

Also, nine petitions of citizens of the Twenty-eighth Congressional district of Pennsylvania, to restrict immigration—to the Select Committee on Immigration and Naturalization.

Also, two petitions of citizens of Clarion County, Pennsylvania, for increased volume of currency—to the Committee on Coinage, Weights, and Measures.

By Mr. LANGSTON (by request): Petition of United Presbyterian Church of Cannonsburg, Pa., against the World's Fair being open on Sunday—to the Select Committee on the Quadro-Centennial of the Discovery of America.

Also, petition of Catherine S. Pringle and others, praying for payment of Indian depredations—to the Select Committee on Indian Depredation Claims.

By Mr. LAWS: Petitions of 202 citizens of Nebraska, urging passage of House bill 5353—to the Committee on Agriculture.

By Mr. LEE: Petition and papers in claim of William Vandegrift—to the Committee on the Judiciary.

By Mr. LODGE: Petition of Sylvester M. Douglass and 70 others, citizens of the United States, praying for the passage of an effectual immigration law—to the Select Committee on Immigration and Naturalization.

Also, papers to accompany House bill 2125, for the relief of Alfred M. Burnham—to the Committee on War Claims.

By Mr. McCORMICK: Memorial of 750 officers and members of Grange No. 250, of Lycoming County, Pennsylvania, against the demonetization of silver, etc.—to the Committee on Coinage, Weights, and Measures.

By Mr. McRAE: Petition of Powell S. Carson and 20 others, citizens of Hot Springs County, Arkansas, in favor of the Torrey bankrupt bill—to the Committee on the Judiciary.

By Mr. MOREY: Petition of Joseph M. Kennedy, for increase of pension—to the Committee on Invalid Pensions.

Also, papers in the case of John L. Cochnower, for his relief—to the Committee on Military Affairs.

Also, petition of Benjamin D. Lakin, favoring House bill 1346; also, papers relating to bill for the relief of Cuthbertson Small—to the Committee on War Claims.

Also, petition of John L. Ashnorver, to correct his military record; also, papers relating to bill of John G. Kyle, for the same relief—to the Committee on Military Affairs.

Also, petition of Sarah W. Becket, for a pension; also, of Sylvester Haus, for the same relief; also, of John Walters, for bounty—to the Committee on Invalid Pensions.

By Mr. PICKLER: Petition of Woman's Christian Temperance Union, of Aberdeen, S. Dak., asking that no exhibition at World's Fair be held on Sunday—to the Select Committee on the Quadro-Centennial of the Discovery of America.

Also, petition of 32 citizens of Brown County; also, of Farmers' Alliance of McPherson County; also, of 48 citizens of Sanborn County, South Dakota, asking passage of the anti-option bill—to the Committee on Agriculture.

Also, petition of 33 citizens of Aberdeen, S. Dak., asking passage of Torrey bankruptcy bill—to the Committee on the Judiciary.

Also, petition of Young People's Society of Christian Endeavor, against opening the World's Fair on Sunday—to the Select Committee on the Quadro-Centennial of the Discovery of America.

By Mr. REILLY: Memorial of 40 citizens of Philadelphia; also of 95 citizens of Tower City; also of 95 citizens of Palo Alto; also of 145 citizens of Mahanoy City; also of 31 citizens of Valley View; also of 46 citizens of Shenandoah; also of Mahanoy City, Pa., to restrict immigration—to the Select Committee on Immigration and Naturalization.

By Mr. SCULL: Memorial of Grange No. 607, Patrons of Husbandry, Bradford County, Pennsylvania, favoring the passage of an act for the restoration of silver to its constitutional place as a money metal; also, memorial of Grange No. 882, Patrons of Husbandry, Somerset County, Pennsylvania, favoring the restoration of silver to its constitutional place as a money metal—to the Committee on Coinage, Weights, and Measures.

By Mr. SENEY: Petition of C. F. Unger and 60 others, citizens of Crawford County, Ohio, favoring House bill 5353, defining options and futures—to the Committee on Agriculture.

By Mr. SPINOLA: Petition of certain citizens of New York, for application of civil-service law to Indian affairs—to the Committee on Indian Affairs.

By Mr. STAHLNECKER: Petition of postal clerks favoring House bill 8299, for postal clerks in the railway mail service—to the Committee on the Post Office and Post Roads.

Also, petition of Northwestern and other States, favoring appointment of a commission by the President to consider the best method of improving trade relations between the United States and Canada—to the Committee on Foreign Affairs.

Also, petition of oil-refiners, favoring amendment to the interstate-commerce act, so that all fines for violation of the law shall go to the benefit of shippers or producers discriminated against—to the Committee on Commerce.

By Mr. STONE, of Missouri: Petition of W. W. Cullison, for relief—to the Committee on Claims.

By Mr. STRUBLE: Petition of Jacob H. Greenway and 16 others, citizens of Lyon County; also, resolutions of Grout Center Farmers' Alliance, of the same county, Iowa, favoring passage of House bill 5353—to the Committee on Agriculture.

By Mr. SWENEY: Petition of 39 citizens of Clayton County, Iowa, for passage of House bill 5353, defining options and futures; also, resolution of the Alliance of Volgo Valley, Clayton County, Iowa, praying for the passage of House bill 5353, defining options and futures—to the Committee on Agriculture.

By Mr. JOSEPH D. TAYLOR: Petition of Levi Schramm and 100 other soldiers of Bellaire, Ohio, praying for the passage of a bill to insure preference in appointment, employment, and retention therein in the public service of the United States to veterans of the late war—to the Committee on the Judiciary.

By Mr. TOWNSEND, of Pennsylvania: Petition of R. J. George and 236 others, citizens of Beaver County, Pennsylvania, for law against opening exposition at Chicago on Sunday—to the Select Committee on the Quadro-Centennial of the Discovery of America.

Also, petition of 180 citizens of Butler County, Pennsylvania, against opening of exhibitions on Sunday—to the Select Committee on the Quadro-Centennial of the Discovery of America.

By Mr. WHEELER, of Alabama: Petition of Moses Smith, of Lawrence County; also, of Samuel Brock, administrator of Melvina S. Williams, of the same county; also, of Sarah Derrick, of Jackson County; also, of John H. Gillespie, of Franklin County; also, of Milton Williams, of Madison County, Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. WICKHAM: Petition of 90 citizens of Norwich Township, Huron County, Ohio, for passage of House bill 5333, defining options and futures—to the Committee on Agriculture.

By Mr. WILSON, of West Virginia: Petition of Ann Gannon, of Jefferson County, West Virginia, administratrix of Henry Gannon, deceased, for reference of claim to Court of Claims—to the Committee on War Claims.

By Mr. WRIGHT: Memorial of Grange No. 152, Post 15, Susquehanna County, Pennsylvania, in favor of increased circulation—to the Committee on Coinage, Weights, and Measures.

SENATE

TUESDAY, March 3, 1891.

The Senate met at 9 o'clock and 30 minutes a. m.

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

The Secretary proceeded to read the Journal of the proceedings of yesterday, when, on motion of Mr. EDMUNDS, and by unanimous consent, the further reading was dispensed with.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business for a few minutes.

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

SMITHSONIAN INSTITUTION AND NATIONAL MUSEUM REPORT.

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed of the reports of the Smithsonian Institution and of the National Museum for the year ending June 30, 1891, in two octavo volumes, 19,000 extra copies, of which 3,000 copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, 7,000 copies for the use of the Smithsonian Institution, and 3,000 copies for the use of the National Museum.

NORFOLK AND WESTERN, AND WASHINGTON AND CUMBERLAND RAILROADS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4411) to authorize the Norfolk and Western Railroad Company of Virginia, and the Washington and Cumberland Railroad Company of Maryland, to extend their respective lines of road into and within the District of Columbia, and for other purposes.

The VICE PRESIDENT. The amendments of the House of Representatives will be read.

Mr. EDMUNDS. That matter can not be considered now, Mr. President. The bill was ordered to be printed, and I can not find the print.

Mr. DANIEL. It is printed. I ask a page to get a copy of the bill for the Senator from Vermont.

Mr. HALE. Mr. President, I can not consent to anything coming in now to interfere with the appropriation bill.

Mr. EDMUNDS. This is a very important bill.

The VICE PRESIDENT. The regular order is called for, and it will be laid before the Senate.

Mr. DANIEL. I ask that the railroad bill be informally laid aside. I do not wish to delay the bill the Senator from Maine has in charge.

Mr. HALE. The Senator from Vermont has given notice that it can not be considered without debate, and of course the Senator sees the importance of going on with the appropriation bill.

Mr. DANIEL. Certainly.

DEFICIENCY APPROPRIATION BILL.

The Senate resumed the consideration of the bill (H. R. 13658) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes.

The VICE PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole, with the exception of two amendments, which were reserved for a separate vote in the Senate.

Mr. INGALLS. Were not all the amendments reserved?

Mr. EDMUNDS. They were all reserved by the Senator from Nevada [Mr. STEWART].

Mr. STEWART. I suppose further amendments can be moved?

Mr. HALE. Oh, yes.

Mr. STEWART. I will confine my reservation to the amendment inserting the French spoliation claims.

Mr. HALE. That has been already reserved. The French spoliation claims amendment and the railroad claims amendment were reserved, and a motion to be made by the Senator from Kansas [Mr. INGALLS] to strike out the items with reference to the payment of judgments by District street railroads. Let all the amendments be concurred in except those.

Mr. FAULKNER. I ask for a separate vote on the amendment striking out the House clause with reference to the extra month's pay to clerks and employes of the two Houses.

Mr. HALE. Let that also be reserved. The other amendments may be concurred in and the enrolling clerks can go to work on the bill.

The VICE PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole except the four which have been reserved.

Mr. GORMAN. What are they?

Mr. HALE. The French spoliation claims, the railroad claims, the item about two street railroads in the District of Columbia, and the House provision suggested by the Senator from West Virginia.

The VICE PRESIDENT. Is the Senate ready for the question on concurring in the other amendments?

The amendments were concurred in.

Mr. PLUMB. I ask the Senator from Maine to allow me to offer one or two amendments. In the agricultural appropriation bill there were, as the Senator perhaps will remember, one or two small provisions which were stricken out because they were not properly in that bill, not because they were not proper to be passed.

I move to insert at the close of the items for the Agricultural Department what I send to the desk. It is a proposition which was contained in the agricultural appropriation bill as it passed the House of Representatives.

The VICE PRESIDENT. The amendment will be read.

The CHIEF CLERK. On page 53, after line 14, insert:

The accounting officers of the Treasury are hereby authorized and instructed to allow the vouchers of Henry L. Thomas for translating articles on the cultivation of flax, as follows: \$5.25, paid December 20, 1889; \$19.25, paid April 16, and \$8, paid April 26, 1890; aggregating \$62.50.

The amendment was agreed to.

Mr. PLUMB. I move to insert, on page 12, after line 2, at the close of the items in regard to the Territories:

For the relief of the citizens of the Territory of Oklahoma who have been rendered destitute by the unexampled drought of the past season, to be expended as the law of said Territory heretofore enacted provides, \$50,000.

I will state that that was contained in the bill as reported by the House Committee on Appropriations, but the House—

Mr. EDMUNDS. I wish to make an inquiry. I see that the amendment refers to the distribution as the law of the Territory provides. My inquiry is whether there is any law of that Territory which provides for the distribution of funds to destitute people.

Mr. PLUMB. That was passed in view of the law which we passed at the last session of Congress.

Mr. REAGAN. Was there not an appropriation of \$50,000 to supply those people?

Mr. PLUMB. That appropriation was to supply seeds alone.

Mr. HALE. This item was supposed to be in the bill?

Mr. PLUMB. It was reported by the House committee, and went out in the House on a point of order.

Mr. EDMUNDS. I should be glad to understand a little more distinctly what is the law of Oklahoma Territory respecting the distribution of funds to the destitute.

Mr. PLUMB. I do not know what the law is, but when we passed, as we did at the last session of Congress, a joint resolution appropriating what remained of the sum which we had appropriated for the States of Ohio and Indiana, there was about \$50,000 left, and we appropriated that, and provided that it should be distributed according to the law to be passed by the Legislative Assembly of Oklahoma. A law was passed there providing for the distribution under the auspices

of the governor, in connection with the board; and this system refers to that provision which was enacted with a view to the other donation.

Mr. EDMUNDS. Then I understand that there is a law?

Mr. PLUMB. There is a law.

Mr. HALE. The method of distribution was discussed at that time and this was adopted?

Mr. PLUMB. Yes.

The VICE PRESIDENT. The question is on the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. PLUMB. At the last session of Congress a resolution was passed by the Senate in view of certain representations that were made in regard to the manner in which the State of California was taking care, or rather not taking care of the Yosemite Park, authorizing the Secretary of the Interior to make an investigation in regard to the way in which the trust reposed in the State of California was being carried out.

The Secretary has made a report, that has not been printed because it was quite voluminous and not deemed necessary for present action, first, by reason of the fact that there was not time for legislation, and secondly because the investigation was not finished. At the request of the Secretary of the Interior a resolution has already been passed continuing that investigation. I have in my hand a letter by the Secretary, which accompanies the testimony, in which he says among other things that there has been a very general destruction of the timber, some of which has been done by fire, some of which has been occasioned by its being taken for fuel, and in view of pre-empting the land for pasture, and so on, the papers showing that up to the present time the law in regard to the care and preservation of the Yosemite Park as a national park has not been properly complied with.

At the request of the Secretary a resolution has been adopted at the present session of Congress authorizing that investigation to be continued, and I want to add at the close of the item for the Department of the Interior a paragraph in order to enable him to continue that investigation with a view of determining the relations which the United States sustain to the Yosemite Park and the manner in which the trust imposed on the State of California is carried out. That will come in on page 48, between lines 18 and 19.

The VICE PRESIDENT. The amendment will be reported.

The CHIEF CLERK. On page 48, after line 18, insert:

To enable the Secretary of the Interior to continue the investigation of affairs relating to the Yosemite Park, authorized by Senate resolution, \$2,000.

The amendment was agreed to.

Mr. PLUMB. Now, I should like the attention of the Senator from Vermont [Mr. EDMUNDS] for a moment. Some days since I offered first to the legislative appropriation bill and afterwards to the deficiency appropriation bill a provision found on page 122, as section 5, in regard to the employment of persons now in the service of the Census Bureau. During my absence from the Senate last night the amendment came up and I understand a point of order was made by the Senator from Vermont on that amendment. I should like to ask him, in the first place, whether he objects to the amendment as it now stands alone or whether it might be amended in such a way as to meet his views.

I do not question the propriety of the decision which was made that the amendment was not in order, but I ask him whether he would not be willing to have a vote taken on the amendment in some shape to ascertain what the view of the Senate may be upon the propriety of some transfer of Census employes to other Departments of the Government as from time to time they may be called for under the discretion of the heads of the different Departments.

If the Senate will indulge me, I do not understand that this amendment was offered with a view of in any way touching upon what is called civil-service reform, unless civil-service reform means something else besides getting the very best men into the Government service, and practically without that scramble which is supposed to be the accompaniment of political appointments. In saying that, I want to say, as I have said heretofore, with, I think, as much candor as has usually been observed in regard to matters of this kind, that I do not believe in an entirely partisan service with reference to the clerkships and minor places. On the contrary, if I had my way, I would have the service fashioned something upon the basis of appointments at West Point, whereby there might be a division which would correspond as nearly as possible to the political opinion of the United States as from time to time expressed, and in which merit alone within these limits, as at West Point, should be the determining factor as to appointments.

In addition to this, of course, if I were to go into this subject at any considerable length, I should say that the policy of keeping people in office always, until such time as we were under more or less of a necessity or would feel constrained to employ them beyond the period when their employment was useful to the Government, or to give them otherwise civil-service pensions, is not to my notion. I believe, on the contrary, in constantly adding to and renewing the service from the active and the forceful young people, men and women, of the United States, and having them, after a comparatively brief period of service, while still fit for something else, to go outside.

Here are a body of men who have been employed usefully in the Gov-

ernment service in the matter pertaining to the Eleventh Census, and it seems hard to turn those people out and to send them away just at the time when their efficiency is the greatest, not because they are not needed, but because we want to put somebody else in their places.

Of course I do not seek to in any way avoid the consequences of a point of order if the Senator should repeat it, but I want to see if there is not some basis for it somewhere which may be made use of in such a way that we can get a vote on this proposition rather than to have it go out in this incidental manner.

Mr. EDMUNDS. I shall feel bound, Mr. President, to insist on the point of order, because, as everybody agrees, the amendment is clear and pure legislation; and it so involves the question of the present civil-service law that I do not think it ought to be considered on an appropriation bill the last day of the session. It ought to be considered by itself. Even in the modified way that the committee has reported this amendment, it appears to me to impinge directly upon the principles and the practice under the general civil-service law.

As to these census people, there are, I suppose, the full share from Vermont, though I do not know about that. I have been asked about some of them. I have never recommended anybody, but I have replied when I have been asked. I assume that they have been distributed around among the States.

Mr. PLUMB. The Senator will observe that the last clause in the amendment provides that the appointments made under it shall not be so made as to violate the civil-service law.

Mr. EDMUNDS. I understand that. I was only stating this as a prelude to the real point, which is that these people get into census employment at the special instance of particular persons favored by Congressmen. I think I have received two letters from the Superintendent of the Census, which I suppose illustrate all, asking me to suggest the name of somebody from Vermont for a particular kind of work in the office; and again I believe when there was a candidate from Vermont I was asked what I knew about the character and capacity of that person. That is to say, it has been what is called "influence." I do not use that in any sense as implying that influence is not a good thing, but they have come in because particular support has been received from Senators and Members of the House of Representatives and other influential people, while other worthy persons in the State of Vermont, who perhaps would have stood higher upon a general examination if they had been examined under the regular civil-service law, and near the top, were left to wait.

Therefore these people now employed have not come in on a competition or a selection from the three highest as the general people in the civil service are selected; and I do not want for one to be a party to letting these people get into the general and permanent service of the Government in this indirect way through special examinations for the fitness for census work and thus to keep out an equal number of people who perhaps have been waiting for a year or two, who are found clear up at the top of the list and who are just as worthy.

That is my objection. I do not want to go into it at large, because everybody understands it is an important subject, and it is purely a legislative subject. I am sorry, therefore, to feel obliged to make the point of order against the amendment.

Mr. PLUMB. I do not question the propriety of the Senator's action. I only wanted to see if there was not some basis of accord by which his informal objection as to the point of order might be waived. But I wish to call the Senator's attention to the fact that these are not people who have been examined by the Census Bureau merely; they are people who have been examined by the Civil Service Commission, but who have had the misfortune to be employed in the Census Office during the period of time when by the operation of the civil-service rules they will be incontinently dropped out.

Mr. EDMUNDS. But they were not taken from the three highest. They have been taken from clear down to a standing just above the bottom of eligibility, at zero, 70, or whatever it is, where there would be thirty persons above my friend from Kansas, for instance, who had stood a civil-service examination and had just got over the margin into the eligible list. He is my particular friend, and I pick him out to do the work in the Census Office, and leave twenty-nine other Vermonters who stood higher than he did to stay at home and teach school or whatever.

Now, I do not think it right for me, if I have done the others an injustice in taking him for one year, to do them a permanent injustice in putting him above them.

Mr. PLUMB. As the Senator is aware, this is a shifting line anyway. After the expiration of twelve months they are all dropped. It is a fact that more than ten times as many persons have now passed the examination as can by any possibility be drawn in during twelve months, the probationary period. The consequence is that the chance of any one of these people being drawn into the service is about like drawing a prize in the late Louisiana lottery, which was not very great, I understand.

I want to say one other thing and then I am done. If the Senator or anybody else supposes that the Civil Service Commission is run without fear, favor, or affection, he is entirely mistaken. I believe it can be shown that favoritism of the grossest possible character is practiced.

The Senator from Nevada [Mr. STEWART] says to me that that is the rule, not the exception. I will not state that it is the rule, but I have information, which seems to me to be conclusive upon that point, that a system of back-scratching and of underhanded work, whereby persons are picked out for selection, is carried on in that commission, with or without the knowledge of the commission. Of course it often happens that the butler of the house as well as the proprietor dispenses the food, and so on; and I have no doubt that that is the case there to-day.

Mr. EDMUNDS. Then it ought to be punished.

Mr. PLUMB. So it ought; but it is inseparable from that kind of autocracy which has been built up under the shelter of the civil-service law, and which makes the people who run it absolutely free from any criticism or any feature or phase of public opinion. So they are above and beyond not only the President of the United States, but almost the Constitution itself; and it is run in a way, in my judgment, calculated to break down this system of civil-service reform, about which I do not myself so much care, except that I do not want to have the breaking of it down (because it may become finally offensive enough to the nostrils of the American people) result in the restoration of any former condition of things under which all these places were scrambled for as prizes of politics.

Mr. HALE. I ask that the first reserved amendment be reported.

Mr. TURPIE. I wish to offer an amendment to the bill.

Mr. EDMUNDS. Let us go on with the reserved amendments.

Mr. HALE. Yes; let us go on with the reserved amendments.

Mr. TURPIE. Shall I then have an opportunity to offer my amendment?

Mr. HALE. The Senator will have an opportunity, of course. Let us go on with the reserved amendment that was agreed to last night.

The VICE PRESIDENT. The first reserved amendment will be reported.

The CHIEF CLERK. On page 14, after line 21, the Senate as in Committee of the Whole inserted the following:

Payment to the Pacific railroads: The Secretary of the Treasury is hereby authorized and directed to cause a careful examination to be made of the claims heretofore reported to Congress for services performed for the Government by the several Pacific railroads, their branches and leased lines, as set forth and described in House Executive Documents numbered 71 and 122, and Senate Executive Documents numbered 132 and 133, Fiftieth Congress, second session; House Executive Documents numbered 114, 174, and 394, and Senate Executive Documents numbered 210 and 211, Fifty-first Congress, first session; and House Executive Documents numbered 167 and 171, Fifty-first Congress, second session, and upon ascertainment of the amounts respectively due for services over the aided and nonaided or leased lines of said roads to pay the same out of any money in the Treasury not otherwise appropriated; the amounts due for services over the aided lines to be paid into the Treasury on account of the indebtedness of said Pacific roads, as now required by law, and the amounts due for services over the nonaided or leased lines to be paid to the respective companies by whom the services were rendered, care being taken that the several amounts found upon such examination to be due and payable shall not include any claims that have been or may be included in any judgment obtained against the Government for like services rendered by either of the roads specified in the executive documents to which reference is made herein.

Mr. MCPHERSON. Last evening I gave notice of my intention to ask for a separate vote on this proposition. Unless some other Senator has asked for it I do not wish to press my request—

Mr. HALE. I was going to suggest—

Mr. MCPHERSON. Because of the fact, if the Senator will pardon me for a moment, that I understand this is for service upon nonaided roads, and therefore I see no reason why it should not be put in the bill.

Mr. HALE. There are in one or two other places in the bill like items that were reserved; and I ask that the vote be taken upon concurring in all of them, as they cover the same point. I am willing that the vote be taken now.

Mr. SHERMAN. I think each amendment ought to stand upon its own bottom. We have this amendment up now; and I think we ought to vote upon each amendment reserved separately.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole, inserting certain words on page 14, after line 21.

The amendment was concurred in.

The VICE PRESIDENT. The next reserved amendment will be stated.

The CHIEF CLERK. On page 22, after line 24, it is proposed by Mr. INGALLS to strike out the text of the bill down to and including the word "determine," in line 2, on page 24.

Mr. HALE. After consultation with the Senator from Kansas [Mr. INGALLS], I ask that that stand for the present and that the Senate proceed to the amendment relating to the French spoliation claims.

The VICE PRESIDENT. That course will be pursued, if there be no objection. The amendment will be stated.

The CHIEF CLERK. Beginning at the top of page 92, insert as section 4, down to and including line 19, on page 122.

The VICE PRESIDENT. The amendment has been read.

Mr. EDMUNDS. Is that the French spoliation claims amendment?

Mr. HALE. That is the French spoliation claims amendment.

Mr. EDMUNDS. I make the point of order that every one of those items is purely a private claim about which Congress has authorized an inquiry to be made; and we have a report on each one by itself; and

the amendment has no business in a deficiency bill or any other general appropriation bill.

Mr. HALE. This question has been raised before. I have here the CONGRESSIONAL RECORD of March 3, 1887, where the same point was made and discussed, and the Chair ruled that under the rules of the Senate the amendments were in order. Since then it has always been ruled to that effect. I do not need to go into the arguments for it, because I cite the precedent. The rules are very clear.

At this session, in addition to what has been done before, the Committee on Appropriations put on the items themselves. Besides, the Committee on Claims has carefully investigated the subject and reported the items as an amendment to the deficiency bill, and the Committee on Appropriations has completed the amendment and put it on the bill. In addition to the authority that was given to these items before, there is the authority of the Committee on Claims of the Senate, which has adopted them.

Mr. STEWART. I should like to inquire of the Senator if this is a judgment against the Government of the United States in the ordinary sense, or is it a mere finding of fact by the Court of Claims, to be subsequently reviewed by Congress?

Mr. HALE. Congress undoubtedly and the Senate here undoubtedly can reject these items, but the act is clear giving authority to the court to examine all circumstances and facts and to find the amount due to the individuals. Of course Congress has the supervision afterwards in appropriating the money; but that these items are of the ordinary kind of claims that have not been adjudicated upon, nobody contends. They are judgments of the court, clear, distinctive, and specific, each one of them, and the appropriation is made to carry out the judgment.

I do not spend much time, Mr. President, upon these considerations, because the Senate has had these same questions before it time and again, and has always adopted these claims by a very large majority; and at this hour of the session, with so many other appropriations that must come before the Senate upon conference reports and otherwise, I will not take any more time.

Mr. STEWART. Is there a report of the Committee on Claims reviewing the various items?

