in their Legislatures, which is desirable of course in all cases. When the population increases or changes there should be at reasonable intervals new apportionments. It seems to me that this is a very necessary amendment if fair play is to be had in that Territory to Mormons and Gentiles, for they should all be represented according to population.

I hope the Senator, under the circumstances, will not insist upon the appeal from the decision of the Chair. Nothing can be done at this session unless it is done in this way.

Mr. VEST. I simply want to insist upon the objection to this as general legislation, as I should object to any other general legislation attempted to be put upon an appropriation bill.

I do not know how this amendment would operate in this case, and I do not care. I do not believe in the practice of putting general legislation on appropriation bills, and I thought this was a case where the objection ought to be made, and still think so. I still think that it is general legislation.

But as the Senator has appealed to me, I want to make one further statement: If such legislation should be had, it ought to be in a separate bill. There is a separate bill pending. It is Senate bill 3823, which imposes the duty of making this apportionment upon the governor, the secretary of state, and what is called the Utah Commission, consisting of five members, without any compensation whatever.

The governor gets a salary; the secretary of state has a salary; the five members of the Utah Commission receive $5,000 each annually. It was not thought proper in this bill, which was reported from the Judiciary Committee, to give them anything for this apportionment. It must have been to bring the bill within the appropriation rule that the $5,000 additional compensation was put on it. In other words, the people of the United States are to pay $5,000 in order to get this thing into an appropriation bill, when the bill itself, which I hold in my hand, makes no compensation whatever for these services.

Mr. EDMUNDS. Mr. President, on this point of order I want to recall the attention of the Senate to the precedent I cited before (there are many precedents, but I will only state one), in the Democratic Senate of 1880, when an amendment to the sundry civil bill was offered, which I called attention to on another point in this bill, and therefore will not repeat it—an amendment of a wide and continuous application in respect of taking a particular census of the people of the United States as it regarded a particular question, of people being denied the right to vote, and so on. The point of order was raised against it, and it was held that it was in order, my friend from Missouri [Mr. VEST]—I mentioned his name in connection with that of four or five others who were members of the Senate and are now members of it—voting that it was in order, as it was.

I evidently was absent from the Senate at the time, for I do not appear as having voted on either side, and I believe I generally vote if I am present. In that case I should have voted with my friend from Missouri [Mr. VEST] that that amendment was in order. But it is a great deal nearer general legislation, I submit to him in all candor, than this amendment is.

Therefore I hope that the Senate will hold it to be in order, when, if it is held to be in order, I shall only wish to add a single word in response to what my friend from Missouri has said.

Perhaps I had better add it now, in regard to the bill we have reported not containing an appropriation item. The Committee on the Judiciary usually, I think Senators will remember, does not report bills with appropriations in them.

They report things to be done, and leave it to the regular appropriation bills to provide the means for doing them.

Now, it is necessary, if this just reapportionment is to be made, that some clerks and people shall be employed to make the computations, get the statistics together, and enter them in the record, and do the various little incidental things that necessarily involve expense, as everybody knows; and so $5,000, or so much thereof as is necessary, is proposed to be appropriated for that purpose.

If we could have reached this bill I have no doubt it would have passed unanimously (we should have hoped), or nearly so, and we should then have proposed, if the Committee on Appropriations itself had not done so, to put in just this exact sum of $5,000, or so much thereof as might be necessary to accomplish the object aimed at and pay the necessary expenses.

The VICE PRESIDENT. The question is, Shall the decision of the then occupant of the chair stand as the judgment of the Senate?

Mr. VEST. What is the question?

The VICE PRESIDENT. The question is, Shall the decision of the then occupant of the chair upon the amendment reported by the committee stand as the judgment of the Senate? Or, the Chair will put the question in this way, Is the amendment in order? Perhaps that would be the better way.

Mr. COCKRELL. Yes, Mr. President, we can not vote on the former decision.

Mr. SPOONER. We can vote on it, because it was reserved.

Mr. EDMUNDS. It is just as well, if there be no objection, to put the question to the Senate in this form: Is the amendment in order?

Mr. COCKRELL. Certainly.

The VICE PRESIDENT. If there be no objection the Chair will put the question in that way.

Mr. REAGAN. What was the decision?

Mr. BLACKBURN. That it was not in order.

The VICE PRESIDENT. There being no objection, the Chair will put the question in this form: Is the amendment reported by the committee in order? [Putting the question.] The Chair is in doubt.

Mr. EDMUNDS. I call for the yeas and nays.

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

Mr. FARWELL (when Mr. CULLOM'S name was called). My colleague [Mr. CULLOM] is detained from the Chamber by sickness.

Mr. DOLPH (when his name was called). I am paired with the senior Senator from Georgia [Mr. BROWN].

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

Mr. CALL (when Mr. PASCO'S name was called). My colleague [Mr. PASCO] is absent with the committee in attendance upon the funeral of our late colleague, Senator Wilson, of Maryland.

The roll call was concluded.

Mr. BUTLER. May I inquire if the Senator from Pennsylvania [Mr. CAMERON] is recorded as having voted?

The VICE PRESIDENT. He is not recorded.

Mr. BUTLER. Then I withhold my vote. I am paired with that Senator.

Mr. CARLISLE. I desire to state that the Senator from North Carolina [Mr. VANCE] is paired with the Senator from Michigan [Mr. MCMILLAN].

Mr. BATE. I desire to announce that the Senator from West Virginia [Mr. FAULKNER] is paired with the Senator from Pennsylvania [Mr. QUAY]. The Senator from West Virginia is absent in attendance upon the funeral of the late Senator Wilson, of Maryland.

Mr. MCMILLAN (after having voted in the affirmative). I am paired with the Senator from North Carolina [Mr. VANCE]. As he is not in the Chamber, I withdraw my vote.

Mr. CASEY. I am paired with the Senator from Florida [Mr. PASCO].

Mr. PADDOCK. I desire to inquire whether the Senator from Louisiana [Mr. EUSTIS] is recorded as having voted?

The VICE PRESIDENT. He is not recorded.

Mr. PADDOCK (after having voted in the affirmative). I am paired with the Senator from Louisiana [Mr. EUSTIS], and withdraw my vote.

Mr. COCKRELL. I am paired with the junior Senator from Massachusetts [Mr. HOAR], who is necessarily called out of the Senate Chamber for a few moments only.

The result was announced—yeas 29, nays 24; as follows:

YEAS—29.

Allen,	Frye,	Pierce,	Squire,
Allison,	Hawley,	Platt,	Stewart,
Blair,	Hiscock,	Power,	Stockbridge,
Chandler,	Jones of Nevada,	Sanders,	Washburn,
Davis,	McConnell,	Sawyer,	Wilson.
Edmunds,	Manderson,	Sherman,	
Evarts,	Mitchell,	Shoup,	
Farwell.	Morrill,	Spooner,	

NAYS—24.

Aldrich,	Carlisle,	Morgan,	Reagan,
Barbour,	Coke,	Payne,	Teller,
Bate,	George,	Pettigrew,	Turpie.
Berry,	Harris,	Plumb,	Vest,
Blackburn,	Jones of Arkansas,	Pugh,	Walthall,
Call,	Kenna,	Ransom,	Wolcott.

ABSENT—34.

Blodgett,	Daniel,	Hale,	Paddock,
Brown,	Dawes,	Hampton,	Pasco,
Butler,	Dixon,	Hearst,	Quay,
Cameron,	Dolph,	Higgins,	Stanford,
Carey,	Eustis,	Hoar,	Vance,
Casey,	Faulkner,	Ingalls,	Voorhees,
Cockrell,	Gibson,	McMillan,	Warren.
Colquitt,	Gorman,	McPherson,	
Cullom.	Gray,	Moody,	

The VICE PRESIDENT. The Senate having decided that the amendment is in order, the question is on agreeing to the same.

Mr. PLUMB. I move, in line 8, to amend the amendment by inserting the words, "and by districts as nearly compact as possible." The question of the legal representation of the people is one thing; the question of having them so located in districts as to be convenient to each other is another thing.

Mr. EDMUNDS. Let the amendment to the amendment be reported.

The VICE PRESIDENT. It will be reported.

The CHIEF CLERK. In line 8, page 62, after the word "numbers," insert the words "and by districts as nearly compact as possible."

Mr. EDMUNDS. That is right. There is not the least objection to that.

Mr. BLACKBURN. Will the Senator from Kansas modify his amendment to the amendment by adding to it so as to make it read "and by districts as compact and as nearly equal in population as may be."

Mr. ALLISON. That is already in the amendment.

Mr. PLUMB. I thought that was fairly implied by the preceding portion of the amendment. The point that I wanted to avoid was having the districts widely separated, or running in a shoestring shape, as has been the fashion in some portion and perhaps in more than one portion of the country.

Mr. EDMUNDS. That feature of equal representation covers all the rest.

Mr. PLUMB. It seems to me that that answers the purpose.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Kansas to the amendment made as in Committee of the Whole.

The amendment to the amendment was agreed to.

Mr. ALLISON. Mr. President, I ask unanimous consent that for the remainder of the consideration of this bill the five-minute rule may be applied. We want to make progress. I do not think it will take many minutes to conclude the bill.

The VICE PRESIDENT. Is there objection to the request made by the Senator from Iowa, that from this time on the debate be carried on under the five-minute rule? The Chair hears none.

Mr. REAGAN. Mr. President, I should have adopted the five-minute rule for myself, or less than the five-minute rule, but I am glad that it is to be adopted as a general rule so as to enable us to get through with the business.

I do not know that I am as familiar with the whole history of the subject of apportionment and representation as others, but I suppose this is the first instance in the history of this country where the governor of a State or Territory has been charged with the duty of apportioning representation in the legislative branch of the Government. It is unusual, it is anomalous, it is unjust, it may be oppressive, and in my judgment ought not to be done.

Any harsh, unjust, and partial legislation breeds disrespect for the authority from which it emanates. It impresses the people with a sense of injustice, and such things ought to be avoided. No great inconvenience can result from this subject standing over until the Territorial Legislature of Utah can meet, when it can apportion the representation in the Legislature, as has been done in other Territories and in other States, conformably to the customs and practices of the American people in such matters.

I trust this amendment will not be adopted.

Mr. EDMUNDS. With respect to the observations of my friend from Texas, it is only five years ago that the Congress of the United States, after full and exhaustive examination by committees and full consideration in both Houses, passed a law declaring in effect that the Legislature of the Territory of Utah should not be intrusted.

Mr. President, I can not enter into competition with so many other Senators who are talking out of order.

The VICE PRESIDENT. The Senate will come to order. Conversation must cease in the Chamber.

Mr. PLUMB. Mr. President, the President of the Unitad States is somewhat reponsible for this interruption of the order of debate.

Mr. EDMUNDS. I can generally hold my own in the Senate against any one President of the United States, but when it comes to five or six Presidents of the Unied States (who are to be) in a group together, and all talking at the same time, it is a little too much for my strength of voice

I was saying, Mr. President, that five years ago—I think it was in 1886—after full investigation by committees of both Houses and full consideration and debate, Congress, with the approval of the President, determined that the public interests, involving Christianity and morality, and so on, as we thought, as involving opposition to the rule of any priesthood in any community of this country, demanded that the Legislature of Utah should not be permitted to keep its Mormon hierarchy in power by its own apportionments, which were then excessively bad and unjust, in the same way that the Senator says may sometimes happen by the unjust exercise of power. Congress then reapportioned and provided for exactly what should be done.

Now, a new census having been made, it is proposed, for the same reasons and for the same public policy of justice and opposition to any governing political priesthood, that a body authorized and created under the laws of the United States in that Territory, and not its Legislature, shall make this reapportionment; and that is the whole of the story.

There is not time now, at this late stage of the session, to discuss the Mormon hierarchy. I hope, therefore, the Senate will adopt this amendment.

Mr. REAGAN. I desire to say one word, if I am not trespassing.

Already we have inflicted upon that people and that Territory some very harsh, and I would say cruel, legislation. It has, however, had the effect to very materially influence the political character of the people of that Territory; that is, the two great cities of Salt Lake and Ogden are under the control of the Gentiles; the majority of the population there is composed of Gentiles. Surely it is not necessary to go beyond the harsh legislation that we have already adopted with reference to that people, and violate all the rules on such subjects by taking from their Legislature the privilege of apportioning its own representation.

Mr. TURPIE. Mr. President, there is one clause of this amendment especially odious and indefensible. I move to strike out the word "thousand," after the word "five," and insert the word "hundred;" so as to make the money appropriated under it $500 instead of $5,000.

The persons designated to redistrict the Territory of Utah are the governor and the commissioners already appointed under what is called the Edmunds bill. All the persons designated are already salaried officers of the United States. I do not know that any of them draw less than $5,000 a year.

The members of the Utah Commission each draw $5,000 a year, and the office comes nearer being a sinecure than perhaps any one upon the pay list of the Government. Why the compensation of these officers should be doubled merely for this nominal piece of work I do not know. All the labor under this amendment will be done in the office of the secretary of state, a salaried officer. The only expenditure they will have will be to walk from their residence to the Government building or to the office of the secretary of state. Five hundred dollars will abundantly cover all the stationery made use of by them, and it is a sufficient appropriation for this purpose.

Mr. EDMUNDS. Mr. President, I shall take only one minute to reply to my distinguished and honorable friend from Indiana by saying that the standing law of this country is that no officer of the United States who receives a salary can draw any additional compensation on account of his services, and therefore no one of these commissioners,

nor the governor, nor the secretary, can obtain a dollar of this money for any services that they perform.

It is the incidental service of employing more clerks and bookkeepers and all that sort of thing, to go over the statistics and tables and the geography of the Territory in order that a just geographical and populous arrangement may be made. The appropriation is $5,000, or so much thereof as shall be necessary, every voucher for which must pass the regular accounting officers of the Treasury, and no vouchers can pass that give to any one of these people a single penny in addition to his salary as it is now provided by law.

Mr. TURPIE. I wish to say in answer to the Senator from Vermont that every standing law of the Government whatever may be repealed or modified by a later law of the same Government; that this appropriation clause will be the latest law on that subject; that the appropriation is made payable in terms to people who are named in it, and as far as any additional expense is concerned there will be only an economical expense altogether. There is no need of any clerk. Most of us here have served upon redistricting committees in the Legislature. Many a time has the whole State been redistricted in a single day without any clerical labor. There is no need of an appropriation of $100 except to pay persons already overpaid for the public service they can render the Government. Five hundred dollars is too much.

Mr. PLUMB. I wish to say to the Senator from Vermont and to the Senate in this connection it seems to me the appropriation is not necessary. The commission had before it all the data necessary. They could do no more than a committee of a legislative body could do, and they do not require a special appropriation at all. If this were committed, as it ought to be, in my judgment, I mean as in the case of an ordinary Territory, to the legislative authority of that Territory, we would not give them money for that purpose, and nobody else would, but the Legislature would take the matter up, it would go to the committee on apportionment and they would take the returns of the census just exactly as the Legislature of Kansas will do, and without one single dollar of additional expense, and make that apportionment.

I can not help feeling that in some way this will result, although of course not so designed, in either giving all these people a large compensation that they ought not to have or the authority to appoint somebody for the purpose of doing something which they ought to do themselves, which may be a muniment for bad influence in connection with this apportionment, or else it has behind it the intention that in some way there shall be something done which does not accord with the view which I at least take in regard to what an apportionment bill ought to be. I do not believe the appropriation of $5,000 is necessary, and it seems to me it is bound to be misused in any possible event.

Mr. EDMUNDS. Mr. President, I shall not take up time. After the observations of my friend from Kansas I am willing, for one, if the committee is, to call it $1,000 instead of $5,000. That will pay for clerk hire, if that is satisfactory to the Senator from Indiana.

Mr. PLUMB. Very well.

Mr. EDMUNDS. It is only so much as is necessary that is appropriated, and I am willing to put it down to $1,000.

Mr. TURPIE. I will state to the honorable Senator from Vermont that that is more than satisfactory to me.

Mr. EDMUNDS. Then it is agreed by unanimous consent to call it $1,000.

The PRESIDING OFFICER (Mr. PADDOCK in the chair). The amendment to the amendment will be reported.

The SECRETARY. Page 62, line 15, in the amendment, strike out "five" and insert "one" before "thousand;" so as to read:

And such establishment and representation shall continue until Congress shall otherwise provide, $1,000, or so much thereof as may be necessary.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on concurring in the amendment as amended.

Mr. REAGAN. I must ask for the yeas and nays on the amendment.

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

Mr. CASEY (when his name was called). I am paired on this question with the Senator from Florida [Mr. PASCO].

Mr. CALL (when Mr. PASCO's name was called). My colleague [Mr. PASCO] is paired with the Senator from North Dakota [Mr. CASEY].

Mr. PIERCE (when his name was called). May I inquire if the Senator from Kentucky [Mr. CARLISLE] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. PIERCE. Then I withhold my vote.

The roll call was concluded.

Mr. KENNA. I am paired on all questions with the Senator from Colorado [Mr. WOLCOTT]. I understand that the Senator from Colorado, if present, would vote "nay," and I therefore vote "nay."

Mr. COLQUITT. I wish to inquire if the Senator from Massachusetts [Mr. DAWES] has voted?

The PRESIDING OFFICER. He has not voted.

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

Mr. CARLISLE (after having voted in the negative). I am informed that the Senator from North Dakota [Mr. PIERCE] declined to vote on account of the fact that he is paired with me, and as he has left the Chamber I withdraw my vote.

Mr. HAMPTON. I am paired with the junior Senator from Rhode Island [Mr. DIXON]. I make this announcement for the day.

Mr. COCKRELL. I am paired with the junior Senator from Massachusetts [Mr. HOAR], who has just been called out of the Chamber.

Mr. DOLPH. I am paired with the senior Senator from Georgia [Mr. BROWN].

The result was announced—yeas 32, nays 22; as follows:

YEAS—32.

Aldrich,	Farwell,	Manderson,	Sherman,
Allen,	Frye,	Mitchell,	Shoup,
Allison,	Hale,	Morrill,	Spooner,
Blair,	Hawley,	Pettigrew,	Squire,
Chandler,	Hiscock,	Platt,	Stewart,
Davis,	Ingalls,	Power,	Stockbridge,
Edmunds,	McConnell,	Sanders,	Washburn,
Evarts,	McMillan,	Sawyer,	Wilson.

NAYS—22.

Barbour,	Daniel,	Payne,	Turpie,
Bate,	George,	Plumb,	Vance,
Berry,	Harris,	Pugh,	Vest,
Blackburn,	Jones of Arkansas,	Ransom,	Walthall.
Call,	Kenna,	Reagan,	
Coke,	Morgan,	Teller,	

ABSENT—33.

Blodgett,	Cullom,	Hampton,	Pierce,
Brown,	Dawes,	Hearst,	Quay.
Butler,	Dixon,	Higgins,	Stanford,
Cameron,	Dolph,	Hoar,	Voorhees,
Carey,	Eustis,	Jones of Nevada,	Warren,
Carlisle,	Faulkner,	McPherson,	Wolcott.
Casey,	Gibson,	Moody,	
Cockrell,	Gorman,	Paddock,	
Colquitt,	Gray,	Pasco,	

So the amendment as amended was concurred in.

The PRESIDING OFFICER. That disposes of all the reserved amendments of the committee.

Mr. BLACKBURN. There is a reserved amendment that came over from last evening's session. I moved to strike out, in lines 24 and 25, on page 108, the words "twenty-four" and the words "five hundred;" so as to make it read "thirty thousand dollars" instead of "twenty-four thousand five hundred dollars."

The PRESIDING OFFICER. The Chair understands the Senator from Kentucky to state that that amendment was reserved.

Mr. BLACKBURN. I state to the Chair that that amendment was reserved and I offer it now by authority of the Committee on Appropriations.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. On page 108, line 24, strike out the word "twenty-four," and in line 25 strike out the words "five hundred" and insert the word "thirty" before the word "thousand;" so as to read:

For salaries of the chief justice of the supreme court of the District of Columbia and the five associate justices, $30,000.

Mr. BLACKBURN. I offer this amendment by authority of the Committee on Appropriations, and I do it to put the justices of the supreme court of the District of Columbia on the same footing so far as salary is concerned that Congress has recently within the last week put the other Federal district judges.

Mr. SPOONER. The amendment makes no distinction as to salary between the chief justice and the other justices?

Mr. BLACKBURN. It does not.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky.

The amendment was agreed to.

Mr. SHERMAN. I wish the attention of the Committee on Appropriations. I am urged very strongly by the Director of the Mint to offer as a separate section to this bill an amendment which is subject to objection; but the public reasons are so strong that I believe every Senator will agree if he understands the question. It is to ingraft as a legislative section on this bill, section 9 of the bill reported from the Committee on Finance in regard to the deposit of gold coin in exchange for gold bars. The exchange of gold coin for gold bars is now going on so rapidly as to excite alarm in the Treasury Department. I will have first the amendment read that I propose, if there is no objection to it, and then the telegram from the Director of the Mint.

The PRESIDING OFFICER. The amendment will be reported. The Chair understands that it is to be added as a separate section.

Mr. SHERMAN. I propose to add it as a new section, at the end of the bill.

The Chief Clerk read as follows:

SEC. —. That an act to authorize the receipt of United States gold coin in exchange for gold bars, approved May 26, 1882, be amended to read as follows:

"That the superintendents of the coinage mints and of the United States assay office at New York may, with the approval of the Director of the Mint, but not

otherwise, receive United States gold coin from any holder thereof, in sums of not less than $5,000, and pay and deliver in exchange therefor gold bars in value equaling such coin so received: *Provided*, That the Director of the Mint, with the approval of the Secretary of the Treasury, may impose for such exchange a charge which in his judgment shall equal the cost of manufacturing the bars."

Mr. PLUMB. I want to say that that ought to be manifestly the Secretary of the Treasury, not the Director of the Mint. The Director of the Mint is a mere subordinate of the Secretary of the Treasury. This is a national policy to be observed here, and he and the assay officers in New York City ought not to be able to carry on this business at their own will and pleasure, but it ought to read that the Secretary of the Treasury may impose such terms and rates and conditions, and so on.

Mr. SHERMAN. I have no objection to that. It is an ordinary function of the Director of the Mint; but I have no objection to the amendment.

Mr. PLUMB. I understand, but in that respect he exercises a function which no subordinate to the Secretary of the Treasury ought to exercise.

Mr. SHERMAN. I have no objection.

Mr. ALLISON. Before the question is put——

Mr. SHERMAN. I want to have this telegram read. I offer the amendment upon the request of the Director in the telegram which I wish to have——

The PRESIDING OFFICER. The telegram will be read.

The Chief Clerk read as follows:

[Telegram.]

TREASURY DEPARTMENT, *February* 27, 1891.

Hon. JOHN SHERMAN:

Six hundred thousand dollars in gold bars exported yesterday with exchange a full point below the gold-shipping point. This is the third large exportation within three weeks with exchange below 4.88. If Congress adjourns without changing the law in regard to exchanging gold bars for gold coin the Department will be absolutely helpless this summer when the large movement of gold usually occurs.

E. O. LEECH, *Director*.

Mr. ALLISON. I shall not interpose an objection to the amendment of the Senator from Ohio. Of course this can only be done by unanimous consent.

Mr. SHERMAN. I stated that.

Mr. ALLISON. I know the Senator stated that. It ought to be understood that this is legislation upon an appropriation bill, so that there shall be no question about it. If the amendment is not to be further amended in the same direction or in any other direction, I am perfectly willing it shall go on the bill.

Mr. PLUMB. I do not wish to have that agreed to. I desire to amend the amendment.

Mr. SHERMAN. I am willing to have the Secretary of the Treasury substituted for the Director of the Mint.

Mr. PLUMB. Let the amendment be read as I propose to amend it.

The Chief Clerk read as follows:

That the superintendents of the coinage mints and of the United States assay office at New York may, with the approval of the Secretary of the Treasury, but not otherwise, receive United States gold coin from any holder thereof, in sums of not less than $5,000, and pay and deliver in exchange therefor gold bars in value equaling such coin so received: *Provided*, That the Secretary of the Treasury may impose for such exchange a charge which in his judgment shall equal the cost of manufacturing the bars.

Mr. PLUMB. I want to add that that is in substance one of the sections of a bill which I had the honor to introduce early in the present session on this very subject in connection with other subjects, and it brings to mind the fact that the Bank of France during the disturbance which grew out of the collapse of financial institutions in the Argentine Republic, and of the credit of the people there and of the Government, was obliged to exercise and did exercise, as it always has exercised whenever an emergency made it necessary, precisely the function which is there given to the Secretary of the Treasury. That is in effect their practice, as it will be in ours the right, to say that when gold is required for export it may be had at a premium, while silver may be without limit.

The amendment to the amendment was agreed to.

Mr. TURPIE. Mr. President, I am opposed to legislating upon the subject of finance by telegram. I do not think that a dispatch ought to be made the basis of any serious action. I understand that this amendment is to go on by unanimous consent.

Mr. SHERMAN. If the Senator from Indiana will hear me a moment, I will state that this proposed legislation is not based on a telegram. It was a provision of a bill reported from the Committee on Finance. It was very carefully considered, and it is intended to meet an exigency that was not contemplated at the time. Under the existing law, any person may deposit gold coin in the United States at a mint or at the Treasury and demand refined bars.

Mr. STEWART. Although the gold may be abraded.

Mr. SHERMAN. Although the gold may be abraded. This exchange is quite an advantage. It is done without charge; and the Government of the United States in this way facilitates the exportation of gold.

This provision would simply allow the Secretary of the Treasury when he thought that the condition of the country required it, when the interest of the people of the United States required it, to make such charge for this exchange as he deemed proper. In other words, it gives him the power to regulate and prevent the exportation of refined bars at pleasure. It was not only carefully considered, but it was unanimously agreed to and recommended in the Committee on Finance. But as a matter of course when that bill was stricken out by the proposition to have free coinage of silver, that clause with the others fell.

So this proposed legislation is not based upon a telegram, but the free exchange makes it necessary now to meet the demand for these gold bars, and that statement comes to us by the telegram. I suppose that every one who observes the course of the exportation of gold must have perceived that these gold bars were being exported by the deposit of our gold coins to the advantage of the shipper, and that is certainly a process we do not wish to encourage in our country.

Mr. STEWART. I should like to inquire of the Senator if now they do not go to the Treasury with gold coin and make the exchange at par, notwithstanding the coin may be abraded, whereas if they shipped the gold coin, I understand it would go by weight. But they can take abraded coin to the Treasury and the Government of the United States has to lose the difference between the amount of pure gold and the abraded coin which is brought there.

Mr. TURPIE. The Senator from Nevada is not heard on this side of the Chamber.

The PRESIDING OFFICER (Mr. DOLPH in the chair). There is too much confusion in the Chamber. The Senator from Nevada will suspend until order is restored.

Mr. STEWART. I was remarking that I understand the gold coin in circulation is a legal tender for its face value in this country in exchange for bars as the law now exists, but if it is shipped as coin it has to be sold by weight, when it goes out of the country, and this makes quite an inducement for them to make the exchange. Besides, the Government having manufactured these gold bars and paid for the expense of manufacturing them, if the importer is going to have the advantage of using legal-tender dollars that are below weight certainly the Government ought to have the right to charge for manufacturing the bars.

Mr. TELLER. Mr. President, I think there can be no question that this amendment should be incorporated in our statutes in some way. The Government of the United States for several years has offered a premium to the exporting of gold bars. Of course our gold coin is taken and run into bars at the expense of the Government and then sent abroad. There has been no power in the Government to restrict the exportation of gold; but I think this ought to be the law.

Mr. President, I want to say one word about the exportation of gold. The telegram sent here by the Director of the Mint shows what we have contended for a long time, that there is a great struggle going on in the world for the possession of gold. The statement there shows that the exportation of gold does not arise out of any condition in this country, but a condition in other countries where they are needing gold and where they will continue to need gold and continue to contest for gold until the whole world returns to the normal financial condition that existed before the demonetization of 1872 and 1873.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Ohio.

Mr. MORGAN. I wish to ask the Senator from Ohio if he knows what is the recent cause why gold bars are being shipped out of the United States in large amounts, and whether the coinage that we are indulging in, the small coinage of silver, is crowding the gold out of the country. Is that the occasion for it now?

Mr. SHERMAN. I do not know what the occasion of the exportation of gold is. It varies very much. Sometimes the gold falls below the present par of 484.6. It is now 488. So we have arrived at the point when gold would naturally be exported abroad, especially if they can get fine bars which are worth more than the coin of any country in the markets of the world. Under our present law as it has existed for some years any person may surrender gold coin and demand gold bars and ship them. In that way we furnish a facility for shipping gold. I do not suppose that this provision will prevent the exportation of gold when foreign exchange rises to the rate of 488 and above, but at any rate it is not certainly the business of the United States to facilitate the exportation of our gold bullion. I suppose that this measure was recommended by the Committee on Finance because we ought not to pass any law or retain on the statute book any law which encourages the exportation of gold rather than the exportation of the ordinary products of the country.

Mr. MORGAN. No, we should not encourage the exportation of gold or silver either, for that matter, by law, and we ought, as far as we can, to leave it to the control of the markets, because in the markets both gold and silver bullion are commodities. I am not going to make any objection here, but it is worth while considering whether, if we authorize the Secretary of the Treasury to impose a duty, a tax, a premium, if you choose to call it that——

Mr. SHERMAN. A charge.

Mr. MORGAN. Upon the exportation of gold bars, whether we are not enacting a law here for levying a duty upon exports.

Mr. STEWART. We are removing the bounty on exports under operation of this measure. That is all this amounts to.

Mr. MORGAN. I suggest the question for the consideration of financiers and lawyers both, whether that is not the actual result. I suppose a proper answer to that might be that it is the Government of the United States that prevents the gold from going out of its Treasury except upon a premium being paid; but I do not quite see how it is that a man could be prevented from exchanging his coin for gold when merely by his *ipse dixit*, his say-so, it should turn out that he wanted it for the home market or might change his opinion and want it for the foreign market.

Mr. STEWART. If the Senator will allow me, we are under no obligation to refine gold and put it in bars for anybody in the United States. All they are entitled to is the coin of the United States, and they can ship that; but the operation which the amendment is designed to prevent amounts to a bounty on exportation.

Mr. TELLER. I should like to suggest to the Senator from Alabama that this does not apply at all to the exportation of gold. If a citizen desires to send out coin, or at his own expense put the coin into bars, he can do so. This only applies where he asks the Government to put it into bars or goes to the Government to buy these bars; that is all. The private individual can run them up as much as he chooses, but he can not avail himself of the agencies of the Government to save the expense that he will have to pay to the melter and refiner.

Mr. MORGAN. As I understand the law to be now, if the Government has bars of gold in its possession any citizen can, by depositing gold coin, get those bars of gold, the equivalency of value being determined at the mint or the proper place. So we now propose to give the power to the Secretary of the Treasury to refuse to do that except at a premium when the gold bars are for exportation, and not when they are for use in the United States. Therefore, the Secretary of the Treasury would have to determine in some way whether the applicant for the exchange of coin for bars of gold in good faith intended to use them in the United States, or whether he intended to ship them abroad. There is the difficulty about it. I am willing to vote for the amendment just as it is, though I should very much prefer by unanimous consent to take up the measure in a separate bill and pass it.

Mr. TELLER. I should like to say to the Senator that that is exactly what the Bank of France has done for many years. They have allowed the citizen who wanted gold to come and get it. If they knew that he wanted it for export, which they usually determine by the character of the people who make the application and the amount, then they required a little premium to be paid, which they call an agio.

Mr. MORGAN. An export duty.

Mr. TELLER. No, it is not a duty, because it goes to the bank and not to the Government. In this case all the Government will say when the parties come there and want to get the bars is, "We will charge you 1 per cent. or a half per cent. or a quarter per cent.," and if the Government charges too much the exporter will go and get some melter to melt it up and send it abroad. As I said before, as it is this has been a premium on export. The party who had his gold, instead of having to go to some place where they do those things and have it melted and refined and stamped and all that, goes to the Government and has it done at Government expense, and that he ought not to be allowed to do.

Mr. MORGAN. I should like to add to what I have said, that I do not believe the Government of the United States has any power to impose an export duty upon gold sent from its Treasury, for instance, abroad. I think that that export duty restriction applies to the power of Congress to impose export duties upon products, commodities shipped from any State and only upon those, not from the District of Columbia, for instance, nor from a Territory, but from any State. So that that difficulty does not arise in my own mind, and I suggested it in order that the Senator from Ohio might be prepared for it hereafter, if the question should arise.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Ohio [Mr. SHERMAN].

The amendment was agreed to.

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

Mr. PLUMB. I wish to offer an amendment to the section in regard to the Capitol police. On page 10, line 9, I move to make the number twenty-six in place of twenty-two, and I do this not being entirely certain that it is something which ought to be finally enacted, but I wish it to go into conference. It seems to me desirable that this force should be increased on account of the necessity for a force to look after the Capitol because of the completion of the terraces and the corresponding committee rooms.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. On page 10, line 9, strike out "twenty-two" and insert "twenty-six;" so as to read:

Twenty-six privates, at $1,100 each.

The amendment was agreed to.

Mr. PLUMB. The amount of the total will be increased accordingly, but that will carry the paragraph into conference.

Mr. ALLISON. There is no trouble about the total. The clerks will change that.

The PRESIDING OFFICER. The total of the appropriation will be changed to correspond.

Mr. SPOONER. I move to amend the bill, on page 82, at the end of line 10, after the word "thousand," by adding the words "five hundred;" so as to read:

For Commissioner of Indian Affairs, $4,000; Assistant Commissioner, $3,500.

Mr. ALLISON. I make the point of order on that amendment.

Mr. SPOONER. The effect of the amendment is to increase the salary of the Assistant Commissioner of Indian Affairs $500.

The PRESIDING OFFICER. The Senator from Iowa raises the point of order. Let the point of order be stated.

Mr. ALLISON. My point of order is that it is an increase of compensation when the compensation is provided for by law.

Mr. SPOONER. It is estimated for, Mr. President.

The PRESIDING OFFICER. The Chair overrules the point of order.

Mr. ALLISON. Very well, then, Mr. President. If the Senator from Wisconsin presses it, I shall ask for a vote on the amendment.

Mr. SPOONER. I only want to say that the Secretary of the Interior in his report is urgent upon this subject:

The Assistant Commissioner of Indian Affairs, who, under the law, performs also the duties of chief clerk, and himself often acts as Commissioner of Indian Affairs in conducting the business of the bureau, receives a salary of $3,000.

There are other assistants to bureau officers, who receive $3,500, who do not render the services, I think, rendered by this assistant.

His duties are arduous and burdensome, as all matters of business in the office, by the nature of his position, must receive his consideration and direction as to proper action to be taken.

The services of the present Assistant Commissioner are especially valuable by reason of his long experience and his thorough acquaintance with the past history of the Indian tribe, his familiarity with the details of the service, the records on file, and with decisions pertaining to all these important matters. It is again most earnestly recommended that his salary be increased to $4,000 per annum, as estimated for.

My amendment provides only for an appropriation of half the estimated increase of the Department. I want to say about this gentleman that he was very highly commended by Senator TELLER, who was Secretary of the Interior, as being exceedingly valuable in connection with the Indian service. He was commended very highly by the predecessor of the present Secretary of the Interior, who differed from him in politics and who will be my successor in the Senate, and who would not commend him if he did not think it was proper. Several times they have recommended this increase. I hope the Senator having charge of the bill will see his way clear under the circumstances not to interpose any very serious objection.

Mr. TELLER. I shall detain the Senate but a moment, but I should like to say that this officer is a most excellent officer, a man of great industry, great honesty, and good judgment. If there is a man in the Indian service who is entitled to an increase of salary, this officer is entitled to it. He is a superior officer in every respect, in my judgment.

Mr. ALLISON. The Senator from Wisconsin and the Senator from Colorado can say nothing respecting this officer that I would not be willing to say. He is without doubt a most excellent, faithful, and experienced officer. He was for a long long time chief clerk in the Indian Bureau. I think about three years ago (I am sure it was not under the present Administration, or if it was it was immediately after it came in; I do not remember the exact time) the Committee on Appropriations were impressed with the idea that this chief clerk ought to have the additional duty of an assistant to the Commissioner. So we inserted in the appropriation bill at that time—

Assistant Commissioner, who shall also act as chief clerk, $3,000.

Increasing his compensation then $500, as I remember. Last year the Commissioner of Indian Affairs and the Secretary of the Interior stated that the work was accumulating so much that they ought to have a chief clerk in addition, and that passed away. This year that was again pressed upon the Committee on Appropriations, and there is in this bill a provision for a chief clerk to relieve this Assistant Commissioner and chief clerk from some of his onerous work.

I have to say as respects this matter, as I said a moment ago with respect to the amendment submitted by the Senator from Oregon [Mr. MITCHELL], that if we embark upon this question of increasing salaries there is no end to that business in this bill; and therefore, if the Senator insists upon it, I shall ask for a vote upon the amendment he has proposed.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Wisconsin [Mr. SPOONER].

Mr. SPOONER. I only want to say this, that if the Senate thinks this $3,500 a year too much, of course they ought to vote the amendment down. If they think the official earns in the public service this salary of $3,500 as much as the assistant of the General Land Office does—and the duties are often very delicate and very burdensome—they ought to give him this additional $500. I believe that the people of this country, while they wish economy in the transaction of their business, are willing to pay any good, able, honest man what he fairly earns in their service.

Mr. COCKRELL. I desire simply to concur in what the Senator

from Iowa has said. I have served some little time here in the Senate, and I do not think I ever saw half so much pressure brought to bear upon the Committee on Appropriations for the increase of salaries, beginning down at the foot and going up almost to the head of the executive branches of the Government. We did not think that the Committee on Appropriations was the proper committee or on an appropriation bill was the proper place for the adjustment of these matters.

I admit frankly that there is some injustice in many of the salaries. Some of them ought to be increased, and probably some of them should be decreased, but there ought to be greater uniformity where like labor is performed in the different branches of the service. However, the Committee on Appropriations should not be charged with this responsibility, and these things should not be put upon appropriation bills.

This is a very efficient officer, and I have no doubt that he earns his salary and probably more, but it is not proper that all these things should be adjusted upon appropriation bills, and if the door is opened once they are all to come in, we can not help it.

Mr. MITCHELL. I wish to state the only thing that can interfere, in my mind, with the increase of Mr. Belt's salary. I can say in his favor as much perhaps as other Senators. He is one of the best officers in the Government, but I think the same rule ought to be applied all around. As stated by the chairman of the committee, I had the honor to offer an amendment a few minutes ago for an increase of the salary of one of the Assistant Attorneys-General of the United States. It had been estimated for.

It had been recommended by the Attorney-General and estimated for by the Secretary of the Treasury. The point of order was made by the chairman of the committee that because the salary was fixed by law, therefore it did not make any difference whether it had been estimated for or not, and the Vice President, the present occupant of the chair, held that the point was well taken and ruled me out. I understand that this is precisely a parallel case. I understand that the existing law fixes the salary of the Assistant Commissioner or Deputy Commissioner of Indian Affairs.

Mr. SPOONER. Is the Senator from Oregon arguing against the point of order which has been made by the chairman of the committee and overruled?

Mr. MITCHELL I am simply stating that I think the same rule ought to be applied all around. We should not make fish of one and flesh of another, so to speak. If it were proper to hold that I was out of order in proposing to raise the salary of the Assistant Attorney-General of the United States for the Post-Office Department, when the matter had been estimated for by the Secretary of the Treasury and recommended by the Attorney-General, because his present salary was fixed by law, then I say the same rule, however hard it may be, ought to be applied in this case.

Mr. SPOONER. I do not think the ruling was a correct one.

Mr. MITCHELL. I shall make no point of order against the raising of this salary, but I simply call the attention of the Senate to the two cases, and I leave it to the Senator from Wisconsin and the chairman of the committee and others to draw the distinction between the two.

Mr. SPOONER. I think the point of order made on the Senator from Oregon is precisely the point of order that was made by the chairman on this amendment. The only difference is that when the point of order was made on the Senator from Oregon the Vice President sustained it, and when the point of order was made on the amendment which I have the honor to offer, the Vice President being absent, the Presiding Officer, the Senator from Oregon [Mr. DOLPH], overruled it; so it has been ruled in order. This is *res adjudica'a*——

Mr. MITCHELL. I am not finding fault.

Mr. SPOONER. So far as this particular amendment is concerned, and no change of judges can without appeal make any difference with this particular proposition. So far as the merits are concerned, I am not quite able to see why, because the Vice President held an amendment out of order adding $1,000 to the salary of the Assistant Attorney-General for the Post-Office Department, the Senate ought not to add $500 to the $3,000 salary of the Assistant Commissioner of Indian Affairs, it having been held in order.

Mr. MITCHELL. I shall conclude the whole argument by simply congratulating my friend from Wisconsin that he happened to have a friend at court when his case came up, and I did not.

Mr. ALLISON. Let us have a vote on the amendment.

The VICE PRESIDENT. The question is on the amendment of the Senator from Wisconsin [Mr. SPOONER].

The amendment was rejected.

The VICE PRESIDENT. If there be no further amendments to the bill in the Senate, the question is, Shall the amendments be engrossed and the bill be read a third time?

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

The bill was read the third time, and passed.

FOOD ADULTERATION, ETC.

Mr. PADDOCK. Pursuant to notice and in accordance with the predetermined order, I move that the Senate proceed to the consideration of the bill (S. 3991) for preventing adulteration and misbranding food and drugs, and for other purposes.

The VICE PRESIDENT. The question is on the motion made by the Senator from Nebraska. [Putting the question.] The noes appear to have it.

Mr. PADDOCK. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. COCKRELL. Will the Senator permit me to make an appeal, and it will only take a moment? It is not convenient just at this moment, in the temporary absence of the Senator from Massachusetts [Mr. DAWES], to take up the Indian appropriation bill. I ask that by unanimous consent we take up the Calendar, beginning where we closed, the consideration of the unobjected House bills, and act upon them in consecutive order. I hope that we can do that for an hour or less time until the Senator from Massachusetts returns. Nobody will be prejudiced by it and nearly every Senator will be accommodated.

Mr. ALLISON. The Senator from Massachusetts will be here in twenty minutes, I will say to the Senator.

Mr. PADDOCK. If this bill can be taken up according to the understanding had for a long time, I shall be willing to let it be laid aside informally for the twenty minutes that the Senator speaks of.

Mr. SHERMAN. I propose to move an executive session.

Mr. PADDOCK. Of course the bill will give way for appropriation bills which properly will come in, without reference to it, when they are ready.

Mr. SHERMAN. I give notice that after the Senator's bill is taken up I shall move an executive session.

Mr. PADDOCK. I desire that the bill may be brought before the Senate. All I desire is to have the recognition on the order of business that it was agreed it should have. I shall then cheerfully consent that it may be informally laid aside.

The VICE PRESIDENT. The yeas and nays have been ordered, and the roll will be called on the motion of the Senator from Nebraska [Mr. PADDOCK] to proceed to the consideration of the bill indicated by him.

The Secretary proceeded to call the roll.

Mr. CASEY (when his name was called). I am paired with the Senator from Florida [Mr. PASCO]. Not knowing how he would vote, I withhold my vote.

The roll call was concluded.

Mr. DOLPH. I am paired with the senior Senator from Georgia [Mr. BROWN]. I shall not vote unless my vote is necessary to make a quorum.

Mr. PADDOCK. I am paired with the Senator from Louisiana [Mr EUSTIS]. As there is clearly a majority in favor of my motion and as I am very anxious under the circumstances in which I am placed to have my name recorded, I vote "yea."

Mr. PLATT (after having voted in the affirmative). I voted not observing that the Senator from Virginia [Mr. BARBOUR], with whom I am paired, is out of the Chamber. As his vote is not recorded, I withdraw my vote.

Mr. COCKRELL. I am paired with the Senator from Massachusetts [Mr. HOAR]. Does any Senator know how he would vote?

Mr. SHERMAN. He would vote "yea."

Mr. COCKRELL. I will vote supposing there would be no difference in our votes. I vote "yea."

The result was announced—yeas 40, nays 14; as follows:

YEAS—40.

Aldrich,	Farwell,	Payne,	Stanford,
Allen,	Hale,	Pierce,	Stewart,
Allison,	Hawley,	Plumb,	Stockbridge,
Blair,	Hiscock,	Power,	Teller,
Chandler,	Ingalls,	Sanders,	Turpie,
Cockrell,	McMillan,	Sawyer,	Vest,
Davis,	Mitchell,	Sherman,	Warren,
Dawes,	Moody,	Shoup,	Washburn,
Edmunds,	Morrill,	Spooner,	Wilson,
Evarts,	Paddock,	Squire,	Wolcott.

NAYS—14.

Berry,	Colquitt,	Jones of Arkansas,	Vance,
Bate,	Daniel,	Morgan,	Walthall.
Carlisle,	George,	Pugh,	
Coke,	Harris,	Reagan,	

ABSENT—33.

Barbour,	Cullom,	Hampton,	Pasco,
Blackburn,	Dixon,	Hearst,	Pettigrew,
Blodgett,	Dolph,	Higgins,	Platt,
Brown,	Eustis,	Hoar,	Quay,
Butler,	Faulkner,	Jones of Nevada,	Ransom,
Call,	Frye,	Kenna,	Voorhees.
Cameron,	Gibson,	McConnell,	
Carey,	Gorman,	McPherson,	
Casey,	Gray,	Manderson,	

So the motion was agreed to.

The PRESIDING OFFICER. The bill is before the Senate.

Mr. STEWART. I move to take up——

Mr. DAWES. I move that the Senate proceed to the consideration of the Indian appropriation bill.

Mr. STEWART. I have the floor, but I will yield if the Senator will allow me five minutes. I have been trying for three weeks——

Mr. PADDOCK. The Senator will have an opportunity to call up

his bill, but it must be done with the understanding that it will not displace the pending order.

Mr. DOLPH. I appeal to the Senator to let morning business be concluded. It was cut off this morning. There are resolutions pending which came over from yesterday morning, and there is other routine business.

Mr. DAWES. I should like to know whether the Senate will agree to take up the Indian appropriation bill.

Mr. STEWART. I have no objection to the appropriation bill being taken up by unanimous consent, if we can have a few minutes afterwards for other business. Otherwise I ask unanimous consent now ——

Mr. COCKRELL. I must insist that we shall all have an equal chance, and we can only have that by going to the Calendar and taking up the cases in regular order. If that is not done every one holding the floor will yield to this Senator and that Senator, and it is not right.

Mr. STEWART. It is being done all the time.

Mr. COCKRELL. I stopped it last night and I propose to stop it today, if I can. Now let us go to the Calendar of unobjected House cases and dispose of them.

Mr. STEWART. If we can do that for an hour it will facilitate business.

Mr. COCKRELL. That is what I ask.

Mr. PADDOCK. I understand the Senator having in charge the Indian appropriation bill has asked the attention of the Senate to that bill. That of course takes the place of my bill for the time being.

EXECUTIVE SESSION.

Mr. SHERMAN. Mr. President, I rise to a privileged question. I move that the Senate proceed to the consideration of executive business.

Mr. HARRIS. I hope not.

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

The question being put, a division was called for, and the ayes were 31.

Mr. HALE. I call for the yeas and nays on the motion of the Senator from Ohio. There is no reason why at the present time the Senate should proceed to the consideration of executive business.

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

Mr. CASEY (when his name was called). I am paired with the Senator from Florida [Mr. PASCO].

Mr. PLATT (when his name was called). I have a general pair with the Senator from Virginia [Mr. BARBOUR], and therefore I withhold my vote.

The roll call having been concluded, the result was announced—yeas 35, nays 16; as follows:

YEAS—35.

Allen,	Frye,	Morgan,	Shoup,
Bate,	George,	Morrill,	Spooner,
Call,	Harris,	Paddock,	Squire,
Carey,	Hiscock,	Pierce,	Stockbridge,
Cockrell,	Ingalls,	Plumb,	Turpie,
Coke,	Jones of Arkansas,	Pugh,	Warren,
Davis,	Jones of Nevada,	Sanders,	Washburn,
Edmunds,	McMillan,	Sawyer,	Wilson.
Evarts,	Mitchell,	Sherman,	

NAYS—16.

Allison,	Colquitt,	Payne,	Teller,
Berry,	Dawes,	Power,	Vance,
Carlisle,	Farwell,	Reagan,	Vest,
Chandler,	Hale,	Stewart,	Wolcott.

ABSENT—36.

Aldrich,	Cullom,	Hampton,	Moody,
Barbour,	Daniel,	Hawley,	Pasco,
Blackburn,	Dixon,	Hearst,	Pettigrew,
Blair,	Dolph,	Higgins,	Platt,
Blodgett,	Eustis,	Hoar,	Quay,
Brown,	Faulkner,	Kenna,	Ransom,
Butler,	Gibson,	McConnell,	Stanford,
Cameron,	Gorman,	McPherson,	Voorhees,
Casey,	Gray,	Manderson,	Walthall.

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty minutes spent in executive session the doors were reopened.

SCHOOL-LAND SELECTIONS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1395) to amend sections 2275 and 2276 of the Revised Statutes of the United States, which was, on page 2, line 10, after the word "thirty," to insert the word "six;" so as to read: "thirty-six."

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

The motion was agreed to.

ORDER OF BUSINESS.

Mr. DAWES. I now move that the Senate proceed to the consideration of the Indian appropriation bill.

The VICE PRESIDENT. The question is on the motion made by the Senator from Massachusetts.

Mr. DOLPH. Does the Senator make a motion?

Mr. DAWES. I will ask unanimous consent for the consideration of the Indian appropriation bill. After it is taken up I propose to yield until 5 o'clock, and at 5 o'clock we can consider the question as to whether we had better proceed with the bill then or continue further the consideration of such business as the Senate itself shall determine.

Mr. PADDOCK. Has the Senator made a motion?

Mr. DAWES. I do not make a motion. I ask unanimous consent. If I make a motion, and it should be agreed to, that would displace the regular order.

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

Mr. VANCE. I object.

Mr. DAWES. Then I move to take up the Indian appropriation bill.

Mr. PADDOCK. I desire to know in that connection if that will affect the pending bill.

The VICE PRESIDENT. The motion is not debatable.

Mr. DAWES. My motion displaces every other bill.

The VICE PRESIDENT. The motion is not debatable. The question is on the motion of the Senator from Massachusetts that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to.

Mr. DAWES. If there be no objection, I will consent to laying aside informally the Indian appropriation bill until 5 o'clock, and at 5 o'clock I will consider whether it shall be further laid aside.

The VICE PRESIDENT. Is there objection?

Mr. HARRIS. If there can be agreement that House bills favorably reported on the Calendar shall be considered within that time, I imagine there will be no objection.

Mr. COCKRELL. That is what I was going to ask.

The VICE PRESIDENT. Is there objection?

Mr. DOLPH. There is objection unless we can complete the morning business which yesterday morning was objected to and went over.

Mr. DAWES. I make no objection to that. I propose to let the Senate determine what it will do, but it can only do that by unanimous consent. The Senator from Tennessee [Mr. HARRIS] proposes a qualification. If nobody objects to that qualification, I will make it a part of my request.

Mr. HARRIS. I hope nobody will object to the request that House bills favorably reported on the Calendar may be considered within the time specified.

Mr. DAWES. If nobody objects to that, it is a part of my request.

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

COLUMBIA RIVER IMPROVEMENT.

Mr. SPOONER. I ask unanimous consent that the resolution which went over yesterday morning may be taken up.

Mr. HALE. There are several of them.

Mr. SPOONER. The Oregon resolution is the one to which I refer.

Mr. HALE. That might take the whole time.

Mr. SPOONER. The Senate can then proceed to the consideration of House bills on the Calendar unobjected to in their order.

Mr. HARRIS. What is that resolution? I do not know what it is.

Mr. SPOONER. A resolution simply calling for information from one of the Departments.

Mr. HARRIS and Mr. COCKRELL. Let it be reported.

Mr. SPOONER. I ask that the resolution be considered.

Mr. PADDOCK. I want to make an inquiry of the Chair. I should like to understand if the action taken on the motion of the Senator from Massachusetts has the effect of displacing the bill which was ordered to be taken up.

Mr. HARRIS. Unquestionably it has.

The VICE PRESIDENT. The bill was taken up on motion.

Mr. PADDOCK. I want to say to the Senate that I consider that a very gross injustice.

Mr. HARRIS. Let the resolution be reported. I suppose the Senator will get his bill taken up.

Mr. PADDOCK. If that is the understanding, it is all right.

The VICE PRESIDENT. The resolution will be reported.

The Chief Clerk read the following resolution, submitted by Mr. DOLPH February 26, 1891:

Resolved, That the Secretary of War be directed to furnish to the Senate such information as he may possess concerning the progress and condition of the work of the construction of a canal and locks at the Cascades of the Columbia River in the State of Oregon, the estimated cost of the completion of the same, and the time which will be required for such completion, together with copies of all reports of the engineers in charge of the work since his annual report concerning the same.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MARTIN, its Chief Clerk, announced that the House had passed a bill (H. R.

12993) to authorize the Fort Gibson, Tahlequah and Great Northeastern Railway Company to construct and operate a railway through the Indian Territory and for other purposes; in which it requested the concurrence of the Senate.

RETURN OF DIRECT TAX.

Mr. MORRILL. Mr. President, I ask——

The VICE PRESIDENT. The Chair understands the request made by the Senator from Massachusetts [Mr. DAWES] for unanimous consent has been granted.

Mr. MORRILL. I ask that Senate bill 172, which has been returned with a small amendment from the House of Representatives, be now considered.

Mr. HARRIS. Mr. President, I insist that the understanding arrived at upon the request of the Senator from Massachusetts be carried out and that House bills on the Calendar favorably reported be considered.

Mr. MORRILL. The bill to which I refer is on the table, and I suggested to the Senator from Massachusetts at the time he spoke that I wanted to have it included.

Mr. SHERMAN. It will take but a moment to consider the House amendment.

The VICE PRESIDENT. The Chair lays before the Senate the amendment of the House of Representatives to Senate bill 172 and the action of the House requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

The Chief Clerk read the amendment of the House of Representatives to the bill (S. 172) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861; which was, in section 2, page 2, line 8, after the words "District of Columbia," to insert:

But no money shall be paid to any State or Territory until the Legislature thereof shall have accepted, by resolution, the sum herein appropriated and the trusts imposed in full satisfaction of all claims against the United States on account of the levy and collection of said tax, and shall have authorized the governor to receive said money for the use and purposes aforesaid.

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

Mr. BERRY. If that is to be done, it will take some time to do it. I want to be heard before there is a concurrence in the amendment.

Mr. COCKRELL. Let us agree to the conference.

Mr. MORRILL. Then I move that the Senate disagree to the amendment and accede to the conference asked for by the House.

Mr. BERRY. Will an objection carry that over? I want an opportunity to look into the amendment and see what it is, if I have that right.

The VICE PRESIDENT. The pending motion is a privileged one.

Mr. BERRY. I object to the present consideration of the bill, if I have that right.

Mr. HARRIS. If the bill has just come from the House it can not be considered to-day.

Mr. MORRILL. The bill came over from the House several days ago.

Mr. COCKRELL. It was received a day or two since, and one objection will not carry it over.

Mr. BERRY. I have not seen it and I desire to look over it. It has just at this moment been laid before the Senate.

Mr. MORRILL. The bill was laid before the Senate several days ago and I then asked that it be laid on the table.

Mr. HALE. It is a privileged motion.

Mr. BERRY. I desire to know if an objection carries the bill over. If it is before the Senate, how did it get before the Senate? Under the rules I think I have a right to object to its consideration to-day, and I do object. I want a ruling from the Chair on that.

The VICE PRESIDENT. The bill came to the Senate from the House of Representatives on the 25th instant. The Chair does not think an objection will carry it over.

Mr. BERRY. Is it a privileged matter? How does it get before the Senate?

The VICE PRESIDENT. It is a privileged matter.

Mr. BERRY. There was a unanimous agreement that we were to consider the House bills on the Calendar until 5 o'clock, and I insist upon that agreement being carried out by the Senate. I desire to look into the amendment of the House of Representatives. I am opposed to the bill in every way, and I desire to be heard upon the amendment which the House has made to it before it is finally passed upon. I am not ready this evening to do so.

Mr. SHERMAN. The bill comes here as a message from the House of Representatives asking for a conference.

Mr. BERRY. I did not hear the remark of the Senator from Ohio.

Mr. SHERMAN. The bill comes to us on the action of the House proposing an amendment which is comparatively of an unimportant character, and the House ask a conference. That is a privileged question entitled to be taken up at any time.

Mr. BERRY. The proposition of the Senator from Vermont was to concur in the House amendment.

Mr. SHERMAN. He changed his motion. The Senator from Arkansas probably did not hear him.

Mr. BERRY. I ask if that bill is of such a character that it will set aside a unanimous agreement made less than ten minutes ago, by which the Indian appropriation bill was laid aside and we were to consider House bills. If it is the desire to break that agreement let it be done squarely, so that it will be understood. I insist upon the agreement being carried out until 5 o'clock.

Mr. MORRILL. I withdraw the motion to accede to the request for a conference, and I move that the Senate concur in the House amendment.

Mr. BERRY. I object to its present consideration. That is not a privileged question, and it is in violation of the agreement entered into by the Senate.

Mr. COCKRELL. I have always understood that a motion to agree to a conference is a privileged question. I may be mistaken about it, but I have never seen it disputed here before.

Mr. BERRY. This is not the report of a committee of conference, I will inform the Senator from Missouri. There is no conference appointed.

Mr. ALLISON. I agree with the Senator from Missouri that that is a privileged question, but it is a question of still higher privilege to concur in an amendment in order to get the bill on its pathway to final enactment. Therefore I hope the Senator will withdraw the objection.

Mr. BERRY. I will not withdraw my objection, because I believe that it is a bill that ought not to pass. I do not believe an attempt should be made to pass it until the Senate understands what the amendment is.

Mr. PLATT. I do not think that the objection made by the Senator from Arkansas has the effect to take this bill from the Senate and carry it over. I understand the motion now is to concur with the House of Representatives in the amendment which is before the Senate. Unless the Senate chooses to vote it down I do not see how it is to be removed from the consideration of the Senate.

Mr. BERRY. I ask for the reading of the bill and then for the reading of the House amendments, so as to see in what particulars the bill is amended.

Mr. HARRIS. As a means of saving time, I appeal to the Senator from Vermont to allow the bill and amendment to be printed and permit the Senate to proceed, under the consent agreement, to consider House bills favorably reported on the Calendar.

The VICE PRESIDENT. The Chair is informed that the bill has been printed as amended by the House of Representatives.

Mr. HOAR. Mr. President, I trust, when a Senator rises on this floor and expresses a desire to have an opportunity to consider an amendment which he expects to discuss, that that desire will be acceded to. No matter when the bill came from the House it is now for the first time laid before the Senate for action. We can not go into the question whether the Senator from Arkansas makes a reasonable or an unreasonable objection to the bill. That is for him. The presumption is that it is a reasonable objection, whether it prevail or not in the end. I hope the Senator from Vermont will allow the bill to be printed and go over until to-morrow and bring it up then. He will not lose anything by pursuing that course.

Mr. EVARTS. Are we to save any time by that course? Let us take the bill up and dispose of it now.

The VICE PRESIDENT. What is the pleasure of the Senate?

Mr. BERRY. I asked in good faith that the bill might be passed over until I had time to examine the amendment. The Senator from New York [Mr. EVARTS] objects to that course. In doing so, he insists that this matter shall be taken up in direct violation of an agreement which was made not more than ten minutes ago. The Senator proposes to violate that unanimous agreement and force the consideration of this amendment without giving me an opportunity to read it in order that I may ascertain whether it is a proper amendment or not. That being true, then I have a right to call for the reading of the bill and I have a right to call for the reading of the amendment, and I propose to do it, and then I propose to discuss the question.

If I had been shown the proper courtesy and the bill could have gone over until to-morrow, it would not then probably have taken any considerable time; but I say it is pressed on the Senate in violation of the agreement the Senate entered into not exceeding ten minutes ago; and now it is proposed by the Senator from New York that a disposition of this matter be forced immediately. That, I think, is not fair treatment.

Mr. SHERMAN. I ask the Senator from Arkansas to yield to me.

Mr. BERRY. I yield.

Mr. SHERMAN. The Senator from Arkansas has the undoubted right to make this proposition, and he seems to have some feeling about the matter. At this period of the session I do not think we ought to waste much time. I therefore hope the bill will be allowed to lie on the table of the Presiding Officer and be printed. To-morrow morning it probably can be disposed of in the morning hour.

The VICE PRESIDENT. The bill has been printed.

Mr. SHERMAN. It has been printed, I am told. Let it lie upon the table of the Presiding Officer until to-morrow morning.

The VICE PRESIDENT. Does the Senator from Vermont withdraw his motion?

Mr. MORRILL. I withdraw the motion. I should not have made the motion but for the fact that I am aware that this question has been very fully discussed in the Senate as well as in the House of Representatives. I suppose that a very large majority are in favor of the passage of the bill, and I thought it would not consume much time to consider the amendment of the House. However, I will withdraw the motion until to-morrow morning.

The VICE PRESIDENT. The motion is withdrawn.

Mr. BERRY. The amendment has not been considered in the Senate, I will say to the Senator from Vermont.

Mr. HARRIS. The motion has been withdrawn.

Mr. BERRY. I know that, but I want the facts to be laid before the Senate.

MESSAGE FROM THE HOUSE.

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

A resolution for the printing of the eulogies delivered in Congress upon the late James P. Walker, a Representative in the Fifty-first Congress from the State of Missouri;

A resolution for the printing of the eulogies delivered in Congress upon the late Lewis F. Watson, a Representative in the Fifty-first Congress from the State of Pennsylvania; and

A resolution for the printing of the eulogies delivered in Congress upon the late James Phelan, a Representative in the Fifty-first Congress from the State of Tennessee.

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of the Treasury, transmitting a supplemental list of judgments rendered by the Court of Claims; which, on motion of Mr. COCKRELL, was referred to the Committee on Appropriations, and ordered to be printed.

ADDITIONAL REPORTS OF COMMITTEES.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 5117) to authorize the city of Chicago to erect a crib in Lake Michigan for water-works purposes, reported it without amendment.

Mr. PLUMB. I report from the Committee on Appropriations the bill (H. R. 13511) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1892, with amendments, which I ask may be printed. I give notice that immediately on the conclusion of the consideration of the Indian appropriation bill, but not earlier than to-morrow, at the conclusion of the morning business, I shall ask the Senate to proceed to the consideration of this bill.

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

TARIFF LAWS.

Mr. PLUMB. I offer a resolution to be printed and lie over until to-morrow. I ask that it may be read for information.

The Chief Clerk read the resolution, as follows:

Resolved, That the Committee on Finance be, and they are hereby, authorized and directed, by subcommittee or otherwise, to ascertain in every practicable way and to report from time to time to the Senate the effect of the tariff laws upon the imports and exports, the growth, development, production, and prices of agricultural and manufactured articles at home and abroad, and upon wages, domestic and foreign. Also, to ascertain the relative cost and rates of transportation in the United States and foreign countries; and for this purpose they are authorized to sit at such times and places as they may deem advisable, by subcommittee or otherwise.

The VICE PRESIDENT. The resolution will go over and be printed.

WILLIAM P. ATWELL.

The VICE PRESIDENT. The first House bill on the Calendar, unobjected to, will be taken up.

Mr. MANDERSON. I rise to a privileged question. I present a conference report and ask that it be read.

The VICE PRESIDENT. The report will be read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 209) to authorize the Secretary of War to cause to be mustered William P. Atwell, 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 thereto with an amendment as follows: Strike out the words "at the time said regiment was mustered out of service" and in lieu thereof insert the words "November 22, 1864."

CHARLES F. MANDERSON,
C. K. DAVIS,
F. M. COCKRELL,
Managers on the part of the Senate.
E. S. OSBORNE,
F. LANSING,
Managers on the part of the House.

Mr. MANDERSON. I move that the Senate concur in the conference report.

The report was concurred in.

JAMES LITTLETON.

The bill (H. R. 4224) to remove the charge of desertion against James Littleton was considered as in Committee of the Whole. It directs the Secretary of War to remove the charge of desertion against James Littleton, late of Company E, Twenty-second Regiment Kentucky Infantry Volunteers, and late of Company C, Kentucky Veteran Infantry Volunteers, and to issue to him an honorable discharge from the Army of the United States.

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

HOWARD WILLISON.

The bill (H. H. 7155) granting an honorable discharge to Howard Willison was considered as in Committee of the Whole.

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

That the President of the United States be, and he is hereby, authorized to revoke and set aside so much of Special Orders numbered 190, War Department, Adjutant General's Office, dated Washington, May 28, 1864, as dismissed Second Lieut. Howard Willison, One hundred and third Illinois Volunteer Infantry, and to grant and to cause to be issued to said Willison a certificate of honorable muster out of the service as of the date of May 28, 1864: *Provided*, That said Howard Willison shall not be entitled by virtue of this act to any pay or allowance subsequent to May 28, 1864.

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

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

The bill was read the third time, and passed.

Mr. MANDERSON. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

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. MANDERSON, Mr. HAWLEY, and Mr. COCKRELL were appointed.

ALMOND C. WALTERS.

The bill (H. R. 9877) directing the Secretary of War to issue an honorable discharge to Almond C. Walters was considered as in Committee of the Whole.

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

That the Secretary of War is authorized and directed to remove the charge of desertion from the military record of Almond C. Walters, late a member of Company E, One hundred and first New York Infantry, who also served in Company C, One hundred and eighty-eighth New York Infantry, and grant him an honorable discharge as of the date of March 2, 1863, from the said Company E, One hundred and first New York Infantry Volunteers. This act shall entitle the said Almond C. Walters to all rights and privileges heretofore withheld by reason of the failure to receive such discharge.

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

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

The bill was read the third time, and passed.

The title was amended so as to read: "A bill directing the Secretary of War to remove the charge of desertion from the military record of, and to issue a certificate of honorable discharge to, Almond C. Walters."

Mr. MANDERSON. I move that the Senate ask for a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Vice President was authorized to appoint the conferees on the part of the Senate; and Mr. MANDERSON, Mr. HAWLEY, and Mr. COCKRELL were appointed.

NANNIE W. METCALFE.

Mr. HISCOCK. I desire to call attention to Order of Business 1288, which was passed over at a former consideration of the bills on the Calendar on account of an amendment which had been made. I ask that the bill be taken up.

Mr. COCKRELL. Is that a House bill?

Mr. HISCOCK. It is House bill 6415, which was reported back to the Senate with an amendment. I ask that the amendment be concurred in and the bill passed.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6415) to reissue the pension certificate of Nannie W. Metcalfe, and allow her a pension as a surgeon's widow.

The VICE PRESIDENT. This bill has been heretofore read and the amendment reported by the Committee on Pensions has been agreed to.

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

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

The bill was read the third time, and passed.

RICHARD WELLER.

The bill (H. R. 1257) to remove the charge of desertion against Richard Weller and authorizing his honorable discharge was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 5, after the word "Navy," to insert "and to grant him a certificate of honorable discharge;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to remove the charge of desertion against Richard Weller, late seaman in the United States Navy, and to grant him a certificate of honorable discharge.

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MYRON A. EASTMAN.

The bill (H. R. 11040) to relieve Myron A. Eastman of the charge of desertion was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment in line 9, after the word "discharge," to insert "as of the date of July 1, 1863: *Provided*, That he shall receive no pay, compensation, or allowance by virtue of this act or such discharge;" so as to make the bill read:

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 War Department of the United States Army the charge of desertion now standing on said rolls and records against Myron A. Eastman, late of Company F, One hundred and seventh Regiment Pennsylvania Volunteers, and to grant to said party an honorable discharge as of the date of July 1, 1863: *Provided*, That he shall receive no pay, compensation, or allowance by virtue of this act or such discharge.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

ALFRED CRAYTON.

The bill (H. R. 11069) for the relief of Alfred Crayton was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in line 5, after the word "late," to insert "of Company B," and in line 6, after the word "Infantry," to insert "and substitute therefor: Absented himself without leave on October 5, 1862, and re-enlisted on October 23, 1862, in Company A, One hundred and sixth Illinois Volunteers, and was honorably mustered out;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he hereby is, directed to remove the charge of desertion now standing on the rolls against the name of Alfred Crayton, late of Company B, of Eleventh Illinois Infantry, and substitute therefor: "Absented himself without leave on October 5, 1862, and re-enlisted on October 23, 1862, in Company A, One hundred and sixth Illinois Volunteers, and was honorably mustered out."

The amendments were agreed to.

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

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

The bill was read the third time, and passed.

VETERAN VOLUNTEER FIREMEN'S ASSOCIATION.

The bill (H. R. 10500) authorizing the commissioners to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington was considered as in Committee of the Whole. It directs the commissioners of the District of Columbia to grant to the Veteran Volunteer Firemen's Association of the District of Columbia the use of all that part of lot 11, in square 141, in the city of Washington, and building thereon now occupied by a house used formerly as an engine-house, and described as follows: Beginning at the northwest corner of said lot and running east 30 feet on H street; thence 50 feet south on a line parallel to Nineteenth street; thence west 30 feet to Nineteenth street, and thence north 50 feet to the beginning, to be used by the association as a place of meeting and for the storage of their apparatus, to continue during the pleasure of the commissioners.

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

CONVEYANCE OF LOT IN WASHINGTON.

The bill (H. R. 7938) authorizing sale of title of United States in lot 3, in square south of square 990 was considered as in Committee of the Whole. It requires the Secretary of the Interior to grant and convey unto Henry M. Baker and John Jay Sanborn, of the city of Washington, and their heirs and assigns, as tenants in common, all the right, title, and interest of the United States in and to a certain lot of land in the city of Washington, in the District of Columbia, known upon the plat or plan of the city as lot numbered 3, in square south of square numbered 990, upon the payment by them into the Treasury of the United States of such sum of money as the Secretary of the Interior, upon consideration of all the circumstances, shall determine to be proper.

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

HENRY SISSON.

The bill (H. R. 13056) granting a pension to Henry Sisson was announced as next in order.

Mr. COCKRELL. Let that bill be passed over.

The VICE PRESIDENT. The bill will be passed over.

Mr. INGALLS. I wish the Senator from Missouri would waive his objections to that bill.

Mr. COCKRELL. I do not think we ought to establish the principle of pensioning men, who have never been in the service themselves, because they are now aged.

Mr. INGALLS. This is an aged, infirm, and disabled man who is now in the almshouse.

Mr. COCKRELL. Are we to pension every man who is in the almshouse?

Mr. INGALLS. No; but there are peculiar circumstances in connection with this man's father that seem to render it appropriate that the bill should be passed.

Mr. COCKRELL. Are we to set the precedent at this late day of pensioning a man simply because his father was in the war of 1812?

Mr. INGALLS. Of course if the Senator will not waive his objection, I can not obtain action on the bill.

Mr. COCKRELL. I am willing to take the responsibility in a case of this kind.

REGULATION OF IMMIGRATION.

The bill (H. R. 13586) in amendment to the various acts relative to immigration and the importation of aliens under contract or agreement to perform labor was considered as in Committee of the Whole.

Mr. COCKRELL. I inquire if this bill has been reported. The Calendar does not show that it has been reported.

Mr. HALE. It is a bill which has come from the House of Representatives by the practically unanimous agreement of everybody there, and was substituted on the Calendar for a bill reported by the committee of this body. It was carefully considered and nobody, I think, objected to a single provision in it.

Mr. CHANDLER. It is precisely the same bill that was reported by the Senate committee.

Mr. CARLISLE. Mr. President, it seems to me that this is quite an important bill to be considered and disposed of in this summary way. My recollection is that we had under consideration a bill some time ago which embraced a very considerable part of the provisions which have just been read by the Secretary. Do I understand the Senator from Maine to say that this is a substitute for that bill?

Mr. HALE. This bill was very carefully considered by the joint committee of the two Houses, and was the result reached unanimously by the members of the committee on both sides politically. It passed the House of Representatives by common consent, and came to this body with the guaranty, if there can be any such guaranty, of careful examination by the committee. It was discussed during two sessions of the House of Representatives and was passed with entire unanimity.

This is a movement in the direction of trying the operation of this proposed law for the next year, at any rate. Every objection and every consideration that was opposed to it has been eliminated, and it stands to-day as the unanimous conclusion of the committee and of the House of Representatives. Unless the bill is passed now just as it is, of course nothing can come of it. All of us upon both sides are seeking a common purpose, to have this matter of immigration regulated. Every feature of the bill that was objectionable in any way has been struck out. I do not believe that any bill can be reported to Congress at any time more acceptable than this. I hope the Senator will not by an objection prevent its passage.

Mr. CARLISLE. I am in favor of the general purpose of the bill.

Mr. HALE. I know the Senator is.

Mr. CARLISLE. This bill proposes to create a few offices with salaries ranging from $1,200 to $4,000 a year. It proposes to impose severe penalties upon officers of vessels who unlawfully bring certain immigrants to this country, and, if I caught the reading of it correctly, it is not necessary that the officers of the vessels should know that the persons were unlawfully brought here. My recollection is that the Senator from New York [Mr. EVARTS] took some exception to the bill pending at the last session upon that very ground.

This bill imposes a fine of not exceeding $1,000 upon the officers of vessels who may unlawfully bring persons here, not knowingly, but unlawfully—that is, bring to this country any classes of persons whose immigration is prohibited by the bill. It also requires the vessel-owners, if they unlawfully bring these persons here, to defray their expenses upon land and carry them back to the place whence they emigrated, at their own expense. If these matters have been looked into carefully, of course I have nothing to say.

Mr. HALE. Those very points were considered. The bill has been framed as carefully as possible in that regard, so that no penalties will be exacted unless there is knowledge of the infraction.

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

WILLIAM H. KEYS.

The bill (H. R. 4781) for the relief of William H. Keys was considered as in Committee of the Whole. It directs the Secretary of War to expunge from the records the charge of desertion now borne upon the rolls against William H. Keys, late private in Company G, Sixty-ninth Regiment New York Infantry Volunteers, and to issue to him an honorable discharge from the military service of the United States, to date September 15, 1864; but the relief hereby granted shall not entitle him to any pay or emoluments for any time while not in actual performance of military duty.

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

ESTATE OF WILLIAM STOTESBURY.

The bill (H. R. 3308) to open and set aside an order of the Court of Claims canceling a portion of a judgment against the United States, remitted through mistake as to the facts in regard to the same by claimant to the United States, and to refer the matter to the Court of Claims for such further action as said court shall find to be just and equitable was considered as in Committee of the Whole. It proposes that the order made on the 28th day of April, 1884, in the Court of Claims, in the case then pending in which Charles Stotesbury, as administrator of William Stotesbury, deceased, was claimant and the United States were defendants, the case being numbered 13416, in and by which order, upon the remitting by claimant to the United States of the sum of $4,933, residue of the sum for which judgment was entered on the 7th day of January, 1884, and upon the payment of the sum of $6,368, and interest from the time of presenting transcript of the judgment to the Secretary of the Treasury, pursuant to the statute, the United States were acquitted of the residue, and the judgment was canceled, be opened and set aside, and the matter referred back to the Court of Claims; but the court shall have power to set aside the whole judgment and order a new trial on such terms as to the compliance with the final judgment as it shall deem just, and with the right of appeal to each party.

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

PHŒBE S. CURTIS.

The bill (H. R. 10874) to pension Phœbe S. Curtis was announced as next in order.

Mr. COCKRELL. Let that bill go over for the present.

The VICE PRESIDENT. The bill will be passed over.

MEXICAN WAR SOLDIERS.

Mr. STEWART. I ask unanimous consent for the consideration of a bill which it is necessary to have passed.

Mr. HARRIS. I must object until we reach that bill which provides for the payment of the claims of four or five hundred deserving people.

The bill (H. R. 3902) to amend an act entitled "An act for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico," approved March 2, 1889, was considered as in Committee of the Whole. It proposes to amend subdivision 3 of section 2 of the act entitled "An act for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico," approved March 2, 1889, so as to read:

Third. That such soldier was a minor, and was enlisted without the consent of his parent or guardian, and was released or discharged from such service by the order or decree of any State or United States court on habeas corpus or other judicial proceedings, and in such case such soldier shall not be entitled to any bounty or allowance, or pay for any time such soldier was not in the performance of military duty.

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

LINE-CARRYING PROJECTILES.

Mr. FRYE. Order of Business 2321, House bill 8239, comes within the order agreed upon, and I ask that it may be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8239) to amend section 4488, Title LII, of the Revised Statutes as amended by chapter 418 of the acts passed at the second session of the Fiftieth Congress.

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

That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to suspend for a period of one year from the 29th day of March, 1891, the provisions of an act to amend sections 4488 and 4489 of the Revised Statutes of the United States, approved March 2, 1889, requiring line-carrying projectiles and the means of propelling them to be carried on steamers, and the rules and regulations relating thereto adopted by the board of supervising inspectors, approved by the Secretary of the Treasury March 2, 1890.

The Secretary of the Treasury is hereby directed to make a series of experiments with such line-carrying projectiles and the means of propelling them as may be submitted, and to report the same to Congress, at the beginning of the first session of the Fifty-second Congress, and also his opinion as to whether necessity exists for such life-saving appliances as are now required by the regulations of the Treasury Department under the aforesaid sections of the Revised Statutes, as amended, and as to what changes, if any, in such law or regulations may be deemed advisable by him to meet the interests of life-saving and the shipping interests alike.

Mr. HOAR. What bill is that?

Mr. FRYE. The line-carrying projectile bill.

Mr. SPOONER. I hope the Senator from Massachusetts [Mr. HOAR] will not object to the bill.

Mr. FRYE. If the bill is not passed it will involve an expenditure of thousands of dollars on the lakes, where it is entirely unnecessary that vessels should carry these appliances.

Mr. SPOONER. And the men who are shipowners and those who navigate the lakes are unanimously opposed to the requirement.

The VICE PRESIDENT. Does the Senator from Massachusetts object to the consideration of the bill?

Mr. HOAR. Yes, sir. I have investigated the subject very carefully. I believe, on good authority, that the law we passed is a wise and humane law and lives have been saved in large numbers under its operations.

The VICE PRESIDENT. Objection is made, and the bill will go over.

Mr. SPOONER. I think I may safely appeal to the chairman of the Committee on Commerce, who took the testimony on this subject, to bear me out in the statement that there is absolutely no contradiction in the evidence that these contrivances, so far as the lakes are concerned, are absolutely unnecessary.

Mr. FRYE. They are entirely unnecessary on the lakes, beyond all manner of question.

Mr. SPOONER. And our people are compelled to purchase those patents at great cost and it is a useless and burdensome tax upon them.

Mr. EDMUNDS. I call for the regular order.

The VICE PRESIDENT. The regular order is called for.

Mr. HOAR. I will insist on the objection for the present, but if the bill shall be so amended as to apply entirely to the lakes, not including the sounds and the ocean, I will withdraw it.

Mr. SPOONER. That is fair.

Mr. WASHBURN. We will agree to that now.

Mr. HOAR. The Senator from Wisconsin, I know, would not ask anything unreasonable, and I do not like to refuse any request coming from him.

Mr. SPOONER. I do not want to ask anything that is not reasonable, but without a single exception the vessel-owners and the men navigating the lakes have appealed for a suspension of the operations of the law in question. I am entirely willing, so far as the West is concerned, to agree to the modification suggested by the Senator from Massachusetts [Mr. HOAR], if the Senator from Maine [Mr. FRYE] is willing.

Mr. HOAR. I have made a good deal of inquiry in relation to this thing, and I am satisfied that the original law as applicable to the ocean and the sounds, and so on, is highly desirable.

The VICE PRESIDENT. The Chair understands the objection to be withdrawn. The question is on the amendment of the committee.

Mr. MCPHERSON. I inquire if this bill confers on the Secretary of the Treasury the power to set aside the provisions of the law referred to.

Mr. FRYE. It is in his discretion entirely.

Mr. HOAR. I must renew my objection. The bill which I have seen is a bill which repeals the operation of this law so far as relates to the lakes, bays, and sounds of the United States. I am prepared to allow the bill to go through if the words "or sounds" are stricken out; otherwise I must insist on my objection.

Mr. FRYE. The Senator simply desires to strike out the words "or sounds"?

Mr. HOAR. "Or sounds."

Mr. FRYE. Then it will apply to all ocean vessels.

Mr. HOAR. I mean that it shall apply. My proposition is to amend the bill by striking out the words "bays or sounds," so that the exemption will apply only to steamers plying exclusively on the lakes.

Mr. GORMAN. I trust the Senator from Massachu-etts will not insist upon striking out the word "bays." That would include all vessels that enter the Chesapeake and the other bays, and they would suffer as much hardship as is now suffered on the lakes by reason of the existing law.

Mr. HOAR. I will allow the word "bays" to stand.

Mr. FRYE. I will say to the Senator from Massachusetts that if he will allow the bill to pass as it is the committee of conference will consist of Senators WASHBURN, DOLPH, and KENNA, and they will regard this as an instruction to comply with the wishes of the Senator from Massachusetts in conference. The bill has got to go into conference.

Mr. SPOONER. It is proposed that it shall apply only to lakes and bays.

Mr. HOAR. I suggest that the bill be passed over without losing its place and that it be taken up again a little later.

Mr. FRYE. I will put myself on the committee of conference, with the permission of the Chair, and I will agree that the words referred to be stricken out.

Mr. HOAR. Why not do it now?

Mr. GORMAN. Certainly; have it done now.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 2, line 11, of the original bill, after

the word "bays," it is proposed to strike out "or sounds," and after the word "lakes" to insert the word "or;" so as to read:

Provided, That so much of the foregoing provisions as relates to line-carrying projectiles and the means of propelling them shall not be construed as applicable to steamers plying exclusively upon any of the lakes or bays of the United States.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The question recurs on agreeing to the amendment reported by the committee.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Secretary of the Treasury, in his discretion, to suspend for a period of one year from March 29, 1891, the enforcement of the provisions of an act approved March 2, 1889, entitled 'An act to amend sections 4488 and 4489 of the Revised Statutes, requiring life-saving appliances on steamers.'"

Mr. FRYE. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

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. WASHBURN, Mr. DOLPH, and Mr. KENNA were appointed.

JOHN ZEDEKER.

The bill (H. R. 6340) for the relief of John Zedeker was considered as in the Committee of the Whole. It directs the Secretary of War to remove the charge of desertion from the record against John Zedeker, late private in Company E, Thirty-second Ohio Volunteer Infantry, and to issue to him an honorable discharge, to date January 1, 1863, in conformity with a decree of the common pleas court of Richland County, Ohio, issued on the 23d day of February, 1863, relieving him from the military service on a writ of habeas corpus, on account of his minority.

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

MERIDY SMITH.

The bill (H. R. 13061) increasing the pension of Meridy Smith, a Revolutionary pensioner, was considered as in Committee of the Whole. It proposes to increase the pension of Meridy Smith, widow of William Smith, a soldier in the Revolutionary war, from $12 per month to $30 per month during her natural life.

Mr. REAGAN. Let the report be read in that case.

The VICE PRESIDENT. The report will be read.

The Secretary read the following report, submitted by Mr. FAULKNER February 12, 1891:

The Committee on Pensions, to whom was referred the bill (H. R. 13061) increasing the pension of Meridy Smith, a Revolutionary pensioner, have examined the same and report:

Your committee adopt the report submitted by the Committee on Pensions of the House of Representatives and recommend the passage of the bill.

The House report is as follows:

"Meridy Smith is the widow of William Smith, who served as a soldier in the Revolutionary war. She is now receiving a pension at $12 per month under the general law pensioning widows of the soldiers of the Revolution.

"Accompanying the bill is the testimony of William Wise and C. H. Stamps, citizens of Newnan, Ga., setting forth that Mrs. Meridy's pension of $144 per year is insufficient to afford her a comfortable support, and that she has no property whatever aside from a few poor articles of household furniture and wearing apparel; also that she is now about eighty-five years old and requires the constant attention of another person.

"The passage of the bill is recommended."

Mr. REAGAN. I object to the further consideration of the bill.

The VICE PRESIDENT. Objection being made, the bill will go over.

DAVID C. CLOUSE.

The bill (H. R. 5208) granting an honorable discharge to David C. Clouse was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in line 4, after the word "record," to strike out "and grant an honorable discharge to" and insert "of," and in line 6, after the word "infantry," insert "by removing therefrom the charge of desertion and substituting therefor absent without leave from June 14, 1862, to October 21, 1862, when he enlisted in Company D, First Indiana Cavalry, and was honorably discharged June 8, 1865;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of David C. Clouse, late a private in Company H, Third Regiment Ohio Volunteer Infantry, by removing therefrom the charge of desertion and substituting therefor "absent without leave from June 14, 1862, to October 21, 1862, when he enlisted in Company D, First Indiana Cavalry, and was honorably discharged June 8, 1865."

The amendments were agreed to.

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

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

The bill was read the third time, and passed.

PATRICK J. BENCH.

The bill (H. R. 11560) to relieve Patrick J. Bench, alias Patrick McBench, from the charge of desertion was considered as in Committee of the Whole. It directs the Secretary of the Navy to remove the charge of desertion now standing against Patrick J. Bench, alias Patrick McBench, late a seaman on the United States steamship Brooklyn, on the records and rolls of the Navy Department, and to issue to him an honorable discharge from the service.

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

JOHN J. MURPHY.

The bill (H. R. 9212) to relieve John J. Murphy from the charge of desertion was considered as in Committee of the Whole. It directs the Secretary of the Navy to remove the charge of desertion now standing against John J. Murphy, late a seaman on the United States receiving ship North Carolina, on the records and rolls of the Navy Department, and to issue to him an honorable discharge from the service.

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

JAMES A. RICE.

The bill (H. R. 5587) for the relief of James A. Rice was considered as in Committee of the Whole. It directs the Secretary of War to remove the charge of desertion from the record of James A. Rice, late a private in Company F, Seventh Kentucky Infantry Volunteers, and to issue to him an honorable discharge as of the 7th day of April, 1862.

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

EZRA ABBOTT.

The bill (H. R. 10536) to remove the charge of desertion from the record of Ezra Abbott, late of Company I, Twenty-first Michigan Volunteer Infantry, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 6, after the word "and," to strike out "to grant him an honorable discharge" and insert:

Substitute therefor "Absent without leave from September 10, 1863, to January 18, 1864, when he re-enlisted in Company K, Thirteenth Michigan Volunteers, for three years, and was honorably discharged July 25, 1865, with said company."

So as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to remove the charge of desertion from the record of Ezra Abbott, late of Company I, Twenty-first Michigan Volunteer Infantry, and substitute therefor "Absent without leave from September 10, 1863, to January 18, 1864, when he re-enlisted in Company K, Thirteenth Michigan Volunteers, for three years, and was honorably discharged July 25, 1865, with said company."

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CONTINUOUS SESSION.

Mr. DAWES. I ask unanimous consent that the 6 o'clock recess may be dispensed with to-day. ["That is right."]

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

DISTRICT JUNK DEALERS, ETC.

The bill (H. R. 7342) relating to junk dealers, dealers in second-hand personal property, and pawnbrokers in the District of Columbia, 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.

PUBLIC ALLEY IN WASHINGTON.

The bill (H. R. 9955) dedicating part of lots 14 and 15, in square 812, as a public alley, was considered as in Committee of the Whole. It proposes to dedicate as a public alley such parts of lots 14 and 15 in square 812, at the points where the lots join and abut on original lots 6, 7, and 28, as shown in book 17, page 58, of the office of surveys for the District of Columbia, the contiguous property and lot owners to dedicate an approximate amount to make an alley of 15 feet in width between the properties described.

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

DAVID L. LOCKERBY.

The bill (H. R. 6170) directing the issuance of an honorable discharge to David L. Lockerby, late of Company A, Ninety-sixth New York Volunteers, was considered as in Committee of the Whole.

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

That the President of the United States be, and hereby is, authorized to revoke and set aside so much of Special Orders, numbered 320, headquarters of the Army, Adjutant General's Office, Washington, October 30, 1862, as dismissed Capt. David L. Lockerby, Ninety-sixth New York Volunteers, to date from August 8, 1862, and to accept the resignation of said David L. Lockerby, as captain of Company A, Ninety-sixth Regiment New York Volunteers, as of the date of August 8, 1862, and to cause to be issued to him a certificate of such acceptance of his resignation and of honorable discharge from said volunteer service as of said date, August 8, 1862.

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill for the relief of Capt. David L. Lockerby."

Mr. HISCOCK. I suggest in that case that the Senator from Missouri ask for a committee of conference.

Mr. COCKRELL. I think the House will concur in the amendment, but if the Senator prefers that we should ask for a conference, I will submit that motion.

Mr. HISCOCK. I should prefer it.

Mr. COCKRELL. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

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. HAWLEY, Mr. MANDERSON, and Mr. COCKRELL were appointed.

CLAIMS UNDER BOWMAN ACT.

The bill (H. R. 7616) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the "Bowman act," was considered as in Committee of the Whole.

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

The first amendment was, on page 2, line 3, after the words "*Provided, however,*" to strike out:

That no one of the said claims or sums hereinafter mentioned shall be paid until the Attorney-General shall, in the order in which they were passed by the Court of Claims, first cause the record and evidence in the Court of Claims and such other pertinent evidence as he shall deem necessary as to the loyalty of the claimant or claimants and the justice of the amount found due in each such claim or case to be examined, and thereupon shall certify that he finds no probable cause for a new trial; and if he shall find probable cause for a new trial he shall so certify.

The Attorney-General is hereby directed to cause such examination to be made within six months from the passage of this act. In all cases where the Attorney-General shall certify that he finds probable cause for a new trial, the claimant shall be entitled to a new trial on motion to that effect, without costs of motion, which motion shall be addressed to the Court of Claims, on notice to the Attorney-General, within one year after the date of such certificate, and in all the cases or claims mentioned in this act where the Attorney General certifies that he finds probable cause for a new trial no payment shall be made under the provisions of this act.

And to insert in lieu thereof the following:

That no one of the claims hereinafter mentioned and contingently appropriated for shall be paid until the Attorney-General shall have certified to the Secretary of the Treasury that he has caused to be examined the evidence heretofore presented to the Court of Claims in support of said claim, and such other pertinent evidence as he shall be able to procure, bearing upon the loyalty of the claimant or claimants, and upon the merits and justice of the claim, and finds upon such evidence no grounds sufficient, in his opinion, to support a motion for a new trial in said case, or until there shall have been filed with said Secretary a duly certified transcript of the proceedings of the Court of Claims denying a motion made by the Attorney-General for a new trial in any one of the claims herein mentioned.

The Attorney-General is hereby directed to cause such examination to be made within nine months from the passage of this act, and to make within said period motions for a new trial in all cases in which there shall be, in his opinion, sufficient ground therefor. The court shall have jurisdiction to hear and determine such motions for a new trial.

As to all said claims in which the Attorney-General shall make a motion for a new trial, and in which the said motion shall be granted by the court, the findings of the court, if favorable to the claimant, shall be reported to Congress, as under the provisions of existing law, for future action, and no payment of any such claim shall be made under the provisions of this act.

The amendment was agreed to.

The next amendment was, on page 32, to insert, after line 23, the following:

To James A. Richardson, administrator of Ezekiel T. Keel, deceased, of Shelby County, Tennessee, $832.
To Alexander Moffitt, of Washington County, Pennsylvania, $12,442.98.
To George Brown, of the District of Columbia, $1,525.
To Barnett T. Swart, of the District of Columbia, $6,012.
To David Hicks, of Hamilton County, Ohio, $340.
To George Keel, of Hamilton County, Ohio, $300.
To the legal representatives of Nicholas J. Bigley, deceased, $21,211.50.
To Sarah E. B. Smith, of Scotland County, Missouri, $837.50.

The amendment was agreed to.

The next amendment was, on page 23, after line 18, to strike out:

All Treasury drafts in payment of the claims appropriated for in this act shall be made payable and delivered to the parties named respectively; or in case of death of the party, to his or her executor or administrator.

Mr. SPOONER. The House bill contains this provision:

All Treasury drafts in payment of the claims appropriated for in this act shall be made payable and delivered to the parties named respectively; or in case of death of the party, to his or her executor or administrator.

The majority of the Committee on Claims instructed me to report the bill back with an amendment, that this language be stricken out. It was my own opinion that it ought to be retained.

I simply wish to state to the Senate that I think myself, as has often been expressed by the Senator from Missouri [Mr. COCKRELL], it is better that the appropriations made for these claims hereafter shall be made payable to the parties in interest, allowing the attorneys to make their arrangements with them. There are some claim agents here for whom at least the Government ought not to be solicitous.

Mr. HARRIS. Do I understand that the Senator from Wisconsin moves, under the direction of the committee, that the clause be stricken out?

Mr. SPOONER. The majority of the committee instructed me to report the bill back with the recommendation that the language I have read be stricken out.

Mr. HARRIS. That language covers the draft to be delivered to the claimant or his administrator or personal representative.

Mr. SPOONER. Yes.

Mr. HARRIS. I hope it will not be stricken out.

Mr. BATE. That clause ought not to be stricken out.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

Mr. COCKRELL. I offer the amendment which I send to the desk, to come in after line 18, on page 33.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 33, after line 18, it is proposed to insert:

To Charles P. Chouteau, survivor of Chouteau, Harrison & Valle, of St. Louis, Mo., the sum of $174,445.75, in full satisfaction of all claims arising out of the construction of the ironclad steam battery Etlah, constructed under the contract with Charles W. McCord; the facts having been found, and the amount due claimant fixed by the Court of Claims in a proceeding prior to the act of March 3, 1883, and subsequently under a reference by Congress to said court under the provisions of said act of March 3, 1883, known as the Bowman act, the said Court of Claims reiterated its former findings.

The VICE PRESIDENT. The question is on the amendment of the Senator from Missouri.

Mr. HARRIS. The fact that the Senator from Missouri offers that amendment and the further fact, as I understand from the chairman of the Committee on Claims, that he is satisfied as to the justice of the claim, on his own recollection of the former investigation, satisfies me the claim is just; yet I am afraid that putting that amendment on the bill and sending it back to the other House at this time may defeat the whole bill.

Mr. COCKRELL. The bill has to go back to the House anyhow.

Mr. HARRIS. That is true, but if amendments of this magnitude are inserted I am afraid they will defeat the bill. I shall not, however, antagonize the amendment of the Senator from Missouri.

Mr. SPOONER. I have not had time to give personal attention to this claim. I said to the Senator from Missouri that I would make no objection to it, as I did not regard it as subject to a point of order. I only wish to say in regard to it that I do not feel like antagonizing it for the reason that as I understand it has been twice examined by the Court of Claims, with favorable findings as to the loyalty, the jurisdictional question, and also the adjudication of damages. I should not be willing, notwithstanding that, that an item of such magnitude should go upon the bill but for the fact that under the provisions of the bill as the Senate by the adoption of the committee amendment made it no payment can be made on any of these items until the Attorney-General has certified to the Treasury Department that he has caused to be examined the evidence on which the court based its finding and all other competent evidence which it is possible for him to obtain bearing upon the question of loyalty, and also upon the justice of the claim, and that he finds no ground for a motion for a new trial.

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

Mr. SPOONER. Certainly.

Mr. HOAR. Is there a sufficient force in the Attorney-General's office to perform that duty within any reasonable time?

Mr. SPOONER. We have given nine months within which the duty shall be performed as to the items in this bill. I think undoubtedly the Attorney-General's office ought to have more force.

Mr. HOAR. I do not think it is fair that this should extend over the next twenty years.

Mr. SPOONER. We have limited the time to nine months. If the Attorney-General does not file a certificate with the Secretary of the Treasury that after this examination he finds no ground for asking the court for a new trial, then he must make within nine months, or cause to be made, a motion in the court for a new trial; and if the court denies that motion for a new trial, on the transcript of the proceedings of the court being filed with the Secretary of the Treasury payment is made.

No items, therefore, can be paid under the provisions of this bill until the Attorney-General shall have examined and decided that there is no ground for a new trial or until he has submitted a motion to the court

for a new trial and it has been denied. Wherever the court grants a new trial that is the end of it, and the claimants must come to Congress for future action.

Mr. PLUMB. I should like to ask the Senator from Wisconsin whether these claims are claims which have been allowed under what is known as the Bowman act?

Mr. SPOONER. Yes, sir.

Mr. PLUMB. All I want to say is, without objecting to the passage of the bill, that if the Court of Claims be allowed to go on as it is going on now, the necessity for a bankruptcy act, especially as applicable to the United States, will be apparent in the course of a year or two. A receiver will have to be appointed for the United States Government within the next twenty-four months if the Court of Claims is allowed to go on and pass upon claims which are brought in this way against the United States.

Mr. SPOONER. I do not know that I feel called upon to defend the Court of Claims. I will say, however, that out of the vast number of claims referred by Congress to the court under what is called the Bowman act, the court has found adversely in, I think, nine out of ten cases thus far.

Mr. DOLPH. Mr. President, I wish to say that, if these claims were not of a class that might have been allowed by the War Department, or the Commissary, or the Quartermaster's Department under the provisions of existing law, I should object to the consideration of this bill; but I understand they are all claims which were provided for by Congress under some law and most of them were examined and rejected on account of the statute of limitations or because the Department was not satisfied of the loyalty of the claimants. That being so, and the question of the loyalty of the claimants being submitted to the Attorney-General, I shall not feel it to be my duty to object to the consideration of the bill.

I wish to state in that connection, however, that I understand under the Bowman act claims against the Government are referred to the Court of Claims for the purpose of having the facts ascertained, and not for the purpose of deciding whether liability exists on the part of the Government to pay a particular claim.

Mr. SPOONER. That is true.

Mr. DOLPH. That judgment of the court is merely advisory to Congress, and every one of those claims must be examined by a committee of Congress who will determine whether the facts are such as to justify the payment of the claim by the Government. As I understand the chairman of the Committee on Claims, all these claims are of that class; the loyalty of the claimants must be established and that question is submitted for further examination to the Attorney-General.

Mr. SPOONER. That is true. Every item, excluding the item proposed by the Senator from Missouri [Mr. COCKRELL], is for supplies taken, either by the Quartermaster's Department or the Commissary Department, from men who are alleged to have been loyal, and used for the troops of the United States.

As to each item in this bill the Court of Claims has found, on a reference under the Bowman act, that the claimant was loyal; that the supplies were of the character indicated, and that they were taken and used for the support and supply of the Army of the United States. There is not an item in this bill which does not fall fairly, but for the statute of limitations and for the doubt indicated by the Quartermaster General or the Commissary General as to loyalty, within the "4th of July claims."

The only exception is the one proposed by the Senator from Missouri, which has been found by the court under the Bowman act, and which is entirely different, I must say, from the other items in the bill.

Mr. PLUMB. I should like to ask the Senator from Wisconsin if he ever knew a man who had a claim against the Government who was not for "the old flag and an appropriation;" in other words, who was not loyal?

Mr. SPOONER. I have known a good many men with claims against the Government who professed to be loyal, whom I found, as a member of the Committee on Claims, were as thoroughly disloyal as it was possible for men to be, and we have defeated the claims of such claimants.

Mr. PLUMB. I wish at this time to make a prediction, although I am "not a prophet nor the son of a prophet," and that is, the Southern Claims Commission having exercised its function and disappeared, the Quartermaster General having exercised his function and disappeared, and the Committee on Claims of the Senate having exercised their function and quit the business——

Mr. SPOONER. And disappeared. [Laughter.]

Mr. PLUMB. No, I do not mean to say that exactly, and especially not with reference to the Senator from Wisconsin.

These claimants will appear in the Court of Claims, which will rehabilitate every one of the claims which had been rejected by the Southern Claims Commission, by the Quartermaster's Department, and by the Committee of Claims of the Senate, in such a way that every one of them will be allowed and every one of these claimants will be made as white as snow with reference to loyalty. It is only a prediction; that is all. The only thing that can prevent it is the fact, which I hope will come very soon, and that is, the Treasury of the United States will give out. I rejoice in the prospect that next year we shall have a deficiency in the Treasury, which I think is the only thing that can prevent these raids to secure allowances of the public money.

Mr. HARRIS. I beg to suggest to the Senator from Kansas that in the ratio of 7, if not 9, out of 10 of all the claims which have been referred to the Court of Claims, that court have found against the jurisdictional fact of loyalty. They have only allowed claims where they have found, and felt warranted in finding, the affirmative fact of loyalty.

The Quartermaster General has a stereotyped indorsement, which I have seen repeated probably five hundred times, that "the Quartermaster General can not affirmatively certify as to the loyalty of the claimant." I have seen in respect of the cases of minors not three years old such indorsements made, and such claims were filed away.

These claims all rest upon the basis of a thorough examination by a judicial tribunal having the right to hear testimony pro and con, to examine and cross-examine witnesses. They stand upon a higher platform and a higher basis than any private claims I have ever known to be allowed by the action of the Congress since I have had the honor of holding a seat here.

Mr. JONES, of Arkansas. Mr. President, the proportion of claims is not seven-tenths, as stated by the Senator from Tennessee [Mr. HARRIS], but more than nine-tenths have been rejected of the claims which have been presented and examined by the Court of Claims. As I now remember, more than 92 per cent. have been rejected and less than 8 per cent. have been found loyal and reported favorably upon by the court.

The VICE PRESIDENT. The question is on the amendment of the Senator from Missouri [Mr. COCKRELL].

The amendment was agreed to.

Mr. HAWLEY. I move to insert, after line 18, on page 33:

To Lewis D. Allen, of New London, Conn., $2,000.

Mr. HARRIS. Where does the Senator propose to have the amendment come in?

Mr. HAWLEY. After line 18, on page 33, practically at the end of the bill. This is a judgment of the Court of Claims two years old.

Mr. SPOONER. I will only say about this item that so far as I know it has not been examined by the Committee on Claims. It has been recently reported by the court, and is susceptible of easy statement so far as the facts are concerned. It seems this man was found loyal by the court.

Mr. HAWLEY. He served for two years or thereabout in the Quartermaster's Department in the Army of the Missouri. He resided in St. Louis at the beginning of the war. He never was inside of the Confederate jurisdiction. He went to Natchez and engaged in business. The military officers at Natchez at that time suspected almost everybody engaged in trade, and they arrested him. He laid down $2,000 for security. They found he was not in fault, but the $2,000 had gone up somewhere to the headquarters at Vicksburg, and he never got his $2,000. He was cleaned out entirely, and he is unquestionably a loyal man.

Mr. HARRIS. Has the case been considered by the Court of Claims?

Mr. HAWLEY. I hold in my hand the printed copy of the judgment of the Court of Claims.

Mr. HARRIS. I simply asked the Senator the question.

Mr. HAWLEY. The Court of Claims has considered and decided favorably upon the claim. What I happen to have in my hand is a favorable report made in the House of Representatives, which quotes the record of the Court of Claims.

The VICE PRESIDENT. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. On page 33, after line 18, it is proposed to insert:

Lewis D. Allen, of New London, Conn., $2,000.

The amendment was agreed to.

Mr. STEWART. I inquire of the chairman of the Committee on Claims if the claim of Julius Nutt, favorably reported by the Court of Claims, has been examined by the Committee on Claims? I have been requested to offer that claim as an amendment, and I should like to know if it has been examined by the committee before I offer it as an amendment.

Mr. SPOONER. I have been importuned to insert that item in this bill by way of amendment. The claim has not been examined and reported upon by the committee. The amount found, I think, in favor of the claimant by the Court of Claims was two hundred and odd thousand dollars. It seemed to the members of the committee that it was large enough and old enough to stand alone.

Mr. STEWART. So that the committee has not acted favorably upon it?

Mr. SPOONER. The committee has not acted upon it at all.

Mr. STEWART. Then I shall not offer it as an amendment.

Mr. CARLISLE. I desire to offer an amendment covering five separate claims which have been passed upon by the Court of Claims.

The VICE PRESIDENT. The amendments will be stated.

The CHIEF CLERK. It is proposed to insert, on page 24, after line 2, the following:

To William J. Marshall, E. S. Holloway, W. S. Holloway, and P. S. Holloway, executors of the will of John G. Holloway, deceased, late of Henderson County, Kentucky, the sum of $2,520.

To W. C. M. Travis, of Crittenden County, Kentucky, the sum of $140.
To Abel A. Thompson, of Marion County, Kentucky, the sum of $124.
To Martha Brashear, administratrix of the estate of Obediah Brashear, deceased, late of Nelson County, Kentucky, the sum of $225.
To Henry L. Pope, of Jefferson County, Kentucky, the sum of $300.

Mr. CARLISLE. These claims were not sent to me until after the Committee on Claims had reported this bill; of course it was then too late to present them to the committee, and therefore they have not been considered by the committee.

Mr. SPOONER. The Senator will allow me to inquire whether any bill has been introduced covering these claims?

Mr. ALLISON. I desire to ask the Senator from Kentucky if the claims just now presented by him are of the class of claims that ought to be considered upon this bill? Usually we can not put every claim which has been tried by the Court of Claims on this bill. If such claims are to be inserted I shall desire to propose several amendments myself. If the claims are within the range of this bill I do not object to them.

Mr. CARLISLE. They are claims for the rent of property and for property taken and used by the Army. In one case the claim is for the horse of a soldier. They have been passed upon by the Court of Claims.

Mr. ALLISON. Are they passed upon under the regulations of the claims involved in this bill?

Mr. CARLISLE. I do not know what the different regulations are. The findings of the Court of Claims are in the usual form. Here is one claim for the rent of land upon which Camp Chase, in the State of Ohio, was established. Another one is for the rent of land by the United States, taken possession of by the commissary of subsistence and used by the Government. Another is for stores taken and used by the Army, and so on. They are all of that class of claims, and, as I understand, they have been passed upon in the usual way by the Court of Claims.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Kentucky [Mr. CARLISLE].

Mr. SPOONER. At the time the Senator from Iowa intervened, I was asking the Senator from Kentucky if any bill had been introduced in the House of Representatives upon which there had been a favorable report covering these items.

Mr. CARLISLE. None, so far as I am advised.

Mr. SPOONER. I must say the items fall fairly within the class of claims which are embraced in this bill as a whole. As the findings of fact have been made favorably by the Court of Claims and a re-examination is provided for here, I do not feel like making any point of order on the amendment.

Mr. CARLISLE. I would not have offered the amendment under the circumstances except for the fact that the bill provides for a re-examination if necessary.

The VICE PRESIDENT. The question is on the amendment of the Senator from Kentucky.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

Mr. SPOONER. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

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. SPOONER, Mr. MITCHELL, and Mr. JONES of Arkansas were appointed.

BRIDGE ACROSS RED RIVER AT ALEXANDRIA, LA.

Mr. STEWART. I now ask unanimous consent to take up Calendar number 2720.

Mr. BLACKBURN. I am as anxious as the Senator from Nevada can possibly be for the consideration of bills in which I feel an interest. I must insist on going on regularly.

Mr. COCKRELL. Let us proceed with the Calendar.

Mr. STEWART. I will withhold my request for the present.

The bill (H. R. 12839) to authorize the Rapides Bridge Company, Limited, to construct and maintain a bridge across Red River at or near Alexandria, La., was announced as next in order.

Mr. PLUMB. I object to that bill.

The VICE PRESIDENT. Objection being made, the bill will go over, retaining its place on the Calendar.

Mr. VEST. What has become of that bill?

The VICE PRESIDENT. The bill was passed over, retaining its place on the Calendar, objection having been made.

Mr. VEST. Permit me to make a statement.

The Senator from Louisiana [Mr. GIBSON] is very much interested in that bill and is confined to his house by illness. The other Senator from Louisiana [Mr. EUSTIS] also was compelled to leave the Senate Chamber by reason of illness. They both have written me notes stating that it is absolutely necessary that the bill should pass. The work upon the bridge is suspended. I hope, therefore, there will be no objection to it. It is simply a bridge bill.

Mr. PLUMB. I withdraw the objection.

The VICE PRESIDENT. The objection is withdrawn.

Mr. VEST. I have no interest in the bill except as a matter of courtesy to those absent Senators. It is an ordinary bridge bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

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

HART COUNTY, KENTUCKY.

The bill (H. R. 8469) for the relief of Hart County, Kentucky, was considered as in Committee of the Whole. It authorizes the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, on appeal to him made to refund and pay back to the county of Hart, State of Kentucky, any and all money collected from any and all corporations, or from any other person or party whatsoever, as internal-revenue taxes on dividends or shares of stock owned by the county in the Louisville and Nashville Railroad Company, to the extent that such taxes were deducted from any dividends due and payable to the county, any statute of limitation to the contrary notwithstanding.

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

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, communicating an additional supplemental list of judgments.

Mr. COCKRELL. Let that be printed and referred to the Committee on Appropriations.

The VICE PRESIDENT. It will be so ordered.

ARCHIBALD HUNLEY.

Mr. HAWLEY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5057) for the relief of Archibald Hunley having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

CHAS. F. MANDERSON,
C. K. DAVIS,
F. M. COCKRELL,
Managers on the part of the Senate.
E. S. OSBORNE,
F. LANSING,
Managers on the part of the House.

The report was concurred in.

Mr. HAWLEY. I wish to make an explanation concerning that conference report, though I do not know that it is necessary. The House has concurred in the Senate amendment, and the bill is passed; but there may be some question as to my right to make the report, as I was not a member of the conference committee.

Mr. STEWART. That makes no difference.

DAVID H. RUSSELL.

The bill (H. R. 3061) for the relief of David H. Russell was considered as in Committee of the Whole. It directs the Secretary of War to remove the charge of desertion standing on record against David H. Russell, late a private in Company C, Eleventh Regiment Pennsylvania Reserve Volunteer Corps; but he shall not be entitled to any pay or allowance for the time he was absent from his company without leave.

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

CAPT. WILLIAM P. HALL.

Mr. HAMPTON. I ask leave to call up House bill 4187, which we have almost reached on the Calendar. It has the unanimous report of the Military Committee and is sustained by the Judge Advocate General, Generals Sherman, Canby, Ord, and Pope, and various others. I think there will be no objection to it, and I shall be very glad to have it passed.

The bill (H. R. 4187) for the correction of the army record of Capt. William P. Hall, United States Army, was considered as in Committee of the Whole. It proposes that the army record of Capt. William P. Hall, of the Fifth Regiment of Cavalry, United States Army, be corrected so that his name shall be placed in the position upon the list of captains of cavalry which he should occupy, and which he would occupy had he been given his proper rank in the Fifth Cavalry on June 14, 1869, according to the date of his commission of June 15, 1868.

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

The preamble was agreed to.

ORDER OF BUSINESS.

Mr. DAWES. I call for the regular order.

The VICE PRESIDENT. The regular order is called for by the Senator from Massachusetts.

Mr. STEWART. Now I appeal to the Senator from Massachusetts to give me five minutes to consider a bill which I have been trying to have considered for some time.

Mr. DAWES. I think the better way is to go on with the Indian

bill until we get a little tired and then consider the Calendar for an hour or so.

Mr. STEWART. I have had that promise three or four times on this same bill, and I never got the opportunity.

Mr. KENNA. I hope the Senator from Massachusetts will allow us a few minutes to dispose of the bill of the Senator from Nevada and a half dozen more on the Calendar.

Mr. BLACKBURN. I am entirely content to go on and proceed with the Calendar. I unite my appeal with that which has already been made to the Senator from Massachusetts to let us have thirty minutes more on the Calendar, but if the bills are to be taken up out of order I trust that the Senator from Massachusetts will understand that there are more than one of us who want that opportunity.

Mr. DAWES. The Senate will see the fix I am in, and therefore I call for the regular order, and by and by I will listen to the appeal of the Senator from Nevada.

Mr. BLACKBURN. If the Senator will give us thirty minutes——

The VICE PRESIDENT. The regular order is called for, which is the Indian appropriation bill.

INDIAN APPROPRIATION BILL.

Mr. DAWES. Now let the bill be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13388) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1892, and for other purposes.

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

Mr. DAWES. I ask that the bill may be read, and that the amendments of the committee be considered as they are reached in the reading.

The VICE PRESIDENT. That course will be pursued in the absence of objection.

Mr. DAWES. I ask to have inserted in the RECORD a synopsis of the different provisions in the bill.

The VICE PRESIDENT. The paper referred to will be printed in the RECORD, if there be no objection.

The synopsis is as follows:

SYNOPSIS OF INDIAN BILL.

Amount of estimates for 1892	$6,846,908.03
Supplemental estimates	753,183.75
Total estimates	7,600,091.78
Amount of bill as passed House	12,772,415.73
Net reduction made by Senate committee	167,375.28
Amount as reported to the Senate	12,605,040.45
Amount less treaty agreements	7,098,540.45
Amount of appropriations for 1891	7,262,016.02

Amounts of increase and reduction made to House bill by Senate committee, namely:

Increase.

Payment to Chickasaw Nation	$56,021.49
Kansas Indians	29,379.90
Quapaw Indians	39,575.31
Umatilla reservation allotments	5,000.00
Reimbursement of Charles Adams	247.40
Allotting Indian reservation	10,000.00
Sioux commission	6,000.00
Sisseton and Wahpeton Sioux	80,000.00
Payment to Creek Nation	7,095.60
Payment to Cherokee Nation, balance of sales of Cherokee Strip in Kansas	19,843.82
Irrigating machinery for Indians in Arizona and Nevada	30,000.00
Indian day and industrial school	30,000.00
Carson City (Nev.) school	10,000.00
Fort Mojave school	20,000.00
Total increase	343,162.92

Reduction.

Indian agents (net reduction)	700.00
Pottawatomies, Citizen and Prairie bands	80,000.00 / 48,897.95
Shebit tribe	10,000.00
Payment of claim of James Hollen and others	1,500.00
Payment to J. K. Ozbun	615.00
Payment to Big Jim's band Absentee Shawnees	17,215.00
Clerical work in Indian Office	2,500.00
Pay of special agents to make allotments	10,000.00
Umatilla reservation allotments	5,000.00
Delaware tribe, payment to	140,000.00 / 4,000.00
Albuquerque school	16,500.00
Carlisle school	11,000.00
Chilocco school	20,000.00
Santa Fé school	10,000.00
Shoshone Indian reservation school	25,000.00
Hampton (Va.) school	2,040.00
Lincoln Institution, Indian pupils in	3,400.00
Phœnix (Ariz.) school	50,000.00
Whites' manual labor school	1,020.00
Cherokee training school, North Carolina	1,360.00
Indian treaties, net reduction	39,790.25
Total reduction	510,538.20
Net reduction	161,375.28
Amounts appropriated by new treaties or contracts	5,506,500.00

Schools.

Original estimates for schools	$2,263,520.00
Appropriations for schools for 1891	1,842,770.00
Amount in bill as reported to Senate	1,956,330.00
Increase made by bill as reported by committee over appropriations for 1891	113,560.00

The first amendment of the Committee on Appropriations was, in section 1, on page 2, line 1, to reduce the appropriation for the pay of the agent "at Warm Springs agency" from "$1,200" to "$1,000."

Mr. DOLPH. I hope this amendment will not be agreed to, and I hope it will not be insisted on. The Indian agent is a very important officer.

Mr. DAWES. Will the Senator yield to me?

Mr. DOLPH. I yield to the Senator, of course.

Mr. DAWES. The House of Representatives raised the salaries of six of these agents, making the six $1,200 per year each, adding $200 to some and $100 to others, and then they struck down the appropriation for the salary of the agent at the Union agency $500. The committee of the Senate adhered in this respect to the rule which they have adhered to in all of the appropriation bills this year. They declined to raise any salaries, and they inserted these amendments so as to make the same appropriations for this purpose which have been made from year to year for the last ten years. I have no doubt that some of the salaries ought to be raised and some ought to be diminished. There ought to be a recast, but at the present time we can not, in my opinion, afford to raise these salaries for the reason that when we take hold of the question we should have a general readjustment of all the salaries of Indian agents, but if we begin now by raising salaries here and there we shall never come to those which ought to be reduced. Therefore the Senate committee must adhere, and I ask the Senate to adhere, to the position that in the appropriation bills which come from the Senate committee we shall have no raising of salaries.

Mr. DOLPH. Now, Mr. President——

The VICE PRESIDENT. The Chair inquires of the Senator from Massachusetts if there is any understanding as to limiting debate on the bill?

Mr. DAWES. I ask in this connection——

Mr. DOLPH. I do not yield the floor for that purpose, Mr. President. I yielded to the Senator to make a speech in favor of the proposed amendment. I shall, however, not occupy five minutes in the statement I wish to make.

I will repeat what I said. The Indian agent is a most important officer of the Government. There are five Indian reservations in the State of Oregon. At two of them the present salary of the agent is $1,200. As to three of them it was proposed to increase the salary of the agent at the Warm Springs agency from $1,000 to $1,200; at the Klamath agency it was proposed to increase the salary of the agent $100, making it $1,200; and at the Grande Ronde agency to increase the salary of the agent $200, making it $1,200. The total amount for the annual salaries of all the Indian agents in the State of Oregon is only some $6,000.

Mr. President, there is not a Senator on this floor who does not know that $1,000 is too small a compensation for a suitable man to take charge of an Indian agency.

Mr. MITCHELL. I will suggest to my colleague in that connection that the estimates of the Department for the annual salary of each of these agents is $1,500.

Mr. DOLPH. The Department has estimated $1,500 as the salary for every one of these agents and has done so year after year. It has recommended year after year that a living salary should be paid to those agents. I do not believe, when we are appropriating seven or eight millions of dollars annually for the Indians, that it is economy to require an Indian agent to serve for a thousand dollars. The men who disburse this money, the men who have control of the Indians, of their education and their property, at least ought to be paid a hundred dollars a month. The House of Representatives, which is usually economical on these questions, has seen the justice of making these salaries $1,200 per annum and has so sent the bill to us. I do hope that the amendment will not be agreed to.

Mr. DAWES. I now ask that the debate may be limited to five minutes by each Senator on any one amendment to the bill.

Mr. GORMAN. The Senator knows I should be very glad ordinarily to accede to any arrangement he desires; but there are many important provisions in this bill which ought to be discussed, and I do not think the proposed limitation would be fair at this stage.

Mr. DAWES. If the Senator objects, of course I can not have that agreement made now. I hope the Senator will later on agree to it.

I have to say, on the pending and similar amendments, that I want the Senate to act deliberately and understandingly. I do not want to be forced to call for the yeas and nays. If the amendment of the committee does not prevail to put this salary back where it has been for a great number of years, in other words, if we raise this salary, we shall have to go through this list in that way. I hope, therefore, that the Senate will not enter at this time upon the raising of the salaries of Indian agents.

The VICE PRESIDENT. The question is on the amendment reported by the committee.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, on page 2, line 3, to reduce the appropriation for the pay of the agent "at the Klamath agency" from "$1,200" to "$1,100."

Mr. DOLPH. I hope that will not be agreed to. It is only an increase of $100.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was in section 1, on page 2, line 5, to reduce the appropriation for pay of the agent "at the Grand Ronde Agency" from "$1,200" to $1,000."

Mr. DOLPH. I hope that will not be agreed to. That is in the same category.

The amendment was rejected.

Mr. MCPHERSON. I should like to make an inquiry of the Senator from Oregon which I think is relevant to this bill. I inquire if it is difficult to obtain Indian agents at these places at the salaries named in the bill?

Mr. ALLISON. I can answer the Senator's question. It is very difficult, almost impossible, I understand, to find agents for these Indians. [Laughter.]

Mr. DAWES. And it is more difficult to keep them when you get them, unless they find a field for usefulness that would not be creditable to the administration of Indian affairs.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, on page 2, line 10, to reduce the appropriation for the pay of the agent "at the Neah Bay agency" from "$1,200" to "$1,000."

Mr. ALLEN. I hope that amendment will not be agreed to. All that has been said by the Senator from Oregon [Mr. DOLPH] is emphatically applicable to the agent at the Neah Bay agency.

Mr. DAWES. I hope the Senate will recover itself early upon this idea of raising salaries.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, on page 2, line 19, to reduce the appropriation for the pay of the agent "at the Tulalip agency" from "$1,200" to "$1,000."

Mr. ALLEN. I hope that amendment will be disagreed to, as in the other cases. It stands on precisely the same basis.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, on page 3, line 9, to reduce the appropriation for the pay of the agent "at the Lemhi agency" from "$1,200" to "$1,100."

Mr. SHOUP. The same reasons urged by the Senators from Oregon and Washington in other cases apply to the Lemhi agency. I hope the amendment will not be agreed to.

The amendment was rejected.

Mr. SPOONER. I inquire of the Senator having this bill in charge whether the amendments proposed by the committee, which are now being pretty generally voted down, leave the salaries as they are now fixed by law?

Mr. DAWES. The amendments of the committee leave the salaries where they have been from time immemorial as fixed by law.

Mr. MITCHELL. They are not fixed by any general law, but only by appropriation bills from year to year.

Mr. SPOONER. The committee amendments leave the salaries as they have been heretofore?

Mr. DAWES. Yes, sir.

Mr. ALLISON. The amendments which have been voted down are in the nature of refusing an increase of salary in each and every one of the cases which have been disposed of.

Mr. DAWES. The amendments of the committee propose to put the salaries of these agents back to where they always have been. The Senate have declined thus far to adopt these amendments. Therefore, as far as they have gone, the salaries have been raised.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, on page 4, line 11, to increase the appropriation for the pay of the agent "at the Devil's Lake agency" from "$1,200" to "$1,500."

The amendment was agreed to.

The next amendment was, in section 1, on page 5, line 11, after the word "agency," to strike out "Indian" and insert "Oklahoma;" so as to read:

At the Sac and Fox agency, Oklahoma Territory, at $1,200.

The amendment was agreed to.

The next amendment was, in section 1, on page 6, line 9, to increase the total amount of the appropriations for Indian agencies from "$88,600" to "$88,900."

The amendment was agreed to.

The next amendment was, in section 1, on page 9, under the head of "Fulfilling treaty stipulations with and support of Indian tribes," to insert after line 5 the following:

CHICKASAW NATION.

For reimbursement of the general fund of the Chickasaw Nation for moneys improperly disbursed from said fund, as ascertained by the Secretary of the Interior, as required by article 4 of the treaty with the Chickasaws, dated June 22, 1852, $56,021.49, being amount paid to assignee of W. M. Gwin, and omitted from the appropriation act of March 2, 1889, for reconsideration by the Secretary of the Interior: *Provided*, That this shall be a permanent and continuous appropriation, not subject to lapse or to be covered into the Treasury; and said sum shall be paid from time to time under requisition signed by the Chickasaw governor, national secretary, national treasurer, and auditor of public accounts.

The amendment was agreed to.

The reading of the bill was continued to the end of the clause appropriating $6,000 for "fulfilling treaties with Fort Hall Indians," on page 15, line 12.

Mr. PLUMB. I think the next few items were intended to be stricken out by the subcommittee, from line 13, on page 15, down to and including line 13, on page 16.

Mr. DAWES. The Senator is correct. Those clauses should be stricken out.

The PRESIDING OFFICER (Mr. DAVIS in the chair). The amendment will be stated.

The CHIEF CLERK. It is proposed to strike out from line 13, on page 15, to line 14, on page 16, as follows:

DELAWARES.

That the following sums be, and the same are hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be paid per capita to the members of the Delaware tribe of Indians, under the direction of the Secretary of the Interior:

The sum of $36,800, in payment for 23 sections of half-breed Kaw lands, as provided in the fourteenth article of the treaty of July 4, 1866.

The sum of $26,402, in payment for stock stolen from said tribe, which payment is provided for in the fourteenth article of the said treaty of July 4, 1866: *Provided*, That said sum shall be paid per capita to the persons or their heirs at law who actually lost said stock, as shown by the report of the Secretary of the Interior to Congress, dated January 31, 1870.

The sum of $9,500, for ponies and cattle stolen from said tribe, indemnity for which is provided in the sixth article of the treaty of May 30, 1860.

That the above and several sums be paid to said Delaware Indians as herein provided less the amount due the delegate or delegates of said Indians by virtue of contracts approved in Department of the Interior, and to be immediately available.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, on page 18, line 1, after the word "cents," to insert "together with the sum of $29,379.90 accrued interest unappropriated for since 1887;" so as to make the clause read:

KANSAS.

For interest in lieu of investment on $200,000, two hundred and three one thousand three hundred and thirty-seconds of $10,000, being the pro rata amount due the Kansas tribe of Indians, per second article of treaty of January 14, 1846, $1,524.62, together with the sum of $29,379.90 accrued interest unappropriated for since 1887.

The amendment was agreed to.

The next amendment was, in section 1, on page 22, after line 6, to strike out:

That the sum of $80,000 be, and the same is hereby, appropriated, out of any moneys in the Treasury of the United States of America not otherwise appropriated, and that said sum be expended and paid to the Pottawatomie Indians known as the Citizen and Prairie bands, according to their respective rights and interest, by the Secretary of the Interior. This amount to be in full for the sums due said Indians for arrears under Article III of treaty of October 16, 1826; Article II, treaty of September 20, 1828; Article IV, treaty of October 27, 1832; for educational purposes up to and including fiscal year ending June 30, 1891. This amount to be set apart as specified in said several treaties as a school fund for said Indians, and paid out under the direction of the Secretary of the Interior.

That the sum of $18,897.95 be, and the same is hereby, appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, and that said sum be paid, under direction of the Secretary of the Interior, to the Pottawatomie Indians, known as Citizen and Prairie bands, according to their respective rights, shares, and interest. This amount to be in full for the amount found due said Indians by supplemental report of commissioners appointed by the President of the United States under Senate amendment to Article X, treaty of August 7, 1868, with said Pottawatomie Indians. In all, $130,997.95, these several amounts to be paid as above directed, less the amount due the delegate or delegates, agent or agents, under contracts made with said Indians and approved in the Interior Department; this amount to be immediately available.

The amendment was agreed to.

The next amendment was, in section 1, page 23, under the head of "Quapaws," after line 22, to insert the following paragraph:

That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $39,575.31, in lieu of and as full compensation for 13,191.77 acres of land guarantied to be conveyed to the Quapaw tribe of Indians by the treaty concluded May 13, 1833. Of the amount thus appropriated the sum of $30,000 shall be distributed, under the direction of the Secretary of the Interior, per capita among the said Quapaw Indians, and the sum of $9,575.31 shall be paid over to the treasurer of said tribe to be expended in the erection of schoolhouses and for such other purposes as the council of said tribe may direct.

The amendment was agreed to.

The next amendment was, in section 1, on page 31, under the head of "Sioux of different tribes, including Santee Sioux of Nebraska," line 6, after the word "dollars" to insert "and out of this sum $40,000 may be expended for the establishment of substations or agencies for the issue of supplies in the discretion of the Secretary of the Interior;" so as to make the clause read:

For subsistence of the Sioux, and for purposes of their civilization, as per agreement ratified by act of Congress approved February 28, 1877, $1,100,000; and out of this sum $40,000 may be expended for the establishment of substations or agencies for the issue of supplies in the discretion of the Secretary of the Interior; *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation; and in this service Indians shall be employed whenever practicable: *And provided*, That the expenses incident to the taking of the census provided for in the last annual

Indian appropriation act shall be paid from the money hereby appropriated after July 1, 1891.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 15, on page 34.

Mr. PLUMB. One amendment which was not put into print, which was authorized to be reported by the committee, I now offer. On page 34, after line 15, I move to insert:

That the Secretary of the Interior pay to the confederated tribes of Wea, Peoria, Kaskaskia, and Piankeshaw Indians, per capita, all moneys now held in trust for them by the United States, and all interest due thereon to date of payment: *Provided*, That before such per capita payments shall be made the suit now pending in the Court of Claims against said tribe by the Citizen Wea, Peoria, Kaskaskia, and Piankeshaw Indians, under authority of act of March 2, 1889, shall be settled out of said funds in accordance with final judgment or decree or compromise judgment or decree that may be rendered in said suit: *And provided further*, That any bonds in which any of the funds of said confederated tribes are now invested and which are held by the United States in trust shall, upon the approval of this act, become the property of the United States.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, page 38, after line 16, to strike out the following:

For support and civilization of the Shebits tribe of Indians in Washington County, Utah, including the pay of a superintendent, and purchase of land for said Indians, $10,000; this item to be immediately available.

The amendment was agreed to.

The next amendment was, in section 1, page 42, under the head of "Miscellaneous," line 25, after the word "dollars," to strike out the following:

Provided, That Indians who have or may take their land in severalty by individual allotments, and who have or may become citizens of the United States, may lease their lands for coal, lead, zinc, or other mining purposes, for a period not exceeding twenty-five years, subject to the approval of the Secretary of the Interior: *And provided*, That the Secretary of the Interior is authorized and directed to apply the balance of the sum carried upon the books of the Treasury Department, under the title of "Homesteads for Indians," in the employment of allotting agents and payment of their necessary expenses, to assist Indians desiring to take homesteads under section 4 of "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.

So as to make the clause read:

MISCELLANEOUS.

Aiding Indian allottees under act of February 8, 1887, reimbursable: This amount to be expended under the direction of the Secretary of the Interior in aiding Indians who have taken land in severalty under the act of February 8, 1887, 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," to establish themselves in homes thereon, to procure seed, farming implements, and other things necessary, in addition to means already provided by law or treaty, for the commencement of farming, $15,000.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 6, on page 44.

Mr. DAWES. For the sake of getting it into conference, I move, in line 6, page 44, to strike out "thirty" and insert "sixty" before "thousand;" so as to make the clause read:

New allotments under act of February 8, 1887, reimbursable: To enable the President to cause, under the provisions of the act of February 8, 1887, 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," such Indian reservations as in his judgment are advantageous for agricultural and grazing purposes to be surveyed, or resurveyed, for the purposes of said act, and to complete the allotment of the same, including the necessary clerical work incident thereto in the field and in the Office of Indian Affairs, and delivery of trust patents, so far as allotments shall have been selected under said act, $60,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, page 44, after line 19, to insert:

Sale and allotment of Umatilla reservation, reimbursable: To carry into effect section 2 of "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and grant patents therefor, and for other purposes," approved March 3, 1885, $5,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, in section 1, on page 45, line 17, after the word "Alaska," to insert "in the discretion of the Secretary of the Interior;" so as to make the clause read:

Pay of Indian police: For the service of privates, at $10 per month each, and officers, at $15 per month each, of Indian police to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations, and within the Territory of Alaska, in the discretion of the Secretary of the Interior, and for the purchase of equipments and rations for policemen of non-ration agencies, $150,600.

The amendment was agreed to.

The next amendment was, in section 1, page 46, line 16, to increase the appropriation for surveying and allotting Indian reservations from $10,000 to $20,000.

The amendment was agreed to.

The next amendment was, in section 1, page 46, after line 21, to strike out the following paragraph:

To enable the Secretary of the Interior to pay the claims of James Hollen, Hiram Avery, and Joseph Tesson for services performed by them as farmer, teacher, and interpreter, respectively, at the Tama County Sac and Fox agency in Iowa, $1,500, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, in section 1, page 47, line 6, to strike out the following proviso:

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;

So as to make the clause read:

To enable the Secretary of the Interior to continue the Cherokee Commission, provided for by act approved March 2, 1889, $15,000.

The amendment was agreed to.

The next amendment was, in section 1, page 47, after line 10, to strike out the following paragraph:

To enable the Secretary of the Interior to pay J. K. Ozbun for services rendered as superintendent and teacher at the Osage agency, Indian Territory, during the years 1885, 1886, and 1887, $615, to be paid from the funds of the said Osage Indians.

The amendment was agreed to.

The next amendment was, in section 1, on page 47, after line 17, to strike out the following paragraph:

To enable the Secretary of the Interior to reimburse Big Jim's band of Absentee Shawnees for losses sustained by reason of the forcible removal of said band from the Kickapoo reservation in the Indian Territory, $17,215, to be paid upon the requisition of the principal chief thereof, and to be immediately available, and to be accepted in full satisfaction of their demand, and in lieu of the appropriation heretofore made for this purpose.

The amendment was agreed to.

The next amendment was, in section 1, page 48, to insert at the top of the page the following paragraph:

That the appropriation made by the last Indian appropriation act to reimburse Big Jim's band of Absentee Shawnees for losses sustained by reason of the forcible removal of said band from the Kickapoo reservation in the Indian Territory, may, in the discretion of the Secretary of the Interior, be paid to the members of said band per capita.

The amendment was agreed to.

The next amendment was, in section 1, page 48, line 8, after the word "site," to insert "to be;" and in the same line, after the word "selected," to insert "by the Secretary of the Interior;" so as to make the clause read:

For removal of the agency and the construction of agency buildings at the new site to be selected by the Secretary of the Interior on the Missouri River for the Cheyenne River agency, South Dakota, $15,000.

The amendment was agreed to.

The next amendment was, in section 1, page 48, after line 10, to strike out the following paragraph:

To enable the Commissioner of Indian Affairs to transcribe and copy contracts, reports, and miscellaneous matters in his office, $2,500, for which purpose he may employ per diem clerks at not to exceed $2 per day each, and to be immediately available.

The amendment was agreed to.

The next amendment was, in section 1, on page 48, after line 19, to strike out the following paragraph:

Pay of special agents: Pay of special agents to make allotments of lands, as required by section 10 of "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title of the remainder, and for other purposes," $10,000.

The amendment was agreed to.

The next amendment was, in section 1, page 49, after line 17, to strike out the following paragraph:

That the sum of $5,000 or so much thereof as may be necessary, is hereby appropriated, to become immediately available to carry into effect section 2 of "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation in the State of Oregon and grant patents therefor, and for other purposes," approved March 3, 1885.

The amendment was agreed to.

The next amendment was, in section 1, page 50, after line 2, to strike out the following paragraph:

The Secretary of the Interior is hereby authorized and directed to dispose of the following-described tracts for which no patents have been issued, for the benefit of the Indians who have occupied and improved the same and who have consented to relinquish their rights and titles and interests therein, upon the same terms and conditions as is provided in the act above referred to regarding the tracts for which patents were issued to the allottees, namely: Aquois-poo-kanee, southwest quarter northwest quarter section 30, township 10 north, range 19 west, 40 acres; northwest quarter southwest quarter section 30, township 10 north, range 19 west, 40 acres; in all, 80 acres. Antoine-koo-koo-wee, southeast quarter southwest quarter section 18, township 10 north, range 19 west, 40 acres; east half northwest quarter section 19, township 10 north, range 19 west; in all, 120 acres.

The amendment was agreed to.

The next amendment was, in section 1, page 50, after line 23, to insert:

To reimburse Charles Adams, late Indian agent, Los Pinos agency, for amounts expended by him for official advertising during the year 1873 and the first and second quarters of 1874, $247.40.

The amendment was agreed to.

The next amendment was, in section 1, page 51, after line 20, to insert:

The President of the United States is hereby authorized to appoint a commission to consist of three persons, whose duties shall be to visit the Sioux res-

ervation in Dakota and enter into an agreement with the Indians residing upon the Pine Ridge and Rosebud agencies for a readjustment of the boundary line between said reservations, or for a transfer of the Indians now drawing rations at Rosebud, but who reside upon the Pine Ridge agency, to the rolls of the Pine Ridge agency, and to also make such arrangement with the Indians drawing rations at the Rosebud agency as will be satisfactory to them by which those of the Lower Brûlé Indians who desire to do so may be enrolled at Rosebud and allowed to take lands in severalty upon that reservation south of White River: *And provided further*, That the principal and interest of the permanent fund referred to in article 17 of the act of March 2, 1889, aforesaid, and in section 3 of the act of January 19, 1891, making appropriations to carry out in part the provisions of the first-mentioned act, shall be apportioned and divided according to the number of Indians receiving rations and annuities upon the reservations after the transfers herein authorized shall have been effected, instead of in proportion to the number entitled to receive rations and annuities upon the separate reservations at the time the act of March 2, 1889, aforesaid, took effect.

For the purpose of paying the expense of this commission the sum of $5,000 is hereby appropriated, and they are empowered to employ a clerk.

Mr. DAWES. The Senator from South Dakota [Mr. PETTIGREW] desires to amend the phraseology of that in some particular. He is not in the Senate Chamber. I ask unanimous consent for him, if he comes in before the bill is finished, to go back and offer such amendment as he chooses to this amendment.

Mr. McPHERSON. I should like to hear the Senator from Massachusetts state, as this seems to be some radical change, the object and purpose of this amendment.

Mr. DAWES. I will state it to the Senate briefly. The Senator will call to mind the efforts which have been made to open a large portion of the Sioux reservation. Two propositions were made by Congress to the Sioux Nation to open about 11,000,000 acres. The first proposition failed. A commission was sent out there. They refused to accept the proposition. When that proposition was made, the line between the Pine Ridge and the Rosebud ran along a certain river. That was objected to, and is one of the reasons on the part of the Indians for not accepting the proposition.

It was suggested by the agent at Pine Ridge and by the commission when they came back that the line be changed over to another river, but in the mean time, while that was going on the Indians from the Rosebud agency moved out to that land supposing that it was coming within their reservation. The line was moved over to another river and included those Indians in the Pine Ridge reservation. That was accepted. Then the Department found it necessary to remove all those Indians back to the Rosebud agency; and that was one of the grievous complaints they made as a justification for the late war.

General Miles told them he would try and get some new arrangement of that line, and he has represented here that he assured them he would do what he could to make a new arrangement. It is a pretty difficult thing because the amount of annuities of the Indians there depends upon the number of Indians taking rations at the particular agency, and the fund here is to be divided into six separate funds in the same way. It is necessary, therefore, for two or three careful men to go on the ground and try to adjust that difficulty with them. That is the purpose of the amendment. I think it was a mistake to change the line, and I take this occasion to say that I made it myself, but I made it on the representation of these Indians.

Mr. McPHERSON. Then do I understand the Senator from Massachusetts to profess that he individually has been the cause of the last Indian war?

Mr. DAWES. No, not exactly that, because I simply was the humble scribe who wrote that change; that is all. I was not a Pharisee; I was nothing but a scribe.

The PRESIDING OFFICER. In view of the intention to go back to this amendment at a subsequent hour the Chair understands that it is not to be put on at the present time.

Mr. DAWES. I ask that the amendment be adopted, reserving the privilege to the Senator from South Dakota to come back to it to modify it if he desires.

Mr. SANDERS. The Senator from South Dakota is in the cloak room.

The PRESIDING OFFICER. The amendment will be agreed to, with the understanding that it may be regarded as open hereafter, if it is desired.

Mr. DAWES. The Senator from South Dakota [Mr. PETTIGREW] made a suggestion of a modification of phraseology, and I told him that I would give him an opportunity to offer it. He is absent, and I should like if he comes in and wants to modify it that his amendment to it shall be in order. It would not be in order after we had agreed to insert it unless by unanimous consent.

The PRESIDING OFFICER. That is the understanding.

Mr. DAWES. The Senator from South Dakota [Mr. PETTIGREW] is now here. I call his attention to changes in the phraseology which he suggested in the Pine Ridge commission amendment, on pages 52 and 53. I do not know that it is important. Perhaps the Senator will not care to offer an amendment. That amendment is pending now. If the Clerk will proceed with the reading of the bill the Senator can look it over and offer the amendment.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, on page 53, after line 2, to insert:

For the payment to the Sisseton and Wahpeton bands of Sioux Indians, of Devil's Lake reservation, in the State of North Dakota, for 64,000 acres of land (being at the rate of $1.25 per acre), to which they were justly entitled under treaty of February 19, 1867 (15 Statutes, 505), but which were not included within their reservation boundaries surveyed in 1875, this amount to be expended under the direction of the Secretary of the Interior in the purchase of stock and agricultural implements, and in promoting the comfort and improvement of said Indians, $80,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 53, after line 14, to insert:

That the Secretary of the Interior be, and is hereby, authorized in his discretion to sell to the Miami Town Company, a corporation created under the laws of the State of Kansas, for and on behalf of the Ottawa tribe of Indians, the north half of the southeast quarter of section 25, township 28 north, range 22 east; also the southeast quarter of the southeast quarter of said section; also lots 5, 6, 7, 8, 9, and 10, in said section; also the northeast quarter of the southwest quarter of section 30, township 28 north, range 23 east; also lots 8, 9, 10, and 11, in said section; also lots 1, 2, and 3, in section 31, township 28 north, range 23 east; also lots 1, 2, and 3, in section 36, township 28 north, range 22 east, situated in the Indian Territory, and containing 557.95 acres, more or less.

That said lands shall be sold to said company at not less than $10 per acre, and the proceeds of such sale shall pe paid over, under the direction of the Secretary of the Interior, to the Ottawa Indians per capita, as per request of said Indians now on file in the Department of the Interior.

That the said Miami Town Company shall, within ninety days from the approval of this act, file in the General Land Office a plat of said land, showing the same to have been surveyed and divided into lots, blocks, streets, and alleys; and immediately upon the filing of said map, and the payment of the said sum of $10 per acre, the Secretary of the Interior shall cause a patent to be issued to said company for the several tracts herein described.

Mr. McPHERSON. I should like to make another inquiry of the Senator from Massachusetts. Is it the practice of the Government when a part of these Indian lands are sold to turn the money over to the Indians to be used by them in any manner they please, or has it not been long the unbroken practice of the Government to leave it as a reserve fund in the Treasury of the United States and pay them interest upon it?

Mr. DAWES. Heretofore it has been the practice to deposit in the Treasury in trust for the Indians the money arising from the sale of their lands, but latterly there has been in some degree a departure from that practice, and some portion of the money has been distributed among the Indians, depending a good deal upon the character of the Indians and upon what they desire to do with it. If they are so far advanced as to be making an effort to support themselves by farming or otherwise, it is thought wise to distribute some portion among them so that they can get farming utensils and the like.

The amendment was agreed to.

The next amendment was, in section 1, on page 54, after line 20, to insert:

This amount to be paid per capita to 129 citizens of the Creek nation of Indians, under the direction of the Secretary of the Interior, who have removed themselves from the State of Alabama to the Creek nation, in the Indian Territory, and subsisted themselves for one year, in accordance with the twelfth article of the treaty with the Creek nation proclaimed April 4, 1832, $7,095.

The amendment was agreed to.

The next amendment was, in section 1, on page 55, after line 5, to insert:

That the last clause of the subdivision entitled "Pottawatomies" in the act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling the treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purpose," being chapter 341 of volume 23 of the Statutes at Large, be amended to read as follows:

"That the claims of certain individual members of the Pottawatomie nation of Indians, their heirs or legal representatives, for depredations committed by others upon their stock, timber, or other property, reported to Congress under the tenth article of the treaty of August 7, 1868, be, and the same are hereby, referred to the Court of Claims for adjudication. And said court shall, in determining said cause, ascertain the amounts due and to whom due by reason of actual damage sustained.

"And all papers, reports, evidences, records, and proceedings relating in any way to said claims now on file or of record in the Department of the Interior, or any other Department, or on file or of record in the office of the Secretary of the Senate, or the office of the Clerk of the House of Representatives, shall be delivered to said court, and in considering the merits of the claims presented to the court all testimony and reports of special agents or other officers and other papers now on file or of record in the Departments or Congress shall be considered by the court, and such value awarded thereto as in its judgment is right and proper."

The amendment was agreed to.

The next amendment was, in section 1, on page 56, after line 10, to insert:

That the remaining proceeds or balance of the sales of the Cherokee Strip, in Kansas, disposed of under the seventeenth section of the treaty of said nation with the United States of July, 1866, and under acts of Congress approved May 11, 1872, and February 28, 1877, and held for alleged charges for land-office expenses not authorized by treaty, amounting to $19,843.82, or thereabouts, shall be placed to the credit of the Secretary of the Interior as custodian of said trust funds, and shall be forwarded to the treasurer of the Cherokee nation as other funds of said tribe.

The amendment was agreed to.

The next amendment was, in section 1, beginning at the top of page 57, to insert:

That the Secretary of the Interior is hereby authorized and directed to cause an account to be stated of the amount of school and orphan funds of the Cherokee nation, or the amounts of interest and annuities accruing from the same under her treaties and agreements with the United States, which may not have

been paid to said nation for the years 1861, 1862, 1863, 1864, and 1865, and shall certify to the Secretary of the Treasury the amount of interest or annuity which has not been paid and remains unpaid to the Cherokee nation, as the treaties with said nation require, for any part of said years; and a sum of money equal to the amount so certified by the Secretary of the Interior as aforesaid is hereby appropriated, out of any money in the Treasury not otherwise appropriated, which the Secretary of the Treasury is directed to place to the credit of the Secretary of the Interior, as custodian of said trust, and after defraying any expenses incurred or contracted for in the execution of said trust the remainder shall be placed to the credit of the Cherokee nation in the same manner as other interest or moneys of said nation.

The amendment was agreed to.

The next amendment was, in section 1, on page 57, after line 22, to insert:

That the Secretary of the Interior is authorized to grant rights of way into and across the Fort Hall reservation in Idaho to canal, ditch, or reservoir companies for the purpose of enabling the citizens of Pocatello to thereby receive the water supply contemplated by section 10 of an act to accept and ratify an agreement made with the Shoshone and Bannock Indians, and for other purposes, being chapter 936, laws of 1888, and may also attach conditions as to the supply of surplus water to Indians on said Fort Hall reservation as may be reasonable, and prescribe rules and regulations for the same.

The amendment was agreed to.

The next amendment was, in section 1, page 58, after line 10, to insert:

For the construction, purchase, and use of irrigating machinery and appliances in Arizona and Nevada for the uses of Indian reservations, in the discretion of the Secretary of the Interior and subject to his control, $30,000.

Mr. DAWES. In line 12, page 58, after the word "Arizona," I move to insert "California, Idaho, Montana."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in section 1, page 58, after line 15, to strike out the following:

That all funds now held in trust by the United States for the benefit of the Delaware tribe of Indians, in the Indian Territory, with all interest due upon the same, including the school fund and interest thereon, and also that the sum of $140,000, which sum was invested by the United States in Florida and North Carolina bonds, which bonds are now held in trust for the benefit of said tribe, be paid per capita in two equal annual payments under the direction of the Secretary of the Interior to said tribe: *Provided*, That hereafter the bonds shall be the property of the United States, and the Secretary of the Interior is hereby authorized and directed to sell the Union Pacific Railroad bonds held in trust for the Delawares and to pay to the said Indians per capita in two equal annual payments the proceeds, together with all uninvested funds and interest moneys to their credit and on deposit in the United States Treasury as herein provided, and the authority herein granted shall be in force from and after the approval of this act.

That the sum of $4,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Interior to cause the Papago and other Indians settled upon the Papago or Gila Bend Indian reservation in Maricopa County, Arizona Territory, which reservation was set apart for their use and occupancy by executive order dated December 12, 1882, and which embraces township 5 south, range 5 west, Gila and Salt River meridian, excepting section 18 thereof, to be removed to and settled upon either the Papago Indian reservation in Pima County in said Territory, or one of the Pima and Maricopa Indian reservations commonly known as the Gila River and Salt River Indian reservations, respectively, in said Territory, as the Secretary of the Interior in his discretion may determine to be the most suitable therefor, and to enable him to cause improvements to be made to enable said Indians to get a start in their new homes, and to secure to them the value of any improvements made by them, respectively, on their old reservation, such value to be ascertained by appraisement under the direction of the Secretary of the Interior, and the same to be expended in such manner as he may deem most beneficial for them.

That the Indians of said Papago or Gila Bend reservation in said Maricopa County shall, upon removal as herein provided, have equal rights and interests in and to the reservation to which they may be removed under this act with the Indians now occupying the same.

That the lands embraced within the limits of said Papago or Gila Bend reservation in said Maricopa County shall, upon the removal of the Indians therefrom as provided in this act, be held and deemed to be public lands of the United States, and subject to disposal under the laws providing for the disposition of the public lands at the same price and on the same terms as other lands of like character: *Provided*, That no entry or settlement shall be made upon or any right or title acquired to any subdivision on which there are valuable improvements until the person so entering or settling upon or seeking title thereto shall pay to the officers at the proper local land office the value of such improvements as ascertained by the appraisement provided for in this act, and such sum shall be placed in the Treasury to reimburse the United States for the outlay made by the same therefor under section 1 of this act.

That sections 16 and 36 in said township shall be reserved for school purposes in the manner provided by existing law.

The amendment was agreed to.

The next amendment was, in section 1, page 61, after line 13, to strike out the following:

Whereas John V. Wright, Jarred W. Daniels, and Henry W. Andrews, commissioners on the part of the United States, did, on the 26th day of March, 1887, conclude an agreement with the Cœur d'Alêne Indians of Idaho, which agreement is in words and figures as follows, to wit:

This agreement, made pursuant to an item in the act of Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1887, and for other purposes," approved May 15, 1886, by John V. Wright, Jarred W. Daniels, and Henry W. Andrews, duly appointed commissioners on the part of the United States, and the Cœur d'Alêne tribe of Indians now residing on the Cœur d'Alêne reservation, in the Territory of Idaho, by their chiefs, headmen, and other male adults, whose names are hereunto subscribed, they being duly authorized to act in the premises, witnesseth:

ARTICLE 1.

Whereas said Cœur d'Alêne Indians were formerly possessed of a large and valuable tract of land lying in the Territories of Washington, Idaho, and Montana; and whereas said Indians have never ceded the same to the United States, but the same, with the exception of the present Cœur d'Alêne reservation, is held by the United States and settlers and owners deriving title from the United States; and whereas said Indians have received no compensation for said land from the United States: Therefore,

ARTICLE 2.

For the consideration hereinafter stated the said Cœur d'Alêne Indians hereby cede, grant, relinquish, and quitclaim to the United States all right, title, and claim which they now have, or ever had, to all lands in said Territories and elsewhere, except the portion of land within the boundaries of their present reservation in the Territory of Idaho, known as the Cœur d'Alêne reservation.

ARTICLE 3.

The said Cœur d'Alêne Indians agree and consent that the Upper and Middle bands of Spokane Indians residing in and around Spokane Falls, in the Territory of Washington, may be removed to the Cœur d'Alêne reservation and settled thereon in permanent homes on the terms and conditions contained in an agreement made and entered into by and between John V. Wright, Jarred W. Daniels, and Henry W. Andrews, commissioners on the part of the United States, and said Spokane Indians, concluded on the 15th day of March, 1887, at Spokane Falls, in the Territory of Washington.

ARTICLE 4.

And it is further agreed that the tribe or band of Indians known as the Calespels, now residing in the Calespels Valley, Washington Territory, and any other bands of nonreservation Indians now belonging to the Colville Indian agency, may be removed to the Cœur d'Alêne reservation by the United States, on such terms as may be mutually agreed on by the United States and any such tribes or bands.

ARTICLE 5.

In consideration of the foregoing cession and agreements, it is agreed that the Cœur d'Alêne reservation shall be held forever as Indian land and as homes for the Cœur d'Alêne Indians now residing on said reservation, and the Spokane or other Indians who may be removed to said reservation under this agreement and their posterity; and no part of said reservation shall ever be sold, occupied, open to white settlement, or otherwise disposed of without the consent of the Indians residing on said reservation.

ARTICLE 6.

And it is further agreed that the United States will expend for the benefit of said Cœur d'Alêne Indians the sum of $150,000, to be expended under the direction of the Secretary of the Interior, as follows: For the first year, $30,000, and for each succeeding year for fifteen years, $8,000. As soon as possible after the ratification of this agreement by Congress there shall be erected on said reservation a saw and grist mill, to be operated by steam, and an engineer and miller employed, the expenses of building said mill and paying the engineer and miller to be paid out of the funds herein provided. The remaining portion of said $30,000, if any, and the other annual payments shall be expended in the purchase of said useful and necessary articles as shall best promote the progress, comfort, improvement, education, and civilization of said Cœur d'Alêne Indians, parties hereto.

ARTICLE 7.

It is further agreed that if it shall appear to the satisfaction of the Secretary of the Interior that in any year in which payments are to be made as herein provided said Cœur d'Alêne Indians are supplied with such useful and necessary articles and do not need the same, and that they will judiciously use the money, then said payment shall be made to them in cash.

ARTICLE 8.

It is further agreed that any money which shall not be used in the purchase of such necessary articles or paid over, as provided in article 7, shall be placed in the Treasury of the United States to the credit of the said Cœur d'Alêne Indians, parties hereto, and expended for their benefit, or paid over to them, as provided in the foregoing articles.

ARTICLE 9.

It is further agreed that in the purchase for distribution of said articles for the benefit of said Indians the wishes of said Indians shall be consulted as to what useful articles they may need, or whether they need any at all, and their wishes shall govern as far as is just and proper.

ARTICLE 10.

It is further agreed that in the employment of engineers, millers, mechanics, and laborers of every kind, preference shall be given in all cases to Indians, parties hereto, qualified to perform the work and labor; and it shall be the duty of all millers, engineers, and mechanics to teach all Indians placed under their charge their trades and vocations.

ARTICLE 11.

It is further agreed that in addition to the amount heretofore provided for the benefit of said Cœur d'Alêne Indians the United States, at its own expense, will furnish and employ for the benefit of said Indians on said reservation a competent physician, medicines, a blacksmith, and carpenter.

ARTICLE 12.

In order to protect the morals and property of the Indians, parties hereto, no female of the Cœur d'Alêne tribe shall be allowed to marry any white man unless, before said marriage is solemnized, said white man shall give such evidence of his character for morality and industry as shall satisfy the agent in charge, the minister in charge, and the chief of the tribe that he is a fit person to reside among the Indians; and it is further agreed that Stephen E. Liberty, Joseph Peavy, Patrick Nixon, and Julien Boutelier, white men who have married Indian women and with their families reside on the Cœur d'Alêne reservation, are permitted to remain thereon, they being subject, however, to all laws, rules, and regulations of the Commissioner of Indian Affairs applicable to Indian reservations.

ARTICLE 13.

It is further agreed and understood that in consideration of the amount expended in buildings and other improvements on said Cœur d'Alêne reservation for religious and educational purposes by the De Smet Mission, and valuable services in the education and moral training of children on said reservation, and in consideration that the Indians, parties hereto, have donated for said purposes one section of land on which is situated the boys' school, one section on which is situated the girls' school, and one section of timber land for use of the schools, that said De Smet Mission and its successors may continue to hold and use said three sections of land and the buildings and improvements thereon so long as the same shall be used by said De Smet Mission and its successors for religious and educational purposes.

ARTICLE 14.

This agreement shall not be binding on either party until ratified by Congress.

In testimony whereof the said John V. Wright, Jarred W. Daniels, and Henry W. Andrews, on the part of the United States, and the chiefs, headmen, and other adult Indians, on the part of the Indians, parties hereto, have hereunto set their hands and affixed their seals.

Done at De Smet Mission, on the Cœur d'Alêne reservation, in the Territory of Idaho, on this the 26th day of March, in the year of our Lord 1887.

JOHN V. WRIGHT. [SEAL.]
JARRED W. DANIELS. [SEAL.]
HENRY W. ANDREWS. [SEAL.]

Signed with an x mark and seal:

Chief Andrew Lettice, Regis, Pierre Welsholque, Edward, Damas, Vincent, Paul Reni, Charles Louis, Elimo Spokane Wenceslas, Pierre Chiarpa, Pierre Bartholomewie, Bernard Speqmilks, Louis Sguehau, Eneas Chteshi, Timothy Polotkanh, Alexis, Adrian Umas, Sebastian, Camille, Eneas Nohiesu, Luke Nugani, Hilarous, Basil Kasitquizuit, Joshua, Fidele, Prosper Ntimilps, Alphonse, Paul Tohkauise, Pierre Joseph, Daniel, Eneas Temulian, Louis Stanislaus Barnaby, Etienne Sinkols, Frisby Niselmakomistanegalm, Tibuce Silosket, Anthony Seme, Charles Augustus, Leo Achetops, Etienne Stakamiski, Leo Kuimchilsile, Thomas Guissunge, Cornelius Quiquilel, Louis Schumukuimo, Adrain Milmilagan, Alexander Chileheko, Adrain Schizikue, Pierre Joseph Schezi, Semo Chimineme, Joseph Karlimkue, Louis Michael, Welgolchin, Michel, Pierre Joseph Schaike, Benoit Schulilize, Louise Sebastian Kutilkuku, Adrian Kuzalchan, Joseph Nkonoqua, Isadore Npapskue, Charles Polatkin, Ænead Basil, Andrew Ologazu, Moses Mogzela, Pierre Paul Koipe, Beniot Schilzispo, Louis Malkapsie, Daniel Quinemose, Les Nzakakalipeaga, Æneas Paul Mguiakan, Louis Lolo, Francois Neispikua Nkaisis, Francois, Eugene, Felician, Pierre Basil Lauwasket, Leo Tempilime, Louis Nimuse, Louis Lotone, Stanislaus, Nickodemus Kruto, Louis Sepas, Payuse Willimsene, Louis Seisqouachan, Philip Pokatchan, Joseph, Peter Paul, Stephen.

BENJAMIN S. MOORE, *Agent.*

Witnesses:
SYDNEY D. WATERS.
JOHN P. SWENEY.

I, Robert Felt, United States Indian interpreter for the Colville Indian agency, W. T., do hereby certify on honor that the foregoing agreement was carefully read and fully explained to the Indians in open council and by me correctly interpreted, and that the contents thereof was fully understood by said Indians before the signing and sealing of the same.

ROBERT FELT, his x mark.

Witness:
A. C. KING.

Dated De Smet Mission, Cœur d'Alêne reservation, Idaho Territory, March 26, 1887; and

Whereas Benjamin Simpson, John H. Shupe, and Napoleon B. Humphrey, commissioners on the part of the United States, did, on the 9th day of September, 1889, conclude an agreement with the Cœur d'Alêne Indians of Idaho, which agreement is in words and figures as follows, to wit:

This agreement, made pursuant to an item of an act of Congress, namely, section 4 of the Indian appropriation act, approved March 2, 1889 (25 Statutes, 1002), by Benjamin Simpson, John H. Shupe, and Napoleon B. Humphrey, duly appointed commissioners on the part of the United States, parties of the first part, and the Cœur d'Alêne tribe of Indians, now residing on the Cœur d'Alêne reservation in the Territory of Idaho, by their chiefs, headmen, and other male adults whose names are hereunto subscribed, parties of the second part, witnesseth:

ARTICLE 1.

For the consideration hereinafter named, the said Cœur d'Alene Indians hereby cede, grant, relinquish, and quitclaim to the United States all the right, title, and claim which they now have, or ever had, to the following-described portion of their reservation, to wit: Beginning at the northeast corner of the said reservation, thence running along the north boundary line north 67 degrees 29 minutes west to the head of the Spokane River; thence down the Spokane River to the northwest boundary corner of the said reservation; thence south along the Washington Territory line 12 miles; thence due east to the west shore of the Cœur d'Alêne Lake; thence southerly along the west shore of said lake to a point due west of the mouth of the Cœur d'Alêne River where it empties into the said lake; thence in a due east line until it intersects with the eastern boundary line of the said reservation; thence northerly along the said east boundary line to the place of beginning.

ARTICLE 2.

And it is further agreed, in consideration of the above, that the United States will pay to the said Cœur d'Alêne tribe of Indians the sum of $500,000, the same to be paid to the said Cœur d'Alêne tribe of Indians upon the completion of all the provisions of this agreement.

ARTICLE 3.

It is further agreed that the payment of money aforesaid shall be made 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.

ARTICLE 4.

It is further agreed and understood that this agreement shall not be binding on either party until the former agreement now existing between the United States by the duly appointed commissioners and the said Cœur d'Alêne tribe of Indians, bearing date of March 26, 1887, shall be duly ratified by Congress, and in the event of the ratification of the aforesaid agreement of March 26, 1887, then this agreement to be and remain in full force and effect, but not binding on either party until ratified by Congress. In witness whereof the said Benjamin Simpson, John H. Shupe, and Napoleon B. Humphrey, on the part of the United States, and the chiefs, headmen, and other adult male Indians, on the part of the Indians, parties hereto, have hereunto set their hands and affixed their seals.

Done at De Smet Mission, on the Cœur d'Alêne reservation, in the Territory of Idaho, this the 9th day of September, in the year of our Lord 1889.

BEN. SIMPSON.
JOHN H. SHUPE.
NAPOLEON B. HUMPHREY.

Signed with an x mark and seal.

Witness:
S. E. LIBERTY.
L. BARTHOLOMEW.
M. S. MONTEITH.

Andrew Seltice, chief; Pierre Wheyilshoo, second chief; Selcpsto Vincent, second chief; Regis, chief police; Etienne Nethen, Samuel, Conillius, Pierre Bartholomew, third chief; Adrian Moses Skaoocll Joseph, Marcesella, Abram, S. Liberty, Nicodemus, Perre, Moisse Abraham, Stanislas, Zacharie, Andrew, Benoist, Joseph, Saluta, Piose, Pierre, Thomas, Louies, Joe, Andrew, Samuel, Francois, Camma Shool, Charles, Benoist, Ignatz, Andrew Humerous, Leo Peion, Paul James Fenley, Barniby, William Mason, Saul Louis, Peion, Pierre Mullion, Samuel Sam, Simon Chemanana, Thomas Bacon, Alexander, Edmond Liberty, Ignatz, Pierre Vansion, Timothy, Towado, Augustus, John Pevey, Adolph Butler, Jerry Butler, Alfred Butler, La Debauche, Chief Peter Bazel, Louis Stanislaus, Andresha, Louis Seebastion Subastien, Louis Too Too, Lee Sucota, Paul Polotkan, Luke, Louis Mulcupse, Leo Amothacutso, Louis Bartholomew, Medore Boone, Louis Bazil, Leon, Baptist, Joseph, Louis, Prosper, Samuel, Andrew, Ignatz, Louis Grizzly, Camille, Barcissela Fort Chief, Fat Timothy, Reaching Patrick, Curley Paul, Ignatz Paul, Alixes, Pierre Louis, Stanisla, Peael, Joseph, Growing Tree Pierre, Louis Victor, Spokane Ignatz, William Smoke, Anastus, Daniel Quinamosa, Pen'Dorielle Paul, Hog Timothy, Old Mission Edward Chief, Too Too, Gabriel Too Too, Joseph Newell, Pierre Anasta, Broken Leg Louis, Francis, Michael Bartholomew, Half a year, Young Man Charles Adrian, Charles Augustus, Ena Moses, Cassime, Old Man Charles, Pierre Charpa, Bonametse, Pat Pilishiu, Carmelle, Bazille, Benoir, Joshua, Ocotaba, Sticha, Lolo, Louis Sequenta, Layo Tumpklin, Paul Selmustushu, Old Man Neyus, Holamage, Loto See, Pierre Joseph, Gasper Barrano, Louis Melkepsie, Arriph, Louis Arriph, Sebastian Quiliak, Louis Totoniha, Leon, Schatoux, Louis Tilpalima, Philip, Leo Amoulthasout, Paul Atchina, Antoine Soanutapo, Patrick Nixon.

I, Stephen E. Liberty, United States interpreter for the Cœur d'Alêne agency, Idaho Territory, do hereby certify on honor that the foregoing agreement was carefully read and by me correctly interpreted, and that the contents thereof were fully explained to and fully understood by said Indians before the signing and sealing of the same.

STEPHEN E. LIBERTY.

Witness:
LOUIS BARTHOLOMEW,
M. S. MONTEITH; and

Whereas Eliphalet Whittlesey, D. W. Diggs, and Charles A. Maxwell, duly appointed commissioners on the part of the United States, did, on the 12th day of December, 1889, conclude an agreement with the Sisseton and Wahpeton bands of Dakota or Sioux Indians, which agreement is as follows, to wit:

Whereas, by section 5 of 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 Territories over the Indians, and for other purposes," approved February 8, 1887, it is provided "That at any time after lands have been allotted to all the Indians of any tribe, as herein provided, or sooner, if in the opinion of the President it shall be for the best interests of said tribe, it shall be lawful for the Secretary of the Interior to negotiate with such Indian tribe for the purchase and release by the said tribe, in conformity with the treaty or statute under which such reservation is held, of such portions of its reservations not allotted as such tribe shall from time to time consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress; and the form and manner of executing such release shall also be prescribed by Congress;

Whereas the Sisseton and Wahpeton bands of Dakota or Sioux Indians are desirous of disposing of a portion of the land set apart and reserved to them by the third article of the treaty of February 19, 1867, between them and the United States, and situated partly in the State of North Dakota and partly in the State of South Dakota:

Now, therefore, this agreement made and entered into in pursuance of the provisions of the act of Congress approved February 8, 1887, aforesaid, at the Sisseton agency, South Dakota, on this the 12th day of December, 1889, by and between Eliphalet Whittlesey, D. W. Diggs, and Charles A. Maxwell, on the part of the United States, duly authorized and empowered thereto, and the chiefs, headmen, and male adult members of the Sisseton and Wahpeton bands of Dakota or Sioux Indians, witnesseth:

ARTICLE I.

The Sisseton and Wahpeton bands of Dakota or Sioux Indians hereby cede, sell, relinquish, and convey to the United States all their claim, right, title, and interest in and to all the unallotted lands within the limits of the reservation set apart to said bands of Indians as aforesaid remaining after the allotments and additional allotments provided for in article 4 of this agreement shall have been made.

ARTICLE II.

In consideration for the lands ceded, sold, relinquished, and conveyed as aforesaid, the United States stipulates and agrees to pay to the Sisseton and Wahpeton bands of Dakota or Sioux Indians, parties hereto, the sum of $2.50 per acre for each and every acre thereof, and it is agreed by the parties hereto that the sum so to be paid shall be held in the Treasury of the United States for the sole use and benefit of the said bands of Indians; and the same, with interest thereon at 3 per cent. per annum, shall be at all times subject to appropriation by Congress for the education and civilization of the said bands of Indians, or members thereof, as provided in section 5 of an act of Congress approved February 8, 1887, and 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 Territories over the Indians, and for other purposes:" *Provided*, That any religious society or other organization now occupying, under proper authority, for religious or educational work among the Indians, any of the lands in this agreement ceded, sold, relinquished, and conveyed shall have the right, for two years from the date of the ratification of this instrument, within which to purchase the lands so occupied at a price to be fixed by the Congress of the United States: *Provided further*, That the cession, sale, relinquishment, and conveyance of the lands described in Article I of this agreement shall not take effect and be in force until the sum of $342,778.37, together with the sum of $18,400, shall have been paid to said bands of Indians, as set forth and stipulated in Article III of this agreement.

ARTICLE III.

The United States stipulates and agrees to pay to the Sisseton and Wahpeton bands of Dakota or Sioux Indians, parties hereto, per capita, the sum of $342,778.37, being the amount found to be due certain members of said bands of Indians who served in the armies of the United States against their own people, when at war with the United States, and their families and descendants, under the provisions of the fourth article of the treaty of July 23, 1851, and of which they have been wrongfully and unjustly deprived by the operation of the provisions of an act of Congress approved February 16, 1863, and entitled "An act for the relief of persons for damages sustained by reason of depredation and injuries by certain bands of Sioux Indians;" said sum being at the rate of $18,400 per annum, from July 1, 1862, to July 1, 1888, less their pro rata share of the sum of $616,086.52, heretofore appropriated for the benefit of said Sisseton and Wahpeton bands of Dakota or Sioux Indians, as set forth in report numbered 953 of the House of Representatives, Fiftieth Congress, first session.

The United States further agrees to pay to said bands of Indians, per capita, the sum of $18,400 annually from the 1st day of July 1888, to the 1st day of July 1901, the latter date being the period at which the annuities to said bands of Indians were to cease under the terms of the fourth article of the treaty of July

23, 1851, aforesaid; and it is hereby further stipulated and agreed that the aforesaid sum of $342,778.37, together with the sum of $18,400, due the 1st day of July, 1889, shall become immediately available upon the ratification of this agreement.

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 is 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 Ananaugmari (his x mark), Matoduzahan John (his x mark), Wakinganieigadan Adam (his x mark), Wanigarpuya John (his x mark), Wahinganduta John (his x mark), Wahanhiduta (his x mark), Siharota (his x mark), Rantewahacauka (his x mark), Paska Titus (his x mark), Wiciwaste (his x mark), Iahotanka John Sherman (his x mark), Wakinyanwicakte (his x mark), John Can-dis-ka (his x mark), Jal Caskidan (his x mark), Taokiyeota (his x mark), Adam Tukauwicarca (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 Waechinduta (his x mark), Dedermo Johnson, Pe-in-taw-ta-wa-wo-ha-rote, Daniel Takse, William Day, John Nanatan, Jim Icicarape (his x mark), Moses Sintonni (his x mark), Jesse Banker, Wasteinajin (his x mark), John Wantanyeya (his x mark), Wakanhdipteceden (his x mark), Joseph Snayanhdinajin (his x mark) Nujawaste, Ogoota (his x mark), William Johnson (his x mark), Tamakocewaste (his x mark), Mazakanyu-hedan (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 Wacchin (his x mark), Wahohun (his x mark), Sol Dawouyanke, John Harpikayagmain, John Hegidan (his x mark), Marpingawakonze (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 Pipiya (his x mark), Doval Lum Wan-mazo, Daniel Wisil-Samuye, Thomas Capepte, Louis Marlow, George Cloutier (his x mark), William La Belle, Tukanihdawa (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, Pawahinkpoeta (his x mark), Louie Ed. Williams, Hankiduta (his x mark), Magaiyahe (his x mark), Tateyuskariskan (his x mark), John A. Burse, Lot Itojaujan (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 Ortley (his x mark), Tahoeokawakan Albert Nelson (his x mark), John S. tar (John Starr), David Star William Tail (his x mark), Faidyauhdinajiu (his x mark), John T. Lynd, Elijah Skyman, John Wilson, John Sweetcorn, Makarota (his x mark), Mazanahacanka (his x mark), Marri Aiyakeduta, Tiyokarda (his x mark), Wakinyaurda (his x mark), We-eu-rto-wa-ste, Marpya hdiheyamanri, Wam-der-upa-hudan (his x mark), Isbu, Geo Wautawa, Frank Roy (his x mark), Isaac Good teacher, Isaac Renville, Guy F. Donnelly, Thomas Paul, Henry Roy, Thomas Kalate, Thomas Dick, James King.

Thomas Supangi (his x mark), Titus Madusmani, Joseph Le Blance, jr., Amos Owens, John Tahe, William Bain, James Gray Cloud, Job Ninaiygopte, George Mate (his x mark), Levi Bird, Thos. A. Robertson, Samuel La Belle, J. R. Brown, J. B. Demaree, sr., Moses Tamazakanduta, Peter Dumaree, George Campbell, Augustus Tremor, James Tukaugidan (his x mark), Felix Randall, Marpiyahoutanka (his x mark), Peter Rossau, Amasa Skyman, Moses K. Max, Noah Stevens, Amos Earth, Saml. J. Crawford, Moses Wakeman, Eli Ortley.

G. A. Robertson, Chas. A. Robertson, Frank W. Ortley, Narcis Demarias, John Wecakin (his x mark), William Wakanna (his x mark), James Scott, Wicaurdewastena (his x mark), Sdiyana (his x mark), Otaicage (his x mark), Alexis Renville, Bomduna (his x mark), Joseph Ruya (his x mark), William Bernard, John Campbell, Jim Itewayaka (his mark), A. F. Bailly, Moses Greeley, Joseph Main, Adam Greeley (his x mark), Thomas Wind, Philip La Batte, George H. Bailly, Chas. E. Bailly, David Hdakinyn, Borpa (his x mark), Samson Foster, James Johnson (his x mark), Joseph Good Bird, Moses Mani, Charles Hayes, Simon Kirk, Chas. R. Crawford, Thomas Crawford, Victor Renville, Moses Renville, Henry Campbell, Sunkaska (his x mark), Mechael Paul, Jacob Heduta, Jos. Campbell (his x mark), Henry Hopkins, Thomas Quinn, Daniel J. Robertson, Tasinta (his x mark), Huhazizi (his x mark), Robt. Higgs, John Thompson (his x mark), J. R. Bannon, Dorby Johnson Ajiji (his x mark), Richard Cloud, Joshua Shepherd, Abraham Hoksidaumaza (his x mark), Daniel Kamspeska, 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, DAKOTA,
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 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.

Township 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 575,870.42 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 such 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 anyone, 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 agree-

ment 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. Peltier, Joseph Moose, John Anderson, Stephen Negah-n-quet, 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, respectively 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 NEGAH-N-QUET, 6,
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 B. 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 Aptaska, his x mark, 3; Andrew Curley, his x mark, 7; Pamdosh, his x mark, 3; John Megaw, his x mark, 2; Wash-kah-sae, his x mark, 3; Seymore 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 Pah-skagh, his x mark, 4; George Nah-mah-skuk, his x mark, 3; Nicholas Fromble, 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, 6; William Moore, 5; Joseph Whipple, his x mark, 3; Mitchell Phelps, his x mark, 3; A. Burnett, 6; Joel Deloinais, 4; Jobie Moun, 3; Daniel O'Brien, his x mark, 1; Jacob Johnson, 8; Rachel Johnson Wall, 4; Loren Johnson, 1; Leon Boursaw, 2; Thomas Hardin, 3; John Vient, 5; Osmit, 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 Goodboo, 1; Catharine Griffenstein, by William Griffenstein her attorney in fact, 5; Daniel Chilson, 1; Jacob B. Countryman, 1; G. W. Morris, his x mark, 5; Ben. Betrand, 2; W. Weild, 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 30-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 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 hereunto 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 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 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 575,870.42 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 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, 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 section 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 prescribed 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, namely: 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° 40′ west longitude, thence up said line of 98° 40′ 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 whenever in said reservation any Indian entitled to take land 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 whenever 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 allotment 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 were 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 561 others: Therefore, 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'Alêne 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'Alêne 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'Alêne 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'Alêne tribe of Indians upon their compliance with all the provisions of the said second agreement hereinbefore 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, except section 2301 of the Revised Statutes, which shall not apply, and under the law relative to town sites or to locaters 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, 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 words and figures, to wit:

"Know all men by these presents that I, Andrew Seltice, chief of the Cœur d'Alêne 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'Alênes, 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-prescribed 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 SELTICE (his x mark).

"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, namely: 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 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: *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, 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 thereon 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 lands 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 installments until paid, and patents shall not issue until the settler or entrymen shall have paid to the United States the sum of $2.50 per acre, and in all else complied with the provisions of the homestead law, but section 2301 of the Revised Statutes shall not apply.

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 $119,790.75, or any part thereof, or any sum, has been and is yet retained by the United States to which 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 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. All lands ceded to the United States by said several treaties, and coming within the provision of this act and which shall be subject to entry and settlement under the provisions of this act, shall be disposed of under the provisions of the homestead law only, in all respect whatever, except as to the payments therefor as provided by this act, and except also as to section 2301 of the Revised Statutes, which shall not apply to any of said lands.

SEC. 14. That the Secretary of the Interior shall have the right to make lawful rules and regulations for carrying this act into effect.

Mr. DAWES. That amendment proposes to strike out from the fourteenth line, on the sixty-first page, to the twelfth line, on the one hundred and twenty-fifth page. The intention of the committee is to strike that out and insert at the end of the bill an amendment which is equivalent to that. I ask that this amendment be passed over.

Mr. COCKRELL. Why not let it be agreed to?

Mr. STEWART. Let it be acted on.

Mr. DAWES. I want to have it one motion to strike out and insert. I would have no objection to striking this out, but a motion to strike out and insert has a little different parliamentary power than to act on the question separately; that is all.

Mr. COCKRELL. Very well.

Mr. DAWES. If this amendment is passed over and we proceed with the reading of the bill I shall recur to it by and by. Therefore, if there is no objection, I will ask the Secretary to begin at the thirteenth line, on the one hundred and twenty-fifth page, passing over the amendment.

The PRESIDING OFFICER. The amendment will be passed over for the present.

Mr. DAWES. The Senator from Florida [Mr. CALL] has an amendment to offer which the committee have agreed to.

Mr. CALL. In section 1, page 26, after line 24, I move to insert:

For the support, civilization, and instruction of the Seminole Indians in Florida, $6,000.

The amendment was agreed to.

The PRESIDING OFFICER. The reading will proceed from the point on the one hundred and twenty-fifth page indicated by the Senator from Massachusetts.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, page 125, under the head of "For support of schools," in line 18, before the word "thousand," to strike out "including pay of draughtsmen to be employed in the office of the Commissioner of Indian Affairs, eight hundred and twenty," and insert "nine hundred;" so as to read:

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, $900,000.

Mr. DAWES. I have the authority of the committee for moving that that appropriation be $1,000,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in section 1, page 125, line 20, before the word "thousand," to strike out "and fifty;" so as to read:

For the construction on Indian reservations of school buildings and repair of school buildings, $100,000.

Mr. DAWES. The words "and fifty" are to remain in the bill, making the appropriation $150,000.

The amendment was rejected.

The next amendment was, in section 1, on page 125, line 20, after the word "dollars," to strike out the following:

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.

Mr. DAWES. I have authority also from the committee for the rejection of the amendment that strikes out that proviso.

The amendment was rejected.

The next amendment was, in section 1, on page 126, line 2, after the word "dollars," to strike out "$5,000 of which shall be immediately available;" in line 4, before the word "thousand," to strike out "nine hundred and eighty-five" and insert "one million and fifteen;" and in the same line, after the word "dollars," to strike out 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 contracts with the Indian Department, and which are not herein otherwise provided for or paid from treaty funds.

So as to read:

And for purchase of horses, cattle, sheep, and swine for schools, $15,000; in all, $1,015,000.

Mr. DAWES. The aggregate of $1,015,000 will have to be changed. I ask that the clerks may be allowed to make the correct footing.

The PRESIDING OFFICER. The correction will be made. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, in section 1, on page 126, line 12, before the word "thousand," to strike out "twenty" and insert "twelve;" so as to make the proviso read:

Provided, That the entire cost of any boarding-school building, exclusive of outbuildings, to be built from the moneys appropriated hereby, shall not exceed $12,000, and the entire cost of any day-school building to be so built shall not exceed $600.

The amendment was agreed to.

The next amendment was, in section 1, page 126, line 16, before the word "dollars," to strike out "seventy-five" and insert "fifty;" so as to read "at $150 per annum for each pupil."

Mr. DAWES. That is to be disagreed to.

The amendment was rejected.

The next amendment was, in section 1, page 126, in line 19, before the word "hundred," to strike out "eight" and insert "five;" and in line 20, before the word "dollars," strike out "sixty-six thousand" and insert "forty-nine thousand five hundred;" so as to make the clause read:

For support and education of Indian pupils at Albuquerque, N. Mex., at $175 per annum for each pupil, and for the erection and repairs of buildings, and pay of superintendent, at $1,500 per annum, $49,500.

Mr. DAWES. That is to be agreed to. The footing the clerks will correct.

The amendment was agreed to.

The next amendment was, in section 1, page 126, line 2, before the word "dollars," to strike out "sixty-seven" and insert "fifty;" so as to read:

For support of Indian industrial school at Carlisle, Pa., at not exceeding $150 for each pupil.

Mr. DAWES. That is to be disagreed to.

The amendment was rejected.

The next amendment was, in section 1, page 126, in line 25, before the word "thousand," to strike out "fifteen" and insert "five;" in the same line, after the word "dollars," to strike out "$5,000 of which may be used in discharging debt on buildings and;" and in line 3, page 127, after the word "girls," to strike out the following:

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.

So as to make the clause read:

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, $105,000, $5,000 of this amount to be used in the erection of a new dormitory for girls.

The amendment was agreed to.

The next amendment was, in section 1, page 127, after line 6, to strike out the following clause:

For annual allowance to Capt. R. H. Pratt, in charge of said school, $1,000; in all $116,000.

Mr. DAWES. That is to be disagreed to.

The amendment was rejected.

The next amendment was, in section 1, page 127, line 11, before the word "dollars," to strike out "sixty-seven" and insert "fifty;" and in line 16, before the word "thousand," to strike out "one hundred" and insert "seventy;" so as to make the clause read:

For support of Indian pupils, at $150 per annum each; purchase of material, erection of buildings, shops, barns, and necessary outbuildings, and of repairs of same at Indian school at Chilocco, Ind. T. (formerly near Arkansas City, Kans.), and for pay of superintendent of said school, at $2,000 per annum, $70,000.

Mr. DAWES. That is to be disagreed to. The total the clerks will make correct.

The amendment was rejected.

The next amendment was, in section 1, page 127, line 18, before the word "dollars," to strike out "seventy-five" and insert "fifty;" and in line 22, before the word "thousand," strike out "twenty-five" and insert "thirty-five;" so as to make the clause read:

For support of Indian pupils, at $150 per annum each; necessary outbuildings, repairs, and fencing at the Indian school at Carson City, Nev., and for pay of superintendent of said school, at $1,500 per annum, $35,000.

Mr. DAWES. That should be disagreed to.

The amendment was rejected.

The next amendment was, in section 1, page 127, line 24, before the word "dollars," to strike out "sixty-seven" and insert "fifty;" so as to make the clause read:

For support of Indian pupils, at $150 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.

Mr. DAWES. That is to be disagreed to.

The amendment was rejected.

The next amendment was, in section 1, page 128, line 9, before the word "dollars," to strike out "seventy-five" and insert "fifty;" and in line 12, after the words "per annum," to strike out "forty" and insert "thirty;" so as to make the clause read:

For support of Indian pupils, at $150 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, $30,000.

Mr. DAWES. That is to be disagreed to.

The amendment was rejected.

The next amendment was, in section 1, page 128, line 15, before the word "dollars," to strike out "sixty-seven" and insert "fifty;" so as to make the clause read:

For support of Indian pupils at $150 per annum each: pay of superintendent, at $2,000 per annum; repairs and erection of buildings at Indian school, Genoa, Nebr., including heating apparatus, $60,000.

Mr. DAWES. That is to be disagreed to.

The amendment was rejected.

The next amendment was, in section 1, page 128, after line 18, to strike out the following:

For the erection and completion of buildings and for the support of an Indian industrial school at the Shoshone Indian reservation, Wyoming, $25,000.

Mr. DAWES. That is to be disagreed to.

The amendment was rejected.

The next amendment was, in section 1, page 128, line 23, before the word "dollars," to strike out "seventy-five" and insert "fifty;" so as to make the clause read:

For support of Indian pupils, at $150 per annum each; for necessary repairs, furnishings, tools and farm implements; and for pay of superintendent at the Indian school, Grand Junction, Colo., at $1,500 per annum, $25,000.

Mr. DAWES. That is to be disagreed to.

The amendment was rejected.

The next amendment was, in section 1, page 129, line 4, before the word "dollars," to strike out "sixty-seven" and insert "fifty;" so as to make the clause read:

For support of Indian pupils, at $150 per annum each, and repairs of buildings at the Indian school, Fort Totten, N. Dak., and for pay of superintendent of said school, at $1,800 per annum, $10,000.

Mr. DAWES. That is to be disagreed to.

The amendment was rejected.

The next amendment was, in section 1, page 129, line 9, after the word "pupils," to insert "at one hundred and fifty dollars per annum each;" and in line 11, before the word "dollars," to strike out "twenty thousand and forty" and insert "eighteen thousand;" so as to make the clause read:

For support and education of 120 Indian pupils, at $150 per annum each, at the school at Hampton, Va, $18,000.

Mr. DAWES. That is to be disagreed to.

The amendment was rejected.

The next amendment was, in section 1, page 129, line 13, before the word "dollars," to strike out "sixty-seven" and insert "fifty;" so as to make the clause read:

For support of Indian pupils, at $150 per annum each; necessary buildings, repairs at the Indian school at Lawrence, Kans., and for pay of superintendent of said school, at $2,000 per annum, $100,000.

Mr. DAWES. That is to be disagreed to.

The amendment was rejected.

The next amendment was, in section 1, page 129, line 19, before the word "dollars," to strike out "sixty-seven" and insert "fifty;" and in line 20, before the word "dollars," to strike out "thirty-three thousand four hundred" and insert "thirty thousand;" so as to make the clause read:

For support and education of 200 Indian pupils at Lincoln Institution, Philadelphia, at $150 per annum each, $30,000.

Mr. DAWES. That is to be disagreed to.

The amendment was rejected.

The next amendment was, in section 1, page 129, after line 20, to strike out the following:

For support of pupils, at $175 per annum each, erection of buildings, purchase of lands or improvements, not to exceed $6,000, and pay of superintendent at Phœnix, Ariz., at $1,800 per annum, $50,000.

Mr. DAWES. That is to be disagreed to.

The amendment was rejected.

The next amendment was, in section 1, page 130, line 2, before the word "dollars," to strike out "seventy-five" and insert "fifty;" so as to make the clause read:

For support of Indian pupils, at $150 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. DAWES. That is to be disagreed to.

The amendment was rejected.

The reading of the bill was resumed, and the next clause was read, as follows:

For support of 300 Indian pupils at the St. Ignatius Mission school, on the Jocko reservation, in Montana, at $150 per annum each, $45,000.

Mr. SANDERS. I should like to make inquiry of the Senator from Massachusetts in charge of this bill. There seems to have been a very considerable controversy in the committee, if I may judge from what I have seen and heard, as to the amount to be paid per capita for the support of children at Indian schools. It has been determined that $150 is not a sufficient amount, and in the light of some experience in caring for other children at white schools I can very readily believe that that is true. How does it occur that in a country where the necessaries of life are certainly much higher than in any other on this continent, or at least within the limits of the United States, $150 each is enough to support the Indian pupils at this agency?

Mr. DAWES. I will state it very frankly. This is one of the best schools, I think, that I know of anywhere. They first made a contract with the Government offering themselves to educate the children at $108 each. It was a good deal less than any other, because all their teachers are nuns and Catholic priests, who devote themselves to the Christian work, and they do not work for any salary. They have been supported in part, as all of these are, by private contributions. The Senator from Missouri [Mr. VEST], who takes a special interest in this matter, and myself visited this place and had a conference with the people who have charge of this school. They said they thought that under all the circumstances they ought to have $150, so we put it up two years ago at their suggestion to $150, and they said they would be satisfied. It has always been that way since. That has not been cut down with the rest. I think they would be satisfied to let it remain at $150. I should not myself feel that any injustice was done if the Senator should move to put that to $167, but that is the reason why it has been kept at $150. I wish to bear testimony everywhere to the good character of that school.

Mr. HARRIS. Mr. President, I desire to ask the Senator from Massachusetts a question. I beg him to understand that I have the profoundest respect for his judgment in respect of these matters, but in a large number of the amendments of the committee reducing appropriations the Senator asks that they be disagreed to. I do not quite comprehend it.

Mr. DAWES. I will explain that to the Senator. The amendments reducing the rate allowed for these scholars were agreed to in committee. It was one of the matters that I spoke of this morning. After a further investigation and details obtained from the Department the committee, who voted in these amendments against my judgment, came to the conclusion that they had made a mistake; and so they agreed that I might recommend a disagreement to the amendments.

Mr. HARRIS. Then the Senator is representing the committee in his recommendation?

Mr. DAWES. I am representing the committee at this moment in all these amendments. I am not representing the committee, however, in my colloquy with the Senator from Montana.

Mr. HARRIS. But in respect to these various disagreements, where reductions have been made, the Senator is representing the committee?

Mr. DAWES. I am representing the committee.

Mr. HARRIS. That is the question I desire to have explained.

Mr. SPOONER. The Senator from Massachusetts so stated before the Senator from Tennessee came in.

Mr. HARRIS. I happened to be out, and I beg the Senator from Massachusetts to excuse me.

Mr. DAWES. I have such a regard for that school that although I do not represent the committee now, I will say that if the Senator makes any motion to amend in regard to it, I will lis en to it.

Mr. SANDERS. Mr. President, I can very well understand that this school is fortunately located to accept pupils upon terms somewhat less than schools elsewhere. It is in a generous and philanthropic community, of which I happen to be a component part, and the support of this school devolves as well upon me as one of the citizens of that State as it does upon other citizens there. But it occurs to me that such a transaction as this ought not to stand upon a private dicker between the Government of the United States or its representatives and the managers of that school. I think it is wise, at least the Government has determined that it will educate these Indian children; and the schools in other lands could do it at the same rate, provided they were fortunately located among as generous and benevolent a class of citizens. But I really think it is not just to tax those citizens with the support of this school, and I am, therefore, going to move that the price paid by the United States shall be uniform at least, and therefore I shall move to strike out "one hundred and fifty" and insert "one hundred and sixty-seven" before the word "dollars," in line 9.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 130, line 9, before the word "dollars," it is proposed to strike out "fifty" and insert "sixty-seven;" so as to read:

For support of three hundred Indian pupils at the St. Ignatius Mission school, on the Jocko reservation, in Montana, at $167 per annum each, $45,000.

Mr. SANDERS. I will say that if we were dealing with this purely as a business transaction we should certainly ask to have $200 put in there, but I am simply asking that the usual rate of $167 be allowed.

Mr. DAWES. The Senator proposes to put it on the same basis with the rest?

Mr. SANDERS. Yes. There will be 62,000,000 people in the United States who will think it is fair, but as a matter of fact, those of us who know the extraordinary expenses in that country will know that it is still unfair.

Mr. PLUMB. Mr. President, I think the Senator labors under some misapprehension about this matter. In the first place, he is entirely mistaken in supposing that any portion of the support of this school is derived from the people living in the neighborhood of the school. This is a school that was endowed by a lady in Philadelphia.

Mr. DAWES. No; not this one.

Mr. PLUMB. I think, at all events, the contributions which go to pay the teachers and provide for the establishment of this school are levied, if I may use that term, upon the benevolent Catholics of the United States. They are not in any sense local. The teachers are sent out from central stations where they have been first equipped with knowledge and with religious experience and so on to these various places where Indians are kept. Now, they are carried on there without any reference apparently or necessarily, at all events, to the operations of the Government. We give to colleges and various sectarian and nonsectarian schools throughout the United States, by reason of a general clause which the Senator will find later on. They are carried on without reference to this allowance by the Government of $150 per scholar, which was estimated to be a fair relation with reference to the cost of education and maintenance of these scholars where the equipment has already been provided by other parties. A large number of these institutions, like the one which the Senator has spoken of, are desirous of getting these children, and they compete for them in a certain sense.

It was not at the suggestion of the Government that this school was put on here, but at the suggestion of the school itself, as I understand. The Government was not seeking to make contracts with the school for the education of Indian children, but the school being there and being carried on from its own funds, that is, funds derived in the manner I have stated, wanted to add to its facilities, add to its revenue, by having transactions with the Government, whereby it might teach one hundred children at the expense of the Government, and I have no doubt this $150 for each scholar is just that much added to what the school would otherwise have had, whether more or less I do not say.

I agree, of course, that there is a certain propriety in the Government establishing the highest possible price for everything and having everybody who comes in contact with it get everything he can possibly obtain; I am not going to question the propriety of that sort of thing; but I am only explaining how it happened that this committee did not get up to this level of generosity, which the Senator from Montana has now in mind and which he desires to increase. As the Senator from Wisconsin [Mr. SPOONER] suggests, it is a prescriptive right to get all you can out of the Government, and regard it as involving no infraction of either law or morals.

Now, I want to say in addition to that that I regard all these sums practically as extravagant. I am not willing to say just what I think ought to be the proper price. Of course there would be a difference in price, and it is fair to say also, if the Senator from Montana will give me his attention, that many of the schools which are located farther away from the Indians ought to have a larger price because in the price which they get is embraced also transportation. In the case under consideration no transportation is necessary because the Indians are right there. For instance, the school at Carlisle and the schools at many other places have to pay transportation as well as to support, to educate, and to maintain the Indian children who are sent to them respectively. There is that to be said about it.

But, Mr. President, there is maintained in this city an institution in which one hundred black people are clothed, fed, and educated up at least to the Montana standard (and that is saying as much as I can say about the excellence of the school) for less than $100 per head. I believe to-day that under a proper system of administration $150 would be a large price at any of these schools. That is my judgment about it. I do not say that expecting it will have the slightest effect upon the schools or upon the policy of the Interior Department. I have bumped my head against the granite wall which surrounds all this subject of dealing with the Indians long enough to know that life is too short and that human effort is too futile to ever get within the fold or in any way affect in the slightest degree the indurated policy which is being pursued, and which, in my judgment, brings the Indian no nearer to that goal which we think he ought to come to than he was twenty-five years ago.

Mr. President, I want to say, and I say it with the full understanding of the effect of my words, that I do not believe the system of education upon which we spend millions of dollars has advanced the Indian one single iota in the scale of civilization. It has pacified him; it has to some extent given him as a hostage against war and things of that sort. It is in response to that sentiment which says it is cheaper to feed than it is to fight, and so on; and it is especially to the delectation of a few ladies and gentlemen who are worth some millions of dollars and who have got so high above those by whom they are surrounded that they do not care about the poor, and the weak, and the feeble, and the down-trodden in the cities from which they come, and who disport

themselves annually at Mohonk and Newport and at other places where there is plenty of good living and plenty of good wines and things of that kind in delivering diatribes about the unwillingness of Congress to do the proper thing, about the unchristianlike conduct which we exhibit toward the Indian, and drink a few more bottles of champagne, stroke their bowels complacently, and adjourn.

Mr. President, it is out of conditions of that kind and in response to sentiments uttered by men of that kind that we have evolved, in my judgment, the most pernicious thing that could possibly be applied to the Indian system of education, which does not take him at the bottom, which does not begin with him where we began and where all people who have advanced began, but takes him, so to speak, by the nape of the neck and yanks him upon a plane of civilization where, like the seed that was sown on the unfruitful ground, when the sun comes out he is parched and disappears.

Mr. President, there is not one single living evidence of the usefulness, that is, the permanent usefulness, of this system of education. We send them back to the tribes to be horse jockeys, to become cumberers of the ground, and not to perform useful service at all. There is not one example of usefulness, in my judgment, to be found. And yet this system has grown until we are now paying more than $2,000,000 per annum to carry it out, and it increases in such a geometric ratio that within the next five years if unopposed it will cost $10,000,000.

It has another feature to it, gratifying, it is true. It has a public building and a river and harbor side to it. The Senator or the Representative who can not get a public building in his town is dead sure that he can get an Indian school; and thus the philanthropic sentiments which would induce us to educate the Indian are stimulated by the hope of building up struggling frontier villages and of contributing to the instrumentalities whereby the class of people I have spoken of in these large cities manage to employ their time while, like the Pharisee, they thank God they are not like other men.

Now, Mr. President, as I said, I make these remarks simply to state what in my judgment is the exact truth, but with no more expectation than I have ever had before that they will accomplish anything. I want simply to put a peg in, as it were, a milestone, a mark, as we go along, in order from time to time to indicate that the position which I took originally has been justified by events, and in order some of these days to be able to say the ungracious thing "I told you so," when we shall go back to the beginning of things and teach these people to work as the beginning of that only salvation known among men, I mean on this earth.

But we do not teach them to work, and they get all our vices and none of our virtues. The education which they get as a rule leads them to think that work is not manly, is not useful, is not for them; they are for something better, and they see in the system only the delights of a better form and kind of living, with nothing held out to them by way of that stimulus which has been the accompaniment of all the American youth who have come to anything; that it was "root hog or die," as the essence of life, so far as it related to material things.

Mr. President, I have had letters by the score, and I have had plenty of opportunities to see that the Indians we have kept on the reservations, whom we have put under the stress of the necessity to do something in order that they might have that whereby they were clothed and whereby their stomachs were filled, and who have had no education at all, have done better and are better worth citizenship to-day than the people upon whom we spend thousands of dollars in education, and who the more we educate them the less they become self-supporting and the less fitted practically for citizenship, if citizenship means anything except refined loaferism.