Mr. HALE. The Committee on Claims has made a very exhaustive and complete report, has gone over all these claims, has examined to see if they are the identical ones that judgments have been rendered upon, and has approved these claims in terms and specifically.

Mr. FRYE. And the House Committee on Claims also.

Mr. STEWART. I should like to hear from the chairman of the Committee on Claims in regard to these claims. It is a very important matter.

Mr. HALE. The report from the Committee on Claims was presented by the Senator from Delaware [Mr. HIGGINS].

Mr. STEWART. The chairman is undoubtedly conversant with the subject.

Mr. HAWLEY. I can state that. I hold the report of the Committee on Claims in my hand. It is a report of 68 pages.

Mr. STEWART. I have not time to read it.

Mr. HAWLEY. I do not propose to read it, but it considers the question systematically, thoroughly, and in a manner that a first-rate lawyer would. It is Report No. 2320 of the present session:

By the act of January 20, 1885, these claims were referred to the Court of Claims, with the following direction:

"Sec. 3. That the court shall examine and determine the validity and amount of all the claims included within the description above mentioned, together with their present ownership, and, if by assignee, the date of the assignment, with the consideration paid therefor."

There is more of the act of Congress, but that is the chief section.

Mr. EDMUNDS. It is very queer that I can not find that law.

The VICE PRESIDENT. The Chair is prepared to rule on the point of order raised by the Senator from Vermont. In view of the previous action of the Senate the Chair holds that the point of order is not well taken. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. EDMUNDS. I am not ready yet, Mr. President, to vote. I want to find the act, if I can, in the first place.

Mr. REAGAN. Mr. President, while the Senator is looking for the act I want to say that this section of the bill is an illustration of the idea that generations may come and generations may go, but the lobbyist and the claim agent live on forever. There are claims coming up a hundred years old. The people who originally had them have been dead for generations, but still the thing goes on from time to time, and I presume nobody is interested in these claims now but lawyers and claim agents. The claims ought not to be allowed.

Mr. HOAR. Mr. President, justice lives more than one generation in this world. Honor is permanent; the public faith of the Government is permanent; and if ever there were anything to which justice, honor, and the public faith of the Government have been pledged, the payment of these claims, as declared by the great statesmen of this country ever since the claims arose, including the great statesmen and leaders of the South, the Democracy, has been pledged.

Mr. REAGAN. Mr. President, all I desire to say is that it does not

seem to me that a claim which involves the honor and justice of the United States could stand unadjusted for a hundred years.

Mr. PLATT. Mr. President, I want to say one word in reply to the suggestion of the Senator from Texas that these claims have generally passed out of the hands of the parties who originally made them against the Government. There are a good many of these claims in Connecticut. So far as I know the claims have been preserved in the families and by the descendants of the parties as thoroughly and religiously as they would have preserved any of the property of their ancestors. I do not believe that one in ten or one in twenty of these claims in Connecticut has in any way passed into the hands of assignees.

Mr. FRYE. I simply want to ask a single question of the Senator from Connecticut. Is he innocent enough to suppose that the Senator from Texas knew of one single claim in the hands of an attorney?

Mr. PLATT. He made that statement.

Mr. FRYE. But I did not suppose the Senator from Connecticut had the remotest idea that he thought so.

Mr. SHERMAN. Mr. President, these claims have been the subject of discussion for now about seventy years. For nearly twenty or thirty years after these claims arose they were never presented to the Government of the United States. According to the record, as I understand it, these claims were not presented for many years after they were alleged to have accrued, growing out of the treaty of 1801, but they grew in strength as time progressed. During any ordinary period of a statute of limitations, even for the occupation of lands, twenty-one years, the claims were not presented. Then they were gradually presented and grew in favor, and they were discussed from time to time.

It so happened that when I became a member of Congress a good many years ago, as a member of the Committee on Foreign Relations these claims were put in my hands for examination. I did examine them with every desire to find a ground upon which to base them. The descendants of some of the claimants were then living in Ohio. I did it conscientiously, and I came to the conclusion that there was neither legal nor moral obligation in these claims. I afterwards discussed the matter in the Senate of the United States. I have always entertained that opinion. I have not gone over the subject lately, because I believe that the judgment at which I arrived then was arrived at after reading all the arguments on both sides, among them the very able and strong speeches made by Webster, Silas Wright, and others in favor of the claims, and other strong speeches against them. I think they were passed at one time—

Mr. FRYE. Twice.

Mr. SHERMAN. And vetoed.

Mr. FRYE. On very weak grounds.

Mr. SHERMAN. On the contrary, I think that the policy of the Government of the United States in the time of Washington to avoid entangling alliances with the warring powers in Europe was adopted in favor of the commercial classes. They made greater profits during that period when they suffered these depredations than at any time before or since, taking the balance. No doubt that policy was in their favor, notwithstanding they met with heavy losses by the depredations of the French and also by the depredations of the English; still, on the whole, the policy adopted was in their interest.

For these reasons I came to the conclusion that there was no legal claim, no moral claim; and therefore I have contented myself, without much debate in regard to the matter, by voting against them, and I shall do so now. That is the impression I have formed, and my opinions have not varied in the discussion that has been had since that time.

Mr. FRYE. Mr. President, I reported the bill from the Committee on Claims which is now a law touching these spoliation matters, and before I did it I took occasion, of course, to investigate the subject as thoroughly as I could. The Senator from Ohio is mistaken in saying that these claims were never presented to Congress before the time he states. They were presented a long while before.

Mr. SHERMAN. When?

Mr. FRYE. Before the Senator states.

Mr. SHERMAN. I stated that they were presented about twenty years after the transactions occurred.

Mr. FRYE. They were presented immediately afterwards. The Senator will find it is true. He has forgotten. He has not made this examination for a great many years himself.

Mr. President, here is one singular fact. I have no doubt there have been forty committees in the last seventy years to which this subject has been committed, and nine committees out of ten, after examination, have reported favorably a bill to pay these claims.

Mr. HOAR. Will the Senator allow me to make one suggestion right there in aid of his statement? On the occasion to which my honorable friend from Ohio refers, where he so earnestly resisted the passage of the bill, after full debate he received no vote but his own in the Senate.

Mr. FRYE. That is as many votes as a proposition not to pay them ought to receive.

Mr. SHERMAN. Why, the measure was defeated.

Mr. BLAIR. I should like to say, in regard to the date, that as

early as 1807 a report was made by Marion, the son of General Marion, of South Carolina, in support of these claims.

Mr. SHERMAN. Mr. President, this matter was—

Mr. FRYE. I thought I had the floor.

Mr. SHERMAN. With the consent of the Senator—

The VICE PRESIDENT. Does the Senator from Maine yield?

Mr. SHERMAN. The Senator from Massachusetts thrust in a remark that has, it seems to me, no foundation, because I remember herein in the Senate, at a time when these claims were debated thoroughly and my then colleague, Judge Thurman, and myself took ground against the claims, they were beaten on a vote. I forget in what year that was, but I remember it as distinctly as any other circumstance. The then Senator from Pennsylvania, Mr. Simon Cameron, who was chairman of the Committee on Foreign Relations, withdrew the report from the consideration of the Senate.

The reason why adverse reports have not been made against these claims is because they were for years under the control of one man in this city, who regularly presented them, and whenever an adverse conclusion of a committee was reached the matter was dropped and continued over. So in that way they have been continued year in and year out.

Mr. FRYE. What is the evidence, I will ask the Senator from Ohio, of the statement that because one man held the claims in his charge as attorney in the city of Washington, he succeeded in preventing committees from making adverse reports? I should like to know the authority for that statement.

Mr. SHERMAN. It was a public fact, well known, that this gentleman—I have forgotten his name now; he is dead—was here as the agent of these claims, and that whenever an adverse conclusion was arrived at the claim was simply abandoned for that session; it was put over by the friends of the bill.

Mr. HOAR. All I wish to say is that the time I speak of is the time when the bill reported by my honorable friend from Maine passed and became a law. That was resisted by the Senator from Ohio. There was a full discussion, and the Senator from Ohio received no vote against the bill but his own.

Mr. SHERMAN. I remember the reason for that. There was no yea-and-nay vote taken. But that was a mere reference to the Court of Claims for the purpose of ascertaining the facts in regard to these particular claims. The Senator says I resisted that proposition. So I did, but as a matter of course a measure referring a claim for examination to the Court of Claims passes here *nem. con.* often without regard to its merits. We all know that. We do not deny that relief to any claimant whatever.

Mr. FRYE. Mr. President, I surrender the floor. I shall not try to make a speech. I do not mean to say that I surrender my views, but if I can not be permitted to go on without having other speeches interjected into mine I do not care to proceed.

Mr. HALE. The five-minute rule is in operation?

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

Mr. EDMUNDS. I did not understand that there was any agreement, as to these French spoliation claims, that that amendment should be brought within the five-minute rule.

Mr. HALE. There was no exception made when I asked for unanimous consent last evening. When I asked it the first time it was objected to. When I asked it the second time it was agreed to unanimously by the Senate, and there was no reservation.

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

Mr. EDMUNDS. Very well. Mr. President, I think I can say all that is of any use for me to say, within the five minutes.

The treaty under which these French spoliation claims are reported was made as far back as the year 1803, and it provided that—

The debts due by France to citizens of the United States, contracted before the 8th of Vendémiaire, ninth year of the French Republic (30th September, 1800), shall be paid according to the following regulations—

Then it gives the regulations.

The debts provided for by the preceding article are those whose result is comprised in the conjectural note annexed to the present convention, and which, with the interest, can not exceed the sum of twenty millions of francs. The claims comprised in the said note, which fall within the exceptions of the following articles, shall not be admitted to the benefit of this provision.

Then it says that they embrace prizes made at sea, embargoes in which the petition has been properly lodged within the time mentioned in said convention, that is, the 30th of September, 1800. There must have been a petition. Then it provides:

The preceding articles shall apply only, first, to captures of which the council of prizes shall have ordered restitution, it being well understood that the claimant can not have recourse to the United States otherwise than he might have had to the Government of the French Republic, and only in case of insufficiency of the captors—

The preceding treaty arrangement being that these privateers and letters-of-marque people, etc., were not to go out except they gave a bond, and if they made an illegal seizure, when it was brought into the prize court the bond should make good the illegality.

When this arrangement was made, it was provided that nobody should be entitled to anything that the United States was to pay who did not fall within a great variety of limitations of the strongest character against it.

I looked last night into the report of the Court of Claims in a number of these cases. I had not time to go through them all. I found several where, on the statement of the court itself, they did not pay the slightest attention to the limitations of that treaty, but treated themselves merely as a committee of Congress, and went far outside the act of Congress in its limitations in reporting everything that was sent before them.

Therefore, in this lump amendment of this mass of private and speculative claims I have no doubt that there are scores which are absolutely condemned by the treaty itself and limited by the law; and we are called upon in five minutes to jump them on an appropriation bill.

I ask for the yeas and nays on concurring in the amendment.

The yeas and nays were ordered.

Mr. EVARTS. Mr. President, the situation for the action of the Senate may be easily presented within the five-minute rule.

Nothing is clearer historically than that the losses which our merchants had suffered from illegal spoliation of the French were claims that this Government was bound to present against France and to insist upon this indemnity to the extent even of war. By a fortunate concurrence of circumstances the great Louisiana purchase was offered to us from the necessity of Napoleon for money and his aversion to England's acquiring this great possession, which France could not prevent England from enforcing against her if it undertook that military occupation.

Our Government was feeble in its finances; Napoleon's need was of money; and these cash obligations of France were needed by our Government to make up the trivial sum for which we purchased Louisiana. It was, as I think, a taking of private property for public uses when these debts of our citizens were thus used for a public purchase.

Was the purchase a good one? Who has anything to say on that subject? Whose money paid for it? The money of these merchants who had kept up trade and paid our revenues also in time of war when the two great powers swept the ocean.

The Senator from Ohio says it is not a legal claim. What does the Senator mean by a legal claim? If Napoleon had been justiciable the suit would have gone against him. If the United States had been justiciable after the transaction, then the United States would have been liable to these claimants.

Now, as to the transmission, I have as good an opportunity as any one to know on this point; and so far as I have heard and know of French spoliations represented in the city or State of New York, they are in the old possessions and have come to the present representatives of them. They were not a very marketable commodity after the United States had repudiated them, and they remained by necessity in the old chests and trunks where they were placed by the original sufferers.

Mr. STEWART. Mr. President, I commenced to make an inquiry of the chairman of the Committee on Claims, and I wish to renew that inquiry. I was interrupted, and he did not have an opportunity of replying. I call his attention to the last section of the act under which these claims were referred to the Court of Claims as a basis of my inquiry:

SEC. 6. That on the first Monday of December in each year the court shall report to Congress, for final action, the facts found by it, and its conclusions in all cases which it has disposed of and not previously reported. Such finding and report of the court shall be taken to be merely advisory as to the law and facts found, and shall not conclude either the claimant or Congress; and all claims not finally presented to said court within the period of two years limited by this act shall be forever barred; and nothing in this act shall be construed as committing the United States to the payment of any such claims.

Now, that being the language of the law under which they were referred, I differ with the Senator from Maine as to their having the ordinary character of judgments. They have no such character. We have merely findings of fact to be submitted to the consideration of Congress. I should like to learn from the chairman of the Committee on Claims what attention has been given to these claims, and what information he can give to the Senate on the subject of the duty of Congress to pay them. The duty of course rests upon the action of the Committee on Claims, and not upon the court. The court simply found the facts, and it was expressly declared that it should not have the ordinary effect of a judgment, that it should not commit the United States to anything. The propriety of passing the law rests solely upon the action of the committees of Congress who investigated it. I should like to hear from the chairman of the Committee on Claims in regard to this matter.

Mr. SPOONER. Mr. President, these claims ought to have gone to the Committee on Claims. I think at one time they went to the Committee on Foreign Relations, and probably the most exhaustive report that has ever been made upon these claims was the one made by Mr. Sumner. They went afterwards to the Committee on Claims, and I remember the Senator from Maine [Mr. FRYE], then a member of that committee, reported them and adopted the report which had been made by Mr. Sumner, adding some considerations of his own to that report.

Since I have been a member of the Senate these claims have never been sent to the Committee on Claims, to my knowledge, until within the last month. They have been sent to the Committee on Appropriations, and I believe they have been reported favorably by that com-

mitted several times and voted by the Senate into an appropriation bill.

The Senator from Massachusetts, I think, introduced a bill within a month or six weeks and asked its reference to the Committee on Claims, to which I objected upon the ground that the claims had been constantly kept before another committee which had reported them favorably, presumably upon adequate investigation, and it was entirely unfair that this great body of claims should be referred to the Committee on Claims near the end of a session with the expectation either that they could investigate them or that they would report them without investigation in order to make it in order to offer them as an amendment to an appropriation bill.

Mr. BUTLER. May I inquire of the Senator what he means by a reference of these claims to the Committee on Claims? Does he refer to the report of the Court of Claims on the claims originally?

Mr. SPOONER. Any of these claims in any way, either as original claims or as reported upon by the Court of Claims.

Mr. EDMUNDS. The subject?

Mr. SPOONER. The subject.

Mr. COCKRELL. Did I understand the Senator to say that this class of claims never had been before the Committee on Claims?

Mr. SPOONER. I say that the French spoliation claims have not until within a month been before the Committee on Claims since I have been a member of the committee.

Mr. COCKRELL. The bill by which they were referred to the Court of Claims originated in the Committee on Claims.

Mr. SPOONER. That was not done since I have been a member of the committee.

Mr. COCKRELL. But I say that bill came from the Committee on Claims.

Mr. SPOONER. I said the claims had once been referred to that committee.

These claims were referred to the Committee on Claims a short time ago, and a vote was taken in the committee on reporting them back with the recommendation that they be referred to the Committee on Appropriations. The majority of the committee voted in favor of that proposition. I was not in favor of it myself. I did not consider the merits of the claims; I made no investigation of the testimony, and I think no member of the committee did, upon which the findings of the Court of Claims are based; but I was not satisfied that the persons who are named here as the beneficiaries, administrators and all that, were entitled to have these appropriations made to them. I thought there were one or two cases in which the testimony showed that an administrator did not know of any living *cestui que trust*. So I voted, without any reference to the merits of the spoliation claims, against their being put on the appropriation bill on the report of that committee. A majority of the committee, however, directed them to be reported favorably, and the amendment was sent to the Committee on Appropriations.

Mr. HOAR. Mr. President, I do not wish to enter upon a general discussion of this measure at this time. I want to cite just one authority. John Marshall was one of the plenipotentiaries who attempted to secure the payment of these claims from France when they were afterwards set off against the claims of France upon the United States. He was afterwards Secretary of State and countersigned and probably wrote the proclamation of President Adams announcing the adoption of this convention. John Marshall said, in conversation with Mr. Preston, of South Carolina, that having been connected with the events of the period and conversant with the circumstances under which the claims arose, he was from his own knowledge satisfied that there was the strongest obligation on the Government to compensate the sufferers by the French spoliations.

Mr. Benjamin Watkins Leigh, a gentleman whose name has not been quite so famous as some of the other honored men of that illustrious Commonwealth, but a man whose qualities as a statesman and a gentleman entitled him to be reckoned as the peer of the proudest name that Virginia ever gave to the public service, testifies that Chief Justice Marshall told him that the United States ought to make this payment. This testimony made a particular impression upon Mr. Leigh because he had been unfavorable to the claims.

Now, the Senator from Ohio says that they were not heard of for twenty years and more after they accrued. They were reported to the House of Representatives by Mr. Giles, of Virginia, in 1802; they were brought into the House of Representatives on petition within forty-six days after the promulgation of the convention of 1800; and they have had ever since the support of the great lawyers and statesmen of this country of all parties and of all sections, North, South, East, and West.

Mr. SHERMAN. When did they first pass?

Mr. HOAR. I am not talking about that, but the Senator says they were not heard of or presented and the claim was not made for twenty years. I am dealing with that statement and not with something else.

Now, Mr. President, all the great statesmen except my friend from Ohio—

Mr. FRYE. They were reported in 1807 favorably.

Mr. BLAIR. By the son of General Marion.

Mr. HOAR. Yes, that was the case, as the Senator says.

The Senator from Ohio has suggested that these claims are not in the possession of the families of the original claimants. The Senator from New York [Mr. EVARTS] has stated what his knowledge is on that subject in regard to the claims from New York. I will state mine in regard to the claims from Massachusetts—that I recognize the names in the amendment as the names of old merchants and honored families engaged in trade, Peter C. Brooks, and old Billy Gray, as we used to call him, the great Democratic lieutenant governor of Massachusetts. I attended the funeral of a gentleman in straitened circumstances last Sunday in this city who was getting his living as a clerk in a very humble place, whose only property of any account was one of these claims which came to him from his grandfather, and which he had prosecuted himself without the aid of any attorney whatever.

I do not believe you can find any considerable number of them that have been sold, that have been passed into the possession of claim agents or prosecuted on any sort of speculation. Mr. William Gray, who has been a representative of a large portion of them, a worthy and eminent gentleman in Boston, retired from active business, has had, I suppose, more to do with their prosecution than anybody else. Some of the States, as the Senator from Connecticut [Mr. PLATT] reminds me, have appointed agents.

There is but one thing reasonable that any human being can state why these claims should not be paid that I have ever heard of, and that is that there has not been a day since they accrued that the United States ought to have paid them.

The VICE PRESIDENT. The Senator's time has expired.

Mr. DANIEL. I do not rise, Mr. President, for the purpose of antagonizing these claims. On the contrary, I believe them to be just, and think they ought to be paid; but I should like to have a distinct understanding of the status which they occupy before the Senate. The Senator from Vermont [Mr. EDMUNDS], I understand, makes the point of order that they are now in the form of an amendment to a general appropriation bill, and therefore not in this wise in order. The Senator from Maine, who is of course very familiar with the parliamentary law which controls amendments to appropriation bills, replies that they have been reported favorably by the Committee on Claims, and are therefore in order.

Mr. HALE. The Chair has decided the point also that they are in order. The decision has been made.

Mr. DANIEL. I was not aware that the Chair had passed upon that question.

Mr. HALE. It has been passed upon.

Mr. DANIEL. I restate the matter, then, that I may be correctly informed as to the status of the claims, that they are considered in order by the Senator from Maine [Mr. HALE], who insists as a member of the Committee on Appropriations that they shall go on this general appropriation bill on the ground that, notwithstanding each of them is a private claim, having been reported favorably by a committee, they are in order. I beg here to inquire of the Chair if I correctly apprehend his decision.

The VICE PRESIDENT. The Senator understands correctly that the Chair holds that the amendment is in order.

Mr. HALE. I did not put it on that ground.

The VICE PRESIDENT. The Chair made that ruling in view of previous action.

Mr. DANIEL. Will the Senator allow me to inquire on what ground he puts it?

Mr. HALE. The judgment, of course. They have been put on heretofore when there was no report of a committee, and I only referred to that at the present time as an addition to the sanction they have had. Heretofore the Committee on Claims has reported them also, but I do not consider that fact in the slightest degree essential. They have been admitted heretofore time and again when there was no report of that committee.

Mr. DANIEL. As I understand the matter, these are judgments of courts ascertaining the facts, not judgments of courts binding the Government to pay. I am not aware that there is any rule in the Senate—if so, I beg to be informed of it, simply that I may understand its parliamentary position—that the ascertainment of a fact by a judgment of a court gives any superiority to any case over the ascertainment of fact by a committee of this body. The judgment of the court in this case, I repeat, is simply the ascertainment of facts and not one decreeing, or binding the Government in any way, or laying down any resultant conclusion of law from those facts, but simply a proof that a claim, if those facts constitute one, exists.

I leave the matter here, however, as the Chair has passed upon it, only wishing to call attention to the position assumed in the matter by the Committee on Claims, that there may not be one rule in the Senate for one claim and another rule for another which has the same substantial status behind it.

The VICE PRESIDENT. The Chair held, in view of the previous action of the Senate, that the amendment is in order. The question is on concurring in the amendment.

Mr. HAWLEY. Mr. President—

Mr. STEWART. I should like to appeal from that decision.

Mr. HAWLEY. I have the floor I believe.

The VICE PRESIDENT. The Senator from Connecticut has been recognized.

Mr. HAWLEY. Mr. President, in one sense there is no legal obligation to pay this debt, but the Supreme Court has held again and again that when the United States in treating with a foreign nation surrenders any right of its private citizens it thereby becomes a debt of honor and of equity upon the United States Government itself. It seems to me the very statement of that carries conviction with it. We told France that these claims against her for outrages upon our vessels should no longer be presented. The French understood that we undertook to take care of them ourselves. To refuse to do it is simply confiscation without a penny of reward.

Mr. BUTLER. We got value received, I will say to the Senator.

Mr. HAWLEY. We got value received in the surrender of certain claims on the part of France; whether those claims were precisely pecuniary claims or not does not enter into the justice of the case at all. Dr. Wharton, in his work on International Law, page 727, says, after having referred to the views of Chief Justice Marshall:

This view of the distinguished jurist and diplomatist is sustained by forty-five reports favorable to these claims made in the Congress, against which stand but three adverse reports, all of which were made prior to the publication of the concurrence by Mr. Clay in 1826.

He names Marshall and Madison and Pickering and Clay and Clinton and Edward Livingston and Everett and Webster and Cushing and Choate and Sumner, and many other of the most distinguished statesmen known to American history, who have favored the payment of the claims, and among the most eminent opponents were Forsyth, Calhoun, Polk, Pierce, Silas Wright, and Benton. Mr. Polk's famous veto message, so often referred to in this case, does not place it on the ground that the claims are inequitable. He says:

This bill proposes to appropriate \$5,000,000 to be paid in land scrip. * * * These claims are estimated to amount to a much larger sum than \$5,000,000, and yet the claimant is required to release to the Government all other compensation, and to accept his share of a fund which is known to be inadequate. * * *

Passed, as this bill has been, near the close of the session, and when many measures of importance necessarily claim the attention of Congress, and possibly without that full and deliberate consideration which the large sum it appropriates and the existing condition of the country demand, I deem it to be my duty to withhold my approval, that it may hereafter undergo the revision of Congress.

"These claims are estimated to amount to a much larger sum than \$5,000,000." That is one of the reasons. Another is that it was so late in the session and had not received the requisite calm examination and deliberation. Mr. Webster, in commenting upon the statement made by Mr. Clay in May, 1826, made a strong argument for them and said what I have just been repeating:

In other words, the Government of the United States bought off the claims of France against itself by discharging claims of our own citizens against France.

I admit that one man can say, as in a justice's court contesting a book account, "There is no legal obligation," but there is nothing in the history of our Government that imposes more perfectly a moral and honorable obligation to discharge.

These claims have been prosecuted and prosecuted for now ninety years and over. Senators speak of the fact that the original owners do not hold them now. No; the original owners are, I hope, in heaven, wheresomething like justice is being rendered to them. But the claims went to their sons, their grandsons, their nephews, friends of all sorts, their administrators and assigns, as some Senators have said. I believe that the great mass of them are now in the hands of the descendants of the original claimants. In my knowledge in my city of Hartford the son of a merchant who was one of the sufferers in these cases, getting to be an old man, and a poor man, came to me vacation after vacation, and with the same old pathetic story, until finally he came to me from the almshouse, where he died. He had papers establishing unquestionably his right to from one hundred to one hundred and fifty thousand dollars of these claims, and this bundle of papers he once left in pledge for a board bill, which I went and paid for the old man, a small one, or I could not have paid it.

Now, the history of this claim is marked all over everywhere by cases of injustice like that. Mr. President, it is a painful question. In very few things am I ashamed of my country, but this is one of them.

Mr. BLAIR. Mr. President, the city of Portsmouth in my State was very largely engaged in commerce in the early part of this century and in the last century, and its merchants lost very heavily by these French spoliations. The claims have remained almost universally among the descendants of those merchants. Since this recent agitation I recollect that the descendant of one of them, who had three uncles who died on the decks of our country's ships in the war of 1812, is now pressing her claim in her great poverty for its collection. So, scattered all about, the great mass of these claims are in the hands of those who descended from the original sufferers.