Now, saying all this, Mr. President, I have a certain willingness that these sums shall be made just as large as they can be. The larger the load the sooner the camel will break down. We have got into the way of yielding everything in the sacred name of education to such an extent that if anyone proposes to limit any expenditure of the public money for that purpose, no matter how derived nor for whom expended, he of course is esteemed a heretic from thenceforth.

I say now, as I said in the beginning of this controversy, which began here in an active way on the proposition of the Senator from Massachusetts [Mr. HOAR], the colleague of the Senator in charge of this bill, to appropriate $3,000,000, we commence at the wrong end; I say so now, and I say that no result in the way of making the Indians self-supporting has been derived from the expenditure of this money. They have become enervated and therefore less qualified to fight, and I suppose that ought to satisfy the ordinary Anglo-Saxon ambition, which is known to be a little bit modest when it comes to fighting. Instead of having brought these people up so as to possess a determination and vigor with which they could fight us, we have fed them with our salt pork and our inferior flour and beans, and things of that kind, until to-day they have become so enervated that they can not fight and they are not good for anything else.

Mr. SANDERS. Mr. President, I shall not undertake to enter into any argument with the Senator from Kansas, and I do not rise for that purpose, but I do think that in defense of the ladies of Philadelphia I ought to say that I visited this school before those ladies in Philadelphia were born. I say that in defense of their youth. I am not able therefore to trace the genesis of this school to the charity of the benevolent people of that city. The school was founded by Father De Smet, a name very precious to the people of the West. I am entirely mindful of its struggles for more than a quarter of a century. I do not find that it is necessary for the United States, which undertakes to educate these wards of the nation, to saddle them off upon the charity of ladies because those ladies work for nothing.

There is much that the Senator from Kansas says that is true. My own opinion is that the reason why all our benevolent efforts have come, perhaps not to naught, but have been reduced to a minimum, is because we continue to allow the Indians to herd together. I undertake to affirm that if you should permit white people to live in idleness and exist in large numbers around the agencies and similar places it would have as demoralizing an influence upon them as has continued among the Indians.

There is not very much use in beginning to make civilized and intelligent citizens out of them unless, in the first place, you can work them into that great primal, motive relation which characterizes the Caucasian race, namely, to reside in families and by themselves. Until we shall have learned that the abolition of the reservations and a home upon them for each family of Indians is the way to lift them out of the degradation in which we found them, much of this money will be expended in vain.

It does seem to me that it would be a poor and a mean apology for the United States to make, in failing to pay that which the education of these children costs, to say that they have found some of their own good people whose hearts are in this work and therefore they are willing to work for nothing. I do not believe that will satisfy the people of the United States.

I think that as a matter of appearance, if nothing more, my amendment should be adopted; for that is all it will do. It costs certainly more to educate children at the St. Ignatius Mission school than it does at any other places. In appearance, however, my amendment will preserve the equality of the matter.

All that the Senator from Massachusetts says in behalf of this school is unquestionably true. It is an excellent school; it is for the education of a tribe of Indians and their confederated allies who have been through all their history, for at least a century, more amiable and better intentioned than the other Indians of the West. I trust that the amendment will be adopted.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Montana.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, page 130, line 13, before the word "dollars," to strike out "ten thousand and twenty" and insert "nine thousand;" so as to make the clause read:

For support of sixty Indian pupils at White's Manual Labor Institute, of Wabash, Ind., $9,000.

Mr. DAWES. That is to be disagreed to.

The amendment was rejected.

The next amendment was, in section 1, page 130, line 16, before the word "dollars," to strike out "sixty-seven" and insert "fifty;" and in line 17, before the word "dollars," to strike out "thirteen thousand three hundred and sixty" and insert "twelve thousand;" so as to make the clause read:

For support of eighty pupils at the Cherokee training school at Cherokee, N. C., at $150 per annum each, $12,000.

Mr. DAWES. That is to be disagreed to.

The amendment was rejected.

The next amendment was, in section 1, page 130, after line 24, to insert the following:

For support of Indian pupils, at $150 per annum each; necessary buildings, repairs, fencing, and irrigation at the Indian school at Fort Mojave, Arizona, and for pay of superintendent of said school, at $1,500 per annum, $20,000.

The amendment was agreed to.

The next amendment was, in section 1, page 131, line 10, before the word "dollars," to "strike out "sixty-seven" and insert "fifty;" so as to make the clause read:

For care, support, and education of Indian pupils at industrial, agricultural, mechanical, and other schools, other than those herein provided for, in any of the States or Territories of the United States, at a rate not to exceed $150 for each pupil, $75,000.

Mr. DAWES. That is to be disagreed to.

The amendment was rejected.

The next amendment was, in section 1, page 132, line 13, before the word "schools," to strike out "the reservation;" so as to make the clause read:

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 schools established and maintained for their benefit.

The amendment was agreed to.

The next amendment was, in section 2, page 132, under the head of "interest on trust-fund stocks," line 23, before the word "dollars,"

to strike out "five hundred and fifty" and insert "three hundred;" so as to make the clause read:

For trust-fund interest due Menomonees, $950: in all, $86,300.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 13, on page 134.

Mr. DAWES. The Senator from Wisconsin [Mr. SPOONER] has called my attention to a matter which seems to have gone through the House in a rather bad shape. I move to strike out the proviso included in lines 8, 9, 10, and 11, and then we shall see what it is in conference.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed to strike out the following proviso:

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.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 4, page 134, line 21, after "1891," to strike out the following:

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.

The amendment was agreed to.

Mr. DAWES. The word "and," in line 9, page 135, following the clause just stricken out, should commence with a capital.

The PRESIDING OFFICER. That correction will be made.

The reading of the bill was resumed. The next amendment was, in section 7, page 137, after line 13, to strike out:

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, in the year of our Lord 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 natural divide between the waters flowing into the Yellowstone and Clark'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 $946,000, 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 gristmills, 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 practical 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 discretion 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 $16,000 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, MONTANA, *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 number one to number three hundred and ninety inclusive, said signatures contained on pages numbered from 10 to 24 inclusive (original agreement).

HENRY KEISER,
Interpreter to Commissioners.

Witnesses:
JAMES H. CISNEY.
J. CLIFFORD.

Signed by Carl Lieder and 389 other Indians, parties in interest.

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 number one to number three hundred and ninety, inclusive, contained on pages numbered from 10 to 24 (original agreement), inclusive.

T. STEWART, *Agency Interpreter.*

Witnesses:
JAMES H. CISNEY.
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 number 10 to number 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, 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 6 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 Grow 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. DAWES. That matter, from the fourteenth line on page 137 to the thirteenth line on page 148 is a part of the amendment which was passed over, and I ask that this may be passed over in the same manner.

The PRESIDING OFFICER. This amendment will be passed over as the other was.

The next amendment was, after line 13, on page 148, to insert:

SEC. 8. The following agreement, made by David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, commissioners on the part of the United States, with the Citizen band of Pottawatomie Indians in Oklahoma on the 25th day of June, 1890, and now on file in the Department of the Interior, and signed by said commissioners on behalf of the United States, and by Alexander P. Peltier, Joseph Moose, Stephen Neg-a-hu-quit, John B. Pambago, and Alexander Rhodd, business committee, and John L. Young and others, on behalf of the said Citizen band of Pottawatomie Indians, is hereby accepted, ratified, and confirmed, 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 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 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 575,870.42 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 section 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 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. Peitier, 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, respectively have hereunto set their hands.

SEC. 9. The following agreement entered into on behalf of the United States with the Absentee Shawnee Indians, on the 26th day of June, 1890, and signed by said commissioners on the part of the United States, and by White Turkey, chief, and 5 others, on the part of said Absentee Shawnee Indians, is also hereby accepted, ratified, and confirmed, 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 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 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 575,870.42 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 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, 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 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 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 $55,000 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, head men of the Absentee Shawnees and counselors of White Turkey, have hereunto set their hands on behalf of the Absentee Shawnee Indians.

SEC. 10. That for the purpose of making the compensation to the said Indians, provided in said respective agreements, with the Citizen band of Pottawatomie Indians and the Absentee Shawnee Indians 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.

SEC. 11. The following agreement entered into by the commissioners named below on the part of the United States, and the Cheyenne and Arapaho tribes of Indians, on the — day of October, 1890, and now on file in the Interior Department, signed by the said commissioners on the part of the United States and by Left Hand, his mark, and 564 others, on the part of the said Indians, is hereby accepted, ratified, and confirmed, 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 prescribed 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, namely: 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° 40′ west longitude; thence up said line of 98° 40′ 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 were 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 564 others.

SEC. 12. That for the purpose of making the allotments provided for in said agreement, 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. 13. 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 $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. 14. That whenever any of the lands acquired by either of the three foregoing agreements respecting lands in the Indian Territory 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, and within five years from the date of the first original entry, the sum of $1.50 per acre, one-half of which shall be paid within two years.

SEC. 15. The following agreement, entered into on the part of the United States by John V. Wright, Jared W. Daniels, and Henry W. Andrews, commissioners, with the Cœur d'Aléne Indians in Idaho Territory, signed on the part of said Indians by Chief Andrew Seltice and others, which bears date March 26, 1887, and now on file in the Interior Department, is hereby accepted, ratified, and confirmed, and is in the following words, to wit:

AGREEMENT WITH CŒUR D'ALÊNE.

This agreement, made pursuant to an item in the act of Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1887, and for other purposes," approved May

15, 1886, by John V. Wright, Jared W. Daniels, and Henry W. Andrews, duly appointed commissioners on the part of the United States, and the Cœur d'Alêne tribe of Indians, now residing on the Cœur d'Alêne reservation, in the Territory of Idaho, by their chiefs, headmen, and other male adults, whose names are hereunto subscribed, they being duly authorized to act in the premises, witnesseth:

ARTICLE 1.

Whereas said Cœur d'Alêne Indians were formerly possessed of a large and valuable tract of land lying in the Territories of Washington, Idaho, and Montana, and whereas said Indians have never ceded the same to the United States, but the same, with the exception of the present Cœur d'Alêne reservation, is held by the United States and settlers and owners deriving title from the United States, and whereas said Indians have received no compensation for said land from the United States: Therefore,

ARTICLE 2.

For the consideration hereinafter stated the said Cœur d'Alêne Indians hereby cede, grant, relinquish, and quitclaim to the United States all right, title, and claim which they now have, or ever had, to all lands in said Territories and elsewhere, except the portion of land within the boundaries of their present reservation in the Territory of Idaho, known as the Cœur d'Alêne reservation.

ARTICLE 3.

The said Cœur d'Alêne Indians agree and consent that the Upper and Middle bands of Spokane Indians residing in and around Spokane Falls, in the Territory of Washington, may be removed to the Cœur d'Alêne reservation and settled thereon in permanent homes on the terms and conditions contained in an agreement made and entered into by and between John V. Wright, Jared W. Daniels, and Henry W. Andrews, commissioners on the part of the United States and said Spokane Indians, concluded on the 15th day of March, 1887, at Spokane Falls, in the Territory of Washington.

ARTICLE 4.

And it is further agreed that the tribe or band of Indians known as Calespels, now residing in the Calespels Valley, Washington Territory, and any other bands of nonreservation Indians now belonging to the Colville Indian agency, may be removed to the Cœur d'Alêne reservation by the United States, on such terms as may be mutually agreed on by the United States and such tribes or bands.

ARTICLE 5.

In consideration of the foregoing cession and agreements, it is agreed that the Cœur d'Alêne reservation shall be held forever as Indian land and as homes for the Cœur d'Alêne Indians now residing on said reservation, and the Spokane or other Indians who may be removed to said reservation under this agreement, and their posterity; and no part of said reservation shall ever be sold, occupied, opened to white settlement, or otherwise disposed of without the consent of the Indians residing on said reservation.

ARTICLE 6.

And it is further agreed that the United States will expend for the benefit of said Cœur d'Alêne Indians the sum of $150,000, to be expended under the direction of the Secretary of the Interior, as follows: For the first year, $30,000, and for each succeeding year for fifteen years, $8,000. As soon as possible after the ratification of this agreement by Congress there shall be erected on said reservation a saw and grist mill, to be operated by steam, and an engineer and miller employed, the expenses of building said mill and paying the engineer and miller to be paid out of the funds herein provided. The remaining portion of said $30,000, if any, and the other annual payments shall 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'Alêne Indians, parties hereto.

ARTICLE 7.

It is further agreed that if it shall appear to the satisfaction of the Secretary of the Interior that in any year in which payments are to be made as herein provided said Cœur d'Alêne Indians are supplied with such useful and necessary articles and do not need the same, and that they will judiciously use the money, then said payment shall be made to them in cash.

ARTICLE 8.

It is further agreed that any money which shall not be used in the purchase of such necessary articles or paid over, as provided in article 7, shall be placed in the Treasury of the United States to the credit of the said Cœur d'Alêne Indians, parties hereto, and expended for their benefit, or paid over to them, as provided in the foregoing articles.

ARTICLE 9.

It is further agreed that in the purchase for distribution of said articles for the benefit of said Indians the wishes of said Indians shall be consulted as to what useful articles they may need, or whether they need any at all, and their wishes shall govern as far as is just and proper.

ARTICLE 10.

It is further agreed that in the employment of engineers, millers, mechanics, and laborers of every kind preference shall be given in all cases to Indians, parties hereto, qualified to perform the work and labor, and it shall be the duty of all millers, engineers, and mechanics to teach all Indians placed under their charge their trades and vocations.

ARTICLE 11.

It is further agreed that in addition to the amount heretofore provided for the benefit of said Cœur d'Alêne Indians, the United States, at its own expense, will furnish and employ for the benefit of said Indians on said reservation a competent physician, medicines, a blacksmith, and carpenter.

ARTICLE 12.

In order to protect the morals and property of the Indians, parties hereto, no female of the Cœur d'Alêne tribe shall be allowed to marry any white man unless, before said marriage is solemnized, said white man shall give such evidence of his character for morality and industry as shall satisfy the agent in charge, the minister in charge, and the chief of the tribe that he is a fit person to reside among the Indians; and it is further agreed that Stephen E. Liberty, Joseph Peavy, Patrick Nixon, and Julien Bouteller, white men who have married Indian women and with their families reside on the Cœur d'Alêne reservation, are permitted to remain thereon, they being subject, however to all laws, rules, and regulations of the Commissioner of Indian Affairs applicable to Indian reservations.

ARTICLE 13.

It is further agreed and understood that in consideration of the amount expended in buildings and other improvements on said Cœur d'Alêne reservation for religious and educational purposes by the De Smet Mission, and valuable services in the education and moral training of children on said reservation, and in consideration that the Indians, parties hereto, have donated for said purposes one section of land on which is situated the boys' school, one section on which is situated the girls' school, and one section of timbered land for use of the schools, that said De Smet Mission and its successors may continue to hold and use said three sections of land and the buildings and improvements thereon so long as the same shall be used by said De Smet Mission and its successors for religious and educational purposes.

ARTICLE 14.

This agreement shall not be binding on either party until ratified by Congress.

In testimony whereof the said John V. Wright, Jared W. Daniels, and Henry W. Andrews, on the part of the United States, and the chiefs, headmen, and other adult Indians, on the part of the Indians, parties hereto, have hereunto set their hands and affixed their seals.

Done at De Smet Mission, on the Cœur d'Alêne reservation, in the Territory of Idaho, on this the 26th day of March, in the year of our Lord 1887.

SEC. 16. That the following agreement entered into with the said Cœur d'Alêne Indians by Benjamin Simpson, John H. Shupe, and Napoleon B. Humphrey, commissioners on the part of the United States, signed by said commissioners and by said Andrew Seltice, chief, and others, on the part of said Indians, which agreement bears date September 9, 1889, and is now on file in the Interior Department, is hereby accepted, ratified, and confirmed, and is in the following words, to wit:

AGREEMENT.

This agreement made pursuant to an item of an act of Congress, namely, section 4 of the Indian appropriation act, approved March 2, 1889 (25 Stat., 1002), by Benjamin Simpson, John H. Shupe, and Napoleon B. Humphrey, duly appointed commissioners on the part of the United States, parties of the first part, and the Cœur d'Alêne tribe of Indians, now residing on the Cœur d'Alêne reservation in the Territory of Idaho, by their chiefs, headmen, and other male adults whose names are hereunto subscribed, parties of the second part, witnesseth:

ARTICLE 1.

For the consideration hereinafter named the said Cœur d'Alêne Indians hereby cede, grant, relinquish, and quitclaim to the United States, all the right, title, and claim which they now have, or ever had, to the following-described portion of their reservation, to wit: Beginning at the northeast corner of the said reservation, thence running along the north boundary line north 67° 29′ west to the head of the Spokane River; thence down the Spokane River to the northwest boundary corner of the said reservation; thence south along the Washington Territory line 12 miles; thence due east to the west shore of the Cœur d'Alêne Lake; thence southerly along the west shore of said lake to a point due west of the mouth of the Cœur d'Alêne River where it empties into the said lake; thence in a due east line until it intersects with the eastern boundary line of the said reservation; thence northerly along the said east boundary line to the place of beginning.

ARTICLE 2.

And it is further agreed, in consideration of the above, that the United States will pay to the said Cœur d'Alêne tribe of Indians the sum of $500,000, the same to be paid to the said Cœur d'Alêne tribe of Indians upon the completion of all the provisions of this agreement.

ARTICLE 3.

It is further agreed that the payment of money aforesaid shall be made 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.

ARTICLE 4.

It is further agreed and understood that this agreement shall not be binding on either party until the former agreement now existing between the United States by the duly appointed commissioners and the said Cœur d'Alêne tribe of Indians, bearing date of March 26, 1887, shall be duly ratified by Congress; and in the event of the ratification of the aforesaid agreement of March 26, 1887, then this agreement to be and remain in full force and effect but not binding on either party until ratified by Congress. In witness whereof the said Benjamin Simpson, John H. Shupe, and Napoleon B. Humphrey, on the part of the United States, and the chiefs, headmen, and other adult male Indians, on the part of the Indians, parties hereto, have hereunto set their hands and affixed their seals.

Done at De Smet Mission, on the Cœur d'Alêne reservation, in the Territory of Idaho, this the 9th day of September, in the year of our Lord 1889.

SEC. 17. That for the purpose of carrying into effect the provisions of said two agreements with said Cœur d'Alêne Indians 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 6 of the first of said agreements, $30,000 to be expended for the building and erection on said Cœur d'Alêne 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'Alêne 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 9 and 10 of the first of said agreements.

And for the purpose of meeting the requirements of articles 2 and 3 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'Alêne tribe of Indians upon their compliance with all the provisions of the said second agreement hereinbefore 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. 18. 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, except section 2301 of the Revised Statutes of the United States, which shall not apply, 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, and within five years from the date of the first original entry, the sum of $1.50 per acre, one-half of which shall be paid within two years; 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 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 words and figures as follows, to wit:

"Know all men by these presents, that I, Andrew Seltice, chief of the Cœur d'Alêne 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'Alênes, 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-prescribed 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.

SEC. 19. The following agreement, entered into on behalf of the United States by John V. Wright, Jared W. Daniels, and Charles F. Larrabee, commissioners, on December 14, 1886, with the Indians of the Fort Berthold agency, North Dakota, and now on file in the Interior Department, signed by said commissioners on the part of the United States, and by Pa-des-a-hish and others on the part of the Gros Ventres, and by Wo-ka-se and others for the Mandans, and Kun-nukh-to-wite and others on the part of the Arickarees, and is in the following words, to wit:

"This agreement, made pursuant to an item in the act of Congress entitled 'An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1887, and for other purposes,' approved May 15, 1886, by John V. Wright, Jared W. Daniels, and Charles F. Larabee, duly appointed commissioners on the part of the United States, and the Arickaree, Gros Ventre, and Mandan tribes of Indians, now residing on the Fort Berthold reservation, in the Territory of Dakota, by the chiefs, headmen, and principal men, embracing a majority of all the adult male members of said tribes, witnesseth: That whereas it is the policy of the Government to reduce to proper size existing reservations when entirely out of proportion to the number of Indians existing thereon, with the consent of the Indians, and upon just and fair terms; and whereas the Indians of the several tribes, parties hereto, have vastly more land in their present reservation than they need or will ever make use of, and are desirous of disposing of a portion thereof in order to obtain the means necessary to enable them to become wholly self-supporting by the cultivation of the soil and other pursuits of husbandry:

Therefore, it is hereby agreed and covenanted by the parties to this instrument, as follows:

ARTICLE I.

The Arickaree, Gros Ventre, and Mandan tribes of Indians, parties hereto, hereby cede, sell, and relinquish to the United States all their right, title, and interest in and to all that portion of the Fort Berthold reservation, as laid down upon the official map of the Territory of Dakota, published by the General Land Office in the year 1885, lying north of the forty-eighth parallel of north latitude, and also all that portion lying west of a north and south line 6 miles west of the most westerly point of the big bend of the Missouri River, south of the forty-eighth parallel of north latitude.

ARTICLE II.

In consideration of the foregoing cession and relinquishment the United States shall advance and expend, under the direction of the Secretary of the Interior, the sum of $80,000 annually, for the period of ten years from and after the ratification of this agreement, for such purposes and in such manner as shall best promote the civilization and well-being of said Indians, and as hereinafter provided.

ARTICLE III.

It is further agreed that the Secretary of the Interior shall cause the lands embraced within the diminished reservation, or such portions thereof as may be necessary, to be surveyed and, either through the agent or such other persons as he may designate, allot the same in severalty to the Indians of the several tribes, parties hereto, in quantity as follows:

To each head of a family, 160 acres.

To each single person over eighteen years of age, 80 acres.

To each orphan child under eighteen years of age, 80 acres.

To each other person under eighteen years of age, 40 acres.

Provided, That all allotments made under the provisions of this agreement shall be selected by the Indians, heads of families selecting for their minor children, and the agent shall select for each orphan child, and in such manner as to embrace the improvements of the Indians making the selections if they so desire.

ARTICLE IV.

That upon the approval of the allotments provided for in the foregoing article by the Secretary of the Interior, he shall cause patents to issue therefor, in the name of the allottees, which patents shall be of the legal effect and declare that the United States does and will hold the land thus allotted for the period of twenty-five years in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or, in case of his decease, of his heirs, according to the laws of the Territory of Dakota, and that at the expiration of said period the United States will convey the same by patent to said Indian or his heirs as aforesaid in fee, discharged of said trust and free of all charge or incumbrance whatsoever. And if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void.

Provided, That the laws of descent and partition in force in said Territory shall apply thereto after the first patents therefor have been executed and delivered.

ARTICLE V.

That upon the completion of said allotments and the patenting of the lands to said allottees, each and every member of said tribes to whom allotments have been made shall have the benefit of and be subject to the laws of the Territory of Dakota in all offenses the penalty of which is death or imprisonment in the penitentiary; and said Territory shall not pass or enforce any law denying any such Indian the equal protection of the law.

ARTICLE VI.

That the residue of lands within said diminished reservation, after all allotments have been made as provided in Article III of this agreement, shall be held by the United States for the period of twenty-five years, in trust, for the sole use and benefit of said tribes of Indians, and at the expiration of said period the United States will convey the same by patent to said tribes in common, in fee, discharged of said trust and free of all charge or incumbrances whatever: *Provided*, That from the residue of said lands thus held in trust allotments shall be made and patented to each child of said tribes who may be born prior to the expiration of the time during which it is provided that said lands shall be held in trust by the United States, in quantity and upon the same conditions, restrictions, and limitations as provided in Article IV touching patents to allottees therein mentioned; but such conditions, restrictions, and limitations shall not extend beyond the expiration of the period during which the lands owned by the Indians in common are held in trust by the United States.

ARTICLE VII.

It is further agreed that the sum of $12,000, or so much thereof as may be necessary, of the first installment of $80,000 provided for in Article II of this agreement shall be expended in the removal of the agency buildings and property to a more suitable locality, in needed repairs, and in the erection of such new buildings as may be required: *Provided*, That in the opinion of the Secretary of the Interior the removal of the agency from its present site is desirable. And the balance of said installment, and each subsequent annual installment, shall be expended, except as hereinafter provided, in the purchase of goods, provisions, agricultural and mechanical implements, in providing employés, in the education of Indian children, procuring medicine and medical attendance, in the care and support of the aged, sick, and infirm, and helpless orphans of said Indians, and in any other respect to promote their civilization, comfort, and improvement; and the wishes of said Indians shall be consulted, and govern, so far as practicable, in the expenditure of said money. And in the employment of farmers, artisans, and laborers preference shall in all cases be given to the Indians residing on the reservation who are properly qualified for such positions.

In order to assist the Indians in settling upon their individual allotments, and encourage them in their efforts at self-support, it is further agreed that each family and male Indian over eighteen years of age, when he shall in good faith commence the cultivation of his individual allotment with the intention of residing permanently thereon, shall be assisted in the erection of a comfortable house, and be provided with one cookstove, one yoke of work oxen, one breaking plow, one stirring plow, one cow, one wagon, one ax, one hoe, one spade, one hand-rake, one scythe, and one pitchfork; or, in lieu of any of said articles, such other useful and proper articles as they may require, in the discretion of the Commissioner of Indian Affairs, the cost thereof to be paid out of the funds advanced as per Article II of this agreement: *Provided further*, That whenever in the opinion of the President the annual installment of $80,000 provided for in the first article of this agreement shall be found to be in excess of the amount required to be expended in any one year in carrying out the provisions of this agreement, so much thereof as may be in excess of such requirement shall be placed to the credit of said Indians in the Treasury of the United States and expended in continuing the benefits herein provided for when said annual installments shall have expired.

ARTICLE VIII.

Hereafter no subsistence shall be furhished any adult male Indian (the aged, sick, and infirm excepted) who does not endeavor by honest labor to support himself, nor to children between the ages of eight and fifteen years (the sick and infirm excepted) unless such children shall regularly attend school.

ARTICLE IX.

The outboundaries of the diminished reservation shall be surveyed and marked in a plain and substantial manner, the cost thereof to be paid out of the first annual installment provided for in Article II of this agreement.

ARTICLE X.

This agreement shall not be binding on either party until ratified by Congress.

Dated and signed in open council at Fort Berthold agency, in the Territory of Dakota, December 14, 1886;"

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

SEC. 20. That for the purpose of carrying out the terms of said agreement the sum of $80,000 is hereby appropriated, to be immediately available.

SEC. 21. That, whenever any of the lands acquired by this agreement hereby ratified and confirmed 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 laws, 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, and within five years from the date of the first original entry, the sum of $1.50 for each acre thereof, one-half of which shall be paid within two years.

SEC. 22. That the following agreement, entered into on behalf of the United States by Eliphalet Whittlesey, D. W. Diggs, and Charles A. Maxwell, commissioners on the part of the United States, on the 12th day of December, 1889, with the Sisseton and Wahpeton bands of Dakota or Sioux Indians, now on file in the Department of the Interior, signed by said commissioners for the United States, and for said Indians by Simon Ananangmari and others, is hereby accepted, ratified, and confirmed, and is in the following words, to wit:

"Whereas, by section 5 of 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 Territories over the Indians, and for other purposes,' approved February 8, 1887, it is provided 'that at any time after lands have been allotted to all the Indians of any tribe, as herein provided, or sooner, if in the opinion of the President it shall be for the best interests of said tribe, it shall be lawful for the Secretary of the Interior to negotiate with such Indian tribe for the purchase and release by the said tribe, in conformity with the treaty or statute under which such reservation is held, of such portions of its reservations not allotted as such tribe shall from time to time consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress; and the form and manner of executing such release shall also be prescribed by Congress.

Whereas the Sisseton and Wahpeton bands of Dakota or Sioux Indians are desirous of disposing of a portion of the land set apart and reserved to them by the third article of the treaty of February 19, 1867, between them and the United States, and situated partly in the State of North Dakota and partly in the State of South Dakota:

Now, therefore, this agreement made and entered into in pursuance of the provisions of the act of Congress approved February 8, 1887, aforesaid, at the Sisseton agency, South Dakota, on this the 12th day of December, 1889, by and between Eliphalet Whittlesey, D. W. Diggs, and Charles A. Maxwell, on the part of the United States, duly authorized and empowered thereto, and the chiefs, headmen, and male adult members of the Sisseton and Wahpeton bands of Dakota or Sioux Indians, witnesseth:

ARTICLE I.

The Sisseton and Wahpeton bands of Dakota or Sioux Indians hereby cede, sell, relinquish, and convey to the United States all their claim, right, title, and interest in and to all the unallotted lands within the limits of the reservation set apart to said bands of Indians as aforesaid remaining after the allotments and additional allotments provided for in Article IV of this agreement shall have been made.

ARTICLE II.

In consideration for the lands ceded, sold, relinquished, and conveyed as aforesaid, the United States stipulates and agrees to pay to the Sisseton and Wahpeton bands of Dakota or Sioux Indians, parties hereto, the sum of $2.50 per acre for each and every acre thereof, and it is agreed by the parties hereto that the sum so to be paid shall be held in the Treasury of the United States for the sole use and benefit of the said bands of Indians; and the same, with interest thereon at 3 per cent. per annum, shall be at all times subject to appropriation by Congress for the education and civilization of the said bands of Indians, or members thereof, as provided in section 5 of an act of Congress approved February 8, 1887, and 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 Territories over the Indians, and for other purposes:" *Provided*, That any religious society or other organization now occupying, under proper authority, for religious or educational work among the Indians, any of the land in this agreement ceded, sold, relinquished, and conveyed shall have the right, for two years from the date of the ratification of this instrument, within which to purchase the land so occupied at a price to be fixed by the Congress of the United States: *Provided further*, That the cession, sale, relinquishment, and conveyance of the lands described in Article I of this agreement shall not take effect and be in force until the sum of $342,778.37, together with the sum of $18,400, shall have been paid to said bands of Indians, as set forth and stipulated in Article III of this agreement.

ARTICLE III.

The United States stipulates and agrees to pay to the Sisseton and Wahpeton bands of Dakota or Sioux Indians, parties hereto, per capita, the sum of $342,778.37, being the amount found to be due certain members of said bands of Indians who served in the armies of the United States against their own people, when at war with the United States, and their families and descendants, under the provisions of the fourth article of the treaty of July 23, 1851, and of which they have been wrongfully and unjustly deprived by the operation of the provisions of an act of Congress approved February 16, 1863, and entitled "An act for the relief of persons for damages sustained by reason of depredation and injuries by certain bands of Sioux Indians:" said sum being at the rate of $18,400 per annum from July 1, 1862, to July 1, 1888, less their pro rata share of the sum of $616,086.52 heretofore appropriated for the benefit of said Sisseton and Wahpeton bands of Dakota or Sioux Indians, as set forth in report numbered 1953 of the House of Representatives, Fiftieth Congress, first session.

The United States further agrees to pay to said bands of Indians, per capita, the sum of $18,400 annually from the 1st day of July, 1888, to the 1st day of July, 1901, the latter date being the period at which the annuities to said bands of Indians were to cease, under the terms of the fourth article of the treaty of July 23, 1851, aforesaid; and it is hereby further stipulated and agreed that the aforesaid sum of $342,778.37, together with the sum of $18,400, due the 1st day of July, 1889, shall become immediately available upon the ratification of this agreement.

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 is 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) and others.

SEC. 23. That for the purpose of carrying out the terms and provisions of said agreement 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 thereon 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. 24. 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 lands so occupied, not exceeding 160 acres in any one tract, at the price paid therefor by the United States under said agreement.

SEC. 25. 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. 26. 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 except section 2301 of the Revised Statutes, which shall not apply 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 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: *Provided*, That each settler under the homestead law shall pay said sum of $2.50 per acre within five years, one-half of which shall be paid within two years.

SEC. 27. The following agreement entered into by J. Clifford Richardson, Charles M. Dole, and Rockwell J. Flint, commissioners on the part of the United States, and Carl Lieder and others, on behalf of the Crow Indians, on the 8th day of December, 1890, with the Crow tribe of Indians, in Montana, which said agreement is hereby accepted, ratified, and confirmed, and is now on file in the Department of the Interior, and is in the 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 $946,000, 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 gristmills, 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 ex-

pended 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.

Carl Lieder and others, for the said Indians.

SEC. 28. 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. 29. 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 6 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. 30. That whenever any of the lands acquired by the agreement with said Crow Indians is hereby ratified and confirmed shall by operation of law or the proclamation of the President of the United States be open to settlement, they shall, except mineral lands, be disposed of to actual settlers only, under the provisions of the homestead laws, except section 2301, 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, and within five years from the date of the first original entry, the sum of $1.50 for each acre thereof one-half of which shall be paid within two years; 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 in conformity with the provisions of this section: *Provided*, That in all cases where claims were located under the mining laws of the United States, or settlement was actually made under the pre-emption or homestead laws of the United States, and such location or settlement was made prior to December 1, 1890, by a locator or settler, qualified therefor, who believed that he or she was so locating or settling on lands outside the Crow Indian reservation, such settler or locator shall be allowed thirty days after notice of the opening of such lands to location within which to relocate the said mining claims so theretofore located by them, or to file upon the lands so theretofore settled upon by them under the homestead or pre-emption laws of the United States, within the limits of the ceded portion of said Crow Indian reservation, and upon such relocation or filing such proceedings shall be had as are conformable to law and in accordance with the provisions of this section: *Provided*, That the privilege of location and relocation herein conferred shall not operate to dispossess any member of said Crow tribe of Indians now in possession of any portion of said lands or to prevent the selection of the same by prior right on the part of any member of said tribe under the provisions of said agreement, and any such member of said tribe shall have, for the period of ninety days, the exclusive right to make selection or to perfect selections already made under the provisions of this section or other act of Congress, and any member of said tribe shall have for the period of ninety days the exclusive right to make selection or to perfect selections already made under the provisions of this agreement or any treaty or other act of Congress.

SEC. 31. That whenever under and by reason of the provisions herein contained, ratifying and confirming agreements with any Indian tribe, the right is reserved to any religious society or organization to purchase lands the subject of such agreement, the price and time and terms of payment thereof may be fixed by the Secretary of the Interior, but not less than that at which the other lands subject to said agreement are sold for.

Mr. DAWES. That is an amendment designed to take the place of all that which has been passed over. It goes down to the twelfth line, on the two hundred and thirteenth page, the last page of the bill. The remainder of that page pertains to it and goes with it, being section 31. I will briefly state just what this is that we have passed over and what it is proposed by the committee to substitute for it.

The committee move to substitute all this in italics for all that which was passed over, and that which was passed over is six several agreements made by commissioners appointed by the United States to treat with different tribes of Indians for a cession of portions of their reservations. These six several agreements were agreements made with these Indians by which they have agreed to surrender to the United States about 10,000,000 acres of land upon different terms agreed to with different tribes of Indians. The matter in italics is the same agreements, and one more, made by these commissioners with the Indians on the Berthold reservation. All of these that have been passed over and all those in italics have been read in the Senate of the United States and passed in the Senate of the United States in separate bills, so that every one of them has been read in the presence of the Senate, and the Senate has unanimously passed them.

I therefore ask unanimous consent that the reading of those which have been passed over may be omitted and also the reading of the substitute, which is substantially the same thing, and I move the substituting of the matter in italics for the matter passed over. The parts which I propose to insert are the italics from the one hundred and forty-eighth page, fourteenth line, to the end of the bill. All that, as I have stated, has been read in the Senate and has passed the Senate in separate bills unanimously, and gone down to the House.

Mr. GORMAN. We had better have that read.

Mr. DAWES. It is of course with the Senate to say whether it shall be reread or not. I would not make any such suggestion as that it should be adopted without being read except for the reason which I have stated, that the agreements have all been read in the Senate and have been passed as separate bills in the Senate.

Mr. MITCHELL. These are exact copies?

Mr. DAWES. They are exact copies of the bills.

Mr. PETTIGREW. I think the statement of the Senator from Massachusetts is entirely correct, except as to section 26, on page 203, with regard to the agreement with the Sisseton and Wahpeton Indians of South Dakota. In that instance the Senate passed a different provision with regard to the disposition of the lands of those Indians.

Mr. DAWES. Mr. President, I am bound to correct myself, not only as suggested by the Senator, but to this extent as to each of them. In them all we have changed in this appropriation the price per acre, and we have provided that it shall be $1.50 per acre as to all of them except the Sisseton, which is to be $2.50 an acre, because that is what we paid to those Indians; and we have provided that it shall be paid by the homesteader in full within five years from the date of his first entry, and that one-half of it shall be paid in two years. Those changes as to the disposition of the lands enter into the seven agreements. I think I have stated it correctly now.

We have also modified the disposition of the land. Of course it is beyond our power to modify the agreements. The agreements are *in hæc verba* as made by the commissioners, as read in the Senate, and as adopted by the Senate in separate bills.

Now, Mr. President, I would like to escape the reading of that which it is proposed to strike out, and which is sixty or seventy pages, and the placing in its place of some number of pages, as I have suggested.

Mr. CALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota [Mr. PETTIGREW] yield to the Senator from Florida [Mr. CALL]?

Mr. PETTIGREW. No, sir. There is one additional feature, and that is this: The bill, as it passed the Senate, gives the Sisseton and Wahpeton Indians 5 per cent. interest upon their permanent fund, and this is the amount of interest which the United States has paid to the Sioux Indians upon the Sioux reservation and to the Indians in the Indian Territory. It seems to me that these Indians who have been friendly to the Government, not only in the past, but always, even during the Minnesota difficulty in 1862, ought not to be deprived of this 2 per cent. interest.

Mr. PLUMB. I suggest that the reading of the amendment be proceeded with.

Mr. DAWES. I suggest that the amendment I propose is open to amendment by any Senator who desires to offer an amendment. It is an amendment in the first degree, and therefore is open to amendment.

Mr. CALL. I suggest to the Senator from Massachusetts whether it would not be better to have it read. I do not think even by unanimous consent we should do away with the necessity of reading these clauses. There is no doubt that they are literal copies; but still I do not think it would be proper to omit the reading.

Mr. DAWES. I only made the suggestion to relieve the patience of

the Senate. If the Senator desires to have it read, as is proper, of course I shall not object.

Mr. COCKRELL. Will the Senator from Massachusetts please inform me whether this Cheyenne and Arapaho agreement has ever been passed by the Senate?

Mr. DAWES. Yes.

Mr. COCKRELL. I see there is one on the Calendar yet undisposed of.

Mr. DAWES. No. The Cheyenne and Arapaho agreement passed the House.

Mr. COCKRELL. But not the Senate?

Mr. DAWES. Not the Senate.

Mr. COCKRELL. That is what I wanted to understand. That was my understanding.

Mr. DAWES. I am not certain but it passed the Senate.

Mr. COCKRELL. The Cheyenne and Arapaho Indians did not ratify the treatyf for that is still pending, as is shown by the fact that it is Order of Business No. 2343 on the Senate Calendar.

Mr. DAWES. That shows that it has not passed the Senate; but it has passed the other House.

Mr. COCKRELL. I suppose, as a matter of course, the bill will have to be read under any circumstances, and possibly it is better to proceed with the reading.

Mr. DAWES. If it is not right to adopt this provision without reading, of course the Senate has a right to have it read. I only made the suggestion in the interest of saving time.

Mr. CALL. I should be very glad to get rid of the reading, Mr. President, but under the circumstances it strikes me that it would not be proper.

The PRESIDING OFFICER. The reading will be proceeded with.

Mr. DAWES. It would perhaps be as well to begin the reading at the part that we propose to insert.

Mr. GORMAN. Does the Senator from Massachusetts propose to treat this whole matter from page 148 to the end of the bill as one amendment?

Mr. DAWES. I propose to treat it as one amendment. Of course it is subject to division by any Senator who desires to have a division. Each one of its propositions is separate. But, all the bills having passed the Senate—correcting myself again—all but one having passed the Senate, I felt that I could be justified in proposing them as a single amendment, knowing that any Senator could call for a division if he desired.

Mr. GORMAN. I am not very familiar with this Indian appropriation bill, but these amendments from page 148 the page 213 of this bill are ratifications of the various treaties that have been made, and, as I understand from the committee, appropriate about $12,500,000.

Mr. DAWES. I have sent the exact amount to the Printing Office for printing; but it is not so much, in the whole of these agreements, as I had the impression. It is a few dollars less than $6,000,000 that is carried in this amendment. The whole of the bill appropriates a little over $13,000,000. The amount for the Indian appropriation bill proper is a little over $7,000,000. Last year it was a little over $7,200,000. The restoration of the school appropriation this evening brings it just about up to where it was last year. There is but very few dollars' difference between the Indian appropriation bill proper and the bill of last year.

If the Senator will allow me a moment more——

Mr. GORMAN. Certainly.

Mr. DAWES. This long amendment has been a great trial to the committee. I have never seen anything in my experience with an appropriation bill equal to it. The Committee on Indian Affairs stands acquit before the country of any responsibility for putting such an amendment into this bill. The amendment is of great importance to the Indians that it affects, and to the large body of white people who expect to settle upon the land. But it is of importance first to the Indians. Some of these agreements were made two or three years ago with the Indians. The Indians do not know why the agreements are not fulfilled. They have been waiting for the money. One of the agreements was made four years ago, and we promised in it for a certain amount of their land to pay them a considerable sum of money. The commissioners agreed that it should be distributed per capita, but that has never been done, so that discontent has been bred in consequence of the delay.

But every one of these agreements, with the exception of this Cheyenne and Arapaho agreement, which was not completed until last December, has been put through the Senate unanimously a long time ago, during the last session. Why they have never come back it is not proper for me to say. But in the last hours of the session, within a few days of the end of it, they are hustled bodily into an appropriation bill—not only bodily into it, but into its very belly, if I may be allowed the expression—and part of one agreement is in one place, and the whole of another agreement is put in the middle between, and then comes the end of it by and by after something else has happened, without the slightest indication of where it belongs. Then the whole six agreements are found in this Indian bill without a word of ratification, simply as it came here.

That made it necessary for the Committee on Appropriations to take them all out of where they are found in the bill, and to reconstruct the whole bill; and much of the labor which has fallen upon the Committee on Appropriations touching this bill is legislative labor which the Committee on Indian Affairs of this body had on their part performed and had sent to another body. Nevertheless, they are here. If we strike them out, and leave it so, without inserting anything, it will go into conference. But we are obliged to meet the question. We can not escape it by merely striking them out. It was thought best for us to try to perfect them, and we think we have.

I hope the Senator from Maryland will excuse me for interrupting him.

Mr. GORMAN. I am glad to have the Senator's statement. I am glad the Senator has made his statement to the Senate.

Now, Mr. President, I think I have the right to characterize this as the most extraordinary proceeding. After spending the time here from the first Monday of December, during the whole Congress, in considering public matters, we come for the first time to an Indian appropriation bill to deal with seven or eight treaties, to ratify them, to make provision for the disposal of the public lands that we have acquired by those treaties by the million acres, in the very last hours of the session, when no Senator of the Committee on Appropriations or in this body can possibly know what this bill means, or how much is involved, or what will be the result of the disposition of the public lands.

Every single proposition contained, from the page we are now on (148) to the end of the bill, has no place whatever upon an appropriation bill.

The Senator from Massachusetts [Mr. DAWES] says, and says truly, that the Senate has heretofore acted upon these matters in separate bills where they belong, and where they can be only treated fairly in the interest of the Indians and in the interest of the people of this country. They have passed, as the Senator from Massachusetts says, a body where we have had and do have deliberation, where item by item they may be considered and discussed. But in another place, where deliberation and discussion are not permitted, where it is the pride of some gentlemen that no longer can public matters be discussed, even there time has not been found to take up these propositions, but they are forced upon an appropriation bill. As the Senator from Massachusetts says, we are obliged to put them on possibly the last one of the great appropriation bills.

And then it is suggested that they shall be carried through here again without reading. Mr. President, so far as I am concerned as a member of the committee that reported this bill, I desire it to be distinctly understood that we have not had time for the consideration of this measure. I give the Senator from Massachusetts full credit for his attempt to perfect the measure as it came from the House, and I have no doubt that it has been greatly improved by him. But for one I, as a member of that committee, can not tell the Senate what is in any single provision of this bill. We have not had time to consider it. It ought to have no place in this bill.

The amount of money that the Senator from Massachusetts says is involved in these treaties is over $6,000,000. That is only a small part of it. The questions how far the public lands have been disposed of and in what way I have no doubt the Senator has investigated and the members of the Indian Committee have investigated to the very best of their ability in the time they have had to work, far into the night, to try to get the bill into shape.

I had hoped that we would strike out every provision relating to these propositions. When the bill does go to conference, let the responsibility rest elsewhere for the loss of this bill. Let them take the responsibility. I believe, under all the rules governing in the consideration of great appropriation bills, that the House that places a provision upon an appropriation bill outside of the appropriations usual in legislation is bound to recede if the co-ordinate branch does not agree. That has been the universal rule.

I should prefer that the Senate would take that course, Mr. President. Strike from the bill everything in relation to the treaties. Some of them have remained unratified for years. They have waited several years. They can wait one year longer, Mr. President, until both Houses of Congress by separate measures may consider every detail.

Now, I am told that in this very last provision—I know nothing about it personally; I have not had time to go into the details—but I am told that in the very last section of this bill, in regard to the Crow reservation, in the disposition of the public lands acquired from them, this measure is so framed as to protect all the squatters that have been on that reservation, unjustly, as it is claimed by other settlers. Whether that be true or not I know not.

The Senator from Massachusetts shakes his head. I have no doubt he has examined the matter more thoroughly than I have.

Mr. President, I am not responsible for any part of this matter relating to these treaties. I believe there has not been time to consider it. I think there is no place in this bill for these treaties.

Mr. DAWES. If the Senator cares to have his attention called——

Mr. GORMAN. I mean the proviso on page 212.

Mr. DAWES. That does not protect all the squatters. It only gives those who entered upon this land in good faith, supposing that they were on the public domain, the authority and the right, after so many

days, to perfect their title, just as any other persons may. It gives them a prior right over others if they can make it clear that they supposed they were on part of the public domain. That is all.

Mr. GORMAN. Now, Mr. President, I will read that section.

Mr. DAWES. What line?

Mr. GORMAN. Line 14, on page 212:

By a locator or settler, qualified therefor, who believed that he or she was so locating or settling on land outside the Crow Indian reservation, such settler or locator shall be allowed thirty days after notice, etc.

I do not know anything about it, but I am informed that that phraseology will give an opportunity for every man to perfect his claim who happens to believe, or says that he believed, that he was settling upon a part of the public domain. It may be right or it may be wrong, but that is a matter which I think ought to be looked into.

It only shows, Mr. President, that this matter ought to be considered. I think the Senator from Massachusetts will agree that these are matters that ought to have been considered by the Committee on Indian Affairs and disposed of separately. They have no place upon this bill, and ought to be struck out.

I want to make this statement, as a member of the Committee on Appropriations, that, for one, I know nothing about it; and at the proper time I shall vote to strike out from this bill everything except the ordinary provisions for the Indian service.

Mr. MORGAN. Mr. President, this Congress ought not to adjourn without disposing of these treaties, not so much on account of the Indians out there as on account of the people who are occupying and intend to occupy that country.

So far as the Indians are concerned, our system of legislation now, or of treaty-making with them, is very imperfect and very illusory. In 1871 we came to a firm resolve or determination, and put it in the statute books, that after that time we would make no more treaties with the Indians; that after that time their relations with the people of the United States should be regulated by law and not by treaty; that the Congress of the United States should deal with these subjects in the legislative sense, and not that the President and the Senate should deal with them in a diplomatic sense. That change in our method of dealing with Indians has not been followed up with those logical consequences which we ought to have observed in our dealing with them.

Whenever we denied to the independent tribes within our domain that sort of tribal sovereignty or autonomy which had enabled them theretofore to make treaties with us, and we resolved that we would treat them as we would treat people who belonged to the United States Government, then it became our duty after that to provide for them by law under the influence of an honest, just, benign, and benevolent guardianship, and to give them all that we thought they deserved, and to take care of them in an appropriate way. But we have not performed that duty. We have continually sent out our agents commissioned to make still further contracts with them.

We do not call them treaties now. We call them contracts; contracts by which two-thirds or three-fourths of the male adults of any tribe may dispose of what is, or is supposed to be, their interest in the land included within their reservations; whether those reservations are created by treaty or by executive order it makes no difference.

In the making of these contracts we have stimulated the influential, leading headmen of these different tribes to suppose that they were still to be the regulators of the rights of property and of all other political influence that could be exercised within the tribe. They, of course, came in for the large share, one way or another, of the proceeds of these contracts, these dealings. We have had to give them *douceurs* and all manner of things to placate them and to keep them in such a condition as that we could gain their influence in behalf of making a contract, which, after all, was a mere sham, a mere pretense, so far as the real honest undertaking is concerned, because if these individual Indians had rights in that land, every single man, under the theory of the Government of the United States, must have his rights preserved and maintained until he consents to give them up. We have not done that.

Now, while we have been dickering with these people in this way, our enterprising, pushing population have been moving out to the public lands in the Far West, and they have made wonderful progress; such a one as I think has never been witnessed in any country before; and the excellent effect and fruits of it, Mr. President, are worthy of all consideration. The men who have gone out there, taking their lives in their hands in order to open up that country, are men that deserve to be protected by the United States so far as we are able to do it. They are people not to be condemned, or despised, or called squatters, or anything like that. They are the men that have broken ground for civilization out West, and they deserve everything from the people of the United States. They have been reputable citizens. They have not gone there as marauders. They are not bad characters, so far as their contact with the Indians is concerned, at all. They are the very torch-bearers of civilization, and if we had more such men among those Indians we would have a very much better condition of affairs out there to-day than we have.

But the question now recurs just in this light: We have made these contracts with the Indians. They are expecting the fulfillment of them. They can not understand why we are all the time delaying and postponing these things. They do not know what pressure there is upon the Congress of the United States to defer anything that can be deferred in deference to political movements and the like of that. So they are unhappy and uneasy, and they are losing faith every day in our promises, in the integrity of our undertakings with them; and God knows they have lost almost the whole of it anyhow, and that we need to economize the little threadbare remnant of faith that they yet have in us.

We had better proceed to ratify these treaties, these agreements, because the main part of the agreements not only relates to the disposition of the public lands amongst the settlers, but the agreements are all drawn up, they are signed by one Indian and another and another until we say that we have a majority of two-thirds or three-fourths—I forget which it is—of all these different tribes. The agreements are all embodied in writing. There is nothing to be done about them.

When we adopt this bill the statute will not change all these agreements. We do not pretend to make any modification or amendment of the agreements themselves. We merely ratify those, and then we take the estate we have acquired in this way, and after providing for the payment of the money, or whatever it is we have agreed to pay these Indians, we take these landed estates and parcel and divide them out among the people in a fashion that we think is the most conducive to the occupancy of that country by an honest, laborious, earnest, and faithful set of people.

Take any one of these statutes, and while, perhaps, you might possibly improve it a little, upon further consideration I think it very doubtful if you would, very doubtful. We have made some provision in these different laws in regard to the descent of property among the Indians. That is a very hard subject to settle because they have polygamy there, and it is very difficult to say upon whom the inheritance shall descend after the death of the father or the death of the mother.

In the world in general inheritable blood comes from the father, but among these Indian tribes it is well known that it comes from the mother.

That is the autonomy of tribal organization. Inheritance comes from the mother, and not from the father. We have to reverse that in a degree. We really have to preserve both systems, so far as we can, and the purpose of the committee has been, as I know it is illustrated in these bills, to take the lands that are assigned by these contracts to the tribes and to provide so that every individual Indian, no matter how old or how young, shall have his or her part of the land, and that the Government of the United States will hold it as a sacred trust against taxes, and mortgages, and trusts, and sales, and everything of the kind, until a period has elapsed within which we hope—whether we are to hope against hope makes no difference—these people shall have some more of civilization and power of self-sustentation than they have now.

It is the best we can do. If the Senate were to go into Committee of the Whole and sit here and indefinitely attempt to adjust these land agreements and these contracts, and what we get from them, and what the Indians have reserved to them under the peculiar laws of these distinct Indian tribes, we should not succeed in doing any better than we have done.

So I must differ with my honorable friend from Maryland [Mr. GORMAN] in regard to striking this matter out. We have got to meet it in conference. The House put it in the bill. The Senate have proposed modifications which we think are very wise, and I think it is the duty of the Senate in passing upon this bill to sustain its committee in suggestions that they have made differing from the suggestions of the House in so far as they do differ, and then let the differences between the two Houses go to conference, rather than to pass a bill out of which is stricken everything which relates to the terms of these agreements. We can make a great deal of progress here in a very short time if we will, and we are not going to do anybody any harm.

Mr. CALL. Mr. President, the committee to which was referred this bill have given to it, I think, all the consideration that has been possible within the time allowed. I believe the provisions which the Senator from Massachusetts [Mr. DAWES], to whom the bill was referred, has placed upon it are wise and are as good probably as could result from a more prolonged consideration of the bill and discussion of it in the Senate.

The bill and agreements and provisions carrying the bill into effect are designed to protect the citizens of the United States who have settled upon these lands. They have a right to protection. They have been recognized in all the laws which have ever been passed relating to the public lands. They are intended to afford an outlet for the great mass of our people who are suffering from the economies which have existed during the existence of the Government. They are a great relief to the people, and they should be opened for settlement at the earliest possible day.

The subcommittee to whom this bill was referred gave as much time

as was allotted to them and as was possible to be given for consideration of these provisions, and I believe they have arrived at a wise result.

But, Mr. President, it is impossible that this bill and these provisions should have consideration in this body. It will take a longer time, if they are discussed, than the entire remainder of the session. The reading of this bill is absolutely necessary, for it will not do to adopt an appropriation bill and make it a law without its having been read carefully, every word of it, and understood by the Senate.

While this bill contains simply $6,000,000 now for these agreements which have been made, there are others which will be placed upon this bill, or at least there will be great argument and insistence upon it, which will increase this amount three or four million dollars. This Cheyenne and Arapaho agreement, which has already been passed and been ratified by the House, and which has been made by the Government and is binding upon us, will require that there should be other legislation and a release of all other claims by other Indians who have as valid claims, especially the Choctaws and Chickasaws, whose right to payment, in my judgment, is clearly equal if not superior to that of the Cheyennes and Arapahoes for a large portion of this land, and in my judgment it is absolutely impossible that there should be mature consideration given to the provisions which have been made in this bill for the settlement of all this land and for the protection of settlements by actual settlers, the people of the United States who have gone upon this land, and who, although not having a technical right to go there, an actual right, yet have always been protected by legislation upon this subject.

I wish to say, Mr. President, that so far as the subcommittee was concerned, and so far as the Senator from Massachusetts [Mr. DAWES] is concerned, who did the principal labor in the examination of these provisions of the bill, of these agreements, and of all the portions of the bill which are provided for carrying them into effect, they gave to the consideration of these provisions all the time that was possible to have been given to them since the bill was reported to the Senate and referred to them.

Now, Mr. President, I desire for myself to say that I do not wish to be responsible for many of the provisions in this bill. I believe that the education of the Indians costs far more than it ought to cost. I believe that $100 per capita would be a sufficent provision for the education of these Indians, the Government paying the expense of transportation and furnishing the rations, which could be done in the same manner that they are furnished to the Army.

In my judgment, while the Committee on Appropriations of the Senate is not responsible for the extravagant expenditures which have grown up in a period of years, and under circumstances which it is not necessary here to refer to, I believe that this bill can be reduced very largely, and the same amount of education and the same degree, or even a greater degree, of relief afforded to these Indians for one-half of the amount contained in this bill. While I say that, I do not mean to reflect upon any of the persons concerned in the administration of this fund, but to say that these things have grown up, as it were, by consent in the course of years. But it is impossible that such a reform may be commenced now, or that it should even be considered during the few hours which will be consumed in the remainder of this session.

So, Mr. President, in regard to the schools and to their distribution amongst the different people, and the part which the different denominations have performed and are now performing, if I had it in my power I would disconnect all religious denominations from this question. I would have them dealt with as citizens without respect to their particular religious character. But it is impossible, Mr. President, even to commence that. The Commissioner of Indian Education has made and recommended these contracts. He is charged by law with making these arrangements; he has power to make them; he takes the responsibility of it, and it is impossible even to consider the subject within this short period of time.

I have no reason to doubt that these contracts which have been made with these different bodies of humane and benevolent people are wise and are economical on the basis of expenditure heretofore allowed, but I think they can be made for a much less sum of money.

That, however, is a matter which is open to discussion, and upon which there should be evidence taken and careful consideration given.

So, Mr. President, I wish to say that the Senator from Maryland [Mr. GORMAN] is, in my judgment, right, and it is impossible to consider this agreement and the provisions in this bill which are necessary to carry them into effect intelligently, and for every Senator to arrive at a full knowledge of them so as to be able to give a reasonable judgment in the period of time that will be allowed to us.

The VICE PRESIDENT. The question is on the request made by the Senator from Massachusetts [Mr. DAWES] for unanimous consent. The Clerk will state the request.

The CHIEF CLERK. To strike out of the bill, beginning on page 61, line 14, down to page 125, line 12, inclusive; and to strike out from page 137, line 14, to line 13, on page 148, and in lieu thereof insert.

Mr. PLUMB. Mr. President, I desire to move an amendment to section 14, line 20: After the word "homestead" to insert the words "and town-site laws." That might be supposed to be covered by the organic act of Oklahoma, but there is some doubt about it.

The VICE PRESIDENT. The amendment to the amendment will be reported.

The CHIEF CLERK. On page 170, line 20, after the word "homestead," strike out the word "law" and insert in lieu thereof the words "and town-site laws."

Mr. PLATT. Mr. President, I want to make a suggestion with reference to this part of the amendment which relates to the Cheyenne and Arapaho agreement. I understand that it has been agreed by the Senator who has this matter in charge that all that relates to the Cheyenne and Arapaho purchase or agreement shall be subject to amendment to-morrow morning by the Senator from Arkansas and the Senator from Mississippi, who have both left with that understanding. I suggest whether we had not better pass over that.

Mr. PLUMB. I think that had better be done. I will say to the Senator that I am very anxious to get out of the Chamber on account of other business in connection with another appropriation bill. I would therefore like to have this amendment passed over, and then try to get one or two other amendments voted on this evening.

Mr. PLATT. That is all right; but I would like to say just now that I am by no means certain that this matter about the Cheyenne and Arapaho agreement ought to be left out of this bill. It is a pretty large question, and I doubt whether we ought to deal with it in this way.

Mr. PLUMB. That, of course, will come up to-morrow.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Kansas to the amendment of the committee.

Mr. GORMAN. Will the Senator from Kansas be kind enough to explain the effect of his amendment—what its object is?

Mr. PLUMB. In line 20, page 170, after the word "homestead," I move to insert the words "town-site laws."

The organic law of Oklahoma provides that all the lands which may hereafter be opened to settlement in that Territory shall be subject to the town-site laws of the United States, and it is probable that that would govern. But at the same time, as this is a subsequent law and seems to prescribe a specific way whereby these laws may be disposed of, and might to that extent conflict with the organic law of the Territory, I want to make that specific and certain. So it seems to me proper to insert it.

Mr. PLATT. May I inquire whether the organic law of the Territory provides that the lands shall be open under the town-site law as it is under the general statutes or whether there are certain modifications prescribed?

Mr. PLUMB. It is the general town-site law.

Mr. COCKRELL. What is the amendment, Mr. President?

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 170, line 20, after the word "homestead," strike out the word "law" and insert "and town-site laws;" so as to read:

That whenever any of the lands acquired by either of the three foregoing agreements respecting lands in the Indian Territory 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 and town-site laws.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Kansas to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. PLUMB. I move to add, after line 4, on page 171, what I send to the clerk's desk.

The CHIEF CLERK. On page 171, after line 4, insert the following after the word "years:"

And all the lands in Oklahoma are hereby declared to be agricultural lands, and proof of their nonmineral character shall not be required as a condition precedent to final entry.

Mr. PLUMB. I want to say in regard to that, that it is precisely in accordance with the provisions of the laws of Kansas and Nebraska. There are spots containing mineral all over that country; that is to say, lead is found in various portions of Oklahoma, and there are traces of silver and gold, which are plain to a prospector, and which have been worked one way and another for the last forty years. Under the ruling of the Interior Department every one who makes an agricultural entry has got to file a nonmineral affidavit, as it is called; or, in other words, the question of the land being mineral or not creates an embarrassment, and these affidavits have to be made. While in fact there can be found traces of several different kinds of minerals, even gold and silver, through that section, the land is practically nonmineral.

It is for the purpose of obviating this difficulty in Kansas, which existed there just as it does in Oklahoma, that the law of that State declared about 1866 or 1867, somewhere along there, that all lands in Kansas should be regarded as nonmineral. It does not change the character of the land, but obviates cause of controversies and troubles liable to occur, and which may make an honest homesteader no end of trouble, because it can be shown that in some portions of the land there may be minerals, while, of course, everyone knows there is no mineral there

in the ordinary sense of the term; that is to say, mineral that is suitable to be mined.

It is equally true that in portions of Kansas and in Oklahoma proper there is coal, but within the limits of what is now Oklahoma, or what will be Oklahoma when these agreements have been ratified, there is neither coal, nor gold, nor iron, nor lead, so far as known, capable of being profitably mined. It can not be mined profitably, and can not be mined at all in the ordinary sense of the term.

That, I think, is all I need to say on that point.

The VICE PRESIDENT. The question is on the amendment of the Senator from Kansas [Mr. PLUMB] to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. PETTIGREW. In section 23, on page 201, line 23, before the words "per centum," I move to strike out "three" and insert "five."

The PRESIDING OFFICER (Mr. FRYE in the chair). The amendment to the amendment of the committee will be stated.

The CHIEF CLERK. In section 23, on page 201, line 23, before the words "per centum," it is proposed to strike out "three" and insert "five;" so as to read:

And the balance, after deducting the said $5,003,200, to wit, the sum of $1,699,800, or as much thereof as may be necessary, to pay for the 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 thereon at 5 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.

Mr. MORGAN. Unless there is some peculiar reason why the rate is there fixed at 3 per cent. it ought to be 5, for that is the rule we have always observed.

Mr. DAWES. There is a statute which provides that the rate on all their funds shall be 5 per cent.

Mr. MORGAN. I know that, and I do not know how it is 3 per cent. here. It ought to be 5.

Mr. PETTIGREW. The agreement was 5 per cent., and we have paid 5 per cent. on the present funds of all other Indians. There is no reason why the Sissetons and Wahpetons, who were friendly to the Government in 1862 and have always since been friendly, should be discriminated against.

The PRESIDING OFFICER. The question is on the amendment to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. CASEY. In the amendment of the committee, on page 196, line 2, before the words "per cent.," I move to strike out "three" and insert "five."

Mr. COCKRELL. That raises a question about modifying the agreement. This is a provision carrying the agreement into effect.

Mr. EDMUNDS. Let us hear the amendment stated at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 22, of the amendment of the committee, on page 196, line 2, before the words "per cent.," it is proposed to strike out "three" and insert "five;" so as to read:

And the same, with interest thereon at 5 per cent. per annum, shall be at all times subject to appropriation by Congress for the education and civilization of the said bands of Indians, or members thereof, as provided in section 5 of an act of Congress approved February 8, 1887, etc.

Mr. DAWES. If that is a part of the agreement, of course it can not be altered.

Mr. COCKRELL. It is unquestionably a part of the agreement.

Mr. DAWES. I have not the text before me. The motion of the Senator from South Dakota [Mr. PETTIGREW], I supposed, applied to a section of the bill providing what should be done.

Mr. PETTIGREW. It did.

Mr. DAWES. But we can not alter the agreement. If the Indians have agreed with us that their funds shall draw but 3 per cent. interest, it must so stand.

Mr. CASEY. I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. PETTIGREW. I move to strike out section 26, on page 203, of the amendment of the Committee on Appropriations and insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to strike out section 26 of the amendment of the committee, as follows:

SEC. 26. 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 except section 2301 of the Revised Statutes, which shall not apply, 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 cents 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 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: *Provided*, That each settler under the homestead law shall pay said sum of $2.50 per acre within five years, one-half of which shall be paid within two years;

And insert:

SEC. 26. That the lands by said agreement, ceded, sold, relinquished, and conveyed to the United States, shall (immediately), upon the payment to the parties entitled thereto of their share of the funds made immediately available by this act, and upon the completion of the allotments as provided for in said agreement, be subject only to entry and settlement under the homestead and town-site laws of the United States, excepting the sixteenth and thirty-sixth sections of said lands, which shall be reserved for common-school purposes, and be subject to the laws of the State wherein located: *Provided*, That patents shall not issue until the settler or entryman shall have paid to the United States the sum of $1.25 per acre for the land taken up by such homesteader, and the title to lands so entered shall remain in the United States until said money is duly paid by such entryman, or his legal representatives, or his widow, who shall have the right to pay the money and complete the entry of her deceased husband in her own name, and shall receive a patent for the same.

Mr. ALLISON. I should like to know why this change is to be made?

Mr. PETTIGREW. The amendment which I have offered is exactly the same as a bill which passed the Senate with regard to the disposition of these lands, except that it requires the homesteader to pay $1.50 per acre instead of $2.50 per acre and reserves for the benefit of the public schools sections 16 and 36.

Mr. DAWES. So far as the last suggestion of the Senator is concerned, the Senator from Montana [Mr. SANDERS] has an amendment which applies to all of the agreements, prescribing that the sixteenth and thirty-sixth sections in all cases shall be reserved for schools.

The reason why it is proposed to have the settler pay $2.50 for this land is because the land was of such value that we were obliged to pay that sum for it to the Sissetons and Wahpetons under the agreement. We have paid a very large sum for this land, larger in proportion per acre than under any of the other agreements. Therefore it was deemed wise that we should recover it back from the settler. It was stated by the commissioners before the Committee on Indian Affairs that this land was so valuable that it would be taken at $3 or $4 or $5 an acre, and it was suggested that we fix the price at $2.50 an acre, which they thought ought to be the minimum price for it. We should thereby come somewhere near reimbursing ourselves for the large sum paid for this land to the Sissetons and Wahpetons.

Mr. EDMUNDS. How much do we pay the Indians?

Mr. DAWES. Two dollars and a half an acre. I hope, therefore, the amount fixed in the bill will not be reduced.

Mr. MORGAN. There is another reason connected with it, and that is that 160 acres is the largest amount that a man can buy of this land. It was supposed by the committee that, being confined to 160 acres at $2.50 an acre, the land being worth it, and worth a good deal more, it would draw into that country a better class of population, which was thought to be a good move.

Mr. EDMUNDS. Then we ought to disagree to the amendment of the Senator from South Dakota.

Mr. PETTIGREW. I wish to say that these are agricultural lands. As to the Cœur d'Alêne reservation, under this same bill the settler is required to pay but $1.50 an acre, although we have agreed to pay over $500,000 for less than 200,000 acres, and I can see no reason why there should be any discrimination against the lands on the Sisseton and Wahpeton reservations.

Mr. DAWES. Let me read a little from this agreement:

In consideration for the lands ceded, sold, relinquished, and conveyed as aforesaid, the United States stipulates and agrees to pay to the Sisseton and Wahpeton bands of Dakota or Sioux Indians, parties hereto, the sum of $2.50 per acre for each and every acre thereof.

Then it is agreed that the sum so paid shall be paid as provided in detail in the agreement. Now, if we pay the Indians $2.50 an acre for this land and open it to settlement, the settler should be required to pay $2.50 an acre.

Mr. PETTIGREW. I will answer the Senator from Massachusetts. Under the agreement made heretofore with the Indians we have bought their lands and opened them to settlement under the homestead law at $1.25 per acre. Under this bill we purchase the Cœur d'Alêne reservation and pay $500,000 for 185,000 acres of land which is to be open to settlement at $1.50 per acre, and yet in the agreement with the Sissetons and Wahpetons this bill requires that the settler shall pay $2.50 an acre for lands which are purely agricultural and only suitable for settlement, and which I believe should be opened to settlement under the provisions of the homestead law.

There is no provision in this bill or in the ratification of any of these agreements which requires any settler to pay over a dollar and a half an acre, except in the land to be opened for settlement in the Sisseton and Wahpeton reservation. I can see no reason why that exception should be drawn as to those lands. It is questionable whether they are as valuable as other lands which are to be opened under these agreements.

Mr. MORGAN. They are generally worth more than $2.50 an acre.

Mr. PETTIGREW. That is exceedingly doubtful, and I question whether they will be settled under the provisions of this proposed law, which requires the payment of $2.50 an acre.

Further than that, my amendment requires that sections 16 and 36 shall be donated for the purpose of supporting the common schools of

the State of South Dakota. If that provision were rejected as to every reservation in the State of South Dakota when we were admitted into the Union, we would have lost more than half of all the school lands donated to the State, which would be unjust and unfair, and inasmuch as we received no grant of swamp lands whatever——

Mr. DAWES. If the Senator will allow me, $2.50 an acre is not all we give to these Indians, for in article 3 of the agreement it is provided:

The United States stipulates and agrees to pay to the Sisseton and Wahpeton bands of Dakota or Sioux Indians, parties hereto, per capita, the sum of $342,778.37, being the amount found to be due certain members of said bands of Indians who served in the armies of the United States against their own people when at war with the United States.

So that we have to make an appropriation of $342,778.37 for these Indians in this bill.

Mr. EDMUNDS. I wish to ask the Senator from Massachusetts a question. Why are these treating and business engagements in an appropriation bill at all? These agreements are practically treaties with these Indians. What business have they with carrying on the ordinary operations of the Government?

Mr. DAWES. The Senator will pardon me for expressing regret that he has not heard the elaborate and I fear the somewhat tiresome explanation which has been made of this matter.

Mr. EDMUNDS. The Senator can state it briefly.

Mr. DAWES. The agreements are in the appropriation bill because the Senate committee could not get them out.

Mr. EDMUNDS. Very well.

Mr. DAWES. Each one of the agreements went out of the Senate in separate bills, which had passed the Senate unanimously and which had been elaborated in the Committee on Indian Affairs a good while ago, some of them a year ago. The next the Senate hears of them is in the midst of this appropriation bill. They can not be got out of it by the Senate. If we vote to strike them out, when the bill goes into conference we shall have the question raised whether we desire an extra session of Congress or not.

Mr. COCKRELL. In order to facilitate the transaction of business, as it will be impossible to dispose finally of the amendments and complete the bill to-night, I suggest that the Senator ask unanimous consent that, unless there are other amendments to the main body of the bill, the bill be reported from the Committee of the Whole to the Senate with the amendments, excepting those relating to these agreements. They can be reserved with any other amendments which are desired. When that is done, I suggest that we agree by unanimous consent to devote a half hour or more to the consideration of the unobjected House bills on the Calendar.

Mr. SANDERS. The reading of the bill has been completed with the exception of a page or two.

Mr. DAWES. I suggest to Senators who wish to offer amendments that they permit me to ask the Senate to adopt the substitute, and then that the bill be reported to the Senate and all the amendments be concurred in except those which they desire to have reserved.

I have agreed with a Senator who is absent, sick, that he shall have an opportunity in the morning to offer an amendment. I am not at liberty, therefore, to close the bill up to-night; but if we can close up everything except such amendments as these two Senators desire to propose, they can offer them in the Senate and I will agree that they shall have that opportunity to-morrow, if that is agreeble to them.

Mr. PETTIGREW. Mr. President, the amendment which I offered is one which has been duly considered by the Committee on Indian Affairs of the Senate, reported to the Senate, and passed by a unanimous vote. The reason why these Indians are to be paid the sum of money provided in this bill is because they have been not only loyal to the Government of the United States in every controversy, but because they are entitled to it.

Mr. DAWES. If the Senator will permit the committee amendments to be adopted so that the bill may be reported to the Senate and all the amendments concurred in except this one, then I will consent that the bill lie over until to-morrow.

Mr. COCKRELL. I think it would be better under all the circumstances to do that, leaving open the amendment to strike out and insert.

Mr. DAWES. Until to-morrow morning?

Mr. COCKRELL. Yes, until to-morrow morning, because there will be amendments to be offered. Senators can offer their amendments now if they so desire, and have them printed so as to be ready to-morrow morning.

The PRESIDING OFFICER. The Senator from Montana [Mr. SANDERS] gave notice to the Chair that he desired to offer an amendment to a portion of the bill not included within this amendment.

Mr. SANDERS. I desire to offer an amendment at this stage, as it appertains to the same subject and covers a portion of the amendment offered by the Senator from South Dakota. It is, however, to a portion of the bill which has not yet been reached in the reading, and I believe we are within one or two pages of having concluded the reading of the entire bill.

Mr. EDMUNDS. Let the proposed amendment be read.

Mr. SANDERS. I will submit it now.

Mr. EDMUNDS. Let the amendment be read and printed.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. At the end of section 1, on line 20, page 213, it is proposed to insert:

No provision for settlement on or sale of the lands in the various agreements hereinbefore mentioned shall apply to sections 16 and 36 thereon, which lands in the States are hereby granted to the State in which they are situate for the support of the common schools of such a State under the limitations prescribed by law, and such sections in the Territories of the United States are reserved from occupancy, entry, or sale under any land law of the United States, but this provision shall not apply to mineral lands, which may be disposed of under the laws applicable thereto.

Mr. ALLISON. Let the reading of the bill be concluded.

Mr. DAWES. Let it be read through and then the amendment of the Senator from Montana may be offered.

The PRESIDING OFFICER. The amendment will be ordered to be printed and lie on the table to be offered hereafter.

Mr. EDMUNDS. To be submitted when we reach the proper stage in the bill.

Mr. ALLISON. At this point I desire to call the attention of the Senator in charge of the bill to the appropriating section on page 210, which reads:

SEC. 28. 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.

That, I understand, to be an appropriation of money required to be paid under this agreement. I find the agreement itself appropriates money. So that when this agreement is ratified by Congress, as this bill proposes to do, it seems to me that that may carry an appropriation with it.

Mr. EDMUNDS. Beyond the $946,000?

Mr. ALLISON. Yes; that it will simply duplicate the appropriation. In other words, we appropriate $946,000 by the bill, and, then, in the agreement itself there is a provision for an appropriation. I call the attention of the Senator from Massachusetts to that point so that it may be considered.

Mr. COCKRELL. That can be remedied very easily by inserting after the word "said" the words "sum of $946,000, as specified in said agreement."

Mr. ALLISON. Undoubtedly, if that meets the point, and I think it does.

Mr. DAWES. It is for the purpose of carrying out the agreement. It does not seem to me that any more could be paid than the agreement requires. I should like to say, before we get away from this point, that the words "this act," in line 18, on page 210, in section 28, were stricken out of the bill as it went to the printer. The words "this act" should be stricken out and the words "foregoing agreement" inserted.

Mr. ALLISON. I call the attention of the Senator from Massachusetts to the criticism I made. Then there is a provision, beginning in line 1, on page 206, which is a sample of a great number of specific appropriations contained in the bill. These are the appropriating words in the agreement:

That the sum of $75,000 is hereby appropriated and set apart as an irrigating fund.

Then in section 28 we reappropriate, I take it, that same sum.

Mr. DAWES. This bill was drawn in the Interior Department. I suppose the Department took the view of it that the agreement itself would not be a sufficient warrant for a draft upon the Treasury, the agreement having been entered into simply by the commissioners and the Indians. When the agreement is ratified by an act of Congress, perhaps that would be sufficient, but the Interior Department, in order to be clear about it, having an idea that it never could be paid more than once, have inserted this section to save me the trouble of doing it myself. Any words that make it clear that we should not pay twice over are perfectly proper to be inserted.

Mr. ALLISON. I can see how in ten years from now some energetic and active person might say: "Why, here the Government appropriated $75,000 for an irrigating fund and then it appropriated another sum of $946,000."

Mr. DAWES. But they will be obliged to look in the line before and ascertain for what purpose the appropriation was made, and the very section which appropriates the money says:

That for the purpose of carrying the provisions of the foregoing agreement into effect.

Mr. COCKRELL. It would not be possible for the money to be paid twice, but, of course, any words which will make the intention more certain should be adopted.

Mr. ALLISON. I only call the attention of the Senator to it. I make that criticism because it occurred to me for the first time in watching intently the proceedings this evening.

Mr. COCKRELL. If the Senator from Iowa will look on page 205 he will see the agreement is to pay the sum of $946,000 in consideration of the cession of territory in addition to the annuities and sums for provisions and clothing stipulated and provided for in existing treaties and laws. If there be inserted the words "and the said sum of $946,000 so agreed to be paid," that will settle the whole thing.

Mr. ALLISON. I think that will settle it.

Mr. COCKRELL. I move to insert in section 28, on page 210, line 19, after the word "the" the word "said;" and after the word "dollars," in line 20, the words "so agreed to be paid;" so as to read "the said sum of $946,000 so agreed to be paid."

Mr. ALLISON. Then the language follows "to be expended for the purposes and in the manner provided in said agreement."

Mr. DAWES. Would it not be just as well to say that we do not mean hereby to do this thing twice over?

Mr. ALLISON. The Senator from Massachusetts is rather hypercritical. I think it is not an unwise thing to make a suggestion now and then so as to get this bill right.

Mr. COCKRELL. Let the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 210, in section 28, line 19, before the word "sum," it is proposed to insert the word "said;" and in line 20, after the word "dollars," to insert "so agreed to be paid;" so as to read:

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 said sum of $946,000 so agreed to be paid.

Mr. COCKRELL. The Senator from Massachusetts [Mr. DAWES] suggested instead of the words "this act," in line 18, to insert "the foregoing agreement." Has not that amendment been agreed to?

The PRESIDING OFFICER. It has not.

Mr. COCKRELL. Then, I suggest that that amendment be agreed to.

Mr. DAWES. That amendment was proposed sometime since. Has that been adopted?

The PRESIDING OFFICER. It has not.

Mr. DAWES. It ought to have been.

The PRESIDING OFFICER. That is the fault of the Senate.

Mr. DAWES. I move that amendment now.

The PRESIDING OFFICER. The amendment will be stated in connection with the amendment of the Senator from Missouri.

The CHIEF CLERK. In section 28, on page 210, line 18, before the word "into," it is proposed to strike out "this act" and insert "the foregoing agreement;" in line 19, before the word "sum," to insert the word "said," and in line 20, after the word "dollars," to insert "so agreed to be paid;" so as to make the section read:

SEC. 28. That for the purpose of carrying the provisions of the foregoing agreement into effect there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the said sum of $946,000, so agreed to be paid, to be expended for the purposes and in the manner provided in said agreement.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The reading of the amendment of the committee will be continued.

The Chief Clerk resumed the reading of the amendment of the Committee on Appropriations with section 29, on line 210.

Mr. HOAR. Should not the word "is," in section 30, line 17, be stricken out? The language used is:

Whenever any of the lands acquired by the agreement with said Crow Indians is hereby ratified.

The word "is" was evidently inserted by mistake. I move to strike out that word.

The PRESIDING OFFICER. That verbal correction will be made in the absence of objection.

The reading of the amendment of the Committee on Appropriations was resumed and continued to the end of line 20, on page 211, section 30, as follows:

SEC. 30. That whenever any of the lands acquired by the agreement with said Crow Indians is hereby ratified and confirmed shall by operation of law or the proclamation of the President of the United States be open to settlement, they shall, except mineral lands, be disposed of to actual settlers only, under the provisions of the homestead laws, except section 2301, which shall not apply.

Mr. EDMUNDS. What is meant by "except section 2301, which shall not apply?" Section 2301 of what?

Mr. COCKRELL. That relates to commutation.

Mr. EDMUNDS. But section 2301 of the Revised Statutes, I suppose, is meant.

Mr. DAWES. By that section of the Revised Statutes, if I remember aright, a person can commute or pay up in twelve months, I think.

Mr. EDMUNDS. Then it ought to say "of the Revised Statutes," because this does not refer to any law. The words "of the Revised Statutes" should be inserted in line 22, on page 211, so as to read: "Section 2301 of the Revised Statutes of the United States."

Mr. DAWES. Of course that is what is meant.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 211, in section 30, line 22, after the words "section 2301," it is proposed to insert "of the Revised Statutes of the United States."

Mr. EDMUNDS. Leave out the words "United States." My friend from Iowa [Mr. ALLISON] says that the United States are known to exist. Let it read "the Revised Statutes."

The PRESIDING OFFICER. The amendment will be so modified. The question is on the amendment to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. PETTIGREW. I wish to reserve the right, when the bill is considered in the Senate, to offer an amendment in line 12, on page 212, in section 30, of the committee's amendment.

Mr. EDMUNDS. The Senator does not need to reserve any right. There is a perfect right in the Senate to offer amendments. Everything is then open.

Mr. DAWES. I propose to leave this amendment open in the Senate until morning.

Mr. PETTIGREW. That is satisfactory. I wish to offer an amendment to protect the Indians or half-breeds who reside upon the reservation, so that they can select land anywhere they choose within its borders.

Mr. DAWES. If the amendment is left open, I will co-operate with the Senator. I thought we had accomplished exactly what he says he means to do. If we have not, we shall try to-morrow morning to correct it.

Mr. PETTIGREW. I do not think that the bill as it is now worded protects those people. This reservation is their property and they have a right to select any portion of it, and any person who has trespassed upon its borders ought to be excluded, no matter what hardship may result from it.

Mr. SANDERS. Mr. President——

Mr. DAWES. I hope the Senator from Montana will not enter into a debate to-night upon this question. I hope the amendment will be reserved for such additional amendment as may be offered to-morrow.

Mr. EDMUNDS. Everything will be open when the bill comes into the Senate.

Mr. DAWES. Exactly.

Mr. SANDERS. Very well.

The PRESIDING OFFICER. The reading of the amendment of the committee will be continued.

The Chief Clerk resumed and concluded the reading of the amendment.

Mr. COCKRELL. Now, I hope an agreement will be made by unanimous consent that we may proceed to the consideration for, say, twenty or thirty minutes, of unobjected House bills on the Calendar.

Mr. DAWES. I suggest that we carry the bill forward to a point where the pending amendment will be open to any further amendment in the morning, and then lay the bill aside.

Mr. SANDERS. Mr. President, pressed with the consideration that this bill must pass substantially in its present shape, I had concluded to forego a number of amendments to the particular section which excites the solicitude of the Senator from South Dakota [Mr. PETTIGREW]; but I do desire to-morrow to so amend the bill that it will permit the sale of real estate, or the occupancy of it, which we have bought of these Indians.

In the first place, this bill contains several agreements. Many of them begin by stating that the Indians sell all of the unallotted portions of their reservations. This agreement begins by saying that the Crow Indians "sell all of the following part of the reservation," and they are paid $946,000 for all of their reservation that lies to the west of a certain point named.

The Senator from South Dakota is concerned about them having sold it and having got their pay for it, and he desires to have that which they have sold divided up individually among the Indians themselves, and he says that he holds the claims of these Indians are superior to those of the white people who live there. That is not true. He can not be familiar with the decisions of the Supreme Court of the United States which affirm, and have affirmed for more than fifty years, that this land belongs to the United States and that there has heretofore been nothing but a right of occupancy on the part of the Indians. Now, they have sold that, and they are paid for it, and yet it is proposed to give it back to them. I am not going to object to that so far as any Indian is concerned who has heretofore, under any law of the United States, or without any law of the United States, occupied a particular and specific tract of land. I am willing to protect him in that, although we have bought it of the Indians and paid them for it.

When the United States, by their mineral surveyors and officers, have misled perhaps fifty if not more citizens of the United States to go upon a portion of this reservation and settle upon it, having said that that portion of the land is not on this reservation, I will not consent to any legislation that shall drive those men away. There they have built their houses, there they have taken the water out of the streams, there they have farms. So far as I am concerned, I shall protest against the policy those gentlemen have pursued in the last five or ten years. Settlers have been led to believe that they had a right to settle upon this land, where the United States by its deputy mineral surveyors said they had a right to settle. I am not willing, in order to accommodate some Indian who covets their improvements and the results of their labors, to allow them to be dispossessed; but I reserve further discussion on this subject until to-morrow.

Mr. DAWES. I will leave this amendment open to any amend-

ment that anybody desires to offer in the Senate in the morning, if we can carry it on to that point.

Mr. EDMUNDS. Why can we not go on now?

Mr. DAWES. The reason I can not close the bill to-night is because I gave my word to a Senator, who went home sick and could not stay here, that he should have an opportunity in the morning to offer an amendment. I did it under the impression that we should not arrive at that stage of the bill to-night. No Senator will lose any opportunity. If it goes on to that stage it will close up a great deal of work. Therefore I move that this which has been read be substituted for that which was passed over.

Mr. GORMAN. The Senate is thin to-night and I trust the Senator from Massachusetts will not press that. The matter had better be left open.

Mr. DAWES. I shall not gain anything if any Senator objects.

Mr. GORMAN. The Senator will not gain anything in the consideration of the bill by having the amendment agreed to. We have reached a point, I think, where we should go no further to-night.

Mr. DAWES. Of course, in the present condition of the Chamber, if any Senator objects I can not do it, but I thought it would leave everybody with his right just where he is now, and it would close up a great deal of detail. If the Senator from Maryland objects, of course I leave the bill in its present condition until to-morrow morning, and I shall call it up as soon as the routine business is disposed of.

Mr. WARREN. I have an amendment which I desire to offer to the bill. I have been summoned before a committee that may take me away when the bill is under consideration to-morrow. The amendment is one which I believe will not lead to discussion, and if it could be disposed of to-night I should be very glad of it; but if not, I ask leave to present it and let it go over to be acted upon when the bill is again brought before the Senate.

The PRESIDING OFFICER. The Senator from Wyoming offers an amendment which will be stated, without objection.

The CHIEF CLERK. On page 38, after line 22, insert:

For the establishment of a substation or agency on the Shoshone Indian agency in Wyoming, $5,000.

Mr. WARREN. The Senator in charge of the bill has left the Chamber for a moment, but I trust there will be no objection to the amendment.

Mr. ALLISON. If the Senator from Wyoming will allow me a moment, I will state that there are subagencies authorized in the bill as respects the Sioux tribe. The Shoshone agency is of course a different one. I do not know precisely the amount appropriated——

Mr. WARREN. Forty thousand dollars is appropriated for substations among the Sioux, but no such provision is made in reference to the Shoshone reservation. The estimate made by the Department for this purpose is $60,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Wyoming.

The amendment was agreed to.

ORDER OF BUSINESS.

Mr. COCKRELL. I ask unanimous consent that the Senate proceed, under the order by which it was proceeding from about 4 o'clock this afternoon until 6, with the consideration of unobjected House bills on the Calendar which have been favorably reported, beginning with the one where we left off.

Mr. EDMUNDS. Mr. President, to that I object. I think what we ought to do is to take up the Senate bills that are unobjected to on the Calendar and get them over to the other House. If it is our business only to pass upon House bills then the relations of the two Houses are changed. I can not agree to any such proposition.

Mr. PADDOCK. Then let us take the Calendar as it comes.

Mr. COCKRELL. We will then take the Calendar as it comes.

The PRESIDING OFFICER. The Senator from Missouri asks unanimous consent that the Calendar may be proceeded with.

Mr. COCKRELL. Yes. I asked the Senate to proceed with the unobjected House bills on the Calendar, but the Senator from Vermont objects to that. So let us take the whole of them.

Mr. EDMUNDS. Subject to objection in every case.

The PRESIDING OFFICER. Subject to objection. Is there objection? The Chair hears none, and the first case on the Calendar will be announced.

The CHIEF CLERK. Order of Business 2628, a bill (H. R. 3551) for the relief of John T. Johnston.

Mr. POWER. No; we are to commence at the beginning.

Mr. SANDERS. I did not understand that we were to commence where we left off at some other time.

Mr. POWER. Page 16 is the beginning.

Mr. COCKRELL. Order of Business 2474, Senate bill 4960, is the point to begin.

Mr. SANDERS. My bill is before that, I wish to say to the Senator from Missouri. It is Order of Business 2020.

The PRESIDING OFFICER. The Senate will be obliged to determine where it will commence the Calendar.

Mr. COCKRELL. We are to commence at "Point reached (cases not objected to) under Rule VIII when last under consideration," on page 16. We disposed of the cases from Order of Business 2468 to Order of Business 2473. The next is Order of Business 2474, under the rule.

Mr. SANDERS. Why not begin with the Calendar?

Mr. COCKRELL. We are to go on with the unobjected cases, and that is the Calendar of unobjected cases.

MINERAL LANDS.

Mr. PADDOCK. The case the Senator from Montana speaks of was passed over without prejudice, and it is therefore in order.

Mr. SANDERS. The bill will not lead to any discussion or take two minutes to pass it. It is a very brief case, but one that concerns the public welfare. I move that Order of Business 2020 be taken up.

Mr. STEWART. It was passed over, and the Senator has a right to ask the Senate to go back to it.

Mr. COCKRELL. That bill was evidently passed over without objection. It comes up in order.

The PRESIDING OFFICER. The bill will be announced.

The CHIEF CLERK. Order of Business 2020, a bill (S. 4357) declaring the functions of patents for lands in confirmation of statutory grants thereof in certain cases.

Mr. SANDERS. I do not wish any misunderstanding about this matter. The Senator from Oregon did object to the consideration of the bill, but he has notified me that he withdraws his objection to it.

Mr. EDMUNDS. We will hear the bill and the report.

Mr. HOAR. Let it be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That in all cases of grants of nonmineral lands to States or corporations to aid in the construction of railroads, or other public works, no allowance or confirmation of such grant or patent therefor shall operate to convey to, or confirm in, the patentee, or its assigns, or confer in it or them any right or title to any valuable deposit of gold, silver, copper, lead, iron, or other metallic metal, or coal, except the same be expressly included in the grant; but all such mines and minerals, with the necessary surface ground to work the same, and a right of way thereto, shall remain the property of the United States, to be disposed of under its laws respectively applicable thereto as completely as if such allowance, confirmation, or patent did not exist; and the easement and reservation herein described and set forth shall be expressed in any patents issued for such lands, and shall remain effectual until it is otherwise provided by law.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments.

Mr. EDMUNDS. I should like to have the first clause read again. If it refers to past grants of lands, then, although under the general principles possibly gold and silver might not pass in a grant, certainly coal and quarries of stone and a variety of things would. We shall get ourselves into a pretty large amount of lawsuits if we pass a bill of that kind as applied to past grants. I should like to have the first part of the bill read.

The Chief Clerk read the first clause of the bill as proposed to be amended by the Committee on Public Lands, as follows:

That in all cases of grants of lands to States or corporations to aid in the construction of railroads or other public works no allowance or confirmation of such grant or patent therefor shall operate to convey to or confirm in the patentee or its assigns——

Mr. EDMUNDS. That is enough. Now, does that refer, may I ask my friend from Montana, to past grants or future ones, or both?

Mr. SANDERS. It refers exclusively to the future action of the Interior Department as to what shall be its effect.

Mr. EDMUNDS. No; but does it refer to grants that have already been made by act of Congress?

Mr. SANDERS. It refers unquestionably to grants already made by acts of Congress as to what shall be the effect of the future action of the Interior Department thereon.

Mr. EDMUNDS. I understand; but the grant having been made to a railroad company (which I am not for at all; I never voted for one that I remember), you are going to raise a question of infinite lawsuits, and as I think against the legal effect and the legal right of the grantee if he has conformed to the condition on which the grant was made; for although it is possible that gold and silver in a general grant of land would not be included on the old royalty principle, when you come to coal, which is really I suppose the main thing, it would pass, and having passed to undertake by act of Congress to say it shall not pass will raise an infinite deal of difficulty.

Mr. SANDERS. The Senator has not grasped the scope of the bill. It does not diminish a past grant or a future grant. Whatever title is given by the law the bill allows to remain in the grantee. It simply provides that that title shall not be enlarged beyond the statutory description by any act of the Interior Department. That is the entire scope of it. It was drawn with specific reference to that effect and none other. I agree with the Senator entirely about his statement of the law.

Mr. EDMUNDS. I think the legal effect of the bill would be that grants already made to States or corporations, as it reads, "to aid in the construction of railroads," would come clearly within it, and coming within it, it declares that coal shall not be included in the grant. That is the effect of it, that the coal shall remain the property of the United States.

Now, I think, with great respect to any point of law, if the United States have granted to the State of Montana or Vermont a certain amount of land to aid in any public work that is named—the bill has named railroads, which answers for this purpose—whatever land contained a coal mine the coal mine would go with the land. If it contained a gold mine, I should say upon ancient principles, although that has been greatly doubted when we have been talking about these private land claims, it might not go with the land. But the real thing is the coal.

I am not willing to vote for a bill (however much I should like to do it if I could do it lawfully) which shall say to a State that has had a grant for these purposes that contain coal, "You shall not now have the coal," because I think that we should be beaten in any lawsuit, and I do not think that lawsuits are any better for the United States than for private persons.

Mr. SANDERS. If the Senator from Vermont had read the bill a little further he would have seen that in respect of the very matter of which he complains there is nothing whatever in his objection. It only says that the confirmation by the Secretary of the Interior or allowance by the Secretary of the Interior shall not operate to convey this mineral if it is not already conveyed, but that it shall remain in the United States as completely as if such allowance or confirmation by the Secretary of the Interior had not been had.

Mr. EDMUNDS. I see that is it; that it shall stay in the United States in spite of everything that has been done.

Mr. SANDERS. As completely as if such allowance had not been made.

Mr. EDMUNDS. Exactly, as if they had not got the land. So it really amounts to saying in substance and effect that any coal lands that have been granted to States or corporations already, and that they have lawfully acquired a right to, shall not pass the coal. Now, I do not think we can do that thing. I wish we could. That is the legal effect of this bill.

Mr. SANDERS. If it said anything of the kind, or if it was to be interpreted that way, I should not insist upon it.

Mr. PLATT. Now let us see what the bill contains. I will read the bill as it is proposed to be amended by the committee:

That in all cases of grants of lands to States or corporations to aid in the construction of railroads, or other public works, no allowance or confirmation of such grant or patent therefor shall operate to convey to, or confirm in the patentee, or his assigns, or confer in it or them any right or title to any valuable deposits of gold, silver, copper, lead, iron, or other metallic metal, or coal, except the same be included in the grant—

Mr. SANDERS. Now, that is it. "except the same be included in the grant."

Mr. PLATT. That is, by terms—

but all such mines and minerals, with the necessary surface ground to work the same, shall remain the property of the United States, to be disposed of under its laws respectively applicable thereto as completely as if such allowance, confirmation, or patent did not exist; and the reservation herein described and set forth shall be expressed in any patents issued for such lands, and shall remain effectual until it is otherwise provided by law.

Whatever might have been intended by the bill, the legal effect and operation is that where coal lands have been granted to States or railroads and have been patented to them and are now in operation, this takes them away from them and makes them the property of the United States, or it proposes to do so.

Mr. EDMUNDS. Unless the coal is specially mentioned in the grant. That is what it amounts to.

Mr. SANDERS. The best argument against the Senator's proposition is made by reading the bill itself.

Mr. PLATT. I did read it.

Mr. SANDERS. But I noticed when he came to the point which in my view is sufficient, he did not read it with that rotund voice that I think he used in reading the rest of it.

Mr. PLATT. I read every word of it.

Mr. SANDERS. In the first place, I do not know of any grant of mineral lands to any State or corporation; and if there should be such, I speak now coming within the purview of this proposed law, I do not know of any. The word "nonmineral" has been injected into all these laws that I know anything about.

Mr. EDMUNDS. But that does not cover coal or iron.

Mr. SANDERS. Yes, it covers coal and iron, because in the subsequent parts of those laws there is a provision saying that "the term mineral lands in this act shall not be held to include coal or iron." The word "nonmineral" excludes coal or iron lands unless there be a subsequent provision in the law.

Mr. EDMUNDS. The other provisions leave the coal and iron to go to the patentee.

Mr. SANDERS. There is no doubt about that. This proposed law does not touch that.

Mr. EDMUNDS. I think it does.

Mr. SANDERS. "That in all cases of grants of lands to States or corporations." As it was originally introduced by me it read "grants of nonmineral lands to States or corporations," but the committee were of the opinion that the word "nonmineral" should be stricken out, and so they reported it to read:

That in all cases of grants of lands to States or corporations to aid in the construction of railroads, or other public works, no allowance or confirmation of such grant or patent therefor shall operate to convey to, or confirm in, the patentee, or its assigns, or confer in it or them any right or title to any valuable deposit of gold, silver, copper, lead, iron, or other metallic metal, or coal, except the same be included in the grant—

I did have it to read, "expressly included in the grant," but the committee reported against retaining the word "expressly"—

but all such mines and minerals, with the necessary surface ground to work the same, shall remain the property of the United States—

It does not stop there—

to be disposed of under its laws respectively applicable thereto as completely as if such allowance, confirmation, or patent did not exist.

In these grants it is not the patent that conveys, but the law itself which conveys. What I am undertaking to do by this bill is to confine the property granted to that which the law has described as granted, and not to allow, under a provision of the law that was passed in 1887, a Secretary of the Interior to enlarge these grants by giving away the minerals that have been excepted from them. If it be true that the parties own the mines, and that they are entitled to patents for them, this bill does not take away anything. It simply says that this particular allowance by the Secretary of the Interior shall not operate to enlarge the grant.

Mr. HAWLEY. Mr. President, if there is to be an end of this I will say nothing, except I think I must observe that during my absence it was agreed to take up the Calendar of Senate bills as well as House bills. Now, I do say to the Senate what the Senate already knows, that it is almost a miracle if an original Senate bill shall get through the other House and become a law at this session; and this is proposed when we have a large number of bills here upon which we can do some practical work, House bills reported favorably. We have had quite a long discussion upon what is perhaps an important bill, but it has no chance at all. We might as well discuss the Decalogue.

The PRESIDING OFFICER. The Secretary will report the pending amendment.

The SECRETARY. The Committee on Public Lands report, in line 3, before the word "lands," to strike out the word "nonmineral."

The amendment was agreed to.

Mr. EDMUNDS. Mr. President, I feel bound to say that I do not think there is any quorum here.

Mr. SANDERS. I will withdraw this bill.

Mr. EDMUNDS. No, I do not care whether you withdraw it or not. With only a dozen or two Senators here at this stage of the session I am unwilling to stay here and go on unless a majority of the Senate, when we want to divide upon a real question like this, shall be present to do it. I raise the question that there is no quorum present.

Mr. HAWLEY. Ah, Mr. President, that is the "unkindest cut of all."

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll, and Mr. ALLEN and Mr. BATE responded to their names.

Mr. HOAR. Is it in order to move that the Senate adjourn?

Mr. EDMUNDS. Not during a call of the Senate.

The PRESIDING OFFICER. It can not be moved while the roll is being called.

The Secretary having called the roll, it appeared that the following Senators had answered to their names:

Allen,	Daniel,	Hoar,	Plumb,
Allison,	Dixon,	Ingalls,	Power,
Bate,	Edmunds,	McMillan,	Sanders,
Blair,	Evarts,	Manderson,	Sawyer,
Call,	Farwell,	Mitchell,	Shoup,
Carey,	Frye,	Morgan,	Spooner,
Carlisle,	Gorman,	Paddock,	Stewart,
Casey,	Gray,	Pasco,	Stockbridge,
Chandler,	Hawley,	Pettigrew,	Warren,
Cockrell,	Hiscock,	Platt,	Washburn.

Mr. ALLISON. I desire to state that my colleague [Mr. WILSON] is detained by illness or he would be here to-night.

The PRESIDING OFFICER. Forty Senators have answered to their names.

Mr. STEWART. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant-at-Arms will execute the order of the Senate.

Mr. MORGAN (at 10 o'clock and 30 minutes p. m.). I move that the Senate adjourn.

Mr. STEWART. On that I call for the yeas and nays.

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

Mr. DIXON (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON].

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. BARBOUR], who I think would be in favor of this motion to adjourn, and as I should vote against it, I withhold my vote.

Mr. SPOONER (when his name was called). I am paired generally with the Senator from Mississippi [Mr. WALTHALL]. He would un-

doubtedly, as this is a great party question, vote "yea;" and in order to avail myself of an opportunity to show that I am present, I will vote the same way. I vote "yea."

The roll call was concluded.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. As he is not here and certainly will not be disturbed by the nonadjournment of the Senate, I vote "nay."

Mr. MCMILLAN. I am paired with the Senator from North Carolina [Mr. VANCE].

The result was announced—yeas 12, nays 20; as follows:

YEAS—12.

Bate,	Daniel,	Hoar,	Pasco,
Carlisle,	Gray,	Ingalls,	Sawyer,
Cockrell,	Hiscock,	Morgan,	Spooner.

NAYS—20.

Allen,	Edmunds,	Manderson,	Sanders,
Allison,	Evarts,	Mitchell,	Shoup,
Blair,	Farwell,	Paddock,	Stewart,
Casey,	Frye,	Plumb,	Warren,
Chandler,	Hawley,	Power,	Washburn.

ABSENT—55.

Aldrich,	Dawes,	Jones of Nevada,	Reagan,
Barbour,	Dixon,	Kenna,	Sherman,
Berry,	Dolph,	McConnell,	Squire,
Blackburn,	Eustis,	McMillan,	Stanford,
Blodgett,	Faulkner,	McPherson,	Stockbridge,
Brown,	George,	Moody,	Teller,
Butler,	Gibson,	Morrill,	Turpie,
Call,	Gorman,	Payne,	Vance,
Cameron,	Hale,	Pettigrew,	Vest,
Carey,	Hampton,	Pierce,	Voorhees,
Coke,	Harris,	Platt,	Walthall,
Colquitt,	Hearst,	Pugh,	Wilson,
Cullom,	Higgins,	Quay,	Wolcott.
Davis,	Jones of Arkansas,	Ransom,	

So the Senate refused to adjourn.

At 10 o'clock and 43 minutes p. m. Mr. BLACKBURN entered the Chamber and answered to his name.

At 10 o'clock and 45 minutes p. m. Mr. MOODY entered the Chamber and answered to his name.

Mr. HOAR. I move that the Sergeant-at-Arms be directed to compel the attendance of absent Senators.

Mr. SPOONER. Is that debatable?

The PRESIDING OFFICER (Mr. BLAIR in the chair). The Chair thinks not.

Mr. SPOONER. I think not; but I should like to debate it for a few minutes.

Mr. EDMUNDS. By unanimous consent.

The PRESIDING OFFICER. The Chair doubts whether it can be done.

Mr. STEWART. Mr. President, I object to the motion; it is not in order. There is no power under the rules to compel Senators to attend. There is no way to do it. The motion is not in order, for it can not be done.

Mr. HOAR. The Constitution gives us power to do it.

Mr. STEWART. But we have not any rule by which to do it.

The PRESIDING OFFICER. There seems to be too much debate going on in the Chamber. The Senate will be in order.

Mr. HOAR. Mr. President, I move that the Sergeant-at-Arms be directed to compel the attendance of absent Senators, and I desire that that question may be put.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Sergeant-at-Arms be directed to compel the attendance of absent Senators. Is the Senate ready for the question?

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

Mr. STEWART. On that question 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. DIXON (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON].

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. BARBOUR].

The roll call was concluded.

Mr. STEWART (after having voted in the negative). I desire to change my vote. I vote "yea."

The result was announced—yeas 17, nays 15; as follows:

YEAS—17.

Bate,	Edmunds,	McMillan,	Stewart,
Carey,	Farwell,	Pasco,	Washburn.
Cockrell,	Hiscock,	Sawyer,	
Daniel,	Hoar,	Shoup,	
Davis,	Ingalls,	Spooner,	

NAYS—15.

Allen,	Frye,	Moody,	Power,
Allison,	Hawley,	Paddock,	Sanders,
Blackburn,	Manderson,	Pettigrew,	Warren.
Chandler,	Mitchell,	Plumb,	

ABSENT—55.

Aldrich,	Dawes,	Higgins,	Reagan,
Barbour,	Dixon,	Jones of Arkansas,	Sherman,
Berry,	Dolph,	Jones of Nevada,	Squire,
Blair,	Eustis,	Kenna,	Stanford,
Blodgett,	Evarts,	McConnell,	Stockbridge,
Brown,	Faulkner,	McPherson,	Teller,
Butler,	George,	Morgan,	Turpie,
Call,	Gibson,	Morrill,	Vance,
Cameron,	Gorman,	Payne,	Vest,
Carlisle,	Gray,	Pierce,	Voorhees,
Casey,	Hale,	Platt,	Walthall,
Coke,	Hampton,	Pugh,	Wilson,
Colquitt,	Harris,	Quay,	Wolcott.
Cullom,	Hearst,	Ransom,	

So the motion was agreed to; and (at 11 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 28, 1891, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate the 27th day of February, 1891.

ASSISTANT TREASURER.

Bernard G. Farrar, of Missouri, to be assistant treasurer of the United States at St. Louis, Mo., to succeed Chauncey F. Schultz, whose commission expires March 2, 1891.

AGENT AND CONSUL GENERAL.

John A. Anderson, of Kansas, to be agent and consul general of the United States at Cairo, Egypt, to fill a vacancy.

CONSULS.

Edmund Shaw, of Indian Territory, to be consul of the United States at Asuncion, to fill a vacancy.

Lorin A. Lathrop, of Nevada, to be consul of the United States at Bristol, to fill a vacancy.

Henry M. Hard, of New York, to be consul of the United States at Clifton, Ontario, *vice* Amos A. Brown, recalled.

James V. Long, of Pennsylvania, to be consul of the United States at Florence, *vice* Isaac R. Diller, recalled.

Selah Merrill, of Massachusetts, to be consul of the United States at Jerusalem, *vice* Henry Gillman, recalled.

Philip C. Hanna, of Iowa, to be consul of the United States at La Guayra, *vice* Winfield Scott Bird, recalled.

James M. Ayers, of Ohio, to be consul of the United States at Pará, *vice* Joseph O. Kerbey, recalled.

William S. Stanley, of Wisconsin, to be consul of the United States at Pictou, Nova Scotia, *vice* George C. Tanner, recalled.

James W. Love, of Nebraska, to be consul of the United States at San Salvador, *vice* Henry R. Myers, recalled.

Samuel H. M. Byers, of Iowa, to be consul of the United States at St. Gall, *vice* William Henry Robertson, recalled.

Albert E. Neill, of Calais, Me., to be consul of the United States at St. Stephen, New Brunswick, *vice* Edward C. Goodnow, deceased.

W. W. Apperson, of Kansas, to be consul of the United States at Vera Cruz, *vice* Joseph D. Hoff, recalled.

POSTMASTERS.

Theron H. Chesley, to be postmaster at Kewanee, in the county of Henry and State of Illinois, in the place of Andrew F. Bigelow, whose commission expired February 22, 1891.

William M. Haney, to be postmaster at Bellevue, in the county of Jackson and State of Iowa, in the place of Anthony Brant, whose term expired January 19, 1891.

Jesse S. Carpenter, to be postmaster at St. Mary's, in the county of Pottawatomie and State of Kansas, in the place of John Meehan, resigned.

Houston G. Colson, to be postmaster at Middleborough, in the county of Bell and State of Kentucky; the appointment of a postmaster for the said office having, by law, become vested in the President from and after January 1, 1891.

F. Edwin Dwinal, to be postmaster at Mechanic Falls, in the county of Androscoggin and State of Maine, in the place of Frank A. Millett, whose commission expired February 22, 1891.

Cyrus Knox, to be postmaster at Palmer, in the county of Hampden and State of Massachusetts, in the place of Clarence A. Brown, whose commission expires March 3, 1891.

Wilson A. Bartlett, to be postmaster at Stoneham, in the county of Middlesex and State of Massachusetts, in the place of George L. W. Dike, resigned.

Charles W. Bennett, to be postmaster at Quincy, in the county of Branch and State of Michigan, in the place of Henry D. Pessell, removed.

James Hill, to be postmaster at Vicksburg, in the county of Warren and State of Mississippi, in the place of William Groome, whose commission expires February 28, 1891.

John B. Gorton, to be postmaster at Crawford, in the county of Dawes and State of Nebraska, in the place of Charles S. Spearman, resigned.

James H. Riggs, to be postmaster at O'Neill, in the county of Holt and State of Nebraska, in place of Edwin Hershiser, resigned.

John G. Jewett, to be postmaster at Laconia, in the county of Belknap and State of New Hampshire, in the place of Nathaniel J. Edgerly, whose commission expired February 22, 1891.

John Harvey, to be postmaster at Irvington, in the county of Westchester and State of New York, in the place of Samuel T. Kilpatrick, removed.

Francis N. Mann, to be postmaster at Troy, in the county of Rensselaer and State of New York, in the place of James F. Ashley, deceased.

Charles L. Dirlam, to be postmaster at Clyde, in the county of Sandusky and State of Ohio, in the place of Lewis Hock, whose commission expires March 3, 1891.

Marquis D. Townsend, to be postmaster at Conneaut, in the county of Ashtabula and State of Ohio, in the place of Stephen B. Atwood, whose commission expired February 14, 1891.

Benjamin F. Mann, to be postmaster at Bedford, in the county of Bedford, and State of Pennsylvania, in the place of George A. Rush, whose commission expired February 26, 1891.

John A. Nash, to be postmaster at Huntingdon, in the county of Huntingdon, and State of Pennsylvania, in the place of Samuel E. Fleming, whose commission expires February 28, 1891.

Calvin G. Smith, to be postmaster at Wrightsville, in the county of York, and State of Pennsylvania; the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1891.

Samuel H. Cross, to be postmaster at Westerly, in the county of Washington, and State of Rhode Island, in the place of Frank E. Rich, whose commission expired February 26, 1891.

Marion F. Campbell, to be postmaster at Beaufort, in the county of Beaufort and State of South Carolina, in the place of Nathaniel Brady, whose commission expired February 26, 1891.

Charles B. McDonald, to be postmaster at De Smet, in the county of Kingsbury and State of South Dakota, in the place of Ambrose W. Mullen, removed.

George B. Blake, to be postmaster at Swanton, in the county of Franklin and State of Vermont, in the place of Charles H. Reynolds, whose commission expired February 26, 1891.

James M. McLaughlin, to be postmaster at Lynchburgh, in the county of Campbell and State of Virginia, in the place of Tipton D. Jennings, whose commission expired January 20, 1891.

William C. Kenedy, to be postmaster at Palouse, in the county of Whitman and State of Washington, in the place of Thomas Smith, resigned.

MINISTER RESIDENT AND CONSUL GENERAL.

Truxton Beale, of California, to be minister resident and consul general of the United States to Persia, *vice* E. Spencer Pratt, recalled.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Henry W. Blair, of New Hampshire, to be envoy extraordinary and minister plenipotentiary of the United States to China, *vice* Charles Denby, resigned.

LIEUTENANT OF INFANTRY.

James H. McBlair, formerly a first lieutenant in the Fifteenth Infantry, to be first lieutenant of infantry, to rank from May 14, 1861.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 27, 1891.

INTERSTATE COMMERCE COMMISSIONER.

Martin A. Knapp, of New York, to be an Interstate Commerce Commissioner.

COLLECTOR OF CUSTOMS.

Nelson E. Nelson, of North Dakota, to be collector of customs for the district of North Dakota and South Dakota, in the States of North Dakota and South Dakota.

APPOINTMENT IN THE ARMY.

John H. McBlair, to be a first lieutenant of infantry.

PROMOTIONS IN THE NAVY.

Lieut. John T. Newton, junior grade, to be a lieutenant in the Navy.

Ensign Le Roy M. Garrett, to be a lieutenant, junior grade.

Ensign John H. Shipley, to be a lieutenant, junior grade, in the Navy.

Medical Inspector Grove S. Beardsley, to be a medical director in the Navy.

Surg. Edward Kershner, to be a medical inspector in the Navy.

Passed Asst. Surg. David O. Lewis, to be a surgeon.

Maj. James Forney, United States Marine Corps, to be a lieutenant colonel in the Marine Corps.

Capt. Henry A. Bartlett, United States Marine Corps, to be a major in the Marine Corps.

First Lieut. Richard Wallach, United States Marine Corps, to be a captain in the Marine Corps.

Second Lieut. C. Marrast Perkins, United States Marine Corps, to be a first lieutenant in the Marine Corps.

Maj. McLane Tilton, United States Marine Corps, to be a lieutenant colonel in the Marine Corps.

Capt. Percival C. Pope, United States Marine Corps, to be a major in the Marine Corps.

First Lieut. Benjamin R. Russell, United States Marine Corps, to be a captain in the Marine Corps.

Second Lieut. Thomas C. Prince, United States Marine Corps, to be a first lieutenant in the Marine Corps.

Lieut. Charles C. Rogers, junior grade, to be a lieutenant in the Navy.

Ensign Harry S. Chase, to be a lieutenant, junior grade.

Ensign John Hood, to be a lieutenant, junior grade, in the Navy.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Henry W. Blair, of New Hampshire, to be envoy extraordinary and minister plenipotentiary of the United States at China.

UNITED STATES CONSULS.

Edmund Shaw, of Indian Territory, to be consul at Asuncion.

J. A. Anderson, of Kansas, to be consul at Cairo.

Henry M. Hard, of New York, to be consul at Clifton, Ontario.

James V. Long, of Pennsylvania, to be consul at Florence.

Selah Merrill, of Massachusetts, to be consul at Jerusalem.

Philip C. Hanna, to be consul at La Guayra.

William S. Stanley, of Wisconsin, to be consul at Pictou, Nova Scotia.

Samuel H. M. Byers, of Iowa, to be consul at St. Gall.

Albert Neil, of Calais, Me., to be consul at St. Stephen, New Brunswick.

W. W. Apperson, of Kansas, to be consul at Vera Cruz.

MINISTER RESIDENT AND CONSUL GENERAL.

Truxton Beale, of California, to be minister resident and consul general of the United States to Persia.

POSTMASTERS.

Wilson A. Bartlett, to be postmaster at Stoneham, Mass.

Theron H. Chesley, to be postmaster at Kewanee, Ill.

William M. Haney, to be postmaster at Bellevue, Iowa.

Jesse S. Carpenter, to be postmaster at St. Mary's, Kans.

Houston G. Colson, to be postmaster at Middleborough, Ky.

F. Edwin Dwinal, to be postmaster at Mechanic Falls, Me.

Cyrus Knox, to be postmaster at Palmer, Mass.

C. W. Bennett, to be postmaster at Quincy, Mich.

John B. Gorton, to be postmaster at Crawford, Nebr.

James H. Riggs, to be postmaster at O'Neil, Nebr.

John J. Jewett, to be postmaster at Laconia, N. H.

John Harney, to be postmaster at Irvington, N. Y.

Francis N. Mann, to be postmaster at Troy, N. Y.

Charles L. Dirlam, to be postmaster at Clyde, Ohio.

Samuel H. Cross, to be postmaster at Westerly, R. I.

Marquis D. Townsend, to be postmaster at Conneaut, Ohio.

George B. Blake, to be postmaster at Swanton, Vt.

William C. Kenedy, to be postmaster at Palouse, Wash.

John B. Collins, to be postmaster at Mount Holly, in the county of Burlington and State of New Jersey.

Richard Jobes, to be postmaster at Suffield, in the county of Hartford and State of Connecticut.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 27, 1891.

The House met at 10 o'clock a. m. Prayer by Rev. GEORGE ELLIOTT, of Washington, D. C.

The Clerk proceeded to read the Journal of yesterday.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent to dispense with the reading of the remainder of the Journal, and that it be approved.

The SPEAKER. Is there objection?

There was no objection.

DEFICIENCY APPROPRIATION BILL.

The SPEAKER. The Chair desires to call the attention of the House to the following communication from the Clerk of the House, which explains itself.

The Clerk read as follows:

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES,
Washington, D. C., February 27, 1891.

SIR: In the deficiency bill passed last night the total, on page 62, of $857,481.37 should be changed to $52,276.74.

This change is required because of the action of the House in striking out two clauses of appropriations on page 56. There was an omission to change the total to correspond with this action.

Very respectfully,

EDWD. McPHERSON,
Clerk House of Representatives.

Hon. THOMAS B. REED,
Speaker of the House of Representatives United States.

The SPEAKER. If there be no objection, this correction will be made.

Mr. BRECKINRIDGE, of Kentucky. It ought to be done.

Mr. SPRINGER. I hope there will be no objection to that.

The SPEAKER. In the absence of objection, the Clerk will be directed to make the proper change.

There was no objection, and it was so ordered.

LANDS FOR EDUCATIONAL PURPOSES.

Mr. TOWNSEND, of Colorado. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1395) to amend sections 2275 and 2276 of the Revised Statutes of the United States, providing for the selection of lands for educational purposes in lieu of those appropriated for other purposes.

The bill was read, as follows:

Be it enacted, etc., That sections 2275 and 2276 of the Revised Statutes of the United States be amended to read as follows:

"SEC. 2275. Where settlements with a view to pre-emption or homestead have been, or shall hereafter be made, before the survey of the lands in the field, which are found to have been made on sections 16 or 36, those sections shall be subject to the claims of such settlers; and if such sections, or either of them, have been or shall be granted, reserved, or pledged for the use of schools or colleges in the State or Territory in which they lie, other lands of equal acreage are hereby appropriated and granted, and may be selected by said State or Territory, in lieu of such as may be thus taken by pre-emption or homestead settlers. And other lands of equal acreage are also hereby appropriated and granted, and may be selected by said State or Territory where sections 16 or 36 are mineral land, or are included within any Indian, military, or other reservation, or are otherwise disposed of by the United States: *Provided*, Where any State is entitled to said sections 16 and 36, or where said sections are reserved to any Territory, notwithstanding the same may be mineral land or embraced within a military, Indian, or other reservation, the selection of such lands in lieu thereof by said State or Territory shall be a waiver of its right to said sections. And other lands of equal acreage are also hereby appropriated and granted, and may be selected by said State or Territory to compensate deficiencies for school purposes, where sections 16 or 36 are fractional in quantity, or where one or both are wanting by reason of the township being fractional, or from any natural cause whatever." And it shall be the duty of the Secretary of the Interior, without awaiting the extension of the public surveys, to ascertain and determine, by protraction or otherwise, the number of townships that will be included within such Indian, military, or other reservations, and thereupon the State or Territory shall be entitled to select indemnity lands to the extent of two sections for each of said townships, in lieu of sections 16 and 36 therein; but such selections may not be made within the boundaries of said reservations: *Provided, however*, That nothing herein contained shall prevent any State or Territory from awaiting the extinguishment of any such military, Indian, or other reservation and the restoration of the lands therein embraced to the public domain and then taking the sections 16 and 30 in place therein; but nothing in this proviso shall be construed as conferring any right not now existing.

"SEC. 2276. That the lands appropriated by the preceding section shall be selected from any unappropriated surveyed public lands, not mineral in character, within the State or Territory where such losses or deficiencies of school sections occur; and where the selections are to compensate for deficiencies of school lands in fractional townships, such selections shall be made in accordance with the following principles of adjustment, to wit: For each township, or fractional township, containing a greater quantity of land than three-quarters of an entire township, one section; for a fractional township, containing a greater quantity of land than one-half, and not more than three-quarters of a township, three-quarters of a section; for a fractional township, containing a greater quantity of land than one-quarter, and not more than one-half of a township, one-half section; and for a fractional township, containing a greater quantity of land than one entire section, and not more than one-quarter of a township, one-quarter section of land: *Provided*, That the States or Territories which are or shall be entitled to both the sixteenth and thirty-sixth sections in place, shall have the right to select double the amounts named, to compensate for deficiencies of school land in fractional townships."

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

Mr. ROGERS. I reserve the right to make objection for the purpose of getting an explanation of this bill.

The SPEAKER. The Chair will state that there is an amendment proposed by the committee, which the Clerk will read.

The Clerk read as follows:

Amend the bill on page 3, line 47, by striking out "thirty" and inserting "thirty-six;" so as to read, "sections 16 and 36."

Mr. ROGERS. This bill ought to be explained before action is taken upon it. It is a character of bill that ought not to be disposed of in this manner at any time, I think; but I will reserve the right to object until I know what the bill means.

Mr. BRECKINRIDGE, of Kentucky. I could not gather from the reading of the bill, especially the last section, exactly what it contemplates. This section seems to give double the quantity of land for educational purposes that is given by the existing law. If that be the case those townships which only receive under the present law would feel justly aggrieved by the passage of a measure of this kind which gives in certain cases double the quantity.

Mr. PAYSON. If the gentleman from Kentucky will give me his attention a moment I will explain that question fully. I will call his attention to the fact that the section to which he refers does not contemplate the granting of a double quantity of land for educational purposes.

This bill, Mr. Speaker, is unanimously reported from the Committee on the Public Lands, and is reported pursuant to recommendations of the Secretary of the Interior and the Commissioner of the General Land Office. The report in connection with the bill is quite brief, and will perhaps convey more succinctly than I can, in a hurried extemporaneous statement, exactly what the bill, as a whole, provides, and I ask that it be read, supplementing the request by the statement that the last section of the bill, to which the gentleman from Kentucky refers, if he will examine it, will be found to relate only to those cases in which there are excesses of land in fractional townships, in which case indemnity is given by this section for a proper proportion of the fractional township.

The bill simply covers that condition which has been found to exist in the Department by which certain of the States or Territories suffer the loss of these lands which happen to be in fractional townships and where no adequate provision for indemnity selection is made in their stead. This bill makes an addition to the present law by providing that if public lands, reserved or pledged for the use of schools or colleges, etc., and including sections 16 and 36, have been taken or pre-empted by homestead settlers, other lands of equal acreage are granted, and may be selected in their stead.

By examining the last section of the bill it will be seen that in cases of fractional townships containing an excess of land above the usual statutory acreage the school fund shall have its proportion of such excess of acreage.

Mr. BRECKINRIDGE, of Kentucky. Why is this?

Mr. PAYSON. The object is to compensate for deficiencies of school lands in fractional townships. It will be seen that the bill simply provides that if there shall be an excess of land in a township above thirty-six sections, the same proportion of the excess shall be given to the school fund as it had in the usual township. If the gentleman from Kentucky will examine the section, which I will send to him while the report is being read, he will see at a glance the propriety of the provision.

Mr. ROGERS. Let me ask the gentleman from Illinois whether this is one of the bills now on the Speaker's table?

Mr. PAYSON. No, sir; this is not on the Speaker's table.

Mr. ROGERS. Does not it occur to the gentleman that the proper bills to be laid before the House at this hour are the bills from the Senate on the Speaker's table?

Mr. PAYSON. This is a bill, I will state to the gentleman, which it occurs to me ought to be laid before the House and passed, because of its importance, without considering the method by which it is presented for consideration.

The SPEAKER. The Chair ought to say, in response to the suggestion of the gentleman from Arkansas, as to why the bills on the Speaker's table are not laid before the House, that they would not be in order, and nothing would be in order except by unanimous consent.

Mr. ROGERS. I am aware of that; but if the Speaker is going to pursue this policy, it would seem that he should recognize gentlemen who are interested in those matters on the Speaker's table, which can be thus completed as legislative enactments.

The SPEAKER. The Chair is not pursuing any policy, but has been simply recognizing gentlemen to ask for unanimous consent, a proceeding which can be stopped by the objection of any member at any time.

Mr. ROGERS. That of course is a matter that every member ought to know by the time he comes here.

The SPEAKER. Members, if they know it, ought to regulate their conversation so as to indicate that knowledge.

Mr ROGERS. Yes, sir; my conversation I regulate to suit myself just as the Speaker does his.

The SPEAKER. I should say so.

Mr. ROGERS. Now, I have only this to say in that regard. I do not care whether you call it a policy or not. I speak of these recognitions. It occurs to me that we have a rule requiring these bills on the Speaker's table to be laid before the House. It has not been done and it ought to be done.

The SPEAKER. Does the gentleman call for the regular order?

Mr. ROGERS. I do not.

Mr. PAYSON. Mr. Speaker, will the gentleman from Arkansas give me his attention for a single moment? This bill is of great importance to the people of the public-land States of the Northwest. It has been asked for, as I have said, by the Secretary of the Interior and the Commissioner of the General Land Office for several years. While somewhat voluminous in its details, there really is no change of existing law except in one particular, and that is that it gives to the school fund of the different States and Territories an increase in the land allotted for that purpose in case of reservations made by Congress for schools or colleges; that is, general grants of land for schools and colleges and other similar reservations. Then there is one other amendment in the bill which provides that the selections of land which may be lost to the school fund may be made in any portion of the State where agricultural land may be found, instead of in each land district as now. With these two exceptions there is no substantial change of existing law, except a modification of the administration of affairs in the General Land Office.

Mr. ROGERS. If I understand this, it gives double the quantity of land, twice as much as any other State gets.

Mr. PAYSON. Oh, not at all. There is no change in existing law as to that. Some States in the Union only got the sixteenth section out of every township and some got the sixteenth and thirty-sixth.

Mr. ROGERS. My understanding is that the other States got only

the sixteenth section, while this carries the sixteenth and thirty-second.

Mr. PAYSON. Not at all. The gentleman does not understand. He has an erroneous idea. There is no change of the general provisions as to the allowance of sections to one State or another. Existing law remains exactly as it is as to that allotment. In the earlier legislation the States received only the sixteenth section in each township as school land; later, in a broader idea of aid to popular education, we gave the sixteenth and thirty-sixth sections. The general law is not changed by this bill at all.

Now, sir, this is a matter of great public concern, and if the gentleman asks me whether I think this is a bill that should be laid before the House now in place of those on the Speaker's table, after a somewhat familiar acquaintance with the bills on the Speaker's table, I think this bill is of more importance to the people of the Northwest than all the bills on the Speaker's table put together. I say that with some intimate acquaintance upon that subject. And so it should be considered now. I think if the gentleman from Arkansas [Mr. ROGERS] will look into the details of the bill he will not only interpose no objection to acting upon it now, but he will be one of the earnest supporters of the bill. That is all I care to say.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. HOLMAN. Well, Mr. Speaker, in the confusion the title of the bill was not even understood.

The SPEAKER. The bill has been read and an explanation has been made.

Mr. HOLMAN. That may be true.

The SPEAKER. Does the gentleman insist upon his objection?

Mr. HOLMAN. I wish to hear the title read.

The SPEAKER. The gentleman objects.

Mr. HOLMAN. No, sir; I simply ask for the reading of the title.

The SPEAKER. The Chair begs pardon. The Clerk will report the title.

The Clerk again read the title of the bill.

Mr. HOLMAN. I wish to inquire whether the conferees on the part of the House unanimously agreed upon this bill.

Mr. PAYSON. This, Mr. Speaker, is not a conference report. The gentlemen from Indiana [Mr. HOLMAN] will remember this is what has been known in our committee as the "school-selection bill," a bill to which the gentleman has always given assent except as to one proposition, whether the land should be selected from lands in the same land district or otherwise.

Mr. HOLMAN. What does the bill provide in that regard? Does it provide for selecting lands in the same district or in another?

Mr. PAYSON. It does not require the selecting lands in the same district, but selections may be made in the State or Territory. As the gentleman will remember, this is the only thing in the bill that the gentleman has not always assented to.

Mr. HOLMAN. I will not object, but I think it is a questionable measure.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

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

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

The latter motion was agreed to.

Mr. PAYSON. In connection with the passage of the bill I ask unanimous consent to have printed in the RECORD, in connection with the explanation I have made, the report of the committee.

The SPEAKER. If there be no objection the request of the gentleman from Illinois [Mr. PAYSON] will be complied with.

There was no objection.

The report referred to is as follows:

The Committee on Public Lands, to whom was referred the bill (S. 1395) to amend sections 2275 and 2276 of the Revised Statutes of the United States, having fully considered the same, would respectfully report that the facts and reasons for the passage of this bill fully appear in the Senate report thereon, No. 502, of this Congress, which is appended hereto.

Your committee recommend the passage of the bill, amended, however, by inserting in line 31, after the word "thirty," the word "six."

[Senate Report No. 502, Fifty-first Congress, first session.]

The sections of the Revised Statutes proposed to be amended by this bill are those which embody the general law with respect to the selection of indemnity lands in lieu of the sixteenth and thirty-sixth sections of each township granted to the States, and reserved to the Territories, for school purposes.

In the administration of the law, it has been found by the Land Department that the statute does not meet a variety of conditions, whereby the States and Territories suffer loss of these sections without adequate provision for indemnity selection in lieu thereof. Special laws have been enacted in a few instances to cover in part these defects with respect to particular States or Territories, but, as the school grant is intended to have equal operation and equal benefit in all the public land States and Territories, it is obvious the general law should meet the situation, and partiality or favor be thereby excluded.

The bill, as amended by the committee, is strongly recommended for passage by the Commissioner of the General Land Office and Secretary of the Interior, as will appear by the letters of those officers, which are attached hereto.

The provison for indemnity for mineral lands is in no sense an additional grant to the States. The intent of Congress has always been to give every school section or its equivalent area. The United States Supreme Court has held (102 U. S. R., p. 167) that the policy of Congress was not to grant mineral lands to the States, and that such mineral sections did not pass under the grant. But the United States in retaining ownership of these mineral sections and disposing of the same under the mineral law receives a revenue therefrom, and the school grant is *pro tanto* diminished. Recognition of the right to indemnity for mineral school sections does not, therefore, add an acre to such grant, as the United States retain the mineral sections and dispose of the same under the mineral law. The limitation of the indemnity selection within the same land district is removed because now destructive of the school grant in those districts where by large donations to railroads or rapid settlement of the country the area of the public lands remaining is diminished in quantity and value.

The bill as now framed will cure all inequalities in legislation; place the States and Territories in a position where the school grant can be applied to good lands, and largest measure of benefit to the school funds be thereby secured.

The committee therefore recommend the passage of the bill.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 12, 1890.

SIR: I transmit herewith copy of report from the Commissioner of the General Land Office on Senate bill 1395, "to amend sections 2275 and 2276 of the Revised Statutes of the United States." I concur in the views of the Commissioner, and recommend passage of the bill.

Very respectfully,

JOHN W. NOBLE, *Secretary.*

Hon. P. B. PLUMB,
Chairman Committee on Public Lands, United States Senate.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 7, 1890.

SIR: I have the honor to acknowledge receipt, under date of January 28, 1890, by reference from you, for report thereon, of Senate bill No. 1395, "to amend sections 2275 and 2276 of the Revised Statutes of the United States."

This bill is substantially a re-enactment of sections 2275 and 2276, Revised Statutes, with additions thereto as follows:

Section 2275, Revised Statutes, provides that "where settlements, with a view to pre-emption, have been made before the survey of the lands in the field, which are found to have been made on sections 16 or 36, those sections shall be subject to the pre-emption claim of such settler," and the State may select indemnity therefor, etc.

The bill provides that "where settlements with a view to pre-emption *or homestead* have been, *or shall hereafter be*, made before survey of the lands in the field" (the words underscored being additions to the original), * * * "those sections shall be subject to the claim of such settlers," etc.

The original section further provides that, "if they (the sixteenth and thirty-sixth sections), or either of them, have been or shall be reserved or pledged for the use of schools or colleges in the State or Territory in which the lands lie, other lands of like quantity are appropriated in lieu of such as may be patented by pre-emptors." * * *

The new bill provides (the words underscored being additions to the original) * * * "and if *such sections*, or either of them, have been or shall be granted, reserved or pledged for the use of schools or colleges, * * * other lands of *equal acreage* are *hereby* appropriated and *granted*, and *may be selected by said State or Territory*, in lieu of such as may be *thus taken* by pre-emption *or homestead settlers*."

The following are also additions to the original sections: * * * "and other lands of equal acreage are also hereby appropriated and granted, and may be selected by said State or Territory, where sections 16 or 36 are mineral lands, or are included within any Indian, military, or other reservation, or otherwise disposed of by the United States, and other lands of equal acreage are hereby appropriated and granted, and may be selected by said State or Territory, to compensate deficiencies for school purposes, where sections 16 or 36 are fractional," etc.

The only increase in the amount granted by this bill over the original, so far as I can see, is in making the right to select in lieu of mineral lands applicable to all the States and Territories, instead of confining it to a few, as heretofore; and the only change in the method of making selections is that which authorizes the selections to be made from any unappropriated, surveyed public lands, not mineral in character, within the State or Territory, instead of confining them to the same land district in which the losses or deficiencies occur, as heretofore.

I approve the amendments proposed, as calculated to remove obscurities and incongruities in the laws with regard to the appropriation of public lands to support of schools in the States and Territories in which they lie, to make clearer and more specific the limits of selection of indemnity for lands lost in place, thereby simplifying and facilitating the examination and passing upon indemnity selections in this office, and with regard to indemnity for school lands taken by homestead settlers and otherwise under general laws, to embody clearly in the statute by express provisions principles heretofore left to departmental construction.

I therefore recommend the passage of the bill, which is herewith returned.

No former report thereon has been made by this office.

Very respectfully,

LEWIS A. GROFF, *Commissioner.*

Hon. JOHN W. NOBLE,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, March 11, 1890.

SIR: I am in receipt of your letter of the 12th ultimo, referring to me Senate bill 1395, entitled "A bill to amend sections 2275 and 2276 of the Revised Statutes of the United States," and requesting my views thereon, and also upon the further amendment proposed to the first section of said bill, to wit: "And it shall be the duty of the Secretary of the Interior, without awaiting the extension of the public surveys, to ascertain and determine, by protraction or otherwise, the number of townships that will be included within such Indian, military, or other reservations, and thereupon the State or Territory shall be entitled to select indemnity lands to the extent of two sections for each of said townships, in lieu of sections 16 and 36 therein; but such selections may not be made within the boundaries of said reservations." I referred said bill to the Commissioner of the General Land Office, a copy of whose report thereon is herewith transmitted.

The ruling of the Department has been to the effect that where the specific sections could not be taken, by reason of being sold, reserved, or otherwise disposed of, an equivalent quantity of land, as contiguous as may be, should be taken in lieu thereof, and that where the fee to the school section is in the United States at the date of survey, and the land is so encumbered that full and complete title and right of possession can not then vest in the State, the State, if it so desire, may elect to take equivalent lands, or wait until the right and title of the specific sections unite in the Government.

The proposed bill contains two important amendments. First, by making it the duty of the Secretary of the Interior to ascertain and determine, by protraction or otherwise, the number of townships that may be included in any Indian,

military, or other reservation, without waiting for survey; and, second, by allowing selections to be made in lieu thereof without regard to the question of contiguity.

I am of the opinion it will simplify and facilitate the adjustment of the school grant in accordance with its intent and purpose, and I therefore recommend the passage of the bill.

I also transmit herewith copy of report from the Commissioner of the General Land Office, dated February 7, 1890, on Senate bill 1395, in which I concurred by letter of February 12, ultimo, transmitting the same to the chairman of the Committee on Public Lands, United States Senate.

Very respectfully,

JOHN W. NOBLE, *Secretary.*

Hon. H. M. TELLER,
United States Senate.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 26, 1890.

SIR: I am in receipt by reference from you of a letter from Hon. H. M. TELLER, United States Senator, dated the 12th instant, inclosing a copy of Senate bill 1395, "to amend sections 2275 and 2276 of the Revised Statutes of the United States," and requesting the views of the Department upon a proposed amendment thereto by inserting at the end of line 27 the words:

"And it shall be the duty of the Secretary of the Interior, without awaiting the extension of the public surveys, to ascertain and determine, by protraction or otherwise, the number of townships that will be included within such Indian, military, or other reservations, and thereupon the State or Territory shall be entitled to select indemnity lands to the extent of two sections for each of said townships, in lieu of sections 16 and 36 therein; but such selections may not be be made within the boundaries of said reservations."

Senate bill No. 423, "to enable the State of Colorado to select indemnity school lands," which passed both Houses of the Fiftieth Congress, but failed to receive the signature of the President, contained a similar provision in section 4. That bill, however, applied to Colorado alone, while Senate bill No. 1395, which it is proposed to amend, is general in its terms.

Senate bill No. 1395, proposing certain amendments to sections 2275 and 2276, United States Revised Statutes, was the subject of my report of 7th February last, copy herewith. It is now proposed to make an additional amendment to said section 2275, not heretofore incorporated in the bill, and of course not considered in that report, by inserting words as above stated.

Under the law as construed by the Department the State or Territory is entitled in such case to indemnity for lands granted for schools in sections 16 and 36, embraced in permanent reservations, and the purpose of the proposed legislation is to enable the proper selection of indemnity to be made at once, while good lands can be found for selections before the time, more or less distant, when actual surveys of the reservations will be made, and when it is a matter of course that the good lands will be generally appropriated for other purposes under existing laws.

I am of opinion that the amount due to the schools as indemnity under the general principles of the bill may be ascertained with sufficient accuracy in the way contemplated in the proposed amendment, and I see no good reason why it should not be adopted.

The letter from Senator TELLER, together with its inclosures, are herewith returned.

Very respectfully,

LEWIS A. GROFF, *Commissioner.*

Hon. JOHN W. NOBLE,
Secretary of the Interior.

ORDER OF BUSINESS.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I rise to a question of order. Those of us who are sitting down and have no hope of recognition can not hear what is proceeding, on account of those standing near the Speaker's desk.

The SPEAKER. Will gentlemen have the kindness to take their seats, so that those indicated by the gentleman from Kentucky may have the satisfaction of knowing what is going on, at least? [Laughter.]

FORT GIBSON, TAHLEQUAH AND GREAT NORTHEASTERN RAILWAY COMPANY.

Mr. PEEL. I ask unanimous consent for the consideration of the bill (H. R. 12993) to authorize the Fort Gibson, Tahlequah and Great Northeastern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the Fort Gibson, Tahlequah and Great Northeastern Railroad Company, a corporation created under and by virtue of the laws of the State of Arkansas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway, telegraph, and telephone line through the Indian Territory, beginning at the town of Rogers, in Benton County, Arkansas, and running thence in a westerly direction by way of Bentonville, Benton County, Arkansas, to the eastern boundary of the Cherokee Nation, Indian Territory, at or near mile post 22; thence by way of Tahlequah, Cherokee Nation, to Fort Gibson, in said Territory, with the right to construct and maintain such tracks, turnouts, and sidings as said company may deem it to its interests to construct along and upon said right of way and depot grounds herein provided for.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way 100 feet in width through said Indian Territory for said line of its railway, and to take and use a strip of land 200 feet in width, with a length of 3,000 feet, in addition to right of way, for stations for every 10 miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed not exceeding 100 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided, further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, custom, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, and one by said railroad company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior, within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of the court held at Muscogee, Ind. Ter., upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings, within the nation to which such occupant belongs.

Each of said referees shall receive for his services the sum of $4 per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at 5 cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railroad company. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the district court held at Muscogee, Ind. Ter., which court shall have jurisdiction to hear and determine the subject-matter of said petition, according to the laws of the said State provided for determining the damage when property is taken for railroad purposes. If upon the hearing of said appeal the judgment of the court shall be for a larger sum than the award of the referees, the cost of said appeal shall be adjudged against the railway company. If the judgment of the court shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

SEC. 4. That said railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Arkansas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed 3 cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines until a State government or governments shall exist in said Territory within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said line may be located, the sum of $50, in addition to compensation provided for in this act for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said Territory, said payments to be made in installments of $500 as each 10 miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose lands said railway may be located shall, within four months after the filing of maps of definite location, as set forth in section 6 of this act, dissent from the allowance hereinbefore provided for, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section 3 for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior the sum of $15 per annum for each mile of railway it shall construct in the said Territory.

The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force, among the different nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

SEC. 6. That said company shall cause maps showing the route of its located lines through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter or such location shall be void; and said location shall be approved by the Secretary of the Interior in sections of 25 miles before construction of any such section shall be begun.

SEC. 7. That the officers, servants, and employés of said company, necessary to the construction and management of said road, shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

SEC. 8. That the United States circuit court for the western district of Arkansas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Fort Gibson, Tahlequah and Great Northeastern Railway Company and the nations and tribes through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nations or tribes and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

SEC. 9. That said railway company shall build at least 50 miles of its railway in said Territory within three years after the passage of this act, or the

rights herein granted shall be forfeited as to that portion not built; that said railroad company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

SEC. 10. That the said Fort Gibson, Tahlequah and Great Northeastern Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian nations any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act.

SEC. 13. That the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

During the reading of the bill

Mr. PEEL said: Mr. Speaker, in order to save time I will state that this is a home organization by our people and the Cherokee people. It is simply to give a right of way from my town, or near my town, by way of Tahlequah, Cherokee Nation, to Fort Gibson, in the Indian Territory. I hold in my hand a petition from seventy of the Cherokees asking for this bill.

Mr. HOLMAN. I hope that the gentleman will allow the bill to be read.

Mr. PEEL. I have no objection. Which is it that the gentleman wishes read—the petition or the bill?

Mr. HOLMAN. The bill ought to be read. We are passing so many of these bills and appropriating so much of these lands that we ought to have the bills read at least.

Mr. PEEL. This does not take any of the land, and the Cherokees themselves ask for it.

Mr. HOLMAN. I hope the gentleman will have the bill read.

Mr. PEEL. Very well.

The Clerk resumed and concluded the reading of the bill.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none.

Mr. HOLMAN. I suggest to my friend to amend section 4 of the bill by adding, after the word "mails," the words "and transport the troops and property of the United States free of charge."

Mr. PEEL. I have no objection to the amendment, Mr. Speaker.

Mr. HOLMAN. I hope the fourth section will be again read, and that the amendment "and transport the troops and property of the United States free of charge" will be inserted.

Mr. PEEL. I do not think that has been in any bill that has been passed.

Mr. HOLMAN. It has been in a good many.

Mr. PEEL. I have no objection, because I have no idea of any going over it. [Laughter.]

Mr. HOLMAN. How does the section read now?

The section was again read.

Mr. HOLMAN. I ask that the amendment be added to the end of this section, and that it be read as amended.

The amendment was read, as follows:

And said railroad company shall transport troops and property of the United States free of charge.

The last proviso, with the amendment, was read, as follows:

And provided further, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation. And said railroad company shall transport troops and property of the United States free of charge.

Mr. BUCHANAN, of New Jersey. I would like to inquire of the gentleman from Arkansas whether this bill contains a provision that the company shall "own" this road?

Mr. PEEL. No; but I do not hear the gentleman fully.

Mr. BUCHANAN, of New Jersey. I will come a little nearer to the gentleman so that he may. Do the terms of the bill provide that the company shall "own" the road?

Mr. PEEL. The word "owning" was in the first section of the bill, but it was stricken out. I do not know whether it occurs anywhere else or not. I will ask to have it stricken out wherever it occurs.

Mr. BUCHANAN, of New Jersey. That might be construed to give ownership in the Strip, and I think that the fee simple does not reside in the United States.

Mr. PEEL. I have a petition from the Cherokees in favor of this. I do not suppose that anybody desires to have it read, but I will have it printed in the RECORD.

The petition is as follows:

To the Senate and House of Representatives
of the United States of America in Congress assembled:

We whose names are hereto subscribed most respectfully state to the Congress of the United States that we are resident citizens of the Cherokee Nation, in the Indian Territory; that we believe it will be of great advantage to have Tahlequah, the capital of this nation, connected by railroad with other railroad systems.

We further state that we believe the railroad company now organized in the State of Arkansas, known by the name of the Fort Gibson, Tahlequah and Great Northeastern Railroad Company, will build said road speedily, and its line will be of greater advantage to us than any other. We therefore most respectfully ask the Congress of the United States to grant to said railroad company the right of way through said Cherokee Nation from Fort Gibson, by the way of Tahlequah, to mile post 22, on the east boundary of said nation, with the same conditions as in section 5, in act of Congress of United States granting right of way to Southern Kansas Railway Company, approved July 4, 1884; and will ever pray, etc.

The SPEAKER. The question is on the first amendment, striking out the word "owning," in line 7 of section 1 and wherever it occurs in the bill. Is there objection to the adoption of the amendment? [After a pause.] The Chair hears none, and it is so ordered. The question now is on the amendment offered by the gentleman from Indiana [Mr. HOLMAN].

The question was put, and the amendment was agreed to.

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

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

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. LODGE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

Mr. THOMPSON. I rise to a question of privilege.

Mr. BLOUNT. Regular order.

The SPEAKER. The regular order is called for.

Mr. MCMILLIN. Before that is insisted on I ask unanimous consent that to-morrow evening, at 4 o'clock, be set apart for the eulogies on Mr. Phelan, in lieu of the time taken by the special order now in operation, with the understanding that if the House so desires it shall not preclude a session to-morrow night.

Mr. PAYSON. That is all right. I hope that arrangement will be made.

Mr. CANNON. The arrangement can be made now that the House shall have a session to-morrow night.

The SPEAKER. Does the gentleman from Illinois desire that included in the request?

Mr. CANNON. I do.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the House set apart the time after 4 o'clock to-morrow afternoon for eulogies upon his late colleague [Mr. Phelan], and the gentleman from Illinois asks unanimous consent in that connection that when the House adjourns to-morrow evening it adjourn until 8 o'clock p. m.

Mr. ROGERS. I object to the form of the resolution. The gentleman might make it so that the House take a recess.

The SPEAKER. But it is impossibe to take a recess when we adjourn out of respect.

Mr. ROGERS. Then I withdraw the objection.

The SPEAKER. The objection is withdrawn. Is there further objection?

Mr. HOLMAN. What is the object of the meeting at night?

The SPEAKER. The object, as stated by the gentleman from Illinois, is to continue public business.

Mr. HOLMAN. I hope that we shall have some understanding as to what is to be done at these night sessions.

Mr. BRECKINRIDGE, of Kentucky. The session will probably be needed for general business.

Mr. HOLMAN. I do not think we need it. I think we have ample time.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

Mr. THOMPSON. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT] has called for the regular order.

Mr. THOMPSON. Do I understand the Chair to hold that a demand for the regular order cuts off a privileged question?

The SPEAKER. Will the gentleman please suspend for a moment until the matter presented by the gentleman from Illinois [Mr. CANNON] is settled?

Mr. FARQUHAR. Now, Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the shipping bill.

Mr. THOMPSON. Mr. Speaker, I desire to call up a privileged question.

Mr. RICHARDSON. Mr. Speaker——

PRINTING OF EULOGIES ON DECEASED MEMBERS.

The SPEAKER (interposing). The gentleman from Tennessee desires to have printed certain eulogies, and the Chair will recognize him for that purpose.

Mr. RICHARDSON. I wish to make a brief statement in connection with it. There are three resolutions to provide for the printing of eulogies on the late Representative Walker, of Missouri, the late Rep-

resentative Watson, of Pennsylvania, and the late Representative Phelan, of Tennessee. They are in the usual form and provide for printing the usual number, 12,000 copies. I ask unanimous consent that the resolutions be adopted.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the three resolutions will be considered as adopted.

By unanimous consent the joint resolution (H. Res. 279) authorizing printing of eulogies on the late Hon. James P. Walker, of Missouri, was laid on the table.

LEVEES AND IMPROVEMENTS OF THE MISSISSIPPI.

Mr. RICHARDSON. I also hold in my hand the testimony taken by the Committee on Levees and Improvements of the Mississippi River, of which the gentleman from Michigan [Mr. BURROWS] is chairman. He desires to have the usual number of copies printed.

ORDER OF BUSINESS.

Mr. OSBORNE. Mr. Speaker, I desire to present a conference report.

The SPEAKER. One moment. The Chair interrupted the proceedings to ask consent for the printing of the eulogies. The Chair desires to state the position of affairs. The House is acting now under a special order, and if the regular order is called for the Chair thinks that under the circumstances the order must have its course, and does not think that the conference report ought to come in, although strictly speaking a conference report has the right of way. The Chair thinks that under the circumstances under which this order was adopted it should have free course as long as members do not all consent to something else.

Mr. THOMPSON. What does the Chair hold with reference to the privileged resolution that I desire to call up in relation to the impeachment of a United States district judge?

The SPEAKER. The Chair thinks that that would come under the same head. A conference report would have priority to that, and consequently, if the conference report is ruled out, that would be ruled out. In making this ruling, however, the Chair desires to confine himself entirely to the case as it stands upon the facts which are known to the House, and does not intend to say that such would be his ruling generally, because such has not been the general rule.

BUSINESS FROM COMMITTEE ON DISTRICT OF COLUMBIA.

Mr. GROUT. Mr. Speaker, pending the motion of the gentleman from New York [Mr. FARQUHAR], who yields to me for this purpose, I renew my request of yesterday, that the Saturday evening session, commencing at 8 o'clock, be set apart for the consideration of business reported from the Committee on the District of Columbia.

The SPEAKER. The Chair understands that Saturday evening has already been assigned.

Mr. GROUT. I think not.

Mr. ROGERS. Mr. Speaker, this affords me an opportunity to state that until the Speaker's table is cleared there will be no more unanimous consents while I am in the House.

Mr. McKINLEY. There has already been an order made for the evening session on Saturday.

The SPEAKER. The Chair does not think that any arrangement ought to be made in the absence of the chairman of the Committee on Appropriations, who has requested that there be a session on Saturday evening for public business.

Mr. GROUT. I understood——

Mr. BLOUNT. Mr. Speaker——

Mr. FARQUHAR. I call for the regular order.

The SPEAKER. The regular order being called for, the House resolves itself into Committee of the Whole on the state of the Union for the further consideration of the shipping bill.

SHIPPING BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. BURROWS in the chair) and resumed the consideration of the bill (S. 3738) to place the American merchant marine engaged in the foreign trade upon an equality with that of other nations.

The CHAIRMAN. The Chair will direct the Clerk to read the Senate bill. [A pause.] The Chair is advised by the Clerk that the Senate bill has already been read, and hence its reading at this time may not be desired.

Mr. SPRINGER. I do not desire the reading. We are now to consider this bill under the five-minute rule; and I wish to facilitate as much as possible its consideration upon the merits.

Mr. FARQUHAR. I wish to know whether the Senate bill is now to receive its first reading.

The CHAIRMAN. The reading may be dispensed with unless demanded.

Mr. FARQUHAR. Then I move for the consideration of the Committee of the Whole the substitute reported by the Committee on Merchant Marine and Fisheries; and I ask that the Clerk now read it.

The CHAIRMAN. The gentleman from New York [Mr. FARQUHAR] offers as an amendment to the Senate bill, the substitute reported by the committee.

Mr. SPRINGER. I understand that the motion is to strike out all after the enacting clause of the Senate bill and insert the text of the committee's substitute as printed.

The CHAIRMAN. The substitute reported by the committee.

Mr. SPRINGER. I want to know the form of the motion—whether the proposition is to substitute one bill for the other——

The CHAIRMAN. The motion is to strike out all after the enacting clause and insert the bill reported by the committee, which the Clerk will now read.

Mr. HERBERT. I wish to make a parliamentary inquiry. I desire to offer an amendment to the first section; and I wish to know whether it will be in order to offer it as soon as those lines shall be reached or whether I should wait until the first section has been read.

The CHAIRMAN. Does the gentleman refer to the Senate bill or the proposed substitute?

Mr. HERBERT. My amendment applies to the first section of the substitute. I wish to know whether I should wait to offer the amendment until the first section shall have been completely read, or whether I should offer it at the time the lines are reached?

The CHAIRMAN. After the substitute is offered and is under consideration it will then be in order to amend any portion of that substitute.

Mr. HERBERT. I did not make myself clear or the Chair did not hear me. My desire is to offer an amendment to the first section of the substitute.

The CHAIRMAN. The Chair will recognize the gentleman in due time.

Mr. HERBERT. My inquiry was whether I should seek recognition when the lines are reached on the first reading, or whether my amendment should be offered after the section has been read in full.

The CHAIRMAN. Not until after the reading of the substitute is completed.

Mr. HOPKINS. I have an amendment which I wish to move as a substitute for the one by the gentleman from New York [Mr. FARQUHAR], and I would like to ask the Chair at what point I should make the motion so as to get my substitute before the Committee of the Whole?

The CHAIRMAN. When the consideration of the substitute has been completed in detail and before its adoption as a whole, it will then be in order to offer the substitute of the gentleman from Illinois [Mr. HOPKINS] as an amendment to the substitute of the committee.

Mr. FITHIAN. My understanding was that these different substitutes were to be voted on in the order in which they were offered.

Mr. SPRINGER. As a means of facilitating business, I suggest that instead of reading the substitute through in full at first, we consider it now as the pending bill and take it up section by section, perfecting it as we go along. Afterward the vote can be taken upon substitutes for the entire proposition.

The CHAIRMAN. The Chair will state to the gentleman from Illinois [Mr. SPRINGER] that it would not be in order at this time——

Mr. SPRINGER. What I desire is that our amendments be presented in consecutive order to the several sections as they are reached.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the first reading of the substitute of the committee be dispensed with, and that it be considered by sections. Is there objection? The Chair hears none; and it is so ordered.

Mr. HOPKINS. Would it not be in order for me now to offer an amendment by way of substitute before the bill is perfected?

The CHAIRMAN. The special order under which we are operating declares——

Mr. BLOUNT. I ask that we may have the special rule read.

The CHAIRMAN. The language of the special order is "any substitute adopted for the entire bill to be subject to a further amendment in committee." So that the gentleman's proposition will be in order under the terms of the special order.

Mr. COVERT. I wish to make a parliamentary inquiry. Can the proposed substitute of the gentleman from Illinois [Mr. HOPKINS] be read now for information?

The CHAIRMAN. There would be nothing gained by that. It is already printed in the RECORD.

Mr. CANDLER, of Massachusetts. I desire to submit a parliamentary inquiry, Mr. Chairman. I gave notice of intention and asked permission to print in the RECORD a bill which I designed to offer as a substitute for that presented by the committee. I would like to ask if it would be in order for me to offer that as a substitute for both bills which will be before the House, that of the gentleman from New York [Mr. FARQUHAR] and the gentleman from Illinois [Mr. HOPKINS]?

The CHAIRMAN. The rule is very broad, providing that any substitute which may be adopted will still be open to amendment. If the committee's substitute is agreed to, and the proposition of the gentleman from Illinois voted down, the gentleman from Massachusetts will be recognized to amend as he suggests.

Mr. CANNON. Then a further inquiry, Mr. Chairman. Would it be proper upon the discussion of the first section only, and before the remainder of the bill is before the House, to offer a substitute for the entire bill?

The CHAIRMAN. It would not be in order.

The Clerk will read the first section of the substitute bill.

The Clerk read as follows:

That on and after the passage of this act there shall be paid, out of any moneys in the Treasury of the United States not otherwise appropriated, to any vessel, whether sail or steam, registered pursuant to the laws of the United States, and which shall be engaged in the foreign trade, plying between the ports of the United States and foreign ports, as follows: If a steam vessel of not exceeding 11 knots speed when loaded, or if a sailing vessel, the sum of 10 cents per gross register ton for the first 500 miles or fraction thereof sailed outward, and the same sum for the first 500 miles or fraction thereof sailed inward, on any voyage or voyages; 10 cents per gross register ton for the second 500 miles or fraction thereof sailed outward, and the same sum for the second 500 miles or fraction thereof sailed inward, and 20 cents per gross register ton for each 1,000 miles thereafter, and pro rata for any distance sailed less than 1,000 miles after the first 1,000 miles sailed. The payments at the rate of 20 cents per ton for each 1,000 miles sailed, as herein provided, shall continue for the term of ten years at that rate, and thereafter for another term of nine years at a reduction of 2 cents per ton each year upon each 1,000 miles sailed, and pro rata for any less distance.

But in case any steam vessel makes or can attain a higher speed at sea than 11 knots per hour when loaded, with winds and current slack, then, and in such case, the payments per ton for each 1,000 miles sailed as aforesaid shall be made according to the fixed rating for speed; that is to say, for a speed of over 11 to 12 knots, 21 cents per ton; for a speed of over 12 to 13 knots, 22 cents per ton; for a speed of over 13 to 14 knots, 23 cents per ton; for a speed of over 14 to 15 knots, 24 cents per ton; for a speed of over 15 to 16 knots, 25 cents per ton; for a speed of over 16 to 17 knots, 26 cents per ton; for a speed of over 17 to 18 knots, 27 cents per ton; for a speed of over 18 to 19 knots, 28 cents per ton; for a speed of over 19 to 20 knots, 29 cents per ton, and for a speed of over 20 knots, 30 cents per ton; the speed of every steam vessel claiming a rate above 11 knots per hour to be ascertained from a trial of 4 hours' run with the freeboard of an unarmed cruiser, by the Secretary of the Navy, and by him to be certified to the Treasury and Post-Office Departments, where records of speed shall be kept.

The payments at the different rates for speed shall continue for the term of ten years at the full rate, and thereafter for another term of nine years at a reduction of one-tenth the full rate per ton each year upon each 1,000 miles navigated, and pro rata for any distance less: *Provided*, That payment in all the foregoing cases shall not be made for more than 7,000 miles sailed on either an outward or inward voyage, and that the foreign port to which the voyage is made shall be distant more than 70 miles seaward from the ocean or gulf boundary of the United States; and such payments to any vessel as aforesaid shall be made to the owner or owners thereof upon proof of the distance actually sailed, the distance to be ascertained and the payment to be made under such regulations as the Secretary of the Treasury shall prescribe and promulgate; distances between ports to be determined by measurements which shall be furnished by the United States Hydrographic Office to the Bureau of Navigation of the Treasury Department.

Mr. FARQUHAR. Mr. Chairman, I think it is due to this committee that, as chairman of the committee submitting this substitute, in opening the five-minutes' debate I should make a brief statement, confining myself to the five-minute rule.

Mr. SPRINGER. Before the gentleman from New York proceeds I would suggest that we fix a limit upon the debate upon the first section.

Mr. BLOUNT. I hope that will not be done.

Mr. SPRINGER. Will the gentleman allow me a moment to make a suggestion which I think will meet his approval?

Mr. BLOUNT. Certainly.

Mr. SPRINGER. We are limited in time. We must dispose of this bill at 5 o'clock. There are several features upon which we desire a vote. If we take up all the time upon one section the other propositions can not be considered.

Mr. BLOUNT. I do not desire to take up all the time on this paragraph, nor do I suppose the committee would permit it. I take it for granted that the committee will close the debate at the proper time.

Mr. SPRINGER. I only desired to divide the time, so that we could have proper consideration of these other matters.

Mr. FARQUHAR. I move, Mr. Chairman, a *pro forma* amendment for the purpose of submitting some suggestions at this point.

I want to state to the House that this bill is the mature judgment of a committee which spent five or six months in its careful consideration. I wish to state further that, as far as sail and steam vessels are concerned, those engaged in the foreign trade, this bill is very broad in all of its provisions and conditions. The committee had considered this in circumscribing the limits of bounties or benefits that we gave to our marine, and concluded finally, as you will observe by examining the substitute, to enlarge as far as possible these bounties so as to present to this House all of the features which they deemed desirable, and which experience has shown to be desirable in respect to that marine.

I do not say that we are all tenacious of the policy which has been set down in this bill by the committee. Still we are all agreed that this action, taken in its broadest sense, or even in a more limited sense, contains the remedy, and in our judgment the only possible remedy, presented to that committee for the present condition of things with a view to the revival of our foreign trade.

You will notice, Mr. Chairman, in this first section of the bill, a peculiar subdivision that occurs between fractions and pro rata. It seems to many persons to be obscure and unreasonable. But the committee found, in considering the matter, that on short distances sailed, especially from ports between Galveston and Baltimore in connection with the West India and Central American trade, that while vessels from Baltimore and elsewhere were earning on their runs 30 cents for each 1,000 miles traveled, many of the other Southern ports had their vessels in the docks loading and unloading, and continually subject to port dues, light dues, and all other charges which the ports might require of them. So as to recompense these ports between Baltimore and Galveston the committee agreed to divide the first 5,000 miles into two parts, paying a fraction for the first 500 miles sailed or less. Let me illustrate this.

Take the port of Pensacola, which is a little over 500 miles from Havana. A large coal trade has started up in the last two or three years between these ports. A vessel loading at Pensacola, and sailing to Havana, gets its 15 cents on the 500 miles, and on the fraction over 500 miles and less than the next 500 miles, gets its 15 cents; so that we are paying for the short part of the voyage this sum to remedy the defect discovered in all bills before this, and this is done for the advantage of all ports between Baltimore and Galveston, to which we are paying the 30 cents for any distance sailed over the 500 miles. This remedies what would otherwise be a material defect in this system of legislation. I want to make this matter plain early in the discussion, because it has been a stumbling-block to many who have considered the bill outside of the House as well as in it.

Now, this fraction of payment is for these Southern ports alone, and that fraction, Mr. Chairman, by a computation made in the Hydrographic Office, equalizes the whole payments in the bill from Portland, Me., clear around to Galveston, without exception, so that the difference is but a fraction over 7 per cent. The bill, therefore, as now perfected, in respect to compensation, brings into harmonious relation under it some fifteen of the great ports of the country, and places every port from the Rio Grande to Portland, Me., on an equal footing.

It gives them all an equal chance of earning the bounty and prevents all contention as to privileges that New York, Philadelphia, or Baltimore, or other large ports could claim over the smallest ports elsewhere.

[Here the hammer fell.]

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

The Clerk read as follows:

Amend the first section of the substitute by inserting before the word "vessels," in line 5, on page 6 of the printed bill, the word "steam," by striking out of said line the words "whether sail or steam," by striking out of lines 8 and 9 the words "a steam vessel," by striking out of lines 9 and 10 the words "or if a sailing vessel," and by striking out of line 26, on page 7, the word "steam," and inserting in lieu thereof the word "such."

Mr. SPRINGER. What is the meaning of this?

Mr. HERBERT. Mr. Chairman, the effect of this amendment is to strike out of this first section the provisions relating to sail vessels. In this first section the subsidy is granted alike to sail vessels and to steam vessels. Now, there can be no necessity for subsidizing sail vessels. They are generally of wood. They are slow; they are unfitted for naval purposes; they are unfitted for postal purposes, and there can be no reason for subsidizing them. This bill gives to sail vessels exactly the same subsidy that it gives to the fastest steam vessel.

Mr. FARQUHAR. No; 20 cents only for sailing vessels.

Mr. HERBERT. Not the fastest, but the same that it gives to a steam vessel making not more than 11 knots an hour. Now, Mr. Chairman, sail vessels are rapidly going out. Even under this subsidy it is calculated by the Commissioner of Navigation, that after we shall have subsidized sail vessels for ten years we will have a smaller tonnage of sail vessels than we have now. Will the gentleman listen to the figures?

The eligible tonnage of sail vessels will amount in the year 1891 to 356,000 tons. In the year 1900, after we have subsidized them for ten years, we shall have, according to his estimate, 310,000 tons of sail vessels. Now, can any gentleman give me the reason why this Government should pay during that time $8,657,000 to these sail vessels that will be useless for postal purposes, useless for military purposes, and that will be constantly decreasing in number during that time? That is the plain question presented by this amendment.

Is it met, is it answered by the statement of the chairman of the committee [Mr. FARQUHAR], who said a moment ago that this subsidy bill had been considered for six months, and that the policy was very broad. It is broad indeed when we throw away eight millions and a half of the money of the people, and no good can come from it. I defy the gentleman to tell in what respect this country will be benefited by the bestowal of more than $8,500,000 on the owners of these sail vessels. I can see no reason in the world why this subsidy should have been put here, except the answer given by the chairman of the committee to the gentleman from Illinois [Mr. FITHIAN]. When he was asked why sail vessels were included, the chairman replied "In order to be fair to all classes of shipowners."

Giving a subsidy to shipowners in order to keep them from complaining; giving a subsidy to the owners of these useless vessels of $8,000,000, simply to keep them from saying it is unfair, and to get the votes of their Representatives on this floor. That is what I take to be the meaning of the reply given by the chairman of the committee [Mr. FARQUHAR] to the gentleman from Illinois [Mr. FITHIAN], that he wanted to be fair to all shipowners, so that none of them could complain. And this amendment goes no further than to simply strike out sail vessels. I want to put that point fully and fairly before the House, so that every gentleman here can vote intelligently on this amendment, and I hope his constituents may know in every case how he does vote.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. BREWER 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. 13462) making appropriations for the sundry civil expenses of the Government for the year ending June 30, 1892, and for other purposes, in which the concurrence of the House was requested.

THE SHIPPING BILL.

The committee resumed its session.

Mr. DINGLEY. Mr. Chairman, the amendment proposed by the gentleman from Alabama is an exceedingly important one and should be carfully considered by the Committee.

If we are to adopt the policy proposed by this bill for the purpose of restoring the American merchant marine in the foreign trade, what are the reasons for including sail marine as well as steam? No merchant marine can be complete unless it includes both sail and steam. Even with all the advance that has been made in transportation by steam, still nearly one-half in bulk of the exports and imports of the United States, not in value, but in bulk, is imported and exported in sailing vessels. Not only that, Mr. Chairman——

Mr. HERBERT. Do you say one-half the exports and imports are carried in sailing vessels?

Mr. DINGLEY. Nearly one-half in bulk, not in value. The valuable imports and exports, those as to which time is an important element in their transportation, go by steam conveyance. The bulky merchandise, where time is not an important element, go by sail conveyance, because the transportation by sail is necessarily cheaper than the transportation by steam for long distances.

Mr. HERBERT. Even admitting that, why——

Mr. DINGLEY. Please do not take up my five minutes. Indeed, voyages between San Francisco and the whole Pacific coast and Europe can only be undertaken by sail vessels, because steam vessels can not carry the requisite amount of fuel. Cut out sail vessels from this bill, and the whole Pacific coast is at once excluded from its benefits so far as transportation between the Pacific coast and Europe is concerned.

Again, cut out sail vessels, and many ports of this country having those products which are bulky in their nature and which can not stand a high cost of transportation are necessarily cut out, and the whole traffic by vessel is thrown at once into the control of foreign vessels. Cut out the sailing vessels, and you destroy and take away the great balance wheel that secures the cheapest cost of transportation to the farmers of the West and the producers of this country. More than that, Mr. Chairman, this will recognize the sail vessel, which is essentially the great nursery for seamen, the nursery for men who are to be relied upon to man our cruisers in time of war. Employment upon a steam vessel is more in the nature of employment upon land. It does not fit a man for those deeds of valor and of daring so essential in the men who man our cruisers in time of war, and which made such men so courageous and gallant in the conflicts that took place upon the sea in the war of 1812.

It seems to me, Mr. Chairman, that the very reasons urged by the gentleman from Alabama [Mr. HERBERT] for cutting sail vessels out of this bill exist as against all steam vessels making a rate of speed of 12 knots an hour or less, because steam vessels making a speed of less than 12 knots an hour would not be adapted more than sailing vessels for the conveyance of the mails or for use in time of war. If this bill is to be confined solely to vessels used for postal purposes, it should be so declared, and not undertake to discriminate against sailing vessels that make the same speed and are used for the same purposes as steam vessels.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the Chair, a message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 10787) to prohibit the granting of liquor licenses within one mile of the Soldiers' Home;

A bill (H. R. 11003) to detach the County of Logan, in the State of Ohio, from the northern and attach it to the southern judicial district of said State;

A bill (H. R. 12152) for the relief of Henry L. Morey; and

A bill (H. R. 9599) for the relief R. F. Balke as Mellwood Distillery.

THE SHIPPING BILL.

The committee resumed its session.

Mr. BLOUNT. Mr. Chairman ——

The CHAIRMAN. If it be agreeable to the committee, the Chair will not insist upon a *pro forma* amendment, but will recognize gentlemen for five minutes.

Mr. BREWER. I would suggest, in connection with that, that the rule be five minutes; and we would better have it understood that if a gentleman asks for an extension the universal rule shall be that when the five minutes have expired the gentleman shall be informed his time has expired.

The CHAIRMAN. The Chair will recognize the gentleman from Georgia for five minutes.

Mr. BLOUNT. Mr. Chairman, the gentleman from Maine insists that the sailing vessel is important in order to prepare the sailor for deeds of valor and naval enterprise. Unfortunately, it so happens that in the progress of naval warfare the nations of the earth do not use sailing vessels, but steam; and therefore there is no occasion at all for a man who is trained on a sailing vessel, but rather for a man who is trained on a steam vessel. If he answers the wants on a steam vessel he answers the exigencies of war.

The CHAIRMAN. The gentleman from Georgia will have to suspend. The gentleman from Georgia is disturbing gentlemen in conversation behind the seats and will have to suspend. [Laughter.] Gentlemen in the rear of the seats will please conclude their conversation as soon as possible.

Mr. BLOUNT. I submit this very mode of reasoning, conceding that the sailing vessel is of no use for war purposes, while steam vessels are used for that purpose, and in order that men may be trained to deeds of valor the sailing vessel shall be used, and therefore we must give it a bounty.

It seems to me, sir, that the simpler mode of reasoning is that if the steam vessel is the better for commercial purposes it is better for naval purposes; that we should concentrate our efforts at all times in the advancement of that instrumentality rather than the other. More than that, sir. England is the great competitor whom we are invited to cast our observations upon when we are asked to expend money by methods such as this; and we know that from the beginning it has always been conceded that we built wooden ships far cheaper than England or France or any other of the great nationalities.

Why put sail in? Does not the gentleman from New York [Mr. FARQUHAR] state it correctly when he says "give all a chance," ignoring the great national interest? But when there are people calling for subsidies, some for steam, some for sail, some for large, and some for light craft, and you "give all a chance," you make a very strong measure of this. That is why there is this great cry for the sailing vessel. Perhaps if the gentleman from Maine lived outside of that State; if he lived away from where they build the cheap wooden ships, he would not see so clearly, so positively, and unequivocally the magnificent importance of the sailing ship to advance commerce and to strengthen our naval resources. I do not complain at the gentleman.

Perhaps if I lived in Maine I would want a "chance," as the gentleman from New York [Mr. FARQUHAR] says, but I submit, sir, that the American people will not witness with favor a discussion in the consideration of a great measure like this, the leading, dominant feature of which is to "give all a chance." I submit, sir, that it is right and proper to give the people a chance. Taxation, extravagant appropriations, all of these things go to the favored few, and I trust that this committee will not put in this clearly obnoxious proposition under the pretext of advancing the commerce and strengthening the Navy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLIKEN. I have sincerely wished a good many times that my friend from Georgia had lived down upon the coast of Maine, for there are so many good things in him that I am certain the rugged atmosphere of the sea and the generosity of the sailors that he would commingle with would bring him out in even better plight than he is now.

Mr. BLOUNT. Are they for appropriation for their own benefit?

Mr. MILLIKEN. They are for an appropriation for the benefit of the country, and I suppose the gentleman upon that proposition will agree with them. But I desire to say this: So far as this particular amendment is concerned my colleague [Mr. DINGLEY] has well stated that one of the purposes of this bill is to create a nursery for the Navy. Now, in order to train men fit to do service on the sea in time of war they have not only to be brave men in the ordinary way, but they have got to be used to the sea, they have got to be acquainted with it, they have got to be good sailors, and nowhere can you find as brave and as hardy sailors as those who have been trained upon sailing vessels. My friend has stated that these sailing vessels will not be used for purposes of war. The gentleman may recollect that in the early history of this country our forefathers placed a bounty upon fishing vessels. They gave a bounty to the fishermen of this country, and for what purpose? Why, for the declared purpose of furnishing a nursery for the Navy.

Mr. HOPKINS. Will the gentleman permit a question?

Mr. MILLIKEN. I have only five minutes. Does the gentleman from Georgia suppose that our forefathers expected that those fishing vessels were to be used as vessels of war, those little craft of not more than 100 tons, many of them of not more than 30 tons burden, such crafts as go down now, even in the winter time, upon the Grand Banks and upon George's Banks to battle with the ocean and draw from its depth the wealth which lies concealed there? No. It was not because they supposed that in any emergency of war those vessels would be used for war purposes that our forefathers gave that bounty.

It was because they knew that there on those little fishing craft would be trained sailors as hardy, as brave, and as well fitted for service in the Navy when the country should have occasion to call them

into its service as could be found anywhere in the world. And you know, gentlemen, that the history of the country since that time has proved the wisdom of that policy of our forefathers. You know that there has been hardly a great battle upon the ocean even down to the time of our last war where the fishermen of New England have not been found doing as brave deeds and fighting as skillfully and as effectively as any men ever did in the world.

[Here the hammer fell.]

Mr. OUTHWAITE. This bounty is for the fishermen in Wall street, not for the fishermen of New England. [Laughter.]

Mr. MORGAN. The "fishers of men." [Laughter.]

Mr. ROGERS. Mr. Chairman, I am getting to be an old man and it is probable that I have forgotten my geography. [Laughter.] When the first gentleman from Maine [Mr. DINGLEY] took the floor he spoke of this provision of the first section of this bill, with reference to sailing vessels, as being for the benefit of the Pacific coast, and now the other gentleman from Maine, his colleague [Mr. MILLIKEN], follows him and advocates taking these millions out of the Treasury for this purpose because New England, and particularly Maine, has furnished very hardy and very brave soldiers and sailors in time past. Now, I thought that Maine was on the Atlantic coast, but manifestly there is a confusion of ideas between the two gentlemen from Maine, and it is possible that one of them thinks that Maine is now on the Pacific coast. [Laughter.]

Mr. MILLIKEN. If my friend will allow me, I guess the confusion of ideas is in his own head. [Laughter.]

Mr. ROGERS. Oh, Mr. Chairman, this reminds me of a law firm down in Kentucky that got their law books all burned up, and next morning, after they had rented a new office and bought a table and two chairs, one of them said to the other, "Now, what are we going to do for a library?" "To the devil with a library," said the other partner; "the books would only confuse our ideas." Mr. Chairman, with two such authorities as the two gentlemen from Maine almost any man of ordinary intelligence would be liable to have his ideas confused, one of those gentleman advocating this for the benefit of the shipbuilding interests of Maine on the Atlantic coast and the other advocating it for the benefit of the Pacific slope. Which of them is right upon this question? Which one of these Two Gentlemen of Verona shall the Democratic side follow in this discussion?

The argument of the gentleman from Maine [Mr. MILLIKEN] who last addressed the committee reminds me of the case of a man who was arraigned for larceny; he admitted that he was guilty, but pleaded that he had been a brave soldier during the war, and that therefore he ought to be acquitted. [Laughter.] So we are told that we ought to steal the people's money out of the Treasury under this subsidy bill because New England has furnished brave and hardy soldiers in every war in the past, and, on the other hand, we are told that we ought to enact this steal for the benefit of the Pacific slope. Where are the Representatives of the Pacific slope, that they can not speak for themselves?

We all know what this meaas. There is probably no greater enterprise in Maine than the building of wooden ships, and that is what this scheme means. And my fair and bold and brave friend from Maine [Mr. MILLIKEN], whose white hair decorates that side of the House on all occasions when a subsidy is in order [laughter], comes out boldly, but my genial, exuberant, patriotic friend from Maine [Mr. DINGLEY], whose philanthropy at times wells over so that he can not keep it within him, advocates this provision upon the ground that it is for the benefit of the Pacific slope. Mr. Chairman, I wish these two gentlemen from Maine would call a caucus of themselves somewhere and determine just exactly what this section of the bill is intended for, so as not to confuse all the geographical ideas we have on this side of the House. [Laughter.]

Mr. CANDLER, of Massachusetts. Mr. Chairman, in the argument which I had the pleasure of submitting yesterday I stated that it seemed to me that the gentlemen from Maine and others who are advocating this bill of the committee are dealing with the conditions of one hundred years ago; and yet one gentleman from Maine does not know the facts of one hundred years ago. Those brave fishermen, whom he thinks were transferred to the great ships to fight the battles of the Revolution and our other early contests, fought some of those battles in their own ships; and the great hero, Mugford, of Essex County, Massachusetts, who captured a ship with ammunition for Washington's army, fought in his own little vessel. That is the only answer I will make on that point.

I object to the appeal made to this House by the gentleman from Maine [Mr. DINGLEY]—the appeal to our fears that we shall not have sailors to man our ships in time of war. What were the facts, what were the results, what was the experience of the last war? It was proved by the operations of three or four little cruisers upon the sea that if this country were engaged in a great war every sailing merchant vessel must seek a port in the course of sixty days. Three hundred vessels would be following the merchant ships of any country to which we were opposed, and would wipe their commerce from the seas. The idea that we under modern conditions could not find brave sailors if we should be in conflict with another nation, when we are the second nation in the world in point of navigation, is one that I can not agree to.

We have only 12½ per cent. of the foreign carrying trade; it amounts to nothing. But do you think we have no sailors? Do you think that these great steamers built in our shipyards to go across the ocean a portion of the year—that these sailing vessels from the State of Maine engaged in the coastwise trade during a part of the year and then sailing on foreign seas during the rest of the year—do you think that this 3,500,000 of tonnage can not furnish sailors for any emergency?

What did we demonstrate in our late war besides showing that sailing ships would be swept from the sea? We demonstrated that in case of a foreign war we could not contend with the great ironclads of other nations. We should have some floating batteries to defend our ports, and we should send a few cruisers and hundreds of privateers to wipe any mercantile navy from the ocean. We should in times of peace have enough modern-cruising ships to represent our country in foreign ports and protect Americans in their legitimate rights under the American flag.

I say let us not legislate upon an appeal to any fear that the United States of America can not take care of herself in any conflict. I would not waste the money of the people by spending it in obedience to such theories any more than I would waste it in building great war ships; for nothing is more useless than a war ship that is out of date. If we should have a conflict with another nation the genius and the courage of this people will meet the occasion. If our enemy has ironclads, we will defend ourselves perhaps with lightning or something else that will supersede the agencies now employed. We shall find a Monitor for every Merrimac that they may have. Let us discuss this question practically as it is, not upon theories, not by references to the history of a hundred or fifty or twenty years ago.

[Here the hammer fell.]

Mr. MORROW. Mr. Chairman, the great commerce of the future will, in my judgment, be on the Pacific Ocean. Over eleven hundred islands dot the Pacific. That great area must be traversed by either sail or steam ships. Any of us who will call to mind the map of Polynesia will remember that it shows in concentric rings almost innumerable islands, islands that are rich and fruitful in productions that will furnish the great commerce of the world. The trade among those islands will necessarily be carried on by vessels either sail or steam. The chief commerce of the world in the productions of the soil must be by sailing vessels.

Now, these islands have been appropriated and divided up by the three great nations—Germany, England, and France; but the commerce remains free to us if we will only insist upon our rights and see to it that we maintain our merchant-marine service. For that trade the sailing vessel is important, and is the vessel for us to preserve and maintain. But we find that the British merchant-marine service has come upon the Pacific coast and by methods familiar to anyone acquainted with the aggressive business enterprise of Great Britian that great commercial power has siezed upon that trade and is rapidly carrying it away. Now, what we want is simply that we shall be placed upon an equality with the sail service of the British merchant marine. In that way we shall be enabled to maintain our position and hold this trade.

Now, the sail service is peculiarly adapted to our trade on the coast in connection with the steam service. In the long transit around Cape Horn or Cape of Good Hope the sail service is more economical than the steam service because of the expense of supplying coal. We want to preserve the sail service for cheap transportation. As I stated yesterday, this commerce has now fallen into the hands of the British trade. But if you will place us upon an even keel with the British sail service we will show you in a few years our ability to carry American trade in American vessels—a trade such as the world has never before seen.

Mr. HEARD. The gentleman speaks about desiring that our service be placed "on an even keel" with the sail service of Great Britain. Does Great Britain subsidize her sail service?

Mr. MORROW. She does not; but that service is attendant upon the steam service; and so far as her commerce, her insurance, her banking interests, and all her other interests are concerned there are discriminations that amount to a subsidy.

Mr. HEARD. Does not the subsidizing of her steam vessels militate against rather than help the success of the sail service, which is not subsidized.

Mr. MORROW. Not at all. As our President said in his message—

> The steamship, carrying the mails statedly and frequently, and offering to passengers a comfortable, safe, and speedy transit, is the first condition of foreign trade. It carries the order or the buyer, but not all that is ordered or bought. It gives to the sailing vessels such cargoes as are not urgent or perishable, and, indirectly at least, promotes that important adjunct of commerce.

Mr. CANDLER, of Massachusetts. Vote for my proposition, and we shall have both the steamship and the sailing ship.

Mr. MORROW. The sail vessel in British commerce is attendant upon the subsidized steamer.

Mr. HEARD. If the English sail service is not subsidized, what is the necessity for subsidizing ours to put it on an even keel with that?

Mr. MORROW. We want to be placed upon an even keel not merely in the navigation of our steam vessels for the purpose of carrying our foreign mails, but for the time being we desire to be put upon an even keel with the British merchant marine in this, that they now control through the discriminations in insurance by the British Lloyds and other attendant expenses nearly the whole trade of the Pacific coast. Under this bill our vessels would have a fair chance to compete with foreign vessels and build up our own insurance companies, and thus secure all the profits and proceeds of transportation for our own people.

[Here the hammer fell.]

Mr. STRUBLE. Mr. Chairman, I desire to favor the amendment of the gentleman from Alabama [Mr. HERBERT], believing as I do that it will greatly improve the bill and make it more acceptable to the people of the country at large.

I do not pretend to know much about the business of shipping, whether by steamships or sailing vessels. But I have given some thought and attention to this bill and the subject with which it deals, and it seems to me that it will be improved by the adoption of the proposed amendment now pending before this committee.

I believe in reasonable efforts to establish, or enlarge I should say, the shipments of American and foreign products in American bottoms; but I fear if we propose to pay a subsidy to every little craft on the waters, sailing out of American ports, we will load the bill down so that after its passage—if it shall reach that stage—its most ardent friends will find ere long that it has become so objectionable to the people of the interior of the country that the law will be speedily repealed.

I believe further that the principal object in view in this class of legislation should be to establish communication, through direct and speedy mail service, with foreign ports, and particularly with the ports of the South American countries—not by long circuitous routes of 6,000 or 8,000 miles of distance, but by the shortest routes possible from the American ports to those southern countries. Upon the establishment of this direct and short communication upon which merchants can rely, the shipment of goods in sail ships will necessarily be augmented, because merchants will know that goods which can be so shipped, and which will arrive in a reasonable time, can be shipped at lower rates; and so the increase of one system of shipping, namely, by steamships, will result in an increase by sail vessels.

From the consideration I have given to this matter, Mr. Chairman, I am inclined to the opinion that instead of the sailing vessels of this country being injured by subsidizing steamship lines, their business will be largely increased. So believing, and acting upon that theory, I am inclined to support the amendment of the gentleman from Alabama.

Mr. OUTHWAITE. Mr. Chairman, I rise to oppose the amendment of the gentleman from Alabama.

A great deal has been said in the course of this debate about farmers being interested in the passage of this bill, and the workingmen of the country at large, as well as the fishermen of Maine, being interested directly in its enactment.

Now, this proposition to strike out from the benefited class the sailing vessels will inure to the benefit of one class of people about whom perhaps sufficient has not been said in the course of this debate, one class who are deeply and fundamentally interested in the passage of the bill. In behalf of that class, for no voice is openly raised in their favor on this floor, I am opposing this amendment. In connection with their interests and in their behalf let me read an extract from a letter by Capt. John Codman:

> The chief reliance of the promoters of the bill is the lobby. There are about fifty lobbyists continually at the door of the House. They are not there for nothing. They "offer inducements." What is an "inducement?" Well, one inducement is an option on Pacific Mail. If the bill is passed that stock will advance five points and the holders will reap the benefit. Another inducement, I am credibly informed, is the out-and-out promise of $2,000 in case a vote produces the decisive result. These are appeals to the pocket, which are most effective. Then there is the appeal to "patriotism" in the stereotyped lie that the opponents of the bill are in receipt of "British gold." Take it all in all, there was never presented to Congress a measure of greater corruption than this misnamed "tonnage bill," the title of which should be "a bill for the benefit of beggars and thieves."

On yesterday I called the attention of the House to the fact that the Pacific Mail had advanced, upon a favorable reporting of the rule to consider this bill, from $38 a share to $39.75 a share of its stock. I have the pleasure this morning of congratulating gentlemen who favor this bill, seeing that it is to result in the benefit of Pacific Mail, by calling their attention to the quotations—the market quotations—in this morning's Post under the heading of "Lifted the market up," "Strength in the Gould stocks," "St. Paul and Pacific Mail," "A sharp upward movement in Pacific Mail induced by the increased likelihood of the passage of the shipping bill," etc. Under this heading you will find the quotation of Pacific Mail stock closing price $41.25 per share. You will see then, gentlemen, that these people who are deeply interested in the passage of this bill, by some intimation that there is to be a favorable conclusion to the action of the House upon it, have already received an advance from $38 per share to $41.25 per share on their stock.

I especially wanted to call the attention of my friend from Kansas [Mr. ANDERSON] to this particular quotation this morning before he departed for Egypt. Now, it is well in considering this matter to bear in mind that if you strike out sailing vessels you will further increase the profits of Pacific Mail stock, and if you strike out the sailing vessels you will be complying with the desire of those who are distinctly alluded to and described in the letter of Mr. John Codman which I have just read.

Mr. BREWER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Michigan rise to favor the amendment?

Mr. BREWER. I do. The question of voting aid to our shipping in this country is not new. It has been under discussion by the people for some years. The general understanding among the people has been that there was a desire to aid in the construction or running of fast lines of steamers from this country to other lands, for the purpose of increasing our commerce with such foreign countries, and second, that the steamships we aided to construct should be so built that they could be utilized in case of war.

These two objects have always been in view. I never have known the question to be raised among the people as to the advisability of aiding in the building up of lines of sail vessels. That is something new. It would be just as reasonable in my judgment to ask the Government to aid in building up the lines of old stage coaches that passed away forty years ago, in order to run in competition with the railway lines of to-day. I am quite willing to vote aid for the purpose of establishing fast lines of steamers between our own country and South America or Australia and other countries, but I am not willing to vote aid for the purpose of giving a bonus to men who now own cast-off steamships or sailing vessels, and help them to run between this country and others. This bill grants aid to such vessels which are now constructed although they may run only 10 or 11 knots an hour.

What we want is something that can convey our mails and convey our freight from New York, New Orleans, and Norfolk to the South American ports as quickly as possible. What we want is a fast line of steamers between the Pacific coast and Australia and China. I am not in favor of aiding sail vessels. They are carrying large quantities of freight so cheap that the steamships can not compete with them except in cases where quick transportation is desired. I therefore hope this amendment will prevail.

[Here the hammer fell.]

The CHAIRMAN. The Chair desires to distribute the time fairly, and will recognize any gentleman who is opposed to this amendment.

Mr. BAKER. Mr. Chairman, I rise to speak in opposition to the amendment.

The CHAIRMAN. The gentleman from New York [Mr. BAKER] is recognized.

Mr. BAKER. Mr. Chairman, if the policy of the Government is to encourage the building up of a merchant marine, it must secure to the sailing vessel the same consideration that it gives to the steam vessel. This is due in all fairness from a great government to its people; every reason prompts it. It has been well said, Mr. Chairman, that sailing vessels are an important factor in regulating the rates of transportation upon the high seas. You might as well undertake to regulate the railroads of the country by discriminating against and abolishing the canal ways as to hope for success for the policy to be inaugurated by the pending bill by amending the bill so as to practically drive off the high seas the sailing vessels. In my own State the policy inaugurated several years ago has been to encourage and build up our water ways, the canal ways of the State. For several years past the State of New York, at its own expense, has maintained the Erie Canal, extending from tide-water to the lakes, in order that bulky freight may find cheap rates of transportation to the coast. Now, if the policy of my State were unfriendly to the canals, do you not see that the effect would be to build up the strong and destroy the weak? Hence the people by an overwhelming majority voted to assume the entire expense of maintaining the Erie Canal and abolished all tolls thereon.

The same policy that prompts us to protect and foster the canals of the country should prompt us to encourage and build up the sailing vessels upon the ocean as well as the steam vessels, and that is the suggestion I desire to urge upon the committee. We should not go astray in this matter. We must not adopt a policy that shall be partial, that will favor the strong and break down the weak. The canals of the country are a powerful factor in regulating the matter of transportation rates all over the country. The Erie Canal, through the season, in a large degree, regulates the rates of transportation over the great trunk lines of the country from the West to the seaboard. So the sailing vessels upon the ocean regulate largely the rates of transportation upon the steam vessels. Bulky freight finds cheap transportation, where the element of time is not important, upon the sea, in sailing vessels, as it does upon canals inland. So it is that in encouraging sail vessels we will encourage the commerce of the country.

We regulate transportation. We must protect the interests of the producers, the great agricultural interest of the country, in legislating in regard to transportation upon the seas as we protect the same interests when we maintain the canal ways as a factor in regulating rates upon the railroads of the country. I hope, Mr. Chairman, that the amendment will not prevail. This bill is of vast importance to all the vast and varied interests of our great country. This is not a Re-

publican measure, nor is it a Democratic proposition, Mr. Chairman. It is purely an American measure. Its scope and purpose have been fully stated during the debate upon the subject. The great commercial bodies all over the country are on record in its favor. It promises inestimable advantage to the industries of our own country.

We have been legislating for protection to our own labor and for the products thereof. This will open the way for the marketing of American products in foreign markets, and the delivery thereof in and by American ships under the flag of our own country. Its cost to the Government will surely return many fold to the people of our country. The amendment which has been voted down, providing for a restoration of the Senate provision to the effect that no vessel shall be entitled to payment under this act that makes any discrimination between or gives unequal facilities to competitive transportation lines in the receiving or forwarding of freights or passengers at any port or ports in the United States or at any foreign port, should be restored to the bill before it passes or becomes a law.

The justice of that amendment needs no argument. It needs only to be stated. If a shipowner receives benefits from the Treasury of the Government in the nature of a subsidy he should not be permitted under any circumstances to discriminate between passengers and shippers. To render that possible would be a monstrous wrong. Properly amended and wisely guarded in its provisions the bill should pass, and it will prove a grand companion piece for our tariff legislation, and tell for the glory of our country and for the wisdom of the present Congress.

[Here the hammer fell.]

Mr. DOCKERY. I move to strike out the last word in order to get in on one side or the other.

The CHAIRMAN. The gentleman from Missouri is recognized in favor of the amendment.

Mr. DOCKERY. I do not desire to favor the amendment; but move to strike out the last word, and will support that proposition.

The CHAIRMAN. The gentleman from Missouri——

Mr. DOCKERY. Mr. Chairman, a word with our friends on the other side. I desire to submit some material facts which relate directly to this question, involving as it does the expenditure for the ensuing decade of not less than $50,000,000.

At the close of the calendar year 1892 the liabilities of the Government will exceed its income by at least $50,000,000. The appropriations during both sessions of last Congress in round numbers amounted to $818,000,000. The appropriations of this Congress will amount to not less than $990,000,000. The appropriations of the Fiftieth Congress exceeded the appropriations of the Forty-ninth Congress by about $72,000,000. The appropriations of this Congress will exceed the appropriations of the Fiftieth Congress by more than $172,000,000. In other words, the increase of appropriations of this Congress over the last will be not less than $100,000,000 greater than was the increase in the appropriations made by the last Congress over the preceding or Forty-ninth Congress.

Now, Mr. Chairman, in view of the certainty of a deficiency during the next calendar year, on the basis of income and liability, of not less than $50,000,000, in view of the further fact that the appropriations in this Congress already exceed the appropriations of the Fiftieth Congress by $172,000,000, I submit in all candor to this committee, as business men and Representatives of the people, whether it is wise at this time to create an additional annual liability of not less than $5,000,000. Upon the Republican majority must rest the responsibility for this additional burden upon the people of the United States, and our friends should consider well before they enact this proposition into law.

The CHAIRMAN. The question is on the amendment of the gentleman from Alabama.

Mr. FARQUHAR. I want to say one word in regard to this amendment, as chairman of the committee, and while saying that I say that I regret that every reference to the quotations of Pacific Mail stock should be made by one member on this floor who seems to have taken more interest in the rise and fall of that stock than any other member who is present.

Mr. OUTHWAITE. I knew that none of you were watching it, and wanted to call your attention to the matter so that you could take advantage of the information.

The CHAIRMAN. The gentleman from New York is entitled to the floor and will proceed as soon as gentlemen in the rear of the seats cease conversation. Will gentlemen in the rear of the seats, engaged in conversation, have the kindness to retire to the cloakroom?

Mr. FARQUHAR. And in connection with this notice of what has been the rise or fall in the stock of the Pacific Mail we are always treated to a dissertation on "the lobby."

Now, Mr. Chairman and Representatives, this bill has never needed "a lobby." This bill is the result of the deliberation of a series of the greatest meetings that were ever held in this country in respect to the marine and foreign trade. They have been held in all sections of this country. They have been attended by men of all shades of political opinion; and out of these meetings, I may say, this agitation grew until ultimately Congress was asked to pass these bills. The gentleman from New York [Mr. CUMMINGS] proposed one of these bills. The gentleman from Alabama [Mr. WHEELER], who was president of the American Shipping League, presented another of the bills; and all of them bear on this question.

Mr. BLOUNT. What meetings does the gentleman refer to?

Mr. FARQUHAR. The first meeting that was held in connection with this tonnage matter was in New Orleans.

Mr. BLOUNT. By whom?

Mr. FARQUHAR. By the American Shipping League, or an association called the American Shipping League. The men associated in that league are men, I say, of all political opinions. Added to that, there is no respectable body of business men, whether board of trade, chamber of commerce, or business men's association, in this country who have gathered openly in public meetings but have demanded that such legislation as this should pass.

Mr. FITHIAN. Did the meeting of the business men of Boston demand this?

Mr. FARQUHAR. Oh, that little matter of the Boston meeting is nothing. The Boston Board of Trade has passed upon this. That meeting has become back history, anyway.

Mr. FITHIAN. A small matter, I suppose.

Mr. FARQUHAR. Added to that, there have been meetings held by the associated trades; so that when you speake of a lobby, if there is one, it is in every mercantile house in this country to-day. The room of the Committee on Merchant Marine and Fisheries is filled with correspondence of the strongest Democrats as well as Republicans who have asked for this legislation. Some of these men have been before the committee and been here in Washington. I do not think it is derogatory to any man, if he has large steamship interests, to come here and appear before any committee and present the claims of his business and the claims of the trade and commerce of this country. It is what the committee asked for. In our own investigation we called the managers of every line in this country before us, and their statements are presented to you in the hearings.

Now, as to the question that came up in the remarks made yesterday by the gentleman from Illinois, that there were political lines in this bill. I deny that *in toto*. This bill was never caucused. I stated in this House early in the consideration of this bill that I deprecated drawing political lines in this matter; that the bill would be drawn so wide and broad that all shades of opinion could come in, and I say that as chairman of the committee and a friend of the American marine I will stand by whatever this House shall do, and I shall cheerfully do so.

Mr. HERBERT. Mr. Chairman, the gentleman from New York [Mr. FARQUHAR] says that this bill needs no lobby and that it has none behind it. The great "meetings" that he speaks of were held by the American Shipping and Industrial League, which itself is nothing but an organized lobby for the purpose of getting this subsidy through Congress. It has no other purpose of existence, none whatever. It has held its meetings in New Orleans, in Birmingham, in Pensacola, in Washington, in New York, in Chicago, and each of them has been for the purpose, and solely for the purpose, of organizing a public sentiment for this bill or some measure like it.

It was in that league, composed of men representing all sorts of ships, wooden ships and iron ships, sailing ships and steamships, fast ships and slow ships, ships in existence and ships expected to come into existence, that this bill was formulated, and that is why it includes them all. And that shipping league has not stopped there. It has absolutely placed its representative in office under this Government. It nominated and appointed Mr. Bate.

A MEMBER. Does he belong to the league?