The person who was alluded to as the agent, by the Senator from Ohio, is a Mr. Earle, whose claims were mostly collected from the South Atlantic seaboard.

The claims originated in this way: In the treaty of 1778, by which we obtained the aid of France and so our independence, we entered into an obligation to become practically the ally of France in peace and war. Subsequently we found it indispensable for the maintenance

of our nationality that the policy of Washington should become that of our nation, not to interfere with the affairs of Europe, and in order to exist, or to avoid bringing down upon us the active hatred of Great Britain on the ocean and the destruction of our expanding commerce, we were obliged to ignore and did ignore those obligations of the treaty with France which gave us our independence. As a result of it, French spoliations upon our commerce followed; and in the adjustment which ensued the French abandoned their claims against the United States by virtue of the infraction of the treaty of 1778, and we assumed the discharge of the obligations of our plundered merchants against France. It was an actual money consideration, and we assumed its payment. France would have been obliged to pay this money to our merchants, and as a respectable nation we should have been obliged to go to war, if necessary, to obtain satisfaction. It was settled in this way. We agreed to pay the merchants. That claim until to-day remains unsatisfied.

I do not need to go, and no one can in a five-minute debate go into any discussion of the history of these claims, but all the way down it has been recognized by every great statesman and every great lawyer and every great and honest man who has thoroughly investigated these claims, with scarce an exception save the Senator from Ohio, that these are honest, just claims, and that they ought to be paid. They are only unpaid to-day simply because they have been neglected at times when the Government was unable to meet them. The veto of President Pierce was placed almost wholly upon the ground that we were out of money on account of the Mexican war. There never has been any action of any fair tribunal, committee, or court in examination of these claims that has not arrived at a conclusion in favor of their payment by the nation.

Mr. STEWART. Mr. President, I propose to appeal from the decision of the Chair. I feel much interested in having this question of order correctly stated. Last evening when I presented the claim of the States of California, Oregon, and Nevada, it was objected to that it was a private claim, and that it therefore was not in order. I, however, was allowed to withdraw it and present it in the Senate. Now, the claim under consideration is the result of a finding of a court under a law the last clause of which provides that—

Nothing in this act shall be construed as committing the United States to the payment of any such claims.

Consequently it is the same as a reference under the Bowman act for the finding of facts; nothing more and nothing less. That is the kind of a judgment! If that is to be in order, every private claim presented under the Bowman act is in order on an appropriation bill.

It has been stated that the claim of a State is a private claim, and it has been so held. I read from Jefferson's Manual upon this point:

PRIVATE BILLS AND PUBLIC BUSINESS.

The line of distinction between public and private bills is so difficult to be defined in many cases that it must rest on the opinion of the Speaker and the details of the bill. It has been the practice in Parliament, and also in Congress, to consider as private such as are "for the interest of individuals, public companies or corporations, a parish, city, or county, or other locality." A bill to adjust the accounts of a State against the United States, or relating in any way to appropriations of money or property for the benefit of a State, has always been held to be a public bill. To be a private bill it must not be general in its enactments, but for the particular interest or benefit of a person or persons.

Mr. DANIEL. From what page does the Senator read?

Mr. STEWART. I read from page 504, from the Constitution, Manual, and Digest, Rules and Practice.

Mr. EDMUNDS. It is the House of Representatives Manual the Senator is reading from. May I ask the Senator if he is reading that from Jefferson's Manual?

Mr. STEWART. I am reading from the Constitution, Manual, and Digest, Rules and Practice, House of Representatives.

Mr. EDMUNDS. That is not Jefferson.

Mr. STEWART. I was mistaken. I will correct that. It is the Rules and Practice of the House of Representatives.

I simply want to say that the various claims in this amendment stand upon precisely the same footing as the claims which have been adjudicated under the Bowman act and the facts found. They are uniformly held to be private claims, because there is no language in the Bowman act more specific than the declaration in the act that the Government shall not be in any way committed to these claims by the finding of the Court of Claims. So it is no judgment of the court establishing an obligation.

Mr. GORMAN. I call the attention of the Senator from Nevada to the fact that it is now half past 11 o'clock, or twenty-five minutes to 12. The pending deficiency appropriation bill carries thirty or forty million dollars, there being among the appropriations \$28,000,000 for pensions. Unless the bill passes through the Senate within an hour it will be lost at this session. I trust we shall by common consent agree to vote on all these questions without further debate.

Mr. HALE. Let me suggest on the point of order that, in the first place, I do not know whether any Senator can now take an appeal after the decision has been made, and the Senate has gone on and debated the subject preparatory to voting. But what I want to say is that this question is not in any way whatever connected with the question of the claims of States being in order, because that amendment was re-

served. It was announced last night that it would be offered again this morning in the Senate; and any Senator will have an opportunity to present the point of order upon it. If those claims are decided to be in order, and the Senate puts them in the bill, then they will stand on the same basis that these claims do; but I hope the Senator will not in any way include them with these claims. That question is to be decided by the Vice President in the chair when it may come up by and by.

Mr. STEWART. I call for the yeas and nays on concurring in the amendment.

Mr. HALE. The Senator may call for the yeas and nays; and I hope now, in accordance with the suggestion of the Senator from Maryland, that we may take a vote, only saying that these matters have been before the Senate time and again, and two-thirds of the Senators here present have voted for them upon full discussion. They have been strained out from the Court of Claims, which has decided against the claimants and in favor of the United States in a great many more cases than it has decided in favor of the claimant. They come in in that way, adopted by the Senate time and again, put upon this bill by the committee.

The Senate has taken its attitude so constantly on the matter that I do not feel that I should take any more time, and I hope the vote will be taken.

The VICE PRESIDENT. Does the Senator from Nevada withdraw the appeal?

Mr. STEWART. I withdraw it.

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

Mr. MORRILL. Mr. President, I have always been in favor of what are called the French spoliation claims. I believe some members of my family have an interest in them, although not reported in this bill. But I am somewhat staggered as to my vote from the fact that the Senator from Wisconsin, the chairman of the Committee on Claims, and my colleague (and all the Senate will admit that they are competent to examine such claims) assert that they have examined several of the claims and find that they are not in the category entitled either to the consideration of the Senate or of the Court of Claims. Under these circumstances it seems to me improper that the whole should be taken in a lump and passed upon by the Senate, when they have not received separate attention and consideration by any committee of this body.

Mr. HALE. The Senator from Wisconsin only stated that one or two of these claims he thought might not be in the hands of legitimate descendants of the original sufferers.

Mr. MORRILL. I thought his statement that there were several not well founded.

Mr. HALE. There are none.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole, reported by the Committee on Appropriations, inserting section 4, on which the Chair understands that the Senator from Nevada demands the yeas and nays.

Mr. STEWART. I do.

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

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from Colorado [Mr. WOLCOTT].

Mr. McPIHERSON (when his name was called). I am paired generally with the Senator from Delaware [Mr. HIGGINS]. I understand that my pair with the Senator from Delaware has been transferred to the Senator from Indiana [Mr. TURPIE], and therefore I shall vote. I vote "yea."

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

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

Mr. TURPIE (when his name was called). I am paired on this vote with the junior Senator from Delaware [Mr. HIGGINS]. If he were present, I should vote "nay." I wish also to state that my colleague [Mr. VOORHEES] is detained from the Senate by illness.

The roll call was concluded.

Mr. SPOONER. I desire to say that the Senator from Delaware [Mr. HIGGINS], who is a very faithful attendant upon the sessions of the Senate, is detained from the Chamber by illness.

Mr. HALE. He is paired with the Senator from Indiana [Mr. TURPIE].

Mr. SPOONER. I only wanted to state the cause of his absence. I doubt if he will be able to attend another session of the Senate before final adjournment.

Mr. DAWES. I understand the Senator from Georgia [Mr. COLQUITT], who is absent, and with whom I am paired, would vote "yea" if here, and therefore I vote "yea."

Mr. DOLPH. I am paired with the senior Senator from Georgia [Mr. BROWN]. If he were here, I should vote "yea."

Mr. FAULKNER. I am paired with the Senator from Pennsylvania [Mr. QUAY]. Understanding that he would vote "yea" on this question, I will exercise the privilege of voting. I vote "yea."

Mr. COCKRELL. Has either one of the Senators from Iowa voted? The VICE PRESIDENT. Neither of them is recorded.

Mr. COCKRELL. I am paired, I believe, with both of them, not supposing they would both be absent at any one time. I shall not vote, not knowing how they would vote.

The result was announced—yeas 41, nays 14; as follows:

YEAS—41.

Allen,	Eustis,	McConnell,	Sanders,
Barbour,	Evarts,	McMillan,	Sawyer,
Blair,	Faulkner,	McPherson,	Shoup,
Butler,	Frye,	Mitchell,	Stockbridge,
Carey,	Gorman,	Morgan,	Teller,
Chandler,	Gray,	Paddock,	Vance,
Cullom,	Hale,	Payne,	Warren,
Daniel,	Hampton,	Pierce,	Washburn.
Davis,	Hawley,	Platt,	
Dawes,	Hoar,	Pugh,	
Dixon,	Ingalls,	Ransom,	

NAYS—14.

Bate,	Edmunds,	Plumb,	Vest.
Berry,	George,	Reagan,	Walthall.
Carlisle,	Harris,	Sherman,	
Coke,	Morrill,	Spooner,	

ABSENT—31.

Aldrich,	Cockrell,	Jones of Nevada,	Squire,
Allison,	Colquitt,	Kenna,	Stanford,
Blackburn,	Dolph,	Manderson,	Stewart,
Blodgett,	Farwell,	Moody,	Turpie,
Brown,	Gibson,	Pasco,	Voorhees,
Call,	Higgins,	Pettigrew,	Wilson,
Cameron,	Hiscock,	Power,	Wolcott.
Casey,	Jones of Arkansas,	Quay,	

So the amendment was concurred in.

The VICE PRESIDENT. The next reserved amendment will be stated.

Mr. HALE. The only other reserved amendment is that on pages 22 and 23, where the Senator from Kansas [Mr. INGALLS] gave notice that he would move to strike out the text of the bill. I think there are no other reserved amendments.

Mr. FAULKNER. Yes; I reserved one.

The VICE PRESIDENT. The amendment on page 63 has been reserved.

Mr. HALE. Yes; that is true. I had forgotten it.

Mr. INGALLS. Mr. President, realizing the necessity for the economy of time I shall not dwell upon the conditions of this amendment, but will simply say that I presume the provision that came from the other House escaped the attention of the committee. It is an attempt to make a legislative forfeiture of a franchise unless a judgment that has been reversed and vacated by a decision of the Supreme Court of the United States is paid by two corporations in this District. I move to strike out the proviso between line 23, on page 22, and line 2, on page 24, inclusive.

The VICE PRESIDENT. The words proposed to be stricken out will be read.

The Chief Clerk read as follows:

Provided, That the Washington and Georgetown Railroad Company, of the District of Columbia, shall pay and satisfy to the District of Columbia, within six months from the approval of this act, the full amount of the judgment rendered against the said company by the supreme court of the District of Columbia, at the suit of the said District, in cause No. 22457, at law, on the docket of said court, with the cost of said cause and interest on the amount of said judgment from its date until paid, and that upon the failure of the said company so to pay and satisfy said judgment, costs, and interest within the time aforesaid, the charter of the said company shall become forfeit, and all its rights, privileges, and franchises as a body corporate shall cease and determine: *And provided further*, That the Metropolitan Railroad Company of the District of Columbia shall pay and satisfy to the District of Columbia, within six months from the approval of this act, the full amount of the judgment rendered against the said company by the supreme court of the District of Columbia, at the suit of the said District, in cause No. 22458, at law, on the docket of said court, with the costs of said cause and interest on the amount of said judgment from its date until paid, and that upon the failure of the said company so to pay and satisfy said judgment, costs, and interest within the time aforesaid the charter of said company shall become forfeit, and all its rights, privileges, and franchises as a body corporate shall cease and determine.

The VICE PRESIDENT. The question is on the amendment moved by the Senator from Kansas, which is to strike out the clause just read.

The amendment was agreed to.

Mr. HALE. I think the only remaining amendment reserved is the one on page 63. That is an amendment striking out the clause giving an extra month's pay to employes, which the Senate last night by a vote of 31 to 20 struck out. The Senator from West Virginia has reserved the amendment and desires a vote upon it. It is on page 63. It is the same item the Senate voted upon last night.

Mr. FAULKNER. I desire simply to say that this is the same provision that is in the appropriation act of 1889, and therefore I desire to retain it in this bill.

Mr. HALE. All that was gone over in the discussion last night. The employes have an extra month now for each session.

Mr. INGALLS. Except the annuals.

Mr. HALE. Except the annuals, and nobody is in favor of giving it to them. Nobody can get thirteen months into one year. But the

short session and the long session are fixed by the statute. As was read last night, the short session is held to be four months under the present law and in the bill reported making the legislative appropriations, and the long session seven months at least. So this is still an additional month's pay. But I do not want to take up any time; I want a vote.

Mr. GORMAN. The question is on concurring in the amendment made as in Committee of the Whole. Those who desire to strike out the provision vote "yea," and those of us who want to give the extra month vote "nay."

Mr. HALE. The question is on concurring in the amendment made as in Committee of the Whole. A vote "yea" will strike out; "nay" will leave it in.

Mr. GEORGE. If the committee amendments are disposed of and it is in order to offer an independent amendment, I desire to do so.

The VICE PRESIDENT. A committee amendment is now pending. The question is on concurring in the amendment made as in Committee of the Whole, on page 63.

Mr. HALE. On that let us have the yeas and nays.

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

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

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY], but learning that he would vote the same way that I would do on this question, I vote "nay."

Mr. McPHERSON (when his name was called). I am paired with the Senator from Delaware [Mr. HIGGINS]. If he were present, I should vote "nay."

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. SHERMAN (when his name was called). I am paired on this vote with the Senator from South Carolina [Mr. BUTLER]. I should vote "yea," and he would vote "nay."

The roll call was concluded.

Mr. McPHERSON. I am informed that the Senator from Delaware [Mr. HIGGINS] with whom I am paired would vote "nay," and therefore I will vote. I vote "nay."

Mr. COCKRELL. I am paired with the senior Senator from Iowa [Mr. ALLISON], who is detained from the Senate on a conference committee.

Mr. HISCOCK (after having voted in the negative). Has the Senator from Arkansas [Mr. JONES] voted?

The VICE PRESIDENT. He has not.

Mr. HISCOCK. Then I withdraw my vote. I am paired with that Senator.

Mr. BERRY. I will state to the Senator from New York that my colleague [Mr. JONES, of Arkansas] would vote "nay," if present. He voted "nay" last evening, on the pending amendment.

Mr. HISCOCK. Then my vote will stand.

The result was announced—yeas 24, nays 38; as follows:

YEAS—24.

Bate,	Dawes,	Ingalls,	Sanders,
Berry,	Evarts,	McMillan,	Sawyer,
Chandler,	Frye,	Morrill,	Stockbridge,
Coke,	George,	Platt,	Turpie,
Cullom,	Hale,	Plumb,	Vest,
Daniel,	Hoar,	Reagan,	Walthall.

NAYS—38.

Allen,	Eustis,	McPherson,	Shoup,
Barbour,	Faulkner,	Mitchell,	Spooner,
Blair,	Gorman,	Moody,	Stanford,
Call,	Gray,	Morgan,	Stewart,
Carey,	Hampton,	Paddock,	Teller,
Carlisle,	Harris,	Pasco,	Vance,
Casey,	Hawley,	Payne,	Warren,
Davis,	Hiscock,	Pierce,	Wilson.
Dixon,	Kenna,	Pugh,	
Edmunds,	McConnell,	Ransom,	

ABSENT—21.

Aldrich,	Cameron,	Higgins,	Quay,
Allison,	Cockrell,	Jones of Arkansas,	Sherman,
Blackburn,	Colquitt,	Jones of Nevada,	Squire,
Blodgett,	Dolph,	Manderson,	Voorhees,
Brown,	Farwell,	Pettigrew,	Washburn,
Butler,	Gibson,	Power,	Wolcott.

So the amendment was not concurred in.

Mr. FAULKNER. I desire to offer an amendment now to the provision of the House bill which is now retained by the vote just taken. In line 13, on page 63, after the word "police," I move to add:

And the Official Reporters of the Senate and House.

Mr. HALE. I move to add to that "and Senators and Representatives in Congress." If it is to be the business of Congress to continually add to the payment of officials about these bodies, there is no reason in the world why it should not include Senators and Representatives.

Mr. FAULKNER. Mr. President, I believe I have the floor.

The VICE PRESIDENT. The amendment will be stated.

Mr. FAULKNER. I am simply carrying out what I conceive is the

sense of the Senate, in proposing to give to the Reporters, who are the hardest worked of all the employes of the Senate, the same additional compensation that is given to all the other employes. I am simply carrying out what was the judgment of the Senate as adopted by the Senate and House in 1889, and found in the appropriation act of that year. I therefore move to lay on the table the amendment of the Senator from Maine to the amendment offered by me.

Mr. CHANDLER. I wish to ask the Senator from West Virginia whether he does not understand that the Reporters of both the Senate and House are paid annually a lump sum by contract for making their reports. Now, this amendment is intended to give a month's pay to those employes who work less than a year. As the Senator from Maine showed last night, it was not intended to give thirteen months' pay to a person having an annual salary.

Mr. PLATT. But the clause does that.

Mr. CHANDLER. If the amendment prevails, I do not see how it can be applied to the Official Reporters of the Senate and the House who are paid a lump sum. They are not paid by the month, and it would be utterly impossible, it seems to me, to make the amendment operative.

Mr. FAULKNER. I am not familiar with the method by which it was practically arranged by the Secretary of the Senate after the appropriation act of 1889 was passed, but I found in that appropriation bill the following clause:

The Senate and House Reporters, etc.

And feeling that they had performed as hard service here as had been performed by any other employes, and that it was the sense of the Senate to give them an extra month's pay, I supposed that they being paid by the year it would give to them one-twelfth of the compensation that is paid for that period. That is the understanding I have of it, and that I suppose was the practical operation of the act of 1889.

Mr. KENNA. There is no difficulty about arranging it.

Mr. EDMUNDS. Mr. President, when the last yea-and-nay vote was taken I intended to vote against this extra month's allowance, as I do not think it is right. I thought I was voting against putting it in the bill; but it was retained by a large majority, and so I do not choose to move to reconsider, because evidently that would be against the judgment of the Senate.

I merely wish to say in respect to the amendment of my friend from West Virginia, that if what we have now done is right, to give an additional compensation to the officers and employes of both Houses, it is also right that we should do in some way what the Senator from West Virginia proposes.

Mr. HALE. The suggestion that I made with reference to adding Senators and Representatives was of course not intended seriously. I do not ask for any vote upon that. I withdraw any formal amendment that I made.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from West Virginia [Mr. FAULKNER].

The amendment was agreed to.

Mr. CHANDLER. On page 63, line 11, I move to strike out "the 1st day of October, 1890," and insert "the 10th day of January, 1891," which covers the employes who were on the rolls on the 10th of January, 1891, to the 3d day of March, 1891, instead of going back to the prior employes on the roll in October.

The amendment was agreed to.

Mr. GEORGE. On page 7, after line 5, I move to insert:

To pay the amount found to be due Julia A. Nutt, widow and executrix of Halter Nutt, deceased, by the Quartermaster General and by the Court of Claims, \$21,327.88.

Mr. HALE. I raise the point of order upon that amendment that it is to provide for a private claim.

Mr. GEORGE. Certainly it covers a private claim, but there is a deficiency in the appropriation to pay it.

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

Mr. GEORGE. On the point of order I desire to say it is exactly like pages 69, 70, 71, 72, 73, 74, 75, 76, and a part of page 77 of this bill, those being items in payment of private indebtedness by the United States.

Mr. SPOONER. Will the Senator allow me to interrupt him a moment?

Mr. GEORGE. Certainly.

Mr. HALE. Has not the point of order been decided?

The VICE PRESIDENT. The point of order has been decided by the Chair.

Mr. GEORGE. Has the Chair decided that the amendment is not in order?

The VICE PRESIDENT. It is not in order; not having been reported by a committee.

Mr. GEORGE. I had not understood that the Chair had decided the amendment out of order, and I therefore ask respectfully to appeal from that decision to the Senate.

Mr. HALE. I move to lay the appeal on the table.

Mr. GEORGE. While I have the floor I believe no motion can be made.

The VICE PRESIDENT. The question is on the motion made by the Senator from Maine, that the appeal be laid on the table.

Mr. GEORGE. I am occupying the floor, and the Senator can not make a motion while I am on the floor without my consent.

The VICE PRESIDENT. If the Senator from Mississippi desires to debate the appeal, debate by him is in order.

Mr. GEORGE. I desire to state to the Senate, if the Senate will hear me upon this subject, that this amendment is exactly like six or seven pages already in the bill. It is to pay a finding of the Court of Claims. There is nothing therefore in the idea that it is a mere private debt. To show that I am correct about that, I desire to have read at the desk the judgment of the Court of Claims on that subject, commencing with the fine print.

Mr. PLATT. If I can have the attention of the Senator from Mississippi, I understand that the point of order which was decided by the Chair was that the amendment is not in order, it not having been reported by any standing committee of the Senate and sent to the Committee on Appropriations at least one day before action on the bill.

Mr. GEORGE. But it was referred to the committee for their action, and if they have failed to act upon it, it certainly is not the fault of the claimant. I should like to have that read anyhow to show how things go.

Mr. SPOONER. I should like to inquire of the Senator from Mississippi what committee reported it and had it referred to the Committee on Appropriations.

Mr. GEORGE. I had it referred to the Committee on Appropriations.

Mr. SPOONER. That does not quite fill the bill. The rule requires that it shall be reported favorably by a standing committee of the Senate, and referred to the Committee on Appropriations at least one day before the consideration of the bill. If the Senator will yield to me for only a moment, I will state that a bill for the payment of this claim was introduced and referred to the Committee on Claims, and pending that, and before it was taken up by the committee, one of the officers of the Department of Justice informed me that some evidence had been discovered, that there was newly discovered evidence, which led the Department to question the justice of the finding of the court hitherto made in this case. I was importuned to report it back and let it be put in what was called the omnibus bill, which included a large number of claims similar in character.

Mr. GEORGE. I should like to know the name of the officer who made that report.

Mr. SPOONER. I think it was one of the Assistant Attorneys-General.

Mr. GEORGE. Did he disclose the nature of the evidence?

Mr. SPOONER. It was in conversation; I am not certain that he did.

Mr. HARRIS. Will the Senator from Wisconsin and the Senator from Mississippi allow me to make a suggestion?

Mr. GEORGE. I will.

Mr. HARRIS. The fourth clause of Rule XVI distinctly provides that no amendment for the payment of a private claim shall be received to an appropriation bill, and even if the Committee on Claims had reported this amendment it would not have obviated the objection.

Mr. SPOONER. I understand that; but the Committee on Claims did not report it, and it never has been reported by any standing committee of the Senate.

Mr. HARRIS. So I understand.

Mr. GEORGE. All the doctors of parliamentary law seem to be against me on this point. I was very innocently misled by finding in the bill many appropriations to pay exactly similar claims of private parties. I suppose I must be wrong, as everybody else seems to be the other way. I withdraw the appeal.

The VICE PRESIDENT. The appeal is withdrawn.

Mr. STEWART. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 38, line 5, after the word "dollars," it is proposed to insert:

To reimburse the States of California, Oregon, and Nevada for moneys by them expended in the suppression of the rebellion, under the act of Congress approved July 27, 1861, and acts amendatory thereof and supplementary thereto, being the sums of money shown by the reports of the Secretary of War to have been paid by said States in the suppression of the rebellion:

To the State of California, the sum of \$2,451,359.56.

To the State of Oregon, the sum of \$221,526.53.

To the State of Nevada, the sum of \$104,040.70.

Mr. STEWART. Mr. President, there is no time to enter at length into an explanation of this claim. I would state, however, that during the war the States named in the amendment furnished 18,715 troops, who were enlisted in the United States Army and served on the Pacific coast. At the time the war broke out, the soldiers who were stationed there were called home, and it became necessary to raise troops in those States. The Secretary of War, the President, and other officials, urged these States to raise the troops, as they could not be sent from the East. These States, immediately after the rebellion closed, attempted to obtain compensation. It was a long time before they could get the accounts examined.

Finally, it was developed that these States had made an additional allowance beyond what was made in the Atlantic States. By two acts passed in 1850 a differential allowance was made for troops serving on the Pacific coast for transportation from New York to San Francisco and to Portland, Oregon. Those who were enlisted were paid at a different rate. These acts were repealed in 1867. When it was attempted to raise troops on the Pacific coast it was found necessary to continue the old compensation on account of the very high price of living. Soldiers who had families or other obligations could not possibly serve at the reduced rates.

These States made an allowance, not up to what the Government had been in the habit of allowing, but considerably less, not more than one-fourth probably of the allowance, and they were obliged to increase the allowance and did increase it. The transportation alone of the troops without the subsistence that would have been allowed if they had been taken from New York under the regulations which had prevailed since 1850, would have amounted to \$5,483,385. If the extra pay had been counted in, it would have ranged something over ten million, perhaps fifteen million, dollars. If the regular United States pay which had been allowed from 1850 up to 1861, when the war broke out, had been paid these men, it would have amounted—I have not figured it out exactly—to some ten or fifteen million dollars. The transportation alone would have been nearly five and a half millions.

In order that this question might be examined, several acts of Congress were passed, and a board of war-claims commissioners was organized to investigate such claims. Under that war-claims commission several States that came in on account of Indian depredations—Kansas, Nebraska, Arkansas, and California—were paid, in the aggregate, \$1,297,850. Texas received of that sum \$927,177.40, and since that it has received an additional sum of \$148,615.

The question of the allowance of additional pay, which has been so long urged, still remains. The Senate, after investigating it, passed a resolution to have the claims examined, so as to ascertain the exact amount that was paid. Under that resolution the war-claims examiners reduced the amount stated. With great labor they went through all the papers and examined all the vouchers. The result is the amendment which I offer. There is no doubt about the equity of the case.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nevada.

The amendment was agreed to.

Mr. CARLISLE. The Senate passed from the consideration of the paragraph on page 63 in relation to one month's extra pay to the employes of the House of Representatives and the Senate while my attention was attracted elsewhere. I desire to offer an amendment, at the end of that paragraph to insert:

To enable the Librarian of Congress to pay the employes of the law department of the Congressional Library one month's extra pay the sum of \$350, or so much thereof as may be necessary, is hereby appropriated.

I will state that the three young men in that department of the Library have, as every Senator knows, been kept more than usually busy during the present session by reason of the pendency of the elections bill, which made it necessary for members of both the House and the Senate to frequently consult authorities.

Under the clause as it now stands they would receive nothing. Their whole compensation now is only \$3 a day, and one of them is acting in the capacity of librarian in that important department of the Congressional Library. They will not come under the present provision, for the reason that they are not paid by either the Clerk of the House or the Secretary of the Senate, but are paid by the Librarian. Their extra pay will not amount to more than about \$300.

Mr. HALE. There is no reason, if the other employes are to have this allowance, why these men should not.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 63, after line 16, it is proposed to insert:

To enable the Librarian of Congress to pay the employes in the law department of the Congressional Library one month's extra pay the sum of \$350, or so much thereof as may be necessary, is hereby appropriated.

The amendment was agreed to.

Mr. FRYE. I offer an amendment, on page 18, after line 11, to insert what I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 18, after line 11, under the subheading "District of Columbia," it is proposed to insert:

That the action of the commissioners of the District of Columbia in heretofore granting permits for the extension of any building or buildings, or any part or parts thereof, in the city of Washington, in the District of Columbia, beyond the building line, and upon the streets and avenues of said city, is hereby ratified, without prejudice, however, to the legal rights of the Government in the event of the destruction by fire, or otherwise, of any such structure. And hereafter no such permits shall be granted except upon special application and with the concurrence of all of said commissioners and the approval of the Secretary of War.

Mr. FRYE. Mr. President—

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

Mr. FRYE. Before the point of order is made I want to say one word.

Mr. CHANDLER. Is the point of order debatable, Mr. President?

Mr. FRYE. I was on the floor before the Senator made his point of order, and holding the floor.

Mr. CHANDLER. I understand; but I ask whether the point of order is debatable.

Mr. FRYE. The Senator from Maine understands very well that it is not.

Mr. CHANDLER. Does the Senator want to debate the merits of this proposition?

Mr. FRYE. I want to talk one minute.

Mr. CHANDLER. I have no objection.

The VICE PRESIDENT. The Senator from New Hampshire [Mr. CHANDLER] has not been recognized by the Chair. The Senator from Maine [Mr. FRYE] has the floor.

Mr. FRYE. Mr. President, Mrs. Cole, under a permit from the commissioners of the District of Columbia, built a house, employing all her capital in doing it. She built in strict accordance with the rights given to her by the District commissioners. Some official aristocrats, in their superlative pride about the beauty of the streets, some of them having themselves violated what they call the law, have undertaken under the color of law to commit a gross and wicked outrage upon this defenseless woman, an outrage which, if Congress permits it to be effected, will deprive this woman of about all the property she has, the worry and trouble about which would be enough to drive anybody into an insane asylum.

Mr. President, this amendment has been reported by the Committee on the District of Columbia. It is right, it is fair, it is just; and if the point of order is sustained, as it probably will be, I hope on an appeal that justice will prevail in the United States Senate, and that this woman will be treated with mercy and justice too.

Mr. McPHERSON. Why does not the Senator apply the amendment to this particular case without making it general? I understand his amendment is general.

Mr. FRYE. I have offered the amendment as reported from the Committee on the District of Columbia.

Mr. CHANDLER. Mr. President, in order that the case of this lady, to which the Senator from Maine [Mr. FRYE] has so feelingly alluded, may be taken care of, it is proposed upon an appropriation bill in these last hours of the session that we shall undertake to legalize what the Senator from Tennessee [Mr. HARRIS] the other day, when a special bill for this purpose was before the Senate, called one thousand cases of illegal permits given in this city to encroach upon the building line.

Mr. CULLOM. That bill was passed, I believe, by the Senate.

Mr. CHANDLER. That bill was passed by the Senate after the Senator from Illinois had made a like appeal in behalf of this lady, whom the Senator from Illinois and the Senator from Maine so appropriately champion in this body.

In order, I say, that this one case may be taken care of, we are to legalize one thousand cases, as the Senator from Tennessee said, of encroachments upon the building line in this District. I am opposed to that. I am opposed to doing this thing under the circumstances and at this time. This very question is now in the Supreme Court of the United States. If this Congress, while proceedings are pending in the United States Supreme Court, is to undertake to decide those cases by an act of Congress, Congress will have its hands full.

Mr. MITCHELL. May I ask the Senator a question?

Mr. CHANDLER. Yes, sir.

Mr. MITCHELL. Suppose this lady and suppose five hundred other persons in this town, or five thousand for that matter, have gone on and constructed their houses in strict accordance with the rules and regulations of the District commissioners, ought they, be they few or many, to suffer because the buildings happen to encroach a little beyond the strict limit of the law as determined by the supreme court of the District?

Mr. CHANDLER. We do not know anything about this case, because there has been no investigation and no report made to the Senate on the subject. We are told in a general way that there have been these illegalities consented to by the District commissioners and that we must legalize them on this appropriation bill.

Mr. MITCHELL. Does the Senator dispute that there is information here upon which we have a right to act and on which we ought to act, to the effect that this particular building has been built in strict accordance with the rules and regulations of the commissioners?

Mr. CHANDLER. I do not deny the issuing of the permit, but I say the giving of the permit was a great outrage on the part of the commissioners of the District, and the property owners protested against it. I have the protest here, which I will send to the desk and ask to have read.

Mr. FRYE. But the permit was given.

Mr. CHANDLER. The permit was given, but the litigation which is now in the Supreme Court of the United States was commenced before the building was erected.

Mr. FRYE. Not before it was commenced.

Mr. CHANDLER. Before one single brick was laid above ground on the building, and the Senator from Maine, who ought to know better, is here asking the Congress of the United States to undertake to

decide here and now on an appropriation bill a case that is pending in the Supreme Court of the United States.

Mr. FRYE. If the Senator from Maine sees a palpable injustice undertaken to be committed by a few official aristocrats in the city of Washington against a defenseless woman, he will stand by the woman against them every time, whether there has been any case before the Supreme Court of the United States or not. [Applause in the galleries.]

Mr. CHANDLER. Of course the Senator will; but I should like to have the names of "the aristocrats" read. They are on the printed slip I send to the desk.

Mr. FRYE. Very well.

The Chief Clerk read as follows:

John T. Arms, John H. Soule, S. S. Henkle, Matilda B. Hornblower by Joseph C. Hornblower, T. F. Bayard, Lewis J. Davis, Francis Colton, Frank W. Hackett, the Misses Henry by F. W. Hackett, attorney, Samuel Fowler, S. H. Kaufman, Samuel F. Miller, and J. M. Toner.

Mr. CHANDLER. I ask that the text of the printed notice may be read.

The Chief Clerk read as follows:

To the honorable Commissioners of the District of Columbia:

We, the undersigned, property-holders and residents upon Massachusetts avenue and upon M street, near Thomas Circle, respectfully and earnestly protest against your granting a permit to Mrs. Cole to put up a building—

The VICE PRESIDENT. The time of the Senator from New Hampshire has expired.

Mr. SPOONER. I trust the Chair will submit the question of order to the Senate, for I hope the Senate will have an opportunity unfettered to express its judgment upon this question.

This proposition must go upon this appropriation bill or it is dead, and I think its death is likely to result in a very grave wrong. Ordinarily I agree that no legislation should interfere with the jurisdiction which is being exercised by the courts, but this case is an exception, in my judgment. The commissioners of this District have been in the habit for many years of issuing permits for the construction of buildings beyond what is known as the building line.

There are a great many expensive structures in the District which have been built under those permits. Their validity never was questioned until Mrs. Cole commenced the building adjacent to her residence which she has completed, and it is a handsome building. Then the supreme court of the District held that the District commissioners had no power as a matter of law to issue such permits, thus rendering invalid every structure which during all these years has been erected in good faith upon permits issued by the governors of this District, and this lady was selected as the first and the last, the one person among them all, to be the subject of attack.

I assume that the Supreme Court of the United States will decide that the decision of the supreme court of the District is correct and that this structure is a trespass and illegal, and that all others built under such permits in this city are illegal and must be taken down. That is the question I want the Senate to confront. These structures have been erected, as I have said, in good faith, under permits granted in the exercise of a power long exercised and never before questioned. It would be an outrage under the circumstances if this lady is compelled to tear down that building and to lose what in good faith she has invested in it.

The Senate passed a bill in the precise language of this amendment, and no one in the Senate objected to it. It does not legalize forever these structures. It only legalizes the existing structures and saves all the rights of the Government, if from fire or other disaster these buildings now standing shall be destroyed, so that hereafter they can not be erected upon the same sites. It provides further that no more of these permits shall be granted, except upon the unanimous vote of the commissioners approved by the Secretary of War.

We have invited investments of money on the faith of these unquestioned permits. Now, when the money has been invested and the city has been adorned by the erection of beautiful structures, technically in violation of law, Congress should promptly and quickly and fully protect these interests, which can only be done by legalizing the permits heretofore granted.

The bill of which the pending amendment is a copy, was recommended unanimously by the commissioners of the District and has been favorably reported in the House of Representatives. I do not doubt it would be passed there but for the press of business and the fact that it can not be reached under the existing rules.

Mr. CHANDLER. I wish to ask the Senator whether he is not aware that the house referred to has been built since the litigation that is now in the Supreme Court was commenced.

Mr. SPOONER. I am aware of that fact; but there was nothing in law or common sense to require this woman to cease the construction of her building because, forsooth, some of her neighbors did not want her to build it, or because they threatened her with a lawsuit, when she knew that for twenty years people all over this District had been building costly structures under such permits without question.

Mr. FAULKNER. I desire to call the attention of the Senate to

one single feature of this case and the absolute importance of action being taken by the Senate at this time.

The lady alluded to built her house in perfect good faith, relying upon the authority of the District commissioners, having seen the same thing in a thousand instances in this city. In fact, if you take Vermont avenue, there is hardly a single house on it which does not come within the decision of the supreme court of the District.

After the decision of the supreme court of the District was rendered, which was antagonistic to this lady, the case was appealed to the Supreme Court of the United States. While Congress was considering the question as to giving her relief, which she was entitled to by reason of the equities in her case, the other property holders and the authorities of the Government went before the Supreme Court of the United States and requested an advancement of this particular cause, so that it might be decided before action by the Congress of the United States, which had assumed jurisdiction of the subject by the bills which had been introduced and referred to its committees, and, in one instance, reported favorably. They asked the Supreme Court to advance that case for a hearing in April.

Mr. CULLOM. For the sake of getting an advantage of this lady.

Mr. FAULKNER. So that if this provision is not passed now and the decision of the supreme court of the District is affirmed the house will have to be pulled down, and no remedy whatever can be afforded to this woman, who has acted in absolute good faith in the erection of her building beyond the building line, as has been done by others in a thousand instances.

I sincerely hope that the Chair will submit the question of order to the Senate, so that, as the Senator from Wisconsin [Mr. SPOONER] says, we can pass upon this question untrammelled by having a previous adverse decision of the Chair. I am satisfied that the Senate, under the circumstances detailed here, will not refuse relief, especially when a bill intended to accomplish the same object has already been passed by the Senate.

Mr. MITCHELL. I desire to say a word in answer to a statement made by the Senator from New Hampshire [Mr. CHANDLER], to the effect, if I understood him rightly, that Mrs. Cole had gone on and constructed her building in the face of the proceedings instituted in the courts for the purpose of restraining her. That is not a fair statement of the case, but even if it were so it would make no difference.

The bill in equity filed in this case in order to restrain the construction of the completion of the building in question was filed November 19, 1888. I desire to read a few lines from the opinion of Mr. Justice James, who delivered the opinion of the court:

On September 17, 1888—

About two months before the bill was filed—

the owner commenced building foundation walls for a brick structure on the vacant part of said lot, placing them partly coincident with and partly exterior to the outer lines thereof, as shown by the exhibit referred to; that at the time of the filing of this bill—

Which was November 19, 1888—

she had built up the said walls to a height of 10 feet above the ground, and proposed carrying them to the height of three full stories and a basement.

It appears, therefore, from the opinion of the court, that the basement story had been constructed and erected 10 feet above the ground at the time the proceedings were originated.

I agree with what has been said by the Senator from West Virginia [Mr. FAULKNER], the Senator from Maine [Mr. FRYE], and the Senator from Wisconsin [Mr. SPOONER], that unless this provision can be incorporated in this bill a gross injustice will be committed.

Mr. HALE. Let us have the ruling of the Chair. It is almost 1 o'clock.

The VICE PRESIDENT. The Chair feels compelled, under the third clause of Rule XVIII, to hold that the point of order is well taken.

Mr. FRYE. I appeal respectfully from the decision of the Chair.

Mr. WOLCOTT. I ask to have the amendment again stated.

The VICE PRESIDENT. The amendment will be stated.

The Chief Clerk again read the amendment.

The VICE PRESIDENT. The Senator from Maine [Mr. FRYE] having appealed from the decision of the Chair, the question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. HALE. I move to lay the appeal on the table in order to close the matter up.

The VICE PRESIDENT. The question is on the motion of the Senator from Maine [Mr. HALE] to lay the appeal from the decision of the Chair on the table.

The motion was rejected.

The VICE PRESIDENT. The question recurs, Shall the decision of the Chair stand as the judgment of the Senate?

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

Mr. McPHERSON (when his name was called). I am paired with

the Senator from Delaware [Mr. HIGGINS]. If he were present, I should vote "nay."

Mr. MORRILL (when his name was called). I am paired with the Senator from Tennessee [Mr. HARRIS]. As he is absent, I withhold my vote.

Mr. PASCO (when his name was called). I am paired with the Senator from North Dakota [Mr. CASEY]. In his absence, I withhold my vote.

The roll call having been concluded, the result was announced—yeas 12, nays 40; as follows:

YEAS—12.			
Allison, Chandler, Daniel,	Dixon, Edmunds, Gray,	Hale, Ingalls, Platt,	Sanders, Vest, Walthall.
NAYS—40.			
Allen, Barbour, Bate, Berry, Blackburn, Cameron, Carey, Coke, Cullom, Davis,	Eustis, Evarts, Farwell, Faulkner, Frye, Gorman, Hampton, Hawley, Kenna, McConnell,	McMillan, Mitchell, Moody, Morgan, Paddock, Payne, Pierce, Pugh, Reagan, Sawyer,	Sherman, Spooner, Stanford, Stewart, Teller, Turpie, Vance, Washburn, Wilson, Wolcott.
ABSENT—31.			
Aldrich, Blair, Blodgett, Brown, Butler, Call, Carlisle, Casey, Cockrell,	Colquitt, Dawes, Dolph, George, Gibson, Harris, Higgins, Hiscock, Hoar,	Jones of Arkansas, Jones of Nevada, McPherson, Manderson, Morrell, Pasco, Pettigrew, Plumb, Power,	Quay, Ransom, Shoup, Squire, Stockbridges, Voorhees, Warren.

So the decision of the Chair was overruled.

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

Mr. CHANDLER. I desire to have inserted in the RECORD, without reading, the statement of the petitioners in this case.

The VICE PRESIDENT. That order will be made if there be no objection. The Chair hears none.

The statement referred to is as follows:

Objections to the amendment proposed to deficiency bill from District of Columbia Committee legalizing encroachments on the public parking.

1. Purporting to be general legislation, this bill is designed for the special benefit of one person.
2. It practically gives to this person about 560 feet of the public parking, worth from \$2,500 to \$5,600, for nothing.
3. All the property holders in the immediate neighborhood, including the late Mr. Justice Miller and ex-Secretary Bayard, protested to the commissioners against the allowance of the permit, as follows:

"To the honorable Commissioners of the District of Columbia:

"We, the undersigned, property holders and residents upon Massachusetts avenue and upon M street, near Thomas Circle, respectfully and earnestly protest against your granting a permit to Mrs. Cole to put up a building at the intersection of M street and Massachusetts avenue. We are informed that the permit heretofore issued was obtained with a view of putting up a building not warranted by law; and that the plan contemplates an illegal occupation of land belonging to the United States Government.

"Some of us have built residences involving a large outlay, upon a well-grounded faith that the public reservation at this point would never be encroached upon. We consider the encroachment that is now threatened to be not only an injury to us, but an invasion upon the rights of the public.

"October, 1888.

"John T. Arms, John H. Soule, S. S. Henkle, Matilda B. Hornblower by Joseph C. Hornblower, T. F. Bayard, Lewis J. Davis, Francis Colton, Frank W. Hackett, the Misses Henry by F. W. Hackett, attorney, Samuel Fowler, S. H. Kauffman, Samuel F. Miller, J. M. Toner."

4. The owner was notified before completing the foundation that the neighbors would appeal to the law to prevent the building from going up.

5. The Attorney-General directed the district attorney to file a bill in equity. A preliminary injunction was disallowed by Mr. Justice Merrick, not because he thought the permit legal, but because, as the United States did not have to give bond, the owner, in case she subsequently sustained her right to build, would not be able to collect damages for delay. In other words, the owner proceeded at her risk.

6. The building, which the supreme court of the District in general term has declared a public nuisance, so encroaches on the parking as to destroy the symmetry and proper width of one of the finest streets in the city.

7. The building is unique. It was stated in the Senate that there are thousands of cases like this in Washington. This statement is not correct. It is the only building erected against the protests of neighbors from the beginning; 45 per cent. of it is on the parking. There are no such buildings elsewhere at the intersection of streets and avenues. The ordinary bay window is not this case.

8. If there be any reason why this owner (who in face of the opposition of all the neighbors went on to erect this structure against the law) should be favored by a special act upon an appropriation bill, that reason should give way to the consideration that the property of others is injured to the extent of thousands of dollars. The salable value of houses opposite is lowered by the reason that a view over an open parking is now cut off.

9. The bill passed the Senate without debate, and statements were made that were incorrect as to the facts. The report of the Senate District Committee states no facts, and the bill was passed for "the relief of a lady." This lady's brief filed before the Supreme Court of the United States December 23, 1890, upon a motion to advance, says that "bills for her relief are now pending before both Houses of Congress."

10. The duty of the commissioners was to protect the property of the United States against encroachment. Now that the court has declared their action illegal, there should not be relief granted unless strong equities exist in favor of the owner. The property holders who are threatened with pecuniary loss have appealed to the Attorney-General to enforce the law, and they have a right to

insist that a favor shall not be shown to one person that will never be granted to anybody else.

The VICE PRESIDENT. The question is on agreeing to the amendment. The amendment will be considered as agreed to if there be no objection. The Chair hears none.

Mr. CHANDLER. Mr. President, I desire to have the Chair put the question to a vote on the amendment which he declared adopted. Several SENATORS. It is too late.

Mr. DANIEL. The question was put and the amendment was declared to be adopted.

The VICE PRESIDENT. The amendment has been agreed to.

Mr. CHANDLER. The Chair declared that it was agreed to without objection. I desired to object, but as the Senator from Oregon [Mr. MITCHELL] was in conversation with the Chair, I naturally waited until the conversation ceased.

Mr. MITCHELL. In reply to that statement, I wish to say that the decision of the Chair had been announced before I approached the Vice President.

The VICE PRESIDENT. The Chair will again put the question on agreeing to the amendment proposed by the Senator from Maine [Mr. FRYE].

The amendment was agreed to.

Mr. DANIEL. I sent to the Secretary's desk last night and had read an amendment to add to this bill the amendment reported to it by the Committee on Claims to resettle the accounts of the war of 1812 of the States of Delaware, New York, Pennsylvania, Virginia, and South Carolina, and the city of Baltimore. The amendment is in accordance with the rule established by the general statutes of the Government and with the precedent, distinctly in point, in settling the claims of Massachusetts, Maryland, and Maine.

Before the vote is taken I desire to say that the amendment is in order according to every ruling which has been made by the Senate and the Chair pending the consideration of this bill. In the first place, a bill to the same effect passed the Senate at this session of Congress. Similar bills passed the Senate in the Fiftieth Congress and in the Forty-ninth Congress. In the second place, the amendment is in accord with the report of a standing committee of this body as a recommended amendment to this bill. In the third place, it has been estimated for by the head of a Department. In the fourth place, it is not in any respect a private claim, but the claim of a class of States. I therefore ask that the vote may be taken on the amendment.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. It is proposed to add to the bill the following:

It is further provided, That the Secretary of the Treasury be, and he is hereby, directed to resettle the accounts of the States of New York, Pennsylvania, Delaware, Virginia, and South Carolina, and the city of Baltimore, for and on account of advances made by the said States and city of Baltimore in the war of 1812 and 1815 with Great Britain; and in computing the interest on said advances the Secretary of the Treasury shall apply the rule laid down in the act of Congress approved March 3, 1837, for the resettlement of the account of the State of Maryland for advances in the same war. And in the resettlement and payment of these accounts any bonds of any of the said States or of said city of Baltimore held by the United States Treasury or the Indian trust fund shall be treated as offsets due to the United States or to said Indian trust fund, and the balances which may be found due to the said States on July 1, 1891, after deducting the principal and interest on said bonds to the 1st of July, 1891, shall be paid to the said States, respectively, and to the said city of Baltimore, and the bonds and coupons shall be returned to the States which issued the same; and for this purpose there is appropriated the sum of \$2,500,000, or so much thereof as may be necessary, after returning to the United States Treasury and to the Indian trust fund the amounts of principal and interest on the bonds held, respectively, by the United States Treasury and the Indian trust fund.

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

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

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

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER].

The roll call was concluded.

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

Mr. SANDERS. I am paired with the junior Senator from Georgia [Mr. COLQUITT]. I withdraw my vote.

Mr. HISCOCK. I desire to inquire whether the Senator from Arkansas [Mr. JONES] has voted.

The VICE PRESIDENT. He is not recorded as having voted.

Mr. HISCOCK. Then I withdraw my vote. I am paired with that Senator.

Mr. BLAIR. Has the senior Senator from Mississippi [Mr. GEORGE] voted?

The VICE PRESIDENT. He is recorded as having voted in the affirmative.

Mr. BLAIR. Then I vote "nay."

Mr. HAWLEY. I am paired with the Senator from South Carolina [Mr. BUTLER], who is absent. I therefore beg leave to withdraw my vote.

The result was announced—yeas 23, nays 22; as follows:

YEAS—23.

Barbour,	Berry,	Coke,	Eustis,
Eate,	Carlisle,	Daniel,	Farwell,

Faulkner,
George,
Gorman,
Gray,
Hampton,

Harris,
Jones of Nevada,
Mitchell,
Morgan,
Payne,

Pierce,
Ransom,
Reagan,
Sawyer,
Stanford,

Stewart,
Turpie,
Vance,
Vest,
Warren.

NAYS—22.

Allen,
Allison,
Blair,
Chandler,
Cullom,
Davis,

Dixon,
Edmunds,
Evarts,
Hale,
Hoar,
McConnell,

McMillan,
Morrill,
Paddock,
Platt,
Sherman,
Shoup,

Stockbridge,
Teller,
Washburn,
Wilson.

ABSENT—36.

Aldrich,
Blackburn,
Blodgett,
Brown,
Butler,
Call,
Cameron,
Carey,
Casey,

Cockrell,
Colquitt,
Dawes,
Dolph,
Frye,
Gibson,
Hawley,
Higgins,
Hiscock,

Ingalls,
Jones of Arkansas,
Kenna,
McPherson,
Manderson,
Moody,
Pasco,
Pettigrew,
Plumb,

Power,
Pugh,
Quay,
Sanders,
Spooners,
Squire,
Voorhees,
Walthall,
Wolcott.

So the amendment was agreed to.

Mr. PIERCE. I do not wish to detain the Senate by offering amendments, but I simply want to make an inquiry of the Chair.

The VICE PRESIDENT. The Senator is in order.

Mr. PIERCE. I understand that it has been held that judgments of the Court of Claims which have not been referred to the Committee on Claims and reported back and referred to the Committee on Appropriations are not in order. Am I right?

The VICE PRESIDENT. That has been the ruling of the Chair.

Mr. PIERCE. Then I shall not offer my amendment.

Mr. TURPIE. I offer an amendment, to come in after line 4, on page 88.

The CHIEF CLERK. On page 83, after line 4, insert the following:

To enable the Secretary of the Treasury to pay to Silas Q. Howe, surviving partner of W. T. Pate & Co., the sum of \$19,662.19, being the sum audited under section 3220, Revised Statutes, and set forth in Executive Document No. 46, Fiftieth Congress, second session, being the sum paid by said firm as taxes on distilled spirits in excess of the quantity withdrawn by said firm from bonded warehouse.

Mr. HALE. Mr. President—

Mr. TURPIE. I appeal to the Senator from Maine—

Mr. HALE. If the Senator can secure a vote upon this amendment without saying a word, I shall not say a word about any point of order.

Mr. TURPIE. Very well.

The VICE PRESIDENT. The question is on the amendment submitted by the Senator from Indiana [Mr. TURPIE].

Mr. HOAR. What is the amendment?

The VICE PRESIDENT. It will be reported again.