Mr. HERBERT. He is the creature of the league. He was the candidate of the shipping league, and I believe he was a member. I will read before I sit down a statement from the Marine Journal, of November 18, 1889, to show this fact. There had been a long struggle over the office. There had been a candidate from Maine and another candidate from New York, and after Mr. Bate was nominated and confirmed (if confirmation was necessary) and after he became Commissioner of Navigation, this paper, alluding to and quoting a dispatch from another paper about the contest between the gentleman from Maine and the gentleman from New York as to which was the victor, published an article headed "The real enemy and the true victor." In that article this Marine Journal, which itself is the organ of this organized lobby, uses these words:

> The true victor was the Shipping and Industrial League which fought for the commissionership as for the key of the position for the coming rehabilitation of our merchant marine.

There is the "key of the position" that the American Shipping and Industrial League fought for. It won that vantage ground. It put that man Bate in position, and he, recognizing the fact that he is the creature of this lobby, in every line that he has written has endeavored to serve his master.

[Here the hammer fell.]

Mr. ANDREW. Mr. Chairman, the presentation of this bill is an admission that the foreign carrying trade of this country can not be conducted with a profit. Thirty years ago there were no better built ships than the American. In 1860 our total tonnage was 5,299,175,

of which 2,546,237 was engaged in the foreign trade; in 1880 it had diminished to 4,068,034, of which 1,352,810 was in the foreign trade, and in 1889 the latter figure was reduced to 999,619 tons. During the twenty years from 1860 to 1880, while our tonnage had shown this lamentable falling off, the total tonnage of the British Empire has increased from 5,710,968 to 8,447,171.

Before taxing the entire community in order to subsidize a few ship builders and owners, before taking millions of money annually from the people in order to give a bounty to a few who are engaged in an unprofitable enterprise, it would be better to examine into the cause of this unfortunate condition of our commerce and remove the evil, rather than impose upon the country an additional burden.

The iron industry of Massachusetts, once prosperous, is now almost extinct owing to our tariff laws. The largest concern in the State is about to put its plant into Illinois; yet it would not be considered wise legislation to give a bounty to anyone going into the manufacture of iron. The State of Maine, with its magnificent harbors and convenient proximity to the coal and iron fields of the Provinces, should under wise tariff laws be a flourishing community; but, if the reports of the recent census are to be believed, there has been a falling off in the population of many of the counties in that State; yet no one would advocate taxing the whole people to allow Maine to establish manufactures.

Thirty years ago America was the equal of any country in its commerce. Then ships were made of wood and used sail; to-day they are made of iron or steel and propelled by steam, but our flag is rarely seen upon the seas. If an American wishes to engage profitably in the foreign trade he must sail his ship under the flag of another country. It costs too much to build a ship in this country and a foreign-built ship can not be registered here. The fact that the English ship can make money while the American does not can not be due to the cheapness of labor there in the construction, for the labor cost in the two countries hardly differs; nor can it be due to the difference in wages of seamen in the two countries, because in the past, when we were able to compete with England, we paid our sailors higher wages.

England pays no duties upon the materials which go into the construction of her ships and she allows her people to buy their ships in the cheapest market. This is also true of Germany and France, while America puts a heavy duty upon raw materials. In the case of structural iron the duty is 114 per cent. ad valorem and upon anchors and chains it amounts to 38 or 49 per cent. ad valorem, and we must build our ships in this country or sail them under a foreign flag if they are to be used in the ocean trade.

The duty upon iron and coal not only prohibits the building of ships in New England, where there is naturally a seafaring people, but it has absolutely destroyed the iron industry. The price of American foundry iron delivered in Boston is $18 per ton. Scotch iron is $13.25 per ton. But the duty of $6.72 per ton prohibits its importation. The cost of American iron to the New Englanders is thus increased $4.75 per ton.

This same duty compels the people of New England to pay $16.50 per ton for forge iron for puddling instead of $13 per ton if they could import it. Scrap iron in the same way is increased in price $4.50 per ton and Bessemer iron $5.50 per ton. The result of this policy is that the South Boston Iron Company has closed its works in Boston and moved to Kentucky, while the Bay State Iron Company Works and the Norway Steel and Iron Company have closed entirely.

Many of the best-informed experts in shipping believe that the true method to revive our commerce is not by subsidies, but by removing the oppressive taxes upon shipbuilding and allowing our people to buy ships where they can get them the cheapest.

The Boston Executive Business Association, in discussing this question, voted by an overwhelming majority in favor of free ships.

It is claimed that England's great commerce is protected by subsidies. What England pays to shipowners is not a bounty, but is compensation for services rendered. The supremacy of England in the ocean-carrying trade is due to the fact that she has permitted her people to buy ships wherever they can get them cheapest, and is not burdened with the tax upon the materials which go into the construction of the ship. It is the Congress of the United States by its restrictive legislation, and not the Parliament of Great Britain, which has enabled England to monopolize our carrying trade.

The money which the British Government pays to shipowners is a payment for services rendered. This is done in two ways. One way is for mail service and it is no more a subsidy than the payments which our Government makes for transportation of the mails over this continent. The German ships which carry the mails from Southampton to New York are paid at exactly the same rate by the British Government as the English ships are paid sailing from Liverpool. There are but two British lines between England and New York that receive mail subsidies, while there are eight other British lines sailing to New York which receive nothing from the British Government. It is estimated that only 2 per cent. of the total tonnage of the British steam fleet receives payment for mail service, and the steam fleet is not more than one-half of the total British tonnage. This is so small that it can have no general effect upon her commerce.

Mail subsidies are necessary for carrying the mails, but are a hindrance rather than a benefit to the independent ships. The other way in which England pays shipowners is in the direction of a naval reserve. She has made contracts with a few steamship lines. Under these contracts the ships must be made according to certain specifications and requirements of the admiralty, and they are subject to be taken by the government for war purposes whenever they are required. The arrangement is made not for the purpose of protecting shipbuilding, but purely for increasing the navy.

Germany, under the system of free ships and free materials for building, now makes some of the finest vessels that float. It is claimed by the advocates of ship subsidies that the German Government subsidizes shipbuilding. The only excuse for such an assumption is that the German Government has made a contract for fifteen years with the North German Lloyd Company, by which that company is to operate three lines of ships between Germany, China, and Australia, with agreements as to speed and the carrying of the mails.

There are to be eight ships built according to plans approved by the government. For this service the company receives 4,400,000 marks annually, and must deposit a security of 500,000 marks, as a guaranty of the performance of the contract.

In time of war or the mobilization of the navy the imperial chancellor may take any or all of the ships at their full value, or may charter them for government service at a fair rate of compensation. Such a contract as this can not be properly called a subsidy. In spite of this payment this line is run at a loss.

Bearing upon this question the following extract from the Kuhlow German Trade Review, of May 1, 1889, is of interest:

In all quarters the news that the Norddeutscher Lloyd had placed the order for two fast Atlantic steamers with a firm of German shipbuilders is received with the liveliest satisfaction. Such conclusive evidence of the great strides made by the shipbuilding industry as is thereby afforded is in the highest degree pleasing to every wellwisher of Germany.

Ten years ago, even five years ago, this would have been deemed impossible. There is certainly every ground for congratulation. A point particularly worthy of remark is that this progress has been accomplished in an industry which is not protected by any duty. Ships built abroad may enter Germany duty free, and also receive the German flag. In order that the duty in favor of the other German industries may not render dearer the materials for shipbuilding, a result which would, of course, be most prejudicial to the latter, it is expressly provided by the law that such materials come in duty free. Either these duty-free productions from abroad must be employed or the German manufacturers must be prepared to supply the materials at an equally low price as that obtaining in the international market.

The German shipbuilding industry therefore works in a complete free-trade atmosphere. Its progress is totally unconnected with and independent of the German customs policy. In the United States the reverse is the case; there shipbuilding is protected. The consequence of this is that the Americans can build vessels for their coasting trade, in which their flag enjoys the monopoly by law, but a mercantile marine for international trade of any importance is conspicuous by its absence. The disastrous policy of protection has up to the present, twenty-four years after the war, prevented the Americans from creating a new mercantile marine. Their vessels are too dear, and in the commerce of the world they can not compete with the cheap English, German, Italian, Norwegian, etc., ships.

In 1881 the French law was passed giving subsidies to the navigation and construction of French vessels.

Worthington C. Ford, Chief of Bureau of Statistics, State Department, in treating upon the French bounty system, April 7, 1886, says:

The bounties have succeeded in infusing life into neither shipbuilding nor ship navigation. France finds it cheaper to have her iron vessels built in Great Britain and a large share of her wooden ships in other countries. The lines of ships that were called into being through thel iberal offers of the Government are represented as being in a state of bankruptcy, and existing lines that participate in the bounties are either paying no dividends or very small amounts. The exports of France, reflecting as they did the slight reaction which ensued in 1879, have since declined, and are still declining, in value, and the decrease can not be explained by a fall in the prices of commodities, but rather by an absolute decrease in the foreign commerce of the nation. In fact it may be asserted that the bounty policy of France, intended to bridge over a temporary depression, has aggravated the situation and has proved itself to be a source of mischief, and not of cure.

Consular Agent Sutton says:

The general opinion on the bounty question is that it has failed to produce the effect of serving the shipping trade, and has only resulted in creating a few large steamship companies, who have monopolized the whole of the carrying trade to the exclusion of sailing vessels.

Mr. Evan R. Jones, consul at Cardiff, in his report dated January 10, 1885, says:

Some of the representatives of British workmen visited the French yards a short time ago and their report clearly indicates that, notwithstanding the bonus, the position of shipbuilders and of artisans engaged in the trade is superior to this country [England] to what it is in France.

Mr. John Roach, in 1869, before the House committee to investigate the cause of the decline of our shipping interests, said:

America has lost her commerce, and what has she obtained in exchange for it? Simply the right of a few men to charge $9 per ton in gold on the importation of pig iron. Pig iron is the basis of all other metals connected with the making and repairing of ships. There has been a revolution in shipbuilding, and iron is the material from which they are now built. The high cost of iron produced by the tariff upon it is one of the principal difficulties our commerce has to contend with. I did not come here to ask a bounty. I came here to tell you that, while all other articles of American produce are protected to a great extent, there is no protection for American ships. If Congress will take off all the duties from American iron, reducing it to the price of foreign iron, then we are prepared to compete with foreign shipbuilders. The labor question is misstated; we are prepared to meet that difficulty and to ask no further legislation on the subject.

Mr. Charles H. Cramp, before he conceived the idea of begging for

subsidies, in reply to a question by Mr. MORRILL as to the average rate of duty on materials entering into the construction of ships, said:

About 40 per cent. and if our shipbuilders could be relieved from that they could compete successfully with foreign builders. The difference in the cost of labor would be overcome by the superiority of American mechanics. Wooden ships will no longer be built, since iron ships are superior in every respect.

In 1872, when the general appropriation bill for the Post-Office Department came up for consideration in the House, an amendment was moved to the Pacific Mail contract, making it $1,000,000 instead of $500,000. Mr. Kerr characterized the arguments for subsidies as the "old and pretentious prayer of the few, the aggregated wealth of the rich corporations, for extorting contributions from the people. These contributions are for their own individual pecuniary benefit. The country will gain nothing by them. Commerce will become no cheaper.

The amendment was lost in the House on the 20th of March, 1872, but on the 2d of May the bill was reported to the Senate by the chairman of the Committee on Appropriations with the above amendment attached. The amendment passed. Senators SHERMAN, of Ohio, Chandler, of Michigan, and MORRILL, of Vermont, opposed it.

Then the motion was made to increase the Brazil subsidy to $450,000 for a semimonthly mail for ten years.

Mr. Chandler said:

It is desirable to own iron ships, very desirable, and I hope to see the day when we shall have our own old supremacy in shipping; but it never will be done in the world by subsidies. It is not the subsidized lines of Great Britain that pay the largest returns. * * * You will never restore your flag to the ocean by subsidies, I care not how great you may make them; you may increase your subsidies to $10,000,000 a year and you will not restore your flag.

Mr. MORRILL said:

Is it practicable to recall our shipping? I think it is, and by the simplest process. Not a dollar of subsidies. Give us cheap materials and we will do it. Give us the ground on which we stand, so that we shall have our materials just as cheap as they can be afforded elsewhere, and then all these shipyards and all that skilled labor will be at work at once; and you will find that we shall restore the balance of the shipping interests on the ocean that now stands against us.

Senator SHERMAN, in a speech advocating free ships, said:

Since we can not build these vessels within 20 or 30 per cent. of the cost in England, why not admit them free? Why not admit them duty free, raise the American flag upon them, put American officers upon their decks, and have American lines instead of British lines? Why, sir, if that bill should pass, authorizing foreign ships when owned by American citizens to be used for the present, for three years under the American flag, one-half of the lines between New York and England would be American lines in sixty days.

In the report of the Select Committee on American Shipbuilding in the Forth-ninth Congress we find the following statement of the minority:

An examination of all the evidence bearing on the situation makes it evident that no one measure will arrest the decay of American shipping, bring back prosperity to our ocean carrying trade, or revive the industry of shipbuilding in this country. If the Congressional representatives of the interior or inland States think that they have no special interest in this subject, the following extract from the recent address of the president of the New York Produce Exchange is commended to their consideration: "The difference in the cost of a single penny in laying down grain at Liverpool may determine the question whether millions of bushels shall be supplied by this country or shall be drawn from the ample fields of Hungary or Southern Russia.

The facts make it further evident that—

First. We must repeal our navigation laws, at least to the extent of permitting our navigators and merchants to supply themselves with ships on conditions as favorable as are enjoyed by their competitors, who are the merchants and sailors of all other maritime nations.

The first matter which confronts us when we would defend the navigation laws is the indisputable fact that under these laws our shipyards have run to grass, our ocean trade has dwindled to next to nothing, and our American sailors are hardly five in a hundred upon the ships that are left. Every object of the navigation laws which was to protect and enliven American shipbuilding and shipping interests is frustrated by the laws themselves and their associate in restriction and prohibition, the tariff. What worse can be effected by their repeal than exists? If we could only buy, we might begin as Germany did, to repair; and repairing there has led to building, and building to the employment of labor and the use of capital. The evidence of this is seen at various places upon German waters. Stettin and its enterprise is an illustration of this result. Germany has increased her tonnage in twenty years from 166,000 to 950,000 tons. The iron screw steamers have been her favorite. She bought them in open market. She could buy cheaper than she could build; but repairing and building came along.

Let us first use and then we will have cause to repair and then build. Then the native inventive faculty of America will be rearoused and something will be the result, and that something can not but be better than our present forlorn condition.

Second. If we are to build ships in the United States in competition with other nations—and unless we can do so the ships we may build will never be voluntarily bought or used by our own citizens or any others—our shipbuilders must have their materials for construction as cheap as the builders with whom they are to compete. Either allow the importation free of duty of all the material and stores that enter into the construction and equipment of ships or reduce the tariff. So long as the business of constructing iron steamships has to bear the burden of high prices consequent on protective duties averaging 40 per cent., not to speak of the prohibitive navigation laws, it can not compete with like industries in free-trade countries. There is no possibility of evading this conclusion. It will be seen by the report that our committee, in dealing with the desperate straits of our shipping interests, do recommend as the heroic remedy a quasi drawback on articles for domestic and foreign account which enter into the making of ships.

The committee admit in their report that the expense of this bill will be the first year $3,360,741. How much larger it will be or how high it may rise in subsequent years no one can determine. Nor does it appear from where the money is to be derived to meet this expenditure.

Upon the estimates made by the Treasury Department it appears that at the end of the present fiscal year the appropriations will exceed the revenues by over $14,000,000, and at the end of the next fiscal year, upon the same basis, there will be a deficiency of more than forty-eight millions.

When the extraordinary pension bill of last June was under consideration we were informed that there would not be more than 300,000 persons who would come under its provisions; but already, in less than six months, there have been more than 500,000 claims filed under that law. And in making appropriations like this for experimental purposes it should be borne in mind that the pension roll is increasing to such an enormous extent that it is estimated that it will within two years require an annual appropriation of $200,000,000. Either economy must be practiced or new methods of taxation adopted.

With such a financial condition as this we are asked by the bill before us to entail upon the Government for ten years an annual expenditure of unknown millions of dollars as a gratuity to shipbuilders, with a result which at the least is of doubtful expediency, and I believe experience has shown it to be useless,

In view of the fact that this House during the recent session has passed a law granting bounties for the raising of sugar and silk worms, has proposed to tax the entire community to enable people to experiment in new industries, has provided that the Government shall purchase and store all the product of all the silver mines, and now proposes this new charity, it would seem that it is to be the settled policy of the Government to establish privileged industries.

Unless the taxing power is to be used for the purpose of placing the people's money where it will be of the greatest benefit to the political party which happens to be in power or unless there is to be a general distribution of all property and the Republic is to changed to a commune, it would seem that the time had come to cease this kind of legislation and recognize the fact that this is a Government of the people and that their money should be used for the public good.

If we are to subsidize people because they are so unfortunate as to own ships, why is there not more reason to subsidize those more unfortunate who do not own ships?

What the country wants is commerce, and not a few steamship lines, taking millions annually from an overtaxed people, and pretending to be engaged in a foreign trade which Congress has made unprofitable, and is now trying to prohibit by its legislation upon the tariff.

Mr. BUCHANAN, of New Jersey. Mr. Chairman——

The CHAIRMAN. Does the gentleman rise to oppose the amendment?

Mr. BUCHANAN, of New Jersey. I want to say something about this "lobby" that has been talked about here.

The CHAIRMAN. The Chair would be glad to recognize some one who is opposed to the amendment.

Mr. BUCHANAN, of New Jersey. What is the amendment? [Laughter.]

The CHAIRMAN. It proposes to strike out sailing vessels.

Mr. BUCHANAN, of New Jersey. I am opposed to that.

Mr. BLOUNT. I suggest that that might be done by unanimous consent. [Laughter.]

Several members addressed the Chair.

The CHAIRMAN. If the committee will permit the Chair to make a suggestion, there are eight sections of this bill, and at least three substitutes, to be considered and voted upon in less than five hours.

Mr. BUCHANAN, of New Jersey. I want three minutes of that five hours.

Mr. SPRINGER. Mr. Chairman, I move that debate upon this amendment be now closed.

The motion was agreed to.

The CHAIRMAN. Debate upon this amendment is closed, and the question is upon the amendment proposed by the gentleman from Alabama [Mr. HERBERT], which perhaps the Clerk had better report again.

Mr. SPRINGER. We all understand it. It simply strikes out sailing vessels.

Mr. FARQUHAR. Mr. Chairman, I ask that the amendment be read.

The Clerk again read the amendment.

The question being taken on the amendment of Mr. HERBERT, there were—ayes 64, noes 53.

Mr. DINGLEY. I call for tellers.

Tellers were ordered; and Mr. DINGLEY and Mr. HERBERT were appointed.

The committee again divided; and the tellers reported—ayes 51, noes 85.

So the amendment of Mr. HERBERT was rejected.

Mr. HOPKINS. I have an amendment which I desire to offer to the first section.

Mr. CANNON. If the gentleman will yield to me a moment, I desire to ask a few minutes of the time of the House in connection with the sundry civil bill. I therefore move that the committee now rise.

Mr. BLOUNT. I object to occupying the time of the House to-day with that business. It is a violation of the order of the House.

Mr. CANNON. It will take but a minute. I will say to my friend that I make the motion to rise with the view, after consultation with my colleague on the committee, the gentleman from Texas [Mr. SAYERS], a member of the subcommittee, who helped to prepare this bill, to ask the House to nonconcur in all the Senate amendments and assent to the conference asked by the Senate, with the expectation——

Mr. BLOUNT. I wish to say that that will require unanimous consent and I shall object to it.

Mr. CANNON. Then I will move——

Mr. BUTTERWORTH. Allow me to make a statement. My friend from Georgia will remember that the gentleman from Illinois [Mr. CANNON] was not in the Hall when this bill came in, and I asked consent that it lie on the table until he should come in, to be called up by him when he should be in his place. There was no objection to that arrangement; consent was given.

Mr. BLOUNT. But the order of the House had been consummated; and there was a distinct agreement that this day should not be interfered with in that way.

Mr. CANNON. On the contrary, the understanding was express——

Mr. SPRINGER. I make the point of order that this debate is not in order.

The CHAIRMAN. The motion that the committee rise is not debatable.

Mr. BLOUNT. I deny the construction which the gentleman from Illinois [Mr. CANNON] places upon the order of the House.

The question being taken on the motion of Mr. CANNON that the committee rise, there were—ayes 110, noes 74.

So the motion was agreed to.

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

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. I desire to ask unanimous consent that the House nonconcur in all the Senate amendments to the sundry civil appropriation bill and assent to the request of the Senate for a conference. I make this proposition after conference with most of the members of the Appropriations Committee and especially with the gentleman from Texas [Mr. SAYERS], a member of the subcommittee that helped prepare the bill.

Mr. BLOUNT. Mr. Speaker, I object to the request.

The SPEAKER. The gentleman from Georgia objects.

Mr. CANNON. I have nothing further to say.

Mr. BOUTELLE (to Mr. CANNON). Can you not make a motion?

Mr. CANNON. I understood—that is my recollection—that this would be in order pending this special order. The gentleman from Georgia, as well as the Speaker, has a different recollection. I may be in error about the matter; I presume I am.

Mr. BLOUNT. The gentleman might have been misled from the fact that the understanding, whatever it was, applied only to yesterday; but to-day we are operating under the five-minute rule.

The SPEAKER. The Chair understood that the right with reference to this matter, was reserved for yesterday but not for to-day; and the Chair has so informed the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. May I have unanimous consent to occupy half a minute?

Mr. BLOUNT. I do not object to the gentleman occupying half a minute if he will withdraw his proposition at the end of that time.

Mr. CANNON. Unless my half minute is effective I shall be compelled to ask for unanimous consent, as I understand.

Mr. BLOUNT. Then I do not object to the gentleman going on.

Mr. CANNON. This bill has a great many amendments on it; it is a very long bill. The deficiency bill has just gone to the Senate. We are soon to have the legislative bill brought into the House. I am satisfied that this sundry civil bill can not be settled in one conference; that it will have to be reported back to the House upon a great many questions of real difference between the House and the Senate. I deem it important that there should be one conference on this measure this evening, so that there may be a report to-morrow upon the bill and a further conference granted, upon which conference report there can be consideration by the House. I make my proposition in the interest of the public business and to make it reasonably sure that we may be able to complete these important bills in time.

Mr. HEARD. Ought not the House to be permitted to say whether it will concur in some of the amendments or not?

Mr. CANNON. The House would be permitted to act upon the report of the conference committee.

Mr. HEARD. Well, would it not be better to allow the House in the first instance to know what the amendments are before it expresses its opinion? It may recommend concurrence in some of them.

Mr. CANNON. It is not practicable to consider all of these Senate amendments in the Committee of the Whole. There are many of them that are trifling and that can be disposed of in the conference committee, and the important ones can be acted upon by the House hereafter.

Mr. HEARD. It occurred to me that the House ought to be permitted to say whether it would agree to certain of the amendments before they went into conference. It might relieve the conference committee of considerable labor.

Mr. CANNON. Oh, the House always has it in its power, by a rejection of the conference report or by a report of a disagreement on the part of the conferees, to consider these matters.

Mr. FITHIAN. I object to a further extension of the time.

Mr. HEARD. But it may shorten the work of the conference committee by agreeing to some of the amendments in the House.

Mr. CANNON. Well, if the gentleman from Missouri knows better than I do——

Mr. HEARD. I do not pretend to know better than you do, but I think that perhaps the House knows at least as much as you do, and ought to be permitted to exercise its judgment on these matters upon a knowledge of what they are.

Mr. FITHIAN. I call for the regular order.

Mr. DOCKERY. I desire to make a suggestion, being a member of the subcommittee that reported the bill——

The SPEAKER. The gentleman from Illinois demands the regular order.

Mr. DOCKERY. Well, if the gentleman does not want any suggestion——

Mr. STRUBLE. It is not the gentleman from Illinois on this side of the House who is objecting, but the gentleman on the other side.

Mr. CANNON. I am not objecting.

Mr. DOCKERY. I desire to suggest to the gentleman from Illinois that I quite agree with him in his desire to expedite the consideration of the bill in conference. But I do ask that the House shall have the privilege to vote upon one of the amendments made by the Senate. I am not willing, in other words, that the conference committee shall determine for the House their action as to the amendment of the Senate in reference to the recoining of abraded silver coin and directing the Secretary of the Treasury to coin the trade-dollar bullion into standard silver dollars. [Cries of "Regular order!"]

Mr. CANNON. Just a minute in response——

Mr. OUTHWAITE. I call for the regular order. This debate will amount to nothing.

The SPEAKER. The gentleman from Ohio demands the regular order. If there be no objection the House will resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the shipping bill.

There was no objection.

THE SHIPPING BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BURROWS in the chair.

The CHAIRMAN. The Chair is informed that the gentleman from Illinois withdraws his amendment to the first section of the bill.

Mr. OUTHWAITE. I propose the amendment I send to the desk.

The Clerk read as follows:

Add to section 1:

"*Provided*, That the owners of every vessel which shall become entitled to receive this bounty shall make a rebate upon their freight charges on all American products, either of agriculture or manufacture, which are exported in such vessel equal in amount to 50 per cent. of such bounty; and shall present the receipts for such rebate from the shippers of said products to the Secretary of the Treasury before receiving their bounty."

Mr. OUTHWAITE. The advocates of this bill, Mr. Chairman, have been insisting continually that its purpose was to benefit American producers and furnish them ready facilities to the markets of the world.

I have offered the amendment, therefore, in good faith in the hope of perfecting the bill and accomplishing the purpose for which we are told the bill was draughted—so that there may be no doubt whatever that the agricultural people of the country, and the manufacturers of the country, who desire to ship their products to foreign countries upon these subsidized vessels might be induced to do so. They are not using American vessels for this purpose now to any considerable extent, because, as gentlemen will doubtless remember, the Commissioner of Navigation, the man who in his official capacity advocates the passage of this bill, states officially that in the ports of California there lie for weeks at a time, waiting outgoing cargoes of wheat and other American products, vessels unable to get cargoes, although they are willing to take them at a less price than the vessels of Great Britain and other foreign countries. He states that the foreign vessels, although charging a higher rate on freight, sail away weeks before the American vessels can get cargoes of American products.

Now, let us offer this inducement to the American producers to ship in the subsidized vessels. This amendment provides that they shall receive one-half of the bounty as a rebate on freight, and that the vessel which is to be subsidized shall present before receiving this subsidy to the Secretary of the Treasury a receipt for a rebate upon the freight of the American products, equal in amount to one-half of the bounty which the subsidized vessel owner is to receive.

Mr. GROSVENOR. Will my colleague yield for a question?

Mr. OUTHWAITE. Yes.

Mr. GROSVENOR. If your amendment is agreed to by the committee, will you vote for the bill?

Mr. OUTHWAITE. Well, that depends upon other provisions of the bill. It does not depend on this amendment alone. It depends upon whether the bill is perfected by other amendments. I have several others to offer myself. But I trust that gentlemen on this side of the House will vote for this amendment, because it seeks to accomplish the very object that this bill is claimed to have in view.

We have had on this side of the House demonstrations of respect and

esteem for the Farmers' Alliances throughout the country, and we can not show the truthfulness of our words in favoring this large body of our citizens in any better way than by saying that they shall have one-half of the bounty that is voted from the Treasury for the shipowners of the country.

Mr. KELLEY. Mr. Chairman, I am opposed to this amendment which has just been offered. I think it only makes the bill a little more ridiculous. I think that is the object of the amendment.

Mr. ROGERS. That would be impossible.

Mr. KELLEY. The bill is certainly ridiculous enough in its original form, and I should like to ask the gentleman from Ohio, who offered this amendment, what he proposes shall be done with the bounty that is received by these ships on the freight that they do not carry? They are entitled to a bounty according to the capacity of the ship, whether that amount is on the ship or not, according to the provisions of this bill, and the farmers certainly can not get a rebate on the freight the ship does not carry.

Mr. OUTHWAITE. So far as I am concerned, I do not intend that they shall receive a cent of bounty.

Mr. KELLEY. Now, Mr. Chairman, I have been trying to get at the real object of this bill, and have listened carefully to the arguments that have been offered in favor of it. I find that by the title of the bill, the object is to put American shipping upon an equality with that of other nations, or at any rate that part of it which is engaged in the foreign trade; and it seems to me that if it is not already on an equality with that of other nations, there is some good reason why it is not, and it is likely that those reasons exist in the former legislation of this country which has affected the shipping interests; and if that be true, it seems to me that the legislation should be remedied, and it does not seem to me that this legislation is going to remedy any of the legislation that has been passed, that has brought about this state of affairs.

Now, Mr. Chairman, there are some things in this bill that strike me as intended to mislead, and I desire to call attention to one or two of those things. I think the object of the bill, as stated by some of the advocates, is that it may reduce the freight. I believe, however, that the author of the bill has stated on the floor of the House that that is not part of the intention of the bill to reduce freights that are to be carried in these vessels. He does, however, state that the object of the bill is to encourage the pursuit of seamanship and educate seamen in the art of seafaring, so that they may be called into the service of the United States in case of war.

Now, Mr. Chairman, the bill only provides that one-sixth of the seamen employed on these vessels shall be American citizens, and it strikes me that while we are educating one-sixth of the crews of these vessels as American sailors for the service of the Navy, in case this country may ever be engaged in war, we are also educating five-sixth of the sailors who may be so engaged, who are at liberty to enter the service of the enemy at any time.

Mr. FARQUHAR. That provision as to the one-sixth is only for the first two years.

Mr. KELLEY. The second two years only increases it a little.

Mr. FARQUHAR. The provision is that after five years one-half of the crews shall be American citizens.

Mr. KELLEY. I propose to give the gentleman the benefit of his statement. I agree with him that the bill states that only for the first two years this restriction applies and the next two years the restriction is broadened a little.

Mr. FARQUHAR. And after five years, one-half.

Mr. HOPKINS. Mr. Chairman, will the gentleman allow me an interruption?

Mr. KELLEY. Yes, sir.

Mr. HOPKINS. I do not exactly agree with the construction placed upon this by the chairman of the committee. There is a proviso added in the bill which says:

Or shall have declared their intention to become citizens.

So that under the bill there need not be a citizen in the whole crew. They may drive up a lot of these foreigners who do not know anything about it, and have them declare their intentions *pro forma* at 75 cents per capita and ship them as sailors.

Mr. KELLEY. That is true. There is absolutely nothing in the bill that requires any of the men to be citizens of the United States, but only to have declared their intention to become such.

Now, there is another provision of the bill that is misleading. It is attempted to be shown by the author of the bill and those in charge of it that the bill provides—which it does—that in case of war these ships may all be turned over to the Government of the United States for the purpose of assisting the Government in naval warfare, and are to be appraised by the Government and somebody appointed by the other party who owns the ships.

Now, it seems to me that the chairman of the committee, and every other gentleman on this floor, must know that in a contingency of that kind this Government has now, and always has had, and always will have, the right to take possession of any ship that may be upon the ocean, belonging to the United States or upon any of the waters of the United States, and press it into the service of the United States to perform naval service.

So the object of this bill (if it has any merit in it) must be one or more of the following objects: To give employment to American seamen or American builders of ships; to reduce the price of ocean freights; to find a better market for the products of this country, or to build up a merchant ocean marine that would be of service to this Government in time of war.

The first of these objects is disavowed by the bill itself, for it provides that only one-sixth of the seamen employed for the first two years need be persons who have declared their intention of becoming citizens of the United States; the balance may all be foreigners; and the bill does not provide that one on board these subsidized ships except the officers shall be citizens of the United States; therefore the avowed object of the advocates of this bill, of educating American seamen, is absolutely reversed; and there is not one word in the bill that restricts the men to be educated to American citizens; and there is not one word in the bill that would prevent or restrain any one or all of the men so educated from entering the service of the enemies of this Government in time of war.

As to the second proposition, reducing the price of ocean freights, the author of the bill itself, the chairman of the committee, openly admits this would not be accomplished, even admits it is no part of the objects of this bill, and that if it was it would not be accomplished.

The third object I have mentioned, is to find a better market for the products of this country. If this bill tends in any way to accomplish that object there is merit in it. I have listened to and read carefully all the arguments in favor of this bill presented by its advocates, and using the argument of James G. Blaine as applied to another measure, I fail to observe where it will give us a market for another bushel of grain or another barrel of pork.

Then, as it seems to me, if there is any merit in this bill it must be in the other proposition, and the only other one there can be left, namely, that the merchant ocean marine that is sought to be built up by this bill will be of great service and use to this Government in time of war. Let us examine it and see if this would be the case.

There is one provision in the bill that is misleading on this point, to say the least, that is the part that provides that the United States shall in case of war be permitted to buy these ships and take possession of them for its own use, and if the owners and the Government could not agree as to the price to be paid, then a third party should be chosen to arbitrate and agree on a price. This provision, if anything, detracts from the power the United States already has to take possession of any kind of property belonging to any of its citizens in time of war and use it for its own purposes until it is through with it, and then to return it to its owners, paying, of course, a reasonable price for its use; but it seems to me this bill contains the provisions that would enable the shipowners to unload their property onto the Government in case that Government should have use for them only a short time, and at an exorbitant price.

If there is any good reason why the Government should pay a bounty to shipbuilders in order that the Government might have the use of those ships in time of war, then the same reason exists why the Government should pay a bounty to the man who raises horses that can be used in the calvary service, or boys that can be used in the infantry service in time of war, or to the man who raises pork, or beef, or corn, or wheat, or oats, that can be used to sustain the Army in time of war; then the same reason exists why the Government should pay a railroad company a bounty on its capacity to carry freight whether it carries it or not, simply that the Government might use that road in time of war, paying at the time a good round price for the privilege of using it.

Mr. Speaker, the best defense this Government can have in time of war is to obtain the respect and love of its citizens by wise and beneficent legislation in time of peace; to give to each and every citizen equal and perfect protection of the law in all their rights. In other words, by granting "equal rights to all and special privileges to none." If this is done this Government will always have the means of defending and protecting itself. This bill grants special privileges to a certain class at the expense of the whole people. This Congress has already made very liberal appropriations for building and enlarging our Navy. This bill proposes to pay for putting a merchant marine on the ocean and keeping it there on dress parade with nothing to do.

[Here the hammer fell.]

Mr. JOSEPH D. TAYLOR. Mr. Chairman, I wish to offer an amendment to the amendment.

The CHAIRMAN. The Chair desires to recognize the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. Mr. Chairman, I want to submit to my friend from Ohio, who has offered this amendment, that I do not think he has thoroughly studied the theory of this bill or is thoroughly imbued with the sentiments of the Commissioner of Navigation. If he will look on page 261 of this report he will see that the object of this bill is not to give to the farmers cheaper transportation, but, to use the language of the Commissioner of Navigation in this connection—

It is important that the bounty to be paid shall be put at the command of vessel-owners, so that it shall avail in the purchase of a part or the whole of cargoes.

Now, it is quite apparent that the Commissioner of Navigation had in mind our high-tariff rates, which make it difficult to get a return cargo, and now, in order to keep the ship afloat, to give it business both ways, he proposes as a reason for this bounty to give the shipowners the money with which to buy a cargo. What can my friend from Ohio [Mr. OUTHWAITE] be thinking of to endeavor to thwart the lofty purposes of the Commissioner of Navigation when he seeks to give the owners of ships money to buy cargoes with that nobody else will furnish except themselves?

Mr. GROSVENOR. Will the gentleman allow me a question? Is not that exactly in the line of the idea of warehouse receipts for grain, tobacco, and cotton?

Mr. BLOUNT. Well, Mr. Chairman, if the gentleman proposes to toy with other questions to divert attention from this, I will not wander in that direction.

Mr. GROSVENOR. I did not state that the gentleman was "toying." It was my colleague who did the "toying"——

Mr. BLOUNT. Your colleague from Ohio called attention to the fact that this bill, which pretends to be a bill in the interest of the people of this country, so far from being that, is intended for the favored few at the expense of the producers of this country.

Mr. GROSVENOR. Will the gentleman allow me to interrupt him?

Mr. BLOUNT. I can not yield to further interference.

Now, Mr. Chairman, you have therefore the allegation of the friends of this measure that there is no purpose to reduce the freight by a single penny to the producers of this country. You have the further allegation of the Commissioner of Navigation, whom my friend from Alabama says was put in his office by the shipping league, and you have the real purpose of this measure, and the concomitant of this scheme is to give to these people money; give them money out of the Treasury to buy cargoes, because they can not get them in any other way. [Applause on the Democratic side.]

Mr. JOSEPH D. TAYLOR. Mr. Chairman, I desire to say two things. The first thing I desire to say is that I think it is unfair to charge against any measure that it is pushed forward by a lobby. I appreciate an argument against a measure, but I wholly fail to appreciate such a charge as this. So far as I am concerned, I desire to say that I have never yet seen any individual in Washington, either at the Capitol, at the hotel where I board, or at any other place, in the interest of this measure. No one, other than a member of Congress, has ever spoken a word to me about the shipping bill as I now remember, and I have never heard of anybody else who has been spoken to.

That is all I care to say about a lobby. The presence or absence of a lobby has nothing to do with the merits of this bill.

Mr. Chairman, I desire to say another thing. I have listened to the speeches which have been made during this discussion with a great deal of interest, and certainly one of the best speeches made on the floor of this House during this discussion was made by the gentleman from Illinois [Mr. HOPKINS]. It was an able and eloquent speech; and not only that, but a convincing speech; for it convinced me that this measure ought to pass. [Laughter.] It is true that he was against the bill, but his arguments were for it.

I will tell you why. He pointed out the fact that when we had a tonnage tax and when we had differential duties we had great commercial prosperity. He insisted that these two laws gave prosperity to our merchant marine and to the country. He said that in this way we had secured a large share of the commerce of the world, and that our flags were seen in every port and our sails on every sea. He grew eloquent in his description of the American merchant marine in the days of its glory. Now, Mr. Chairman, I can see no difference between paying money out of the Treasury as a bonus or a bounty and withholding money from the Treasury under a law which exempts a class of people from paying as much taxes or as high duties as other people pay.

I can not see any difference between withholding a given sum of money from the Treasury by way of differential tariff duties, or between withholding money from the Treasury by requiring the owners of American vessels to pay only 10 cents a ton as a tonnage tax while the owners of other vessels pay 50 cents tonnage tax, and paying the money out of the Treasury direct. The result is the same. In the one case the money is paid in and paid out, and in the other it is not paid in when it ought to be.

Mr. OUTHWAITE. Will the gentleman allow me to show him the difference?

Mr. JOSEPH D. TAYLOR. It is only the difference between tweedledum and tweedledee.

Mr. OUTHWAITE. Oh, no.

Mr. JOSEPH D. TAYLOR. The Treasury, after all, bears the burden, whether it is done one way or the other, and the benefit goes to those who own the ships carrying the commerce of the sea. And if, as Mr. HOPKINS argued, it was a grand thing to build up our commerce by this indirect bonus, it is just as well to do it directly.

[Here the hammer fell.]

Mr. SPRINGER. I move to close all debate on the pending amendment.

Mr. BLAND. I offer an amendment to the amendment.

Mr. STRUBLE. I desire to offer an amendment.

Mr. SPRINGER. Is not there an amendment in the second degree already?

Mr. BLAND. I desire to offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Missouri is recognized to offer an amendment.

The Clerk read as follows:

Provided further, That where agricultural products of this country shall be shipped on these subsidized vessels and sold or exchanged in foreign countries for any products of such countries the products of other countries so purchased with agricultural products of this country shall be admitted into our ports free of duty, and the Secretary of the Treasury is authorized and required to make such rules and regulations as may be necessary to carry out this proviso.

Mr. DINGLEY. I make the point of order against that amendment.

Mr. BLAND. I desire to be heard upon the point of order.

Now, Mr. Chairman, on the point of order I desire to say that I have understood from the beginning that this bill was intended especially for the benefit of the agricultural community; that that was one of its main objects; that the farmer's case is here being especially considered, and I am astonished that my friend from Maine, who expects to benefit the shipbuilding interest in his State, should raise a point of order upon an amendment that seeks to accomplish what it is supposed his theory, if correct, will accomplish. Now, as to these subsidized vessels. These vessels are to be subsidized from the money that comes from the pocket of the farmer.

Mr. BLOUNT. Will my friend allow me to interrupt him?

Mr. BLAND. The money for the tonnage is to be paid out of the Federal Treasury to subsidize vessels in the foreign commerce, and certainly we will have the right to regulate the commerce of those vessels. We will have the right to say what sort of commerce shall be carried by them, how they shall carry it, under what conditions and under what terms they shall carry it, and it is wholly in order. So that it is in bad faith, to say the least, that the Maine shipbuilder should want the farmers to pay all the expense and give them no benefit in return.

Mr. DINGLEY. Mr. Chairman, now, the gentleman having got in his speech, I hope we shall have a ruling.

Mr. BLOUNT. Mr. Chairman, I want to add a little to what my friend has said. The gentleman from New York [Mr. FARQUHAR] has said that this bill is intended "to give everybody a chance," so I think this ought to come in. [Laughter.]

The CHAIRMAN. The Chair sustains the point of order.

Mr. SPRINGER. Mr. Chairman, I move that debate on the pending amendment be now closed.

The motion was agreed to.

The CHAIRMAN. The pending question is on the amendment offered by the gentleman from Missouri.

Mr. OUTHWAITE. Let the amendment be reported again, Mr. Chairman.

The amendment was again read.

The question was taken; and the Chairman declared that the noes seemed to have it.

Mr. BLAND. I ask for a division.

The committee divided; and there were—ayes 56, noes 69.

So the amendment was rejected.

[Mr. CLUNIE addressed the committee. See Appendix.]

Mr. CLUNIE. Mr. Chairman, I hope, independent of the question how I shall vote, that you will get votes from the Pacific coast, to give us at least equal justice. Put us on an equal footing with the remainder of the country, and then, if you succeed in passing this measure, that act of equal justice will in some degree satisfy the people of the Pacific coast. [Laughter and applause on the Democratic side.]

Mr. FARQUHAR. Mr. Chairman, the fact of the matter is that to give the California craft 14,000 miles of sea room would be to let them monopolize the whole of this bounty. I am very willing that a reasonable compromise shall be made. I have been willing in the committee, and I am willing now, as an individual (though I can not speak for the whole committee) to extend this to 10,000 miles.

Mr. STRUBLE. No. Let us have it as it is.

Mr. FARQUHAR. I understand from some members of the committee near me that they demur to that; but if the California craft have 7,000 miles of sea room, they can earn as much as any American ship sailing to Australia or to the extreme parts of South America.

Mr. ROGERS. Mr. Chairman, I desire to amend the amendment of the gentleman from California. I move to strike out "fourteen" and insert "twenty-eight," so as to make the distance 28,000 miles; and on that I desire to be heard briefly. [Laughter.] Mr. Chairman, 14,000 miles will embrace California, but it will not embrace the interior towns of Arkansas. [Laughter.] Moreover, I think the amendment should be amended still further so as to make each land-mile equivalent to two miles of water, so as to certainly take in all parts of our common country. [Laughter.]

Mr. COLEMAN. The gentleman evidently wants to provide for "prairie schooners." [Laughter.]

Mr. ROGERS. I hold in my hand an article which I desire to read and which bears directly on this amendment. It is taken from the New York World of this morning. I read:

TO-DAY IN WASHINGTON.

The House of Representatives will vote at 5 o'clock to-day upon the subsidy bill, which makes appropriations extending over a period of nineteen years.

Estimates differ as to the amount involved, but the smallest sum named by the supporters of the measure is $80,000,000, while well-informed and unbiased statisticians insist that the total will be at least four times as great and will probably reach $350,000,000.

A patriotic Republican Representative, Mr. HOPKINS, of Illinois, struck the keynote of the objections to the bill yesterday when he said that the promoters were confounded by their own statements. If, as they maintain, the shipping trade of the United States can not compete with the heavily subsidized interests of other nations, how can it hope to build up a satisfactory merchant marine on bounties only one-fourth as large as those paid by Great Britain and Spain?

The appropriation of any amount insufficient to place our merchant marine on a plane with those of other nations Mr. HOPKINS rightly characterized as a sheer waste of money, whose expenditure, instead of accomplishing its avowed object, would only benefit a few private interests and advance American commerce not one jot.

It is a steal pure and simple, backed by the Huntingtons, Goulds, and Cramps, whose paid representatives now in Washington make a swarm of pests such as has been unknown since the days of the outrageous Pacific Railroad legislation.

There is great danger that the bill will pass to-day. Added to the influences in its favor brought to bear upon members by the greedy monopolists is the power of Speaker REED, who is striving with all his might, for the sake of Portland shipbuilders, to make it a party measure.

Mr. Chairman, the writer of this article does not know that the Speaker of this House is purely and absolutely "nonpartisan."

Despite this formidable combination it is still possible that enough conscientious Republicans will be ready to join a solid Democratic opposition to defeat the iniquity.

Mr. Chairman, the editor of this great paper was once a member of this House, but he did not stay here long enough to become acquainted with the Republican side of it.

But will the Democratic opposition be solid? Ominous intimations to the contrary are rife in Washington. We can not believe them to be well founded. No Democratic Representative can afford to be found in the company of these banded and branded conspirators.

Mr. Chairman, somebody ought to rise to a question of personal privilege. I deny that anybody here is "branded."

None, in our opinion, will fail to appreciate this fact or heed the plain warning which we mean to convey.

If the Republican party is to succeed in its shameless attempt to rob the people for the sole benefit of the Goulds and Huntingtons then let every honest Democrat see to it that the Republican party accepts the entire responsibility and bears all the blame.

Mr. Chairman, in conclusion let me say that this amendment and the amendment of the gentleman from Ohio ought both to be adopted. The Republicans need give themselves no sort of concern about any amendment rendering this bill "ridiculous." They are in the position of the ugly fellow who, when about to be hit, was advised by some one to stand up and take the blow, because he could not be disfigured. [Laughter.]

Mr. BLOUNT. Mr. Chairman, I desire to oppose the amendment of the gentleman from California [Mr. CLUNIE].

Mr. CLUNIE. Oh, I hope not; I do not see how you can.

Mr. BLOUNT. The gentleman from California is laboring under a misapprehension as to facts. This bill does propose to help the Pacific coast. I want to call his attention to a table to which members of the committee have seen fit to refer us by way of showing the great benefit which this measure is to confer upon the Pacific coast. Mr. Charles N. Felton, who appeared before the committee as the representative of the San Francisco Chamber of Commerce, submitted the following table:

Tonnage of steamships of the Pacific Mail Steamship Company, number of miles traveled in one year, and mileage pay that would be earned, based on 30 cents per ton for every 1,000 miles traveled by each steamship.

Steamships.	Miles traveled in one year.	Tonnage.	Rate per 1,000 miles at 30 cents per ton.	Mileage pay that would be earned in one year.
City of Sydney	62,249.16	3,016	$904.80	$56,323.04
City of New York	53,949.27	3,019	905.70	48,861.85
City of Rio de Janeiro	58,099.21	3,548	1,064.40	61,840.80
City of Peking	53,949.27	5,079	1,523.70	82,202.50
City of Para	47,465.40	3,552	1,059.60	50,294.34
Colima	42,204.65	2,905	871.50	36,781.35
Newport	47,465.40	2,735	820.50	38,945.36
Colon	47,665.40	2,685	805.50	38,233.38
Granada	40,456.87	2,572	771.60	31,216.52
Acapulco	38,967.45	2,572	771.60	30,067.28
San José	42,204.65	2,180	654.00	27,601.84
San Blas	44,425.95	2,180	654.00	29,054.57
San Juan	37,170.77	2,076	622.80	23,149.96
Starbuck	31,438.31	2,157	647.10	20,343.73
South Carolina	8,061.04	2,099	629.70	5,076.04
Clyde	18,895.10	2,016	604.80	11,427.76
Crescent City	11,797.78	2,003	600.90	7,089.28
City of Panama	19,944.82	1,490	447.00	8,915.33
Total				607,424.93

I call the attention of the gentleman from California to the fact that the bounty which will be received by the Pacific Mail Steamship Company under this bill amounts, according to this table, to more than $607,000.

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

Mr. BLOUNT. Certainly.

Mr. CLUNIE. Does not the gentleman from Georgia understand that under this bill a vessel leaving one of our Atlantic ports will get this "pap" not only for the outward voyage, but for the return voyage, while a vessel leaving one of the Pacific ports will receive it only once.

Mr. BLOUNT. I understand that a vessel traveling from San Francisco to Liverpool, a distance of over 7,000 miles, would receive no bounty. But I think my friend from California ought not to "want the earth." If the Pacific Mail Steamship Company is to receive $607,000 of this money, my friend ought to be grateful to the committee for looking so liberally after the interests of that "infant industry" out there.

Mr. BRECKINRIDGE, of Kentucky. How much does the Pacific coast want?

Mr. BLOUNT. I do not know what my friend from California [Mr. CLUNIE] does want.

Mr. CLUNIE. I want our vessels to receive pay for 14,000 miles instead of 7,000 miles.

Mr. BLOUNT. But under the bill as now reported the Pacific coast receives nearly one-fourth of the benefits of the measure.

Mr. CLUNIE. We ought to have one-half.

Mr. BLOUNT. I am afraid that if my friend were allowed to arrange the bill to suit himself he would take everything for the Pacific coast, and would not give these other people any chance. I have no doubt this matter has been correctly divided by the committee all around. I think my friend from California ought to be reasonable about this question. I believe my friend from Arkansas [Mr. ROGERS] is also wanting something.

Mr. ROGERS. Of course.

Mr. BLOUNT. He is always looking out for Arkansas; he wants his State to have an equal showing. But I trust, in view of the fact that California is already getting so much, the gentleman from California will not press his amendment.

[Here the hammer fell.]

Mr. SPRINGER. I move to close debate on the amendment and the amendment to the amendment.

Mr. CLUNIE. Just one word in reply to the gentleman from Georgia [Mr. BLOUNT].

Mr. SPRINGER. I will make it two minutes.

Mr. CLUNIE. Mr. Chairman, I move to amend the bill now before the Committee of the Whole by striking out the word "seven" before the word "thousand," in line 53, page 8, and inserting the word "fourteen;" so that it will read:

Provided, That payment in all the foregoing cases shall not be made for more than 14,000 miles.

Now, Mr. Chairman, I desire to say a few words to the friends of this measure, giving the reasons why I offer this amendment.

This bill purports to have for its object the placing of the American merchant marine engaged in foreign trade upon an equality with that of other nations, and, at the same time, it purposes to discriminate against the Pacific coast States and Territories. Under its provisions a ship that starts for market from any of the cities of the Atlantic coast or the Gulf States, from the time she leaves for a foreign port until she returns she draws a subsidy from the Government both in going to and returning from market. On the Pacific coast, which I have the honor in part to represent, our ships under this bill would only receive a subsidy half way to market, and on their return trips they would receive it half way back.

The bill is cunningly framed in the interests of Eastern shipbuilders and shipowners. They have carefully figured up and find that giving a subsidy for 7,000 miles, the market being within that distance to the Atlantic ports, they will be receiving Government pap all the time, while we on the Pacific coast, our shipowners being 14,000 miles from market, will get the subsidy for only one way.

You will therefore see that the Eastern shipowners engaged in the foreign trade get as much again subsidy as the Pacific coast shipowners.

In the very title of this bill it speaks about equality, and yet before you read through the first section the inequality of its provisions becomes apparent to all. No Representative on this floor who believes in this kind of legislation can afford to vote against the amendment I have proposed, unless he is an enemy to the shipowners on the Pacific coast.

My State has a line of several hundred miles of seacoast, washed by the waters of the Pacific Ocean, which, with the great States of Oregon and Washington, extends from British America on the north to Mexico on the south, and forms the western boundary of the country. Why should these great States be discriminated against in legislation that the friends of this measure claim is for the benefit of our whole country? From our broad and fertile valleys during the dark days of the rebellion we furnished the bread to keep your soldiers from starving, and we are

capable to-day of not only furnishing bread, but the finest fruits and wines sufficient to supply the world. From our mountains filled with inexhaustible wealth, we dug hundreds of millions of dollars in gold and silver with which the credit and honor of the nation was maintained; when you levied the direct tax against my State, it cheerfully paid every dollar of it; when you increased our tariff taxes to war rates, we continued to pay them twenty-five years after the war was ended, and are now paying higher tariff taxes than ever before; when the lamented Lincoln asked us to advance money toward the suppression of the rebellion, we did so in common with other States to the tune of several millions, not one dollar of which has been repaid to the Pacific States by the General Government. Although the war ended more than a quarter of a century ago, and all the other States have been paid by the Government, California, Oregon, and Nevada have never been paid a dollar for the advances they then made, and yet our loyalty has never been questioned.

In the matter of appropriations for coast defenses, rivers and harbors, and necessary public buildings the East has received dollars from the Government where we have received cents. The great city of San Francisco is without a post-office building; appropriations for the cities of Oakland, Los Angeles, San Diego, and other cities have been denied us.

When you take all these things into consideration it does seem to me as if the American Congress had a grudge against the Pacific coast. Our taxes to the General Government amount to sixteen millions annually, or a per capita tax upon every man, woman, and child in the State of $13.33. The worst feature of the tariff taxes that we pay to the General Government is, that it bears heaviest upon the poor people, who are least able to pay them.

In State taxation we are assessed in accordance with the value of our property. The tariff tax is based upon what we eat, drink, and wear. God has blessed the poor people with good appetites, and it can be shown that a poor man's contribution to the General Government is equal to that of a millionaire.

Mr. COLEMAN. Will the gentleman permit a question?

Mr. CLUNIE. Yes, sir.

Mr. COLEMAN. Will the gentleman vote for the bill if the amendment prevails?

Mr. CLUNIE. I will consider it. [Laughter.]

If we get justice to my State and to my coast I will certainly give the bill a calm and careful consideration. [Laughter.]

Mr. COLEMAN. What we want is votes; we have had consideration for a long time.

Mr. CLUNIE. If my amendment prevails I will consider the bill carefully, and if the bill is right, if it is just to the masses who are called upon to pay the taxes from which these subsidies are to be paid, and if I find it in accordance with the eternal principles of Democracy I will give it my support. [Applause on the Democratic side.]

Mr. BRECKINRIDGE, of Kentucky. Let me ask the gentleman from California a question.

Mr. CLUNIE. Certainly.

Mr. BRECKINRIDGE, of Kentucky. If the Pacific slope is to be put on an equality with the Atlantic coast and the Gulf States, where do the interior States come in? [Laughter.]

Mr. CLUNIE. They are like the boy that fell out of the balloon; they are not in it. [Laughter.] My friend from Louisiana asked me if I would vote for this bill if my amendment prevails. I consider the bill one of the greatest steals of the nineteenth century, and yet if this legislation is to be fastened on the country, I want our shipowners to get their share, which induced me to offer this amendment. I have listened attentively to the speeches made on this subject, and from all I can gather the proposition involves an outlay by the Government, during the life of the bill, of $300,000,000, which is to be taken from the pockets of the people and given to a few steamboat men and shipowners. If this is not class legislation, I would like to know what is. If this is not robbing the many for the benefit of the few, it will be hard to frame a bill having that for its object.

You have subsidized the manufacturers by increasing the tariff, you have given bounties to the sugar producers; in this bill you propose to take care of the steamboatmen and shipowners, all to be done at the expense of the toiling masses. Suppose a farmer, a merchant, a mechanic, or a laboring man of any kind would come to Congress and say: "I am engaged in business; I find that the profits derived from my business or my daily wages are not satisfactory; I want you to pass a law that will permit me to go to the Treasury of the United States, present a certificate that I am so engaged, and draw enough money to satisfy me." What would you think? You would say he was crazy. But it seems to me that the legislation desired by him is on all fours with the bill now pending. It is conceded by the friends of the bill that it will not cheapen freights, that not one cent will be saved to the producing classes who furnish the bulk of our exports in the way of freights.

By the McKinley bill you have given notice to the world that you want no commercial intercourse with outside countries, and yet you propose in this bill to increase the taxes of our already overburdened people to build ships and steamboats, to build up foreign trade, which the advocates of the McKinley bill claim to despise. I will not, in the brief time allotted to me, attempt to compare this country with Great Britain, the mistress of the sea. That country proper could almost be stowed away in one of the counties of my State, but the British possessions extend all over the world; it is said that the sun never sets upon Her Majesty's dominions, and a necessity exists for keeping up water communication, as it is the only way that commercial intercourse can be carried on among the different countries under the jurisdiction of Great Britain.

I shall not discuss the reasons for the decline of American shipping, as it has already been demonstrated to the House that the tariff laws passed by a Republican Congress are responsible. I can only say as a Democrat, believing firmly in Democratic principles, that I am opposed to taxing the people for the benefit of private parties or corporations. I would give my support to a bill carefully drawn, having for its objects the establishment of mail routes between our ports and foreign countries, and would be willing that the Postmaster-General should enter into contracts for carrying the mails by rapid transit at prices just and equitable. I also believe in what is called the naval reserve, as I understand it, the building of steamships under the superintendence of the Secretary of the Navy. These vessels would not only carry the mails regularly and rapidly, but could be transferred into ships of war and used by the Government whenever it became necessary.

A bill of this kind carefully drawn, not in the interest of steamship owners but in the interest of the Government, would receive my support. Then, on bills of this character before Congress, I am informed by those who ought to know that the scale of prices named in the list on which the mails should be carried are excessive; and yet I should much prefer to vote for a bill to allow the Government to enter into contracts for carrying the mails even at higher prices than to vote for a general subsidy bill which will take from the Government $300,000,000 if time is allowed.

I believe a bill can be framed to increase our mail service, establish ocean routes between our country and foreign ports, and increase our naval reserve that will be satisfactory to both sides of this Chamber. In doing this, however, the Democratic party will support no bill which permits excessive charges to be exacted from the Government. If we are forced to vote on this measure without the proper consideration, I shall vote to substitute the postal bill for the subsidy bill.

Twenty-five thousand men own more than half the wealth of this country, yet our population is now upwards of 63,000,000. The subsidy bill under consideration and kindred legislation has done much to produce this result. We should take warning from the lessons of the past. Ancient Rome, Persia, and other countries met their downfall by robbing the many for the benefit of the few. Class legislation will bring about the same result to our own magnificent Republic.

Able and distinguished Representatives on the floor of this House have shown that no evil complained of will be remedied by the passage of this bill. It will, however, add greatly to the burdens of the common people, who are patient and long-suffering, but who, if you continue to oppress them, will one day rise in their might and crush you. I ask you to pause and reflect before you give your support to this unwholesome and unjust measure.

The distinguished gentleman from Georgia [Mr. BLOUNT] has always been the friend of California. He is a just man and I know upon reflection he will vote for my amendment.

I regret, Mr. Chairman, that in the brief time allotted to me I can not discuss the bill more in detail, yet I feel, after it has been so thoroughly discussed in this House, that I can not add to what has been so ably said. Speaking for myself, I feel that should I give my support to this bill I would regret it to my dying day. Feeling so, I am bound to oppose it. [Great applause on the Democratic side.]

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Illinois to close debate.

The question was taken; and the Chairman decided that it was rejected.

Mr. SPRINGER. Mr. Chairman, there was a misunderstanding as to the vote here. I understood the Chair to be putting the question on the amendment to the amendment proposed by the gentleman from Arkansas.

The CHAIRMAN. The Chair stated the question distinctly, but the committee are in such a disorderly condition it is impossible for the Chair to make himself heard. The Chair will again submit the motion.

Mr. GROSVENOR. I hope the gentleman from Illinois will not close the debate for a minute or two.

Mr. SPRINGER. I will change my motion to close debate in five minutes.

The motion was agreed to.

Mr. GROSVENOR. Now, I only objected to closing debate to the end that, after the statement of the gentleman from California [Mr. CLUNIE] that the whole effect of this bill will be to discriminate against the shipping on the Pacific coast, somebody in charge of the bill, and with a full knowledge of its provisions and effect, might answer the statement. Because I would not vote for the bill if it is open to the

objection urged, and which I understand to be true on the statement of the gentleman from California.

Mr. CLUNIE. It is true.

Mr. DINGLEY. Mr. Chairman, I had supposed the chairman of the Committee on Merchant Marine and Fisheries had made an explanation as to why this limitation of 7,000 miles was fixed as the mileage on which the bounty should act. The reason is simply this: This bill provides for a bounty upon the mileage made during the time in which a vessel is sailing. Vessels making long voyages are in port but a short time, comparatively. For instance, a vessel engaged in trade between San Francisco and Liverpool would be in port in the course of a year but two or three, or perhaps at most four times.

Now, when a vessel is in port it is earning nothing. It is only while sailing that it is productive. These vessels making long voyages and being in port but two or three or four times in a year are not injured by this limitation of 7,000 miles, which tends to equalize as far as practicable the bounty to those vessels which make short voyages and are in port nearly half of their time. Hence the committee, on a careful examination of the matter, found that practically the vessel in the long voyage would receive the same or nearly the same as the vessel engaged in short voyages on this mileage. It will also be remembered that vessels in port are subjected to port charges and other dues, being at an expense all the time. But this limitation puts the two classes of vessels on substantially the same basis, according to the judgment of the committee.

Mr. CLUNIE. The gentleman is mistaken in that, clearly.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment proposed by the gentleman from Arkansas to strike out "fourteen" and insert "twenty-eight."

The amendment to the amendment was rejected.

The question being taken on the amendment of Mr. CLUNIE to strike out "seven" and insert "fourteen," the committee divided; and there were—ayes 34, noes 55.

Mr. STRUBLE. I offer an amendment to the first section.

The CHAIRMAN. The gentleman from Iowa moves an amendment to the bill, if the committee will be in order.

Mr. ROGERS. Well, I hope the committee will be in order, because any amendment will improve the bill. [Laughter.]

The CHAIRMAN. The Clerk will read.

The amendment of Mr. STRUBLE was read, as follows:

Insert at the end of section 1:

"*Provided further*, That all measurements of distances sailed shall be of the shortest practicable routes for vessels of the class claiming tonnage under this act, and in determining the number of miles each vessel has sailed and for which tonnage shall be paid the measurement shall be from the port, if more than one, at which not less than 50 per cent. of the cargo is taken on, and the foreign port, if more than one, at which not less than 50 per cent. of the vessel's cargo may, in accordance with the actual consignment of goods, be discharged: *And provided further*, That no tonnage shall be paid to any vessel owner or master thereof unless prior to sailing from any port of the United States the owner or master of said vessel shall transmit to the Secretary of the Treasury a sworn copy of the ship's manifest on her outgoing voyage, nor unless such owner or master upon a return trip to the United States shall, within ten days after the arrival of said vessel at her final port of entry in the United States, transmit a sworn copy of the ship's manifest on her returning voyage."

Mr. STRUBLE. Mr. Chairman, I wish to say that I have submitted this proposed amendment for the consideration of the gentleman from New York [Mr. FARQUHAR], and I understand he is not opposed to it. I do not wish to take up the time of the committee and am perfectly willing that the amendment should be put to a vote.

Mr. DICKERSON. I desire to strike out the word "shortest" and insert "longest."

Mr. ROGERS. If the gentleman from New York [Mr. FARQUHAR] is for the amendment, I am opposed to it on that ground, not knowing what the amendment is. [Laughter.]

The question was taken; and the Chairman announced that the noes seemed to have it.

On a division (demanded by Mr. STRUBLE) there were—ayes 55, noes 50.

Mr. MCADOO demanded tellers.

Tellers were ordered; and the Chairman appointed Mr. MCADOO and Mr. STRUBLE.

The committee again divided; and the tellers reported—ayes 79, noes 79.

Accordingly the amendment was disagreed to.

Mr. SPRINGER. I move to close all debate upon this section and amendments now.

The motion was agreed to.

The Clerk read as follows:

SEC. 2. That no vessel shall be entitled to the benefits of this act unless its entire cargo shall be loaded at a port or ports of the United States and discharged or transferred at one or more foreign ports, or shall be loaded at one or more foreign ports and discharged or transferred at a port or ports in the United States; nor shall a vessel of less than 16 knots speed, not carrying the United States mails, be entitled to receive payment under this act unless it shall have freight on board at the time of sailing to the amount in ton weight, or measurement, of at least 25 per cent. of the net cargo capacity, 2,240 pounds, or 40 cubic feet, to make a ton of cargo.

Mr. FARQUHAR. I would like to inquire of the Reading Clerk as to the wording of line 9 of this section. Some of the copies of the bill are apparently typographically incorrect. In the copy I hold it reads "in tons, weight." How does it read in the bill from which the Clerk is reading?

The Clerk read as follows:

freight on board at the time of sailing to the amount, in ton weight.

Mr. FARQUHAR. That is correct.

Mr. ROGERS. Before the debate begins, let us see what the amendment is. We could not hear the amendment at all.

The CHAIRMAN. No amendment was offered. It was simply an inquiry on the part of the gentleman from New York as to the print of the bill.

Mr. ROGERS. What is now pending before the House?

The CHAIRMAN. Section 2, which has just been read.

Mr. SPINOLA. I move to strike out the last word. I wish to say that yesterday the whole time for general debate was consumed before I could get the opportunity to express my views on this question, and, as I come from a section of the country which feels a deep interest in this bill, I would ask unanimous consent of the House that I may be allowed a half hour, or so much thereof as I may desire to consume, to define my position on this question.

The CHAIRMAN. The gentleman from New York asks unanimous consent to address the committee for thirty minutes. Is there objection?

Mr. ROGERS. I do not object if he will agree not to mention the monument or the Hot Springs bill. [Laughter.]

The CHAIRMAN. The Chair desires to understand the request of the gentleman from New York, which is for unanimous consent to address the committee for thirty minutes. Is there objection?

Mr. MILLIKEN. I hope there will be no objection.

Mr. KERR, of Iowa, and others objected.

Mr. SPINOLA. Who objected?

The CHAIRMAN. Several gentlemen.

Mr. SPINOLA. It is impossible, gentlemen, for any member of this House to define his position on this question in the brief space of five minutes. I am one of the Representatives from the city of New York, the greatest commercial port on this continent, and I appeal to the generosity of this House to withdraw objection and give me sufficient time at least, in defense of my constituents, to explain my position and give my views on this question.

Yesterday I could not get the opportunity during the general debate. Every gentleman on this side of the House was allotted time and every gentleman on that side was given all the time he asked until the whole time fixed for the general debate was consumed, and I was consequently ruled out.

Now, I appeal to this House to give me a fair opportunity; it makes no difference which side of the bill I may be on, whether I am for or against it. I have a constituency behind me who I claim have a right to be heard.

Mr. BLAND. I would like to have thirty minutes also.

The CHAIRMAN. The gentleman from New York is occupying the floor.

Mr. BLAND. I have a constituency that pays for this bill and gets no benefit from it.

Mr. SPINOLA. My friend from Missouri is simply mistaken in his position and the position of his constituency.

Mr. BLAND. I want to say that I am not mistaken.

Mr. SPINOLA. Mr. Chairman, the gentleman can not show it through me.

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. SPINOLA. Now, Mr. Chairman, from what has been said upon this floor to-day one would suppose that some of my friends here think they represent a class of people who are called upon to defray all the expenses of this great Government of ours. Why, sir, if you examine the record you will find they are the beneficiaries. Take the question of agriculture alone; my friend from Missouri [Mr. BLAND] pretends to be a representative of the farming interest of this country. They receive a subsidy to-day almost equal in amount to that asked for by this bill.

Mr. BLAND. Where?

Mr. SPINOLA. I will tell you where.

Mr. BLAND. By taxation until they are impoverished for the benefit of monopolies, and Wall street is responsible for a good deal of it, besides.

The CHAIRMAN. The gentleman from Missouri is not in order.

Mr. SPINOLA. Nothing of the kind. The gentleman from Missouri does not seem to know whether he is in order or not unless he is on the silver question, and if you will just give him a start on that there is no power on earth can hold him back that I have been able to discover. [Laughter.]

Mr. DOCKERY. The Committee on Rules seem to have restrained him on that subject.

Mr. BLAND. You will have to ask the Speaker about that.

Mr. SPINOLA. Take the agricultural interests; there are forty-five agricultural experimental stations in this country, drawing from the

public Treasury $15,000 each per year for the development of agriculture. Is not that a subsidy?

Mr. WILLIAMS, of Illinois. No.

Mr. SPINOLA. What is it?

[At this point a large glass globe was broken, making a loud crash.]

Mr. ROGERS. I hope there will be more guards put on. I think the lobbyists are breaking through the doors. [Laughter.]

Mr. SPINOLA. I ask that the Sergeant-at-Arms may be directed to protect my friend from Arkansas from the "lobby." [Renewed laughter.]

Mr. ANDREW. Pacific Mail stock has dropped.

Mr. SPINOLA. Now, if the gentleman has got any Pacific Mail stock that is troubling him he had better go over to New York and dispose of it. [Renewed laughter.]

Now, here, for the benefit of agriculture and the mechanic arts, is to be an appropriation of $15,000 per annum, with an increase of $1,000 per annum for ten years until it reaches $25,000 per annum, after which it shall remain at that sum. That is, when it reaches $25,000 per annum. That is one of these institutions.

Mr. BLAND. I suppose that Jay Gould and Huntington and the beneficiaries of this subsidy are willing that the agriculturists may get a few thousands that they may get a few millions.

Mr. SPINOLA. Oh, do not let the ghost of Jay Gould haunt you during your quiet sleep at nights. [Laughter.] I read further:

It shall remain at $25,000 per annum.

This act was passed during the present Congress and calls for $1,264,000. What is that, let me ask my friend, but a subsidy? But that is not all. I understand that some of the institutions will draw both these subsidies, and will get $30,000 per annum, with an annual increase of $1,000 each year after 1890 until the whole will aggregate $40,000 per annum for each institution. Is that nothing for the benefit of agriculture? As soon as the present outlying Territories, Alaska, and the District of Columbia are taken care of in the same way it will amount to $2,000,000 per annum.

Two million dollars per annum we are giving away for the encouragement and the development of agricultural and mechanical arts in the various States of our Union. Is that not all public money? Does not New York have to pay her share towards it? We in the State of New York threw her great canal open free to the entire country, and the State of New York pays the whole of the working expenses. That canal is free for the benefit of the whole Western country, whose products are sent through to the shipboard.

Mr. OUTHWAITE. Does not New York get its share of this agricultural appropriation?

Mr. SPINOLA. New York gets her share of it, of course.

Mr. BLAND. How much does she get for lighthouses?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Missouri?

Mr. SPINOLA. I do not. If the gentleman from Missouri wants to find out what New York gets for lighthouses per annum he can write to the Department and ascertain the facts.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPINOLA. I ask that I may be allowed to continue, Mr. Chairman.

Mr. WHEELER, of Michigan. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to proceed for five minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the gentleman from New York be allowed to proceed for five minutes. Is there objection?

Mr. FITHIAN. I object.

Mr. BLAND. If I can have ten minutes I shall not object.

Mr. SPINOLA. I did not think that any Democrat would cut out anybody's speech in this way. [Laughter.] I listened to the gentleman from Illinois on two or three occasions with great pleasure.

Mr. HERBERT. I move to strike out the last word.

Mr. Chairman, I desire to call attention to this section. I hope the House will give me its attention. There is nothing in section 1 that is any more objectionable than there is in this section 2. It provides that a vessel that is carrying the mail (and any vessel may carry the mail that has over 11 knots speed) is to get this subsidy whether it carries any cargo or not. Again, if a vessel has a capacity of 16 knots or over, then it is to get this subsidy whether it carries any freight or not. Now, that is what the section plainly provides.

Mr. LEE. Strike it out.

Mr. HERBERT. As the gentleman from Georgia [Mr. BLOUNT] showed by a quotation from the evidence furnished in behalf of the bill, the Pacific Mail Company would get a subsidy of $607,000 a year. It gives $6,070,000 subsidy to that company in ten years, and, if that company is designated to carry the mail, it matters not whether it carries any freight at all, it will still get this $6,000,000.

Mr. FARQUHAR. Why, you have just stated this minute that there was a regulation as to the rate of speed. How do you know that these steamers have over 16 knots speed?

Mr. HERBERT. It requires them to have over 11 knots, or not exceeding 16.

Mr. FARQUHAR. That just shows the gentleman's knowledge of the matter.

Mr. HERBERT. I mean every one that carries passengers. There are freight vessels that have not that speed. Any vessel of over 11 knots an hour may be designated to carry the mails, and it matters not whether any freights are carried or not. Now, if the farmers of this country are to be taxed to pay ships to sail the ocean under the American flag, these ships ought to be compelled to carry freights, and to carry them cheaply, to carry them at one rate if they can not get another. So long as they are subsidized, so long as they get this money from the Treasury of the United States, they ought to be compelled to take freights, and to take them more cheaply than other lines do.

Now they can refuse to take freight except at their own rates, and if they carry the mails they have it in their power to refuse to take the freight of every American citizen who will not pay the rates they demand, and they will get the bounty nevertheless. That is what this section means.

Mr. FARQUHAR. That is according to your understanding.

Mr. HERBERT. That is what it says:

Nor shall a vessel of less than 16 knots speed, not carrying the United States mails, be entitled to receive payment under this act unless it shall have freight on board at the time of sailing to the amount, in tons' weight or measurements, of at least 25 per cent. of the net cargo capacity.

Now, any vessel under 11 knots may get this subsidy; even if it makes only 4 knots an hour it may get it provided it has one-quarter of a cargo. That is further what this section means. This bill is intended to be entirely in the interest of the shipowners, and this section shows more plainly than any other feature of the bill that it was not intended to benefit the producers of the country who desire cheap freights. It expressly provides that these shipowners can get this subsidy, although they carry no freight at all, if their vessels are over 11 knots an hour, and if they are under 11 knots an hour, and they carry 25 per cent. of cargo, they are to get the bounty.

Mr. DINGLEY. Does the gentleman suppose that one of these steamships will run on voyages without a cargo for the sake of the subsidy when the amount of the subsidy is only 11 per cent. of the cost of running?

Mr. HERBERT. No; I suppose if they can get freight at their own rates they will take it; but you put it in their power to charge whatever they please, because you give them the subsidy even if they carry only 25 per cent. of a cargo and even though they only make 4 or 5 knots an hour.

Mr. DINGLEY. Do you suppose they can get higher freight rates than are charged by foreign vessels?

Mr. HERBERT. No, of course not; but you carefully put it in their power to charge exactly the same rates that foreign vessels charge. You are one of the gentlemen who said when this discussion began that this bill was not intended to reduce freights, and this provision shows that you then made a correct statement.

Mr. FARQUHAR. I move to strike out the last word. I want to state to the House that one of the objections raised before the committee in respect to the giving of bounty to vessels not carrying freight was intended to be met by this very section of the bill. Many claimed that a vessel could run in common ballast and still by the bounty earn this 11 per cent. of their running expenses, a claim which is perfectly preposterous. There is not a schoolboy that does not know better. There is not a man who runs a canalboat that does not know better. Now, when we come to the mail-carriers, the examination made by the committee showed that right between New York and Liverpool the "greyhounds of the sea" travel with their passengers and mail without one pound of freight.

More than that; we discovered that in order to keep up their schedule time it was impossible for them to wait to load. First of all there is the displacement for coal on the voyage, then the fact that one passenger is worth tons of freight, and then the other fact that in the sharp competition in the ocean mail service they have to make their time in the six days. All these considerations exclude the carriage of freight. I was told (and many members of the committee will recollect it) by the manager of one of these lines of "greyhounds," Mr. Griscom, that his system in running them was when the passenger traffic slacked up to make a "lay by" for one of the boats and take on a certain amount of freight, but he said that in the hurried season, during eight or nine months of the year, when the passenger lists were running full, no freight could be taken unless the highest-paying express freight, or bullion, or the like.

That was why these high-speed vessels, these mail-carriers, were excluded, and this requirement of 25 per cent. of cargo was inserted to force every vessel to carry at least that amount of freight, that being the minimum which it was thought would pay running expenses. If gentlemen had examined the hearings before the committee they would have noticed page after page on this very feature. And the committee determined that instead of leaving it so that the bounty might be paid for running in ballast, they would demand the minimum of freight which they fixed at 25 per cent. Of course the self-interest of the shipowner would prompt him to load with more than 25 per cent., but 25 per cent. is regarded by the best authorities as the proper regulative standard for this purpose.

Mr. SPINOLA. Mr. Chairman——

Mr. HERBERT. Mr. Chairman, I wish to reply to the gentleman, the chairman of the committee.

Mr. SPINOLA. My friend from Alabama, in his last five minutes' speech, again alluded to the farming interests of the country and what they pay. He forgets that the State of New York is paying her millions for the benefit of the agricultural interests of this country; he forgets that the State of New York is spending over $1,000,000 a year to make her canals free to the products of the West, so that they may be brought cheaply to the seacoast and thence transported to different ports of the world. Yes, sir; it costs the State of New York over a million a year to run her canals and keep them in repair. That expenditure is for the benefit of the agricultural interests of the West, and not for our own benefit, because agriculture on a large scale has almost ceased in our State.

Under the act of July 2, 1862, the Government donated to the several States 9,570,000 acres of the public land. And for what was this done? This vast donation of land was made to the States "for the endowment, support, and maintenance of at least one college" in each State "where the leading object shall be to teach such branches of learning as are related to agriculture and the mechanic arts." The object was to teach young men how to farm, how to derive the greatest advantages from the culture of the soil. Yet the interest of New York in the pending bill is to be pushed aside because the city of New York, through some of her representatives, has undertaken to ask this House——

Mr. BLAND. How much land has been given to Jay Gould and Huntington?

Mr. SPINOLA. And you are one of the gentlemen who helped to give it.

Mr. BLAND. That is not true. I was not here; I had nothing to do with it.

Mr. SPINOLA. If you were not here I do not know why you were not. You have been here as long as I can remember.

Mr. BLAND. I was not in Congress at the time.

Mr. SPINOLA. Very well, then; I take it back. The donation to which I have just referred was given by Congress—not by any one party—because it was supposed to be for the best interest of our common country.

Mr. BLAND. It was a good deal like this measure, the same sort of legislation.

Mr. SPINOLA. I do not allow any one individual in this great community of 65,000,000 people to cause me to lose my sleep at night by thinking about him.

This liberal subsidy to which I have referred amounted to $1.25 an acre, or $11,962,500 for the endowment and maintenance of agricultural colleges. That is all right. I would vote for such a measure to-day if it were presented to me as it was presented to the members who passed that bill. I believe in measures of that sort. But I do not believe in "putting all your eggs into one basket." There are other interests in this country besides these educational interests which have received thousands and thousands of acres of the public lands. We have now another interest claiming consideration, an interest represented by the great city of New York, through her merchants, who I claim understand this question better than men who have never seen a seaboard city in their lives and who, perhaps, some of them, never will.

Why, sir, in 1841 Congress passed an act providing that each State coming thereafter into the Union should receive 500,000 acres of the public lands for the development of internal improvements within the States. Was not that a subsidy? If not, I do not know what the meaning of the word "subsidy" is.

Gentlemen have tried to crack the political lash over certain members in this House. Now, I do not allow any man on the face of the earth to be the judge of my Democracy. My Democracy is as old, almost, as the hills; and, sir, it has never had a limit——

Mr. FITHIAN. I fear it is not of a very good kind.

Mr. SPINOLA. Very well; I trust that when you get to be as old as I am you may have as clean a record as a party man as I have. I do not submit my record to you. You are not old enough nor have you experience enough or general knowledge enough on great questions of this kind to instruct me as to what my duty is.

[Here the hammer fell.]

Mr. HERBERT and Mr. HOLMAN addressed the Chair.

Mr. SPRINGER. I move that debate on this section and amendments thereto be closed in ten minutes. That will allow five for the gentleman from Alabama [Mr. HERBERT] and five for the gentleman from Indiana [Mr. HOLMAN].

The motion was agreed to.

Mr. HERBERT. Mr. Chairman, I desire to call attention to the statement of the chairman of the committee [Mr. FARQUHAR] in response to my criticism of section 2. No lawyer can for a moment doubt the meaning of the language of this section. It goes on in the first place to specify what vessels shall be entitled, and under what circumstances, to the benefits of the act; and then it provides:

Nor shall a vessel of less than 16 knots speed, not carrying the United States mails, be entitled to receive payment under this act unless it shall have freight on board at the time of sailing to the amount, in tons' weight or measurement, of at least 25 per cent. of the net cargo capacity, 2,040 pounds, or 40 cubic feet, to make a ton of cargo.

In other words, under the provisions of this act, no vessel is to get this subsidy except a vessel of 16 knots speed or a vessel carrying the mails of the United States, unless it carries one-fourth of a cargo. There can be no doubt that this is the meaning of the language.

The gentleman sought to defend the section by saying that the swift steamers plying between New York and Liverpool frequently carried no freight at all and only passengers. This act, however, gives them a subsidy whether they carry a pound of freight or a single passenger. That is the precise proposition I wanted to make; and I desire the House to understand this proposition; that the subsidy is given and the limitation fixed and the exceptions made so as to enable these ships to charge just as high rates for freight as their competitors.

In other words, except in certain cases as to one-fourth of her cargo, there is no compulsion upon them at all to take freight or passengers. There is nothing said, no word whatever, about passengers. They can do as they please about it. And I said that the gentleman from Maine, who interrupted me, was one of those who declared on this floor that it was not the intention of this bill to have freights carried more cheaply than they are carried now; and these limitations provided in this section, made so carefully, show that that power is left and intended to be left with the beneficiaries under this bill, so that they may charge precisely the same rates or charge just as high rates as their competitors charge. And the question for this body to determine is, will gentlemen vote for this subsidy under these circumstances?

That is all there is of it. That is a plain statement of the case. I do not offer a motion to amend the bill in this respect. I simply desire that gentlemen shall know what they are voting for, that they shall understand the meaning of this section when they pass this bill. Of course it means just what it was intended to mean. The gentlemen who framed it knew that full well.

[Here the hammer fell.]

Mr. KERR, of Iowa. Gentlemen on the other side of the House have spoken at various times in this discussion about the position of the Republican party on the question of building up our merchant marine. As a Republican I wish to say that I am bound to support a shipping bill. Our platform adopted in 1888 declares that—

We earnestly recommend prompt action be taken by Congress in the enactment of such legislation as will best secure the rehabilitation of the American merchant marine.

And, Mr. Chairman, in harmony with that declaration and in compliance with it this proposition is presented by the majority of the committee representing the Republican side of this House, and as a Republican I am in favor of its adoption, as the only legislation which it is possible to pass at this session in compliance with the pledges of the party.

I believe that it is necessary in order to secure a strong and patriotic marine force, out of which, in case of necessity in times of war, we could organize a naval force for our defense to encourage our foreign commerce and our American merchant marine. I would rather, as a means of securing strength, pay men to be engaged in active service promoting the arts of peace than to pay them for remaining in idleness as has been done by large appropriations for a Navy, for which we have at present no use and will not have in this age.

The Democratic party during the last Administration in one year voted $12,000,000 to build large ships.

These ships will rot upon the ocean and will in twenty years from now be entirely worthless. But if we spend half that sum of money each year to encourage men to engage in commerce, we will have a better security for strong defense in case of war by having a strong merchant marine than by the adoption of their method. And for that reason, also, I am in favor of this bill as being the best bill that we can get, which has been adopted after full consideration by our committee.

The gentleman from Illinois [Mr. HOPKINS], in the course of his remarks yesterday, informed us that in the last twelve years we have spent $265,000,000 on our Navy, and since the war we have spent many hundred millions in building ships that are now utterly worthless. And it would have been much better, much more prudent, and a better promise of security to spend a large portion of that money in encouragement of our merchant marine and would besides have contributed much more to American prosperity.

The gentleman also said that it was insufficient and was therefore useless. I do not agree with the gentleman. It may not lead to as great an increase or be as large an expense as is anticipated, but it will increase the inducement to go into the carrying trade, and by inducing competition have a tendency to reduce freights and thus benefit the entire country. We certainly need by some method to increase the prestige of the American marine on the sea. This is the only plan attainable, and it is apparent that we must either reverse the policy that has prevailed or abandon all hope of becoming a great naval power or exerting our legitimate influence on the destinies of the world.

I vote for this bill upon the same principle that I voted for the encouragement of American manufactures and the development of Amer-

ican industries, because the elevation of our citizenship on the land by the increase of American opportunities and American wages has made a higher class of American citizens that has in the past and will in the future make better soldiers than those of any other nation in the world. And by the same methods that encouraged the elevation of American citizenship on the land I believe we can afford, as a means of public defense, in case of necessity, to improve the merchant marine as a means to develop the strong arm of the nation on the sea.

As my time is limited, I shall take occasion, sir, because I know the time of the committee is precious and many men desire to be heard, to extend my remarks in the RECORD, and I propose to answer some of the arguments produced on yesterday by the gentleman from Texas [Mr. MILLS].

The gentleman from Texas spoke of the necessity of a foreign market and of the vast immigration that would be required to consume our surplus wheat and cotton. The cotton and wheat of the United States are decreasing quantities in the proportion they bear to our population, are exhausting to our land, and it would be better for our country, as I have said before, to export all our products after they are perfected by labor than to send away the raw material at a low price to foreign countries. The inducement to foreign emigration presented by the high price of labor here is not in my mind a source of danger, for I have great faith in the assimilating and digestive power of our people. When foreign labor comes under American influence it partakes of its aspirations and its love of our institutions and its general character very soon, and I have slight fears of immigration if it is properly guarded under the laws we now have.

The gentleman from Texas yesterday spent a half-hour in assailing the policies of subsidizing, and described it as similar in policy to the McKinley bill, and then proceeded to state that the McKinley bill had decreased wages in this country. I take issue with the gentleman. There was no time in our history when the prospect of the laboring people of this county seemed brighter than last fall just before the election, and prices of farm products were better than they had been for many years. The last Congress was constantly agitated by reports about strikes among the laboring classes, so much so that a committee was appointed to investigate the subject, but the passage of the McKinley bill gave hope to the laboring classes, and while the adverse vote of the people last fall has done much to create a feeling of apprehension as to what the policy may be hereafter, yet the condition of all classes is much better than during the last Administration.

The gentleman seems to think the American market can not be so increased as to consume our entire surplus. It is not expected that this can be done in some articles. It is not desired that our surplus shall be consumed here, for there are untold millions of foreign products that we do not produce which we always desire to secure in exchange for our own, but the tendency should be to put our products in the best condition for sale before they are exported. The manufacturers of Birmingham and Chattanooga and other Southern cities will contribute largely to this end and to secure the balance of trade in our favor.

The gentleman said there was only a billion of gold and silver in the United States.

I presume the statement of the gentleman is substantially true; but who is responsible for this? The total production of gold in the United States since the beginning of our history, not including the product of last year, of which the amount is not yet known, is $1,838,861,769, and of silver $927,294,000. This shows that there has been a total production of the precious metals of $2,866,155,769. According to the gentleman's admission, $1,866,151,769 has already gone to Europe. Six hundred millions of it went away to pay the balance of trade against us in the period before 1860.

A large portion went away during the war to pay for expenses of the war, but the most constant drain on our money is the sum we annually pay to the British for transporting American products to foreign markets. This would be largely prevented by the increase of the merchant marine. The late Secretary of the Treasury, in his last speech on this subject, made the following statement:

> The aggregate of our foreign carrying trade for the past twenty-four years, while not more than one-tenth of our domestic trade, has, nevertheless, reached the enormous sum of $29,465,124,920. Estimating the cost of transportation at 10 per cent. of the value of the goods, we have an expenditure of about $3,000,000,000, at least 80 per cent. of which—$2,400,000,000—has been paid to foreign shipowners. If we add to this $20,000,000 a year paid for passage money, we have a grand total of $2,900,000,000 paid to foreign labor and capital during the last quarter of a century, a sum larger by nearly two hundred millions than the maximum of our bonded debt growing out of the late war. Are not the benefits which would accrue from paying these sums to our own people worth saving? During that period we have exported of gold and silver, to pay balances of trade against us, an excess of $607,000,000 more than we have imported. Had we carried a fair share of our own foreign commerce in American ships, owned by American citizens and manned by American seamen, this vast sum, and much more, might have been retained at home to enrich our own people.

It will thus be seen by the statement of the late Secretary how much we have paid to foreigners who hold their money abroad. Is it any wonder that such vast wealth has gone away from us. We have reasonable assurance that if a small portion of the money we pay for a Navy we do not use were used to encourage our merchant marine this annual outflow of more than the product of our gold and silver mines would be discontinued, and the money which the gentleman says is so much needed would remain at home instead of going abroad to enrich the shipowners of other countries. Is it any wonder when such policies are pursued by American statesmen that money is scarce, that mortgages are burdensome, and rates of interest high? And yet the leaders who urge such policies are complaining of a scarcity of money in the United States.

The CHAIRMAN. Debate on this section is closed.

Mr. KINSEY. I offer an amendment to the second section of the bill.

The Clerk read as follows:

> Amend by adding, after the word "cargo," in line 12, on page 9, the following: "Nor shall a vessel be entitled to payment under this act that makes any discrimination between or gives unequal facilities to competitive transportation lines or consignors in the receiving or forwarding of freights or passengers at any port or ports in the United States or at any foreign port."

[Mr. KINSEY addressed the committee. See Appendix.]

The question was taken; and on a division there were—ayes 15, noes 32.

So the amendment was rejected.

Mr. SPINOLA. I move to strike out the last word.

Mr. SPRINGER. All debate on this paragraph is exhausted.

The CHAIRMAN. Debate is exhausted, but as many as are in favor of striking out the last word will say "ay"——

Mr. SPINOLA. Then I withdraw the amendment.

The Clerk read as follows:

> SEC. 3. That no vessel shall be entitled to the benefits of this act unless all the officers thereof shall be citizens of the United States, in conformity with the existing laws; nor unless upon each departure from the United States the following proportion of the crew shall be citizens of the United States or shall have declared their intentions to become citizens, to wit: During the first two years this act shall be in force, one-sixth thereof; during the next three succeeding years, one-third thereof; and during the remaining term of this act, at least one-half thereof; nor unless there be carried on vessels of less than 1,000 tons gross register one native-born apprentice, and on vessels of 1,000 tons and upward one such apprentice for each 1,000 tons or three-fourths fraction thereof.

Mr. OUTHWAITE. Now, Mr. Chairman, I wish to offer an amendment.

Mr. HOLMAN. Mr. Chairman, I move to strike out the last word.

Mr. OUTHWAITE. Mr. Chairman, I wished to offer a substantial amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] desires to offer substantial debate, as the Chair understands.

Mr. OUTHWAITE. I have no doubt of that.

[Mr. HOLMAN addressed the committee. See Appendix.]

Mr. GROSVENOR. Mr. Chairman, there was a time a great many years ago, if sacred history is to be relied upon, when Judas Iscariot performed the act of betraying his Master; and I suppose that an argument of equal force, of equal dignity, and of equal propriety might be leveled against every man to-day who claims to be a follower of the Saviour that there was a time when there was a Judas and a betrayer of Him he professed to serve. The argument is undignified and unfair. If the gentleman from Indiana [Mr. HOLMAN], who waves the red flag of warning to this House, knows anything about anybody who has been approached or corrupted in the course of this procedure in favor of this shipping bill, it is due to his great services to the country, his high character as an American Congressman, that he shall put it in some more definite form than that of an innuendo and insinuation. Such a course would be a fitting one for so distinguished a Representative.

Mr. HOLMAN. Oh, no; I speak in warning of the times that are coming, not the present hour.

Mr. GROSVENOR. What has that got to do with it? The argument is either pertinent to the present time or it is a "sounding brass and a tinkling cymbal," simply brought in here to frighten us as though we were women and children or afraid to trust our own opinions.

Mr. HOLMAN. I wish it had had that effect in 1872. This country would have been saved from a very great disgrace.

Mr. GROSVENOR. More than that, I understand a member of this House has stated that if this bill shall pass he would see to it that an investigation shall be had and that it shall be made known to the American people by what processes and by what means the passage of this bill was accomplished.

Mr. MILLIKEN. If he knows anything in the way of improper influences having been brought to bear he should demand the investigation any way, whether the bill passes or not.

Mr. GROSVENOR. If there is any Representative on this floor who knows that there is a corrupt villain lurking here somewhere, seeking whom he may devour, he ought to get up and denounce the villain, and denounce the man who has been seduced.

Mr. WHEELER, of Michigan. And not wait until the passage of the bill.

Mr. GROSVENOR. He should not wait until the passage of this bill, and then degrade the character of the American Congress. Do not stand here and see this evil accomplished if you know there is an evil being accomplished; but let us have the facts now.

Mr. Chairman, in this connection I desire to say I am on the very eve of my career as a Congressman. I have supported this bill earnestly and honestly from the beginning until this time. I have done so as

a matter of judgment and conviction of duty. Not only is it true that no man outside of this Chamber, nor yet a Representative on this floor, has spoken to me about this bill to induce a change of opinion; but it is equally true that no lobbyists have approached me even by words of flattery or blandishment or any other kind of words calculated to carry me in favor of this or any other bill against my honest judgment since I have been a member of Congress. Every act I have done on the floor of this House has been a matter of deliberate judgment, and no man in coming years shall stand up here with my consent and apologize for me as the gentleman from Indiana has as to men who were seduced in the former transaction to which he has alluded. If I have faltered, if I have failed of my duty, if I have done that which was wrong, if I have done that I ought to have "left undone," it has been because it was my deliberate judgment, unawed by favor and unseduced by any man's suggestion. [Applause on the Republican side.]

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

The Clerk read as follows:

In line 6 of page 9, after the word "or," insert the words "at least one year theretofore."

Mr. OUTHWAITE. Mr. Speaker, I want to call the attention of the committee to the purpose of this amendment. It is to make the bill a better American bill than it is now.

Mr. DINGLEY. I will say to the gentleman that the committee have no objection to the amendment.

Mr. GROSVENOR. "Beware of Greeks bearing gifts."

Mr. OUTHWAITE. If all gentlemen of the House were as prompt as the gentleman from Maine to state that they have no objection, I would not say another word. But I wish to call attention to the purpose of the amendment. This section provides that a proportion of the crew shall be citizens of the United States each year, or shall have declared their intention to the fact; that this would enable the owners of ships to bring over to this country foreign sailors and take them up to some office in the port where they came, and by paying the ordinary fees could ship them again. I mean the ordinary fees for declaring intention to become a citizen, or they could do it upon the other side of the ocean, possibly, and come in prepared to take out just that kind of a crew. As the gentleman from Maine [Mr. DINGLEY] has suggested that one of the purposes of the bill was to increase the number of American sailors, to train men in seamanship, to take care of these vessels for us, I favor this amendment.

Mr. KERR, of Iowa. I desire to be heard on the other side.

Mr. BLOUNT. The chairman of the committee has seen fit to call attention to the interests in various portions of the country to be advanced by this bill, and in their report they have presented for our consideration a statement of the attorneys of the Pacific Mail Steamship Company that under its operation that company will obtain $640,000 per annum. The committee have included among other things the distinct business interests of the Pacific Mail Steamship Company.

That company has been before Congress heretofore, urging subsidies for itself, for the avowed purpose of building up the American merchant marine and increasing the commerce of the country; and while they were doing that they saw fit to do in the public interest what has already been alluded to by the gentleman from Indiana [Mr. HOLMAN]; and I call attention to it, I care not whether gentlemen are sensitive or not. I find in a report of Congress in 1874–'75, made by Mr. Kasson, of Iowa, a statement made by the agent of the Pacific Mail Steamship Company that they had expended in the way of lobbying the amount of $703,000.

I find many names I do not know; some of them I do. One of them was a Democratic member from the State of New York. Another was the assistant doorkeeper; another was a messenger at the east door. various sums of money were expended in this way. Why not be equitable with the Pacific Mail Steamship Company? Seven hundred and three thousand dollars out on Congress, and this bill gives them $645,000. They are not even yet. Mr. Chairman, I submit that fact, that a company that has heretofore scandalized this House can not convince the country, by reason of its corrupt methods, that it is not right to show what those methods were.

I append a statement of the receipts and payments that were made:

RECEIPTS.

Received from Stockwell prior to the 24th of May	$140,000
Received May 24, 1872	750,000
Total	890,000

PAYMENTS.

Charles Albert	$7,000	William S. King	125,000
O. J. Averill	10,000	William Moran	15,000
James G. Berret	10,000	J. M. Morris	1,500
John Boyd	4,500	R. C. Parsons	1,500
E. H. Carmick	2,500	Donn Piatt	5,000
Amos B. Corwine	3,600	Alexander W. Randall	10,000
L. E. Chittenden	5,000	Alexander W. Randall (special)	35,000
B. H. Cheever	5,000	John H. Rice	2,500
Hamilton G. Fant	12,000	William B. Shaw	15,000
John W. Forney	25,000	Charles H. Sherrill	500
Samuel A. Hatch	30,000	John G. Schumaker	275,000
J. H. Hersey	11,000	John G. Schumaker	25,000
S. R. Ingham	10,000	Aug. H. Whiting	56,500
Total			703,100

The CHAIRMAN. The time for debate upon this amendment is exhausted.

Mr. BOWDEN. I move to strike out the last word. Mr. Chairman, in the course of this debate a good deal has been said by gentlemen on the other side about the Pacific Mail Steamship Company and a good deal about "lobbies." The impression is sought to be created that this bill is somewhat of a sectional bill. I rose to say, Mr. Chairman, that I have run across this "lobby" somewhat, and it is just such a lobby as I would like to see here in advocacy of any measure before this Congress. In my own State, the business men of its principal seaports have put their hands in their own pockets and sent their delegation of as representative business men as can be found anywhere within our land to press upon Congress the passage of this bill. They are here now. They have urged my colleagues on the other side of this Chamber to support this bill, and do so much for the upbuilding of our section. That is all I wanted to say, but I desire to couple with it a telegram that I have received from the Business Men's Association, of Norfolk, as reputable and high a business association as there is in this country. I send the telegram to the Clerk's desk to be read.