Mr. SHERMAN. I do not think we ought to put on these amendments.

Mr. HOAR. I merely asked that it might be reported again.

Mr. HALE. Mr. President, the Senate has this morning put on \$10,000,000, and it is not worth while to stand on a bagatelle. It will be a long time before these single amendments that are being offered by Senators will amount to a million dollars, and the Senate has put on five million, two million, and three million dollars at a time; so it is not going to be very bad for two or three of these other amendments to go on.

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

Mr. TURPIE. I will state the nature of this claim. I stated it last night at some length, but I will state it again, and then I will ask for the yeas and nays.

The bill for the payment of this claim has twice passed this body. The amendment to pay this claim was referred by the Committee on Claims to the Committee on Appropriations a good many days before this bill was reported. It is directly in order in every respect. Two committees of this body have examined and have reported it favorably. Senator SHERMAN, when he was Secretary of the Treasury, reported in its favor. Mr. Raum, when he was Commissioner of Internal Revenue, certified to its justice. That is the character of the claim.

The VICE PRESIDENT. Does the Senator from Indiana demand the yeas and nays?

Mr. TURPIE. Yes.

Mr. HALE. Let us decide it without taking the yeas and nays.

Mr. SHERMAN. I could not hear one word uttered by the Senator from Indiana [Mr. TURPIE]. He says that this claim, as near as I could gather, has passed the Senate. Did I understand him to say that?

Mr. TURPIE. It has twice passed the Senate.

Mr. SHERMAN. Has it passed the House?

Mr. TURPIE. The bill was reported favorably twice in the other House, and was approved by the Senator himself when he was Secretary of the Treasury.

Mr. SHERMAN. What is it for?

Mr. TURPIE. It is for illegal taxes collected upon spirits after delivery to bonded warehouse and before taking them out. This is the last one of those claims.

Mr. SHERMAN. Has it been acted upon by the Court of Claims or any other tribunal?

Mr. TURPIE. No, sir; except by the Department.

Mr. SHERMAN. Has it been recommended by the Treasury Department?

Mr. TURPIE. Yes; the report was recommended by Senator SHERMAN himself when he was Secretary of the Treasury.

Mr. SHERMAN. As a matter of course I have no recollection at all about it.

Mr. TURPIE. I suppose not.

Mr. SHERMAN. It appears, by the way we are doing business here, we might put on very bad claims and refuse to put on some very good claims.

Mr. HALE. Let us have a vote without taking the yeas and nays.

The VICE PRESIDENT. The Chair will put the question again on the amendment.

The amendment was agreed to.

Mr. PIERCE. Mr. President, the amendment I propose to offer I am informed is probably in order, and I submit it.

The VICE PRESIDENT. Where does the Senator desire the amendment to be inserted?

Mr. HALE. Put it in at page 38, at the end of line 5.

The CHIEF CLERK. On page 38, after line 5, insert the following:

To pay Julius Stahl the amount found due him by a judgment rendered in the Court of Claims, \$5,190.

Mr. HALE. I do not make any objection to that. Let that pass.

The VICE PRESIDENT. The question is on agreeing to the proposed amendment.

The amendment was agreed to.

Mr. MITCHELL. I offer an amendment.

The VICE PRESIDENT. It will be read.

The CHIEF CLERK. On page 78, after line 10, insert the following:

To pay to the legal representatives or devisees of James W. Schaumburg the amount of the pay and allowance of a first lieutenant of dragoons from July 1, 1836, to March 24, 1845, as heretofore found to be due him by the circuit court for the eastern district of Pennsylvania, and affirmed by the Supreme Court of the United States, at the October term of said court for the year 1880, after deducting such sums as may have been paid on account of such service, the sum of \$11,000, or so much thereof as may be necessary for such payment.

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

The amendment was rejected.

The VICE PRESIDENT. If there be no further amendment, the question is, Shall the bill be engrossed for a third reading and read the 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.

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. 2635) for the relief of Charles G. Hood.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8239) to amend chapter 4488, Title LII, of the Revised Statutes, as amended by chapter 418 of the acts passed at the second session of the Fiftieth Congress.

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. 255) granting a pension to Louisa V. Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, United States Volunteers;

A bill (S. 3471) for the relief of certain officers and enlisted men of the First Kansas Colored Volunteers;

A bill (S. 4224) for the erection of a new customhouse in the city of New York, and for other purposes;

A bill (S. 5089) authorizing the Coos Bay, Roseburgh and Eastern Railway and Navigation Company, in the county of Coos, State of Oregon, to construct a bridge across the Coal Bank Slough of said State;

A bill (S. 5109) granting a pension to Georgie Ann Porter; and

A bill (H. R. 13384) for the relief of Patrick J. Murphy.

INTERNATIONAL COPYRIGHT.

Mr. PLATT. I rise for the purpose of making a report from the conference committee on the disagreeing votes of the two Houses on the copyright bill, but I understand that the Senator from Maine [Mr. HALE] desires to present a report from the conference committee on the diplomatic appropriation bill, which will take no time. If I can be recognized after that shall have been presented I will yield the floor.

Mr. ALLISON. I hope the Senator from Connecticut will not press his conference report until I can have opportunity to present another conference report.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON,

its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 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.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 13069) making appropriations for the diplomatic and consular service of the Government of the United States for the fiscal year ending June 30, 1892, 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 amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Strike out, after the word "States," in line 8 of said amendment, all that follows down to and including the word "two," in line 10, and insert in lieu of the matter stricken out the following:

"Within two years from the date of the approval of this act, adequate communication by telegraph with said kingdom, upon reasonable terms, for a period of fifteen years, a sum not exceeding one."

And strike out all of said amendment after the word "execution," in line 13 of said amendment, and insert in lieu of the matter stricken out the following:

"Provided, That such arrangement shall secure to the United States the right to purchase said cable property at any time within said fifteen years on payment of the actual cost thereof and 5 per cent. per annum: And provided further, That such engagement shall be made only upon the condition of the Hawaiian Government securing to the parties contracting, as aforesaid, an annual payment for said term of fifteen years of a sum equal to one-third of the sum payable by the United States."

And the Senate agree to the same.

EUGENE HALE,
W. B. ALLISON,
Managers on the part of the Senate.
R. R. HITT,
WM. W. MORROW,
Managers on the part of the House.

The report was concurred in.

PENSION APPROPRIATION BILL.

Mr. ALLISON. I ask the Chair to lay before the Senate the action of the House of Representatives on the pension appropriation bill.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives insisting on its disagreement to certain amendments of the Senate to the bill (H. R. 12227) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1892, and for other purposes, and requesting a further conference on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. The conferees were unable to agree respecting the legislation that is upon the pension appropriation bill. The conferees upon the part of the Senate made many propositions which they hoped the conferees on the part of the House would accept, but the conferees upon the part of the House insist that the legislation that they put upon the bill shall remain substantially as it originally passed the House. The amendment relating to the pay and compensation of attorneys, wherein it was provided that the provisions in this respect should not apply to any case pending where there is a lawful contract, is really the bone of contention between the conferees on the part of the two Houses, the House of Representatives insisting that that shall be struck out.

Mr. INGALLS. Does the Senator from Iowa desire any expression on the part of the Senate as to the view entertained by this body?

Mr. ALLISON. I should be very glad to have, in some form, by motion to recede from this amendment, or otherwise, an expression of the sense of the Senate. I suppose a motion to recede will test the sense of the Senate. I will have the amendment read. This amendment is numbered 4, on page 3.

The CHIEF CLERK. On page 3, amendment No. 4, after the word "count," insert:

Provided, however, That the foregoing provisions in regard to fees of agents or attorneys shall not apply to any case now pending where there is an existing lawful contract.

Mr. ALLISON. That amendment the House conferees refused to agree to.

Mr. GORMAN. Mr. President, I have tried, so far as my own action is concerned, on all these appropriation bills to prevent legislation on any of them. I am aware that to some extent on each appropriation bill provisions of a legislative character have crept in, elsewhere and here. But in this case of a bill appropriating \$133,000,000 and over for pensions, it is a bill, as a matter of course, that must pass, and that nobody would think of voting against, for it is simply carrying out the law. I have believed that this bill should be free from all legislation.

It is no doubt true that there has been an abuse in regard to the charges permitted by the laws as they formerly existed; no doubt sometimes they have been excessive, and some few agents, or quite a number of them, have received undue amounts for the services they have rendered; but in my judgment that is a matter which ought to have been corrected by a separate act and after due consideration by the Committee on Pensions. The conflicting statements in regard to the operations of the bill as it came to us and as it is proposed to be

amended were of such a character that at the very close of the session it has been impossible for the Committee on Appropriations to give it such consideration as the subject deserves, and I agree with the majority of the Committee on Appropriations that this is so serious a matter that the Senate itself ought to determine what shall be done.

Mr. PLATT. Let me see, Mr. President, if I understand the situation. The House in the pension appropriation bill inserted a provision which only allowed attorneys \$2 in increase cases. Is that so?

Mr. ALLISON. It is provided that hereafter no agent or attorney shall demand or receive or be allowed any compensation in that classification exceeding \$2, and then there is a penalty for its violation.

Mr. PLATT. And the Senate amended it so that that provision should not apply to cases where lawful contracts had been made?

Mr. ALLISON. In violation of existing contracts.

Mr. PLATT. If the Senate recedes that will leave the matter as it came from the House?

Mr. ALLISON. That is substantially the situation.

The VICE PRESIDENT. Did the Senator from Iowa make a motion?

Mr. ALLISON. I ask that the report may be agreed to.

Mr. EDMUNDS. It does not require that motion.

Mr. ALLISON. Then I move, for the purpose of testing the sense of the Senate, that the Senate recede from its amendment numbered 4.

The VICE PRESIDENT. The question is on agreeing to the motion made by the Senator from Iowa, that the Senate recede from amendment numbered 4.

The motion was disagreed to.

Mr. VEST. Take the vote again.

The VICE PRESIDENT. The Chair will put the question again.

Mr. GORMAN. Mr. President, I do not think that the Senate understands. So I ask the Senator from Iowa to state again what this amendment is.

Mr. ALLISON. The Senate inserted a proviso that this legislative provision which came to us from the House should not affect valid contracts now existing. I know of no other way of testing the sense of the Senate upon this question than to move that the Senate recede from its amendment. In that way we can get the judgment of the Senate.

Mr. HARRIS. Will the Senator also state what will be the effect of the legislative provision?

Mr. ALLISON. I will state briefly what it is. It provides that hereafter no agent or attorney shall demand, receive, or be allowed any compensation beyond \$2 in any case for increase of pension on account of the increase of disability for which the pension has been allowed. It also provides that that \$2 shall only be paid to an agent in the State. The House conferees are willing to recede from that. Then, further on, the bill provides penalties against any infraction of this provision. The Senate added to that this proviso:

Provided, however, That the foregoing provisions in relation to the fees of agents shall not apply to any case now pending where there is an existing lawful contract.

That is the whole question.

Mr. HARRIS. Does the Senator think that we can by legislative action impair the obligation of a valid contract? I do not think we can recede from that amendment.

Mr. EDMUNDS. That question was discussed before, and I think everybody agreed that it would be worse for the soldier, worse for Congress, and worse for everybody, to undertake by any such edict of Congress to repeal contracts made in perfect conformity with existing laws and regulations. That matter was all discussed before.

Mr. HARRIS. Would a statute of that kind be allowed to impair the obligation of the contract?

Mr. EDMUNDS. It would make infinite lawsuits and further spoliation in the end.

Mr. SHERMAN. Mr. President, I believe \$2 is a sufficient compensation for the mere preparation of a formal application for increase of pension where all the testimony is already on file; and therefore I think it would be a proper compromise in this case to say that not more than \$2 should be paid by the United States to the pension agent or attorney. That is, I think, all that the House really intended. Congress ought not to interfere with a contract between the parties. If Congress may say how far it will promote, or interfere with, or aid in, the execution of that contract, it may very properly say that not more than \$2 shall be paid by the Government to the pension agent under existing law.

Mr. ALLISON. The Government does not pay anything.

Mr. SHERMAN. The Government does retain the fee; in other words, it collects the fee, and I suppose if the fee might be considered unreasonable in our judgment, we may simply say, "Very well, if you have a contract with the pensioner, you may collect all over \$2."

Mr. GORMAN. I think if the Senator from Ohio will examine the provision he will see that it goes beyond that.

Mr. SHERMAN. I know it does, but I merely suggest that as a basis of compromise. I have no doubt the House will agree to it. I think we may let the Government of the United States secure to these agents \$2 and no more, and that would be the end of it.

Mr. INGALLS. Mr. President, I think the Senator from Ohio [Mr.

SHERMAN] misunderstands this proposition. As the law now stands the parties have a right to contract for a fee of \$10, to be paid by the claimant to the agent or attorney. This is an absolute right guaranteed by law and protected by law. Now, this appropriation bill comes in and declares that in a claim for increase of pension a fee not exceeding \$2 may be charged, and an attempt is made to invalidate contracts that have been legally made hitherto for \$10.

Mr. EDMUNDS. Under the express authority of Congress.

Mr. INGALLS. Under the express authority of Congress, and for value received. I do not believe, Mr. President, that we can afford to recognize it as a principle of legislation that we can interfere with existing valid contracts made in compliance with laws that have been properly passed by Congress and approved by the President.

The Senator from Ohio seems to leave the intimation that this \$2 that is to be charged and reserved as a fee leaves the parties at liberty to contract for a larger sum. I do not so understand it. This reservation is made out of the money allowed to the claimant, to be paid in accordance with the terms of the contract. But the parties are not at liberty, under the law as it now exists, to contract for a larger sum, and they would not be even if this legislation should pass. Therefore I say, Mr. President, that the motion of the Senator from Iowa [Mr. ALLISON] to recede ought to be negatived, and I believe that will appeal to his own sense of justice, for I know that the Senator merely makes this motion for the purpose of testing the sense of the Senate.

Mr. ALLISON. I do.

Mr. INGALLS. And not because he thinks the Senate ought to recede.

Mr. ALLISON. Mr. President, the difficulty with this bill is that there is a proviso also in it that any agent, attorney, or other person instrumental in procuring a claim for an increase, or who shall directly or indirectly contract for, demand, receive, or retain fees for such services, except as hereinbefore provided, shall be guilty of a misdemeanor, and shall, upon conviction, pay a fine not exceeding \$500 or suffer imprisonment not exceeding two years, or both. The House insists upon retaining that provision.

The VICE PRESIDENT. The question is on agreeing to the motion made by the Senator from Iowa [Mr. ALLISON].

Mr. COCKRELL. Mr. President, I had occasion, when this bill was under consideration before, to make some little exposure of the practices and infamies of these pension sharks in this city. I now hold in my hand a letter which I received from a Union soldier in the State of Minnesota, and a circular that was sent out by one of these sharks, who, I think, in the interest of honesty and decency, should be exposed.

[H. B. Willson, Solicitor of Claims, Washington, D. C.]

IMPORTANT.

DEAR SIR: Perhaps at no former time has there been a greater number of pensioners entitled to an increase than at present, as a result of the recent liberal rulings and the several new laws in the interest of pensioners. Recognizing this fact, I am devoting a large part of my time and efforts to this class of claims, and with abundant success. A great many of those who have been pensioned for any length of time are entitled to an increase, as it is the nature of many disabilities for which pension is granted to disable the pensioner more and more with advancing years, and as the Pension Office now recognizes the fact that most disabilities of long standing will naturally result in some other disease or disability, thousands suffering from resulting disabilities—

"Resulting disabilities" in large capitals—

can now get an increase where they may have before been repeatedly rejected. In addition to this it frequently happens from various causes that the soldier is pensioned at a lesser rate than his disabilities warrant; therefore, it is for the interest of every pensioner to have his own case tested.

As your name has been furnished me as being entitled to an increase of pension, I enclose herewith a blank for you to make application.

If you will have the blank filled in, according to the facts—as indicated by the small type—and then execute it before some person authorized to administer oaths, in the presence of two witnesses, after which return it to me promptly, I will make every effort to secure to you an increase at an early day. I am ready and willing to assist you in every way.

An early reply is requested.

Yours truly,

H. B. WILLSON.

P. S.—I charge no fee until I secure you an increase, and then only \$10.

Here is a sample power of attorney that was sent out. Now, I want to read what this soldier says, omitting what he says in regard to my remarks upon that question.

Mr. WOLCOTT. I ask the Senator from Missouri what there is wrong about that letter. I am not in favor of pension sharks, but that seems to be an eminently proper letter for him to send out.

Mr. COCKRELL. Eminently proper for him to tell an infamous lie?

Mr. WOLCOTT. What lie is told?

Mr. COCKRELL. That "your name" (referring to this soldier) "has been furnished me as being entitled to an increase of pension."

Mr. WOLCOTT. But, Mr. President, he is not to charge anything unless he gets the pension. He does not seek to make anything out of the claimant, for if his claim is rejected the attorney charges nothing.

Mr. COCKRELL. If the Senator from Colorado can see no wrong in such infamous swindles as this, I think his bump of conscientiousness is very badly developed. [Laughter.]

Now, Mr. President, here is a letter from this soldier, dated February 12, 1891, in which he says:

I have had my own case there in former years, and have it again now, and

have no cause to complain of anything on my own part, but I know of many other parties who are being "worked" by pension sharks in a manner that is a disgrace to the whole business; and if it could (and can) be changed so that the Department took matters all in their own hands and revoked all contracts, it would only be doing justice to the soldier.

This claim and those extra-fee contracts is getting to be a perfect outrage on the soldiers. To my knowledge and observation, as soon as the agents get one of the applications signed and returned to them, within two or three months they send back a special contract for \$25 fee, and urge the soldier to sign it, and follow it up with letters and postal cards urging the contract.

The soldier finally signs it for fear his case will be and is being neglected if it is not signed, when the first paper that he signed stated that the fee was to be \$10.

That is the way they work it. They send out this ten-dollar-fee contract and get it signed, and get the man to send them a few papers, and then they send back to him a twenty-five-dollar-fee contract, and then if he does not sign that promptly they intimate that his claim can not be acted upon until the twenty-five-dollar contract is signed.

Mr. GEORGE. Is that a letter from the man to whom that circular was addressed?

Mr. COCKRELL. Yes; the writer of this letter sent me this circular.

It is too bad that the "new law" had not put the limit at \$2.50, for that is all it is worth, and more too, for there is nothing for the agent to do, for there is no affidavits of comrades to prove anything about his wounds or diseases. His present condition is all that is taken into consideration. The Adjutant General's office furnishes his record, wounds and sickness, if any (in hospital), and the examining boards all over the country give his present condition. The soldier's papers should go direct to the Department and not through an agent's office that can do them no good, and yet have the privilege of taking the cream of the business in a fee of \$10 or \$25.

One of my neighbors some years ago paid Lemon \$25 for a \$2-per-month pension, which took over a year of the award to pay the fee.

Since the passage of the new law — sent him papers for increase and also application under the new law. He signed both sets and sent them on.

Since then he has received a twenty-five-dollar contract to sign, and has also received a letter and a postal card urging him to sign them.

I hear of other cases the same in every direction. There is too much connection or understanding between the Department and the agents, and it must come through the clerks.

I know of a party who some six months ago sent to the Department for blanks to commence an application. Within thirty days he had circulars from some five or six agents at Washington and all over the country.

He sent to the Pension Office for blank forms of application, and he was flooded with circulars from these sharks. They found out that he had sent to the Pension Office for the blanks in order that he might make his application for himself and in his own name.

I get the circulars and blanks from agents all over the country as often as once a month, and have for the last five years. I got one lately that is new to me (see inclosed), and says "with power of substitution."

This power of attorney has "substitution" in it, making it valuable to sell if he wishes to quit the business.

Hope your suggestions may be made the law.

Yours, truly,

I do not think there is anything wrong in dealing with these contracts in any manner that we can which will stop the swindling.

Mr. HAWLEY. Mr. President, I want to say just a word or two, though I presume it is what occurs to the mind of every Senator: That the attorneys for the soldiers are very much like the rest of the human race, including the members of the bar generally.

There are, of course, among them some men who will take an improper advantage and squeeze the soldiers for an additional fee and a larger contract. I have had no intimacy with any such, but I have had a great deal to do with a number of these claimants. They have come to me sometimes to ask me to inquire of the Department what was the matter with their cases, saying that they could not get an answer. I have never caught any one of these agents charging too much. That is an open violation of law, and if the soldier made complaint the pension agent would be disbarred here at the Pension Bureau.

I do not believe the abuse in that respect is great, and I insist that, as to the very large majority of soldiers, the aid and assistance of the man who knows how to prepare an affidavit, and knows how best to ask for information, is indispensable.

I do not believe in the \$2 fee, and an attempt to abrogate a contract already existing would be an attempt unworthy of a body that contains a large number of lawyers, and unworthy of honorable men anywhere, and will not, in my judgment, be made. The courts would not permit it to be done. It is not so easy a matter to get through the office the simplest claim, and \$2 or \$3 or \$4 or \$5 would not be an unreasonable fee.

And in this connection I would like to ask the Senator from Missouri [Mr. COCKRELL] whether it be true, as I am told by a reputable attorney, that the State of Missouri charges a soldier \$2 for a copy of a record of the soldier's service.

Mr. COCKRELL. I do not believe a word of it. If it is true, I have never heard of it, and I know nothing about it.

Mr. HAWLEY. I will ask my informant to prove it. All I know is that he says that a soldier in Missouri has to pay \$2 for a copy of a record of his service.

Mr. COCKRELL. The adjutant general of the State of Missouri is a Union soldier. I do not know of any law that would authorize him to make any charge for such service. There may be such a law, but if so, I do not know anything about it.

Mr. HAWLEY. I do not think it can be the law, because the Legislature of that State would feel ashamed to make a law of that kind.

Mr. COCKRELL. The present adjutant general, as I say, was a soldier in the Union Army, and I do not believe would charge \$2 for any such service. There may be some old records there that have to be certified, and that may be charged for. But I do not believe that any such charge is made for any records of the last war.

Mr. HAWLEY. There is no doubt as to the fact that in many cases the attorney does five times, yes, even ten times, the amount of work that \$2 or \$5 would pay for; but then, again, he gets along very easily. A large portion of the cases he presents are rejected entirely, and then he gets nothing. So I do not believe it is possible that an attorney or agent makes, on an average, taking all his cases into consideration, over \$5 per claim.

I think it is a mistake in Congress, as I have said, to be pursuing these assistants of soldiers as if it were a popular thing to charge all of them with being frauds.

The PRESIDING OFFICER (Mr. PADDOCK in the chair). The question recurs on the motion of the Senator from Iowa, the chairman of the Committee on Appropriations, that the Senate recede from its amendment numbered 4.

The motion was disagreed to.

Mr. ALLISON. Mr. President, I move that the Senate still further insist upon its amendments to this bill, and ask the House of Representatives for a further conference on them.

The motion was agreed to.

Mr. ALLISON. Now I ask that the Chair appoint the conferees. By unanimous consent, the Presiding Officer was authorized to appoint the conferees, and Messrs. ALLISON, DAWES, and GORMAN were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed without amendment the bill (S. 1813) granting an increase of pension to Florida G. Casey.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. Res. 138) to increase the number of members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. PLATT. Mr. President, I rose sometime ago for the purpose of presenting the conference report on the copyright bill. I was recognized at that time, but I yielded the floor to the chairman of the Committee on Appropriations in order that he might present the conference report on an appropriation bill.

Mr. ALLISON. I now ask the Senator from Connecticut to yield to me so that I may have action upon the conference report on the sundry civil appropriation bill.

Mr. PLATT. I will yield if there is order in the Senate so that anybody can know what is going on.

The PRESIDING OFFICER. There must be better order in the Senate. Senators will take their seats and suspend conversation. Senators at the rear of the Chamber will please be seated.

Mr. ALLISON. Mr. President, this conference report was presented last night and read to the Senate. I ask that it may now be considered, and I should be very glad to answer any question respecting it that any Senator desires to put to me. The bill is a long one, and consists of many items, and that is the quickest and best way to dispose of it.

Mr. PLATT. What bill is that?

Mr. ALLISON. The sundry civil appropriation bill.

The PRESIDING OFFICER. The report has been presented and printed. The question is, does the Senate agree to the report?

The report was concurred in.

Mr. STEWART. Mr. President, in regard to the sundry civil bill I desire to ask a question.

With regard to various appropriation bills that passed the House, I find that in the sundry civil bill, for the Geological Bureau, there was appropriated \$854,600; that on the legislative bill, for salaries for the Geological Bureau, there was appropriated \$35,540, and for the building \$10,000; Bureau of Ethnology, \$50,000; total, \$950,140. I desire to ask the chairman of the committee what deductions have been made from this aggregate of these various bills.

Mr. ALLISON. I of course have not computed with accuracy the reductions, but I should say that the reductions in all will amount to over \$100,000.

Mr. STEWART. How much more?

Mr. ALLISON. In the single item of topography the reduction is, as I remember, \$75,000; and in the other items of a smaller character, like engraving, printing, etc., the differences between the two Houses were compromised, so that probably it is \$100,000 altogether.

Mr. STEWART. Then the total would still be something over \$800,000.

One other question and I have done. I desire to ask if this bureau was organized under a law passed for that purpose or whether it grew up by items in appropriation bills from year to year.

Mr. ALLISON. Well, Mr. President, I am sure the Senator from Nevada is quite as familiar with that subject as I am.

Mr. STEWART. I wanted to put it on record.

Mr. ALLISON. It undoubtedly grew up from year to year in the appropriation bills. It has never been organized as a distinct and separate bureau except by appropriations in the manner indicated.

Mr. PADDOCK. This being the sundry civil appropriation bill, I desire to ask—

Mr. HALE. It is too late. The conference report has been agreed to.

Mr. PLATT. I ask that the conference report on the disagreeing votes of the two Houses on the copyright bill be laid before the Senate.

The PRESIDING OFFICER (Mr. ALDRICH in the chair). The Senator from Connecticut asks for the consideration of the conference report on the disagreeing votes of the two Houses on the bill (H. R. 10881) to amend Title LX, chapter 3, Revised Statutes of the United States, relating to copyrights.

Mr. PADDOCK. Mr. President, I now feel constrained, under the circumstances under which the bill was reported, and because of some of the things contained in it, to enter a motion to reconsider the vote by which the last report was adopted.

Mr. ALLISON. If we are to have a motion to reconsider—

The PRESIDING OFFICER. No motion to reconsider can be made at this time.

Mr. ALLISON. I am quite sure of that, but I appeal to the Senator from Connecticut to allow this matter, which is of great importance, to be disposed of in order that a bill I have in charge may go to the House.

The PRESIDING OFFICER. The Chair did not recognize the Senator from Nebraska [Mr. PADDOCK] for that purpose.

Mr. PADDOCK. The Chair is right about it. I will make my request later.

Mr. PLATT. Now, Mr. President, I present my conference report.

Mr. ALLISON. I appeal once more to the Senator from Connecticut to allow this bill to be disposed of, because it must go to the House.

The PRESIDING OFFICER. The bill has been disposed of, so far as the Senate can dispose of it.

Mr. ALLISON. Well, Mr. President, then I ask that the clerks may send the bill to the House in order that we may dispose of it.

The PRESIDING OFFICER. The Senator from Connecticut is entitled to the floor.

Mr. PLATT. Mr. President, let me make a statement if this matter is in a position where it can be considered. I ask the attention of the Senators from Nebraska, from Iowa, and from Maryland. If there is to be further consideration of the sundry civil appropriation bill it may as well be disposed of at this time as at any time. I recognize the fact that these great appropriation bills have got to be disposed of in order that they may be settled and enrolled and made ready for the signature of the President before to-morrow at 12 o'clock. I am quite willing, if the matter is to take further time of the Senate at any time, to yield.

The PRESIDING OFFICER. Does the Senator from Connecticut withdraw his report? If he withdraws it the Chair will then recognize the Senator from Nebraska [Mr. PADDOCK] to make a motion to reconsider.

Mr. PADDOCK. I ask that the conference report on the copyright bill may be temporarily laid aside for that purpose.

The PRESIDING OFFICER. If there be no objection, that order will be entered.

Mr. PADDOCK. I do not want to consume the time of the Senate needlessly, but I make this motion for the purpose of securing a little information from the Senator from Iowa [Mr. ALLISON] upon a matter which was not very satisfactory, to myself at least.

The PRESIDING OFFICER. The Senator from Nebraska moves that the vote by which the Senate agreed to the conference report upon the sundry civil appropriation bill be reconsidered. That motion is now before the Senate.

Mr. PADDOCK. I wanted to inquire of the Senator in charge of this bill what disposition was made of the amendment put upon the bill in the Senate providing for a building to be known as the chemical laboratory of the Agricultural Department.

Mr. ALLISON. That amendment was surrendered by the conferees on the part of the Senate, at the urgent request of the conferees on the part of the House.

Mr. PADDOCK. Mr. President, I confess to a good deal of regret that the Senator from Iowa, representing as he does so well and ably one of the greatest agricultural States of this Union, felt himself compelled to unite with the other conferees in the surrender of this amendment which is so important to the agricultural interests of this country. I must believe that he would have saved it if he could have done so. But its loss is a disappointment.

Here is the great agricultural scientific department of the Government. It has no facilities whatever with which to carry on this most important work in the interest of agriculture. As I have been told, and as I think, this amendment has been stricken out in order that a corresponding sum of money may be used to purchase the Maltby Building and the Butler Building. Is that true? I would like to know.

I would like to ask the Senator if that is the fact, that this action was taken by the conference committee from such a consideration?

Mr. ALLISON. I will answer the Senator when I have the floor in my time.

Mr. PADDOCK. That is the way I understand it. But whether this be true or not, it is true that there has been no end of appropriations here of all kinds for almost all other interests and comparatively nothing for agriculture, which is the greatest of them all; and it is about time that there should be a little more liberality on the line which I indicate.

I believe the Senator from Iowa fully agrees with me as to this. I hope for more favorable conditions here for the agricultural interest soon. Indeed, considering the fact that there is to be considerable of an infusion of new agricultural blood, so to speak, in the coming Congress, if this sort of thing is to continue throughout all these appropriation bills now, it may be just as well if we are compelled to have an extra session to meet this situation at the earliest possible moment hereafter.

Now, Mr. President, I do not want to disparage the Senator from Iowa. I am satisfied the responsibility is not with him. He is a strong and able man, one of the most experienced and most useful legislators that has been in either branch of Congress for many years and has always been true to agricultural interests. The only criticism which will stand against him for a moment is that, for accordance, for peace against unreasonable and unreasoning assaults from another source, he has yielded perhaps too readily. Far be it from me to question his motives, his judgment, or his faithfulness in the performance of any duty.

Mr. PLATT. May I interrupt the Senator?

Mr. PADDOCK. Certainly.

Mr. PLATT. I hardly think it is within the spirit of my yielding that the two eminent agriculturists from Nebraska and Iowa should be brought into a controversy here over this matter. If the Senator from Nebraska has any motion to present—

Mr. PADDOCK. I have made these few observations in regard to a motion already made. I am about through.

Mr. PLATT. I trust the two eminent agriculturists I have named will not get into any personal controversy.

Mr. PADDOCK. I do not claim any such designation as that. I desire to say that since yesterday I yield to my distinguished friend from Massachusetts [Mr. HOAR] such claim as I may before have possessed for a prominent position in the front rank of those who do most for agriculture.

I do not care to say more at present.

Mr. ALLISON. Mr. President, I only desire to occupy a moment in reply to the amiable suggestions of the Senator from Nebraska.

What is the sundry civil bill? It is a bill which comes to us from the other House covering all the sundry civil expenses of our Government, covering every Department and every expense that can not be included in specified detailed bills. As it came to us from the House it contained appropriations of \$34,000,000, including public buildings. The Senate, through its Committee on Appropriations, took up the bill and discussed, as it could discuss, the various items found in it as it came from the House of Representatives. Then the Committee on Appropriations, in the usual course of business here, recommended to the Senate a great many additions to the bill in all the subdivisions of it, covering three or four million dollars. They reported the bill with various amendments. The bill came in here and was considered in the Senate. I am giving this information for the benefit of Senators who do not seem to understand how these bills are passed.

The amendments reported by the Committee on Appropriations were considered and discussed at length in the Senate. Some of them were adopted and others were rejected. Many amendments were added which were not reported favorably by the Committee on Appropriations. The bill then passed this body and went to the House of Representatives for its consideration. The House of Representatives disagreed to each and all of the Senate amendments and the amendments were thrown into conference between the two Houses. The conference committee met and they expended probably eighteen hours in the discussion of the amendments. Those who are familiar with affairs here know that in such conferences the Senate is obliged to yield some of its amendments, and when it gives up amendments it must give up amendments which the other House asks it to give up. Whatever persuasion we can use with the conferees on the part of the House to retain amendments is, of course, used by the conferees representing the Senate.

As respects the particular amendment under discussion, the Senate conferees, with as much urgency as was possible—and I appeal to my associates on the conference committee on that subject—asked that it be retained. The response was that it was new matter inserted in the Senate, that no bill on the subject had been introduced by the chairman of the Committee on Agriculture and Forestry, and that no suggestion had been heretofore made of the great urgency of the amendment.

Mr. PADDOCK. Will the Senator allow me a word?

Mr. ALLISON. Certainly.

Mr. PADDOCK. The very amendment to which the Senator is addressing himself was reported from the Committee on Agriculture and Forestry and referred to the Committee on Appropriations to be offered as an amendment to this bill.

Mr. ALLISON. Undoubtedly; but not as a separate bill. It was reported in the consideration of this bill as an amendment to it. The House conferees not only said that, but they said they had made specific examination respecting the building in question, and that provision had been made for the renting of a building for the Agricultural Department, covering the laboratory. They therefore refused to enter upon this expenditure.

Does the Senator want an extra session of Congress because we do not build a laboratory after we have rented a building for that purpose? That seems to be the tenor of the Senator's argument. We surrendered a great many items in the bill, and we retained a great many. We did the best we could under the circumstances. This bill can not be banded back and forth between the two Houses on items which are merely discretionary, and therefore when we found the House unwilling to accede to the amendment we yielded. Our action had no more to do with the Maltby Building or the Butler Building than geometric blocks had. Yet the Senator from Nebraska undertakes to throw in contrast the agreements made by the House as respects these buildings. The provision concerning the Butler Building was in the bill when it came from the House. The provision in relation to the Maltby Building was inserted for the convenience of the Senate, in a large degree.

It was passed here with practical unanimity and is placed under control of this body. The House of Representatives, acting in this matter with that courtesy which prevails between the two Houses, said, after some discussion, that if the Senate desires this building for its convenience, the House yields it. So with the other amendments.

The conference committee on the part of the Senate have done the best they could with this bill, and I believe they have acted wisely and fairly well for the promotion of the amendments inserted in the bill by the Senate. Having done that, the bill having passed, and it being important that it should go to the House of Representatives, I move to lay the motion of the Senator from Nebraska on the table.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa [Mr. ALLISON] to lay the motion of the Senator from Nebraska [Mr. PADDOCK] on the table.

Mr. PADDOCK. I am very much obliged to the Senator for his courtesy in shutting me off.

The motion to lay on the table was agreed to.

Mr. PLATT. I ask the Senate to resume the consideration of the conference report on the copyright bill.

Mr. HAWLEY. Do I understand the case of the sundry civil bill is closed?

The PRESIDING OFFICER. It is closed.

Mr. HAWLEY. On all the amendments?

The PRESIDING OFFICER. On all the amendments.

Mr. HAWLEY. I simply desire to protest against that as one of the unfair things I know of. I had a request to make of the conferees that they would endeavor to bring about a change in the minds of their brother conferees if possible, so as to give us one of the hospitals absolutely required by the soldiers' homes and the three barracks at the different homes which are estimated for by the Board of Managers and by the Secretary of the Treasury and declared to be absolutely necessary. In one case fifty soldiers are sleeping in tents because you will not give them a shed to sleep in. I moved the amendment in the Senate, and the Senate inserted it, and it has been surrendered in conference.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13049) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1892, insisted upon its disagreement to the amendments of the Senate numbered 2, 17, 18, 19, and 20 insisted upon by the Senate, and agreed to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BUTTERWORTH, Mr. CANNON, and Mr. FORNEY managers at the conference on the part of the House.

The message also announced that the House had passed a bill (S. 2692) to establish certain ports of delivery in Alaska Territory, with an amendment in which it requested the concurrence of the Senate.

COLUMBIA RIVER IMPROVEMENT.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, in response to a resolution of the Senate of the 27th ultimo, submitting copies of reports of Maj. Thomas H. Handbury, Corps of Engineers, and also a letter from the Chief of Engineers dated the 28th ultimo; which was referred to the Committee on Coast Defenses, and ordered to be printed.

Mr. DOLPH. I move that 500 extra copies of that document may be printed for the use of the Senate.

Mr. GORMAN. The motion for extra copies must go, under the rules, to the Committee on Printing.

The PRESIDING OFFICER. The motion will be referred to the Committee on Printing.

Mr. DOLPH. Then I withdraw the motion to print.

The PRESIDING OFFICER. The Senator from Oregon withdraws his motion.

PORTS OF DELIVERY IN ALASKA.

Mr. DOLPH. I ask that the bill to reorganize the collection district of Alaska may be laid before the Senate.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2692) to establish certain ports of delivery in Alaska Territory; which was, on page 1, line 11, before the word "thousand," to strike out "twenty-five" and insert "fifteen."

Mr. DOLPH. The amendment diminishes the appropriation \$10,000. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

INTERNATIONAL COPYRIGHT.

Mr. PLATT. I now ask that the conference report on the copyright bill may be read.

The PRESIDING OFFICER. The report of the conference committee will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 10881) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyright, 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 numbered 1, and agree to the same with an amendment as follows: Insert in lieu of said amendment the words "photograph, chromo, or lithograph;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Insert in lieu of said amendment the words "or from negatives or drawings on stone made within the limits of the United States, or from transfers made therefrom;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Insert in lieu of said amendment the words "chromolithograph of photograph;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Insert in lieu of said amendment the words "negative or drawings on stone;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Strike out all of section 13 after the word "citizens," on page 8, line 21, down to and including the word "arises," on page 9, line 2, and insert the following:

"Or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement. The existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require."

And the Senate agree to the same.

And as to the amendments of the Senate numbered 5 and 6, the committee is unable to agree.

O. H. PLATT,
FRANK HISCOCK,
GEORGE GRAY,

Managers on the part of the Senate.

W. E. SIMONDS,
JAMES BUCHANAN,

Managers on the part of the House.

Mr. PLATT. I will make a statement in relation to the report.
Mr. MORGAN. I wish to submit a motion to have the report printed. We can not understand it as it is.

Mr. PLATT. I hope the Senator will not make that motion. This is probably the last chance to secure final action, and I think I can explain the questions in dispute so that Senators will fully understand them.

Mr. MORGAN. I should not like to pass upon a matter which must be a very intricate question of law, merely upon the oral statement of a Senator upon the floor.

Mr. PLATT. I move that the Senate concur in the report of the conference committee, and on that motion I desire to make a statement.

Mr. MORGAN. If the Senator will allow me just a moment, I understand from the reading of the report that there are two amendments which are still in controversy?

Mr. PLATT. There are.

Mr. MORGAN. How can we concur when two amendments are in controversy?

Mr. PLATT. The committee report that they are unable to agree as to those two amendments. If the Senator will listen to me, I think I shall be able to make him understand this matter.

The amendments which are agreed to are the amendments relating to placing photographs, chromos, lithographs, engravings, etc., on the same basis as books in order to obtain a copyright. We have agreed on what is known as the Frye amendment or the McPherson amendment.

Mr. GRAY. We agreed to a modification of the Frye amendment.

Mr. PLATT. We have not agreed to that amendment exactly as it passed the Senate, but have agreed to it in a way which, we understand, will be acceptable to the movers and friends of the amendment. We have excluded from the Senate amendment so much as relates to engravings, cuts, and musical and dramatic compositions, and confined it solely to photographs, chromos, and lithographs. I think that is understood. So that the Frye amendment, or the McPherson amendment, as it has been called, was modified so as to relate only to photographs, chromos, and lithographs.

Mr. FRYE. I will say to the Senator that, so far as I am concerned, it is satisfactory to me.

Mr. PLATT. The conferees understood that the concession which they made in that amendment was satisfactory to the movers of the amendment and those who supported it.

Then amendment numbered 7, which is agreed to, is a formal amendment which was made necessary by the amendment which had been already introduced on page 6 of the printed bill at the end of section 4. The words "copyrighted under this act during the term of the copyright" were stricken out and the words "prohibited by this act" inserted. That amendment is agreed to.

Amendment numbered 8, which was agreed to, was where the Senate inserted the words "contrary to the provisions of this act."

Amendment numbered 9, which was agreed to, was inserting the word "or" between the words in the phrase "dramatic or musical composition," which was left out by mistake.

Amendment numbered 10 was agreed to, where we inserted the words "contrary to the provisions of this act."

Amendment numbered 11 was the insertion in section 13 of the words "or subject," and that was agreed to.

Amendment numbered 12 was agreed to, being the amendment suggested by the Senator from Vermont [Mr. EDMUNDS] with a modification, so as to make section 13 read as follows:

This act shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens, or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement. The existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require.

I think as to the amendments agreed to there will be no controversy in the Senate. The amendments disagreed to are the amendments numbered 5 and 6, on page 4 of the bill, and are the amendments known as the Sherman amendment, relating to the importation of books, and the Ingalls amendment, relating to the importation of newspapers and periodicals.

Mr. INGALLS. Those are both disagreed to?

Mr. PLATT. Those we have been unable to agree to in conference.

Mr. GRAY. I suggest to the Senator from Connecticut that the Senate conferees insisted upon those amendments with a modification, but the House conferees refused to accede.

Mr. PLATT. The Senate conferees insisted upon those amendments. Then we suggested some modifications of the amendments to the House conferees, but the House conferees would not accept the amendments, nor would they accept the modifications which we suggested to those amendments.

Mr. McPHERSON. Let me inquire, as I have been out of the Chamber necessarily for a few moments, if the Senator refers to the amendment of the Senator from Ohio.

Mr. PLATT. That of the Senator from Ohio [Mr. SHERMAN] and that of the Senator from Kansas [Mr. INGALLS].

Mr. McPHERSON. As to all the other amendments the committee have agreed?

Mr. PLATT. The committee have agreed, and I think on terms entirely satisfactory to the Senate.

The Senate conferees insisted upon those amendments. Senators know that I was not in favor of either of them, but I thought it was my duty to represent steadily and steadfastly the position of the Senate on the amendments, and so, with the other Senate conferees, I insisted that the conferees of the House should agree to these amendments. When they said they would not, we suggested some modifications to them and asked them to agree to the amendments with modifications, but the House conferees refused. Therefore, we report a disagreement as to those amendments. The conference committee first reported to the House of Representatives and the House has acted and sustained the House conferees in their position not to agree to the amendments.

Mr. McPHERSON. Then what is the recommendation of the Senate committee?

Mr. PLATT. I was about to state it. The copyright bill is now in this situation: I am satisfied from the conference which we have had and from the action of the House since that we can not have any

copyright law unless the Senate recedes from those two amendments. For the purpose of testing the sense of the Senate on that subject, desiring to leave it to the Senate and to clear myself from responsibility in the matter, I give notice that I shall move, if the report of the committee of conference shall be adopted, that the Senate recede from those two amendments. I ask that the report may be concurred in and then I will make that motion.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

Mr. GRAY. I inquire of the Senator from Connecticut if I understand his motion to be to concur in the report of the conference committee.

Mr. PLATT. Yes. That will leave the disagreement upon two amendments, and as to those I shall move to recede.

Mr. DANIEL. I inquire in what shape the bill will stand, provided we concur in the conference report.

The PRESIDING OFFICER. There will be an agreement upon all the provisions except the two amendments which have been referred to by the Senator from Connecticut.

Mr. DANIEL. That is, the amendment of the Senator from Ohio [Mr. SHERMAN] and the amendment of the Senator from Kansas [Mr. INGALLS]?

Mr. PLATT. They will be open, but the other amendments will be closed.

The PRESIDING OFFICER. The question is on concurring in the report of the conference committee. [Putting the question.] The eyes seem to have it.

Mr. SHERMAN. I think the question ought first to be taken on receding. The Senator from Connecticut would be perfectly in order if he moved to now recede from the amendments of the Senate. I do not think we ought to act upon the report until that question is first acted upon. If the Senate should recede from the two amendments which are in controversy, then, I suppose there will be no controversy as to agreeing to the remainder of the report. As a matter of course, those questions can not be submitted as one question. The first question is on the motion to recede.

The PRESIDING OFFICER. The first question is on concurring in the report of the committee of conference, on which the Chair declared that the "ayes" appeared to prevail.

Mr. SHERMAN. The Chair was making that statement while I was on the floor. I do not care which question is taken first.

Mr. CULLOM. I suppose it is understood that the Senate will have a full opportunity to vote upon the question of receding from the two amendments after the conference report is agreed upon.

Mr. PLATT. Certainly. I have given notice that I propose to submit that question to the Senate.

Mr. DANIEL. I should like to know if the report does not recommend that the Senate shall refuse to recede from these amendments.

Mr. PLATT. The conference committee report a disagreement, the inability of the conferees to agree as to those two amendments.

The PRESIDING OFFICER. The Chair will again put the question on concurring in the report of the conference committee.

The report was concurred in.

Mr. PLATT. I move now that the Senate recede from its amendments numbered 5 and 6 and I ask that those amendments may be read at the desk.

The PRESIDING OFFICER. The amendments referred to by the Senator from Connecticut will be read.

The CHIEF CLERK. Amendment No. 5 is, on page 3, line 13, to strike out all after the word "prohibited," down to and including the words "United States," in line 15, and insert:

Except that all books, maps, charts, dramatic or musical compositions, engravings, cuts, prints, lithographs or photographs, or negatives thereof, or any paintings, drawings, chromos, or statues or statuary so copyrighted, the author, inventor, designer, or proprietor of which shall be a citizen, subject, or resident of a foreign country, may be imported into the United States upon the payment of the duties, if any, imposed by law at the time of such importation.

Amendment No. 6, on page 3, line 17, is to strike out all after the word "sale," down to and including the word "country," in line 24, and insert:

And except in the case of newspapers and periodicals, which are hereby exempted from prohibition of importation.

Mr. PLATT. I do not wish to take up time in discussing this matter. I have submitted to the Senate the conditions. If we do not recede from the two amendments in dispute we shall have no copyright law, in my judgment, and, I think, in the judgment of every member of the conference committee. If we recede from the two amendments, the copyright bill will be passed thereby.

Mr. SHERMAN. In the first place, I call for a separate vote on the two propositions whenever the vote is taken. They are entirely distinct.

Mr. President, although it is a question of grave doubt whether the United States after one hundred years should adopt the principle of allowing a foreign author to copyright his books in this country, still that principle seems to me to be just. I can see no reason myself why a foreign author should not have to a certain extent a right to the ex-

clusive publication of his book in our country. I have been willing and have voted with the committee for the general principle of copyright within certain limits to all foreign authors, but I am not willing to create a monopoly in the hands of any foreigner or in the hands of any purchaser of the copyright of a foreigner, in our own country, in other words, any publisher. I am not willing to give him exclusive and absolute monopoly in the sale of that book.

The bill as it stood without the amendment of the Senator from Kentucky [Mr. CARLISLE]—because the amendment which is associated with my name was really prepared by that Senator when I was compelled to be absent from the Senate—gave to the foreign author the absolute monopoly of his book in this country, so that it could be published solely by him without competition from any part of the world. I do not believe that the Senate or that Congress is prepared, or that the people are prepared, to make an exclusive monopoly for a foreign author so that no American can publish any book in this country written by a foreign author during the period of sixteen years, or whatever the time provided for may be, except on the terms prescribed by the publisher and the author.

There is a tendency in our country, and perhaps in all countries, to create monopolies. I believe the time is coming when this will be a much graver question than it has been in the past; but certainly now, when the tendency is running that way, we should pause a moment before we give to the foreign author the absolute monopoly in the publication of his book. To give him the sole right to publish it in this country is one thing, but to give him the absolute right to exclude all competition from foreign countries is, according to the general principles of our tariff laws, quite a different thing.

If the foreign author is allowed to come here and secure his copyright the same as an American author, all that he is required to do to secure that right is to have two copies of his book printed in this country in any form or shape he chooses. That will give him the exclusive monopoly of that book, so that nobody, except the one selected by this monopoly, can print the book in this country, and the edition of that book may be two copies only. He may refuse to sell it except at some arbitrary price far beyond the reach of the ordinary customer in this country and far beyond the cost of the book. He may put the price of \$10 on every book beyond the two copies filed in the Congressional Library, although the cost of that book to the publisher may be only \$2, and he would still have his right in foreign countries.

So that practically the American publisher would be confined to the purchase of the book published by the author and sold on whatever terms the publisher may impose without restraint or limit.

It seemed to me reasonable, therefore, while I was willing to grant this right to the foreign author, that we should provide certain restrictions, so that the American citizen may be enabled to buy that book at a reasonable price.

Take the English author, for instance. Nearly all the books that will be copyrighted under this law will be by Englishmen, because they will be printed in our language. There is no difficulty about a book published in a foreign language; it is with the books published in the English language.

If the American can not purchase that book except upon the terms dictated by the joint interest of the publisher and the foreign author who has an absolute copyright, then we are absolutely at their mercy, and we can not get any of the books which are the common property of the world at large, because an author who publishes a book makes it public, and it therefore becomes the common property of all the people of the world unless we have some restraint on his power over the publication of the book and over the distribution and sale and price of it.

The only limitation I would impose—and it seems to me a reasonable and proper one—is that when the books of an author, copyrighted in England, for instance, are brought into this country, they shall be subject to the duty of 25 per cent. imposed by law upon all books published abroad, which gives both the publisher and the author ample security for their work in publishing the book. The author gets the benefit of copyright in his own country, and he gets the benefit of copyright in our country. We place him in that particular upon the footing of our domestic authors.

Nobody is allowed to publish a foreign book except with the consent of the author. He may impose his own terms. All the limitation I care for is the limitation which now exists as to the sale of books which have no copyright, books like *Cesar's Commentaries*, or any of the old books which have never had copyright in modern times, or books where the copyright has been lost by lapse of time, the writings of Goldsmith, of Sir Walter Scott, and of all the authors dead and most of those living. These books are now open and free to our use. We buy them cheaply both abroad and at home, and there is a competition between the publisher here and the publisher abroad, the only advantage in favor of the publisher here being the duty at 25 per cent. ad valorem. Why should not that limitation apply also to copyrighted books? The author has his monopoly. Nobody but himself can publish the book. That is a great degree and a great stretch of liberality.

Our countrymen read more books than probably all the people of

Europe; at least I have heard it so stated, but that may be an exaggeration. At any rate, we are the greatest reading people in the world. Without some limitation, our people could not purchase a book published by a foreign author except at the price fixed by the author. There ought to be some restraint, some limitation upon this right, and that limitation which has been proposed by the amendment prepared by the Senator from Kentucky is simply the limitation of 25 per cent. ad valorem. In other words, the publisher of a book in this country competes with the publisher of the same book in foreign countries with an advantage in his favor of 25 per cent. ad valorem, which is enough. Indeed I have heard it said by intelligent publishers that they can publish books in this country as cheaply as books can be published abroad. If so, this benefit of 25 per cent., the copyright being already secured in both countries, is amply sufficient to protect against the difference in price between the book published abroad and that published at home. It is an ample protection to the publisher in this country.