The Clerk read as follows:

NORFOLK, Va., *February* 2, 1891.

Hon. GEORGE E. BOWDEN,
House of Representatives, Washington, D. C.:

Please show this to the following gentlemen: Hon. JOHN S. BARBOUR, United States Senator; JOHN W. DANIEL, United States Senator; W. H. F. LEE, member of Congress; CHARLES T. O'FERRALL, member of Congress; H. ST. GEORGE TUCKER, member of Congress; EDMUND WADDILL, member of Congress; P. G. LESTER, member of Congress; P. C. EDMUNDS, member of Congress; T. H. B. BROWNE, member of Congress; Hon. J. A. BUCHANAN, Hon. T. B. REED, Speaker.

At a called meeting of the directors of the Business Men's Association the following resolutions were unanimously passed, and the secretary directed to communicate the same to you and other members of Congress from the State of Virginia and the Speaker of the House of Representatives:

Resolved by the board of directors of the Business Men's Association of the city of Norfolk, That we heartily indorse the action of the chamber of commerce of our city and unite with them in calling on the members of Congress from the State of Virginia to advocate and vote for the bill now pending in the House of Representatives known as the "tonnage bill."

Further resolved, That we believe the passage of the bill will not only be of great immediate benefit to our own section and the State, but will likewise benefit our entire country, by increasing and cheapening facilities for exporting the products of our farms and forests, bringing into use the minerals of our mines, and securing employment for a vast number of skilled and unskilled laborers and mechanics, who will necessarily be employed in the construction and manning of ships.

Further, That it will leave in our country millions of dollars now going to enrich the merchant princes, constructors, and vessel owners of foreign lands, besides providing our country with a ready-made naval reserve in case of emergency.

Resolved, That the secretary is hereby instructed to wire a copy of these resolutions to the members of Congress from this State and the Speaker of the House of Representatives.

CHAS. PICKETT, *Secretary.*

Mr. BOWDEN. I merely want to add to that, Mr. Chairman, that five-sixths of the members of that association belong to the other side in politics; they are Democrats. [Laughter.]

[Mr. CLEMENTS addressed the committee. See Appendix.]

Mr. HOPKINS. Mr. Chairman, we have now spent four hours and a half to-day upon this bill; and but two hours and a half remain for its further consideration. Before the stage when we must begin to vote, the substitutes which have been submitted ought to receive some attention. I therefore move that debate on the pending section and amendments thereto be limited to one minute.

Mr. BLAND. I hope I may have that minute.

Mr. ROGERS. I move to amend by making the time ten minutes. I have an amendment which I desire to offer and debate.

The question being taken on the amendment of Mr. ROGERS, it was rejected, there being—ayes 38, noes 42.

The motion of Mr. HOPKINS to limit debate to one minute was then agreed to.

Mr. BLAND. I would like to occupy the one minute to which debate has been limited.

The CHAIRMAN (Mr. ALLEN, of Michigan). The Chair understood the gentleman from Arkansas [Mr. ROGERS] to say that he had an amendment which he offered and desired to discuss. The Chair will therefore recognize that gentleman as entitled to the floor for the one minute.

Mr. ROGERS. I move the amendment which I send to the desk.

The Clerk read as follows:

After the word "officers," in line 2, insert the words "and one-half the crew;" so as to read: "That no vessel shall be entitled to the benefits of this act unless all the officers and one-half the crew thereof shall be citizens of the United States."

Mr. DINGLEY. I ask that the Clerk read the whole clause, so as to show the effect of the amendment.

The Clerk read as follows:

That no vessel shall be entitled to the benefits of this act unless all the officers and one-half the crew thereof shall be citizens of the United States, in conformity with the existing laws; nor unless upon each departure from the United States the following proportion of the crew shall be citizens of the United States, or shall have declared their intentions to become citizens, to wit:

Mr. DINGLEY. That will do.

Mr. ROGERS. Mr. Chairman, this is the first opportunity I have had during the consideration of this bill to do anything for the people.

I insist that if we are going to grant these liberal subsidies we ought to give the people of the United States a chance as well as the people of foreign countries. My amendment simply provides that not only the officers of these vessels, but also one-half of the crew, shall be American citizens. Certainly, if these ships are to be built and run upon money supplied from the public Treasury, we ought to have the full privilege of providing that at least one-half of the crews (assuming that they are to be benefited by this bill) shall be American citizens. But it seems that the parties who framed this bill intended that the officers should be American citizens, while all the other benefits should go to foreigners.

I stand here for the American citizen, and I insist that this is a proper amendment. Certainly, when these ships are to be built and managed at the expense of the public Treasury, and furnished with money to buy cargoes, it is only proper that one-half of the people who are to man these ships should be American citizens. We want to begin at once the education of our people in this direction. Gentlemen tell us that we must prepare for war, and we ought to prepare at once, as rapidly as we can, for really it appears that we are going to have war. The gentleman from Ohio came over here some time ago and notified me gravely, as I understood him, that they had doubled the guards on the outside of this House to keep out the lobbyists. Therefore I have ventured at this late day to take the floor for the purpose of making these few remarks in behalf of American citizens.

[Here the hammer fell.]

Mr. BOUTELLE. I would like to know whether the gentleman from Arkansas is in favor of providing that one-half the merchandise consumed by the American people shall be manufactured by American citizens.

The CHAIRMAN. Debate is exhausted.

The question being taken on the amendment of Mr. OUTHWAITE, it was agreed to.

The question recurred on the amendment of Mr. ROGERS.

Mr. COLEMAN. The amendment of the gentleman from Arkansas provides that the officers and one-half the crew shall be American citizens. I propose to amend the amendment so as to add, "without regard to race, color, or previous condition."

Mr. ROGERS. That is right.

Mr. COLEMAN. You accept that?

Mr. ROGERS. I accept it.

The CHAIRMAN. The modification proposed by the gentleman from Louisiana [Mr. COLEMAN] will be made a part of the original motion of the gentleman from Arkansas. The question is on agreeing to the amendment as modified.

Mr. DINGLEY. I hope that amendment will not be adopted, because it would be contradictory of the remaining part of the section.

Mr. MILLIKEN. In addition to that, it would be impracticable; entirely impracticable.

The question was taken on the amendment as modified; and there were—ayes 58, noes 67.

Mr. ROGERS. Let us have tellers.

Mr. KERR, of Iowa. I ask unanimous consent that a vote be taken in the House on this amendment.

Mr. ROGERS. I am perfectly willing to agree to that.

Mr. DINGLEY. I object.

The CHAIRMAN. Objection is made, and the question is on ordering tellers.

Tellers were ordered.

Mr. ROGERS and Mr. DINGLEY were appointed tellers.

The committee again divided; and the tellers reported—yeas 92, noes 69.

So the amendment as modified was adopted. [Applause on the Democratic side.]

Mr. STRUBLE. Now, Mr. Chairman, I desire to offer the following amendment, to be known as section 4.

The Clerk read as follows:

SEC. 4. It shall be unlawful for any vessel claiming tonnage under this act to receive and transport as part of her cargo any merchandise whatsoever except such as is clearly stated in the ship's manifest, all of which shall be bona fide shipments from consignors to consignees in the usual course of trade, and in no part of which, said vessel, her owner or officers, shall have any interest whatsoever except as carriers. Any vessel-owner or officer of such vessel violating the terms of this section, or of any section of this act, shall forfeit all claims to tonnage, and be liable to a penalty of not less than $500 nor more than $1,000 for each and every violation of the same, to be recovered in the name and at the suit of the United States. The Secretary of the Treasury shall prescribe such rules and regulations as he may deem necessary, not in conflict with this act, to secure strict observance on the part of vessels, their owners and officers, of each and every of the requirements in this act contained.

Mr. STRUBLE. The purpose of this proposition is so plain that I do not think it necessary to take any of the time of the committee to argue it. The statement of the proposition is its own argument.

Mr. MILLIKEN. What is its purpose?

Mr. STRUBLE. The amendment seeks to prescribe the character of cargo to be transported on ships receiving the bounty under this act so as to prevent any participation on the part of the owner or officers themselves in the cargo as parties at interest instead of as carriers.

Mr. DINGLEY. Does the gentleman mean to say that the owner of a vessel should not be permitted to transport his own goods?

Mr. STRUBLE. I mean, and I think that is the effect of the proposed amendment, that the operators of ships should be disconnected from the transportation for which they may receive bounty.

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

Mr. STRUBLE. Certainly.

Mr. MILLIKEN. Does not the gentleman know this, that it is common for the owners of a vessel to buy a cargo in order to get something to carry, to make freight for the vessel? Does he not know, in other words, that they often find their vessel in port with no cargo, and rather than keep the ship waiting, purchase a cargo themselves and take it forward for sale.

Mr. STRUBLE. I have no doubt whatever of that.

Mr. DINGLEY. Your amendment would forbid it.

Mr. STRUBLE. But if we are to pay bounties to shipowners I think we should provide against any such transactions as this, and not let the commerce belonging to the parties—the shipowners themselves—come in for the benefits which this act would confer on other classes.

Mr. MILLIKEN. But suppose I have a thousand tons of coal that I want to send forward, and I own a ship that is going to where I want to send my coal; am I not to be privileged to ship that coal in my own ship, or must I hunt around and find somebody else's ship to carry it for me?

Mr. STRUBLE. No; you can ship it in your own ship, but you take no bounty money for it.

Mr. MILLIKEN. That would be an act of injustice to me as a shipowner. Or again, I might be only a part owner of a ship, have only a small interest in it.

Mr. STRUBLE. But some person gets the bounty.

Mr. MILLIKEN. Ah, but the ship gets the bounty. I may be only one of twenty or more who own an interest in the ship; and this would exclude me from shipping my own goods on a ship in which I am interested.

Mr. STRUBLE. The owners of the ship should be entirely disconnected from the question of the tonnage of the ship. I think the amendment is sufficiently explicit in that regard.

Mr. SANFORD. Mr. Chairman, on the great question before us I desire to occupy the time of the House for a few minutes only. Gentlemen on the other side deprecate the national support of a marine of our own; they talk about "private pursuits," as though navigation was not a public interest and a concern of the utmost importance to the whole people. They seem to have forgotten the saying of Jefferson, that "agriculture, manufactures, commerce, and navigation constitute the four pillars of our prosperity." They look abroad and see all the nations of the world manifesting the deepest solicitude to gain and keep the sea with shipping; using every means to exalt their rank and extend their power, many of them at the expense of the United States, and yet they turn to us and say there is nothing in navigation, nothing in American trade that calls for the expenditure of a single cent to gain the one and keep the other occupation.

They do not even rebuke the efforts of foreign nations to conquer our commerce and subjugate our shipping. But they look on contented with humiliation and defeat, resolved that not a dollar of public money shall ever interpose a hindrance to the acquisitive plans and aggressive course of Great Britain, by which she seeks to monopolize the sea, that she may control the traffic of the world, and govern the world itself. Great Britain is responsible for the subsidy policy which gentlemen hold in such abhorence, while England smiles at their prejudice and stubbornness. But for this policy and its adoption abroad, to our hurt and ruin, our friends on the other side have no words of hate or bitterness. It is only its adoption here, here, where it will do our country good, that they contest its application.

To adopt this policy here, to "rehabilitate" our ocean marine, is to assert our rights at sea, to advance our arts and trades at home and cause our commerce to grow abroad, to increase our wealth and augment our power everywhere, and to acquire the means of national defense, independence, and peace. Do gentlemen disregard these things? It is true, if we adopt this policy we undertake to fight England with her own weapon, as France, Germany, Italy, Spain, and nearly every nation but our own has felt obliged to do. Have gentlemen no stomach for such a fight with Great Britain? Is this the reason we have dallied with this measure like cowards afraid to show their smoke? If we have not courage, we at least are right and rich. We fought England twice when we were right but poor, and won both times.

We should delay no more to protect our flag at sea. British supremacy has been built upon subsidy, and the nations of the world should compel her to maintain it upon subsidy. The United States, nearly driven ashore by British arts and British gold, must do like other nations have been obliged to do, pay for the maintenance of foreign trade and ocean transportation, as we pay for the maintenance of our Government. Either this, or submission and subjection to Great Britain. We pay our money or we keep it, as we make our choice.

A most formidable and at the same time, Mr. Speaker, a most dangerous scheme of British subvention has just been consummated along our northern border. I refer to the Canadian Pacific Railway and its connecting British steam lines; the one on the Pacific Ocean from Van-

couver, British Columbia, to Yokohama and Hong Kong, and the other soon to be started on the Atlantic Ocean from Halifax to Liverpool.

This Canadian Pacific Railway is a mere *alter ego* of the Dominion Government, having been built by gifts and loans supplied by that Government of the amount of $210,000,000. The line of steamers on the Pacific Ocean receives a subsidy of $300,000 a year from Canada and England jointly, and the line of steamers on the Atlantic Ocean is to receive a subsidy of $500,000 a year.

Besides all this, in order to secure a short land line, the Canadian Pacific Railway has acquired the ownership of a line across the forest region of the State of Maine, and to this line the Dominion Government pays a subsidy of $186,000 a year. So the entire line from Liverpool by steamer from England to Halifax, thence by rail to Vancouver, and thence by steamer to Hong Kong, receiving $986,000 annually, is by far the most heavily subsidized line of transportation on the globe. Nothing like it in the way of diverting commerce by the sheer force of subsidized transportation was ever before seen on this planet.

The Dominion Government, not satisfied, however, with the endeavor and the prospect of driving our flag out of the China and Japan trade, is intending to establish other subsidized British lines to Australia and New Zealand via San Francisco, thereby to break down another promising branch of American commerce in American ships. And yet, strange as it may seem, our nation has acted as though asleep to Britain's comprehensive schemes of encroachment on its trade and transportation.

There are threatening counterparts to all the schemes of encroachment and aggression for the aggrandizement of Great Britain. I refer to her fleets and fortifications everywhere built and maintained for the protection of her lines of trade and transportation. There has been recently finished a formidable fortress and naval station at Esquimalt, on Vancouver Island, near the port of Victoria, in British Columbia.

The United States has not to-day on its entire coast a military post so strong as this. A British officer of senior rank has declared that this Esquimalt fortress "holds a pistol to the head of San Francisco," while the strongholds of Halifax and Bermuda perform the same duty for the exposed cities of our Atlantic coast. Have we opened our eyes to these things? Are gentlemen satisfied to let our rival and arch enemy go on forever planning and plotting for the ultimate squeezing of the "Yankee orange" into a provincial pulp? We must do one of two things, fight or submit. Either money or parsimony decides the fate of our Republic. We must either take the sea and keep it like freemen, or quit the sea and give it up like slaves. For years past we have been quitting the sea and giving it up to foreign nations. Our course has been shameful to the last degree.

What a spectacle to the world have we presented! A maritime nation, rich in everything but resolution to dominate our course, numbering 63,000,000 of people who salute no man as master, retiring from the sea, refusing to spend a dollar to hold our position there, willing to bound our trade and transportation by the ocean shores of our broad domain, trading with the world and visiting abroad by the means and through the agency chiefly of foreign merchants and the ships of foreign flags. And what is more disgraceful, it is seriously proposed by our friends on the other side to keep on in this ill-doing. If we ask why, the answer is, "To save taxes!"

Great Britain is tax-ridden; Canada is poor and overwhelmed with debt; but no Englishman nor Canadian goes about whining that it costs his nation something to float her flag on every sea, to build a navy and supply naval stations around the globe to keep that flag afloat. These people are made of sterner stuff, well tempered by the life they lead at sea. They despise the mean, inglorious misers that count the cost of general gain and public good.

The United States, as everybody knows, is abler than Great Britain and any of her dominions to put ships upon the sea and keep them there. There is no outlay of money that will pay so well. It will cost the Treasury a few millions a year, but it will pay the country tenfold its cost annually. We give employment to millions of tons of foreign shipping and to millions of population in Europe that should go to our own vessels and to our own people. The business of ocean transportation to and from America to foreign ports is enormous. We had last year sixteen hundred millions' worth of merchandise and specie carried both ways over the sea. With passengers included, this transportation cost not less than $250,000,000. This was the work of ships in which the American share may have been thirty millions.

It is safe to say that we lack ninety-five millions of half the business of foreign transport last year. Assuming that we should do three-fourths of this business, we lacked about one hundred and fifty-seven millions of it. Ocean transportation is a cash business. It is a practical question, what is it worth to a maritime nation to do its own ocean carriage? Can a nation like the United States afford to hire other nations to do its shipping service to the tune of hundreds of millions annually? How do we pay for such service? It is half as great in amount as the tariff, of which our friends on the other side complain so much, and there is no doubt that the country pays the whole of it. The question is pertinent, why not pay at least three-fourths of our ocean transport cost to our own people? Great Britain pays to herself over 80 per cent. of the cost of her foreign transportation.

We talk much of the necessity of increasing our exports, and of maintaining a balance of trade abroad. Every dollar earned by carriage in foreign trade is as good to the country as a dollar's worth of merchandise exported. It will go just as far in settling our balances abroad. It will employ as many of our people; and it will, at the same time, provide, what no other dollar's worth of product will do, seamen and ships for the national defense.

In her intense struggle for the supremacy of the sea, Great Britain adheres so persistently to her national policy of governmental subsidies, that it has come to pass from her example that no nation upon the face of the globe can build up or carry on principal lines of ocean steam navigation without direct aid from the government. One by one, following the lead of France, nearly every European nation has adopted the British policy, to leave nothing in ocean navigation to chance, but to pay for what they would gain and control.

Thus far as a nation we have devoted our energies mainly to the development of our vast internal resources and to the building up of our domestic interests. The time has now arrived to turn our thoughts to the changed condition of things both at home and abroad. A national policy of advancement should be applied immediately to shipping, the same as to other industries. We should subsidize the highways of commerce on the sea, as we have done upon the land.

Hundreds of millions of dollars have been contributed by the State and National Governments of this country as subsidies for the building of railroads for public use; and during the last ten years the United States Government has expended for its postal service in the interest of all the people $35,000,000 in excess of the receipts from the service, which amount was really in the nature of a subsidy to certain sections of this country.

It is no longer true that the breadth of the ocean separates us from Europe. The intervening territory of the sea has become practically narrowed, until to-day the docks of Europe are close upon our very seaboard. Within forty-eight hours of the port of New York is the nearest English fortress. A military cable line connecting this fortress with Newfoundland has just been completed, and thus Great Britain draws the lines closer and tighter around us. She has 214,000 sailors manning her marine, a standing fighting force of loyal subjects ready to be called at a moment's notice. Her subsidy policy supplied England with a fleet of transports in the Crimean war, just as it would to-day, or in time to come. Her tremendous naval power threatens all the world, and no nation more than the United States.

The remedy for this is a marine of our own. If this bill shall pass, 80 per cent. of the two hundred and fifty millions now paid for freight and passage money will one day pass into the pockets of our countrymen and stay at home, which will mean bread and meat to two millions of our population, on whom our maritime defense must mainly fall. Our motto should be always, "Millions for defense, but not one cent for tribute"—to any flag at sea. The spirit of our institutions calls for the adoption of this policy and its results. The freedom and perpetuity of our Government call for it and justify its enactment into law.

In this connection I desire to submit the following:

ENGLAND'S COMMERCIAL POLICY.

[From the Washington Post, Wednesday, February 25, 1891.]

It has been asserted, both in and out of Congress, as one of the arguments against the shipping bill now pending in the House, that Great Britain no longer looks with favor upon the extension of government aid to commercial enterprise, and has practically abandoned this policy.

Yet, no longer ago than the 10th of the present month, in an able and elaborate address before the London chamber of commerce upon the new mail route from England to China and Australia via the Canadian Pacific, Sir George Baden-Powell, member of Parliament, dwells with special force upon the contract already made for the mail service to China from Halifax via Vancouver to Hong Kong, with calls at Yokohama and Shanghai, for which the subsidy is to be $300,000 for ten years, and continues as follows:

"For the Atlantic service and the Pacific service to Australia further government subsidies will be forthcoming. The Canadian Government has made most liberal and patriotic offers, and it is expected that other governments, as those of Queensland, New South Wales, Victoria, the Fiji Islands, and the Sandwich Islands, will be very willing to contribute to inaugurate a mail service, which, both as an alternative service to Europe and as a first-class service to America, will confer on Australian trade so many advantages. It is also hoped that the imperial Parliament will willingly sanction such further admiralty subventions as may be needful to place new mail steamers, built up to admiralty requirements, on both Atlantic and Pacific; in the one case securing against attack what must be England's main channel of food supply in the event of war, and in the other establishing British influence right across the Pacific."

He also calls attention to the "wise remarks" of Mr. Goschen at Leeds a day or two before, in which the chancellor of the exchequer declares the tendency of the times to be "not the reduction of taxation, but for an increase of expenditure in the direction of increasing the facilities of trade, commerce being anxious for new markets, and also for greater postal facilities." Mr. Goschen adds "that the Government had already done something in the direction of increased postal facilities to distant countries," and Mr. Baden-Powell continues:

"This new want is but a phase of the general commercial movement forwards. New facilities for trade and for intercourse are to be pushed in new districts. Mother country and colonies are to combine in this mutually beneficial work. The question remains as to the ways and means of starting so great a line. The railway is already in full working order. Early this spring three first-class new and high-speed steamers will be on the Pacific, taking up the China and Japan service. The Atlantic and Australian steamers are not as yet arranged for. But it is an open secret that responsible financial houses in London have expressed themselves as being favorable to the scheme and quite ready to take

it up on a sound business basis. The Canadian Government have made the noble offer of a subsidy of £150,000 a year for these services. Other government assistance would no doubt be forthcoming from other countries and colonies benefited."

For the opening of what the speaker calls this "great imperial artery," ample subsidies in addition to those already secured are evidently expected, and will no doubt be forthcoming. England will hesitate at no reasonable expenditure to aid in the retention of her supremacy upon the seas. Is it possible that the United States is to remain an idle spectator of this formidable competition? Is it possible that an American Congress will refuse to make at least one heroic effort for the restoration and upbuilding of American commerce, while other wiser and more farsighted nations are running away with the world's commercial prizes?

Estimate of the amount expended annually by Great Britain for marine engines and boilers and repairs upon the same.

According to British Lloyd's figures there are under the British flag 6,000 iron and steel steamships, amounting to 8,000,000 tons. Under the American flag there are 207 steamships, amounting to 350,000 tons.

Taking the 6,000 British steamers let us say that they will average 1,000 indicated horse-power each. This would be 6,000,000 indicated horse-power. Putting the cost at $50 per indicated horse-power would make the total cost of the engines and boilers $300,000,000.

Putting the average cost for repairs on engines and boilers at 5 per cent. per annum, and you have for the iron and steel ships of Great Britain $15,000,000 for repairs alone. The average life of a boiler is seven years, and of an engine twenty years. Averaging the life of an engine and boiler together at fifteen years would give $300,000,000 to be replaced every fifteen years, which would be an average of $20,000,000 per year, to which adding the cost, $15,000,000 for repairs, would give $35,000,000 per year; which amount, if expended here, would give employment to 90,000 American mechanics, which would mean bread to say 300,000 of our population.

The profit accruing to our Government from its foreign mail service of $2,000 000 per annum would be sufficient to pay the estimated cost of the shipping bill for the first year, which the Commissioner of Navigation places at $2,150,000.

Great Britain expends for marine engines and boilers, and repairs on same, for her 6,000 iron and steel steamships, $35,000,000 per year, which if expended here would give employment to 90,000 American mechanics.

Mr. McADOO. Mr. Chairman, I desire to say a few words on another phase of this controversy in addition to the remarks already made by me on this question.

Gentlemen on this floor and out of it who are advocating this measure have read with evident profit the story of the Trojan horse. What the valor of the Greeks could not accomplish in securing an entrance into the Trojan capital was brought about by exciting the admiration and the curiosity of the Trojans for this great equine effigy. Instead of a Trojan horse, which overcame by craft the heroism and the fortitude and the persistence of those who defended that city, we have here in modern politics the colossal but gaseous figure of John Bull.

Whenever, Mr. Chairman, there is a raid contemplated upon the pockets of the taxpayers of the United States, whenever there is a measure advocated in the interest of some favored class, our friends on the other side protrude upon the public gaze this tremendous but unreal image of "bogy" Bull, while under the shadow of this nebulous monster created for the occasion from the graveyard of lost character and blasted reputation come the choice spirits who are now using their jimmies on the national safe. [Applause on the Democratic side.] I tell gentlemen that this figure is played out in our politics. It is an insult to the American intelligence, more especially to that portion of our citizens whom they seek to affect by it. How, to be sure, you hate John Bull when you want a bounty or a monopoly, and how you love him as you revel in your British castles bought with American money, or chase social recognition in London!

I hear men in this House and out of it howling like shrieking dervishes about John Bull, this figure whom they have created, whose open mouth and cavernous stomach are to take in the great Republic unless we give them the key to the United States Treasury; and yet we have seen that these men, both within and without this Chamber, who never uttered a protest while the veritable John Bull was stealing the territory of Venezuela, spoliating the people of India, and robbing and tyrannizing over the people of Ireland; and these same men must have the benefit of the taxes of the people, the hard-earned, scanty money of the people, because they are so intensely American when an opportunity is in sight or a monopoly is to be given them. And within the last few years we have seen the gentlemen who have gained their money by grants, subsidies, class legislation, and vicious laws procured by devious ways from the people in this land, make our whole people seem inconsistent and ridiculous to foreigners by begging recognition of the debauchees and titled vagabonds of the mock courts of modern Europe, and then come here and talk about free America, "our glorious institutions," "America against the world," and the American flag. [Laughter and applause].

We are legislating not for these tuft-hunting bounty patriots, but for the plain, every-day, all-the-year-round, loyal Americans. We know we can best outrun and crush British domination by making ours a land of free homes and happy, prosperous people. The severest blow at England and all other foreign rivals is to make America great, strong, free, pure, and prosperous. This can best be done by honest, light felt, economical government, low taxes, no bounties nor favors, and a freer commerce. An intelligent people, once humbugged, now only laugh at ranting "spell-binders," the fake conjurers of international spooks, and the circus-poster proclamations of trade circulars against lower tariffs.

This old piece of political theatrical property ought to go to the lumber room with the bloody shirt. [Renewed laughter.] You wanted to scare the people about John Bull in 1888, but you worked the strings, cogwheels, and springs of the old dummy so hard that it is worn out. I know the veritable John Bull. I understand him well. I think I understand him well. I think I understand him just as much as gentlemen on the other side who seek to affright the American people with this specter; and I know that robbing the American people will not injure England. Take off the taxes and the burdens, pull away your gorged leeches, and make the common people of this land prosperous, contented, strong, vigorous, and happy, and you have outrivaled and outstripped and triumphed over English rivalry and jealousy. I say, sir, that no American citizen can be affrighted by the conjuring up of this specter, this bogy man, with which they try to stampede the people whenever they are attempting to break into the Treasury of the United States.

We are told also in connection with this bill by the distinguished gentleman from New York [Mr. SANFORD], who made his advent so ably in this House, that Great Britain has submitted the Canadian railroad and the Canadian steamship line for the benefit of what? For the benefit of the wheat-growers of India, when our friends in Kansas were burning their corn.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HERBERT. I ask unanimous consent that the gentleman may be allowed to proceed for five minutes more.

Mr. McKINLEY. I hope that may be given.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the gentleman from New Jersey may be permitted to proceed five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. McADOO. If Great Britain has subsidized the Canadian railroad and the Canadian steamship line she has done so for the benefit of her distant Indian farmers, and possibly with reference to inevitable military operations in opposing Russia in India. What argument is that that we, who have no distant colonies, shall take the money of the taxpayers of the United States, especially from the pockets of the farmers who are burning corn in Kansas and having their farms mortgaged to the last dollar, until the foundation-stone of the Republic, the independent freeholder, is rapidly giving place to hordes of rent and interest paying, impoverished cultivators.

Mr. PERKINS. It is worth 50 cents a bushel. They are selling it for 50 cents a bushel.

Mr. McADOO. You have burned it until you have destroyed a part of the supply and thus created a demand. [Laughter.] Mr. Chairman, it has been boldly proclaimed by the advocates of this bill on this floor that they do not intend to lower freight rates one fraction, and yet it has been said that by this legislation the farmers are to be benefited. Benefited by what? You do not propose to lower freight rates; you do not propose to give the farmer any additional facilities that he has not got now, for the gentleman from New York [Mr. FARQUHAR] has told us that the ocean is so crowded that navigation has almost become dangerous. [Laughter.] And, on the other hand, you are taxing the farmer for that from which he can get no benefit.

Who are the beneficiaries of this bill? The working people of the United States? No. They pay the taxes for this bill. The farmers of the United States? No. Why, gentlemen say that if they start Government shipyards with money taken out of the United States Treasury they will give employment to so many people. If that is the object that you are trying to arrive at, in the name of charity build good houses for the people. That will "employ a great many mechanics." Build public works of any kind and you will attain the same object in a better way; or, better still, hand over the cash to any citizen who needs and applies for the same.

Now, Mr. Chairman, one word as to another very fallacious argument with which they back up this bill. We are told that it is for the benefit of American youth, so that they can become sailors, so that more of these waifs of the great cities may find useful and honorable occupation as sailors on the high seas. Mr. Chairman, the sailor's occupation is doomed. The old sailor man of song and story, the "Nancy Lee" man, is going, and, indeed, almost gone. Why? Because now it is not the man aloft reefing the sails that makes the ship go on the ocean. In modern commerce it is the man in the hold shoveling coal under the boiler. The sailor of romance and of poetry, the "sailor boy" that you talk about, that you are going to educate and make a man of, and a warrior when your Navy has to face a foreign foe, is almost a myth; he is disappearing. The modern ship is manned by mechanics, by the men shoveling coal, by the engineers; it is a combination machine shop, warehouse and hotel.

I do not say this to disparage the grand old Jack who never quailed in the hour of peril; whose manly spirit wrestled with fierce gales and angry seas; who gazed unflinchingly on the terrors of the warring elements; whose face was bronzed by every sun and scarred by the cruel winds of every sea; who despised every hardship; whose heart was as warm as his body was strong; who carried our flag to every port and our commerce to every mart without bounty or subsidy; the brave and stalwart army of a commerce which begged no invidious favors, bullied legislatures for no unjust tribute, and feared to dare no rival in world-wide competition. Brave Jack, your place on the

rolling top has been made subordinate to that of the grimy, naked man down in the big coal bin. They have even taken away the cheering "tot" of rum, and the philanthrophic gods look with misgivings on your faithful pipe, the only solace to your overwrought feelings, as you see on our coast the grand old ships of other days cut down and converted into ignoble coal barges. Long may you linger yet on our great coast and inland seas!

My distinguished and very able friend from New York [Mr. FITCH] spoke yesterday of the decadence of the number of French sailors under the bounty. The reason for that is just what I am stating, although I agree with his general conclusions that bounties have injured rather than aided France. As the French Government paid the bounty steamships increased, and as steamships increased the number of sailor men decreased.

You will not take a waif out of an American coast city, you will not take your poetic boy off the farm and make a sailor of him by this bill. You will not, under existing conditions, float the American flag over an additional ship built for subsidy. Fifty hours after you take away the bounty you are going to pay great sums for old prehistoric Noah's arks that disgrace rather than glorify the flag, and in my opinion you are going to enter upon the suicide of republican government in America. It is un-American, it is unrepublican, it is unfair, it is unjust for gentlemen in the closing hours of this Congress to hand the key of the Treasury, which contains the hard-earned, toil-stained money of the American people, to the men who are rearing a bastard "aristocracy" under the flag of which you prate so much. [Prolonged applause on the Democratic side.]

Mr. BERGEN. Mr. Chairman, the gentleman who has just taken his seat [Mr. MCADOO] has entered upon a course of advice in this matter of truckling to England. I am not astonished that he feels a little sensitive upon this subject. Throughout the long argument which he made upon this floor a few days ago there was, it seems to me nothing that may be called American.

He then undertook to review the causes of the present condition of our foreign carrying trade, assigning it mainly to the tariff, but concluding that it was not worth preserving. According to him, what we want in this country is to let the Englishman carry our foreign commerce, and undertake none of it for ourselves because he outstrips us. I can not now go through his whole review of the situation. It is not the purpose for which I asked recognition. I rose to show just one particular fact, and that in contradiction of his statement, or inquiry rather, as to who is to get the benefit of the increase of foreign traffic which is to come from this bill. I desire, Mr. Chairman, to call attention to the conditions of the markets, and that it is undertaken by this bill to put these into the hands of the American farmer, the American producer, the American manufacturer, and the American laborer.

The object of this bill pre-eminently is to open the markets of South America to this country. Whatever else may be said in regard to the bill, and the arguments are numerous in its favor, the point I wish to emphasize in the little time I have, is the fact that the markets of South America are clearly beyond the markets of Europe, or of the United States, and that the effort by this bill is to reach those markets. I can not do this better than by particular illustrations. Take the subject of flour. Michael Scanlan, Chief of the Bureau of Statistics, Department of State, gives me this communication:

REPUBLIC OF COLOMBIA.

Forty dollars per barrel is the price of flour along this coast, a greater portion of which is customs duties. (Consul Vifquain, Barranquilla, July 6, 1887.) In 1887, there was exported to Colombia 74,875 barrels of American flour, valued at our customs at $353,171, or $4.73 per barrel.

In 1887 the Colombian dollar was worth 73 cents American. This would make this flour worth in Colombia $29.20 in gold, an increase of $24.47 per barrel from the time it left our customs until it was sold in Colombia.

BRAZIL.

In Brazil the retail selling price of the best brands of Richmond flour is $9.18 per barrel.—*L. J. Bennington*, United States consul, Rio Grande do Sul, December 20, 1889.

The value of the flour exported to Brazil in 1889, as declared at our customs, was $4.75.

The official values of American flour, customs valuation, imported into England and Rio de Janeiro in 1889 were as follows: In England, $4.79; 1888, in Brazil, extreme quotations in Rio de Janeiro, $5.05 to $11.81; mean quotations, $8.43 per barrel.

In addition to this, the Rio News of January 27, 1891, in its price current, quotes flour, Richmond grade, at $9.25 to $9.37, making the change of currency.

Now, the rate of freight by existing line from New York to Colombia is $2.50 per barrel, and to Brazil $1.10 per barrel. The tariff or duty on flour is stated in the reports to be in Colombia $2.30 per hundredweight, and in Brazil 20 cents per hundredweight.

The opponents of this bill, whenever they have touched on the subject, have stated that the price in London has regulated the price in New York for all export purposes. This is evidently because England, from her immense carrying trade, has become the practical entrepôt of the world.

It is this against which the farmers and producers of this country want to contend, and which this bill is meant to resist. We do not want London to fix the price of our flour. Flour, $4.73 in London is $4.75 in New York, while it is $29.20 in Colombia and $9.25 in Brazil; and yet the American, if he could be relieved of the power and influence of the foreign vessel, might make the difference between cost, freight, and duty, and selling price. That is, in Colombia, $29.20—$4.73, $4.60, $2.50, or $15.37 profit, and in Brazil $9.25—$4.73, $1.10, 40 cents, or $3.02 per barrel profit over present price.

It is to get this difference for this country by the course of trade that this bill in part is proposed. Now, by the course of trade it goes to the English merchant and English shipper, because the great line of ocean traffic from New York is not direct to the South American States, but to London or Europe and then to these states.

These figures may not be exact, but they are the best that I could obtain, and if not entirely reliable they are at least approximations, and give an idea of the terrible disadvantage at which the farmer and producer of this country is placed, because the carrying trade of the country is in other hands. Return our merchant marine to the sea by any methods recognized amongst the nations and you resuscitate an industry which has always been one of the most beneficial to our people; not only to the particular persons engaged therein, but to the hundred diversified industries which are interwoven therewith from the humblest toiler to the highest, and from the immediate seaboard to the deepest recesses of our inland coal caverns, oaken peaks, and prairies of grain.

The matter might well be examined through all the subjects of trade. This is the situation in regard to flour from actual figures, and I only regret that I am not able to give those which relate to wheat, rye, oats, corn, pork, bacon, lard, everything which enters into commerce with the ports of South America. Let me say to my Democratic friends, so long as they insist that England shall mistress the seas with her greyhounds and freight ships, so long they are dead not only to patriotic instincts, but to the toiling millions on our broad acres, in our shops, and on the seas.

We need the regular line as distinguished from the tramp of impulse and necessity; we need the shorter route of direct communication, and no London half-way station to fix prices. We want the constant market, the certainty of sale, of demand, of transport with our certainty of supply. It is these things we have not now got and which this bill in its operation will furnish.

Mr. BLAND. Mr. Chairman, the other day when the agricultural bill was under consideration I alluded to this bill in connection with the gentleman from Kansas [Mr. FUNSTON]. I had been informed by gentlemen around me that he voted against the resolution of Mr. SPRINGER to take up the option bill instead of this bill. On an examination of the RECORD, I find that I did the gentleman an injustice; that he voted to take up the option bill and in favor of Mr. SPRINGER'S motion. I regret having made the statement, Mr. Chairman, as it did the gentleman from Kansas [Mr. FUNSTON] a great injustice, and I take this occasion to make this statement.

I now yield to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. The amendment which is pending, offered by the gentleman from Iowa, provides that the owner of a vessel shall not have any interest in the cargo, except as a carrier. I wish the committee would give its attention to the purposes of this measure as expounded by the Commissioner of Navigation. Let us see what his theory of this subsidy is.

He says:

In this connection it is important that the bounty to be paid shall be put at the command of vessel owners, so that it shall avail in the purchase of a part or the whole of a cargo. We should look to the chances of converting shipowners of our own into merchants of our own. We should not expect to carry principally for the merchants of foreign nations, for all these, if they have not their own ships, have close business connections with the shipowners of their own nation, and they will give the preference to their own flag.

Now, the amendment of the gentleman from Iowa is met by the declaration of the Commissioner of Navigation that even with this bill we do not expect to carry the merchandise of foreign nations at all. It is a dreamy conclusion to suppose that this subsidy will do this. These merchants expect to transport their products under their own flag, and therefore, to enable these ships to keep afloat, you must give them money with which they can buy cargoes of their own. Carefully, accurately, distinctly, your Commissioner of Navigation, your great advocate of this measure, puts this purpose to the House and to the country. Therefore the amendment of the gentleman from Iowa, which looks somewhat to other interests of the country than these, will, in the opinion of the Commissioner of Navigation, make it an utter failure, because you must make our shipowners not only shipowners, but themselves merchants.

This is the theory upon which you are to build up our commerce. Let nobody make any mistake about it. Either carry out this policy or abandon it. If you do not do this, this subsidy that you are giving to these ships is a pure gratuity, and no good can come from it. Mr. Chairman, I wish in the little time I have left to call attention to the fact that we have now in our coasting trade more tonnage than Germany or France, with their combined coasting and foreign trade put together, have. We may not have ships traversing the Atlantic. The ships in our coasting trade have an immense monopoly to-day. If there were competition their rates would go down. The railroad rates would go down. The freights on the farm products and all the products of

this country that are transported would all go down, to the advantage of the producer.

[Here the hammer fell.]

Mr. HOPKINS. In order to expedite the consideration of the other pending matters, I move that all debate on this section be limited to one minute.

The motion was agreed to.

The CHAIRMAN. The Chair will recognize the gentleman from Illinois [Mr. HOPKINS] to control the one minute.

Mr. HOPKINS. I ask the Clerk to continue the reading.

The CHAIRMAN. If the gentleman does not desire to occupy the time, the question is upon the amendment offered by the gentleman from Iowa.

The amendment was disagreed to.

The Clerk read as follows:

SEC. 4. That to owners of vessels already built payments under this act shall be made for such time only as each shall stand inspection and hold character, if wood built, not lower than the second grade (A1½) in a scale of six grades in the Record of American and Foreign Shipping, or the corresponding classification in any other incorporated American register of shipping approved by the Commissioner of Navigation of the Treasury Department. If iron or steel built, payments shall be made for such time only as each vessel shall stand inspection and hold character not lower than the second class (A1, thirteen years) in the Record of American and Foreign Shipping, or the corresponding classification in any other incorporated American registry of shipping approved by the Commissioner of Navigation of the Treasury Department.

Mr. LANGSTON. Mr. Chairman, I come to a duty which I am about to perform as directed by the people of the State which I have the honor in part to represent on this floor. And yet it is after no inconsiderable observation with regard to the condition of our shipping on the high seas that I answer this duty with a great deal of pleasure and satisfaction.

You are aware, sir, that I have the honor of representing a district of the State of Virginia in which is located the city of Petersburgh. That city and the country around about the city have expressed themselves in very decided and positive language in favor of the shipping interests of our country, and of the measure now pending for consideration before this House. The editor of our leading paper, the Index-Appeal, in expressing the popular judgment on this subject, uses this language in the issue of the 10th instant:

To-day the Farquhar shipping bill will come up for consideration in the House of Representatives. It is to be hoped that it will receive the intelligent and unbiased treatment which its importance demands. There is nothing of subsidy about it, in the generally accepted sense of that term; but, on the other hand, it will stimulate American shipping, because it offers a bonus to any person building and sailing an American vessel of more than 500 tons gross register. The chamber of commerce of nearly every large city in the country, and other commercial bodies also, have pronounced in favor of it or some other measure that will contribute to the restoration of the American merchant marine. Its passage at this time is the more important because of the new trade arrangements made with Brazil, and others, similar in character, that are to follow. True statesmanship, economic wisdom, and patriotism plead for the enactment of the bill.

Mr. Chairman, I could read to you the words of the Chamber of Commerce of the city of Richmond, the great city of our State. I could read to you the language of the Chamber of Commerce of Norfolk, that promising city of the Atlantic coast, so near to Newport News, and Newport News is already characterized as the rival of New York in a future not very distant. All the people of my section favor this measure. It is not because I am influenced by any undue consideration, partisan or sectional or selfish, that I stand here to represent my section of the country in respect to this bill.

When during a residence of five years in a foreign port, where I had the honor to represent this Government, I saw not a single American steam vessel riding into that harbor and anchoring on business, I inquired, "Why is this so?" Here was the great English vessel, here the great German vessel, here the great French vessel, here the Spanish. All these nations were represented there, but not a single steamship from our country. Why was this? We had conceded away to the English Government the freedom of our seas.

And at New York there has been established a line of ships now large in its property, rich and commanding in its influence on the sea, on whose ships, as the American minister and consul general going to the West Indies, I was obliged to ride. I went out in 1877 on the best ship in that line. In 1885, having sent my resignation to President Arthur, I returned to my country riding in the best ship in that line. Now, what has been done by that company? They own large property in their wharves; they own large property in their office buildings; they have established not three ships upon the high seas to do the carrying business of New York City, but twenty. When I asked officers of that company, "What is the condition of your company?" they said to me, "We have paid for all these ships, and we have now over $200,000 in the hands of the company as a reserve fund."

On one occasion, going to the West Indies, I was shipwrecked in one of their vessels. For eighty-six days we were kept there at Matthewtown, and when that ship was floated from the rock on which she had struck she was carried for repairs, not to New York, but to Liverpool, where she had been manned.

And now nothing is done for American shipping, but our seas are given up and our carrying business surrendered to vessels of other nations. We are now told, when the Government has thus given away our privileges on the seas, that she is not to help the shipbuilding interest to again master the sea as we master the land.

I am here to ask, we having legislated away so largely our interests on the sea, so that we are not where we were in 1825, when Webster said, "We have a commerce which explores every sea, and navies which take their law from no court," how shall we recover our former position? That is the question. If it is necessary for this purpose to give $5,000,000 a year, or even more, let us establish ourselves upon the high seas; let us do it firmly and thoroughly, so that as we are now the greatest nation on the face of the earth we shall be the greatest nation on the mighty deep. [Applause.]

The judgment and voice are well-nigh universal among our people that anything which the Government can legally do to rehabilitate, improve, and establish our marine in power upon the high seas should be done at once, in the interest as well of trade and commerce as the general welfare and defense of American interests.

As showing public feeling and purpose in the character and to the extent indicated, letters and papers, the recent proceedings of the chambers of commerce, and the opinions of distinguished statesmen may be cited, and did time permit be read, with great benefit in our discussions.

The sentiment of the State which I have the honor in part to represent in this body I beg to emphasize, and therefore I beg to read communications which I have lately received from the chambers of commerce of the three principal cities thereof—Petersburgh, Norfolk, and Richmond:

CHAMBER OF COMMERCE, *Petersburgh, Va., February 7, 1891.*

DEAR SIR: At a special meeting of this chamber, held this day, the following resolutions were adopted:

"*Resolved by the Chamber of Commerce of the city of Petersburgh, Va.*, That our Senators and Representatives in Congress be, and they are hereby, very earnestly urged to use their best efforts to secure the passage of the tonnage bill now pending in the House.

"*Resolved*, That a copy of these resolutions be sent to each Senator and Member of the House of Representatives from Virginia."

Very respectfully, your obedient servants,

H. C. HARDY, *President.*
C. E. BURTON, *Secretary.*

Hon. JOHN MERCER LANGSTON,
House of Representatives, Washington, D. C.

CHAMBER OF COMMERCE, *Richmond, Va., February 9, 1891.*

SIR: I was instructed to inform you officially that the inclosed resolution was adopted at a meeting of the board of directors of this chamber, held the 7th instant, and to transmit you a copy of the same.

Trusting that the measure may have your approval and support,

I am, very respectfully, yours,

R. A. DUNLOP, *Secretary.*

Hon. JOHN M. LANGSTON.

CHAMBER OF COMMERCE, *Richmond, Va., February 9, 1891.*

At a meeting of the board of directors of the Richmond Chamber of Commerce, held February 7, 1891, for the purpose of considering Senate bill No. 3738, the following resolution was adopted:

"*Resolved by the board of directors of the Chamber of Commerce of the city of Richmond*, That we heartily indorse Senate bill No. 3738, entitled "An act to place the American merchant marine upon an equality with other nations (known as the 'tonnage bill'), and request our Representatives in Congress to advocate the passage of the same."

Test:

R. A. DUNLOP, *Secretary.*

CHAMBER OF COMMERCE, *Norfolk, Va., January 28, 1891.*

At the annual meeting of this chamber held yesterday, 27th instant, the following preamble and resolutions were adopted, and wired to your address last evening:

"Whereas it is believed to be the sense of this community, as well as the State at large, that the passage of the bill now pending before Congress, known as the 'tonnage bill,' will be greatly and manifestly to the advantage of all parts of this State, and all cities on the Southern Atlantic seaboard, and will tend to restore the American flag to its former position on the high seas, and regain the carrying of American products in American bottoms; and

"Whereas it is further believed that the passage of said bill, known as the 'tonnage bill,' will promote the building of ships upon the Atlantic seaboard, thereby bringing into use at the nearest port the products of the forests and mines of the Southern States, and giving employment to a very large number of skilled laborers: Therefore,

"*Resolved*, That the Chamber of Commerce of the city of Norfolk, in annual meeting assembled, requests the Senators and Representatives of the State of Virginia to use their best efforts and cast their votes to secure the passage of said 'tonnage bill.'

"*Resolved further*, That the secretary be directed to communicate this resolution to our Senators and Representatives in Congress by telegraph.

"SAMUEL R. BORUM, *Secretary.*

"Hon. JOHN M. LANGSTON,
"*House of Representatives, Washington, D. C.*"

Such expressions reflect the old judgment of Virginia on this subject, when Washington, Jefferson, and Madison were her oracles and champions with respect to this subject; and had the policy which they inaugurated, in such behalf, been maintained, it is entirely probable that the American flag had never lost its character as the symbol of power upon the mighty deep.

The State of Virginia, always interested in this matter, specially by reason of her situation, both as regards the land and the sea, able to facilitate the movement of exports and imports on the one and upon the other, is especially now interested therein when a new impulse, under the pressure of an improved popular purpose, promises enlarged commercial enterprises, with improved and profitable shipbuilding and

navigation, which must bring into requisition every facility and advantage which her situation commands.

Such impulse our State is feeling, as evidenced in the improvements which are being made with reference to general business, not only in the State generally, but in the ports of Norfolk and Newport News pre-eminently.

Here the facts and figures which show the recent progressive developments of business and trade, with future possibilities, as connected with the marine and commerce of the world, have special significance as they concern Newport News, and no apology need be made for their presentation somewhat in detail.

THE SECRET.

And what is the secret of this growth? Simply that Newport News is one of the best ports on the Atlantic seaboard, the natural outlet for the products of an immense area of territory extending South, West, and Northwest, and the natural receiving point for distributing supplies over the same territory. Capital was invited to come to the support of nature. Capital did so, and that it made no mistake was demonstrated by results and figures.

THE CHESAPEAKE AND OHIO SYSTEM.

Newport News is the water terminus of the Chesapeake and Ohio system, with its 970 miles of track, and its prorating arrangements to the Pacific coast, the Gulf of Mexico, and the great Northwest. For the twelve months ending September 30, 1890, the company handled at their coal pier at Newport News 694,789 tons of bunker coal alone. For the six months ending September 30, 1890, they handled, not including bunker but including cannel and other coals, 368,037,079 pounds of east-bound and 114,264,555 pounds of west-bound freight. The east-bound freight consisted largely of cannel and other coals, except bunker, tobacco, whisky, staves, lumber, cattle, lard, grain, cotton, and flour—the flour coming mostly from Minneapolis, which, after giving New York the benefit of the latter's shortest line, is 22 miles nearer to Newport News than to New York. The west-bound freight consisted principally of general merchandise. The cash value of the exports to foreign countries for the year ending September 30, 1890, was $8,000,000.

STEAMSHIP LINES.

In accommodating the traffic of the railroad company at Newport News is engaged a large fleet of steamships, regular and tramp, besides numerous sailing vessels. The regular lines transporting to and from the port are the Old Dominion Steamship Company, with five ships per week, having an aggregate capacity of 10,430 tons; the Merchants and Miners' Transportation Company, with four steamships a week; the Clyde Line connection; a line of barges to New York and the East; the line to Brazil, with a steamship every two weeks, and the Barber Transatlantic Line, with two steamships per month. The Brazilian Line is now building for this trade four additional steamships, having a capacity of 4,000 tons each.

SHIPBUILDING AND DRY DOCK.

But the Chesapeake and Ohio Company have not been the only great corporation to take advantage of the inducements offered by Newport News and practically illustrate faith in its future. Another large investment is the plant of the Newport News Shipbuilding and Dry Dock Company. The dry dock was opened for business in 1890, and the shipyard plant was commenced about a year ago. The dock is the largest in this country, its dimensions being 609 feet long by 92 feet wide, with a depth of 26 feet of water over sills.

The shipbuilding plant was commenced about a year ago, and will probably be completed by the 1st of January, 1891. It embraces the following buildings, which are all under roof, and some of them are receiving their machinery: Frame ship shed blacksmithshop, 120 by 200 feet; brick and iron machine shop with two galleries, 100 by 300 feet; brick and iron boiler shop, 100 by 300 feet; brick joiner shop, three stories, 60 by 300 feet; brick blacksmith shop, 100 by 300 feet; brick ship shed, two stories, 60 by 320; brick furnace, 30 by 130 feet; frame paint shop, two stories, upper story for rigging loft, 30 by 100; frame plumbing and pipe-fitting shop, 60 by 300 feet; brick office, three stories, 40 by 200 feet; brick pump house, 40 by 60 feet; brick and iron power house, 60 by 125 feet; brick stable, 30 by 50 feet.

The Shipbuilding Company own 60 acres of land, having a river frontage of 1,800 feet, on which there are already five piers. They propose in the near future to build a foundry and a marine railway. At this date they are constructing two tugs, have their drawings prepared for two steamships, each 405 feet long, and when the plant is fully equipped with machinery will be able to build eight ships at a time. Their facilities will enable them to construct the largest wooden and iron ships. A conservative estimate of the cost of the plant is between $2,500,000 and $3,000,000, and this is regarded as only the beginning of what will be directly and indirectly invested by the company at Newport News.

As the plant will necessitate the employment of from 3,000 to 5,000 hands in order to fill the contracts already in sight, and seeing that the families of skilled labor brought from other shipyards must be provided with work as they are in the North and East, it goes without saying that the company will offer every inducement for the removal to or establishment at Newport News of minor industries which will employ women and children.

OTHER INDUSTRIES.

There are already in operation in Newport News three wood-working establishments, a broom factory, an Indian-meal mill, and a foundry. A large cotton mill is an assured fact, and efforts are making for the establishment of a boot and shoe factory. The retail trade of Newport News is prosperous. The farmers of the surrounding country buy and sell for cash as a rule, and a moderate estimate is that $70,000 per month is paid out in wages in the place.

THE FUTURE OF NEWPORT NEWS.

The future of Newport News is assured. Its environments, its railroad and steamship connections, and the industries already established there and projected not only preclude the possibility of retrogression, but point logically to rapid and splendid progress. It must grow in population and expand in area. Along both the main line and the Alleghany division of the Chesapeake and Ohio Railway new towns are springing up, from the manufactories of which Newport News must draw additional tonnage.

The country immediately surrounding Newport News and extending back as far as Williamsburgh must continue to pour into it in increasing quantities the products of its truck farms, etc., and manufacturing industries must multiply. That this will necessitate additional shipping does not admit of argument. Accommodation for this shipping is to be had for some 3 miles along the river front, from a point about half a mile above the dry dock to Newport News Point proper. As to the extension of the residential portion of the place, that must, as a geographical necessity, be in the direction of Hampton, the people of which city are buying up lands lying towards Newport News in order to meet the extension.

THE SOUTH'S START IN IRON SHIPBUILDING.

[Manufacturers' Record, January 10, 1891.]

Nothing better illustrates the progress of the South than the fact that the Pacific Improvement Company has contracted for the building at Newport News, Va., of two 5,000-ton iron steamships, each to cost about $600,000, for the Morgan Steamship Line. These are the first iron steamships of large capacity ever built south of Baltimore, and the largest ever built south of Philadelphia. They will be 405 feet long and 48 feet beam, with triple-expansion engines, and in every respect will be of the highest grade of workmanship.

The Newport News shipyard is not only the largest and most complete shipbuilding establishment in America, but it is, in arrangement and completeness, in advance of foreign yards. It is indeed a great industry for Virginia.

This immense establishment, costing it is reported, about $3,000,000, is one of the many great undertakings established by Mr. C. P. Huntington, of railroad fame, who is crowning the works of his life in building up the American merchant marine, and to this end has provided the country with facilities for the rapid and economical construction of iron and steel vessels of the largest type, and his selection of a Southern port for this gigantic establishment will prove of untold value to the whole South.

Being a large steamship owner himself, he well knew the need of better facilities for vessel building, and with characteristic push and energy he has led off in this movement largely with his own funds.

This new enterprise is styled the Newport News Shipbuilding and Dry Dock Company, and is located on Hampton Roads within 15 miles of the capes of Virginia.

The ship yard contains over 60 acres of land; has a very valuable water frontage of 1,825 feet; the various buildings within the yard cover over 5 acres of ground, and are of the most substantial character.

The yard is equipped with a timber-basin dry dock of large proportions.

On the ship ways, eight in number, varying from 400 to 500 feet long, it will be possible to construct at one time eight large hulls; opportunity to extend the yard has also been availed of for the future. This auspicious beginning of iron shipbuilding in the South will add greatly to the prosperity of this whole section.

But the recent developments of business interests throughout the South would indicate upon the least reflection how deeply that whole section of our country must sympathize with the State of Virginia as respects her movements as indicated, and how deeply it must appreciate all efforts which are being made for the easy, profitable transportation of her accumulating products, so immense in quantity and of such character that they must sooner or later figure largely in general commerce. The following facts and figures are significant:

THE GREAT PROGRESS IN THE SOUTH.

[The Daily Messenger, Wilmington, N. C., January 7, 1891.]

There are three Southern papers that devote special attention to gathering the details and summary of growth and development, namely, the Manufacturers' Record, the New Orleans Times-Democrat, and the Chattanooga Tradesman. We have before us the last issue of the first named, and from it will extract some figures illustrative of Southern progress. This weekly says that the total assessed value of property for 1890 is about $7,500,000,000, a gain of $270,000,000 over 1889, and of $1,600,000,000 over 1880. The number of national banks in the South is 590, with an aggregate capital of $90,763,705, an increase during the year of 104 banks and $10,935,000 in capital. Ten years ago the South had 220 national banks, with a total capital of $45,408,985. This is truly astounding. The average net earnings of all the Southern banks were 11¼ per cent. There were but two failures in the last year.

We have given the miles of railroad constructed. The gross earnings of Southern roads were, for eleven months in 1890, $100,894,516, against $90,290,470 for corresponding months in 1889. Total exports from Southern ports, eleven months, were $268,293,000, an increase of $24,141,010 over the corresponding months of 1889, while the increase in the balance of the country was only $4,834,477, the increase at Southern ports being five times as great as the combined gain at all other United States ports.

Pig iron produced 1,960,000 tons, more than 1,000,000 tons gain over 1887. Cotton produced in last six years, 42,000,000 bales, worth $2,300,000,000. The consumption of cotton by Southern mills was 519,478 bales last year, against 266,000 bales in 1885, a gain of over 100 per cent. In 1890 there were 3,917 new enterprises begun. In five years 17,000 new enterprises have started in the South. Such figures are indeed impressive and encouraging.

It must have been with the whole field of its present immense interests within the compass of the vision of his magnificent statesmanship, with the possibilities of our future trade at home and abroad in his contemplation, that the late Hon. William Windom made his dying bequest to the country in an utterance matchless and wonderful in the breadth and profundity of its sentiments and counsels.

These words of his must come to the ears and move the hearts of his countrymen, under the circumstances, as those of a sacred, inspired oracle.

Our own country is no exception to this rule. No nation has ever fostered more liberally or protected more carefully its internal and coastwise trade than we have done, and the resultant magnitude and prosperity of our domestic commerce is, I believe, without a parallel in the history of the world. For the accommodation and development of our home trade we have built 45 per cent. of all the railroads of the world. We have more miles of railroad than all Europe, Asia, and Africa combined. The floating tonnage of the United States engaged in coastwise commerce and on our lakes and rivers is far in excess of that of any other nation. One or two comparisons will convey some idea of this stupendous commerce. The tonnage which passed through the Detroit River alone during the two hundred and thirty-four days of navigation in 1889 exceeded by 2,468,127 tons the entire British and foreign tonnage which entered and cleared at London and Liverpool that year in the foreign and coastwise trade.

The freight which passed through the St. Mary's Falls Canal in 1890 exceeded by 2,257,876 tons the entire tonnage of all nations which passed through the Suez Canal in 1889.

The freight carried on railroads of the United States in 1890 exceeded by over 36,000,000 tons the aggregate carried on all the railroads of the United Kingdom, Germany, France, and Russia in 1889.

Commodities are interchanged among our own people with greater facility and at cheaper rates (distance being considered) than in any other country on earth.

The increase of national wealth and prosperity, largely due to this system of protection to our home markets and domestic trade, and to the generous development of these instrumentalities of commerce, has become the marvel

of the world. Take a few comparisons, based upon the United States census of 1880, and upon figures furnished by Mr. Mulhall, the English statistician.

In manufactures we exceeded Great Britain in 1880 by $1,579,570,191; France by $2,115,000,000, and Germany by $2,305,000,000.

In products of agriculture we excelled Great Britain by $1,425,000,000; France by $625,000,000, and Germany by $925,000,000.

Our earnings or income for 1880 from commerce, agriculture, mining, manufactures, the carrying trade, and banking exceeded those of Great Britain from the same sources by $1,230,000,000, France by $2,395,000,000, and Germany, by $2,775,000,000.

Our increase of wealth from 1870 to 1880 as compared with other nations was:

United States	$13,573,481,493
Great Britain	3,250,000,000
France	1,475,000,000
Germany	3,625,000,000

In 1880 our home markets consumed about $10,000,000,000 worth of our own products, an amount equal to the entire accumulated wealth of Spain, three times the increase of wealth in Great Britain for ten years, and seven times the increase of France for the same period. Our home markets that year absorbed five times as much of our manufactured products as Great Britain exported of hers to all the markets of the world.

The mischief and its causes are both apparent. What is the remedy? It can not be found in the re-enactment of the legislation of 1789, because treaties stand in the way, and it would not now be expedient even if there were no treaties on the subject. In my judgment the remedy is plain and easily applied. If we would regain our lost prestige, reinstate our flag upon the ocean, and open the markets of the world to American producers, we must make the contest with the same weapons which have proved so successful in the hands of our rivals. No nation can better afford this kind of contest than ourselves. Surely no object is of greater importance than the enlargement of our foreign markets, and nothing will contribute so much to that end as the command of direct and ample facilities for reaching them. The folly and danger of depending upon our competitors for the means of reaching competitive markets can not be expressed. Aid to our merchant marine is not aid to a class, but to the whole people—to the farmer, the merchant, and the manufacturer, quite as much as to the shipbuilder and the shipowner.

But it will cost money. Will it pay? Yes, an hundredfold. The aggregate of our foreign carrying trade for the past twenty-five years, while not more than one-tenth our domestic trade, has, nevertheless, reached the enormous sum of $20,465,124,920. Estimating the cost of transportation at 10 per cent. of the value of the goods, we have an expenditure of about $3,000,000,000, at least 80 per cent. of which—$2,400,000,000—has been paid to foreign shipowners. If we add to this $20,000,000 a year paid for passage money, we have a grand total of $2,900,000,000 paid to foreign labor and capital during the last quarter of a century, a sum larger by nearly $200,000,000 than the maximum of our bonded debt growing out of the late war. Are not the benefits which would accrue from paying these sums to our own people worth saving? During that period we have exported of gold and silver, to pay balances of trade against us, an excess of $607,000,000 more than we have imported. Had we carried a fair share of our own foreign commerce in American ships, owned by American citizens and manned by American seamen, this vast sum, and much more, might have been retained at home to enrich our own people.

Suppose that for twenty-five years we had given $5,000,000 a year in aid of our foreign shipping, and reduced by that amount the prepayments of our bonded debt, should we not have been far better off than we are now?

Is it not high time these vast interests receive attention? Have we not tried the do-nothing policy long enough? Shall we give that protection and support to our foreign merchant marine that other nations give to theirs, and which we freely give to all our other great interests, or shall we accept as inevitable our present shameful position?

I regret to say that the uniform record of indifference, if not actual hostility, during the last fifty years affords little reason for encouragement. In fact the tendency of late has been to surrender to foreigners even our domestic commerce, rather than to assert ourselves upon the ocean. Discriminations of the most astonishing character have been made, both by Congress and by Treasury regulations, in favor of Canadian railroad lines and steamships against our own.

CAUSES OF DECADENCE OF AMERICAN SHIPPING.

1. The abandonment of the protective and the adoption of the reciprocal policy in our navigation stands first here.

Consider the following facts and figures, which speak for themselves:

COMPLETE RECIPROCITY WITH ENGLAND.

In 1849 Great Britain made up her mind to take advantage of our act of reciprocity of 1828 to increase her trade and transportation with the United States. Hitherto the traffic of the two countries had been between the British and American ports; henceforth it was to be between our own and the ports of the world for England; and between the ports of Britain and her colonies and those of all nations, including our own, for the United States. Immediately after the passage of the British act of 1849, accepting our "olive branch" act of 1828, the Secretary of the Treasury issued circular instructions to collectors and other officers of the customs, as follows:

"First. In consequence of the alterations of the British navigation laws, British vessels from British or other foreign ports, will (under our existing laws), after the 1st of January next, be allowed to enter our ports with cargoes of the growth, manufacture, or production of any part of the world.

"Second. Such vessels and their cargoes will be admitted, from and after the date before mentioned, on the same terms as to duties, imposts, and charges as vessels of the United States and their cargoes (October 15, 1849)."

The effect of this reciprocation was soon felt, and may be shown as follows:

The English victory.

Year.	Imports in vessels.		Per. cent. amount.	Exports in vessels.		Per. cent. amount.
	American.	Foreign.		American.	Foreign.	
1849	$120,382,152	$27,475,227	81.4	$100,533,123	$45,222,697	68.9
1850	139,657,043	38,481,275	77.8	99,615,041	52,283,679	65.5
1851	163,650,543	52,574,389	75.6	152,456,689	65,931,322	69.8
1852	155,258,468	53,038,388	74.5	139,476,937	70,181,429	66.5
1853	191,688,325	76,290,322	71.5	155,028,802	75,947,355	67.1

In four years we lost of import carriage 10 per cent., and of export carrying 2 per cent. of total traffic. Our shipping increased its business 59 per cent., but foreign vessels added to their traffic 177 per cent., exactly three times the gain of American transportation. Of course this enormous rate of growth was for British business mainly. From 1849 to 1853, both inclusive, British arrivals of tonnage in our ports increased 70 per cent. In the presence of facts like these it is palpable our shipping legislation and commercial treaties have not covered the ground of national economics, and much less of patriotism.

2. Impositions and exactions, the first made by our own Government, and the latter by foreign powers, but both operating against our shipping.

CONSULAR DUES AND PORT CHARGES

stand next in order of importance.

The first have shown apparent want of real interest and sympathy on the part of the Government with our merchant marine, while the latter, discovering the disposition and purpose of foreign powers to profit, often by imposition of undue burdens upon our shippping, have tended to drive our seafaring class from the ownership and use of vessels employed in the foreign trade.

Often American seamen have felt the impositions and exactions here referred to so deeply to their injury that while they have not quitted the sea and the service to which they had become inured, they have sought emancipation therefrom by putting their ships under foreign flags.

The records, as respects the statement just made, will show that American shipowners have not hesitated to put their ships under the flags of governments of insignificant name and power.

American ships have often, to avoid port charges and consular fees, been placed under the Haytian flag.

3. Heretofore, certainly for many years past, the American Navy has been without such name and power upon the high seas as to give assurance of certain protection and defense to our navigation, and hence those who would have invested in great ships and made their use, perhaps, profitable, have refused to invest in such way and risk their property upon the ocean in the foreign trade, subject to the impositions of foreign Governments.

Fines imposed on American ships have often been exceedingly annoying and unjust, and have often been imposed and collected in such manner, in such outrage of the rights of American citizens, as to require prompt and decisive action by the Government in the use of such means and with such circumstances as to discover its purpose and power in their behalf.

Three American ships were once fined, as the record will show, as they lay at anchor in the same foreign harbor, under the same government, without the least authority of law, but according to an unjust custom, which, for the want of suitable protection, had been endured by American shipowners so long that it was claimed to be and enforced as in fact the law.

These ships were fined each $50, and had it not been that our consular officer was positive and determined in the action taken by him in behalf of his citizens, the fines would not have been returned to the captains in these cases and this vile custom abrogated.

It has often been the case that captains of American ships have been illegally and improperly arrested and imprisoned.

A case of this sort which figures in conspicuous and noted manner in the records of our State Department is worthy of special reference and mention here.

Without naming the party in this case, it may be stated that the American citizen who was thus wronged and outraged was not neglected by his Government. For the foreign government whose officer arrested and imprisoned him paid in the $5,000 in American gold which was exacted and paid in the case, constituting reasonable compensation for all damage done.

FACTS AND CONDITIONS WHICH PROMISE WELL TO OUR MERCHANT MARINE.

Leaving such considerations, and not referring to others which have had much to do with driving our merchant marine from the seas, we reach the more agreeable task of dwelling upon those facts and conditions which promise its re-establishment thereupon at no distant day.

At peace now with the world; freed at home from those unnatural conditions of sectional life, aggravated by a peculiar institution which cast its blighting shadow once across the whole country; with our great industrial and manufacturing interests far on the way toward completed development; with our railroad, our telegraphic, our banking, our educational, our governmental systems well established, working out the highest good of the people, we are prepared as a nation to give attention to such masterhood of the sea as comports with our dignity and power on the land.

It was Daniel Webster who said in 1825, when speaking of our commercial and naval power at that time, that—

We have a commerce which explores every sea; navies which take their law from no superior force.

If this were true in the early life of our nation, what shall our commerce be and what our naval power, as promised under the influence and as directed by the superior business genius and statesmanship of the advancing years of our Republic.

The intelligent patriotism no less than the business sagacity and understanding of the American people shall see to it that the consummation we contemplate shall be achieved.

We have entered already with wisdom and good understanding upon the work of establishing and protecting our merchant marine.

1. The enactment of the law of 1884 relieving American shipping of

consular charges is the first step taken by the Government in such behalf.

Let all fostering care be given to our shipping; the amplest protection with the least charge possible, and certainly no consular fees of any kind or sort.

Port charges, the dues paid foreign governments as a rule, where they are legally imposed, are burdens enough to our shipping.

2. The additions proposed to the American Navy, increasing and enlarging its powers and efficiency in all its appointments, shall make it as the representative of the sovereignty, power, and dignity of our nation in name, if not in actual presence, the potent, mighty agent of the Government, which shall give assurance of protection and defense to every American ship, however distant from home, on the high seas or in foreign port.

3. The reciprocity of trade upon the establishment of which with the great powers of this continent we are just entering must give a new impulse to our shipbuilding interests and navigation, as it shall be employed in doing what shall prove to be the remunerative trade of carrying American products and American imports.

4. All we need in these improving and promising conditions is such aid to our merchant marine as the measure under consideration guaranties.

Our day of improving manufacturing, mining, agricultural, and general enterprises and interests shall prove, as we must all hope, to be the returning dawn of that day of our mastery of commerce and navigation, in power, dignity, and glory like that which makes us grand and matchless on the land.

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

The Clerk read as follows:

After the word "shipping," in line 10, page 10, strike out "approved by" and insert the words "that has or shall have the unqualified indorsement of a majority of the boards of marine underwriters of New Orleans, Philadelphia, New York, Boston, and San Francisco, subject to the approval of;" so as to read:

"In the Record of American and Foreign Shipping or the corresponding classification in any other incorporated American register of shipping that has or shall have the unqualified indorsement of the boards of marine underwriters of New Orleans, Philadelphia, New York, Boston, and San Francisco, subject to the approval of the Commissioner of Navigation of the Treasury Department."

Mr. COVERT. Mr. Chairman, under what name soever the measure now under consideration may have been baptized, under whatever title it may go sounding down through the ages, the fact is clear, and has been made more than clear by this discussion, that it is a measure intended specially to benefit particular classes. This being so, it would seem that the very least that might be demanded would be that all possible safeguards be thrown round the provisions of the measure.

There is in existence in this country to-day, and builded up at a large cost of time and means, what is known as the American Record of Shipping, or American Register, and this record, which has been recognized by this Government as being the only standard authority on questions of this character, fixes the classification of all vessels engaged in the carrying trade and of all vessels belonging to our merchant marine. The section to which I have offered the amendment proposes to throw open the door and to allow any publishing firm to come in and publish what they may call an American register of vessels, and it requires only the indorsement of the Commissioner of Navigation, under the bill as now worded, to make any one of these perhaps mushroom publications official and standard authority to determine and establish what vessels shall or shall not enjoy the bounty given by this bill.

I am frank to say, Mr. Chairman, that so far as I am individually concerned, and I think that in this I voice the sentiment of the entire membership of this House, that it would be entirely safe to leave this matter of indorsement in the hands of the present very efficient Commissioner of Navigation. But we are legislating for the future as well as for the present in this regard. Large interests are and will be involved. What is sought to be accomplished by the amendment is to provide, in view of the great benefits extended by this measure, that the Shipowners and Shipmasters' Association, the Commissioner of Navigation, and boards of marine underwriters of the large cities of the Union shall specifically sanction these publications and also indorse their value as authority before such publications shall be regarded as authority and of value in estimating the standard of vessels to be benefited by this act.

If I had time I would like to call the attention of the committee in this connection to the very pointed remarks of the Commissioner of Navigation in treating of this subject in his last annual report. He calls attention to the fact that the attempt has been made in England to have more than one official register to determine the standing and classification of English vessels, but it brought English commerce and trade into such inextricable confusion that the regulation in that regard was changed, and there is to-day for all England only one authority upon questions of this character, and that is the British Lloyds, which has the backing of the English Board of Trade. In France, in Germany, in Norway, in Italy, in the Netherlands, and in other of the commercial countries of Europe each nation has but one official record to determine the character and standing of its vessels. Why should there be more than one here? The Commissioner of Navigation in his last annual report makes very strong suggestions and exceedingly earnest insistence that there should be but one official record in this country to determine the classification and character of our merchant marine.

I submit, Mr. Chairman, that it will be wiser and safer to adopt the amendment I have offered. When we have the approval of the majority of the boards of marine underwriters of all the large seaport cities, in connection with the indorsement of the Commissioner of Navigation, we may rest content with their indorsement of any record which undertakes to specify the class and qualifications of American ships. Under such united indorsement, a publication of this character may be regarded as authority the wide world over.

[Here the hammer fell.]

Mr. HOPKINS. Mr. Chairman, I move that debate on the pending section and all amendments thereto be limited to one minute.

Mr. GROSVENOR. I have an amendment to offer.

The CHAIRMAN. The gentleman moves to limit debate.

Mr. GROSVENOR. The gentleman is not in charge of the bill. He is an enemy of the bill. Its friends ought not to allow it to go to destruction in the hands of its enemies.

The CHAIRMAN. Does the gentleman withdraw the motion?

Mr. HOPKINS. I do not.

Mr. COLEMAN. I move to amend by making the time ten minutes.

Mr. GROSVENOR. I offer an amendment to make it five minutes.

Mr. HOPKINS. I will accept that.

The CHAIRMAN. The Chair will submit the motion in that form. The gentleman moves that all debate on this paragraph and amendments thereto be limited to five minutes.

The motion was adopted.

Mr. GROSVENOR. Now, I desire to have the amendment of the gentleman from New York voted on, so that I may offer this amendment by itself.

The CHAIRMAN. The Clerk will again report the amendment of the gentleman from New York.

The amendment of Mr. COVERT was again read.

Mr. FARQUHAR. I would like to call the attention of my colleague from New York to the fact that the iron and steel clause following that ought to be amended in the same way.

Mr. COVERT. Yes, sir.

Mr. FARQUHAR. Then, why not move as an amendment to that section the proposition of the Senate, the old fourth section? That covers all you demand, and then that portion of your amendment which conforms to the fifth section.

Mr. COVERT. I am willing to do that.

Mr. FARQUHAR. If you substitute the Senate provision you cover all that is desired, and no one here will object to it.

The CHAIRMAN. Does the gentleman modify his amendment?

Mr. COVERT. As I understand my colleague, it is to the effect that the fifth section be regarded as having been amended so as to make it conform in phraseology to the amendment inserted in the fourth section of the bill?

Mr. FARQUHAR. Yes, sir.

Mr. COVERT. With that I am content.

The question being taken on the amendment of Mr. COVERT as modified, it was adopted.

Mr. GROSVENOR. I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

At the end of section 4 amend by adding the following:

"*Provided*, That no sailing vessel of less than 1,000 tons gross tonnage shall be entitled to receive the benefits of this act."

Mr. GROSVENOR. Mr. Chairman, very briefly this amendment proposes to limit the bounty under this act to vessels of a thousand tons and upward. It gets rid of a great deal of the unfavorable comment that has been made upon the bill because of the application of the bounty to the smaller and immaterial vessels.

Mr. BUCHANAN, of New Jersey. Do you mean gross or net tons?

Mr. GROSVENOR. Gross tons. It is so stated in the amendment. This is in the line of the remark which I made in the beginning of the debate upon this bill. It does not indiscriminately expend this bounty upon all the smaller, worthless vessels of the ocean, and I hope this amendment may be agreed to by the friends of the bill in the interest of making the bill better than it now is.

Mr. ROGERS. I offer an amendment to the amendment of the gentleman from Ohio, by inserting after the word "one," the word "hundred," so as to make it apply only to vessels of 100,000 tons.

The CHAIRMAN. The gentleman from Arkansas [Mr. ROGERS] proposes the following amendment to the amendment of the gentleman from Ohio, which the Clerk will report.

The Clerk read as follows:

Amend by inserting, between the words "one" and "thousand," the word "hundred;" so that it will read, "of less than 100,000 tons gross tonnage."

Mr. GROSVENOR. I make the point that the Chair must take judicial notice of the fact that we have no such vessels as those of 100,000 tons.

Mr. FRANK. That is a frivolous amendment.

Mr. ROGERS. I desire to be heard on the amendment.

The CHAIRMAN. Debate has been limited and the time is exhausted.

The question was taken on the amendment to the amendment proposed by Mr. ROGERS, and the Chairman announced that the noes seemed to have it.

On a division (demanded by Mr. ROGERS) there were—ayes 25, noes 63.

So the amendment to the amendment was disagreed to.

The CHAIRMAN. The question recurs on the amendment proposed by the gentleman from Ohio [Mr. GROSVENOR].

Mr. COLEMAN. If it is in order to offer another amendment to the amendment, I move to make it 500 tons instead of 1,000.

Mr. BERGEN. That is right.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Ohio [Mr. GROSVENOR], and debate is exhausted on this amendment.

Mr. BERGEN. I am sorry for that, because I would like to oppose this amendment of the gentleman from Ohio.

The question was taken; and the Chairman announced that the ayes seemed to have it.

On a division (demanded by Mr. BERGEN) there were—ayes 63, noes 60.

Mr. SPRINGER and Mr. GEISSENHAINER demanded tellers.

Tellers were ordered; and the Chairman appointed Mr. SPRINGER and Mr. FARQUHAR.

The committee again divided; and the tellers reported—ayes 93, noes 89.

Accordingly the amendment was agreed to.

The CHAIRMAN. Are there further amendments to section 4? [After a pause.] If not, the Clerk will report section 5.

The Clerk read as follows:

SEC. 5. That vessels keel laid and built after the passage of this act, in order to be entitled to payments after losing or lapsing from class in the first grade if wood built, or from the first class or division if iron or steel built, must have been so well constructed as to have been classed originally in the highest grade of the first class, or first division, to wit: If wood built, A1, twelve years, and if iron or steel built, A1, sixteen years, in the Record of American and Foreign Shipping, or the corresponding classification in any other incorporated American register of shipping approved by the Commissioner of Navigation in the Treasury Department. Vessels so built and classed for the highest character shall receive payments as in section 4, provided for vessels already built. Vessels unclassed in the register named in this act, or in an American register whose rules for building and inspection are fully equal in requirements, and all vessels whose class has expired or been suspended or withdrawn shall be disentitled to payments while this disqualification exists.

Mr. GROSVENOR. I call the attention of the gentleman from New York [Mr. COVERT] to the fact that the same amendment should be inserted in this section, which has already been incorporated into another section, relative to the underwriters.

Mr. FARQUHAR. I believe it was understood that they were both to be amended in that particular.

The CHAIRMAN. The Chair did not so understand.

Mr. FARQUHAR. Then that ought to be the first amendment offered, and I offer it.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "shipping," in line 7, page 10, insert the following:

"Shall have the unqualified indorsements of the boards of marine underwriters of New Orleans, La., New York, N. Y., Philadelphia, Pa., Boston, Mass., and San Francisco, Cal., the foregoing classification to be subject to the approval of the.

Mr. SPINOLA. Mr. Chairman——

Mr. HOPKINS. Mr. Chairman, if I can be recognized, I desire to move that debate on this section and pending amendments be limited to five minutes.

Mr. SPINOLA. I addressed the Chair long before the gentleman from Illinois rose. I rise to oppose this amendment.

Mr. HOPKINS. I move to limit debate on this section——

The CHAIRMAN. The gentleman from New York is recognized.

Mr. MILLIKEN (to Mr. HOPKINS). You had an hour and a half yesterday. Do not cut off the debate now.

Mr. SPINOLA. Mr. Chairman, there is so much confusion that I can scarcely hear myself speak.

The CHAIRMAN. The committee will please be in order. Gentlemen are aware that the time is limited.

Mr. SPINOLA. Yes, Mr. Chairman, and I have three or four five-minute speeches to make in order to cover my position.

When I last occupied the floor, Mr. Chairman, I was endeavoring to show to the committee that the bill now under consideration was no more of a subsidy than hundreds of other bills which we have passed during the present and other Congresses.

Mr. ROGERS. We agree to that.

Mr. SPINOLA. I find in the record $10,000,000 or $15,000,000 for the Mississippi River, for protecting the banks of that great stream. That is a subsidy, but that is all right with some gentlemen upon the floor of this House, and there is no complaint made against it, for it is very well for home consumption. I find, sir, several million dollars spent on the Eads jetties, at the mouth of the Mississippi. That was a subsidy given to all the Northwest, which seeks an outlet through the Mississippi River to all the various ports and cities of the world, to which they desire to send their products of various kinds.

I find, sir, $6,000,000 for the harbor of Galveston, to deepen the channel at that port. This is also a subsidy given to the city of Galveston in order to make that a port which can be entered by almost any ship that floats. Within only a day or two we found gentlemen upon this side of the House, who are now condemning those who do not go with them voting away $17,000,000 of the public money, to give it back to a lot of States that paid it, and had to do it because they were called upon to do so and because it was their duty.

Some of the Southern States were out of the Union through the declaration of their own people, but were brought back by the declaration of a united North. We had no right to claim it of them. To be sure, the Government proceeded and collected a portion of it by distress and by force.

Mr. CRAIN. The gentleman has spoken about Galveston Harbor. What about Buttermilk Channel, New York?

Mr. SPINOLA. Buttermilk Channel! Now, my friend does not make many mistakes. I am not complaining of the appropriation that was made in favor of Galveston, but will give them $10,000,000 if necessary.

Mr. CRAIN. Then I misunderstood the gentleman.

Mr. SPINOLA. I only referred to it as an instance in calling attention of the House to what we do, and not as finding fault for the appropriation of $6,000,000 which had been voted for Galveston Harbor.

Mr. CRAIN. I am glad to hear you say so.

Mr. SPINOLA. Now, sir, I hope I may live long enough to see the time when I can go down to the Battery in the city of New York, and on "steamer day," which is now almost every day of the week, see the American flag flying from some steamship that plies between here and the European ports. [Applause on the Republican side.]

I have got tired of going down to the piers occupied by these great steamship lines to see friends take their departure for Europe, and in every instance see some foreign flag flying at the masthead of the ship in which they are to take their departure. I want to see that changed if I can; and I will vote upon this bill upon the judgment and the advice of men who are more familiar with that class of business than I am, and more so than any jackknife lawyer of the United States or any crossroads politician. [Laughter.] Now, sir, as to the politics in this question. They have sought to crack the political whip here. [Cries of "Oh, no!" on the Democratic side.] Yes, sir, they have done it right here on this floor, and I am going to resent it.

Now, let me ask my Democratic friends how many Republicans in their judgment can be found in the Chamber of Commerce in the city of Galveston? I doubt whether you could find one out of ten. They are all Democrats. Then, sir, after we leave Galveston and come to the Chamber of Commerce of New Orleans, and the members will number some thousands, as I am informed, yet they voted unanimously to petition this Congress in favor of this bill. I do not believe you will find many Republicans among them. I think they are mostly, if not entirely, Democrats. Then from there you come to Norfolk and Alexandria, close by us, or pass them by and go to the Chamber of Commerce of Charleston, S. C. How many Republicans could you find in the Chamber of Commerce of that city?

A MEMBER. I have given it up.

Mr. SPINOLA. You can not find any, in my judgment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPINOLA. I ask that I may be permitted to proceed for five minutes longer.

Mr. HOPKINS. I move to limit debate upon this section and all amendments thereto to one minute.

Mr. MILLIKEN. The gentleman from Illinois had his hour and a half yesterday, and now he stands here limiting gentlemen to five minutes.

Mr. ROGERS. I move to amend the motion of the gentleman from Illinois by making it twenty minutes.

Mr. SPINOLA. I ask unanimous consent for five minutes.

Mr. GEAR. I ask unanimous consent that the gentleman from New York may be permitted to proceed for five minutes.

The CHAIRMAN. The gentleman from Illinois moves to limit debate upon the section and pending amendments to one minute, which motion the gentleman from Arkansas moves to amend by making it twenty minutes, pending which the gentleman from Iowa asks unanimous consent that the gentleman from New York be permitted to proceed for five minutes. Is there objection to the latter request?

Mr. HOPKINS. I object.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Arkansas to limit debate to twenty minutes.

The question was put, and the amendment was rejected.

The CHAIRMAN. The question recurs upon the motion of the gentleman from Illinois to close debate upon the section and all amendments thereto in one minute.

The question was put and the motion was agreed to.

The CHAIRMAN. Debate upon section 5 is closed. Are there any other amendments?

Mr. SPINOLA. Will a motion to strike out the last word be in order.

The CHAIRMAN. The pending question is the amendment pro-

posed by the gentleman from New York, chairman of the committee; which has been read.

The question was put and the Chairman announced that the ayes seemed to have it.

Mr. ROGERS. Division, Mr. Chairman.

The committee divided; and there were—ayes 54, noes 89.

Mr. WHEELER, of Michigan. Tellers. [After a pause.] I withdraw the demand for tellers.

The CHAIRMAN. The noes have it and the amendment is rejected. The Clerk will report the next section.

Mr. SPINOLA rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SPINOLA. I move to strike out the section, Mr. Chairman——

The CHAIRMAN. Debate is not in order.

Mr. SPINOLA. Then I withdraw the motion if debate is not in order. [Laughter.]

The Clerk read as follows:

SEC. 6. That all steam vessels hereafter built for the foreign trade and intended for a speed of 12 knots or more, in order to be entitled to the benefit of this act shall be structurally adapted to conversion into auxiliary cruisers or transports for the naval service, and in accordance with requirements specified by the Secretary of the Navy, to whom the plans of such vessels must be submitted for approval; but if any such vessel shall be built without the approval of his plans, or shall be found on inspection when completed not to fulfill said requirements, then such vessel shall be classed for payments with those not exceeding 11-knot speed: *Provided*, That the Secretary of the Navy may accept as auxiliary cruisers or transports steam vessels built before the passage of this act which shall meet the requirements of the Navy Department for the naval service. Steam vessels hereafter built shall receive payments, based on speed, and be entitled to carry the mails of the United States only when they hold the certificate of the Secretary of the Navy, and all steam vessels found to fulfill the requirements of the Navy Department shall be enrolled as auxiliary vessels, and may be taken by the United States and used as transports or cruisers upon payment to the owners of the fair actual value at the time of the taking, and if there shall be a disagreement as to the fair actual value between the United States and the owners, then the same shall be determined by two impartial appraisers, one to be appointed by each of said parties, they at the same time selecting a third, who shall act in said appraisement in case the two shall fail to agree; and no enrolled auxiliary vessel shall be sold foreign without the consent of the Secretary of the Navy.

Mr. SPINOLA. I move to strike out that section. I will proceed from the point where I left off as nearly as I can. Now, I want to call the attention of my friends from the West to the action of the Associated Wholesale Grocers of St. Louis, who, in an immense gathering of that organization, unanimously signed an application and sent it to this House in favor of the passage of this bill. Can my Missouri friend tell me how many Republicans belong to that association?

Mr. STONE, of Missouri. I can tell the gentleman that 160,000 farmers of Missouri would petition against the passage of this bill.

Mr. SPINOLA. Oh, my friend, we have voted to pay the farmers of Missouri $2,000,000 a year in the form of a bounty for schools to teach their sons how to become farmers, how to till the soil. I am not finding fault with Missouri, at all. I am only calling attention to the fact that the Democrats of St. Louis have asked for the passage of this bill. Now, what place comes next? The Board of Trade of Jacksonville, Fla. Do you suppose there are many Republicans down there?

Mr. STOCKDALE. In Jacksonville, yes; nine-tenths of them are Northern men.

Mr. SPINOLA. They vote the Democratic ticket if they are Northern men. They carry the State for the Democracy and send Democratic members to occupy seats upon this floor.

A MEMBER. Does St. Louis send Democrats to occupy seats here?

Mr. SPINOLA. She has chosen them for the next Congress, and she would have sent them for this if it had not been for the Dudleys and the Wanamakers.

Mr. FRANK. Oh, no. [Laughter.]

Mr. SPINOLA. Keep out of the way if you do not want to get hurt. [Laughter.]

Next comes the Cotton Exchange of Memphis—Memphis in glorious old Tennessee, the home of the immortal Jackson—the cotton raisers of Memphis send a petition here in favor of the passage of this bill. Next comes the Merchants and Manufacturers' Association of Baltimore, the home of our gallant leader in the Senate. There are scarcely any Republicans over there, because GORMAN has taken charge in that State and he will hold it in the Democratic line. [Laughter.]

Mr. ROGERS. Who got up that bogus circular?

Mr. SPINOLA. I presume it was gotten up by the English lobby that is here to defeat this bill. [Laughter.] They are here in great numbers, I am told. I have not had the pleasure of meeting any of them yet. Now, Mr. Chairman, I hold in my hand an application which comes from my own part of the country, and when I have finished with this I will take only five minutes more to close up my remarks for the day. [Laughter.] I have here a resolution sent to me by the New York Board of Trade and Transportation which I will not take time to read, but will have printed in the RECORD.

The communication is as follows:

NEW YORK BOARD OF TRADE AND TRANSPORTATION,
BRYANT BUILDING, 55 LIBERTY STREET,
New York, January 14, 1891.

DEAR SIR: I transmit herewith copy of a resolution unanimously adopted at the annual meeting of this board held this day:

Resolved, That the New York Board of Trade and Transportation respectfully urge upon the members of the House of Representatives the necessity of the passage of the bill known as the Farquhar tonnage bill, now under consideration by the House.

Very respectfully, yours,

DARWIN R. JAMES, *Secretary*.

Hon. F. B. SPINOLA,
House of Representatives, Washington, D. C.

But I will ask the Clerk to read the communication which I send to the desk, which comes from the people of my own home, from the ablest and the most influential citizens of New York. I am bound to listen to them and take their advice. If they are wrong I am wrong, and I shall place the responsibility to a very great degree upon them. [Laughter.]

This communication comes from the oldest commercial organization in this country, organized before the Revolutionary war.

The Clerk read the communication, in part, as follows:

NEW YORK, *January* 8, 1891.

Hon. FRANCIS B. SPINOLA, *Washington, D. C.*:

At a large and enthusiastic meeting of the Chamber of Commerce, held at noon to-day, the following, on motion of John Inman—

[Derisive laughter and cheering on the Democratic side.]

were unanimously adopted——

The CHAIRMAN (during the reading). The time of the gentleman from New York has expired.

Mr. CANDLER, of Massachusetts. I move that all further debate on this section be closed in one minute.

Mr. SPINOLA. I am surprised that my friend from Massachusetts [Mr. CANDLER], who sought the British flag for the protection of his ships during the war, should decline to give an American Representative an opportunity to be heard upon this question. [Laughter.]

The CHAIRMAN. The pending question is on the motion of the gentleman from Massachusetts [Mr. CANDLER] to limit debate to one minute.

Mr. ROGERS. I move to amend that so as to make the time ten minutes.

Mr. HERBERT. I move as a substitute for the motion of the gentleman from Arkansas that debate be limited to twenty minutes.

Mr. SPINOLA. Make it half an hour. [Laughter.]

The CHAIRMAN. The question is on the motion of the gentleman from Alabama [Mr. HERBERT] to limit debate upon this section to twenty minutes.

Mr. HERBERT. I withdraw that.

The question recurred on the motion of Mr. ROGERS to limit debate to ten minutes, and the Chairman declared that the noes seemed to have it.

A division was called for.

The committee divided; and there were—ayes 55, noes 53.

So the motion was agreed to.

Mr. ROGERS. Mr. Chairman, is there any amendment pending?

The CHAIRMAN. There is the motion of the gentleman from New York [Mr. SPINOLA] to strike out the section.

Mr. ROGERS. Mr. Chairman, when during this debate my venerable friend from Indiana [Mr. HOLMAN] alluded to the lobby which existed here some years ago when a steal similar to this was passed by the House, my venerable friend from Ohio [Mr. GROSVENOR] charged upon him that he had made that reference simply for the purpose of "scaring the old women" who might be around. Now, I want to allude to the lobby, and I serve notice on my friend from Ohio [Mr. GROSVENOR] that if there are any venerable spinsters on the floor who want to retire, I really am going to talk about the lobby. [Laughter.]

Mr. Chairman, I hold in my hand an excerpt from the Washington Critic, which I will now read.

Mr. BOOTHMAN. I suggest——

Mr. ROGERS. I do not want any suggestions, Mr. Chairman. This article reads as follows:

To-day will be a black-letter day in the annals of the American House of Representatives. It is the day which marks the beginning of the consideration of the shipping subsidy bill—the most infamous measure that has engaged the attention of Congress since Dick Irwin and his gang of legislative pirates succeeded in passing the Pacific Mail steal. In those golden days for the lobbyists money was dirt cheap. Anybody with a "pull" in Congress could command his price. Even door-bangers, who claimed to have influence with their members, were paid.

If reports are true the shipping lobby, while probably not quite as brazen as the Pacific Mail, has got almost as much money with which to grease its way through the House. It is powerful in more ways than one. In addition to having unlimited boodle, the members of the lobby are big, brainy men with a social and political following of no mean dimensions.

The discussion on the shipping bill will continue throughout the day, and to-morrow a final vote will be taken. What the result will be can only be guessed at. The friends of the bill—the handsomely dressed, smooth-bored gentlemen who haunt the halls leading to the House—say that they have polled the House, and will win by at least 3 and perhaps 20 votes. We shall see if a majority of the members of the House are willing to vote away $100,000,000 of the people's money upon a false pretense.

Mr. Chairman, we are now nearing the issue. Gentlemen must face this issue. They have not only got to face it upon the floor of the House, but the remnant of Republicans who will be found in the next Congress, and who have engineered this bill up to the present time, have got to face their constituents when they go back. I would like to know what answer or excuse they propose to give to the hundreds and thousands of farmers in Kansas and Iowa, in Ohio and Illinois, in

Wisconsin and Michigan, and in the great States of the South which make the cotton—I would like to know what excuse they are going to make to these people when they go back and tell them that they have voted away one hundred millions of the people's money to go into the hands, according to the language of the Commissioner of Navigation, of the shipowners of this country, to enable them to buy cargoes in foreign countries and to become the merchant princes of our own.

No reduction of freight rates is proposed—no competition. The bill is framed so that its beneficiaries may demand what they please. We have here in this bill an example and an illustration for those who are demanding that the Government shall take charge of the railroads and the telegraph lines and become a great paternal institution, controlling the affairs of the people, looking into their private concerns. This bill proposes to place in the hands of the Government of the United States the control of the manufacture of every ship which shall hereafter be constructed in the United States.

Have we reached such a point that our people can not be allowed to conduct their own business in their own way? Even though they do not demand or ask of the Government any subsidy, must the Government take charge of their affairs and undertake to lay down plans and specifications with regard to model, material, and everything else concerned in the construction of the ships which are to engage in the private commerce of the world? That is what this bill does in this very section which the gentleman from New York has now moved to strike out.

Mr. Chairman, I wish I had time to refer for a moment to the public sentiment of the great city of New York as expressed in the World of this morning.

[Here the hammer fell.]

Mr. SPINOLA. Now, Mr. Chairman——

Mr. GROSVENOR. I wish the gentleman from New York would yield to me——

Mr. SPINOLA. I desire to have placed in the RECORD——

The CHAIRMAN. The gentleman from Ohio [Mr. GROSVENOR] asks the gentleman from New York to yield to him his five minutes.

Mr. SPINOLA. I will by and by. [Laughter.] I have sat here for the last four weeks while this bill has been under discussion, and have listened to thirty or forty speeches on this subject, some of them made when the bill was not up. The gentleman from Ohio has had full opportunity to express his views, while I have been shut out. I was shut out to-day.

Mr. GROSVENOR. As personal allusion has been made to me, I thought the gentleman might be willing to allow me to make immediate reply.

Mr. SPINOLA. Mr. Chairman, the communication which I send to the Clerk's desk is directed to me individually. It comes from the Chamber of Commerce of the city of New York, a body of men who for intelligence and high character in the community in which they live are unsurpassed by any class of men on the face of the earth. And I have confidence enough, I think, to believe that they, who have spent their entire lives in connection with the commerce not only of their own country but with other lands, are first-class judges of this question. When, therefore, they appeal to me as one of their Representatives on this floor, I would be derelict in my duty if I turned a deaf ear to them. And I will not do it.

Now, my friend Mr. CUMMINGS on yesterday alluded to the mechanics and the workingmen of his district. His district, Mr. Chairman, adjoins mine. We have both a very large river front; both districts were formerly lined with shipyards of the best character, building ships of the largest tonnage, the heaviest ships anywhere afloat on the ocean. And, sir, when the old shipyard bell tolled for the mechanics and workingmen of my friend CUMMINGS'S district it also summoned those of mine at the same time. Now, while I have on one side of me that class of constituents—the laboring and working element—men who ask me to do what I can to improve their condition, to give them means and facilities of employment so that they can make an honest living, I have on the other side of me the men who have sent that communication which I ask to have read and printed in the RECORD.

At the other end of the district it runs up into the region of all the hotels, and includes Fifth avenue and Madison avenue and Murray Hill, until I strike the district of my friend FLOWER. So you see, Mr. Chairman, that I take in all classes, the commercial interests, the business interests, the lawyers, the churches, the laboring and the working men, all are represented in that district and are all found within the limits of the district I have the honor to represent here.

Mr. OUTHWAITE. There is one class you have omitted, the stock dealers.

Mr. SPINOLA. Yes; I have omitted the stock dealers; and if my friends would keep out of Wall street there would not be as many stock dealers as there are. [Laughter.] I want to say to the lambs of the West and of all other parts of the country, when you get in front of that grand old Trinity Church on Broadway and look down that avenue towards the east, hesitate, do not take the fatal step, for a step down there leads to places I would not like to mention on this floor.

Mr. SKINNER. *Facilis descensus Averni.* [Laughter.]

Mr. SPINOLA. Yes; that is the road that leads to death and destruction. More than one man has turned down that inviting looking Wall street and got in amongst the class of men of whom my friend speaks, and the result was a disaster to them. Many found a watery grave, or else death at the end of a pistol. It is a dangerous road to travel. Many a man has dropped out in that way, and my advice to you is to keep out of Wall street. I have seen the biggest and the richest men in the community in that street, but beware of it. Whenever a man goes there, and they find out that he has a few million dollars, you can lay your bottom dollar that they will get it out of him before he gets away. [Laughter.]

Now, Mr. Chairman, there are good and bad men in almost all avenues of business; there are good and bad men in the stock business; and we can not pass any measure here of a general character unless somebody is to derive some benefit from it. I care nothing for the Pacific Mail. I know nobody connected with it. I have no personal acquaintance with Jay Gould; I never saw Mr. Huntington to my knowledge in my life, and the only man I know connected with the matter is Senator STANFORD, who was from New York originally, and I knew his father before him. He never asked me to take any interest in this matter one way or the other.

The CHAIRMAN. Debate on this section is closed.

Mr. SPINOLA. I ask to append this telegram to my remarks. It is as follows:

NEW YORK, *January* 8, 1891.

Hon. FRANCIS B. SPINOLA, *Washington, D. C.*:

At a large and enthusiastic meeting of the chamber of commerce, held at noon to-day, the following, on motion of John Inman, were unanimously adopted:

"Whereas this chamber has for many years advocated the most liberal action on the part of the Government of the United States whereby justice may be done to the interests of American shipping and competition on the part of Americans be rendered at least possible against the largely aided shipping of other countries, and thus the carrying of American commerce on the high seas be restored to American bottoms; and

"Whereas the bill now before Congress, called the shipping and tonnage bill, will, in our opinion, serve to bring about the end: Therefore,

"*Be it resolved*, That this chamber urge the prompt passage of the shipping bill now being discussed by Congress, and our Senators and Representatives, irrespective of party, are requested to use every effort in their power to procure its passage."

GEORGE WILSON, *Secretary.*

Mr. ROGERS. I now renew the motion to strike out this entire section 6.

The question was taken; and on a division there were—ayes 84, noes 105.

So the motion was rejected.

The Clerk read section 7, as follows:

SEC. 7. That all steam vessels receiving the benefits of this act and capable of maintaining a speed of 12 knots an hour at sea in ordinary weather shall carry the mails of the United States when required by the Postmaster-General to the port or ports for which they may be destined, and under such regulations as may be prescribed by the Postmaster-General, and for all mails so carried the Post-Office Department shall turn into the Treasury the sea and inland postage thereon. Upon each of said vessels the United States shall be entitled to have transported free of charge such mail messengers as in the judgment of the Postmaster-General may be necessary, whose duty it shall be to receive, sort, take in charge, and deliver the mails to and from the United States, and who shall be provided with suitable room for the accommodation of messengers and the mails.

Mr. GROSVENOR. I move to strike out the last word.

Mr. Chairman, I had the misfortune to be engaged in a pleasant conversation in the lobby of the House at the time when my distinguished friend from Arkansas [Mr. ROGERS] occupied the floor a few moments ago, and I did not and do not now quite understand what relation any remark of mine may have had to the argument or speech which he then proceeded to deliver. But the versatility of my friend is so great that I apprehend there is something lurking in his mind, a sort of an idea that I may have been connected in any way or in some way with the thoughts which afterwards came with such eloquence and fluency from his lips.

The great point of his argument seems to have been a challenge to this side of the House to know what we would say—not what I would say, for I was not included in it—but what the surviving "spared monuments" of the recent disaster to the Republicans on this floor will say to their constituents when they asked them, "How did you come to vote away $100,000,000 in this subsidy?" Well, Mr. Chairman, I shall not be called upon to answer at that time, and therefore I will answer now what I will say; and if my language is of any avail I commend it to the "spared monuments" on this side of the House. We will say in the first place that, in obedience to a long, oft-declared policy of the Republican party, we have made it possible for the first time in the history of this country in modern times, since the rebel cruisers drove our commerce off the sea, for the products of American farmers and American industry to find their way in American ships to the markets of the older countries of the earth.

We will say that, spurred to our duty by the oft-repeated claim on this floor made in the Forty-ninth, Fiftieth, and Fifty-first Congresses that the Republican policy was shutting up the ports of the United States, that it was crippling the merchant marine of the country and narrowing down our commerce to the markets of America alone, we were urged to our duty, and, actuated by an intelligent knowledge of American politics, of American affairs, of American wants, we have

opened the doors of foreign countries to the markets of American producers and that following up as a corollary, natural and supplementary of the McKinley law, we have made these commercial arrangements and now propose to the farmers of the West, to the farmers of the South, over the heads of the protests of their own Representatives, as we have had to do so often, when their interests called upon the intelligence and the statesmanship of the North—we have arranged to furnish them American ships, under American registry, under the American flag, to carry the surplus products of this country in competition with the ships that are to-day carrying the products of this country to foreign ports. And we will show to the people that the whole cry that we are not cheapening freights is simply an argument in the face of the common history, the common judgment, the common knowledge, and the common experience of mankind. We are multiplying ships and the multiplication of ships means the cheapening of freight. The building of new lines across the continent has cut down railroad freights from 1867 until now to 22 per cent. as against 100 per cent. when the war closed, and that resulted not by fixing freights, but by making avenues perfect and stimulating competition. [Applause on the Republican side.]

Mr. MILLIKEN. I move to strike out the last word.

Mr. HOPKINS. I move that debate on this section be limited to five minutes.

Mr. MILLIKEN. Give us a little more time. This is the last section. Give us ten minutes.

The motion of Mr. HOPKINS was agreed to.

Mr. ROGERS. Mr. Chairman, I have only a word to say in response to my distinguished friend from Ohio, and I am glad to have it from his own lips that this bill is a supplement to the McKinley bill. We know precisely what a supplement to the McKinley bill means, in view of the cry which was made by everybody on that side of the House that you did not want a foreign market, but that you wanted a home market; and your distinguished Speaker in the Forty-ninth Congress even spoke of building up a veritable Chinese wall around our entire country; and your McKinley bill was but a step in the building up of that Chinese wall around America, and fencing out, as it were, the foreign markets of the world. Carried with this was an increased taxation upon all the great masses of American society, heaping up instead of reducing the additional burdens upon their shoulders in the way of taxation.

Now you come with your supplement, and you propose, to use your own expression, to supplement the destruction of the American market by going into the Treasury up to your necks with this subsidy steal to buy foreign markets which you have destroyed by the McKinley bill. That is your supplement, and I again congratulate the country that we have got it from the great leader of the party upon the other side of the House, the gentleman from Ohio [Mr. GROSVENOR], who was to fight the battle-royal of the Republican party if he had gotten back on the floor of the House, that that is the object and the purpose and the end to be achieved by the passage of this subsidy bill.

It is to buy markets; it is to give the people's money to the shipowners and the shipbuilders, in the language of your Commissioner of Navigation, that they may use it in buying foreign cargoes which they can not otherwise get and obtain. It is the appropriation, not of the surplus, for that has gone where the woodbine twineth, but it is the appropriation of new taxes to be levied and collected, to be used for the purpose of buying the markets that by your policies and your legislation you admit you have destroyed; and you proclaimed when you passed it that you intended to absorb and monopolize the home market by keeping goods from abroad from coming into our country, thus destroying the very commerce that you now take the people's money to build up again in its stead.

[Here the hammer fell.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 8. That the Secretary of the Treasury shall fix the times and manner of payments, prescribe the vouchers, with forms of account and verifications, upon which payments shall be made, and shall adopt whatever regulations may be necessary to carry out the provisions of this act.

Mr. MOORE, of New Hampshire. Mr. Chairman, no question that has come before this Congress has given me so much concern as the question that is now pending. It is the one problem left over from the great civil war. The Republican party in control of this country has solved every other problem but this.

It has solved the reconstruction problem; it has solved the financial problem; it has solved the civil-rights problem; but this great problem remains to be solved. For twenty-five years we have waited for individuals to make a solution, and individuals up to this time have failed. The American merchant marine floats fewer flags to-day than it floated twenty-five years ago. In fifteen minutes we shall be called upon to vote upon the question whether the attempt to be made here this afternoon shall be a solution of this problem or whether it shall be a failure. Not for twenty-five years has there been a graver responsibility on American representatives than there is here at this moment. If the solution of this problem is met it means that the carrying trade, worth $200,000,000, is to be thrown into our scale; it means that the American flag, if this problem shall be solved, shall go into every sea where it is not now.

A few years ago a distinguished gentleman who was appointed to a Southern mission was obliged to go by the way of Liverpool to reach that mission. When he had concluded his mission he said during his term of service he had never seen the American flag in the waters of that port. The other day a citizen of this country was in the city of San Francisco, and while there he said he thought he would find an American vessel. After searching at the wharves of San Francisco the whole day he at last found one American vessel in port. Going upon that vessel he learned that a foreign captain and a foreign crew were in charge. That is the condition of the American merchant marine to-day in the leading city on the Pacific coast.

Now, I have had grave doubts about the subsidy policy. I detest the word, and would not make it a perpetual policy of this country for any consideration whatever. [Applause on the Democratic side.] But here we have a proposition that proposes compensation to American merchant marine if they are carrying the United States mails. It is no longer a subsidy, but it is a just, honorable, and necessary compensation. Now, I had hoped that the feature introduced in this bill that provided compensation for sailing vessels would be stricken out; I so voted; but when I saw on the other side of this Chamber gentlemen go down to the front and vote to retain that provision I saw that they meant that this bill should not be improved and perfected.

When I saw them go down to the front and vote a solid mass against striking out from this bill the merchant marine of 1,000 tons burden, then I saw that they did not mean that this bill should be perfected. I say to my colleagues upon this side of the Chamber there is only one thing left this afternoon, that is to solve the remaining problem of the war by passing this bill. [Loud applause on the Republican side.]

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I desire to offer an amendment to come in at the close of the last section, and I will read it and then send it up to the Clerk's desk:

Provided further, That no payment shall be made under this act except out of moneys specially appropriated annually for that purpose at the preceding session of Congress.

Mr. ROGERS. Before that is read, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROGERS. I want to ask two questions. I want to ask first, is the last section now under consideration?

The CHAIRMAN. It is.

Mr. ROGERS. I want to ask the Chair at what time it will be proper to offer an amendment to the Senate bill proper?

The CHAIRMAN. The amendment now pending is a motion to strike out all after the enacting clause of the Senate bill and insert a substitute.

Mr. CUTCHEON. Mr. Chairman, I desire to offer an amendment to the section.

Mr. BRECKINRIDGE, of Kentucky. Is not an amendment to the Senate bill now in order?

Mr. MCMILLIN. An amendment to the Senate proposition is in order. It is by way of a substitute, and when a substitute is offered there may be an amendment to that and an amendment to the original proposition both pending at the same time.

Mr. ROGERS. I desire to send up an amendment to the Senate bill proper.

Mr. BUTTERWORTH. Mr. Chairman——

Mr. ROGERS. I do not want to debate this. That will let the gentleman have time.

Mr. CUTCHEON. Mr. Chairman——

The CHAIRMAN. The gentleman from Michigan desires to offer an amendment to the pending section.

Mr. MCMILLIN. The gentleman from Arkansas was moving an amendment to the original proposition, which is in order. It is an amendment to the Senate bill.

The CHAIRMAN. The gentleman from Arkansas arose to a parliamentary inquiry.

Mr. ROGERS. But I have since asked to offer an amendment to the Senate bill proper, which I do not desire to debate, but do desire to have it pending at 5 o'clock.

Mr. MCMILLIN. If that can be considered as pending for a vote it will be sufficient.

The CHAIRMAN. The committee will please be in order.

Mr. CUTCHEON. I will send up an amendment to the eighth section.

The CHAIRMAN. The Chair thinks that at this time the gentleman from Michigan [Mr. CUTCHEON] should be recognized to perfect this section of the substitute. It was agreed that the committee would first proceed to the consideration of the substitute by sections. We have now reached the last section, and the gentleman from Michigan proposes an amendment to the last section.

Mr. MCMILLIN. But, Mr. Chairman, was there any agreement which would preclude the pendency of an amendment to the original proposition.

The CHAIRMAN. Oh, no.

Mr. MCMILLIN. Then the proposition of the gentleman from Arkansas [Mr. ROGERS] is in order.

The CHAIRMAN. An amendment to the original proposition, the Senate bill, or any section of it, would be in order as soon as this amendment is disposed of.

Mr. McMILLIN. But the point I make, Mr. Chairman, is that an amendment to that may be pending even when the other proposition has pending an amendment and an amendment to the amendment.

The CHAIRMAN. The Chair thinks not. The Chair thinks that the amendment to this section should be first disposed of. After that the Chair will recognize the gentleman. The gentleman from Michigan is now recognized.

The amendment of Mr. CUTCHEON was read, as follows:

Add to section 8 the following:

"*Provided*, No vessel shall be entitled to payment under this act that makes any discrimination between or gives unequal facilities to competitive transportation lines in the receiving or forwarding of freights or passengers at any port or ports in the United States or at any foreign port."

Mr. CUTCHEON. Mr. Chairman, this provision was a part of the Senate bill as it came to the House; it formed the concluding paragraph of section 2. There it read: "Nor shall any vessel be entitled to receive payment," etc. It seems to me it is a provision that ought to be retained. It will prevent these steamship lines from discriminating between competitive railroads bringing freight or passengers to them. That is all it does. A discrimination between two competitive railroad lines is a discrimination between the sections of country through which those lines run. One of the railroad lines may be owned by the same company or the individuals that own the steamship lines, and they may discriminate in favor of their own line and against the one that they do not own.

That is not fair, and when it is proposed to take money out of the public Treasury to aid steamship lines I think it should be done only upon condition that they shall afford equal facilities to all competing transportation lines in freight and passengers, so that the several sections of the country which those lines penetrate and reach shall have equal facilities for sending their products to foreign markets. This is not a new provision; it is simply returning to the Senate bill, and I hope that it will be adopted.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Tennessee [Mr. WHITTHORNE] is recognized in opposition to the pending amendment.

Mr. WHITTHORNE. Mr. Chairman, in December last I notified the House that at the proper time I would offer a substitute for the pending proposition. I am a friend of American commerce, but I believe that the impression which is now being made upon the public mind that the decadence of our carrying trade is the decadence of the wealth and commerce of our country is a profound mistake. The fact is not so. On the contrary, it may be demonstrated as clearly as a mathematical proposition that the decadence of the carrying trade is the evidence of the wealth of the country, and not of its destruction.

Go mark the figures year by year, and you will see that American commerce has grown steadily, and not one of the propositions before the House justly demands an increase of our commercial marine upon that ground. But I have taken another view of the subject, and that is that if you would maintain a navy, if you would develop the resources of your country for naval defense, you must aid the commercial marine. Hence, I have endeavored, in the substitute which I propose, to travel within constitutional lines in the direction of the development of the American commercial marine, and, under the power granted by the Constitution to maintain a navy I propose to increase alike the strength and the wealth of the country. And if I had the time and the strength I would show that that proposition is involved in the substitute which I offer.

I venture to say, Mr. Chairman, that if you give bounties or subsidies, you will create monopolies and destroy American commerce instead of building it up. It requires simply an appeal to common sense to see that the nations of the world send their carrying vessels here because they are compelled to come to you for the supply of their wants. You have no occasion to go to them to supply your wants, and therefore you do not send out your vessels for that purpose. Hence, it follows logically that in the degree that other nations have to come to you for what they want, their proportion of the carrying trade will increase, while your proportion will necessarily grow less. Mr. Chairman, I submit the amendment which I send to the desk, and I may hereafter take, under the general permission granted, the privilege of extending my remarks.

The amendment of Mr. WHITTHORNE is as follows:

SEC. —. That the Navy Department shall cause examination to be made of the steamships engaged in the lake, foreign, and coasting trade, and carrying the flag of the United States, so as to ascertain their availability in each case for use by the Government as auxiliary cruisers. And within the limitations and upon the terms herein prescribed, the President is authorzied to cause to be enrolled and borne upon the Naval Register, as auxiliary cruisers, and subject to the immediate call of the Government upon demand, upon terms of hire or purchase to be agreed upon and fixed prior to such enrollment, such limited number of merchant steamships as shall be deemed necessary for the purposes of the Government, and as shall fall within the requirements and limitations of this act. No steamship shall be enrolled that shall not have been constructed according to the requirements of the Secretary of the Navy or been pronounced suitable for armed auxiliary cruisers by a board of naval officers to be appointed by the Secretary of the Navy, and for such use subject to annual inspection. No steamer shall be so enrolled that shall not be capable of mounting not less than two rifled guns of modern construction, nor until the same shall have been prepared and fitted at the expense of the Government for carrying the necessary equipment and guns, and adapting her for the use of the Government as an auxiliary cruiser. For the purpose of compensating owners of such steamships for the expense and trouble necessary to be incurred by them in complying with the conditions of such enrollment, the President is authorized to prescribe an annual compensation to the enrolled list of auxiliary cruisers, to be graded and based upon tonnage, strength, and speed and adaptability for the Government service, not exceeding 8 per cent. yearly upon the value of such steamship, as determined by the Navy Department. And to the end that due encouragement may be afforded to persons contemplating the construction of merchant ships to fit them to answer the purposes of the Government for fast and powerful cruisers, the President may authorize contracts to be entered into for the enrollment of such steamships, when constructed, upon the naval auxiliary list, upon the terms and conditions of this act, and may bind the Government for not exceeding six years to the payment of an annual compensation: *Provided*, That the plans of such steamships shall first be submitted to and approved by the Navy Department, and certified to by such Department as embodying the necessary strength for the carrying of armament and having the necessary speed, fittings, etc., for the Government service; and in all cases preference shall be given to those steamships having the highest characteristics: *And provided*, That no compensation shall be paid for any vessel whose average trial speed at load draught for a continuous six hours' run is less than 15 knots if engaged in the foreign or coasting trade, nor less than 12 knots if engaged in the trade of the Great Lakes: *And provided further*, That the maximum compensation shall not be paid for any vessel whose average trial speed at load draught for a continuous run of six hours is less than 19 knots: *And provided further*, That whenever the owner, officers, or seamen of any vessel of the United States shall propose to enroll themselves and vessels as part of the auxiliary navy of the United States, without cost to the Government, and the said vessel shall be approved by the Secretary of the Navy as fit for dispatch, torpedo, or other naval auxiliary service, he is authorized to enroll the same upon terms as to the charter or purchase of such vessels and to execute a provisional contract with the owner to this effect, which contract shall become operative whenever the said vessel is taken into the public service; and in the event of the loss or destruction of said vessel while in the public service under charter, the said purchase price as agreed upon as above shall be the compensation paid to her owners.

SEC. —. That any vessel commanded by an officer of the naval reserves, and which shall have in her complement five other officers and men belonging to the naval reserves, shall have the right to fly from her mainmast head a distinctive flag or pennant with the letters U. S. N. R.: *Provided*, That the color, shape, and size of such flag or pennant shall be prescribed by the Secretary of the Navy and furnished by the Navy Department.

SEC. —. That the sum of $1,000,000 is hereby appropriated for carrying into operation this act, and the same shall constitute a continuous annual appropriation, payable out of any moneys in the Treasury not otherwise appropriated, for the purpose of inaugurating and continuing the operation of the naval reserve contemplated by this act, the same to be expended under the direction of the Secretary of the Navy.

SEC. —. That all vessels receiving the benefits of this act shall carry the mails of the United States without additional compensation, when required by the Postmaster-General, to the port or ports for which they may be destined, and under such regulations as may be prescribed by the Postmaster-General, and for all mails so carried the Post-Office Department shall turn into the Treasury the sea and inland postage thereon. Upon each of said vessels the United States shall be entitled to have transported free of charge such mail messengers as in the judgment of the Postmaster-General may be necessary, whose duty it shall be to receive, sort, take in charge, and deliver the mails to and from the United States, and who shall be provided with suitable room for the accommodation of messengers and the mails.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment proposed by the gentleman from Michigan [Mr. CUTCHEON].

Mr. FARQUHAR. Mr. Chairman, in respect to the amendment proposed by the gentleman from Michigan I will state to the House frankly the whole history, or rather the exact end of the long history of that proposition.

The Committee on Merchant Marine and Fisheries had presented to them this proposition of discrimination, and after hearing the parties in interest, after consulting also with those who had offered a similar proposition in the Senate, we recognized the fact that the amendment was simply in the interest of certain railroad lines; that it has nothing to do with what is one of the main purposes of the bill, the giving of the stockmen of the West fair opportunity for the transportation of their products from the seaboard to Europe.

Mr. CUTCHEON. But the question is, is it right or wrong?

Mr. FARQUHAR. Whether it is right or wrong, I want to explain to the House that by the adoption of a proposition of this kind, as our committee found, you would tie up our own vessels and allow the Swedes, the Frenchmen, the Belgians, and other nationalities to have, as it were, free trade in cutting rates and in doing just what they please with the American marine. Our committee felt that if there were to be any stringent regulations they should not be such as would tie our own hands and put us at the mercy of twenty-five nations that to-day are paying out their money in subsidies, as against the interests of our people and our shipping.

The CHAIRMAN. The hour of 5 o'clock having arrived, the Committee of the Whole, in obedience to the order of the House, will rise and report the bill back to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BURROWS reported that the Committee of the Whole on the state of the Union had had under consideration the bill (S. 3738) to place the American merchant marine engaged in the foreign trade upon an equality with that of other nations, and reported it back, in obedience to the order of the House, without amendment.

Mr. FARQUHAR. I offer now the substitute which has been agreed upon by the Committee on Merchant Marine and Fisheries and which is already in print.

Mr. SPRINGER. I make the point of order that the House is in recess until 8 o'clock.

The SPEAKER. The Chair overrules the point of order. The gentleman from New York offers, in accordance with the provision of the order, a substitute——

Mr. SPRINGER. I make the point of order that the House is now in recess until 8 o'clock this evening; and I desire to call the attention of the Chair to the fact that the rule of the House providing for a recess on Fridays from 5 o'clock till 8 o'clock has not been set aside by any order of the House heretofore passed.

The latter part of the special rule which fixed this day for the consideration of the shipping bill required simply that at 5 o'clock the Committee of the Whole should rise and report the bill to the House; that, if no amendment had been adopted, the substitute would then be in order and the previous question be regarded as ordered. The occasion contemplated by the special rule has now arrived. The Committee of the Whole has risen; the gentleman from New York has offered his substitute; and I insist that the House under the standing rule is now in recess until 8 o'clock this evening, the evening session to be devoted to the consideration of pension business only.

The SPEAKER. Has the gentleman from Illinois finished his statement?

Mr. SPRINGER. The point to which I directed the attention of the Chair is that no order has been passed by the House contrary to the rule to which I have called attention.

The SPEAKER. The Chair desires to present to the House the actual statement of the order. There is no question whatever about the intention; and the language of the order is also very plain:

> At 5 o'clock p. m. of said day said bill, with such amendments as shall have been agreed to in committee, shall be reported back to the House and the previous question be considered as ordered on the same to engrossment and passage, with the right to offer and have a vote on the substitute for the bill after the amendments reported from the committee have been disposed of, the previous question to include such substitute.

That language is entirely inconsistent with the operation of the regular order referred to by the gentleman from Illinois.

Mr. SPRINGER. It is not inconsistent, if the Chair will allow me one word——

Several MEMBERS. Regular order!

The SPEAKER. One moment. No doubt the gentleman from Illinois and the Chair will agree as soon as they understand each other. [Laughter.]

Mr. SPRINGER. What the Chair has just read is not inconsistent with the standing rule, which requires that on each Friday at 5 o'clock the House shall take a recess until 8 o'clock, the evening session to be devoted to pension business. That part of the order which the Chair has read simply orders the previous question upon the propositions pending, and brings the whole matter before the House on its assembling at 11 o'clock to-morrow morning.

The SPEAKER. No; but it provides for the offering of a substitute, which could not have been done after 5 o'clock if the House was in recess.

Mr. SPRINGER. But the substitute was offered at the same instant that the committee rose; and 5 o'clock having now arrived, the order—the rule of the House—requiring the proceedings of this session to be discontinued until to-morrow morning has never been set aside.

The SPEAKER. The Chair overrules the point of order.

Mr. SPRINGER. From that decision, Mr. Speaker, I respectfully appeal.

Mr. MCKINLEY. I move to lay the appeal on the table.

The question was taken; and on a division (demanded by Mr. SPRINGER) there were—ayes 117, noes 83.

So the appeal was laid upon the table.

Mr. MCMILLIN. Mr. Speaker, I rise to a parliamentary inquiry. Does the Chair hold that that special order does away with the evening session to-night for pensions?

The SPEAKER. It does.

The gentleman from New York is recognized to offer a substitute.

Mr. HOPKINS. I wish to submit a parliamentary inquiry. Is it in order now to move, by way of amendment, a substitute for the one offered by the gentleman from New York?

The SPEAKER. The Chair thinks not.

Mr. ROGERS. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. ROGERS. That under the rule—under the special order—we are entitled to have a vote on the amendments reported by the committee before the vote shall be taken in the House.

The SPEAKER. But there is no amendment reported by the committee.

Mr. ROGERS. Well, there ought to have been. The bill was considered and was amended in committee, and should have been reported with the amendments.

The SPEAKER. But there was no amendment adopted to the bill in committee.

Mr. ROGERS. Does the Chair hold that there were no amendments adopted?

The SPEAKER. If the gentleman from Arkansas will consider for a moment he will remember that the committee spent its time upon amending a substitute, which substitute was never adopted.

Mr. MCMILLIN. In other words, a conclusion in which nothing was concluded. [Laughter.]

The SPEAKER. Not an uncommon result in Committee of the Whole.

Mr. SPRINGER. Or under special orders of this kind.

The SPEAKER. The Chair thinks special orders do sometimes produce results in Committee of the Whole.

Mr. MCMILLIN. But it could hardly have been expected to produce results under this last special order.

The SPEAKER. The question is on agreeing to the substitute proposed by the gentleman from New York.

Mr. SPRINGER. What is the substitute?

The SPEAKER. The Chair thinks it should be read, although it is the same that was debated by the committee. The Chair thinks it must be read unless the House consents to dispense with the reading. The Chair understands that it is the substitute that was before the committee.

Mr. FARQUHAR. That is just what I stated, Mr. Speaker, when I first offered it.

Mr. SPRINGER. I desire to ask the gentleman from New York if this is precisely the text of the bill as printed and reported by the committee?

Mr. FARQUHAR. The same, with two amendments.

Mr. SPRINGER. Then I make the point of order that the gentleman has no right to amend it, because the rule says "the substitute to the bill" may be offered.

Mr. DINGLEY. No; it says "a substitute."

Mr. SPRINGER. I have the order before me.

The SPEAKER. The gentleman is probably misled by a misprint in the RECORD. The RECORD says "the" substitute, but the order says that a substitute was to be offered.

Mr. SPRINGER. Then if the gentleman from New York will explain the amendments it will probably avoid the reading of the bill, if that is the same bill we had before us to-day.

Mr. FITHIAN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FITHIAN. I desire to know if under the rule the minority of the committee are permitted to offer a substitute for the substitute offered by the gentleman from New York?

The SPEAKER. The special rule allows a substitute to be offered, which has been offered.

Mr. FITHIAN. Only one substitute?

The SPEAKER. Only one.

Mr. MCMILLIN. Mr. Speaker, the gentleman from Ohio, the gentleman from Illinois, and you, I doubt not, will remember that the understanding was there should be a right to this side of the House in that regard.

The SPEAKER. If the gentleman from Tennessee appeals to the Chair, the Chair must say that the understanding, so far as he knows, was that an amendment might be offered by the gentleman from Illinois.

Mr. MCMILLIN. I made the inquiry whether the same course that was pursued with regard to the silver bill, of exhausting the right to offer a substitute, was to be pursued. I asked if that right was to be confined to those having the bill in charge and favoring it, and taken away from those who opposed the bill; and a negative answer was given.

The SPEAKER. The Chair must say he never heard that question asked.

Mr. MCMILLIN. The Chair may not have heard it. The gentleman from Ohio [Mr. MCKINLEY] will remember it.

Mr. MCKINLEY. Mr. Speaker, I desire to say to the House that when we were considering this rule, and in the absence of the Speaker, for he was not present at the time, it was suggested that the gentleman from Illinois [Mr. FITHIAN] be permitted to offer what is known as his free-ship amendment in committee, and to that I consented, and so stated on the floor of the House when the rule was brought in here, as the RECORD shows.

Mr. MCMILLIN. To be offered when?

The SPEAKER. The gentleman from Ohio says to be offered in committee.

Mr. MCMILLIN. That is the first I have heard of that. The gentleman is probably correct, but I made the inquiry as to whether the course that was pursued on the silver bill, of exhausting the right to recommit was to be applied to this; if the right to recommit, was to be confined to those in favor of the proposition. If this course is pursued, that is what will be done.

The SPEAKER. The Chair desires to say that the outcome of the bill in Committee of the Whole was such as to prevent the gentleman from Illinois from offering the amendment which he desired to offer; and the amendment or substitute which was proposed by the committee not having been acted upon, it seemed to the Chair that it was proper to recognize that for the vote of the House.

Mr. MCMILLIN. I have not criticised the action of the Chair except to state the facts.

The SPEAKER. The Chair knew nothing of any such arrangement, and was acting solely with reference to having the various stages of the matter before the House so far as it was possible.

Mr. McMILLIN. I did not want the same course pursued with this bill as was pursued with the silver bill.

Mr. CANNON. If the gentleman will allow me a word, my understanding was that after this bill was reported by the committee under the special order, it would then be in a condition where I could move as a substitute therefor what is known as the postal-aid bill, and I still supposed that I could do so until the committee rose, when I was confronted, as I was informed, with the parliamentary position that, the Committee of the Whole not having adopted the committee substitute for the Senate bill, that would have precedence as a substitute for the Senate bill, and I would be cut out; and I would be very glad now, by unanimous consent, if it can be had, that I may be permitted to move a postal-aid bill as a substitute, so that the House can vote first upon the proposition of giving postal aid as against the tonnage bill; and if that should be adopted, could then vote directly upon that question. It seems to me to be fair to all parties that the different phases of the bill should be presented to the House.

Mr. HOPKINS. Mr. Speaker. I sympathize with the remarks made by my colleague from Illinois [Mr. CANNON], but there are other propositions that members upon this floor would like to have voted upon, and one of them is the bill that I have prepared, limiting the bill to vessels running between ports of this country and the ports of such countries as enter into trade relations under the reciprocity clause of the recent tariff law.

Mr. FLOWER. That is the best one of the substitutes offered, and one that would receive a good many votes upon the floor of this House if it could be voted upon.

Mr. HOPKINS. Now, if we had had time we could have shown that that bill possesses merit, and that neither the bill presented here from the Senate, nor the bill that is proposed by the Committee on Merchant Marine and Fisheries, is a bill that any Republican west of the Alleghany Mountains can afford to vote for. [Applause on the Democratic side and cries of "Regular order!" on the Republican side.]

Mr. FITHIAN. Mr. Speaker——

The SPEAKER. The regular order is demanded.

Mr. HOPKINS (continuing). But by the legislative legerdemain of the gentlemen in charge of this matter to-day I have been deprived of the privilege of presenting my substitute to the House.

The SPEAKER. The regular order is demanded.

Mr. MILLIKEN (to Mr. HOPKINS). You had an hour and a half yesterday. Why did you not present the matter then?

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] desires to have the amendments read which have been adopted by the committee. Is there objection?

Mr. ROGERS. I do not understand the request.

Mr. FITHIAN. I rise to a point of order.

The SPEAKER. Will gentlemen please resume their seats and be in order. The gentleman from Illinois [Mr. SPRINGER] proposes to dispense with the reading of the substitute, the same having been read in committee, but that the amendments indicated shall be stated to the House. Is there objection to the request of the gentleman from Illinois [Mr. SPRINGER]? The Chair hears none. The Clerk will indicate the amendments and the Chair will then inquire of the gentleman from Illinois [Mr. FITHIAN] what his point of order is.

The Clerk read as follows:

Add the following words to section 1, on page 8:

"*Provided*, That no sailing vessel of less than 1,000 tons gross tonnage shall be entitled to the benefits of this act."

Also, add to section 8 the following:

"No vessel shall be entitled to compensation under this act that makes any discrimination between or gives unequal facilities to competitive transportation lines in the receiving or forwarding of freight or passengers at any port or ports in the United States or at any foreign port."

The SPEAKER. The gentleman from Illinois [Mr. FITHIAN] makes a point of order.

Mr. FITHIAN. Before the special rule of the Committee on Rules was adopted, and while it was under consideration, I inquired of the gentleman from Ohio [Mr. MCKINLEY] whether or not I would be permitted to offer my substitute, or amendment to the substitute of the chairman of the committee, to the present bill, and he replied in this language:

I will say to the gentleman from Illinois [Mr FITHIAN] that it is understood the gentleman will be permitted to offer his substitute—the free shipping bill. I believe that is the understanding.

Now, acting upon that, the rule was adopted. No objection was made to the adoption of the rule, and I have understood all the time from the statement of the gentleman from Ohio, that I would be permitted to offer my substitute or amendment to the substitute of the gentleman from New York for the Senate bill; and I desire to do so now, Mr. Speaker.

Mr. STEWART, of Vermont. Was that to be offered in the committee or in the House?

Mr. FITHIAN. In the House; and I desire now to offer my amendment in pursuance of that understanding.

The SPEAKER. That can only be done by unanimous consent.

Mr. ROGERS. I want to know whether the gentleman from New York intentionally left the amendment which I offered, and which was adopted, out of the substitute?

Mr. FARQUHAR. I said that it was left out.

Mr. MCKINLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FITHIAN] may be permitted to offer his substitute.

Mr. DINGLEY. I think that should be granted under the circumstances.

The SPEAKER. In view of what has been stated, the Chair thinks that he ought to put the question to the House.

Mr. CANNON. Before that is done I want to say that it was equally well understood that I should have permission to bring the postal-aid bill up by way of a substitute. I desire that the unanimous consent should cover that also, so that the vote can be had on each. It is the postal-aid bill, except the price has been cut down one-third.

Mr. HOPKINS. And I ask unanimous consent for the consideration of my substitute also. [Laughter.]

A MEMBER. One at a time.

Mr. MCKINLEY. In response to the gentlemen from Illinois, I will suggest that they do not ask consent upon their propositions until we have disposed of the request for unanimous consent that I have presented.

The SPEAKER. The Chair will put the request of the gentleman from Ohio.

Mr. MCKINLEY. I think, Mr. Speaker, that in all fairness, upon the statement made in open House here when this order was adopted, that unanimous consent should be given to the gentleman from Illinois [Mr. FITHIAN] to offer his substitute; it ought to be given him.

The SPEAKER. The Chair will put that proposition.

Mr. CANNON. In all fairness I am willing that that should be done, but upon the condition—— [Cries of "Ah! no; don't!"] A gentleman near me says I ought not to object, when he knows well that this was understood that my proposition was to occupy such a position under the rule that I might move it as a substitute.

Mr. SKINNER. Regular order!

The SPEAKER. The regular order is demanded, which is a vote upon the substitute proprosed by the gentleman from New York.

The Chair put the question, and said the ayes seemed to have it.

Mr. CANNON. I will withdraw the objection, if it is understood that I can be recognized to move to recommit with instructions to report the postal bill.

Mr. OUTHWAITE and several other members objected.

The SPEAKER. Objection is made, and the regular order is demanded, which is a vote upon the substitute of the gentleman from New York.

Mr. BLAND. Can not we take a vote upon the substitute of the gentleman from Illinois [Mr. FITHIAN]? Let us vote upon that before we vote upon the substitute of the gentleman from New York.

The SPEAKER. It is shut out by reason of the demand for the regular order on the right of the Chair.

Mr. WILLIAMS, of Illinois. The gentleman who objected did not object to the request for unanimous consent to offer the substitute of the gentleman from Illinois [Mr. FITHIAN].

The SPEAKER. The understanding of the Chair was that it was intended to include the amendment of the gentleman from Illinois in the objection.

Mr. WILLIAMS, of Illinois. The gentleman who demanded the regular order did not so understand.

The SPEAKER. The gentleman from North Carolina [Mr. SKINNER] called for the regular order.

Mr. SKINNER. I withdraw it.

The SPEAKER. The Chair will put the request of the gentleman from Illinois [Mr. FITHIAN] that a vote may be taken upon the substitute offered by him prior to the vote on the substitute now pending before the House. Is there objection?

Mr. HATCH. I suggest that the Chair put the request as it was put to the House—that unanimous consent is asked by the gentleman from Ohio [Mr. MCKINLEY].

Mr. BOUTELLE. Oh!

Mr. HATCH. The gentleman from Ohio asked that the gentleman from Illinois should have the right to offer his substitute.

Mr. BURROWS. Both of them asked.

Mr. CANNON. I think I can cut this Gordian knot by a single remark. I will withdraw my objection, in the hope that I will be recognized to make a motion to recommit. I am opposed to the present bill.

Mr. FITHIAN. I have no objection.

Mr. MCKINLEY. I renew the request.

The SPEAKER. Unanimous consent of the House is asked for the submission of the substitute offered by the gentleman from Illinois [Mr. FITHIAN] by the gentleman from Ohio and the gentleman from Illinois [Mr. FITHIAN]. Is there objection?

Mr. ROGERS. Is that the gentleman from Illinois [Mr. CANNON]? [Cries of "No!" and laughter on the Democratic side, and cries of "Sit down!" on the Republican side.]

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the substitute.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Postmaster-General is hereby authorized and empowered to enter into contracts for a term not less than five nor more than ten years in duration, with American citizens, for the carrying of mails on American steamships, between ports of the United States and such ports in foreign countries, the Dominion of Canada excepted, as in his judgment will best subserve and promote the postal and commercial interests of the United States, the mail service on such lines to be equitably distributed among the Atlantic, Mexican Gulf, and Pacific ports. Such contracts shall be made with the lowest responsible bidder for the performance of said service on each route, and the Postmaster-General shall have the right to reject all bids not in his opinion reasonable for the attaining of the purposes named."

Mr. BAYNE. Mr. Speaker, I for one demand that the reading of the substitute should be heard.

Mr. DINGLEY. I desire to say that this is not the substitute which was to be offered. The substitute was to be the free-shipping bill.

Mr. FITHIAN. That is a free-shipping bill.

Mr. DINGLEY. That is another measure entirely. [After a pause.] Now, Mr. Speaker, I make the point of order that this is not the bill which the House gave consent to have voted upon as a substitute. That was the bill proposed by the gentleman from Illinois [Mr. FITHIAN] as a substitute and printed in the RECORD.

Mr. McCOMAS. I call attention to page 3274 of the RECORD, where the substitute proposed by the gentleman from Illinois [Mr. FITHIAN] is printed.

Mr. FARQUHAR. This is an attempt to perpetrate a trick upon the House.

The SPEAKER. The Chair thinks that the consent of the House was given to offer a bill which the gentleman from Illinois [Mr. FITHIAN] mentioned during the colloquy between himself and the gentleman from Ohio [Mr. MCKINLEY], and that the gentleman from Illinois must send up that bill.

[Great confusion in the Hall.]

Mr. FITHIAN. I do not understand the Speaker.

The SPEAKER. If gentlemen will be in order, so that the Chair can be heard, he will endeavor to explain to the gentleman from Illinois what he thinks the situation is.

Mr. FITHIAN. Will the Chair hear me for a moment?

The SPEAKER. Certainly.

Mr. FITHIAN. While the rule of the Committee on Rules was under consideration I asked the gentleman from Ohio [Mr. MCKINLEY] if I would be permitted to offer my substitute. I did not indicate whether it would be a free-ship substitute or what kind of substitute it would be. [Cries of "Oh!" "Oh!" on the Republican side.] Have the patience to hear me, gentlemen. The gentleman from Ohio [Mr. MCKINLEY], in reply to my question, said:

I will say to the gentleman from Illinois [Mr. FITHIAN] that it is understood that he will be permitted to offer his substitute to the free-ship bill. I believe that is the understanding.

That was the language of the gentleman from Ohio, and not my language. [Renewed cries of "Oh!" "Oh!" on the Republican side.] Well, have patience, gentlemen.

The SPEAKER. The House will be in order and listen to the gentleman from Illinois.

Mr. FITHIAN. Unanimous consent was asked by myself and also by the gentleman from Ohio a few moments ago for me to offer my bill. Instead of offering the bill that I previously thought I would offer, I have now offered the bill that has been proposed by the gentleman from Massachusetts [Mr. CANDLER], which also is a free-ship bill; and while the bill that I intended to offer does not embody all the features of the bill which the gentleman from Massachusetts has proposed, I offer now the bill which he proposes as my bill. It is a free-ship bill, and I offer it, as I have a right to do, under the unanimous consent given and under the statement of the gentleman from Ohio [Mr. MCKINLEY].

Mr. MCKINLEY. I desire to ask the gentleman from Illinois a single question; whether the substitute he now offers is the bill which he submitted to the House and had printed in the RECORD as his substitute intended to be offered under the rule as we adopted it last Wednesday?

Mr. FITHIAN. It is not the substitute that I then offered. [Renewed cries of "Oh!"] But if the gentleman from Ohio will listen to me——

Mr. MCKINLEY. Certainly.

Mr. FITHIAN. At that time I had proposed no substitute to the House nor to the committee.

Mr. BLAND. I understand this to be a free-ship bill, Mr. Speaker, and I think the gentleman has a right to offer it.

[Great confusion in the Hall.]

The SPEAKER. The Chair thinks that the House is not prepared to vote upon this bill, and that the regular order is the substitute proposed by the gentleman from New York.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. BRECKINRIDGE, of Kentucky. The fact that the gentleman from Illinois [Mr. FITHIAN] offered a bill that was not proper to be offered under the agreement, does not prevent him from withdrawing that and offering the proper bill.

Mr. FITHIAN. I desire to withdraw the substitute that I offered a moment ago, Mr. Speaker, and offer the one that I originally proposed.

Mr. KERR, of Iowa. I object.

Mr. FRANK. This practice ought not to be encouraged, and I object.

The SPEAKER. The Chair thinks that the gentleman from Illinois [Mr. FITHIAN] will be entitled to offer that bill, because he has had the consent of the House, and the fact that he has offered another bill in place of it does not deprive him of the right to offer this.

Mr. PAYSON. Mr. Speaker, I rise to a parliamentary inquiry. Is not the House entitled to have the bill read before unanimous consent can be passed for its consideration? [Cries of "Too late!" "Too late!" on the Democratic side.]

The SPEAKER. The Chair thinks the House is entitled to have it read, but no such request was made.

Mr. PAYSON. Because, Mr. Speaker, myself and others sitting about me assumed that what was stated all over the floor, that the request of the gentleman from Illinois [Mr. FITHIAN] covered the free-ship bill was true, and that was tantamount to a reading at the Clerk's desk of what everybody knows to be the free-ship bill.

The motive which promted my colleague [Mr. FITHIAN] to offer a bill for which unanimous consent was not given is not now a subject of inquiry, but the parliamentary rule in all these proceedings, as I understand it, is that before unanimous consent can be asked the bill upon which the consent is asked must be first read at the Clerk's desk, to prevent either accident or the practice of a fraud upon the House. For one I do not propose to submit to this unless the rules compel it, and I demand the reading of whatever bill is offered.

Mr. MILLS. But the gentleman from Illinois [Mr. FITHIAN] has withdrawn the substitute which he offered awhile ago, and has proposed his own bill instead of it.

Mr. BOUTELLE. How do we know that this is in his own bill?

The SPEAKER. One moment; this bill will have to be read. The Clerk will read the bill.

The Clerk read Mr. FITHIAN'S proposed substitute, as follows:

Strike out all after the enacting clause and insert the following:

"That from and after the 1st day of July, 1891, any citizen or citizens of the United States may purchase the whole of any steam or sail vessel, no matter where said vessels may have been built, whether within the United States or in a foreign country, or whether said vessel may have been owned in whole or in part by an alien or aliens; and said vessel shall be registered free of duty as to her hull, spars, appliances, outfit, and equipment (including boilers, engines, and machinery, if a steam vessel), as a vessel of the United States by the collector in any port of entry of the United States to whom application for such registry may be made by said citizen or citizens, in the same manner as though said vessel had been built in the United States."

The SPEAKER. The question is on the substitute proposed by the gentleman from Illinois [Mr. FITHIAN].

Mr. FARQUHAR. I call for the yeas and nays on that.

Several MEMBERS. Oh, no.

Mr. DINGLEY. Yes; we want the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was determined in the negative—yeas 116, nays 175, not voting 38; as follows:

YEAS—116.

Alderson,	Cooper, Ind.	Hooker,	Peel,
Anderson, Miss.	Cothran,	Kelley,	Penington,
Andrew,	Covert,	Kerr, Pa.	Perry,
Bankhead,	Cowles,	Lane,	Pierce,
Barnes,	Crain,	Lanham,	Pindar,
Barwig,	Crisp,	Lee,	Price,
Blanchard,	Culberson, Tex.	Lester, Ga.	Richardson,
Bland,	Dargan,	Lester, Va.	Robertson,
Blount,	Davidson,	Lewis,	Rogers,
Boatner,	Dibble,	Maish,	Rowland,
Breckinridge, Ark.	Dickerson,	Mansur,	Sayers,
Breckinridge, Ky.	Dockery,	Martin, Tex.	Seney,
Brickner,	Dunphy,	McClammy,	Shively,
Brookshire,	Edmunds,	McCreary,	Skinner,
Brown, J. B.	Ellis,	McMillin,	Springer,
Brunner,	Fitch,	McRae,	Stewart, Tex.
Buchanan, Va.	Fithian,	Mills,	Stockdale,
Buckalew,	Forman,	Montgomery,	Stone, Mo.
Bunn,	Forney,	Moore, Tex.	Tarsney,
Bynum,	Fowler,	Morgan,	Tillman,
Campbell,	Goodnight,	Mutchler,	Tucker,
Candler, Ga.	Grimes,	Norton,	Turner, Ga.
Candler, Mass.	Hatch,	Oates,	Turner, N. Y.
Carlton,	Hayes, W. I.	O'Ferrall,	Washington,
Caruth,	Heard,	O'Neall, Ind.	Whitelaw,
Catchings,	Hemphill,	Outhwaite,	Wike,
Clancy,	Henderson, N. C.	Owens, Ohio	Williams, Ill.
Clements,	Herbert,	Parrett,	Wilson, Mo.
Cobb,	Holman,	Paynter,	Wilson, W. Va.

NAYS—175.

Adams,	Baker,	Bergen,	Bowden,
Allen, Mich.	Banks,	Biggs,	Brewer,
Anderson, Kans.	Bayne,	Bingham,	Brosius,
Arnold,	Beckwith,	Bliss,	Brower,
Atkinson, Pa.	Belden,	Boothman,	Browne, Va.
Atkinson, W. Va.	Belknap,	Boutelle,	Buchanan, N. J.

Burrows,	Gifford,	Moffitt,	Smith, W. Va.
Burton,	Greenhalge,	Moore, N. H.	Smyser,
Butterworth,	Grosvenor,	Morey,	Snider,
Caldwell,	Grout,	Morrill,	Spinola,
Cannon,	Hall,	Morrow,	Spooner,
Carter,	Harmer,	Morse,	Stahlnecker,
Caswell,	Haugen,	Mudd,	Stephenson,
Cheadle,	Hays, E. R.	Niedringhaus,	Stewart, Vt.
Cheatham,	Hermann,	Nute,	Stivers,
Chipman,	Hill,	O'Donnell.	Stone, Pa.
Clark, Wyo.	Hitt,	O'Neil, Mass.	Struble,
Clunie,	Hopkins,	O'Neill, Pa.	Sweet,
Cogswell,	Houk,	Osborne,	Sweney,
Coleman,	Kennedy,	Owen, Ind.	Taylor, E. B.
Comstock,	Kerr, Iowa	Payne,	Taylor, Ill.
Culbertson, Pa.	Ketcham,	Payson,	Taylor, J. D.
Cummings,	Kinsey,	Perkins,	Taylor, Tenn.
Cutcheon,	Knapp,	Peters,	Thomas,
Dalzell,	Lacey,	Pickler,	Thompson,
Darlington,	La Follette,	Post,	Townsend, Colo.
De Lano,	Laidlaw,	Pugsley,	Townsend, Pa.
Dingley,	Langston,	Quackenbush,	Vandever,
Dolliver,	Lansing,	Raines,	Van Schaick,
Dorsey,	Laws,	Randall,	Waddill,
Dunnell,	Lehlbach,	Ray,	Wade,
Evans,	Lodge,	Reilly,	Walker,
Ewart,	Magner,	Reyburn,	Wallace, Mass.
Farquhar,	Mason,	Rife,	Wallace, N. Y.
Finley,	McAdoo,	Rockwell,	Wheeler, Mich.
Flick,	McComas,	Rowell,	Wickham,
Flood,	McCord,	Russell,	Wiley,
Flower,	McCormick,	Sanford,	Willcox,
Frank,	McDuffie,	Sawyer,	Williams, Ohio,
Funston,	McKenna,	Scranton,	Wilson, Ky.
Gear,	McKinley,	Scull,	Wilson, Wash.
Geary,	Miles,	Sherman,	Wright,
Geissenhainer,	Miller,	Simonds,	Yardley.
Gest,	Milliken,	Smith, Ill.	

NOT VOTING—38.

Abbott,	Enloe,	Lind,	Tracey,
Allen, Miss.	Featherston,	Martin, Ind.	Turner, Kans.
Bartine,	Gibson,	McClellan,	Vaux,
Browne, T. M.	Hansbrough,	Quinn,	Wheeler, Ala.
Bullock,	Hare,	Reed, Iowa	Whiting,
Clarke, Ala.	Haynes,	Rusk,	Whitthorne,
Clark, Wis.	Henderson, Ill.	Stewart, Ga.	Wilkinson,
Connell,	Henderson, Iowa	Stockbridge,	Yoder.
Cooper, Ohio.	Kilgore,	Stone, Ky.	
Craig,	Lawler,	Stump,	

So the substitute proposed by Mr. FITHIAN was rejected.

Mr. LANHAM. I desire to state that my colleague Judge ABBOTT is absent on the committee appointed to attend the funeral ceremonies of Senator Wilson. If present, he would vote "ay."

The following pairs were announced:

Until further notice:

Mr. BARTINE with Mr. TRACEY.

Mr. THOMAS M. BROWNE with Mr. ENLOE.

Mr. STOCKBRIDGE with Mr. STUMP.

Mr. REED, of Iowa, with Mr. WILKINSON.

On the shipping bill:

Mr. CRAIG with Mr. WHEELER, of Alabama. Mr. WHEELER would vote against the bill.

Mr. CLARK, of Wisconsin, with Mr. LIND. If present, Mr. CLARK would vote for the bill; Mr. LIND against it.

Mr. HENDERSON, of Iowa, with Mr. HARE. Mr. HENDERSON would vote for the bill, and Mr. HARE against it.

On this vote:

Mr. GREENHALGE with Mr. KILGORE.

For the rest of the day:

Mr. HANSBROUGH with Mr. STONE, of Kentucky.

Mr. MONTGOMERY. My colleague from Kentucky [Mr. STONE] is unexpectedly detained from the House by sickness. He is paired with the gentleman from North Dakota [Mr. HANSBROUGH]. My colleague, if present, would vote in the affirmative.

The result of the vote was announced as above stated.

The SPEAKER *pro tempore* (Mr. GROSVENOR). The question now recurs on the substitute of the gentleman from New York [Mr. FARQUHAR.]

Mr. McCOMAS. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. FARQUHAR. If this substitute should be voted down, leaving the Senate bill pending, will it then be in order under the order of the House to offer the postal-aid bill as a substitute?

The SPEAKER *pro tempore*. The Chair thinks not.

The question being taken on agreeing to the substitute offered by Mr. FARQUHAR, it was agreed to, there being—ayes 144, noes 47.

The question then recurred on ordering the Senate bill as amended to a third reading.

Mr. HOLMAN and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was determined in the negative—yeas 143, nays 148, not voting 38; as follows:

YEAS—143.

Adams,	Baker,	Bergen,	Boutelle,
Anderson, Kans.	Banks,	Biggs,	Bowden,
Arnold,	Beckwith,	Bingham,	Brosius,
Atkinson, Pa.	Belden,	Bliss,	Brower,
Atkinson, W. Va.	Belknap,	Boothman,	Browne, Va.
Buchanan, N. J.	Grosvenor,	Mudd,	Spooner,
Burrows,	Grout,	Niedringhaus,	Stephenson,
Burton,	Harmer,	Nute,	Stewart, Vt.
Caldwell,	Haugen,	O'Donnell,	Stivers,
Cannon,	Hays, E. R.	O'Neill, Pa.	Stone, Pa.
Carter,	Hermann,	Osborne,	Struble,
Caswell,	Hitt,	Owen, Ind.	Sweet,
Cheadle,	Houk,	Payne,	Sweney,
Cheatham,	Kennedy,	Payson,	Taylor, E. B.
Clark, Wyo.	Kerr, Iowa	Perkins,	Taylor, Ill.
Cogswell,	Ketcham,	Pugsley,	Taylor, J. D.
Coleman,	Kinsey,	Quackenbush,	Taylor, Tenn.
Comstock,	Knapp,	Raines,	Thomas,
Culbertson, Pa.	Laidlaw,	Randall,	Thompson,
Cummings,	Langston,	Ray,	Townsend, Colo.
Cutcheon,	Lansing,	Reyburn,	Townsend, Pa.
Dalzell,	Lodge,	Rife,	Vandever,
Darlington,	Mason,	Rockwell,	Van Schaick,
De Lano,	McCormick,	Rowell,	Waddill,
Dolliver,	McDuffie,	Russell,	Wade,
Dorsey,	McKenna,	Sanford,	Walker,
Dunnell,	McKinley,	Sawyer,	Wallace, Mass.
Evans,	Miles,	Scranton,	Wallace, N. Y.
Ewart,	Miller,	Scull,	Wheeler, Mich.
Farquhar,	Milliken.	Sherman,	Wickham,
Finley,	Moffitt,	Simonds,	Williams, Ohio
Flick,	Moore, N. H.	Smith, Ill.	Wilson, Ky.
Flood,	Morey,	Smith, W. Va.	Wilson, Wash.
Funston,	Morrill,	Smyser,	Wright,
Gear,	Morrow,	Snider,	Yardley.
Gifford,	Morse,	Spinola,	

NAYS—148.

Alderson,	Cowles,	Lane,	Perry,
Anderson, Miss.	Crain,	Lanham,	Peters,
Andrew,	Crisp,	Lawler,	Pickler,
Bankhead,	Culberson, Tex.	Laws,	Pierce,
Barnes,	Dargan,	Lee,	Pindar,
Barwig,	Davidson,	Lehlbach,	Post,
Bayne,	Dibble,	Lester, Ga.	Price,
Blanchard,	Dickerson,	Lester, Va.	Quinn,
Bland,	Dingley,	Lewis,	Reilly,
Blount,	Dockery,	Magner,	Richardson,
Boatner,	Dunphy,	Maish,	Robertson,
Breckinridge, Ark.	Edmunds,	Mansur,	Rogers,
Breckinridge, Ky.	Ellis,	Martin, Ind.	Rowland,
Brickner,	Fitch,	Martin, Tex.	Sayers,
Brookshire,	Fithian,	McAdoo,	Seney,
Brown, J. B.	Flower,	McClellan,	Shively,
Brunner,	Forman,	McComas,	Skinner,
Buchanan, Va.	Forney,	McCord,	Springer,
Buckalew,	Fowler,	McCreary,	Stewart, Tex.
Bunn,	Geary,	McMillin,	Stockdale,
Butterworth,	Geissenhainer,	McRae,	Stone, Mo.
Bynum,	Gest,	Mills,	Tarsney,
Campbell,	Goodnight,	Montgomery,	Tillman,
Candler, Ga.	Grimes,	Moore, Tex.	Tucker,
Candler, Mass.	Hatch,	Morgan,	Turner, Ga.
Carlton,	Haynes,	Mutchler,	Turner, N. Y.
Caruth,	Heard,	Norton,	Washington,
Catchings,	Hemphill,	Oates,	Whitelaw,
Chipman,	Henderson, N. C.	O'Ferrall,	Whiting,
Clancy,	Herbert,	O'Neall, Ind.	Whitthorne,
Clements,	Holman,	O'Neil, Mass.	Wike,
Clunie,	Hooker,	Outhwaite,	Wiley,
Cobb,	Hopkins,	Owens, Ohio	Willcox,
Connell,	Kelley,	Parrett,	Williams, Ill.
Cooper, Ind.	Kerr, Pa.	Paynter,	Wilson, Mo.
Cothran,	Lacey,	Peel,	Wilson, W. Va.
Covert,	La Follette,	Penington,	Yoder.

NOT VOTING—38.

Abbott,	Craig,	Henderson, Ill.	Stockbridge,
Allen, Mich.	Enloe,	Henderson, Iowa	Stone, Ky.
Allen, Miss.	Featherston,	Hill,	Stump,
Bartine,	Frank,	Kilgore,	Tracey,
Brewer,	Gibson,	Lind,	Turner, Kans.
Browne, T. M.	Greenhalge,	McClammy,	Vaux,
Bullock,	Hall,	Reed, Iowa	Wheeler, Ala.
Clark, Wis.	Hansbrough,	Rusk,	Wilkinson.
Clarke, Ala.	Hare,	Stahlnecker,	
Cooper, Ohio	Hayes, W. I.	Stewart, Ga.	

So the House refused to order the bill to be read a third time.

The SPEAKER. The Clerk will recapitulate the vote.

Mr. DINGLEY (having voted in the affirmative). Mr. Speaker, I change my vote to the negative.

Mr. DUNPHY. My colleague [Mr. TRACEY] is at home sick. If present, he would vote "no" on this bill.

The result of the vote was then announced as above recorded. [Applause on the Democratic side.]

Mr. DINGLEY. I move to reconsider the vote by which the House refused to order the bill to a third reading.

Mr. McMILLIN. I move to lay that motion upon the table.

Mr. BLOUNT. And on that I demand the yeas and nays.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, are not these motions dilatory, especially the motion of the gentleman from Maine? [Laughter.]

The SPEAKER. The question is on ordering the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 146, nays 149, not voting 34; as follows:

YEAS—146.

Alderson,	Bayne,	Breckinridge, Ky.	Buckalew,
Anderson, Miss.	Blanchard,	Brickner,	Bunn,
Andrew,	Bland,	Brookshire,	Butterworth,
Bankhead,	Blount,	Brown, J. B.	Bynum,
Barnes,	Boatner,	Brunner,	Campbell,
Barwig,	Breckinridge, Ark.	Buchanan, Va.	Candler, Ga.

Candler, Mass.	Geary,	Mansur,	Quinn,
Carlton,	Geissenhainer,	Martin, Ind.	Reilly,
Caruth,	Gest,	Martin, Tex.	Richardson,
Catchings,	Goodnight,	McAdoo,	Robertson,
Chipman,	Grimes,	McClammy,	Rogers,
Clancy,	Hatch,	McClellan,	Rowland,
Clements,	Hayes, W. I.	McComas,	Sayers,
Clunie,	Haynes,	McCord,	Seney,
Cobb,	Heard,	McCreary,	Shively,
Connell,	Hemphill,	McMillin,	Skinner,
Cooper, Ind.	Henderson, N. C.	McRae,	Springer,
Cothran,	Herbert,	Mills,	Stewart, Tex.
Covert,	Hill,	Montgomery,	Stockdale,
Cowles,	Holman,	Moore, Tex.	Stone, Mo.
Crain,	Hooker,	Morgan,	Tarsney,
Crisp,	Hopkins,	Mutchler,	Tillman,
Culberson, Tex.	Kelley,	Norton,	Tucker,
Dargan,	Kerr, Pa.	Oates,	Turner, Ga.
Davidson,	Lacey,	O'Ferrall,	Turner, N. Y.
Dibble,	La Follette,	O'Neil, Mass.	Washington,
Dickerson,	Lane,	Outhwaite,	Whitelaw,
Dockery,	Lanham,	Owens, Ohio	Whiting,
Dunphy,	Lawler,	Parrett,	Whitthorne,
Edmunds,	Laws,	Paynter,	Wike,
Ellis,	Lee,	Peel,	Wiley,
Fitch,	Lehlbach,	Penington,	Williams, Ill.
Fithian,	Lester, Ga.	Perry,	Wilson, Mo.
Flower,	Lester, Va.	Pickler,	Wilson, W. Va.
Forman,	Lewis,	Pierce,	Yoder.
Forney,	Magner,	Pindar,	
Fowler,	Maish,	Price,	

NAYS—149.

Adams,	Dalzell,	McKinley,	Smith, Ill.
Allen, Mich.	Darlington,	Miles,	Smith, W. Va.
Anderson, Kans.	De Lano,	Miller,	Smyser,
Arnold,	Dingley,	Milliken,	Snider,
Atkinson, Pa.	Dolliver,	Moffitt,	Spinola,
Atkinson, W. Va.	Dorsey,	Moore, N. H.	Spooner,
Baker,	Dunnell,	Morey,	Stephenson,
Banks,	Evans,	Morrill,	Stewart, Vt.
Beckwith,	Farquhar,	Morrow,	Stivers,
Belden,	Finley,	Morse,	Stone, Pa.
Belknap,	Flick,	Mudd,	Struble,
Bergen,	Flood,	Niedringhaus,	Sweet,
Biggs,	Frank,	Nute,	Sweney,
Bingham,	Funston,	O'Donnell,	Taylor, E. B.
Bliss,	Gear,	O'Neill, Pa.	Taylor, Ill.
Boothman,	Gifford,	Osborne,	Taylor, J. D.
Boutelle,	Greenhalge,	Owen, Ind.	Taylor, Tenn.
Bowden,	Grosvenor,	Payne,	Thomas,
Brewer,	Grout,	Payson,	Thompson,
Brosius,	Hall,	Perkins,	Townsend, Colo.
Brower,	Harmer,	Peters,	Townsend, Pa.
Browne, Va.	Haugen,	Post,	Vandever,
Buchanan, N. J.	Hays, E. R.	Pugsley,	Van Schaick,
Burrows,	Hermann,	Quackenbush,	Waddill,
Burton,	Hitt,	Raines,	Wade,
Caldwell,	Kennedy,	Randall,	Walker,
Cannon,	Kerr, Iowa	Ray,	Wallace, Mass.
Carter,	Ketcham,	Reed, Iowa	Wallace, N. Y.
Caswell,	Kinsey,	Reyburn,	Wheeler, Mich.
Cheadle,	Knapp,	Rife,	Wickham,
Cheatham,	Laidlaw,	Rockwell,	Williams, Ohio
Clark, Wyo.	Langston,	Rowell,	Wilson, Ky.
Cogswell,	Lansing,	Russell,	Wilson, Wash.
Coleman,	Lodge,	Sanford,	Wright,
Comstock,	Mason,	Sawyer,	Yardley.
Culbertson, Pa.	McCormick,	Scranton,	
Cummings,	McDuffie,	Scull,	
Cutcheon,	McKenna,	Sherman,	

NOT VOTING—34.

Abbott,	Enloe,	Kilgore,	Stump,
Allen, Miss.	Ewart,	Lind,	Tracey,
Bartine,	Featherston,	O'Neall, Ind.	Turner, Kans.
Browne, T. M.	Gibson,	Rusk,	Vaux,
Bullock,	Hansbrough,	Simonds,	Wheeler, Ala.
Clark, Wis.	Hare,	Stahlnecker,	Wilkinson,
Clarke, Ala.	Henderson, Ill.	Stewart, Ga.	Willcox.
Cooper, Ohio	Henderson, Iowa	Stockbridge,	
Craig,	Houk,	Stone, Ky.	

So the motion to lay on the table was rejected.

The following additional pairs were announced:

Mr. SIMONDS with Mr. WILLCOX, on this vote. Mr. SIMONDS would vote "nay," Mr. WILLCOX "yea."

Mr. EWART with Mr. O'NEALL, of Indiana, for the rest of the day.

Mr. HENDERSON, of Illinois, with Mr. KILGORE, until further notice.

Mr. COOPER, of Ohio, with Mr. WILKINSON, until further notice.

Mr. HOUK with Mr. ENLOE, until further notice.

Mr. HOUK. Mr. Speaker, I withdraw my vote. I was paired with Mr. ENLOE and voted on the last vote. But I have been re-paired with him since.

Mr. GROSVENOR. I understand Mr. ENLOE is paired with somebody else.

Mr. HOUK. He was on the former vote, but has been re-paired with me, and I am in honor bound to withdraw my vote.

Mr. STAHLNECKER. I desire to be recorded on this vote.

The SPEAKER. On what ground does the gentleman make the request?

Mr. STAHLNECKER. At the time my name was called I was undecided as to my vote. I wish to vote "ay."

The SPEAKER. The Chair can not direct the vote to be recorded, under the circumstances. The Clerk will recapitulate the vote.

The vote having been recapitulated, the result was then announced as above recorded.

The SPEAKER. The question recurs on the motion of the gentleman from Maine to reconsider the vote by which the House refused to order the bill to a third reading.

Mr. MILLS. I move that the House do now adjourn.

Mr. CANNON. I make the point of order on the motion——

The SPEAKER. The gentleman from Texas moves that the House do now adjourn.

Mr. MILLS. I will withdraw the motion.

The SPEAKER. The question then recurs on the motion to reconsider the vote by which the House refused to order the bill to a third reading.

Mr. SPRINGER. We may as well have the yeas and nays on that.

The yeas and nays were ordered.

The question was taken; and there were—yeas 147, nays 144, not voting 38; as follows:

YEAS—147.

Adams,	Cutcheon,	McKinley,	Sherman,
Allen, Mich.	Dalzell,	Miles,	Simonds,
Anderson, Kans.	Darlington,	Miller,	Smith, Ill.
Arnold,	De Lano,	Milliken,	Smith, W. Va.
Atkinson, Pa.	Dingley,	Moffitt,	Smyser,
Atkinson, W. Va.	Dolliver,	Moore, N. H.	Snider,
Baker,	Dorsey,	Morey,	Spinola,
Banks,	Dunnell,	Morrill,	Spooner,
Beckwith,	Evans,	Morrow,	Stephenson,
Belden,	Farquhar,	Morse,	Stewart, Vt.
Belknap,	Finley,	Mudd,	Stivers,
Bergen,	Flood,	Niedringhaus,	Stone, Pa.
Biggs,	Frank,	Nute,	Struble,
Bingham,	Funston,	O'Donnell,	Sweney,
Bliss,	Gear,	O'Neill, Pa.	Taylor, E. B.
Boothman,	Gest,	Osborne,	Taylor, Ill.
Boutelle,	Gifford,	Owen, Ind.	Taylor, J. D.
Bowden,	Greenhalge,	Payne,	Taylor, Tenn.
Brewer,	Grosvenor,	Payson,	Thomas,
Brosius,	Hall,	Perkins,	Thompson,
Brower,	Harmer,	Peters,	Townsend, Colo.
Browne, Va.	Haugen,	Post,	Townsend, Pa.
Buchanan, N. J.	Hays, E. R.	Pugsley,	Vandever,
Burrows,	Hermann,	Quackenbush,	Van Schaick,
Burton,	Hitt,	Raines,	Waddill,
Caldwell,	Kennedy,	Randall,	Wade,
Cannon,	Kerr, Iowa	Ray,	Walker,
Carter,	Ketcham,	Reed, Iowa	Wallace, Mass.
Caswell,	Kinsey,	Reyburn,	Wallace, N. Y.
Cheadle,	Knapp,	Rife,	Wheeler, Mich.
Cheatham,	Laidlaw,	Rockwell,	Wickham,
Clark, Wyo.	Langston,	Rowell,	Williams, Ohio
Cogswell,	Lansing,	Russell,	Wilson, Ky.
Coleman,	Mason,	Sanford,	Wilson, Wash.
Comstock,	McCormick,	Sawyer,	Wright,
Culbertson, Pa.	McDuffie,	Scranton,	Yardley.
Cummings,	McKenna,	Scull,	

NAYS—144.

Alderson,	Cowles,	La Follette,	Peel,
Anderson, Miss.	Crain,	Lacey,	Penington,
Bankhead,	Crisp,	Lane,	Perry,
Barnes,	Culberson, Tex.	Lanham,	Pierce,
Barwig,	Dargan,	Lawler,	Pindar,
Bayne,	Davidson,	Laws,	Price,
Blanchard,	Dibble,	Lee,	Quinn,
Bland,	Dickerson,	Lehlbach,	Reilly,
Blount,	Dockery,	Lester, Ga.	Richardson,
Boatner,	Dunphy,	Lester, Va.	Robertson,
Breckinridge, Ark.	Edmunds,	Lewis,	Rogers,
Breckinridge, Ky.	Ellis,	Magner,	Rowland,
Brickner,	Fitch,	Maish,	Sayers,
Brookshire,	Fithian,	Mansur,	Seney,
Brown, J. B.	Flick,	Martin, Ind.	Shively,
Brumner,	Flower,	Martin, Tex.	Skinner,
Buchanan, Va.	Forman,	McAdoo,	Springer,
Buckalew,	Forney,	McClammy,	Stewart, Tex.
Bunn,	Fowler,	McClellan,	Stockdale,
Butterworth,	Geary,	McComas,	Stone, Mo.
Bynum,	Geissenhainer,	McCreary,	Tarsney,
Campbell,	Goodnight,	McMillin,	Tillman,
Candler, Ga.	Grimes,	McRae,	Tucker,
Candler, Mass.	Hatch,	Mills,	Turner, Ga.
Carlton,	Hayes, W. I.	Montgomery,	Turner, N. Y.
Caruth,	Haynes,	Moore, Tex.	Washington,
Catchings,	Heard,	Morgan,	Whitelaw,
Chipman,	Hemphill,	Mutchler,	Whiting,
Clancy,	Henderson, N. C.	Norton,	Whitthorne,
Clements,	Herbert,	Oates,	Wike,
Clunie,	Hill,	O'Ferrall,	Wiley,
Cobb,	Holman,	O'Neil, Mass.	Willcox,
Connell,	Hooker,	Outhwaite,	Williams, Ill.
Cooper, Ind.	Hopkins,	Owens, Ohio	Wilson, Mo.
Cothran,	Kelley,	Parrett,	Wilson, W. Va.
Covert,	Kerr, Pa.	Paynter,	Yoder.

NOT VOTING—38.

Abbott,	Enloe,	Kilgore,	Stone, Ky.
Allen, Miss.	Ewart,	Lind,	Stump,
Andrew,	Featherston,	Lodge,	Sweet,
Bartine,	Gibson,	McCord,	Tracey,
Browne, T. M.	Grout,	O'Neall, Ind.	Turner, Kans.
Bullock,	Hansbrough,	Pickler,	Vaux,
Clark, Wis.	Hare,	Rusk,	Wheeler, Ala.
Clarke, Ala.	Henderson, Ill.	Stahlnecker,	Wilkinson.
Cooper, Ohio	Henderson, Iowa	Stewart, Ga.	
Craig,	Houk,	Stockbridge,	

So the motion to reconsider was agreed to.

The Clerk announced the following additional pair:

For the rest of this day:

Mr. LODGE with Mr. ANDREW.

The result of the vote was then announced as above recorded.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I would ask for a recapitulation, if it is not too late.

The SPEAKER. It is too late to ask for that. The result of the vote has been announced. The question is now on the third reading of the bill.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. SPRINGER demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 147, nays 144, not voting 38; as follows:

YEAS—147.

Adams,	Cutcheon,	McDuffie,	Scull,
Allen, Mich.	Dalzell,	McKenna,	Sherman,
Anderson, Kans.	Darlington,	McKinley,	Simonds,
Arnold,	De Lano,	Miles,	Smith, Ill.
Atkinson, Pa.	Dingley,	Miller,	Smith, W. Va.
Atkinson, W. Va.	Dolliver,	Milliken,	Smyser,
Baker,	Dorsey,	Moffitt,	Snider,
Banks,	Dunnell,	Moore, N. H.	Spinola,
Bartine,	Evans,	Morey,	Spooner,
Beckwith,	Farquhar,	Morrill,	Stephenson,
Belden,	Finley,	Morrow,	Stivers,
Belknap,	Flick,	Morse,	Stone, Pa.
Bergen,	Flood,	Mudd,	Struble,
Biggs,	Frank,	Niedringhaus,	Sweet,
Bingham,	Funston,	Nute,	Sweney,
Bliss,	Gear,	O'Donnell,	Taylor, E. B.
Boothman,	Gest,	O'Neill, Pa.	Taylor, Ill.
Boutelle,	Gifford,	Osborne,	Taylor, Tenn.
Bowden,	Greenhalge,	Owen, Ind.	Taylor, J. D.
Brewer,	Grosvenor,	Payne,	Thomas,
Brosius,	Hall,	Payson,	Thompson,
Brower,	Harmer,	Perkins,	Townsend, Colo.
Browne, Va.	Haugen,	Peters,	Townsend, Pa.
Buchanan, N. J.	Hays, E. R.	Pugsley,	Vandever,
Burrows,	Henderson, Ill.	Quackenbush,	Van Schaick,
Burton,	Hermann,	Raines,	Waddill,
Caldwell,	Hitt,	Randall,	Walker,
Cannon,	Kennedy,	Ray,	Wallace, Mass.
Carter,	Kerr, Iowa	Reed, Iowa	Wallace, N. Y.
Caswell,	Ketcham,	Reyburn,	Wheeler, Mich.
Cheadle,	Kinsey,	Rife,	Wickham,
Cheatham,	Knapp,	Rockwell,	Williams, Ohio
Clark, Wyo.	Laidlaw,	Rowell,	Wilson, Ky.
Coleman,	Langston,	Russell,	Wilson, Wash.
Comstock,	Lansing,	Sanford,	Wright,
Culbertson, Pa.	Mason,	Sawyer,	Yardley.
Cummings,	McCormick,	Scranton,	

NAYS—144.

Abbott,	Covert,	Kerr, Pa.	Penington,
Alderson,	Cowles,	Lacey,	Perry,
Anderson, Miss.	Crain,	La Follette,	Pickler,
Bankhead,	Crisp,	Lane,	Pierce,
Barnes,	Culberson, Tex.	Lanham,	Pindar,
Barwig,	Dargan,	Lawler,	Price,
Bayne,	Davidson,	Laws,	Quinn,
Blanchard,	Dibble,	Lee,	Reilly,
Bland,	Dickerson,	Lehlbach,	Richardson,
Blount,	Dockery,	Lester, Ga.	Robertson,
Boatner,	Dunphy,	Lester, Va.	Rogers,
Breckinridge, Ark.	Edmunds,	Lewis,	Rowland,
Breckinridge, Ky.	Ellis,	Magner,	Sayers,
Brickner,	Fitch,	Maish,	Seney,
Brookshire,	Fithian,	Mansur,	Shively,
Brown, J. B.	Flower,	Martin, Ind.	Skinner,
Brunner,	Forman,	Martin, Tex.	Springer,
Buchanan, Va.	Forney,	McAdoo,	Stewart, Tex.
Buckalew,	Fowler,	McClammy,	Stockdale,
Bunn,	Geary,	McClellan,	Stone, Mo.
Butterworth,	Geissenhainer,	McComas,	Tarsney,
Bynum,	Gibson,	McCreary,	Tillman,
Campbell,	Goodnight,	McMillin,	Tucker,
Candler, Ga.	Grimes,	McRae,	Turner, Ga.
Candler, Mass.	Hare,	Mills,	Turner, N. Y.
Carlton,	Hatch,	Montgomery,	Washington,
Caruth,	Haynes,	Moore, Tex.	Whitelaw,
Catchings,	Heard,	Morgan,	Whiting,
Chipman,	Hemphill,	Mutchler,	Whitthorne,
Clancy,	Henderson, N. C.	Norton,	Wike,
Clements,	Herbert,	O'Ferrall,	Wiley,
Clunie,	Hill,	Outhwaite,	Willcox,
Cobb,	Holman,	Owens, Ohio	Williams, Ill.
Connell,	Hooker,	Parrett,	Wilson, Mo.
Cooper, Ind.	Hopkins,	Paynter,	Wilson, W. Va.
Cothran,	Kelley,	Peel,	Yoder.

NOT VOTING—38.

Allen, Miss.	Ewart,	McCord,	Stone, Ky.
Andrew,	Featherston,	Oates,	Stump,
Browne, T. M.	Grout,	O'Neall, Ind.	Tracey,
Bullock,	Hansbrough,	O'Neil, Mass.	Turner, Kans.
Clark, Wis.	Hayes, W. I.	Post,	Vaux,
Clarke, Ala.	Henderson, Iowa	Rusk,	Wade,
Cogswell,	Houk,	Stahlnecker,	Wheeler, Ala.
Cooper, Ohio	Kilgore,	Stewart, Ga.	Wilkinson.
Craig,	Lind,	Stewart, Vt.	
Enloe,	Lodge,	Stockbridge,	

So the bill was ordered to a third reading.

The Clerk announced the following additional pairs:

Until further notice:

Mr. HENDERSON, of Iowa, with Mr. WALTER I. HAYES.

Mr. THOMAS M. BROWNE with Mr. KILGORE.

Mr. COGSWELL with Mr. O'NEIL, of Massachusetts.

Mr. OATES with Mr. STEWART, of Vermont.

Mr. OWEN, of Indiana, with Mr. COOPER, of Indiana.

Mr. FITCH. I desire to state on behalf of my colleague [Mr. TRACEY] that he is ill in bed and supposed he was paired with Mr. BARTINE. If present, he would vote "no."

Mr. OWEN, of Indiana. I heard the Clerk read my name as paired with Mr. COOPER, of Indiana. Our pair was made expressly to operate after the present bill has been voted upon.

Mr. COOPER, of Indiana. I voted, and I supposed my colleague voted.

Mr. OWEN, of Indiana. I also voted for that reason.

Mr. BYNUM. I ask for a recapitulation of the vote.

The SPEAKER. The Chair thinks the vote is very close, and the Clerk will recapitulate. The House will be in order. Gentlemen ought to see whether they are correctly recorded or not, and the House must be in order for that purpose.

The Clerk recapitulated the names of those voting.

Mr. O'NEIL, of Massachusetts. Mr. Speaker, I am paired with my colleague, Mr. COGSWELL. If he were here, he would vote "ay" and I would vote "no."

The result of the vote was then announced as above recorded.

The bill was read a third time.

Mr. CANNON. Mr. Speaker, I now move to recommit the bill to the Committee on Merchant Marine and Fisheries, with instructions to report forthwith the following which I send to the Clerk's desk.

Mr. HOPKINS. Mr. Speaker——

The SPEAKER. The Chair will put the question.

Mr. McMILLIN. What is the question?

Mr. BLAND. I raise the point of order that it can not be reported forthwith and that the committee can not be so instructed.

The SPEAKER. The House will be in order. The Chair desires to put the question to the House.

Mr. HOPKINS. Before that is done I want to make an inquiry.

Mr. CANNON. I do not yield to the gentleman.

Mr. HOPKINS. Is it parliamentary to move an amendment to that? If so, I desire to send to the Clerk's desk an amendment.

The SPEAKER. It is not parliamentary to move an amendment until the question has been stated to the House.

Mr. HOPKINS. After that is done I will move an amendment.

The SPEAKER. The Clerk will report to the House the proposition of the gentleman from Illinois [Mr. CANNON]. The amendment would be in order provided the previous question was not called for.

Mr. HOPKINS. I hope the Speaker does not wish that to be understood as an indication to the gentleman from Illinois [Mr. CANNON] to cut off my amendment.

The SPEAKER. The Chair desires to give no indication whatever, but to answer the question fully and completely.

Mr. SPRINGER. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The Clerk will report to the House the proposition of the gentleman from Illinois [Mr. CANNON].

Mr. BLAND. Mr. Speaker, I rise to a point of order. I make the point of order that to instruct the committee to report forthwith is not in order, and I want to reserve that point.

The SPEAKER. The point of order will be reserved. The Clerk will read.

The Clerk read as follows:

Mr. CANNON moves to recommit the bill to the Committee on Merchant Marine and Fisheries, with instructions to report forthwith the following as an amendment in the nature of a substitute for said bill:

"To provide for ocean mail service between the United States and foreign ports and to promote commerce.

"*Be it enacted, etc.*, That the Postmaster-General is hereby authorized and empowered to enter into contract for a term not less than five nor more than ten years in duration, with American citizens, for the carrying of mails on American steamships, between ports of the United States and such ports in foreign countries, the Dominion of Canada excepted, as in his judgment will best subserve and promote the postal and commercial interests of the United States, the mail service on such lines to be equitably distributed among the Atlantic, Mexican, Gulf, and Pacific ports. Such contracts shall be made with the lowest responsible bidder for the performance of said service on each route, and the Postmaster-General shall have the right to reject all bids not in his opinion reasonable for the attaining of the purposes named.

"SEC. 2. That before making any contract for carrying ocean mails in accordance with this act the Postmaster-General shall give public notice by advertising once a week for three months in such daily papers as he shall select in each of the cities of Boston, New York, Philadelphia, Baltimore, New Orleans, St. Louis, Charleston, Norfolk, Savannah, Galveston, and Mobile, and when the proposed service is to be on the Pacific Ocean, then in San Francisco, Tacoma, and Portland. Such notice shall describe the route, the time when such contract will be made, the duration of the same, the size of the steamers to be used, the number of trips a year, the times of sailing, and the time when the service shall commence, which shall not be more than three years after the contract shall be let. The details of the mode of advertising and letting such contracts shall be conducted in the manner prescribed in chapter 8 of Title XLVI of the Revised Statutes for the letting of inland mail contracts so far as the same shall be applicable to the ocean mail service.

"SEC. 3. That the vessels employed in the mail service under the provisions of this act shall be American-built steamships, owned and officered by American citizens, in conformity with the existing laws, or so owned and officered and registered according to law, and upon each departure from the United States the following proportion of the crew shall be citizens of the United States, to wit: During the first two years of such contract for carrying the mails, one-fourth thereof; during the next three succeeding years, one-third thereof; and during the remaining time of the continuance of such contract at least one-half thereof; and shall be constructed after the latest and most approved types, with all the modern improvements and appliances for ocean steamers. They shall be divided into four classes. The first class shall be iron or steel, screw steamships, capable of maintaining a speed of 20 knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than 8,000 tons. No vessel except of said

first class shall be accepted for said mail service under the provisions of this act between the United States and Great Britain.

"The second class shall be iron or steel steamships, capable of maintaining a speed of 16 knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than 5,000 tons. The third class shall be iron or steel steamships, capable of maintaining a speed of 14 knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than 2,500 tons. The fourth class shall be iron or steel or wooden steamships, capable of maintaining a speed of 12 knots an hour at sea in ordinary weather, and of a gross registered tonnage of not less than 1,500 tons. It shall be stipulated in the contract or contracts to be entered into for the said mail service that said vessels may carry passengers with their baggage in addition to said mails and may do all ordinary business done by steamships.

"SEC. 4. That all steamships of the first, second, and third classes employed as above and hereafter built shall be constructed with particular reference to prompt and economical conversion into auxiliary naval cruisers, and according to plans and specifications to be agreed upon by and between the owners and the Secretary of the Navy, and they shall be of sufficient strength and stability to carry and sustain the working and operation of at least four effective rifled cannon of a caliber of not less than 6 inches, and shall be of the highest rating known to maritime commerce. And all vessels of said three classes heretofore built and so employed shall, before they are accepted for the mail service herein provided for, be thoroughly inspected by a competent naval officer or constructor detailed for that service by the Secretary of the Navy; and such officer shall report, in writing, to the Secretary of the Navy, who shall transmit said report to the Postmaster-General; and no such vessel not approved by the Secretary of the Navy as suitable for the service required shall be employed by the Postmaster-General as provided for in this act.

"SEC. 5. That the rate of compensation to be paid for such ocean mail service of the said first-class ships shall not exceed the sum of $4 a mile, and for the second-class ships $2 a mile, by the shortest practicable route, for each outward voyage; for the third-class ships shall not exceed $1 a mile, and for the fourth-class ships two-thirds of $1 a mile for the actual number of miles required by the Post-Office Department to be traveled on each outward-bound voyage: *Provided*, That in the case of failure from any cause to perform the regular voyages stipulated for in said contracts, or any of them, a pro rata deduction shall be made from the compensation on account of such omitted voyage or voyages; and that suitable fines and penalties may be imposed for delays or irregularities in the due performance of service according to the contract, to be determined by the Postmaster-General: *Provided further*, That no steamship so employed and so paid for carrying the United States mails shall receive any other bounty or subsidy from the Treasury of the United States.

"SEC. 6. That upon each of said vessels the United States shall be entitled to have transported, free of charge, a mail messenger, whose duty it shall be to receive, sort, take in charge, and deliver the mails to and from the United States, and who shall be provided with suitable room for the accommodation of himself and the mails.

"SEC. 7. That officers of the United States Navy may volunteer for service on said mail vessels, and when accepted by the contractor or contractors may be assigned to such duty by the Secretary of the Navy whenever in his opinion such assignment can be made without detriment to the service, and while in said employment they shall receive furlough pay from the Government, and such other compensation from the contractor or contractors as may be agreed upon by the parties: *Provided*, That they shall only be required to perform such duties as appertain to the merchant service.

"SEC. 8. That said vessels shall take, as cadets or apprentices, one American-born boy under twenty-one years of age for each 1,000 tons gross register and one for each majority fraction thereof, who shall be educated in the duties of seamanship, rank as petty officers, and receive such pay for their services as may be reasonable.

"SEC. 9. That such steamers may be taken and used by the United States as transports or cruisers, upon payment to the owners of the fair actual value of the same at the time of the taking, and, if there shall be a disagreement as to the fair actual value between the United States and the owners, then the same shall be determined by two impartial appraisers, one to be appointed by each of said parties, they at the same time selecting a third, who shall act in said appraisement in case the two shall fail to agree."

Mr. CANNON. I am compelled upon that motion to move the previous question.

The SPEAKER. The gentleman from Missouri has reserved a point of order on the proposed substitute.

Mr. BLAND. It has been the uniform ruling of the present Speaker during this Congress, on a motion to recommit with instructions and report back to any particular time, or in any particular manner, that the point of order was in order. It was specially held when I introduced the motion to recommit the silver bill with instructions and to report it back with amendment. The gentleman from Maine [Mr. DINGLEY] raised the point of order that it was out of order to designate any time or manner of report, and I had to withdraw it under the ruling of the Speaker.

The SPEAKER. The gentleman withdrew it under the rules.

Mr. BLAND. It was some time pending the silver legislation. I have not had time to look it up, but my memory is quite clear that I was compelled to withdraw that motion and substitute another.

The SPEAKER. The Chair thinks that the motion was overruled on another ground; but if the gentleman will get the reference the Chair would be glad to know what was done.

Mr. BLAND. I remember very correctly that I was compelled to modify my motion, and did so; and the Chair put the motion for the previous question on it.

The SPEAKER. The Chair would be glad if the gentleman would furnish him with the reference. All the Chair desires to do in regard to this is to go according to the precedents.

Mr. BLAND. I have not got the RECORD with me and I have not had time to look it up; but it was on the silver legislation.

Mr. MCMILLIN. I will get the reference.

Mr. TURNER, of Georgia. Mr. Speaker, on the point of order made by the gentleman from Missouri, I want to suggest that the House is now operating under the previous question, and the Chair has already held this afternoon that another motion to submit a substitute for the pending bill was not in order; and now if the motion of the gentleman from Illinois is in order to recommit this bill to a committee with instructions to report forthwith, that is but an indirect method of submitting another substitute; and for that reason, I think, the point of order is well taken.

The SPEAKER. But this method is in order under the rules of the House, unless the point raised by the gentleman from Missouri be sound.

Mr. TURNER, of Georgia. There can be no such construction of the rules as leads to this absurd consequence, because there may be a motion to recommit, framed consistently with the other rules of the House, which would not be liable to this criticism. I think that is a complete answer to the suggestion which the Chair has made.

The SPEAKER. The Chair thinks the custom of the House is otherwise.

Mr. SPRINGER. I desire to call the attention of the Chair, if I can have order——

The SPEAKER. Gentlemen must take their seats.

Mr. SPRINGER. I desire to call the attention of the Chair, if I can have the attention of the House——

Mr. MCMILLIN. Mr. Speaker, I have found that on the silver-bill instruction——

Mr. MCKINLEY. I hope we will have order, for we can not hear a word.

Mr. MCMILLIN. I find on the passage of the silver bill that instructions were proposed by the gentleman from Missouri [Mr. BLAND] as he states; that the point of order was raised by the gentleman from Maine [Mr. DINGLEY] against that portion of the instruction requiring the bill to be reported back at a certain time; and that point of order being made, the gentleman from Missouri withdrew that instruction and substituted another. The last instruction embraced in the series of instructions proposed by the gentleman from Missouri was in the following language:

"And that the committee report the bill so amended back to the House for consideration immediately after the reading of the Journal on next Tuesday, the 10th instant."

Mr. DINGLEY. I raise a point of order on the last clause of the proposed instructions. I submit that the clause directing the committee to report back the bill at a designated time is not in order.

Mr. BLAND. If that portion of the proposed instructions is out of order, I withdraw it.

Mr. CANNON. Was that on a motion to reconsider?

The SPEAKER. The gentleman from Tennessee will read on.

Mr. MCMILLIN. Thereupon Mr. BLAND said:

Mr. Speaker, as there are some gentlemen who may differ with me in regard to the form of the free-coinage bill which should be reported to the House, I will withdraw the resolution which the Clerk has read and submit instead this proposition:

"*Resolved*, That the bill be recommitted to the Committee on Coinage, Weights, and Measures with instructions to report back a bill for the free coinage of silver."

Mr. CONGER. Upon that motion I call for the previous question.

The previous question was ordered.

It seems that the point of order now made by the gentleman from Missouri was made against him, and upon the suggestion that it was out of order he stated that, being out of order, he would submit another instruction, which he did. There was no ruling.

The SPEAKER. No suggestion, either, was made by the Chair.

Mr. MCMILLIN. I did not state that there was a suggestion made by the Chair.

The SPEAKER. No; there was no suggestion made by the Chair.

Mr. MCMILLIN. I did not wish to be so understood. The suggestion was upon the point of order made by the gentleman from Maine. That is on page 5813 of the RECORD of June 7 last.

Mr. SPRINGER. Mr. Speaker, I desire to call attention to the second clause of Rule XIII, which provides:

All reports of committees, except as provided in clause 51 of Rule XI, together with the views of the minority, shall be delivered to the Clerk for printing and reference to the proper Calendar under the direction of the Speaker, in accordance with the foregoing clause, and the titles or subjects thereof shall be entered on the Journal and printed in the RECORD.

Now, this being the rule of the House, it requires that committees should take this course, and I submit it is not in order to move a reference with instructions to report immediately or forthwith, which might be considered to avoid the necessity of another meeting of the committee. Besides, when they report, the minority should have the right to submit their views and to have them printed and referred to the proper committee. Under this rule, therefore, I hold that the motion of the gentleman from Illinois [Mr. CANNON] should have been simply to recommit and not to report back.

The SPEAKER. Has the gentleman from Missouri any other precedents he desires to submit?

Mr. BLAND. I was mistaken in one respect. I supposed that the Speaker had directly ruled upon the point. But I stated that if it was out of order I would withdraw it, and make the motion without any intimation of the time when the committee should report. It seems from the RECORD that the Speaker did not rule one way or the other, but certainly I made the suggestion "if it was out of order" and the Speaker did not respond, so I took it for granted that it was out of order.

The SPEAKER. The Chair has no distinct recollection of the event,

but his impression from the report is that the gentleman from Missouri [Mr. BLAND], upon consultation with the friends of the proposition, saw fit to modify it.

Mr. BLAND. Well, while I can not examine all the records, it suggests itself to my mind that before that the Speaker had ruled a similar proposition to be out of order.

The SPEAKER. The Chair's impression is the other way, but if there is any precedent on the other side the Chair will be glad to hear of it.

Mr. BLOUNT. Mr. Speaker, I desire to submit an additional point of order.

The SPEAKER. The gentleman will state it.

Mr. BLOUNT. I will first read the special order under which we have been proceeding:

Resolved, That Thursday, February 26, the House shall meet at 10 o'clock a. m., and immediately upon the reading and approval of the Journal resolve itself into Committee of the Whole House on the state of the Union for general debate on the bill (S. 3738) to place the American merchant marine engaged in the foreign trade on an equality with that of other nations, said general debate to continue until 6 o'clock p. m., unless previously concluded, and that on Friday, February 27, the House shall meet at 10 o'clock a. m., and immediately after the reading and approval of the Journal the House shall again resolve itself into Committee of the Whole House on the state of the Union for the consideration of said bill (S. 3738), for amendment in any section, or by way of substitue for the entire bill, and for debate under the five-minute rule, any substitute adopted for the entire bill to be subject to further amendment in committee, and at 5 o'clock p. m. of said day said bill, with such amendments as shall have been agreed to in committee, shall be reported back to the House and the previous question be considered as ordered on the same to engrossment and passage, with the right to offer and have a vote on the substitute for the bill, after the amendments reported from the committee have been disposed of, the previous question to include such substitue.

Now, Mr. Speaker, the object of this special order was to take the House away from the mode usually resorted to for the consideration of such measures and to bring it directly to a vote. The object of fixing 5 o'clock as the time for voting and defining what we should vote upon was to exclude any other mode of procedure except the one provided for in this order, and I submit that in this matter we need not resort to the ordinary rules of procedure when the purpose of the House in adopting this special order was to proceed under the method specified in the order itself, the object of which was to bring the House to a vote upon the measure. Therefore any motion to recommit is a deviation from the mode of proceeding intended and directed by the House when it made this order.

Mr. MILLS. Let me suggest to my friend from Georgia, further, that this order which was adopted for to-day has taken the place of the other rules of the House; and as an evidence of that I remind him of the fact that it has displaced the standing order, which requires the House to take a recess at 5 o'clock p. m. on Fridays until 8 o'clock. The business of this bill has got to be transacted in the House under the special rule which has been adopted for it.

Mr. BLOUNT. Yes, this is the rule of procedure here for this measure, and I trust that we shall pursue the method indicated by it. There is nothing clearer than that it was the purpose of the Committee on Rules and the purpose of the House that at 5 o'clock we should come to a vote upon this bill.

The SPEAKER. But, under similar orders, the gentleman from Georgia [Mr. BLOUNT] and other gentlemen have claimed to make the motion to recommit, and the House has voted upon the motion in, I think, every instance.

Mr. BLOUNT. I do not recollect any order exactly in the form of this one.

The SPEAKER. They were exactly the same for all the purposes of the present comparison.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, this special rule exhausts itself with the motion for the previous question, and leaves the previous question precisely as it would be under the rules of the House. Nothing can be added to this rule by implication. I goes no further than its terms require it to go, and its terms only require it to go to the ordering of the previous question, and the further rights that we have under the rules must be found in the other rules. Therefore, I think there is nothing in the point made by the gentleman from Georgia.

The SPEAKER. The Chair thinks that the gentleman from Kentucky is correct. The Chair thinks that the motion of the gentleman from Illinois [Mr. CANNON] is in order, and upon that motion the gentleman asks for the previous question.

The question was taken on ordering the previous question; and the Speaker stated that the ayes seemed to have it.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I rise to a parliamentary inquiry. This vote is on the previous question?

The SPEAKER. It is on ordering the previous question.

Mr. BRECKINRIDGE, of Kentucky. If that is voted down, will it then be in order to move to strike out the word "forthwith?"

The SPEAKER. The motion will be open to amendment under the rule.

Mr. BRECKINRIDGE, of Kentucky. Now, I call for a division on the pending question.

The House divided; and there were—ayes 125, noes 108.

So the previous question was ordered.

The SPEAKER. The question now is on agreeing to the motion of the gentleman from Illinois [Mr. CANNON], to recommit with the instructions stated.

Mr. SPRINGER. I wish to make a parliamentary inquiry. If this question should be decided in the affirmative, Mr. Speaker, will it not require a meeting of the Committee on Merchant Marine and Fisheries in order to report this bill back?

The SPEAKER. The Chair will not undertake to answer positively that question without discussion; but there is a decision of one of his predecessors which points out what seems to the present occupant of the chair the true doctrine, though further discussion may change his opinion.

Mr. BRECKINRIDGE, of Kentucky. What was that decision?

The SPEAKER. That it would be the duty of the chairman of the committee to obey the order of the House and report the measure forthwith.

Mr. SPRINGER. Without going to the committee?

The SPEAKER. To report forthwith.

Mr. HERBERT. I wish to make another parliamentary inquiry. If the chairman of the committee should report this measure back to the House and the House should pass it, it would be an amendment to or substitute for the Senate bill, would it not?

The SPEAKER. It would.

Mr. HERBERT. And then when the conferees of the two Houses went into conference they could fix up just such a bill as they might agree upon?

The SPEAKER. The Chair thinks that is hardly a parliamentary inquiry.

Mr. MCMILLIN. I wish to make a parliamentary inquiry. If the House should adopt this motion to recommit with instructions, and the committee should report the measure back immediately in accordance with the instructions, does the Chair hold that the rule heretofore adopted with reference to the consideration of this bill would control it further than the commitment?

The SPEAKER. The Chair thinks that the measure would then be in the House, not subject to any rule which would send it to the Committee of the Whole, and would be subject to disposition by the House; but in order to cut off debate the previous question would have to be again ordered.