Since this question has been mooted I have met both publishers and writers. Many of them have come to me, publishers especially, and complained of this privilege. I have said to them in reply, "You still have the benefit of the duty on the imported books in your favor to secure the sale of your edition." It seemed to me that that statement answered every argument they could make.

To say that our domestic publisher, in order to induce the purchase of the home book, should have more than the protection now allowed by law upon books which have no copyright seems to me unjust. Therefore I should prefer, for one (I can not speak for others), to see this bill, which is an experiment at best, put off until the next session of Congress. It is not a question which involves any party feelings or a question that will create excitement or controversy. I should prefer to postpone it to the next session in order to secure a proper limitation, without which I would not feel at liberty to vote for this bill. I would not give to a publisher in this country the monopoly of the publication of any book, from the time of Homer down to this moment. I would give him the benefit of the protective duty, which would secure occupation for our printers, the employment of our capital, and all that is secured by any other class of productions in this country; that is, the duty which Congress sees proper to impose upon foreign productions. No more is required and no more ought to be asked for.

My own judgment is that, if this bill should pass without that restriction, it would be the most unpopular law we could place upon the statute books. The readers of our country, the school children, and all classes of our people who read books, even the cheap books which are brought from abroad, would feel that they had been discriminated against. The probability would be, if you absolutely excluded all foreign editions, that we should have nothing here, except the trashy stuff, published under the copyright law. We could not, however much we desired, secure foreign editions in large print, which are so desirable to those of us who are getting old and can not read the old-fashioned print in the novels of former times, and must have access to good editions. The market here in our country may not be broad enough and active enough to authorize the sale of any large edition of foreign books, and therefore there ought to be competition in order that we may be able to procure the best publications of an author, whether in our country or in the country of his nativity or residence.

If we adopt this provision we simply say to the author, "We give you the absolute right to publish your book in our country exclusively." He may make his contract with Harper or any other of the great publishers, but we impose upon those publishers a restriction making the price of that book fall within the limitation of the protective duty which we impose upon all foreign books. When we do that we do everything that can be asked by the publisher. So far as the author is concerned, it makes no difference to him whether the book be published in England or here. He gets his copyright in any event and gets his stipulated price.

I am not familiar with this branch of business, but I am told that the highest price paid by a publisher for a copyright would be about 10 cents a volume. Sometimes the entire profits are divided between the publisher and the author in some proper way, but usually 10 cents a copy is considered a very liberal royalty to be granted by a publisher to even a native author. The charge has to be paid in England as well as in our own country, the copyright being in both countries, because this proposed law contemplates that the copyright shall be in both countries. The benefit to the author in the country where he lives is the same; there is the same copyright, bounty, or royalty, as they call it, as there is in this country. One balances the other. The reader has to pay for the copyright. There is no objection to that. I think that is a contribution to honesty, because the foreign author has a reasonable right to the use of his own mental productions.

When you come to the publisher, he has no right, except that which is given to all American citizens, the right to a reasonable protection. In bringing out his product he has not contributed anything to the knowledge of mankind; he simply publishes that which the author has produced; and there is no reason why we should give him a greater advantage in the publication of a foreign book than he has in the publication of a domestic book. Why is that? With him it is a matter

of dollars and cents, of type, of printers' ink, of the compensation paid to printers, and the book costs no more to publish it in this country than a domestic book costs with or without a copyright.

Therefore, when the publisher comes here and demands a monopoly of a book in our country, to the exclusion of all competition with foreign countries, without respect to the price, he demands what I am not willing to concede. I would rather see the bill defeated than yield that. I am willing to give him the benefit of the protection given to all publishers in our country. Indeed, I desire to see all books printed so well that there will be no inducement and no object to seek for foreign books, but I would not allow him to judge and fix the price. I would fix a limit, and that would be the competition between the publisher in the foreign country and the publisher in our own. If we do not do this it seems to me that we should be yielding to the spirit of monopoly which is lying at the foundation of this proposition, the absolute prohibition of a book, so that if the most eminent author in England should write a book, which would at once excite the attention of the American world and create a great demand for it here, the publisher could publish that book in this country without any restraint upon the price. He alone would have the monopoly, and no other man living could publish it, although thousands might be ready to publish it. He has not only the benefit of the 25 per cent. ad valorem duty, but he has the exclusive power to publish the book, and no man, no matter how anxious he may be to have a foreign edition of a particular book, illustrated in a better way than the book published in this country, has any opportunity to obtain it. Such a proposition as that it seems to me is entirely unjustifiable and can not be sustained. I for one will not vote to give any publisher such a monopoly of a book or any other article of production.

Mr. HISCOCK. Mr. President, the Senator from Connecticut [Mr. PLATT] has stated that, in his judgment, if the Senate refuses to recede from the two amendments to this bill which are in dispute, the bill will fail. I supplement that by saying that, if the Senate does not recede from those amendments, it is a matter of no consequence whether the bill fails or not.

I now ask the attention of the Senator from Ohio to what I say, as it is in direct antagonism with what he has said. The conferees on the part of the Senate reported a disagreement because, I suppose, they regarded it as their duty to do so, in view of the large majority which had pronounced in favor of these amendments. It can make no difference if the vote be taken in one case upon a confirmation of the report and in the other case upon receding from the Senate amendments.

Look for a moment at the position of the Senator from Ohio. I call attention to it in the light of the remark I made, that it is a matter of no consequence to the authors whether this bill passes or not if it contains the amendment of the Senator from Ohio, and I hope he will, at some time in the course of this discussion, if this subject is to be discussed at any length, tell us what he has given the author if that amendment prevails.

I understand the Senator is in favor of a copyright bill which will insure something to foreign authors in exchange for the benefits which it is supposed American authors may receive from foreign countries. With this amendment in the bill what do you give them?

Mr. SHERMAN. If my friend will allow me to answer that question, we give them the exclusive right to sell the books for their benefit in the United States of America, a greater field than any other.

Mr. HISCOCK. The exclusive right to sell a particular book in America, unless the purchasers in America propose to import it to this country under the present tariff laws! You have not added to the value of this copyright a farthing. The effect of the Senator's amendment in the bill is to leave the law precisely where it is now, with this change only that, in the event the foreign author is unwise enough to take out a copyright upon his book in this country, you transfer to any country in which he does not or can not take out a copyright the printing of all of the editions of that work, which will be brought in here subject to a duty of 25 per cent. ad valorem. So that, either directly or indirectly, the effect of the bill upon foreign authors, if it becomes a law, will be precisely what the effect of the present law is. The result will be that foreign authors will not avail themselves of the provisions of this bill at all.

Why? If the foreign author does that his book will be pirated somewhere else and be imported from that country, which involves the loss of the printing—whatever there may be of that in quantity or in value to the American printer—and the printing is transferred to another country.

To illustrate, suppose that Mexico, the Sandwich Islands, Cuba, or any other country in the world should decline to enter into this copyright arrangement, I ask the Senator if there is anything in this bill which precludes the printing being done in any of those countries of books which can be imported here subject to a duty of 25 per cent. ad valorem. You absolutely force that, provided the foreign author takes out a copyright here and attempts to control the sale of his work in that way. In other words, if he attempts to get the benefit of his copyright here, if anything is paid to him, that amounts to a discrimination enough in favor of the pirated book to transfer the whole busi-

ness to any country where he has not taken out a copyright or where he can not do it.

Mr. PIERCE. I should like to understand this thing.

Mr. HARRIS. Mr. President, it is impossible to hear what is going on on the other side of the Chamber.

Mr. PIERCE. I desire to ask the Senator from New York a question for the purpose of understanding this subject. I understand now that if a book is printed in England the English author would be protected by the copyright there, no matter how many books were sent into this country.

Mr. HISCOCK. Yes.

Mr. PIERCE. He would get all of the advantage there that he would get in other countries where there was a similar law. Now, suppose there is a printing establishment set up in Mexico, as the Senator suggests, can we not in this country print the books as cheaply or more cheaply than they can be printed in Mexico or in any other country where they have not the facilities for printing that are enjoyed in this country?

Mr. HISCOCK. There is this discrimination in favor of Mexico: that if the work is copyrighted here the cost of the copyright is added to the cost of the book, while the book printed in Mexico is discharged from the cost of the copyright, and there is that advantage given to the publisher in Mexico. There is no answer to that. They take it without the addition of the copyright charge or burden.

Mr. PIERCE. But they take it subject to our tariff duty.

Mr. HISCOCK. Certainly. So far as the duty is concerned, it is left precisely where it is now. That is what I have been saying. The Senator from Ohio says that we give these people the large and wide market here in the United States. My answer is that he has not done that by his amendment.

Mr. PIERCE. Then I understand the objection of the Senator would not obtain in a foreign country that has a copyright law.

Mr. HISCOCK. This objection of mine would not obtain if there was not a foot of ground on this round earth of ours in which you could put a printing press and bring a book here discharged and relieved of the burden of the copyright. We have a duty burden upon them, but the point I make, and which I trust my friend will see, is that this bill with the Sherman amendment in it does not give them anything for their work.

Mr. HOAR. Do I understand that the amendment offered by the Senator from Ohio strikes down the existing right of the American author, which is that, if he has a copyright in his own country, nobody else can import his book from abroad under any circumstances or on any terms in competition with that copyright?

Mr. PLATT. The amendment of the Senator from Ohio does not, but the amendment of the Senator from Kansas does.

Mr. HOAR. The pending amendment?

Mr. PLATT. I thought for the moment that we were considering them both together.

Mr. HISCOCK. I refer to the second amendment.

Mr. INGALLS. My amendment, if the Senator will pardon me, only applies to newspapers and periodicals, and not to books.

Mr. PLATT. Nearly all books are now published in periodical form.

Mr. HISCOCK. I will come to the question of periodicals in a moment.

Mr. HOAR. I understand now that, with the exception of books and periodicals, the law is intended to remain, as far as the rights of an American author are concerned, as it is now, to wit, that he can not be competed with by the foreign publication of his own book. What is the fact about that?

Mr. HISCOCK. That is so. That is the effect of the amendment.

Mr. HOAR. If that be the fact, how can it be expected that any foreign government will give our American authors copyrights there, when we do not give their authors copyrights here on even terms with our own authors? The foreign publisher can only get a copyright in America to be competed with by a publisher in any other country, while the American author has a copyright which is exclusive. So that practically no foreign country will consent to this arrangement, if the amendment of the Senator from Ohio stands.

Mr. HISCOCK. I do not suppose any foreign government would consent to it; and I do not suppose there is a foreign author who for a moment would seek or think of availing himself of an American copyright under the bill. I desire to meet this point here and emphatically say to the Senator that in respect to every nationality where the author is unable under its laws to procure a copyright the printers and the publishers there have the advantage of the American printers and publishers to just the extent of the burden of the copyright upon the books. Therefore, as a matter of course, no foreign author would take the advantage or seek to avail himself of the privileges of this law.

Mr. HARRIS. Will the Senator from New York allow me to make an inquiry, because I want to understand the difference between the two propositions? Am I correct when I suppose that if this bill passes without the amendment of the Senator from Ohio the holder of the copyright in this country can alone publish and sell the book of the foreign author?

Mr. HISCOCK. That is true, under the limitations of law.

Mr. HARRIS. And that is just what one single man may choose to impose?

Mr. HISCOCK. That is true.

Mr. HARRIS. If the bill passes with the amendment of the Senator from Ohio, then the book can only be published by one single man in this country, the holder of the copyright in this country, and the holder of the copyright in England, if it be an English copyrighted book?

Mr. PLATT. Mr. President—

Mr. HISCOCK. The Senator from Connecticut desires to answer, and I will allow him to do it. I do not yield the floor, however.

Mr. PLATT. The effect of the amendment of the Senator from Ohio would be that the foreign author would obtain a copyright in America, would sell his copyright to a foreign publisher, and that foreign publisher would control the American market and print his books abroad.

Mr. HARRIS. Now, let me inquire; if the author has sold his copyright to a foreign publisher and to an American publisher, it does not matter to the foreign author which publisher prints and sells the larger number of the book.

Mr. HOAR. What price would he get for either edition?

Mr. HARRIS. The question of price is the one in which I am most interested.

Mr. HOAR. The author is, too.

Mr. HARRIS. So he is; but if the author gets the copyright price of his book, no matter which holder of the copyright may publish it, whether the foreign or domestic, and the book can be imported by paying the amount of duty imposed upon the importation of books, then the American consumer or the American purchaser can buy the book printed and published and sold here, or he can import it by paying the additional duty, and the American publisher has at least the advantage of the 25 per cent. tax imposed upon the importation.

Mr. WOLCOTT. May I ask a question of the Senator from Tennessee?

Mr. HARRIS. Certainly.

Mr. WOLCOTT. Suppose the book be imported from a country where there is no international copyright, how is the author then protected in this country? There are certain countries with which we have no international copyright whatever in which books are printed, using the English type, that are sent to this country.

Mr. DANIEL. Then they are prohibited by this bill.

Mr. PLATT. Not at all.

Mr. WOLCOTT. I understand that by this bill a book may be imported anywhere from any country by paying the duties which should be paid upon the importation of books. I appreciate the argument of the Senator from Tennessee, but I want to ask him if he included in his argument the possibility of the importation of books from countries with which we have no international copyright.

Mr. HARRIS. Even if the book shall be "pirated," as I believe is a fashionable term, and printed in a country that grants no copyright, and should be importable here, in that case the American publisher has the advantage of the 25 per cent.

Mr. GRAY. If the Senator—

Mr. HISCOCK. I think I will proceed.

Mr. GRAY. Will the Senator from New York allow me to say a word in answer to the question of the Senator from Colorado?

Mr. HISCOCK. Certainly.

Mr. GRAY. I understand that in the case of the book of a foreigner copyrighted in this country and not copyrighted abroad, he being a resident of a country which the Senator from Colorado supposes to be not in a copyright agreement, the importation of his book into this country would be prohibited, I think, by the statutes against nonimportation, section 4964 of the Revised Statutes.

Mr. WOLCOTT. The proposed law has no effect on the importation of such books?

Mr. PLATT. The amendment would allow it.

Mr. DANIEL. The amendment only allows the importation of books that are copyrighted.

Mr. PLATT. The Senator from New York yields to me a moment. I want to put this case. An Englishman writes a book. He comes to this country and gets a copyright. The Englishman may publish that book in England, in Mexico, or anywhere else, and it comes here subject to duty only.

Mr. BLAIR. I should like to state to the Senator from Connecticut that when this point was up the other day, I raised the question whether this whole difficulty could not be obviated by providing that no book, etc., should be imported from a country where the author has no copyright, without his consent. Now, why can there not be a clause of a dozen words put into this amendment providing that the importation of all books printed and published in countries in which the author has no copyright is prohibited, leaving thus the whole business open to free competition in the countries where the author has obtained his copyright, subject only to the duties upon importation?

Mr. GRAY. I will state that that provision was put in the amendment by the conferees.

Mr. BLAIR. If that provision is in the amendment I do not see the pertinence of this discussion.

Mr. PLATT. The conferees of the House would not take it.

The PRESIDING OFFICER (Mr. ALDRICH in the chair). The Senator from New York is entitled to the floor.

Mr. HISCOCK. Mr. President, in the remarks which I had proposed to submit it was not my intention to travel over the field of debate which has heretofore been occupied in this discussion. I only desired to point out clearly to the Senate before it should vote upon the motion of the Senator from Connecticut precisely the benefits that the proposed law would give to the foreign author and precisely what he would gain under this measure, and I have no other purpose or object.

I can understand why the Senator from Tennessee supports the amendment of the distinguished Senator from Ohio. He is opposed to this bill *in toto*. He has no sympathy with it. He does not want to give the American market to the foreign authors of books. But as I understand the Senator from Ohio, he is in favor of it under certain conditions, and what I criticize in his amendment is that it does not propose to give them anything, or it takes from them all that the bill proposes to do in the first instance; there is nothing left for them. The moment that the bill with this amendment in it becomes a law (and I properly said what I think, in the outset, that if this motion to recede is lost the bill fails; it would be absolutely valueless) no concession would be made to the American author on account of the concession we had made to foreign authors, and there would not be any copyrighting by foreign authors under the provisions of the law. It would be practically a dead letter upon our statute books.

Now, I concede that the rule of the bill, independent of some amendment, may be strict. Suppose it is. We have passed a law upon this subject. Congress has taken jurisdiction of this subject of international copyright. We have made a start, and it is much easier to amend a law which may be found defective in some part, but which rests upon sound principles—it is much easier to better it than it is in the first instance to pass it with all the adverse criticism which may be launched against it. Therefore, if the provision in the bill which the Senator from Ohio objects to is found to be onerous upon the public, to be too restrictive in respect to the purchase of foreign books here, promptly we can take up that subject and amend the bill in that respect. But if the bill fails, then any legislation in the future is to be subject to all the criticisms that can possibly be made against it; no step has been taken, and the whole ground has to be fought over again.

A word, sir, in respect to the amendment of the Senator from Kansas and I will yield the floor. Its language is this:

And except in the case of newspapers and periodicals, which are hereby exempted from prohibition of importation.

What does that mean? Under that provision in this proposed law, as I understand it, the work of American authors can be published in serial form and brought in here. It directly strikes at American authors and takes from them the benefit of their copyright, and, I understand, except in the case of newspapers and periodicals, which are "hereby exempted from the prohibition of importation," there is no duty whatever imposed upon them. They are not described in the amendment of the Senator from Ohio, but they are excluded from the prohibition of this bill.

The result of it is that in magazines, periodicals, what may be called newspapers, the work of our own authors is to be given to the market without their having the benefit of their copyright upon them. It seems to me that in respect to all who are in favor of international copyright, giving to the foreign author the benefit of the American market in exchange, as we expect, for a foreign market for American authors, those Senators who vote to recede from the Senate amendments are not postponing, as the Senator from Ohio suggests, this whole subject to a future session of Congress, but only sending to a future session of Congress the subject of an amendment to this bill, if it should be found in the future that it is too restrictive in its provisions.

Mr. PLATT and Mr. REAGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut will allow the Chair to state the pending question. The Senator from Ohio demanded a division on the motion of the Senator from Connecticut; and the question will first be taken upon receding from the first amendment, amendment numbered 5.

Mr. PLATT. I want to know whether it is not possible, for the remainder of the discussion on this conference report, to have a unanimous understanding and agreement that debate shall be confined to five minutes.

Mr. REAGAN. Not now, Mr. President, after the arguments we have had against it.

The PRESIDING OFFICER. The Senator from Texas objects.

Mr. PLATT. If the Senator will allow me, I submit to him that I have not occupied five minutes in any discussion of the matter except to state its condition. The Senator from Ohio made a somewhat extended speech, not too long, but long enough in view of the time we have here, and the Senator from New York has replied to him perhaps

at equal length. Now, would it not be fair that we should agree that future discussion should be limited to five minutes?

Mr. REAGAN. I do not desire to occupy much time, but I desire to occupy more than five minutes; and I think, in the interest of the American people, that time ought not to be begrudged, at least to somebody, to take the side of the people.

The PRESIDING OFFICER. The Senator from Texas objects to the request of the Senator from Connecticut.

Mr. PLATT. I will renew the request after the Senator from Texas shall have concluded.

Mr. REAGAN. Mr. President, I have on the former discussion of this subject stated that I am in favor of an international copyright law. I repeat that statement. I favor a law that will secure to foreign authors the fruits of their labor. But I am not willing, under the name of securing the rights of foreign authors, to build up a monopoly for American publishers and printers. I have been glad to-day to see that there was some discussion about the interests of foreign authors. Heretofore the discussion has mostly been on the subject of the protection of printers and publishers of the United States.

The Senator from New York took the position that if the amendment proposed by the Senator from Ohio is retained in the bill the bill would be of no use to foreign authors and would be an injury to American authors. If the amendment should be adopted its effect would be simply that the author might obtain his copyright in the country of his residence; he might obtain his copyright in the United States. As stated by the Senator from Tennessee, the author would get all that he could expect under any circumstances.

Then the question comes up as to the interest of the publishers and printers, and the question of monopoly on the one side and the interest of the people on the other. Suppose the foreign author does copyright his work in England or France and in the United States. The publishers here would have the book published here. It could be published here as cheaply as in any other country under the sun. It would have the advantage of 25 per cent., the duty on imported books. It would have the advantage of the cost of importation which grows up under the administrative act, the advantage of the cost of transportation from foreign countries to this country, and the advantage of the charges of the middlemen who deal in such publications. That, it is estimated, would give the American publisher about 40 per cent. advantage over the foreign publisher. Yet it is assumed that we must not be content with giving the home publisher 40 per cent. advantage over the foreign publisher, but we must give him a monopoly, and let him make it 100 per cent. or 200 per cent. or 500 per cent. if he pleases.

It does not seem to me that this is reasonable. I know that it conforms to the idea of creating monopolies, which seems to be the favorite idea of these latter days.

Mr. President, to-day books are published cheaper in this country than in any other country in the world. To-day books, magazines, and newspapers are read more in this country than in any other country in the world. An honest, legitimate international copyright would necessarily produce some increase in the cost of the publication to the readers in this country. I have stated that, notwithstanding it would make some increase of cost to the readers, I would waive that advantage to the readers for the purpose of doing justice to the authors. When we have done that, it is as far as it seems to me we should go. We should not then at the expense of the reader build up monopolies of books, monopolies of magazines, monopolies of papers.

Mr. President, I am no prophet, but I undertake to say that the gentlemen who vote for such a bill as this with the Sherman amendment stricken out will have a fearful account to render to the American people, because its effect is going to be such upon future publications in this country as to show the public the wrong that is to be done to them by this act. It seems that we are not afraid of the people here, however. We are not afraid to create monopolies if we benefit particular classes. So we get legislation benefiting particular classes, promoting the interests of particular individuals and classes; that seems to be the thing to be desired without reference to its effect upon the people.

Mr. President, I trust the motion of the Senator from Connecticut to recede from the Senate amendments may not be adopted. I trust the amendments may be retained, and that the Senate will insist on retaining them, and if they are stricken out I trust the Senate will defeat this iniquitous bill.

Mr. BLAIR. I understand that it is in order to move to amend the amendment before taking a vote on the question to recede.

The PRESIDING OFFICER. Not at this stage.

Mr. PLATT. Not at all.

Mr. HARRIS. It is not amendable.

Mr. BLAIR. I think there is a difference among parliamentarians as to that point.

The PRESIDING OFFICER. There is no confusion in the mind of the Chair upon the subject.

Mr. BLAIR. I desire to reach the merits of this difficulty if I can. It seems to me that it is the easiest thing in the world to protect the author against the assumed difficulty, and the real difficulty it may be,

urged by the Senator from New York and others, and by a slight amendment obviate all difficulty with this copyright bill. If we could add to the amendment, which is the fifth paragraph of the report of the conference committee, the language I suggest, or in substance this language, I think the difficulty would be covered. I would add at the end of the fifth paragraph of the conference report the following:

And no book or other article copyrighted under the provisions of this act in any country shall be imported into this country from any country in which the same is not copyrighted upon terms as favorable to the author as he shall receive for his copyright in the United States.

That would prevent the importation from any country where the author's rights were not protected. It would go further than that, and cover a difficulty which has not been discussed in this debate, and that is this: That the copyright may cost the American publisher a great deal more than it does the English publisher or the publisher in any other country. So there could be no importation of a book copyrighted in this country by an English author, no importation of that same book manufactured in England, unless the copyright burden upon that book was as great in England as in the United States, so that it would operate to place the publisher of the book in the United States in exactly the same condition in every respect that the publisher is in in any other country.

There could be no importation of the book, in other words, which has not cost the foreign publisher precisely the same that it cost the American publisher for the copyright here. Thus the American publisher would be entirely protected so far as the author is concerned, and the author would be protected against all the world. There could be no future piracy in the country where his book is copyrighted or where it is not copyrighted; and the American publisher and the American laborer would have the printing and the distribution to the American market of all books produced by foreign authors in any foreign country subject to the tariff regulations; and a complete protection as to all inequalities that might arise from the difference in price would be given for the copyrights between this and foreign lands.

I think if the Senator from Connecticut will study this language he will find that it covers every difficulty that has been suggested in this debate, if it could be added.

Mr. PLATT. Will the Senator allow me to interrupt him?

Mr. BLAIR. Certainly.

Mr. PLATT. The Senate conferees offered to the House conferees substantially that modification of the amendment, and it was refused.

Mr. BLAIR. I would say to the Senator that I think there is some misunderstanding there. I am informed through a member of Congress, who was one of the conferees on the part of the House, that no such proposition was considered or understood to be considered by the House conferees. I will say to the Senator that this precise proposition in this complete protection to the parties has not been suggested or discussed, so far as I have observed, throughout the debate. I think if the conferees would take this report and try to agree upon something substantially in the line which I have indicated here, all the difficulty with this copyright bill might be obviated.

The PRESIDING OFFICER. Does the Chair understand the Senator from New Hampshire to press the motion that he made?

Mr. BLAIR. I had consulted with as eminent parliamentarians as there are on the floor and I was assured that in their opinion the amendment is in order at this time. I would not like to raise any difficulty with the present occupant of the chair, but at some time I desire to move the amendment.

The PRESIDING OFFICER. The present occupant of the chair is clearly of opinion that the amendment is not in order, and he will read for the information of the Senator from New Hampshire, and for the information of the eminent parliamentarians to whom he has referred, from Jefferson's Manual.

Mr. BLAIR. The Senator from Maine reminds me that precisely the same point arose yesterday in the discussion of the shipping bill, when it was ruled that the provision on that bill could be amended in its then parliamentary condition.

The PRESIDING OFFICER. That was entirely different from the present case. That was an amendment of the House of Representatives to a Senate bill and this is a Senate amendment to a House bill. Jefferson says in his Manual:

SECTION XLV.—AMENDMENTS BETWEEN THE HOUSES.