Mr. MCMILLIN. Will the Chair repeat that statement? There was so much confusion I could not hear it.

The SPEAKER. The Chair thinks that the recommitment would divest the bill of the previous question, but that on being reported back it would be in the House, not subject to a point of order.

Mr. MCMILLIN. Not subject to a point of order?

The SPEAKER. That is the present impression of the Chair; but the Chair will not definitely so state.

Mr. SPRINGER. I would like to make one more parliamentary inquiry.

The SPEAKER. The Chair thinks that perhaps he has answered as many as he ought to be expected to answer. [Laughter.]

Mr. SPRINGER. This question goes to the merits of the matter. I simply want to ask what the question now is?

The SPEAKER. The question is on the adoption of the motion to recommit with instructions.

Mr. SPRINGER. Does that strike out all after the enacting clause of the pending bill?

The SPEAKER. The Chair will give further consideration to the question last asked by the gentleman from Tennessee [Mr. MCMILLIN].

Mr. SPRINGER. I wish to know whether the effect of this proposition is to strike out all after the enacting clause in the Senate bill and insert this proposition instead.

The SPEAKER. The question is upon the motion of the gentleman from Illinois [Mr. CANNON] to instruct the committee to report forthwith as a substitute the bill which has been read.

Mr. SPRINGER. As a substitute for the Senate bill?

Mr. FARQUHAR. Did I understand the Chair to decide that if this motion should be adopted the chairman of the Committee on Merchant Marine and Fisheries can report immediately to the House?

The SPEAKER. That is the impression which the Chair now entertains.

Mr. CUTCHEON. He could not do anything else under the instructions.

The question being taken on agreeing to the motion of Mr. CANNON, there were—ayes 165, noes 65.

Mr. HOLMAN, Mr. BLOUNT, and others. Yeas and nays.

The yeas and nays were ordered (50 members voting in favor thereof).

The question was taken; and it was decided in the affirmative—yeas 143, nays 142, not voting 44; as follows:

YEAS—143.

Adams,	Baker,	Bergen,	Brower,
Allen, Mich.	Banks,	Bingham,	Browne, Va.
Anderson, Kans.	Bayne,	Bliss,	Buchanan, N. J.
Arnold,	Beckwith,	Boutelle,	Buckalew,
Atkinson, Pa.	Belden,	Brewer,	Burrows,
Atkinson, W. Va.	Belknap,	Brosius,	Burton,

Butterworth,	Greenhalge,	Moffitt,	Smyser,
Caldwell,	Grout,	Moore, N. H.	Snider,
Candler, Mass.	Hall,	Morey,	Spinola,
Cannon,	Harmer,	Morrill,	Spooner,
Carter,	Hays, E. R.	Morse,	Stephenson,
Caswell,	Hermann,	Mudd,	Stivers,
Cheadle,	Hill,	Niedringhaus,	Stone, Pa.
Cheatham,	Hitt,	Nute,	Struble,
Clark, Wyo.	Hopkins,	O'Neill, Pa.	Sweney,
Clunie,	Kennedy,	Payne,	Taylor, E. B.
Cogswell,	Kerr, Iowa	Perkins,	Taylor, Ill.
Coleman,	Ketcham,	Peters,	Taylor, J. D.
Comstock,	Kinsey,	Pickler,	Taylor, Tenn.
Culbertson, Pa.	Knapp,	Post,	Thomas,
Cutcheon,	Lacey,	Pugsley,	Thompson,
Dalzell,	La Follette,	Quackenbush,	Townsend, Colo.
Darlington,	Laidlaw,	Raines,	Townsend, Pa.
De Lano,	Langston,	Randall,	Vandever,
Dingley,	Lansing,	Ray,	Waddill,
Dolliver,	Laws,	Reed, Iowa,	Wade,
Dorsey,	Lehlbach,	Reyburn,	Walker,
Dunnell,	Mason,	Rife,	Wallace, Mass.
Farquhar,	McComas,	Rockwell,	Wallace, N. Y.
Flick,	McCormick,	Rowell,	Wheeler, Mich.
Flood,	McDuffie,	Russell,	Wickham,
Frank,	McKenna,	Sanford,	Wilson, Ky.
Funston,	McKinley,	Sawyer,	Wilson, Wash.
Gear,	Miles,	Sherman,	Wright,
Gest,	Miller,	Smith, Ill.	Yardley.
Gifford,	Milliken,	Smith, W. Va.	

NAYS—142.

Abbott,	Culberson, Tex.	Lanham,	Perry,
Alderson,	Cummings,	Lawler,	Pierce,
Anderson, Miss.	Dargan,	Lee,	Pindar,
Bankhead,	Davidson,	Lester, Ga.	Price,
Barnes,	Dibble,	Lester, Va.	Reilly,
Bartine,	Dickerson,	Lewis,	Richardson,
Barwig,	Dockery,	Magner,	Robertson,
Biggs,	Dunphy,	Maish,	Rogers,
Bland,	Edmunds,	Mansur,	Rowland,
Blount,	Ellis,	Martin, Ind.	Rusk,
Boatner,	Finley,	Martin, Tex.	Sayers,
Boothman,	Fitch,	McAdoo,	Scranton,
Breckinridge, Ark.	Fithian,	McClammy,	Scull,
Breckinridge, Ky.	Flower,	McClellan,	Seney,
Brickner,	Forman,	McCreary,	Shively,
Brookshire,	Forney,	McMillin,	Springer,
Brown, J. B.	Fowler,	McRae,	Stewart, Tex.
Brunner,	Geary,	Mills,	Stockdale,
Buchanan, Va.	Geissenhainer,	Montgomery,	Stone, Mo.
Bunn,	Gibson,	Moore, Tex.	Sweet,
Bynum,	Goodnight,	Morgan,	Tarsney,
Campbell,	Grimes,	Morrow,	Tillman,
Candler, Ga.	Grosvenor,	Mutchler,	Tucker,
Carlton,	Hare,	Norton,	Turner, Ga.
Caruth,	Hatch,	O'Donnell,	Turner, N. Y.
Catchings,	Haugen,	O'Ferrall,	Washington,
Chipman,	Haynes,	O'Neil, Mass.	Whitelaw,
Clancy,	Heard,	Osborne,	Whiting,
Clements,	Hemphill,	Outhwaite,	Wike,
Cobb,	Henderson, N. C.	Owen, Ind.	Williams, Ill.
Connell,	Herbert,	Owens, Ohio	Williams, Ohio
Cooper, Ind.	Holman,	Parrett,	Wilson, Mo.
Covert,	Hooker,	Paynter,	Wilson, W. Va.
Cowles,	Kelley,	Payson,	Yoder.
Crain,	Kerr, Pa.	Peel,	
Crisp,	Lane,	Penington,	

NOT VOTING—41.

Allen, Miss.	Enloe,	Lodge,	Stone, Ky.
Andrew,	Evans,	McCord,	Stump,
Blanchard,	Ewart,	Oates,	Tracey,
Bowden,	Featherston,	O'Neall, Ind.	Turner, Kans
Browne, T. M.	Hansbrough,	Quinn,	Van Schaick,
Bullock,	Hayes, W. I.	Simonds,	Vaux,
Clark, Wis.	Henderson, Ill.	Skinner,	Wheeler, Ala.
Clarke, Ala.	Henderson, Iowa	Stahlnecker,	Whitthorne,
Cooper, Ohio	Houk,	Stewart, Ga.	Wiley,
Cothran,	Kilgore,	Stewart, Vt.	Wilkinson,
Craig,	Lind,	Stockbridge,	Wilcox.

So the motion to recommit with instructions was agreed to.

The following additional pairs were announced:

Mr. BOWDEN with Mr. SKINNER.

Mr. HENDERSON, of Illinois, with Mr. COTHRAN.

Mr. EVANS with Mr. WHITTHORNE.

Mr. VAN SCHAICK with Mr. BLANCHARD.

During the roll call the following proceedings took place:

Mr. SIMONDS. I believe that I am paired with Mr. WILLCOX, and withdraw my vote.

Mr. ABBOTT. I voted "ay" on this call originally, believing that I voted right, and I believe so yet; but to be in accord with my friends on this side, I change my vote to "no."

Mr. CLUNIE. I desire to state that I voted "ay" because I thought it right, and I want my vote to remain that way. [Laughter.]

The SPEAKER *pro tempore*. Debate is not in order.

Mr. MILLIKEN. I desire to change my vote. I wish to state——

The SPEAKER *pro tempore*. Debate is not in order. The gentleman's name will be called.

The Clerk called the name of Mr. MILLIKEN.

Mr. MILLIKEN. I vote "ay," the meanest vote I ever gave in this House. [Laughter.]

The vote having been recapitulated, the result was announced as above recorded.

Mr. FARQUHAR. Mr. Speaker, as chairman of the Committee on Merchant Marine and Fisheries, I report back, by instructions of the House, for immediate consideration, the following bill in the nature of a substitute for the pending bill.

Mr. HOOKER. All points of order are reserved.

Mr. FARQUHAR. And in doing so I perform a duty imposed upon me by the House——

Mr. ROGERS. Regular order.

Mr. FARQUHAR (continuing). With some little regret after the many months——

Mr. ROGERS. I demand the regular order. You have no right to make a speech.

Mr. FARQUHAR. I am not making a speech; I am making a report.

The SPEAKER. The gentleman will send the report to the desk.

Mr. FARQUHAR. And on the adoption of the report I demand the previous question.

The SPEAKER. The gentleman from New York, chairman of the Committee on Merchant Marine and Fisheries, reports back under instructions of the House the bill which will now be read.

The Clerk proceeded to read the bill.

Mr. BRECKINRIDGE of Kentucky. I desire to reserve the point of order that the chairman of the committee has no right to make a report without instructions from the committee.

Mr. BLAND. I make the additional point that this bill should be considered in Committee of the Whole.

The SPEAKER. The points of order can be made after the conclusion of the reading.

The bill reported by Mr. FARQUHAR was read at length, being the bill committed to the committee on motion of Mr. CANNON, with instructions to report the same back forthwith.

Mr. HATCH. I rise to a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. HATCH. I desire to know from the Speaker of the House if there is any written report accompanying that bill? If so, I demand the reading of the report.

The SPEAKER. The Chair thinks there is no written report.

Mr. FARQUHAR. Yes; there is a report.

Mr. HOLMAN. Of course there is no report.

Mr. HATCH. I am asking the Speaker to state this, and not the gentleman from Indiana. I want to know the facts.

The SPEAKER. The Chair has no knowledge of any report.

Mr. FARQUHAR. There is a report at the desk.

Mr. HATCH. I make the point of order that this can not be entertained by the House under the rule until it is accompanied by a written report.

The SPEAKER. The Chair overrules the point of order.

Mr. CRISP. Mr. Speaker, I desire to submit the point of order that the Committee on Merchant Marine and Fisheries have not complied with the order of the House.

Mr. BRECKINRIDGE, of Kentucky. I desire also to save the point of order——

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

Mr. CRISP. The House by a direct vote a few moments ago committed this bill to the Committee on Merchant Marine and Fisheries with instructions to report it back amended in a certain way. The bill, Mr. Speaker, was not committed to the chairman of the Committee on Merchant Marine and Fisheries, but was committed to that committee as a committee. The Committee on Merchant Marine and Fisheries has had no meeting. The Digest states:

> A committee meets when and where they please, if the House has not ordered the time and place for them; but they can only act when together, and not by separate consultation and consent, nothing being a report of a committee but what has been agreed to in committee actually assembled.

Now, the instructions of the House were that the Committee on Merchant Marine and Fisheries should report back this bill to the House amended in a certain way. That committee have not complied with the order of the House. The chairman of the committee has simply reported back this bill, as instructed by the House, but the committee itself has not acted.

And, Mr. Speaker, there are many cases where specific instructions are given to committees, and yet the committee must formally meet to comply with the instructions; otherwise it is manifest that you absolutely nullify the powers, the rights, as well as the privileges of the committees. You might have a rule that it would be in order to instruct the chairman of a committee to report back a bill. But there is no such sule. The rule is that the committee may be instructed to report back to the House.

The point I make is that there has been no pretense in this case of action by the committee; and if the Chair holds that the chairman of the committee, without consultation of the committee, without any assembling of the committee, can report back such a bill as the committee is instructed by the House to report back, then you absolutely nullify the existing rules, and confer power upon the individual that

the House did not give, and which the House has not instructed him to exercise.

A MEMBER. Could this committee meet during the session of the House?

Mr. CRISP. I do not know whether they have leave to sit during the sessions of the House or not; but that would not affect the case. Because this is a question where the chairman of the committee has undertaken to usurp the functions of the committee and make a report which the committee alone is instructed to make.

If this can be done, then the chairman is the committee. The chairman is the mouthpiece of the committee. He is not the mouthpiece of the House. The House has instructed a committee to do an act and that committee speaks through its chairman, but the chairman can not get up in the House, in the face of a question of this sort, under these circumstances, and say he is instructed by a committee. I do not know whether the gentleman made that statement or not, but whether he did or not, it is not the fact. He is not instructed by this committee to make this report, and if he makes it, he makes it as an individual, not in conformity with the instructions of the committee.

Mr. BOUTELLE. As instructed by the House.

Mr. FARQUHAR. The House has given the instructions.

Mr. CRISP. The gentleman from New York [Mr. FARQUHAR] is not the Committee on Merchant Marine and Fisheries. That is the mistake he makes.

Mr. FARQUHAR. But I am still the mouthpiece of that committee.

The SPEAKER. The gentleman from Georgia [Mr. CRISP] has the floor.

Mr. CRISP. The gentleman is a mouthpiece of the committee, but only when he is directed by the committee.

Mr. WADE. By the House.

Mr. CRISP. He has not been directed by the House. The committee has been directed by the House, and the gentleman from New York assumes to speak for the committee when the committee have not authorized him to speak for them. Therefore, I say Mr. Speaker, that on that question the gentleman from New York has no right to submit this order. It is not in accordance with the order of the House and there is no authority for it.

The SPEAKER. The Chair desires the attention of the House for a moment.

The Chair has some sympathy with the observations which have been made by the gentleman from Georgia [Mr. CRISP], because he himself made somewhat similar observations on the 10th day of July, 1886, upon a similar question; but the result was very much as the Chair will now decide, after stating what he thinks to be the parliamentary condition of affairs.

The House of Representatives, considering the bill that was before it, passed it with sundry amendments. The rules of the House provide that after a bill has been ordered to a third reading, that is, after it passes the amendment stage, then the House has an opportunity to look at the bill as amended, and if not satisfied with it, it has a right under the rules to recommit with specific instructions. That is only another method of reconsidering its action. It may very often happen—the Chair will not say very often, because it has been seldom in the experience of members of the House—but it might happen that an amendment was adopted by a majority composed of one set of members, and another amendment adopted by a majority composed of another set of members, and that the majority of the House would not be in favor of both amendments together.

It is to give opportunity to remedy this that the motion to recommit is permitted. Now, the form which that takes is a peremptory instruction on the part of the House to the committee to make that return; and it seems to the Chair, after consideration of the matter, that it would be adhering too much to technicalities to take the view entertained by the gentleman from Georgia [Mr. CRISP], and it would seem to be more suitable that the chairman of the committee should promptly obey the orders of the House and follow its direction.

The gentleman from Georgia is correct in saying that the chairman of the committee is the mouthpiece of the committee, but the committee itself is the agent of the House, and the House has a perfect right to order the committee to do its will in whatever fashion it sees fit. In response to parliamentary inquiries, the Chair stated to the House what he thought to be the parliamentary law with regard to it, and the House has acted in that connection. That is the impression which the Chair entertains upon the subject. Such being the case, it seems as if the point of order should be overruled.

Mr. CRISP. Mr. Speaker, I make the point that this bill must be referred to the Committee of the Whole House on the state of the Union.

Mr. BRECKINRIDGE. of Kentucky. Mr. Speaker, before that point is made, I desire to raise a preliminary point.

The SPEAKER. The gentleman from Georgia [Mr. CRISP] has the floor.

Mr. BRECKINRIDGE, of Kentucky. I reserved all points of order, and I understood the Chair to say that he would recognize me.

The SPEAKER. Any point of order is involved in the term "point of order."

Mr. BRECKINRIDGE, of Kentucky. The point I desire to raise is prior, necessarily, to the point made by the gentleman from Georgia [Mr. CRISP], and that is that the bill is not now a privileged bill under consideration, but must take its place on the Calendar and come up in the ordinary way; that it is not a privileged bill, and that it is not open to consideration now.

The SPEAKER. The Chair will hear the gentleman on that point.

Mr. BRECKINRIDGE, of Kentucky. The order of the House is simply to recommit the bill with instructions to the committee, and the instructions are to report forthwith. Now, the rules of the House require that when a report is made, it must be made in a certain way. The instruction that the House gave to that committee in the order did not change the rules of the House *quoad hoc*. It simply ordered a report to be made. Then we look into the rules to see how a report shall be made and what shall be done with a bill when the report is made; and under those rules the committee must make its report, the report must be filed, the bill must be put upon the Calendar, must take its place, and come up in the regular order.

The regular order may be changed by the Committee on Rules bringing in a special order. Now, no privilege has been given to this bill. The House has not conferred any privilege upon this committee except that privilege to report. It did not give it any higher or other privilege; and this bill, therefore, as I submit, is not now before the House for consideration, but has to go to the Calendar and takes its place as any other bill reported from the committee.

Mr. BLAND. Mr. Speaker, if the point that I made, that it ought to be considered in the Committee of the Whole, is determined in the affirmative, then, as a matter of course, it goes on the Calendar of the Whole House on the state of the Union.

The SPEAKER. The Chair will hear the gentleman from Georgia now.

Mr. CRISP. Now, Mr. Speaker, as it is proposed to proceed to the consideration of this report, I will call attention to the rules.

Mr. MCMILLIN. Before the gentleman proceeds I rise to a parliamentary inquiry, to know what the Speaker did with the point of order made by the gentleman from Missouri [Mr. HATCH] that there was no report accompanying this bill as stated by him; and in that connection I desire to read from Rule XVIII, section 2, the latter part of the section:

and all bills, petitions, memorials, or resolutions reported from a committee shall be accompanied by reports in writing, which shall be printed.

The SPEAKER. The Chair will hear the gentleman from Georgia.

Mr. CRISP. Mr. Speaker, the House having under consideration a certain bill, has referred it to a committee with instructions to report back forthwith with a given amendment. I submit, sir, that when the report is made it is governed by the rules of the House exactly the same as any other report. Suppose it had been committed to a committee without instructions, and that committee should have reported it back how and whenever they saw fit, and they called it up for consideration, how far, Mr. Speaker, did that instruction given the committee change the standing rules of the House?

If the committee had the bill without instructions, I take it, Mr. Speaker, there can be no question but what the report would have been made as reports are usually made, and that the bill would have taken its place on its Calendar where, under the Rules of the House, it belonged. Now, does this fact that the committee are required to report it back forthwith change that? How comes it, Mr. Speaker, that a direction to report it back forthwith, gives the right to make this report in any different manner than if they had not had an instruction to report?

Mr. BRECKINRIDGE, of Kentucky. If the gentleman will permit me just there. "Forthwith" is merely a term expressing time, and nothing else.

Mr. CRISP. Exactly. It seems to me, Mr. Speaker, the only effect of this instruction is this: To define how it should be reported and fix the time when it should be reported; not to change the method of making the report. It should be reported as any other bill is reported, not in the open House, but put upon the Calendar under the rules of the House. Wherein does this instruction change that rule? Now, Mr. Speaker, if I am right about that, then this bill must have its first consideration in Committee of the Whole. In the first place, this bill which is now reported has never been considered in Committee of the Whole. You may say nominally that the title has been considered; but this amendment submitted by the gentleman from Illinois [Mr. CANNON] in the shape of an instruction has never been considered in Committee of the Whole. The rule provides:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole.

It is well understood, Mr. Speaker, that this House can not by indirection violate its rules. There is no evidence in any action of the House of any intention on its part to violate any of the rules of the House or to alter any of the rules of the House except the one specified, the rule permitting a committee to report whenever it pleases. This

order is to report forthwith; and it tells the committee what to report; and when they make that report I submit, Mr. Speaker, the bill takes its place on the Calendar, and when it is called up for consideration it is subject to clause 3 of Rule XXIII, which I have read, and must have its first consideration in Committee on the Whole.

Mr. BLAND. If I am not very much mistaken, I think the Speaker has ruled that it would not be in order to recommit a bill to a committee with instructions to report the bill back forthwith for the consideration of the House, and certainly if it is not——

The SPEAKER. What case does the gentleman refer to?

Mr. BLAND. I can not remember any particular case.

The SPEAKER. The Chair does not recollect any, either.

Mr. BLAND. Well, I contend, Mr. Speaker, when a bill of that character has been referred back to the committee with instructions and reported back to the House—does it give it the privilege of immediate consideration in the House unless that is the instruction? If the Speaker differs with me on that point, and if the House has not instructed the committee to report it back for the consideration of the House, then it has lost its privilege for consideration, and must come back, like any other bill reported by the committee, subject to any point of order that may be made upon it, and in this case the point of order is that the bill must be considered in Committee of the Whole, never having been considered there.

If the Speaker holds that the House can instruct a committee to report back a bill for consideration immediately, then this is not such a case, for there is no such order of the House; and if the House can not do that thing, then the bill itself is not the subject of privilege. The privilege of the rule has been exhausted. We are not now operating under the rule with which we began, and consequently when the bill is reported back to the House it loses its privileged character and is subject to the point of order.

The House has not ordered this committee to report back this bill for immediate consideration, but simply to report it back "forthwith." I doubt whether the House would have the right to order a committee to report back a bill for immediate consideration; but, whether it has that right or not, it has not done so in this case, and therefore the bill is subject to any point of order which may be made upon any bill reported from a committee, and the point here is that this bill must receive its consideration in the Committee of the Whole.

The SPEAKER. The Chair would be glad to have the attention of the House for a moment. The rules of the House must be construed having them all in view. This method of reference to a committee after a bill has been ordered to be engrossed is a part of a system of consideration. The Chair has already passed upon some parts of that system, and it is not necessary to repeat what he has said; but, according to the idea of the Chair, when the House ordered the committee to report a particular substitute back "forthwith," that expression carried with it the right of immediate consideration; precisely as in Rule XI the expression "The following-named committees shall have leave to report at any time" carries with it the right of consideration at the time of the report.

Such a course enables the House to finish the business upon which it has entered, and to finish it in accordance with the wishes of the members of the House. On the proposition which has been made that this bill must go to the Committee of the Whole, the Chair desires to remind the House that the whole subject in the original bill was referred to the Committee of the Whole, and was therein discussed. No one proposed that the substitute which was offered after the House came out of Committee of the Whole should be sent back to that committee because it had not been there considered.

No more can the substitute which the House has ordered to be reported forthwith be sent to the Committee of the Whole for consideration, for what could that committee do with it? The bill is here by the order of the House, and the subordinate of the House, the Committee of the Whole, could not act upon what the House itself has already acted upon. The House has directed this bill to be brought before it, and to be brought before it through the medium of the committee that had the original bill in charge.

The whole subject, within the purview of the rules, has been considered by the Committee of the Whole, and the functions of that committee have been performed. The Committee of the Whole has reported, and the result thus far is that the House has disagreed with the Committee of the Whole so pointedly, that it has substituted directly its own will for the will of the Committee of the Whole, and, after considering the bill, which had been ordered to a third reading, as amended, has directed the committee in charge of this matter to bring back to the House "forthwith" another bill. It seems to the Chair that that is a plain, logical system for the transaction of business, and that it will justify itself thoroughly in actual practice in the House. The Chair is not aware whether this question has been up fully before, but it has been up to some extent, and the Chair thinks that the debate on the 10th of July, 1886, will throw light upon the subject for such gentlemen as desire to examine it.

Mr. ROGERS. Mr. Speaker, I desire to make an additional point of order.

Mr. BRECKINRIDGE, of Kentucky. Does the Chair overrule the point of order that I made?

The SPEAKER. The Chair supposed that all the points of order had been presented.

Mr. ROGERS. The Chair was mistaken about that.

The SPEAKER. The Chair called for all the points of order that there were.

Mr. ROGERS. The Chair stated distinctly and emphatically that all points of order could be reserved; and I now rise to make another and a distinct point.

The SPEAKER. Will the gentleman state his point of order?

Mr. ROGERS. I make the point of order that under the new rules neither the committee nor the chairman of the committee can make a report in the manner in which this report has been made.

On this point I desire to be briefly heard. By the fifty-first clause of Rule XI, to which the Chair has referred, certain committees of the House are privileged so far as concerns the making of their reports. This privilege extends to certain committees under the new rules, as it did under the old code of rules. And the rule specifies the particular committees to which this privilege belongs. What is the right of committees not thus specified, with reference to the making of reports? By the second clause of Rule XIII, which was an innovation upon the whole system of our rules as previously existing, it is provided that—

> All reports of committees, except as provided in clause 51 of Rule XI, together with the views of the minority, shall be delivered to the Clerk for printing and reference to the proper Calendar under the direction of the Speaker, in accordance with the foregoing clause, and the titles or subjects thereof shall be entered on the Journal and printed in the RECORD.

Now, I readily see that the Chair in giving his decision a few moments ago made the ruling broad enough to include, under clause 51 of Rule XI, the Committee on Merchant Marine and Fisheries. But unfortunately that committee is not embraced among the committees there designated; and the Chair can not by construction give that committee a privilege which it has not under the rules, and which the House has not given it by its own action in making the reference.

So I submit, that although this question came up, as the Chair puts it, in part heretofore, it came up under a different system of rules, a system which did not contain the provision I have cited requiring all reports, except those specially privileged, to be delivered to the Clerk for printing and for reference to the proper Calendar.

The SPEAKER. Is there any other point of order which any gentleman desires to make?

Mr. MANSUR. Yes, sir.

The SPEAKER. The Chair will hear the gentleman from Missouri [Mr. MANSUR].

Mr. MANSUR. Mr. Speaker, I think that the trouble here arises from a misunderstanding of the word "forthwith" or "immediate" in this connection. The first function of Congress is to make laws; and we ought not to permit a rule to be higher than a law. Every lawyer knows that in legal practice, whenever anything is ordered by a court to be done, "forthwith" or "immediately" means within twenty-four hours.

Mr. BOUTELLE. This was done within twenty-four hours—in fact, within less than twenty-four minutes.

Mr. MANSUR. The meaning is that the party directed to do a thing "forthwith" or "immediately" has the whole of twenty-four hours within which to do it. If we adopt this construction, so well sanctioned by legal practice, there is no trouble in regard to this reference. The committee when directed to report "forthwith" is entitled to twenty-four hours in which to carry out the instructions of the House. Under this construction the committee would have time to meet and consider and then make report.

I repeat that, as lawyers well understand, the word "forthwith" or "immediate" does not mean *instanter* or "at once," but simply means that the thing ordered to be done "forthwith" or "immediately" may be done within twenty-four hours; that is to say within a reasonable time. Taking this view, there would be no trouble in construing the order of the House as enabling the committee to meet and agree upon its report.

Mr. DIBBLE. Mr. Speaker, there is no doubt that under the operation of the previous question this right of recommitment exists, but the House, in the exercise of that right, has the choice of the committee to which it may refer or recommit the matter pending.

Now, Mr. Speaker, the rules of the House must be construed in such a way that they shall all stand. The proposition which is now brought before the House has in it matter which makes it subject to consideration in the Committee of the Whole, and if the House had intended to consider it immediately upon its being reported back, the proper committee to which to refer it would have been the Committee of the Whole, not the Committee on Merchant Marine and Fisheries.

If it had been committed to the Committee of the Whole, the Chairman of that committee under the ruling which the Speaker has made could have reported it, and then it would have been clear of the point of order; but having been referred to one of the ordinary committees of the House, it must take the regular course of a report from such a committee.

The SPEAKER. The Chair overrules the point of order. The question now is on the motion for the previous question.

Mr. BRECKINRIDGE, of Kentucky. I move that the bill which

has been presented by the gentleman from New York [Mr. FARQUHAR] be laid on the table.

The SPEAKER. The gentleman from New York has moved the previous question; and the gentleman from Kentucky moves to lay the bill on the table.

The question being taken, there were—ayes 100, noes 139.

Mr. BRECKINRIDGE, of Kentucky. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was determined in the negative—yeas 129, nays 146, not voting 54; as follows:

YEAS—129.

Abbott,	Crain,	Kelley,	Perry,
Alderson,	Crisp,	Kerr, Pa.	Pierce,
Anderson, Miss.	Culberson, Tex.	Lane,	Pindar,
Bankhead,	Cummings,	Lanham,	Price,
Barnes,	Davidson,	Lawler,	Reilly,
Barwig,	Dibble,	Lee,	Richardson,
Bland,	Dickerson,	Lester, Ga.	Robertson,
Blount,	Dockery,	Lester, Va.	Rogers,
Boatner,	Dunphy,	Lewis,	Rowland,
Boothman,	Edmunds,	Magner,	Rusk,
Breckinridge, Ark.	Ellis,	Maish,	Sayers,
Breckinridge, Ky.	Finley,	Mansur,	Seney,
Brickner,	Fitch,	Martin, Ind.	Shively,
Brookshire,	Fithian,	Martin, Tex.	Springer,
Brown, J. B.	Forman,	McAdoo,	Stewart, Tex.
Brunner,	Forney,	McClammy,	Stockdale,
Buchanan, Va.	Fowler,	McClellan,	Stone, Mo.
Buckalew,	Geary,	McCreary,	Tarsney,
Bunn,	Geissenhainer,	McMillin,	Tillman,
Bynum,	Gibson,	McRae,	Tucker,
Campbell,	Goodnight,	Mills,	Turner, Ga.
Candler, Ga.	Grimes,	Montgomery,	Turner, N. Y.
Carlton,	Grosvenor,	Moore, Tex.	Washington,
Caruth,	Hare,	Morgan,	Whitelaw,
Catchings,	Hatch,	Mutchler,	Whiting,
Clancy,	Haugen,	Norton,	Wike,
Clements,	Haynes,	O'Ferrall,	Williams, Ill.
Clunie,	Heard,	O'Neil, Mass.	Wilson, Mo.
Cobb,	Hemphill,	Outhwaite,	Wilson, W. Va.
Connell,	Henderson, N. C.	Owens, Ohio	Yoder.
Cooper, Ind.	Herbert,	Parrett,	
Covert,	Holman,	Paynter,	
Cowles,	Hooker,	Peel,	

NAYS—146.

Adams,	Culbertson, Pa.	McComas,	Scranton,
Allen, Mich.	Cutcheon,	McDuffie,	Scull,
Anderson, Kans.	Dalzell,	McKenna,	Sherman,
Arnold,	Darlington,	McKinley,	Smith, Ill.
Atkinson, Pa.	De Lano,	Miles,	Smith, W. Va.
Atkinson, W. Va.	Dingley,	Miller,	Smyser,
Baker,	Dolliver,	Milliken,	Snider,
Banks,	Dorsey,	Moffitt,	Spinola,
Bartine,	Dunnell,	Moore, N. H.	Spooner,
Bayne,	Farquhar,	Morey,	Stahlnecker,
Beckwith,	Flick,	Morrill,	Stephenson,
Belden,	Flood,	Morrow,	Stivers,
Belknap,	Frank,	Morse,	Stone, Pa.
Bergen,	Funston,	Mudd,	Struble,
Biggs,	Gear,	Niedringhaus,	Sweet,
Bingham,	Gest,	Nute,	Sweney,
Bliss,	Gifford,	O'Donnell,	Taylor, Ill.
Boutelle,	Greenhalge,	O'Neill, Pa.	Taylor, J. D.
Brewer,	Grout,	Osborne,	Taylor, Tenn.
Brosius,	Hall,	Owen, Ind.	Thomas,
Brower,	Harmer,	Payne,	Thompson,
Browne, Va.	Hays, E. R.	Payson,	Townsend, Colo.
Buchanan, N. J.	Hill,	Perkins,	Townsend, Pa.
Burrows,	Hitt,	Peters,	Vandever,
Burton,	Kennedy,	Post,	Waddill,
Butterworth,	Kerr, Iowa	Pugsley,	Wade,
Caldwell,	Ketcham,	Quackenbush,	Walker,
Candler, Mass.	Kinsey,	Raines,	Wallace, N. Y.
Cannon,	Knapp,	Ray,	Wheeler, Mich.
Carter,	Lacey,	Reed, Iowa	Wickham,
Caswell,	La Follette,	Reyburn,	Williams, Ohio,
Cheadle,	Laidlaw,	Rife,	Wilson, Ky.
Cheatham,	Langston,	Rockwell,	Wilson, Wash.
Clark, Wyo.	Lansing,	Rowell,	Wright,
Cogswell,	Laws,	Russell,	Yardley.
Coleman,	Lehlbach,	Sanford,	
Comstock.	Mason,	Sawyer,	

NOT VOTING—54.

Allen, Miss.	Evans,	McCord,	Stump,
Andrew,	Ewart,	McCormick,	Taylor, E. B.
Blanchard,	Featherston,	Oates,	Tracey,
Bowden,	Flower,	O'Neall, Ind.	Turner, Kans.
Browne, T. M.	Hansbrough,	Penington,	Van Schaick,
Bullock,	Hayes, W. I.	Pickler,	Vaux,
Chipman,	Henderson, Ill.	Quinn,	Wallace, Mass.
Clark, Wis.	Henderson, Iowa	Randall,	Wheeler, Ala.
Clarke, Ala.	Hermann,	Simonds,	Whitthorne,
Cooper, Ohio	Hopkins,	Skinner,	Wiley,
Cothran,	Houk,	Stewart, Ga.	Wilkinson,
Craig,	Kilgore,	Stewart, Vt.	Willcox.
Dargan,	Lind,	Stockbridge,	
Enloe,	Lodge,	Stone, Ky.	

So the motion to lay on the table was rejected.

Mr. BLANCHARD. I am paired with the gentleman from Wisconsin [Mr. VAN SCHAICK]. Were he present, he would vote "no" and I would vote "ay" on this motion.

Mr. EVANS. I have paired for the rest of the evening with my colleague, Mr. WHITTHORNE. Not knowing how he would vote on this question, I can only say that I have refrained from voting, or otherwise I should have voted "no."

The following additional pairs were announced:

Mr. SIMONDS with Mr. WILLCOX, for the rest of the day.

Mr. WALLACE, of Massachusetts, with Mr. FLOWER, for the rest of the day.

Mr. MCCORMICK with Mr. PENINGTON, for the rest of the day.

Mr. HERMANN with Mr. DARGAN, for the rest of the day.

Mr. RANDALL with Mr. CHIPMAN, on the shipping bill. Mr. RANDALL would vote for and Mr. CHIPMAN against the bill.

The result of the vote was then announced as above recorded.

Mr. FARQUHAR. Mr. Speaker, before renewing the demand for the previous question I desire to submit one or two remarks in respect to this bill. [Cries of "Vote!" "Vote!"] I will not delay the House but one or two minutes, and I think——

Mr. MCCREARY. Mr. Speaker——

Mr. FARQUHAR. I believe I have the floor.

Mr. MCCREARY. I am aware of that, but I simply desire to submit a parliamentary inquiry.

The SPEAKER *pro tempore* (Mr. BURROWS). The gentleman will state it.

Mr. MCCREARY. There was a motion made for the previous question, and I desire to know what has become of that motion.

The SPEAKER *pro tempore*. It has been withdrawn temporarily.

Mr. FARQUHAR. I want to say, Mr. Speaker, that while I can not say that I have any regret that this bill does not come up to all of my expectations as a friend of the merchant marine in the foreign trade, yet as a loyal citizen and one who desires to see the flag of his country on every sea I accept its condition.

I hold in my hand, Mr. Speaker, a list of seventeen nations and of four dependencies who expend annually a total of $35,000,000 on their shipping to drive the American flag from the seas.

The question here presented, Mr. Speaker, is a struggle on the part of this country against every power on the face of the earth. That is why this Committee on Merchant Marine and Fisheries, desirous to have the best knowledge in their possession to place in the hands of the American Congress, have given this matter careful, thoughtful, and unremitting consideration, with the view of presenting a bill complete and supreme in all of its features, and which would have the effect to bring back honor and profit to our nation. The difficulty that has stood in the way possibly has been this: That I question whether the American people to-day know the deep disgrace that attaches to their land in the condition we are now in.

But, Mr. Speaker, I herald the bill now before us, as it comes now to this Congress in its present shape, as the courier that shall bear anew throughout both the hemispheres the announcement that Americans are now bound to stand by their flag and the honor of their nation. [Applause on the Republican side.]

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

[Cries of "Vote!" "Vote!"]

Mr. FARQUHAR. Now, Mr. Speaker——

Mr. BLAND. Are you satisfied that you will not try to get something else in the conference committee instead of this bill? Will you not try to get something better in the conference, more to your taste?

Mr. FARQUHAR. No; I will say to the gentleman from Missouri I have no knowledge who may be the conferees. [Derisive laughter on the Democratic side.] But I have this much faith that any man would stand up in defense of his nation and his flag, and that this House will not be disappointed in any conference that may be ordered.

Mr. BLAND. Oh, you expect then to get your subsidy in. That is your purpose all the way through, is it?

Mr. FARQUHAR. Now, Mr. Speaker, I move the previous question. [Cries of "Vote!" "Vote!"]

Mr. SPRINGER. I hope the gentleman from New York will allow me to have five minutes. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The previous question is demanded.

Mr. BOUTELLE. Regular order.

Mr. FARQUHAR. It is quite late——

Mr. SPRINGER. Allow me five minutes?

Mr. FARQUHAR. Will the gentleman be content with three minutes? That is all the time I occupied.

Mr. SPRINGER. Yes; give me three minutes.

Mr. FARQUHAR. I will withdraw the demand, and allow the gentleman from Illinois three minutes.

The SPEAKER *pro tempore*. The gentleman from Illinois is recognized for three minutes.

Mr. SPRINGER. Mr. Speaker, I do not know whether the gentleman from New York [Mr. FARQUHAR] is sincere or not when he says he is satisfied with the action of the House upon this bill. I can assure him that the country will be satisfied when it learns, as it will learn, from the telegraphic dispatches in the morning papers that his bill, which imposes a burden upon the taxpayers of this country during the next fifteen years of not less than $200,000,000, has been defeated.

If this postal-aid bill is satisfactory to him, he is very easily satisfied; because at the furthest it will not cost the Government, if it should become a law, more than a million of dollars a year for ten years. That is a very different sum from the vast millions that this House has denied him to-night by its action. I therefore congratulate the

country that the Representatives of the people have been so far true to their interests as to defeat that stupendous scheme which he has endeavored to fasten upon the American people, and I also want to congratulate the Representatives here that they have been true to their trust, notwithstanding they have been beset by the most persistent lobby that ever visited Washington in behalf of any measure whatever. [Applause on the Democratic side.] I yield the remainder of my time to the gentleman from New Jersey [Mr. McADOO]. [Cries of "Vote!" "Vote!" and "Regular order!"]

Mr. McADOO. Mr. Speaker, I understand there is one minute remaining, which has been yielded me by the gentleman from Illinois [Mr. SPRINGER].

The SPEAKER *pro tempore*. One half minute remains.

Mr. McADOO. The gentleman from New York [Mr. FARQUHAR] has said that he stood here to-day for the honor and glory of the flag. The honor and the glory of that flag rest upon the honor and glory of American manhood. And American manhood would have been smirched if the free Representatives of the free people of the United States had not stood here with invincible determination against the banded cohorts of that confederated swindledom, a prohibitory tariff and subsidy robbery of the people in behalf of a class. [Applause on the Democratic side.]

Mr. FARQUHAR. I now move the previous question.

The SPEAKER *pro tempore*. The pending question is on the motion of the gentleman from New York for the previous question.

The question was taken; and the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. REILLY and Mr. ROGERS demanded a division.

The House divided; and there were—ayes 148, noes 98.

So the previous question was ordered.

The SPEAKER *pro tempore*. The question is on the third reading of the bill as amended.

The question was taken; and the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. MILLS demanded the yeas and nays, and subsequently withdrew the demand.

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

The SPEAKER *pro tempore*. The question is on the passage of the bill.

Mr. HOLMAN. On that I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 139, nays 120, not voting 70; as follows:

YEAS—139.

Adams,	Dalzell,	Lehlbach,	Russell,
Allen, Mich.	Darlington,	Mason,	Sanford,
Anderson, Kans.	De Lano,	McComas,	Sawyer,
Arnold,	Dingley,	McDuffie,	Scranton,
Atkinson, Pa.	Dolliver,	McKenna,	Scull,
Baker,	Dorsey,	McKinley,	Sherman,
Banks,	Dunnell,	Miles,	Smith, Ill.
Bayne,	Farquhar,	Miller,	Smith, W. Va.
Beckwith,	Featherston,	Milliken,	Smyser,
Belden,	Flick,	Moffitt,	Snider,
Belknap,	Flood,	Moore, N. H.	Spinola,
Bergen,	Funston,	Morey,	Spooner,
Biggs,	Gear,	Morrill,	Stahlnecker,
Bingham,	Gest,	Morrow,	Stephenson,
Bliss,	Gifford,	Mudd,	Stone, Pa.
Boutelle,	Greenhalge,	Niedringhaus,	Struble,
Brewer,	Grout,	Nute,	Sweet,
Brosius,	Hall,	O'Donnell,	Sweney,
Brower,	Harmer,	O'Neill, Pa.	Taylor, E. B.
Browne, Va.	Haugen,	Osborne,	Taylor, Ill.
Buchanan, N. J.	Hays, E. R.	Owen, Ind.	Taylor, J. D.
Burrows,	Hill,	Payne,	Taylor, Tenn.
Burton,	Hitt,	Payson,	Thomas,
Butterworth,	Hopkins,	Perkins,	Townsend, Colo.
Caldwell,	Kennedy,	Peters,	Townsend, Pa.
Candler, Mass.	Kerr, Iowa	Pickler,	Waddill,
Cannon,	Ketcham,	Post,	Wade,
Carter,	Kinsey,	Pugsley,	Walker,
Cheadle,	Knapp,	Quackenbush,	Wallace, N. Y.
Cheatham,	Lacey,	Raines,	Wheeler, Mich.
Clark, Wyo.	La Follette,	Ray,	Wickham,
Cogswell,	Laidlaw,	Reed, Iowa	Wilson, Wash.
Coleman,	Langston,	Reyburn,	Wright,
Comstock,	Lansing,	Rife,	Yardley.
Culbertson, Pa.	Laws,	Rowell,	

NAYS—120.

Abbott,	Bunn,	Dickerson,	Haynes,
Anderson, Miss.	Campbell,	Dockery,	Heard,
Bankhead,	Candler, Ga.	Dunphy,	Hemphill,
Barnes,	Carlton,	Edmunds,	Henderson, N. C.
Barwig,	Caruth,	Ellis,	Herbert,
Bland,	Clancy,	Finley,	Holman,
Blount,	Clements,	Fitch,	Hooker,
Boatner,	Clunie,	Fithian,	Kerr, Pa.
Bootliman,	Cobb,	Forman,	Lane,
Breckinridge, Ark.	Connell,	Fowler,	Lanham,
Breckinridge, Ky.	Cooper, Ind.	Geary,	Lawler,
Brickner,	Covert,	Gibson,	Lee,
Brookshire,	Cowles,	Goodnight,	Lester, Ga.
Brown, J. B.	Crain,	Grimes,	Lester, Va.
Brunner,	Crisp,	Grosvenor,	Lewis,
Buchanan, Va.	Cummings,	Haro,	Magner,
Buckalew,	Dibble,	Hatch,	Maish,
Mansur,	Norton,	Richardson,	Tillman,
Martin, Ind.	O'Ferrall,	Robertson,	Tucker,
Martin, Tex.	O'Neill, Mass.	Rogers,	Turner, Ga.
McAdoo,	Outhwaite,	Rowland,	Turner, N. Y.
McClammy,	Owens, Ohio	Rusk,	Washington,
McClellan,	Parrett,	Sayers,	Whitelaw,
McCreary,	Paynter,	Seney,	Whiting,
McMillin,	Peel,	Shively,	Wike,
McRae,	Perry,	Springer,	Williams, Ill.
Mills,	Pierce,	Stewart, Tex.	Williams, Ohio
Montgomery,	Pindar,	Stockdale,	Wilson, Mo.
Moore, Tex.	Price,	Stone, Mo.	Wilson, W. Va.
Mutchler,	Reilly,	Tarsney,	Yoder.

NOT VOTING—70.

Alderson,	Culberson, Tex.	Kilgore,	Stockbridge,
Allen, Miss.	Cutcheon,	Lind,	Stone, Ky.
Andrew,	Dargan,	Lodge,	Stump,
Atkinson, W. Va.	Davidson,	McCord,	Thompson,
Bartine,	Enloe,	McCormick,	Tracey,
Blanchard,	Evans,	Morgan,	Turner, Kans.
Bowden,	Ewart,	Morse,	Vandever,
Browne, T. M.	Flower,	Oates,	Van Schaick,
Bullock,	Forney,	O'Neall, Ind.	Vaux,
Bynum,	Frank,	Penington,	Wallace, Mass.
Caswell,	Geissenhainer,	Quinn,	Wheeler, Ala.
Catchings,	Hansbrough,	Randall,	Whitthorne,
Chipman,	Hayes, W. I.	Rockwell,	Wiley,
Clark, Wis.	Henderson, Ill.	Simonds,	Wilkinson,
Clarke, Ala.	Henderson, Iowa	Skinner,	Willcox,
Cooper, Ohio	Hermann,	Stewart, Ga.	Wilson, Ky.
Cothran,	Houk,	Stewart, Vt.	
Craig,	Kelley,	Stivers,	

So the bill was passed.

Mr. GEISSENHAINER. Mr. Speaker, I desire to say that Mr. MORSE having become fatigued I am paired with him. If he were present, he would vote "ay" and I would vote "no."

The Clerk announced the following additional pairs:

For the rest of the day:

Mr. MORSE with Mr. GEISSENHAINER.

Mr. WILSON, of Kentucky, with Mr. BYNUM.

Mr. FRANK with Mr. MORGAN.

Mr. CUTCHEON with Mr. CATCHINGS.

Mr. STIVERS with Mr. DAVIDSON.

Mr. VANDEVER with Mr. FORNEY.

Mr. CASWELL with Mr. CULBERSON, of Texas.

Mr. ALDERSON. I desire to withdraw my vote. I voted under the impression that the gentleman from West Virginia [Mr. ATKINSON], with whom I am paired, was present. If he were present, he would vote "ay" and I would vote "no."

The result of the vote was then announced as above recorded.

Mr. FARQUHAR. I ask unanimous consent to amend the title of the bill. I send the amendment to the Clerk's desk.

The Clerk read as follows:

Amend the title so as to read: "A bill to provide for ocean mail service between the United States and foreign ports and to promote commerce."

The CHAIRMAN. If there be no objection the title will be amended as read. [After a pause.] The Chair hears no objection.

Mr. FARQUHAR moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

Mr. FARQUHAR. I ask a committee of conference on the bill.

Mr. SPRINGER. I object to that. It is not in order to ask for a conference until the Senate disagrees to the House amendment.

Mr. FARQUHAR. What is the use of struggling at the last?

Mr. ROGERS. Regular order.

The SPEAKER *pro tempore*. The gentleman from New York moves for a committee of conference.

Mr. CANNON. He moves to agree to the conference requested.

The SPEAKER *pro tempore*. The Senate has not requested a conference.

Mr. CANNON. Then we ask to have a conference.

Mr. FARQUHAR. I make the motion that the House ask a conference with the Senate.

The SPEAKER *pro tempore*. The gentleman from New York moves that the House request a conference with the Senate on the House amendment.

Mr. SPRINGER. I make the point of order upon that motion that it is not in order to ask for a conference unless the Senate has disagreed to the House amendment.

The SPEAKER *pro tempore*. Will the gentleman call the Chair's attention to any authority on that point?

Mr. SPRINGER. Yes, sir; I will call the attention of the Chair to Jefferson's Manual, which states the order of conferences.

Mr. DINGLEY. There are no joint rules to regulate conferences.

[During a pause, cries of "Rule!"]

Mr. BOUTELLE. There is plenty of time.

Mr. SPRINGER. I call the attention of the Chair to page 352 of the Digest:

The usual course of proceeding previous to a conference is for one House to disagree to the other's amendment, and for the amending House to insist upon its amendment and ask a conference.

Mr. DINGLEY. Will the gentleman read what follows in the next two lines?

The SPEAKER *pro tempore*. Will the gentleman continue to read? [Laughter on the Republican side.]

Mr. SPRINGER. I will read it:

But it sometimes happens, near the close of the session, that one House disagrees to the other's amendment and thereupon asks a conference.

Mr. DINGLEY. That is just what is done here.

Mr. SPRINGER. But the other House has not disagreed to our amendment.

Mr. DINGLEY. The House has disagreed to the Senate amendment.

Mr. SPRINGER. Oh, no.

The SPEAKER *pro tempore*. There is no difficulty about this——

Mr. SPRINGER. We have amended a Senate bill, and the Senate has not disagreed to that amendment.

The SPEAKER *pro tempore*. The Clerk will read an extract from the Digest.

The Clerk read as follows:

There are numerous instances of one House passing a bill of the other with amendments, and at the same time asking for a conference with the other House thereon.

Mr. WHEELER, of Michigan. That is the point; read that again. [Laughter.]

The SPEAKER *pro tempore*. The practice is uniform and almost unbroken.

Mr. SPRINGER. But it has always been done by unanimous consent, and not without unanimous consent.

The SPEAKER *pro tempore*. The Chair overrules the point of order.

The question was taken on the motion to appoint a committee of conference; and the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. TURNER, of New York. Division.

The House divided; and there were—ayes 137, noes 88.

Mr. SPRINGER. Yeas and nays. [Cries of "Oh, no!" on the Republican side.]

Mr. CANNON. I hope the gentleman will not do that.

The yeas and nays were ordered.

Mr. BLAND. Mr. Speaker, I move that the House do now adjourn.

Mr. MASON. That is a dilatory motion, Mr. Speaker.

The SPEAKER *pro tempore*. The gentleman from Missouri moves that the House do now adjourn.

Mr. GROSVENOR. I make the point of order that the House was dividing.

The SPEAKER *pro tempore*. The House had just ordered the yeas and nays.

Mr. GROSVENOR. The House had already voted once on the question by rising.

The SPEAKER *pro tempore*. The Chair thinks the motion is in order.

The question was put; and the Speaker *pro tempore* announced that by the sound the noes seemed to have it.

Mr. BLAND. Yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 74, nays 111, not voting 144; as follows:

YEAS—74.

Abbott,	Dickerson,	Lewis,	Reilly,
Barwig,	Dockery,	Martin, Ind.	Richardson,
Bland,	Fitch,	McClammy,	Robertson,
Blount,	Fithian,	McClellan,	Rogers,
Breckinridge, Ark.	Fowler,	McCreary,	Sayers,
Breckinridge, Ky.	Geary,	McMillin,	Shively,
Brickner,	Geissenhainer,	McRae,	Springer,
Brookshire,	Gibson,	Montgomery,	Stewart, Tex.
Brunner,	Goodnight,	Moore, Tex.	Stone, Mo.
Buchanan, Va.	Grimes,	Mutchler,	Tillman,
Bunn,	Haynes,	Norton,	Turner, Ga.
Clements,	Heard,	O'Ferrall,	Turner, N. Y.
Clunie,	Hemphill,	Owens, Ohio	Whitelaw,
Cobb,	Henderson, N. C.	Parrett,	Wike,
Covert,	Hooker,	Paynter,	Williams, Ill.
Cowles,	Kerr, Pa.	Peel,	Wilson, Mo.
Crisp,	Lane,	Perry,	Wilson, W. Va.
Cummings,	Lanham.	Pierce,	
Dibble,	Lester, Ga.	Price,	

NAYS—111.

Adams,	Cannon,	Haugen,	Morrow,
Allen, Mich.	Carter,	Hays, E. R.	Mudd,
Anderson, Kans.	Cheadle,	Hill,	Niedringhaus,
Arnold,	Cheatham,	Hitt,	Nute,
Atkinson, Pa.	Clark, Wyo.	Holman,	O'Neill, Pa.
Baker,	Coleman,	Kerr, Iowa	Osborne,
Banks,	Comstock,	Kinsey,	Payne,
Bartine,	Culbertson, Pa.	Knapp,	Payson,
Beckwith,	Dalzell,	Lacey,	Perkins,
Belden,	Darlington,	Laidlaw,	Peters,
Belknap,	DeLano,	Lansing,	Post,
Bergen,	Dingley,	Lehlbach,	Pugsley,
Biggs,	Dunnell,	Mason,	Reed, Iowa
Boutelle,	Evans,	McComas,	Reyburn,
Brewer,	Farquhar,	McDuffie,	Rife,
Brosius,	Featherston,	McKenna,	Rockwell,
Brower,	Flick,	McKinley,	Rowell,
Browne, Va.	Flood,	Miles,	Russell,
Buchanan, N. J.	Gear,	Miller,	Sanford,
Burrows,	Greenhalge,	Moffitt,	Sawyer,
Burton,	Grosvenor,	Moore, N. H.	Scull,
Caldwell,	Hall,	Morrill,	Sherman,
Smith, Ill.	Stahlnecker,	Taylor, Tenn.	Wade,
Smith, W. Va.	Stephenson,	Thomas,	Walker,
Smyser,	Stone, Pa.	Thompson,	Wheeler, Mich.
Snider,	Struble,	Townsend, Colo.	Wright,
Spinola,	Sweet,	Townsend, Pa.	Yardley.
Spooner,	Taylor, E. B.	Waddill,	

NOT VOTING—144.

Alderson,	Craig,	Kilgore,	Rusk,
Allen, Miss.	Crain,	La Follette,	Scranton,
Anderson, Miss.	Culberson, Tex.	Langston,	Seney,
Andrew,	Cutcheon,	Lawler,	Simonds,
Atkinson, W. Va.	Dargan,	Laws,	Skinner,
Bankhead,	Davidson,	Lee,	Stewart, Ga.
Barnes,	Dolliver,	Lester, Va.	Stewart, Vt.
Bayne,	Dorsey,	Lind,	Stivers,
Bingham,	Dunphy,	Lodge,	Stockbridge,
Blanchard,	Edmunds,	Magner,	Stockdale,
Bliss,	Ellis,	Maish,	Stone, Ky.
Boatner,	Enloe,	Mansur,	Stump,
Boothman,	Ewart,	Martin, Tex.	Sweney,
Bowden,	Finley,	McAdoo,	Tarsney,
Brown, J. B.	Flower,	McCord,	Taylor, Ill.
Browne, T. M.	Forman,	McCormick,	Taylor, J. D.
Buckalew,	Forney,	Milliken,	Tracey,
Bullock,	Frank,	Mills,	Tucker,
Butterworth,	Funston,	Morey,	Turner, Kans.
Bynum,	Gest,	Morgan,	Vandever,
Campbell,	Gifford,	Morse,	Van Schaick,
Candler, Ga.	Grout,	Oates,	Vaux,
Candler, Mass.	Hansbrough,	O'Donnell,	Wallace, Mass.
Carlton,	Hare,	O'Neall, Ind.	Wallace, N. Y.
Caruth,	Harmer,	O'Neil, Mass.	Washington,
Caswell,	Hatch,	Outhwaite,	Wheeler, Ala.
Catchings,	Hayes, W. I.	Owen, Ind.	Whiting,
Chipman,	Henderson, Ill.	Penington,	Witthorne,
Clancy,	Henderson, Iowa	Pickler,	Wickham,
Clarke, Ala.	Herbert,	Pindar,	Wiley,
Clark, Wis.	Hermann,	Quackenbush,	Wilkinson,
Cogswell,	Hopkins,	Quinn,	Willcox,
Connell,	Houk,	Raines,	Williams, Ohio
Cooper, Ind.	Kelley,	Randall,	Wilson, Ky.
Cooper, Ohio	Kennedy,	Ray,	Wilson, Wash.
Cothran,	Ketcham,	Rowland,	Yoder.

So the motion to adjourn was rejected.

The following additional pairs were announced:

For the rest of the day:

Mr. RAY with Mr. ROWLAND.

Mr. GROUT with Mr. LEE.

Mr. CANDLER, of Massachusetts, with Mr. MANSUR.

Mr. DORSEY with Mr. WASHINGTON.

Mr. HARMER with Mr. HATCH.

Mr. GEST with Mr. FORMAN.

Mr. RAINES with Mr. CLANCY.

Mr. WALLACE, of New York, with Mr. MAGNER.

Mr. SCRANTON with Mr. TUCKER.

Mr. COGSWELL with Mr. O'NEIL, of Massachusetts.

Mr. ATKINSON, of West Virginia, with Mr. ALDERSON.

Mr. BOOTHMAN with Mr. YODER.

Mr. QUACKENBUSH with Mr. DUNPHY.

Mr. KETCHAM with Mr. BARNES.

Mr. BINGHAM with Mr. ANDERSON, of Mississippi.

Mr. BLISS with Mr. EDMUNDS.

Mr. TAYLOR, of Illinois, with Mr. CRAIN.

Mr. WHITING with Mr. BIGGS.

Mr. MILLIKEN with Mr. BANKHEAD.

Mr. DORSEY with Mr. STOCKDALE.

Mr. OWEN, of Indiana, with Mr. COOPER, of Indiana.

On this vote:

Mr. OUTHWAITE with Mr. WILLIAMS, of Ohio.

Mr. LA FOLLETTE with Mr. PINDAR.

Mr. BUTTERWORTH with Mr. MARTIN, of Texas.

Mr. DOLLIVER with Mr. CAMPBELL.

Mr. SWENEY with Mr. LAWLER.

For the rest of the night:

Mr. O'DONNELL with Mr. CARUTH.

Mr. KENNEDY with Mr. LESTER, of Virginia.

Mr. JOSEPH D. TAYLOR with Mr. SENEY.

The result of the vote was then announced as above recorded.

Mr. CANNON. I ask unanimous consent to vacate the order for the yeas and nays on the motion to request a conference on the bill just passed.

Mr. MCCREARY. I object.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman from Illinois state what his object is?

Mr. CANNON. My object is simply to try to get the sundry civil bill and the legislative bill into conference.

Mr. MCCREARY. Mr. Speaker, we have been in session now nearly fifteen hours, and I think we might as well adjourn.

Mr. CANNON. We have just voted against an adjournment.

Mr. MCCREARY. I voted for adjournment because I thought we ought to adjourn. If we have to stay here let us proceed regularly.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. CANNON] asks unanimous consent to vacate an order by which the yeas and nays were ordered on the question of ordering a conference.

Mr. FITHIAN. I object.

Mr. McCREARY. I object.

The SPEAKER *pro tempore*. Objection is made, and the Clerk will call the roll.

HOT SPRINGS (ARK.) RESERVATION.

Mr. PAYSON. Before that is done I rise to present a conference report.

Several MEMBERS. Oh, no.

Mr. PAYSON. Gentlemen say "no," but this is a privileged matter and I have a right to present it. I desire to make a single statement in connection with it. This is the report of a committee of conference on the bill to reorganize the entire business connected with leases on the Hot Springs reservation in Arkansas. The leases of all the bath houses on the reservation are expiring, and this bill is unanimously reported by the Committee on Public Lands of the Senate, and also by the House committee. The conferees have agreed upon it unanimously, and it is the desire of the Secretary of the Interior that it shall be passed at the earliest possible moment, for the reason that no new leases will be made until some legislation is had, and, as I have stated, the old leases are expiring. It will take but a moment to dispose of the report. It is satisfactory to the Representatives from Arkansas, Mr. ROGERS, Mr. MCRAE, and Mr. BRECKINRIDGE, and also to the two Senators from that State.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I have several times during this session heard the gentleman from Arkansas [Mr. ROGERS] make reference to "the Hot Springs bill." [Laughter.] Does this include the "monument" of the gentleman from New York [Mr. SPINOLA]? [Laughter.]

Mr. PAYSON. Mr. Speaker, there is evidently no quorum present (as will be developed by the next roll call), and I insist upon my right to present this conference report at this time.

Mr. BOUTELLE. Mr. Speaker, I want to suggest to the gentleman from Illinois [Mr. PAYSON] that while I have been favorably disposed towards this Arkansas business, my observation of the gentleman from Arkansas [Mr. ROGERS] during this session has almost entirely destroyed my confidence in the efficacy of the Hot Springs. [Laughter.]

Mr. ROGERS. It is a fortunate thing that the opinions which the gentleman from Maine may entertain fix nobody's status but his own, and it is unfortunate for him that they fix even his status. [Laughter.]

Mr. McCREARY. Mr. Speaker, the yeas and nays have been regularly ordered, and I desire to know how this report can come in until that order of the House is executed.

The SPEAKER *pro tempore*. Because it is a question of very high privilege.

Mr. McCREARY. Then what about the order for the yeas and nays?

The SPEAKER *pro tempore*. The order for the yeas and nays stands, and this report will be now considered. The Clerk will read.

On motion of Mr. PAYSON the reading of the conference report was dispensed with

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11736) to regulate the granting of leases at Hot Springs, Ark., and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendments and agree to the same with amendments as follows; so that the bill as amended will read:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior is hereby authorized and empowered to execute leases to the bath houses and bath-house sites on the permanent reservation at Hot Springs, Ark., for periods not exceeding twenty years, and at an annual rental of not less than $30 per tub for each tub used in any bath house. Said annual rental shall be payable quarterly in advance, at the office of the Government superintendent of said property, in Hot Springs, Ark.: *Provided*, That the same rate for water rent shall be charged for the water to all parties receiving the same, whether on or off the permanent reservation: *Provided*, That after the Army and Navy hospital bath house, the public bath house, the bath houses which are now or may hereafter be authorized on the permanent reservation, the Arlington Hotel, and the bath houses off the permanent reservation now authorized to be supplied with hot water, in the order herein named, if there shall still be a surplus of hot water, the Secretary of the Interior may, in his discretion and under such regulations as he may prescribe, cause hot water to furnished to bath houses, hotels, and families off the permanent reservation: *Provided*, That such bath houses, hotels, and families shall cause all connections for obtaining such hot water to be made at their own expense: *Provided*, That all water furnished to any hotel or family for other use than bathing shall be paid for at such reasonable price as shall be fixed by the Secretary of the Interior: *Provided further*, That the Secretary of the Interior shall, at the expiration of each period of five years during the continuance of such lease made hereunder, readjust the terms and amount of payments provided for therein as may be just, but not less than the minimum herein provided.

"SEC. 2. That the Secretary of the Interior is hereby authorized to execute a lease of the Arlington Hotel site, at Hot Springs, Ark., to the present lessees for a period of twenty years, and at an annual ground rent of $2,500 for the first five years thereof, and at the end of said period of five years, and of each five-year period thereafter, he shall readjust and fix the compensation to be paid during the ensuing five years, but not less than that hereinbefore provided for.

"SEC. 3. That all power now possessed by the Secretary of the Interior for the regulating of leases of bath houses, bath-house privileges, or hotel rights on the reservation or as to supplying hot water to places off the reservation, is hereby retained and continued in him; and full power is vested in the Secretary of the Interior to provide, in all leases to be executed, against any combination among lessees or their assigns, as to ownership, prices, or accommodations at any bath house; full power is also vested in him to make all needful rules and regulations as to the use of the hot water, and to prevent its waste, including full power to authorize the superintendent of the reservation to make examination and inspection at any time of the manner of using the hot water at any bath tub, that it may be used in proper quantity only, and to prevent its waste; and also full power to provide and fix reasonable maximum charges for all baths, or bathing privileges, or services of any person connected with any bath house furnished to bathers; and for reasonable maximum charges to guests at the Arlington Hotel; and also, generally, the Secretary of the Interior may make all necessary rules and regulations as to said bath houses and the service therein as shall be deemed best for the public interest, and to provide penalties for the violation of any regulation which may be enforced as though provided by act of Congress. All leases and grants of hot-water privileges shall be held to be subject to all regulations now in force or which may be hereafter adopted by the Secretary of the Interior, and for any violation of any regulation, known to the proprietor at the time of the offense, the lease or grant may be canceled by the Secretary of the Interior. It shall be expressly provided in all leases and grants of privilege for hot water that the bath house for which provision is made shall not be owned or controlled by any person, company, or corporation which may be the owner of or interested (as stockholder or otherwise) in any other bath house on or near the Hot Springs reservation; that neither the hot-water privilege granted nor any interest therein, nor the right to operate or control said bath house, shall be assigned or transferred by the party of the second part without the approval of the Secretary of the Interior first obtained, in writing; and if the ownership or control of said bath house be transferred to any person, company, or corporation owning or interested in any other bath house on or near said reservation, the Secretary of the Interior may, for that cause, deprive the bath house provided for of the hot water and cancel the lease or agreement. All buildings to be erected on the reservation shall be on plans first approved by the Secretary of the Interior, and shall be required to be fireproof as nearly as practicable.

"SEC. 4. That the Secretary of the Interior, before executing any lease to bath houses or bath-house sites on the permanent reservation or contracts for the use of hot water for bath houses off the permanent reservation, may make due investigation to ascertain whether the person, persons, or corporation applying for such lease or contract are not directly or indirectly interested in any manner whatever in any other bath house lease, interest, or privilege at or near Hot Springs, Ark., or whether he or they belong to any pool, combination, or association so interested, or whether he or they are members or stockholders in any corporation so interested, or, if a corporation, whether its members or any of them are members or stockholders of any other corporation or association interested in any other bath house, lease, interest, or privilege as aforesaid, and in order to arrive at the facts in any such case he is authorized to send for persons and papers, administer oaths to witnesses, and require affidavits from applicants; and any such person making a false oath or affidavit in the premises shall be deemed guilty of perjury, and, upon conviction, subject to all the pains and penalties of perjury under the statutes of the United States; and whenever, either at the time of leasing or other time, it appears to the satisfaction of the said Secretary that such interest in other bath house, lease, interest, or privilege exists, or at any time any pool or combination exists between any two or more bath houses, or he deems it for the best interests of the management of the Hot Springs reservation and waters, or for the public interest, he may refuse such lease, license, permit, or other privilege, or forfeit any lease or privilege wherein the parties interested have become otherwise interested as aforesaid.

"SEC. 5. That the consent of the United States is hereby given for the taxation, under the authority of the laws of the State of Arkansas applicable to the equal taxation of personal property in that State, as personal property of all structures and other property in private ownership on the Hot Springs reservation.

"SEC. 6. That the authority heretofore conferred upon the Secretary of the Interior to collect the hot water upon said reservation shall be so construed as to require water to be collected only where such collection is necessary for its proper distribution, and not where by gravity the same can be properly utilized.

"SEC. 7. That the Secretary of the Interior may direct the public sale of all unsold Government lots on the Hot Springs reservation, and not now permanently reserved at the city of Hot Springs, after having had the same reappraised, and also advertised as now required by law, and no lot shall be sold at less than the appraised price.

"SEC. 8. Nothing in this act shall be so construed as to prevent the stockholders of any hotel from operating a bath house in connection with such hotel as a part thereof."

L. E. PAYSON,
THOS. C. McRAE.
D. S. HALL,
Managers on the part of the House.

P. B. PLUMB,
H. M. TELLER,
J. H. BERRY,
Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

Statement to accompany conference report on H. R. 11736.

The changes made in the House bill are, first, that the rental of bath tubs is fixed at not less than $30 per tub, instead of $35 per tub. In the same section we provide for a readjustment of such rentals.

In section 2 we modify the provision as to the rent of the Arlington Hotel ground.

Section 5 provides for local taxation of the bath houses, so far as the consent of the United States is concerned.

Section 6 prohibits the pumping of the hot water, except where it can not be used by gravity.

Section 7 provides for the sale of certain lots still owned by the Government; and the last section allows bath houses to be used in connection with hotels.

All these amendments are approved by the Secretary of the Interior.

Mr. PAYSON. I move that the conference report be adopted.

The motion was agreed to.

Mr. PAYSON 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.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed with amendments the bill (H. R. 13049), making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1892, and for other purposes; in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendments bills of the following titles:

A bill (H. R. 3061) for the relief of David A. Russell;

A bill (H. R. 3902) to amend an act entitled "An act for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico," approved March 2, 1889;

A bill (H. R. 4187) for the correction of the army record of Capt. William P. Hall, United States Army;

A bill (H. R. 4224) to remove the charge of desertion against James Littleton;

A bill (H. R. 4781) for the relief of William H. Keys;

A bill (H. R. 5587) for the relief of James A. Rice;

A bill (H. R. 6340) for the relief of John Zedeker;

A bill (H. R. 7342) relating to junk dealers, dealers in second-hand personal property, and pawnbrokers in the District of Columbia;

A bill (H. R. 7938) authorizing sale of title of United States in lot 3, in square south of square 990;

A bill (H. R. 8460) for the relief of Hart County, Kentucky;

A bill (H. R. 9212) to relieve John J. Murphy from the charge of desertion;

A bill (H. R. 9955) dedicating part of lots 14 and 15, in square 812, as a public alley;

A bill (H. R. 10500) authorizing the commissioners to grant to the Veteran Volunteer Firemen's Association use of certain property in the city of Washington;

A bill (H. R. 11560) to relieve Patrick J. Bench, alias Patrick McBench, from the charge of desertion;

A bill (H. R. 12839) to authorize the Rapides Bridge Company, limited, to construct and maintain a bridge across Red River at or near Alexandria, La.; and

A bill (H. R. 13586) in amendment to the various acts relative to immigration and importation of aliens under contract or agreement to perform labor.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

A bill (H. R. 5067) for the relief of Archibald Hanley; and

A bill (S. 209) to authorize the Secretary of War to cause to be mustered William P. Atwell.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1395) to amend sections 2275 and 2276 of the Revised Statutes of the United States, providing for the selection of lands for educational purposes in lieu of those appropriated for other purposes.

A further message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed with amendments bills of the following titles; in which concurrence of the House was requested:

A bill (H. R. 1257) to remove the charge of desertion against Richard Weller, and authorizing his honorable discharge;

A bill (H. R. 5208) granting an honorable discharge to David C. Clouse;

A bill (H. R. 6415) to reissue the pension certificate of Nannie W. Metcalf, and allow her a pension as surgeon's widow;

A bill (H. R. 10526) to remove the charge of desertion from the record of Ezra Abbott, late of Company I, Twenty-first Michigan Volunteer Infantry;

A bill (H. R. 11040) to relieve Myron A. Eastman of the charge of desertion; and

A bill (H. R. 11069) for the relief of Alfred Crayton.

The message also announced that the Senate had passed with amendments the bill (H. R. 6170) directing the issuance of an honorable discharge to David L. Lockerby, late of Company A, Ninety-sixth New York Volunteers, asked a conference with the House on the bill and amendments, and had appointed Mr. HAWLEY, Mr. MANDERSON, and Mr. COCKRELL as the conferees on the part of the Senate.

It also announced that the Senate had passed with amendments the bill (H. R. 7155) granting an honorable discharge to Howard Willison, asked a conference with the House on the bill and amendments, and had appointed Mr. MANDERSON, Mr. HAWLEY, and Mr. COCKRELL as the conferees on the part of the Senate.

It also announced that the Senate had passed with amendments the bill (H. R. 8239) to amend section 4488, Title LII, of the Revised Statutes as amended by chapter 418 of the acts passed at the second session of the Fiftieth Congress, asked a conference with the House on the bill and amendments, and had appointed Mr. MANDERSON, Mr. DOLPH, and Mr. KENNA as the conferees on the part of the Senate.

It also announced that the Senate had passed with amendments the bill (H. R. 9877) directing the Secretary of War to issue an honorable discharge to Almond C. Walker, asked a conference with the House on the bill and amendments, and had appointed Mr. MANDERSON, Mr. HAWLEY, and Mr. COCKRELL as the conferees on the part of the Senate.

It also announced that the Senate had passed with amendments the bill (H. R. 7616) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as required by the Court of Claims under the provisions of the act of March 3, 1883, known as the "Bowman act," asked a conference with the House on the bill and amendments, and had appointed Mr. SPOONER, Mr. MITCHELL, and Mr. JONES, of Arkansas, as the conferees on the part of the Senate.

Mr. OWENS, of Ohio. I make the point that there is no quorum here.

UNITED STATES LAND COURT.

Mr. CASWELL. I would like to submit a conference report upon the bill to establish a court for the adjudication of private land claims. I think there will be no objection. The conferees are unanimous.

Mr. MCCREARY. Do I understand this is the land court bill?

Mr. CASWELL. Yes, sir; it is the bill providing a court for the determination of private land claims—the bill which my friend has favored so much.

Mr. MCCREARY. Yes, I have always been in favor of the land court.

The report submitted by Mr. CASWELL was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

On page 2, in line 3, after the word "and," strike out the word "two" and insert in lieu thereof the word "four."

On page 2, in lines 7 and 8, after the word "ninety-five," insert the words "any three of whom shall constitute a quorum."

On page 15, section 16, in line 10, after the word "land," strike out the word "of" and insert in lieu thereof the words "or in connection therewith of other lands altogether."

On page 16, section 16, in line 38, after the word "than," strike out the words "one tract" and insert in lieu thereof the words "one hundred and sixty acres."

And that the Senate agree to the same.

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

L. B. CASWELL,
C. P. WICKHAM,
A. B. MONTGOMERY,
Managers on the part of the House.
M. W. RANSOM,
GEORGE F. EDMUNDS,
Managers on the part of the Senate.

Mr. CASWELL. I ask that the statement of the House conferees be read.

Mr. OWENS, of Ohio. I make the point that there is no quorum present.

The SPEAKER, *pro tempore*. The Clerk will read the statement of the House conferees.

The Clerk read as follows:

The effect of the agreement is to increase the number of judges constituting the court from three to five, to receive a salary of $5,000 instead of $5,500, as provided by the House bill.

The small landowners are permitted to acquire 160 acres of land in parcels as provided in the House bill, instead of one parcel only, as provided in the Senate bill.

The court is to have jurisdiction over the Territory of Arizona as provided in the Senate amendment.

No incomplete claim for more than 11 leagues of land can be established and patented to one original grantee.

The House bill contained no limitation.

Claimants must file their petitions within two years instead of three, provided for in the House bill.

L. B. CASWELL,
C. P. WICKHAM,
A. B. MONTGOMERY,
Managers on the part of the House.

Mr. MCCREARY. I would like to ask the gentleman from Wisconsin [Mr. CASWELL] a question. The number of judges, as I understand, is raised by this report from three, as originally proposed, to five?

Mr. CASWELL. From three to five.

Mr. MCCREARY. And the salaries have been increased from $4,000 to $5,000.

Mr. CASWELL. The salaries have been decreased from $5,500, as proposed in the House bill, to $5,000. The bill as reported from the conference committee takes in Arizona, and it was thought best to yield to the wish of the Senate and provide for five judges instead of three.

Mr. MCCREARY. In the bill as passed by the House there was a provision that not more than two of the three judges should belong to one political party. Is there anything of that kind in the bill as now reported?

Mr. CASWELL. There is not. I will say to my friend that the Senate conferees were opposed to making any political discrimination whatever in the appointment of the judges; but from assurances that were given the Democratic members of the conference committee, they were entirely satisfied to have the bill in its present form; and they have all agreed to it.

Mr. MCCREARY. Then all five of the judges will be Republicans.

Mr. CASWELL. It is not probable that they will.

Mr. MCCREARY. One more question. Will the gentleman from Wisconsin tell me what Territories and States are embraced in the bill as now reported? Is Arizona in the bill?

Mr. CASWELL. It embraces the States of Colorado and Wyoming, and all the Territories in which there are any of the Spanish land grants.

Mr. MCCREARY. It includes, then, New Mexico, Arizona, Utah, and the State of Colorado.

Mr. CASWELL. And Wyoming.

Mr. MCCREARY. Is Utah in the bill?

Mr. CASWELL. I think it is. It was in the bill originally; and I do not think that portion has been disturbed at all. [Cries of "Vote!" "Vote!"]

Mr. OWENS, of Ohio. I make the point that there is no quorum present.

The SPEAKER *pro tempore*. That will be ascertained when a vote is taken.

Mr. CASWELL. We were assured by the Senate conferees that there are 95,000,000 acres of land involved in this question.

Mr. CANNON. The point being made that there is no quorum, I wish, before that matter is ascertained, to appeal to the gentleman from Wisconsin to let his report lie on the table so that I may ask unanimous consent for nonconcurrence in the Senate amendments to the sundry civil bill and the appointment of conferees. It is very important that this should be done, as members can see without further explanation.

Mr. CRISP. I object.

Mr. FITHIAN. I object to any unanimous consent.

Mr. CANNON. Well, I want to say to the gentleman from Georgia [Mr. CRISP] that as I understand the gentleman from Texas [Mr. SAYERS], a member of the subcommittee that assisted in the preparation of the sundry civil bill, believes that this action ought to be taken, and so far as I know it is satisfactory. The deficiency bill will be back here, I presume, to-morrow. The legislative bill is on the table.

I am so situated that I shall be upon all these conferences, whoever else may be upon them, and I do not believe there is any time to be lost. I think we shall require almost constant sessions to get through. This is not a labor of love with me, but a labor of necessity, requiring almost constant work without sleep; and it seemed to me proper to submit this proposition.

Mr. CRISP. If my friend will pardon the suggestion, you seem to have had plenty of time to take up and consider other matters instead of the appropriation bills. You gave two days to the subsidy, for instance.

Mr. CANNON. Precisely; but my friend will understand, without my referring further to that, that the subsidy bill was a matter that from a party standpoint was considered. And let that be as it may, whether it was wise or not with the short remaining time of this session, these bills must be settled, or if the gentleman chooses this Congress will close without the appropriations being made. I do not know that I am agonizing about it.

Mr. CRISP. I think we can attend to that to-morrow, and I will object to it to-night.

Mr. CANNON. Then, if in order, I will move to suspend the rules——

Mr. BRECKINRIDGE, of Kentucky. I make the point of order that it has been two or three times presented to the Speaker that there is no quorum present, and nothing is in order until that fact is ascertained.

The SPEAKER *pro tempore*. The motion of the gentleman from Illinois is not in order at this time. The conference report is pending.

Mr. BRECKINRIDGE, of Kentucky. But I make the point of order that nothing can be transacted when there is no quorum present. That point has been made several times, and I suggest that steps should be taken to ascertain the fact.

The SPEAKER *pro tempore*. The last vote disclosed the presence of a quorum.

Mr. CANNON. Well, the best way to ascertain that is to order the yeas and nays upon the motion.

Mr. BRECKINRIDGE, of Kentucky. There is an order for the yeas and nays already pending.

Mr. CASWELL. Will not the gentleman allow a vote on this conference report?

The SPEAKER *pro tempore*. The Chair will state that the pending motion is to concur in the conference report. The gentleman from Ohio has made the point of order that there is no quorum present and the Chair stated that that fact would be determined on the vote on the report.

The question is on the adoption of the report.

The question was taken, and the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. OWENS, of Ohio. I demand a division.

Mr. BUTTERWORTH. Will not my colleague allow me one moment——

Mr. ROGERS. I demand a division. Regular order.

The question was taken; and on a division there were—ayes 96, noes 7.

Mr. FITHIAN. There is no quorum.

Mr. KERR, of Iowa. I move that the House adjourn.

The SPEAKER *pro tempore*. Does the gentleman make the point that there is no quorum present?

Mr. FITHIAN. I do.

Mr. OWENS, of Ohio. I have several times made the point that there is no quorum present.

The SPEAKER *pro tempore*. The Chair will ascertain.

Mr. ROGERS. Regular order.

The SPEAKER *pro tempore* (having counted the House) announced the presence of 123 members; not a quorum.

Mr. CANNON. Now, Mr. Speaker, I hope that we can have unanimous consent, in preference to a call of the House, for a recess until 10 o'clock.

Mr. FITHIAN. I object.

Mr. CANNON. Then say 10.30.

Mr. FITHIAN. I object to that.

Mr. CANNON. A quarter to 11. [Laughter.]

Mr. FITHIAN. I object to that.

Mr. CANNON. Well, five minutes of 11, if it pleases his highness. [Laughter.]

Mr. FITHIAN. No; I object to that.

Mr. KERR, of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 12 o'clock midnight) the House adjourned.

EXECUTIVE AND OTHER COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following communications were taken from the Speaker's table and referred as follows:

RETIRED OFFICERS IN THE CIVIL SERVICE.

Letter from the Secretary of War, transmitting a list of the retired Army officers in the civil service, in reply to House resolution dated February 11, 1891—to the Select Committee on Reform in the Civil Service.

ALTAMAHA RIVER, GEORGIA.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a copy of the report upon the survey of the Altamaha River, Georgia—to the Committee on Rivers and Harbors.

WILLOW SLOUGH.

Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a copy of the report upon the advisability of reopening Willow Slough or some other channel from the Mississippi River to Quincy Bay—to the Committee on Rivers and Harbors.

SAMUEL B. MERRIFIELD VS. THE UNITED STATES.

Letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Samuel B. Merrifield against the United States—to the Committee on War Claims.

MEMORIALS AND RESOLUTIONS OF STATE LEGISLATURES.

Under clause 3 of Rule XXII, the following State memorials and resolutions were presented and referred as follows:

By Mr. HALL: Joint resolution of the Legislature of the State of Minnesota, in favor of a bounty to the First Regiment Minnesota Mounted Rangers—to the Committee on War Claims.

Also, joint resolution of the Legislature of the State of Minnesota, for the relief of John Fiske—to the Committee on Pensions.

Also, joint resolution of the Legislature of the State of Minnesota, in favor of H. R. 582, introduced by Hon. S. E. PAYNE, for a canal around Niagara Falls—to the Committee on Railways and Canals.

By Mr. GEARY: Concurrent resolution of the assembly of the State of California, relative to reserving a reasonable amount of the grazing land of the Round Valley Indian reservation to the Indians of said reservation—to the Committee on Indian Affairs.

Also, concurrent resolution of the senate of the State of California, relative to reinstating troops at Fort Bidwell, Cal.—to the Committee on Military Affairs.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolution was introduced and referred as follows:

By Mr. MCCLAMMY:

Whereas the last session of the Fifty-first Congress is drawing rapidly to a close; and

Whereas the Committee on Rules has ignored the resolution introduced in this House discharging the Committee on Ways and Means from the further consideration of the subtreasury bill, which was referred to that committee early in the first session of this Congress; and

Whereas this contemplated legislation, so paramount in its importance to the farmers throughout the United States, should be considered by the Representatives on the floor of the House:

Be it resolved, That the Committee on Rules be discharged from the further consideration of the resolution and that the Committee on Ways and Means be directed to report the bill to the House for immediate consideration.

Be it further resolved, That night sessions during the remaining days of this session be set apart for the consideration of this bill;

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. DE LANO, from the Committee on Pensions, reported favorably the bill of the House (H. R. 10138) for the relief of Hillel Marks, accompanied by a report (No. 4011)—to the Committee of the Whole House.

Mr. NUTE, from the Committee on Invalid Pensions, reported favorably the bill of the Senate (S. 4944) granting a pension to Maria S.

Whitney, accompanied by a report (No. 4012)—to the Committee of the Whole House.

Mr. SAWYER, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 13702) granting a pension to Levi Paris, accompanied by a report (No. 4013)—to the Committee of the Whole House.

Mr. GROUT, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 9914) to define the route of the Baltimore and Ohio Railroad in the District of Columbia, and for other purposes, reported, as a substitute therefor, a bill (H. R. 13796) to define the route of the Baltimore and Ohio Railroad in the District of Columbia, and for other purposes; which was read twice, and, accompanied by a report (No. 4014), referred to the House Calendar.

Mr. BURTON, from the Committee on the District of Columbia, reported favorably the bill of the House (H. R. 9045) for the establishment of an insurance bureau for the protection of public interests in the District of Columbia, accompanied by a report (No. 4015)—to the Committee of the Whole House on the state of the Union.

Mr. SWENEY, from the Committee on Commerce, reported with amendment the bill of the Senate (S. 4816) establishing a port of delivery at Des Moines, Iowa, accompanied by a report (No. 4016)—to the Committee of the Whole House on the state of the Union.

Mr. BURTON, from the Committee on Claims, reported favorably the bill of the Senate (S. 268) for the relief of William R. Wheaton and Charles H. Chamberlain, of California, accompanied by a report (No. 4017)—to the Committee of the Whole House.

Mr. MORRILL, from the Committee on Invalid Pensions, reported favorably the bill of the Senate (S. 4500) granting a pension to Martha Allen, accompanied by a report (No. 4018)—to the Committee of the Whole House.

Mr. LANSING, from the Committee on Military Affairs, reported with amendment the bill of the House (H. R. 11966) for marking the lines of battle and the positions of troops of the Army of the Potomac and the Army of Northern Virginia at Antietam, Md., and for other purposes, accompanied by a report (No. 4019)—to the Committee of the Whole House on the state of the Union.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, an adverse report was delivered to the Clerk and laid on the table, as follows:

By Mr. MANSUR, from the Committee on Claims, on the bill of the House (H. R. 65) for the relief of Eugene D. Crane. (Report No. 4020.)

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. GREENHALGE (by request): A bill (H. R. 13797) to incorporate the Three Americas Company—to the Committee on Commerce.

By Mr. FEATHERSTON (by request): A bill (H. R. 13798) to increase the volume of money on a real estate and gold and silver basis, and for other purposes—to the Committee on Coinage, Weights, and Measures.

By Mr. LESTER, of Georgia: A bill (H. R. 13861) to authorize the construction of a bridge across the Savannah River—to the Committee on Commerce.

By Mr. CUTCHEON: A bill (H. R. 13862) to amend an act entitled "An act to authorize the President to confer brevet rank on officers of the United States Army for gallant services in Indian campaigns"—to the Committee on Military Affairs.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BIGGS: A bill (H. R. 13799) for the relief of Charles S. Anderson—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13800) for the relief of Mary J. Arnold or other legal representatives of Joseph Hills & Son—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13801) for the relief of Charles W. Hill—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13802) for the relief of the legal representatives of Samuel Lewis—to the Select Committee on Indian Depredation Claims.

By Mr. CAINE: A bill (H. R. 13803) for the relief of Eugene Schoppmann, of Cedar City, Iron County, Utah—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13804) for the relief of Samuel Ware, of Manti, San Pete County, Utah—to the Select Committee on Indian Depredation Claims.

By Mr. CARTER: A bill (H. R. 13805) for the relief of Henry Countryman—to the Select Committee on Indian Depredation Claims.

By Mr. CLARK, of Wyoming: A bill (H. R. 13806) for the relief of T. H. Hopkins—to the Select Committee on Indian Depredation Claims.

By Mr. GEARY: A bill (H. R. 13807) for the relief of John M. Barron—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13808) for the relief of Henry C. Chester—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13809) for the relief of Andrew L. Hall—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13810) for the relief of John Nicholas—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13811) for the relief of John Rice—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13812) for the relief of William Robberts—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13813) for the relief of Mrs. C. White—to the Select Committee on Indian Depredation Claims.

By Mr. GIFFORD: A bill (H. R. 13814) for the relief of Antoine Janis—to the Select Committee on Indian Depredation Claims.

By Mr. GOODNIGHT: A bill (H. R. 13815) for the relief of Harriet Humphrey—to the Select Committee on Indian Depredation Claims.

By Mr. HARE: A bill (H. R. 13816) for the relief of Joseph R. Applewhite—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13817) for the relief of J. J. Lawley—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13818) for the relief of S. G. S. McGarrah—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13819) for the relief of B. F. Paschal—to the Select Committee on Indian Depredation Claims.

By Mr. HERMANN (by request): A bill (H. R. 13820) for the relief of William S. Hancock—to the Committee on Patents.

By Mr. JOSEPH: A bill (H. R. 13821) for the relief of Manuelita Apadaco, of Grant, N. Mex.—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13822) for the relief of Francisco Sanchez y Aragon or other legal representatives of Juan José Sanches Castro, of Las Lunas, N. Mex.—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13823) for the relief of the legal representatives of Rafael Armijo, of Albuquerque, N. Mex.—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13824) for the relief of Aristide Bourguet, of Monticello, N. Mex.—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13825) for the relief of José Chavez, of Las Lunas, N. Mex.—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13826) for the relief of Manuel Alarid y Chavez, of Peralta, N. Mex.—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13827) for the relief of Teodoro Chavez, of Grant, N. Mex.—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13828) for the relief of John W. Ellis, of Hillsborough, N. Mex.—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13829) for the relief of Mrs. P. R. Goodale, of Albuquerque, N. Mex.—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13830) for the relief of Francisco Lucero, of Chaperito, N. Mex.—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13831) for the relief of Fernando Mester, or other legal representatives of Pedro A. Mesher, deceased, of Chamita, N. Mex.—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13832) for the relief of Juan N. Miera, Socorro, N. Mex.—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13833) for the relief of Romola Salazar, of Tome, N. Mex.—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13834) for the relief of the legal representatives of Diego Sanches, of Albuquerque, N. Mex.—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13835) for the relief of M. W. Scott, of Fort Wingate, N. Mex.—to the Select Committee on Indian Depredation Claims.

By Mr. LANHAM (by request): A bill (H. R. 13836) for relief of J. D. Hay—to the Select Committee on Indian Depredation Claims.

Also (by request), a bill (H. R. 13837) for the relief of G. J. Howard—to the Select Committee on Indian Depredation Claims.

Also (by request), a bill (H. R. 13838) for the relief of S. B. Owens—to the Select Committee on Indian Depredation Claims.

Also (by request), a bill (H. R. 13839) for the relief of D. B. Worren—to the Select Committee on Indian Depredation Claims.

By Mr. MORRILL: A bill (H. R. 13840) for the relief of W. A. Peterson—to the Select Committee on Indian Depredation Claims.

By Mr. MORSE: A bill (H. R. 13841) for the relief of John Botts—to the Committee on War Claims.

By Mr. PEEL: A bill (H. R. 13842) for the relief of J. L. Fisher—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13843) for the relief of N. W. Nunnaliy—to the Select Committee on Indian Depredation Claims.

By Mr. SPRINGER: A bill (H. R. 13844) for the relief of Anthony Joseph, of Ojo Caliente, New Mexico—to the Select Committee on Indian Depredation Claims.

By Mr. TOWNSEND, of Colorado: A bill (H. R. 13845) for the relief of M. E. Reid—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13846) for the relief of E. T. Webber—to the Select Committee on Indian Depredation Claims.

By Mr. VANDEVER: A bill (H. R. 13847) for the relief of S. P. Ashcroft—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13848) for the relief of Seymour Ayers—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13849) for the relief of Elisha L. Davis—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13850) for the relief of Thomas J. Hutchison—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13851) for the relief of William Seaton—to the Select Committee on Indian Depredation Claims.

By Mr. WILSON, of Washington: A bill (H. R. 13852) for the relief of James Andrews—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13853) for the relief of John W. Harper—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13854) for the relief of Mooney and Nixon—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13855) for the relief of Peter Riggs—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13856) for the relief of Mrs. Philip Ritz—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13857) for the relief of Audrey S. Smith—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13858) for the relief of James Laughlin—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13859) for the relief of Charles Rhinehart—to the Select Committee on Indian Depredation Claims.

Also, a bill (H. R. 13860) for the relief of Peter Weaver—to the Select Committee on Indian Depredation 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. BUTTERWORTH: A petition of residents of New York, New Jersey, Kentucky, etc., urging the immediate adoption of a resolution reported by the Committee on Foreign Affairs to consider the best methods of extending the trade relations between Canada and the United States—to the Committee on Foreign Affairs.

By Mr. CALDWELL: Two petitions for pension for John Duncan, of Preston, Ohio—to the Committee on Invalid Pensions.

By Mr. COMSTOCK: Petition of citizens of Pelican Rapids, Minn., asking for passage of House bill giving States authority to control sale of oleomargarine—to the Committee on the Judiciary.

By Mr. DE LANO: Petition of Lilla D. Patterson and others, of Hamilton County, New York, praying the application of civil-service rules to Indian affairs—to the Committee on Indian Affairs.

By Mr. DUNNELL: Petition of L. P. Lawson and 20 others, citizens of Minnesota, asking that the States be authorized to control the manufacture and sale of oleomargarine—to the Committee on the Judiciary.

By Mr. FLOWER: Petition of Independent Refiners and Oil Shippers' Association of the United States, of Oil City; also, of the same organization, at Bradford; also, of the same organization, at Warren, Pa., for certain amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. GROSVENOR: Petition of the Independent Oil Refiners, asking for amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. HALL: Resolution of Willmar Alliance, No. 814; also, of citizens of Willmar, Kandiyohi County; also, citizens of Higbert, Swift County, Minnesota, in favor of the passage of the option bill—to the Committee on Agriculture.

By Mr. HERMANN: Memorial of State Board of Commerce, of Salem, Oregon, for improvement of the Upper Willamette River in Oregon; also, memorial of same organization for completion of work on Cascade Canal and locks on the Columbia River, in Oregon, and for continuing of further work at said canal—to the Committee on Rivers and Harbors.

Also, petition to reorganize the United States collection district of Oregon—to the Committee on the Judiciary.

By Mr. HITT: Memorial and resolutions of the Illinois State Federation of Labor, for enforcement of the eight-hour law, anticontract alien-labor law, single-tax plan, and popular election of Senators—to the Committee on Labor.

Also, petition of 320 residents and business firms of Northwestern States, urging resolution for a commission when Canada desires unrestricted reciprocity—to the Committee on Foreign Affairs.

By Mr. KELLEY: Resolutions of Dunlap Post, No. 169, Grand Army of the Republic, Department of Kansas, in favor of giving the ex-soldiers of the Union Army thirty days to enter the Cherokee Strip in advance of the right of others to enter the same when it is finally opened by the Government for settlement—to the Committee on Indian Affairs.

Also, resolutions of many persons and business firms asking for the removal of the restriction of trade between the United States and Canada—to the Committee on Foreign Affairs.

By Mr. LACEY: Petition of the churches of Albia, Iowa, asking that the World's Fair and other exhibitions aided by the Government be closed on Sunday—to the Select Committee on the Quadro-Centennial of the Discovery of America.

By Mr. MILLIKEN: Petition of Board of Trade of Augusta, Me., for breakwater at Lynnhaven Bay, near Cape Henry—to the Committee on Rivers and Harbors.

By Mr. O'DONNELL: Petition of 304 residents of Albion, Mich., praying for the passage of the bill "to prohibit the opening of any exposition or exhibition on Sunday where appropriations of the United States are expended"—to the Select Committee on the Quadro-Centennial of the Discovery of America.

By Mr. O'FERRALL: Petition of William R. Denny, trustee of Braddock Street Methodist Episcopal Church, Winchester, Va., praying that their claim be referred to the Court of Claims under the Bowman act—to the Committee on War Claims.

By Mr. PERKINS: Resolutions of Alliance No. 715, Grant Township, Neosho County, Kansas, praying for legislation for the relief of the agricultural and industrial classes of the country—to the Committee on Banking and Currency.

By Mr. SIMONDS: Protest of the Hartford Board of Trade, against the Conger lard bill—to the Committee on Agriculture.

By Mr. STONE, of Kentucky: Petition of Dent S. Pash, of Nelson County, Kentucky; also, of Isaac M. Bowers, trustee of Cumberland Presbyterian Church, at Charlotte, Tenn., praying for reference of their respective claims to the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

By Mr. STRUBLE: Petition of John Thom and 13 others, citizens of Osceola County; also, resolutions of Ashton Alliance, No. 1996; also, of Farmers' Alliance No. 1939, Iowa, urging the passage of House bill 5353—to the Committee on Agriculture.

By Mr. JOSEPH D. TAYLOR: Petition signed by John H. Morrison and 83 other soldiers of Columbiana County, Ohio, asking for the passage of a bill to give preference to old soldiers in Government positions—to the Select Committee on Reform in the Civil Service.

Also, petition of the Springfield Township Farmers' Alliance, of Jefferson County, Ohio, officially signed, and representing 53 voters, in favor of closing the Columbian Exposition on the Sabbath—to the Select Committee on the Quadro-Centennial of the Discovery of America.

By Mr. VANDEVER: Petition of Murrell Paine, sr., a soldier of the Black Hawk war, for a pension—to the Committee on Pensions.

By Mr. WILSON, of Washington: Petition of 39 citizens of the State of Washington, relative to House bill 5353, defining options—to the Committee on Agriculture.

By Mr. WRIGHT: Memorial of the Grange of Patrons of Husbandry, Susquehanna County; also, of Grange No. 924, of same order, of the same county; also, of Grange No. 967, of the same order, in the same county; also, of Grange of the same order in the same county, No. 940; also, of Grange 898, of the same order, Wayne County, Pennsylvania, in favor of increased volume of currency—to the Committee on Coinage, Weights, and Measures.

SENATE.

SATURDAY, *February* 28, 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.

DEATH OF GENERAL SHERMAN.

The VICE PRESIDENT. The Chair has received a communication from the family of General Sherman, which, with the consent of the Senate, he will read:

No. 75 WEST SEVENTY-FIRST STREET,
New York, February 26, 1891.

Hon. LEVI P. MORTON, *Vice President, Washington, D. C.:*

The family of General Sherman, receiving with profound gratitude the expression of the sympathy of your august body, desire to express their warm appreciation of the exalted honor bestowed by the Senate of the United States upon the memory of their father by your splendid testimonial of condolence.

In behalf of the family.

THOMAS EWING SHERMAN.
P. T. SHERMAN.

ERECTION OF UNITED STATES PRISONS.

Mr. HOAR. I ask unanimous consent to enter a motion to reconsider the vote whereby the Senate passed the bill (H. R. 182) for the erection of United States prisons and for the imprisonment of United States prisoners, and for other purposes.

I desire unanimous consent that the motion may be entered as if made within the two days prescribed by the rules, and that a message