When either House, *e. g.*, the House of Commons, send a bill to the other, the other may pass it with amendments. The regular progression in this case is, that the Commons disagree to the amendment; the Lords insist on it; the Commons insist on their disagreement; the Lords adhere to their amendment; the Commons adhere to their disagreement. The term of insisting may be repeated as often as they choose to keep the question open. But the first adherence by either renders it necessary for the other to recede or adhere also; when the matter is usually suffered to fall. (10 Grey, 148.)

Latterly, however, there are instances of their having gone to a second adherence. There must be an absolute conclusion of the subject somewhere, or otherwise transactions between the Houses would become endless. (3 Hats., 268, 270.) The term of insisting, we are told by Sir John Trevor, was then (1679) newly introduced into parliamentary usage, by the Lords. (7 Grey, 94.) It was certainly a happy innovation, as it multiplies the opportunities of trying modifications which may bring the Houses to a concurrence. Either House, however, is free to pass over the term of insisting, and to adhere in the first instance (10 Grey, 146), but it is not respectful to the other. In the ordinary parliamentary course, there are two free conferences, at least, before an adherence. (10 Grey, 147.)

Either House may recede from its amendment and agree to the bill; or recede from their disagreement to the amendment, and agree to the same absolutely, or with an amendment; for here the disagreement and receding destroy one another, and the subject stands as before the disagreement. (Elsynge, 23, 27; 9 Grey, 476.)

But the House can not recede from or insist on its own amendment, with an amendment; for the same reason that it can not send to the other House an amendment to its own act after it has passed the act. They may modify an amendment from the other House by ingrafting an amendment on it, because they have never assented to it; but they can not amend their own amendment, because they have, on the question, passed it in that form. (9 Grey, 363; 10 Grey, 240. In Senate, March 29, 1793.) Nor where one House has adhered to their amendment, and the other agrees with an amendment, can the first House depart from the form which they have fixed by an adherence.

The Chair rules the amendment out of order.

Mr. DANIEL. Little could be added, Mr. President, in my judgment to the very powerful and luminous speech which has been made by the Senator from Ohio. I shall only endeavor to put before the Senate an illustration of the operation of this bill, if the Senate should recede from that wise amendment which it has adopted. Let us suppose a case. Europe is filled every year with thousands of Americans. We will imagine that there is a shipload of them returning to their native land. One has a volume, we will say, of a medical or a scientific work, another has a history, another a volume of essays, another a new poem, another a volume of archaeological researches. They get to New York and it turns out that these works are copyrighted in foreign lands by the author and have also been copyrighted here. They offer to pay the tariff tax, which is not less than 25 per cent., but nevertheless, although all of our American publishers are protected by that tariff tax, and although the authors of those works have a copyright abroad and a copyright here, every volume must be thrown into the sea or destroyed and not a single one can enter the United States.

It is not necessary to say more, Mr. President, to show that this bill as it stands is a relic of barbarism, and that its sole purpose in putting up a bar to prevent the knowledge of the world from being possessed by our people is to place the American students and American leaders of literature at the absolute mercy of an insatiate and extortionate monopoly.

Mr. PLATT. I ask for the yeas and nays on this vote.

The PRESIDING OFFICER. The question is on receding from the amendment numbered 5 in the conference report, and upon that question the Senator from Connecticut demands the yeas and nays.

The yeas and nays were ordered.

Mr. INGALLS. Is that the amendment of the Senator from Ohio? The PRESIDING OFFICER. It is the amendment of the Senator from Ohio.

Mr. SANDERS. Mr. President, I thought that I was in favor of an international copyright law, and I believe I am now. I thought further that I was in sympathy with the gentlemen who are pressing this bill, but it seems to me that this is a clear miscarriage of all discussion which, during at least a quarter of a century of our history, has been had upon this subject, for if I understand the meaning of the words and the effect of this bill, if it shall be enacted into a law, it is not an international copyright law at all; it is an intranational copyright law.

An international copyright law would be a law where an author having written a book and having performed such acts as were necessary to give a property in it had the market of all civilized nations, or of all nations using literature of that kind, or of such nations as reciprocally granting the same privileges entered into this arrangement, whereby no matter where within these various nations his book was sold he would be the individual to be consulted as to its publication and its price.

What is this proposed law? We simply allow a foreigner to come here and by going through certain processes give to him exclusively our market. There would be less objection to that but for the difficulty that you thereby compel a man who in these later years travels from continent to continent and from nation to nation to separate himself from his household gods, for libraries and the books in them become, I had almost said, as dear to some men as members of their own family.

The result will be that in the first place you offer a premium in the migration that shall come from Europe to those who are illiterate, who have not libraries, who are not attached to them. You invite them to come over here, but if a man proposes to come here and bring his wife and his children and his library, when he gets to Sandy Hook he has got to tumble his library into the sea.

Mr. PLATT. The bill itself by exact terms authorizes the admission into this country of all such libraries if they have been in use for a year.

Mr. SANDERS. What philosophy is there in that discrimination? What kind of a quest are you going on to ascertain how long a man has used a given book? What constitutes the use of a book? What is to be the inquisitorial process by which such a law is to be carried out? Now, our people are returning from Europe at the rate of about five hundred a day, we will say, or foreigners are coming over here from Europe at the rate of five hundred a day. They might reasonably be supposed to have three books each, and that would be one thousand five hundred books that they would be obliged to drop into New York Harbor every day. It would take them exactly a year and

two months to put as many books into the ocean off Sandy Hook as there are in the Congressional Library.

While I believe with Milton in the value of a book and that the man who destroys it is as wicked as the man who kills an individual, I am not concerning myself so very much about the six hundred and forty thousand books that will get into the harbor of New York in fourteen months as I am about the navigability of that great seaport.

The PRESIDING OFFICER. The question is on the motion to recede from the amendment offered by the Senator from Ohio, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. DOLPH (when his name was called). On this question I have the consent of the Senator from Georgia [Mr. BROWN], with whom I am paired, who favors this bill, to vote. I therefore vote "yea."

Mr. McPHERSON (when his name was called). My pair with the Senator from Delaware [Mr. HIGGINS] has been transferred to the Senator from Iowa [Mr. ALLISON], which leaves me at liberty to vote. I vote "yea."

Mr. TELLER (when his name was called). I am paired with the Senator from Louisiana [Mr. GIBSON]. I do not know how he would vote. If he were present, I should vote "nay."

The roll call was concluded.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. ALLISON. On this question I am paired with the Senator from Delaware [Mr. HIGGINS]. If he were present, I should vote "nay." Mr. WOLCOTT (after having voted in the affirmative). I voted under the impression that the Senator from West Virginia [Mr. KENNA] had voted. I see he has not voted, and I withdraw my vote.

Mr. FAULKNER. I am paired with the Senator from Pennsylvania [Mr. QUAY], and therefore withhold my vote.

Mr. WALTHALL (after having voted in the negative). Is the Senator from Wisconsin [Mr. SPOONER] recorded?

The PRESIDING OFFICER. He is not recorded.

Mr. WALTHALL. I withdraw my vote.

Mr. DANIEL. I ask if the Senator from Texas [Mr. REAGAN] is recorded.

The PRESIDING OFFICER. He is not recorded.

Mr. WALTHALL. I will transfer my pair with the Senator from Wisconsin [Mr. SPOONER] to the Senator from Texas [Mr. REAGAN] and will vote. I vote "nay."

Mr. DANIEL. I vote "nay."

The result was announced—yeas 29, nays 33; as follows:

YEAS—29.

Aldrich,	Dolph,	Hoar,	Sawyer,
Blair,	Edmunds,	Jones of Nevada,	Shoup,
Butler,	Evarts,	McConnell,	Stanford,
Carey,	Farwell,	McMillan,	Stewart,
Chandler,	Frye,	McPherson,	Stockbridge,
Dawes,	Hawley,	Morrill,	Warren,
Dixon,	Hiscock,	Platt,	Washburn.

NAYS—33.

Allen,	Daniel,	Jones of Arkansas,	Sanders,
Bate,	Davis,	Mitchell,	Sherman,
Berry,	George,	Morgan,	Vance,
Call,	Gorman,	Pasco,	Vest,
Carlisle,	Gray,	Payne,	Walthall,
Casey,	Hale,	Pettigrew,	Wilson,
Cookrell,	Hampton,	Pierce,	
Coke,	Harris,	Pugh,	
Cullom,	Ingalls,	Ransom,	

ABSENT—25.

Allison,	Eustis,	Paddock,	Teller,
Barbour,	Faulkner,	Plumb,	Turpie,
Blackburn,	Gibson,	Power,	Voorhees,
Blodgett,	Higgins,	Quay,	Wolcott,
Brown,	Kenna,	Reagan,	
Cameron,	Manderson,	Spooner,	
Colquitt,	Moody,	Squire,	

So the Senate refused to recede from its amendment.

Mr. PLATT. Since this vote is decisive I ask that it may be considered that the Senate refuses to recede from the amendment numbered 6, and that the conference report may be concurred in so that it will close it up so far as we have come to an agreement.

The PRESIDING OFFICER. The report has already been concurred in.

Mr. PLATT. I move that the Senate further insist upon its amendments which have not been agreed to, and request a further conference.

The PRESIDING OFFICER. The Senator from Connecticut moves that the Senate further insist upon its amendments Nos. 5 and 6 and ask for a further conference thereon.

Mr. HARRIS. I want to ask the Senator from Connecticut if it would be disagreeable to him to move that the Senate adhere to its amendments.

Mr. PLATT. I do not want to kill the bill. I want to preserve the last hope for the bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Connecticut.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to ap-

point the conferees on the part of the Senate at the further conference; and Mr. PLATT, Mr. HISCOCK, and Mr. GRAY were appointed.

ORDER OF BUSINESS.

Mr. DAVIS. I ask unanimous consent that the Senate proceed to the consideration of the House pension bills on the Calendar unobjectioned to.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent that the Senate now proceed to the consideration of House pension bills on the Calendar to which there may be no objection.

Mr. GRAY. I do not wish to object unnecessarily, but before that order is proceeded with I want to ask the Senate to take up a bill which it seems to me but justice should be considered by the Senate.

Mr. DAVIS. I have been waiting here two days to get up as deserving a class of legislation as can be brought before the body.

Mr. GRAY. I have been waiting for twelve months, sir, for a single bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota?

Mr. GRAY. Yes, sir; and I have the floor, I believe.

The PRESIDING OFFICER. The Senator from Minnesota was recognized for the purpose—

Mr. GRAY. I object.

The PRESIDING OFFICER. Does the Chair understand that the Senator from Delaware now objects?

Mr. GRAY. I now object, and I move—

Mr. DAVIS. Then I move—

The PRESIDING OFFICER. Objection is made to the request of the Senator from Minnesota.

Mr. DAVIS. Then I move to proceed to the consideration of the House pension bills.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for that motion.

Mr. GRAY. I rose for the purpose of moving to take up the bill transferring the revenue marine to the Navy Department.

The PRESIDING OFFICER. The Senator from Minnesota has moved to take up for present consideration the House pension bills on the Calendar unobjectioned to.

Mr. GRAY. I have not yielded the floor or completed what I had to say; but for the purpose of allowing the Senator to call up pension bills only, I withdraw my motion and withdraw my objection.

The PRESIDING OFFICER. The objection is withdrawn. Is there further objection? The Chair hears none, and the bills on the Calendar answering to the description will be taken up in their order.

Mr. DAVIS. I have promised to yield to three Senators (I am very sorry that I did it, but I must keep my promise) in regard to three certain bills desired to be passed, the Senator from North Dakota [Mr. PIERCE], the Senator from Michigan [Mr. McMILLAN], and the Senator from Georgia [Mr. COLQUITT], who is not well.

Mr. PIERCE. Mr. President—

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. HOAR. Mr. President, I rise to a question of order.

The PRESIDING OFFICER. The Senator from Massachusetts rises to a question of order. He will state his question of order.

Mr. HOAR. I want to know by what right the Senator from Minnesota can assign the floor to another Senator.

The PRESIDING OFFICER. The Senator from Minnesota yielded the floor and the Chair recognized the Senator from North Dakota.

Mr. HOAR. That is not the way it was understood.

The PRESIDING OFFICER. The Senator from North Dakota [Mr. PIERCE] is recognized by the Chair.

FORT ABRAHAM LINCOLN.

Mr. PIERCE. I dislike very much to trespass upon the time of the Senate, but it will only take a few minutes, I think, to pass a bill which I shall never have another opportunity to press; and I hope the Senate, by unanimous consent, will proceed to the consideration of Senate bill 4490.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4490) making appropriation for extending and repairing the military quarters at Fort Abraham Lincoln, North Dakota.

The bill was reported from the Committee on Military Affairs with amendments, in line 3, before the word "hundred," to strike out "two" and insert "one;" and in line 7, after the words "North Dakota," to insert "or at such other place in or about the Sioux reservations as the Secretary of War may consider more desirable;" so as to make the bill read:

That the sum of \$100,000 be, and the same is hereby, appropriated for repairing and extending the officers' quarters, barracks, and other buildings used for military purposes at Fort Abraham Lincoln, North Dakota, or at such other place in or about the Sioux reservations as the Secretary of War may consider more desirable; the same to be expended under the direction of the Secretary of War.

The amendments were agreed to.

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

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

ORDER FOR RECESS.

Mr. McMILLAN. Mr. President—

Mr. ALLISON. I ask the Senator from Michigan to yield for a moment. For the convenience of Senators, I think that this evening it would be wise for us to take a recess from 6 until 8, as undoubtedly the Senate will be obliged to be in session the entire night. I hope unanimous consent will be given at this time, so that Senators will be advised.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that at 6 o'clock the Senate take a recess until 8. Is there objection to that request?

Mr. STEWART. I do not think we had better take a recess.

The PRESIDING OFFICER. The Senator from Nevada objects.

Mr. McMILLAN. I ask unanimous consent to call up Senate bill 4557. It will take but a moment.

Mr. ALLISON. The Senator from Nevada withdraws his objection.

Mr. STEWART. I withdraw the objection to the request of the Senator from Iowa for a recess.

The PRESIDING OFFICER. The Senator from Nevada withdraws his objection to the request made by the Senator from Iowa. Is there objection? The Chair hears none, and the order will be entered for a recess from 6 o'clock until 8 this evening.

NATIONAL CONSERVATORY OF MUSIC.

Mr. McMILLAN. I ask the Senate to proceed to the consideration of the bill (S. 4557) to incorporate the National Conservatory of Music of America.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read, as follows:

Be it enacted, etc., That Jeannette M. Thurber, William G. Choate, Chauncey M. Depew, Abram S. Hewitt, Frank R. Lawrence, of the State of New York; William Pinkney Whyte, Enoch Pratt, of Maryland; Fitz Hugh Lee, William H. Payne, of Virginia; Olive Risley Seward, John Hay, S. P. Langley, Anthony Pollock, C. R. P. Rodgers, John M. Schofield, of the District of Columbia, and such others as may be associated with them, are hereby constituted a body politic and corporate by the name National Conservatory of Music of America, with perpetual succession, with power to sue and be sued, complain and defend in any court of law or equity, to make and use a common seal and alter the same at pleasure; to acquire, take by devise, bequest, or otherwise, hold, purchase, and convey such real and personal estate as shall be required for the purposes of its incorporation; to appoint such officers and agents as the business of the corporation shall require, and to make by-laws not inconsistent with any law of the United States for the admission and qualification of members, the management of its property, and the regulation of its affairs. Said corporation is hereby empowered to found, establish, and maintain a national conservatory of music within the District of Columbia for the education of citizens of the United States and such other persons as the trustees may deem proper in all the branches of music. The said corporation shall have the power to grant and confer diplomas and the degree of doctor of music or other honorary degrees.

Mr. EDMUNDS. I move to add the following section:

SEC. 2. That the power to alter, amend, or repeal this act is hereby reserved.

Mr. HOAR. Is that debatable?

The PRESIDING OFFICER. Certainly.

Mr. HOAR. I desire to say by way of debate on the amendment, that when the pension bills are disposed of, if there be any time for general legislation, I give notice that I shall ask leave to take up the bankruptcy bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont.

The amendment was agreed to.

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

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

Mr. DAVIS. I now ask the Senate to proceed to the consideration of House pension cases unobjectioned to on the Calendar.

EMMA CHAPMAN.

The bill (H. R. 5265) granting a pension to Emma Chapman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of (Mrs.) Emma Chapman for her services as army nurse during the late war of the rebellion, and to pay her a pension of \$12 a month.

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

GENERAL WILLIAM H. MORRIS.

The bill (S. 5064) granting a pension to General William H. Morris was announced as next in order on the Calendar.

Mr. HARRIS. I wish to ask if it is the object of the Senator from Minnesota to consider Senate as well as House pension bills.

Mr. DAVIS. I ask for the consideration of only House bills.

Mr. HARRIS. The bill just reported seems to be a Senate bill.

The PRESIDING OFFICER. Only House bills are to be considered.

Mr. DAVIS. I should like out of consideration to the Senator from New York [Mr. EVARTS] to have that bill considered.

Mr. HARRIS. Very well, let it be considered.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of William H. Morris, late a brevet major general of volunteers in the Army of the United States, at \$100 per month, in lieu of the pension which he is now receiving.

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

JOSEPH MASON.

The bill (H. R. 12581) to increase the pension of Joseph Mason, of Dallas City, Ill., was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place upon the pension roll the name of Joseph Mason, who was a soldier in Company E, of the Sixth United States Infantry in the war with Mexico, and pay him a pension at the rate of \$12 per month in lieu of the pension now received by him.

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.

ELIZABETH M. RILEY.

The bill (H. R. 11606) granting a pension to Elizabeth M. Riley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "eighteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension rolls, subject to the conditions and limitations of the pension laws, the name of Elizabeth M. Riley, widow of Larkin M. Riley, late lieutenant of Company G, Thirty-first Regiment Illinois Volunteers, at the rate of \$12 per month.

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.

MRS. S. J. RAYNER.

The bill (H. R. 4483) granting an increase of pension to Mrs. S. J. Rayner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Mrs. S. J. Rayner, widow of Rev. James O. Rayner, late chaplain United States Army, from \$20 per month to \$30 per month, to take effect from and after the passage of this act.

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.

JOHN E. A. STEPHENS.

The bill (H. R. 13038) to increase the pension of John E. A. Stephens was considered as in Committee of the Whole. It proposes to increase the pension of John E. A. Stephens, of Van Buren, Grant County, Indiana, late a private in Company E, Nineteenth Regiment of Illinois Volunteers, in the war of the rebellion, and to pay him a pension of \$45 per month in lieu of the pension he is now receiving.

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

MRS. ELIZABETH M. HOLLINGSWORTH.

The bill (H. R. 11582) granting a pension to Mrs. Elizabeth M. Hollingsworth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. Elizabeth M. Hollingsworth, widow of Noah Hollingsworth, late a private in Company A, Eighth Regiment Iowa Cavalry Volunteers.

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

ELIZA A. PHILBROOK.

The bill (H. R. 11474) granting a pension to Eliza A. Philbrook was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Eliza A. Philbrook, late widow of Albert Philbrook, late private of Company F, Fourteenth Regiment of Illinois Cavalry Volunteers.

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

MARY J. BEST.

The bill (H. R. 13117) granting a pension to Mary J. Best was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary J. Best, of Frankfort, Ind., widow of Nathaniel Best, of K Company, First Maryland Volunteers, and K Company, Thirteenth Maryland Volunteers.

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

MRS. ISABELLA RAY M'GUNNIGLE.

The bill (H. R. 7832) granting a pension to Mrs. Isabella Ray McGunnigle was considered as in Committee of the Whole. It proposes to place the name of Mrs. Isabella Ray McGunnigle, widow of Lieut. Commander Wilson McGunnigle, United States Navy, upon the pension roll.

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

MRS. EDELYN SPALDING.

The bill (H. R. 12628) granting a pension to Mrs. Edelyn Spalding was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. Edelyn Spalding, as widow of Charles Spalding, first lieutenant in Second Regiment of Dragoons, United States Army, commissioned in 1836, and to allow her a pension of \$12 per month.

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

MARTHA J. SPENCER.

The bill (H. R. 2996) granting a pension to Martha J. Spencer was considered as in Committee of the Whole. It proposes to place on the pension roll, at \$12 per month, the name of Martha J. Spencer, of Trumbull, Ashtabula County, Ohio, by reason of her loss of health occasioned by her services as nurse in the Union hospitals from 1863 to 1865.

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

LAFAYETTE SOPER.

The bill (H. R. 12585) increasing pension of Lafayette Soper, of Morrisville, was considered as in Committee of the Whole. It proposes to increase the pension of Lafayette Soper, late of Company A, Eleventh Vermont Volunteers, from \$30 per month to \$45 per month.

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

RUTH M'ANNALLY.

The bill (H. R. 11118) to place the name of Ruth McAnnally on the pension roll was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ruth McAnnally, the widow of Alexander Nosmyth, late second lieutenant in Company B, Forty-seventh Regiment of Ohio Volunteer Infantry.

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

MARY B. CLAYTON.

Mr. DAVIS. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 11350) for the relief of Mary B. Clayton, to report it favorably without amendment, and ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll, at \$30 per month, the name of Mary B. Clayton, widow of the late Maj. Henry Clayton, late paymaster, United States Army, and to pay her a pension from and after the passage of this act at the rate above named, the same to be in lieu of the pension now paid her.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13552) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1892, had agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FUNSTON, Mr. PUGSLEY, and Mr. HATCH managers at the conference on the part of the House, with instructions not to agree to the amendment of the Senate No. 17.

ENROLLED BILLS SIGNED.

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

A bill (S. 1813) granting increase of pension to Florida G. Casey;

A bill (S. 2692) to establish certain ports of delivery in Alaska Territory;

A bill (S. 2635) for the relief of Charles G. Hood;

A bill (S. 4155) to provide for the inspection of live cattle, hogs, and

the carcasses and products thereof which are the subjects of interstate commerce, and for other purposes;

A bill (S. 5105) authorizing the construction of a railway upon the Government reservation at Fort Monroe, Va.;

A bill (H. R. 8046) to revise the wages of certain employes in the Government Printing Office;

A bill (H. R. 8239) 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, 1839, entitled "An act to amend sections 4488 and 4489 of the Revised Statutes, requiring life-saving appliances on steamers;"

A bill (H. R. 12729) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1892, and for other purposes;

Joint resolution (H. Res. 138) to increase the number of members of the Board of Managers of the National Home for Disabled Volunteer Soldiers and fill vacancies in such board; and

Joint resolution (H. Res. 237) to print 100,000 copies of the report on Diseases of the Horse.

TARIFF LAWS.

Mr. MORRILL. I ask the Senator from Minnesota to yield to me to call up a resolution which was considered yesterday, for the purpose of having it amended and adopted.

Mr. DAVIS. Will it lead to debate?

Mr. MORRILL. Oh, no.

Mr. DAVIS. Nothing of course can be refused to the Senator from Vermont.

The PRESIDING OFFICER (Mr. ALDRICH in the chair). The Senator from Vermont asks for the present consideration of a resolution which will be read.

The Secretary read the resolution submitted by Mr. PLUMB February 27, 1891, and reported from the Committee to Audit and Control the Contingent Expenses of the Senate, 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.

Mr. MORRILL. I desire to say that the portion of the resolution which was objected to when under consideration, in relation to transportation, will be stricken out.

The PRESIDING OFFICER. The question will be first on the amendment reported by the Committee on Contingent Expenses, which will be reported.

The Chief Clerk read as follows:

Amend the last clause so as to read:
"And for this purpose they are authorized to sit by subcommittee or otherwise during the recess and sessions of the Senate at such times and places as they may deem advisable, and to employ a stenographer and such clerical and other assistance as may be necessary, the expense of said investigation to be paid from the contingent fund of the Senate."

The amendment was agreed to.

Mr. MORRILL. I move to strike out the words:

Also to ascertain the relative cost and rates of transportation in the United States and foreign countries.

The amendment was agreed to.

The resolution as amended was agreed to.

GEORGIA JUDICIAL DISTRICTS.

Mr. COLQUITT. I ask unanimous consent to call up two short local bills. They have to be acted on now, and as my attendance on the Senate is irregular in consequence of indisposition, I ask unanimous consent for their present consideration. They are Orders of Business 2637 and 2638.

The PRESIDING OFFICER. The Senator from Georgia, for the reasons stated by him, asks for the present consideration of the bills named. The first bill will be reported by its title.

The CHIEF CLERK. A bill (H. R. 187) to create a new division in the northern judicial district of Georgia.

The PRESIDING OFFICER. The bill has been heretofore under consideration and read at length.

Mr. HOAR. I do not wish to interfere with my friend's bill, because I know that he has been ill and unable to attend to it; but I should like to inquire of him whether the bill has been brought to the attention of the chairman of the Committee on the Judiciary [Mr. EDMUNDS] recently.

Mr. COLQUITT. Yes, sir.

Mr. HOAR. I know that the Committee on the Judiciary reported the bill, and then there was a question which occurred to that Senator about it.

Mr. COLQUITT. I think it is all right.

Mr. HOAR. I will not make any objection to its passage, but if it should turn out that the Senator from Vermont has any difficulty he can move a reconsideration.

Mr. EVARTS. These bills, House bills Nos. 187 and 174, I think

both relate to the arrangement of the districts in Georgia, and the Representatives have been very earnest that this arrangement should be made. The matter was before our committee a good while. There is nothing in this arrangement that I think we ought to overrule or override in the arrangement satisfactory to the people of that State.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 187) to create a new division in the northern judicial district of Georgia.

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

Mr. COKE. There is an amendment reported to the title of the bill, which should be rejected.

The PRESIDING OFFICER. Will the Senate agree to the amendment to the title of the bill?

The amendment was rejected.

Mr. COLQUITT. I ask the Senate to consider the bill (H. R. 174) to create the eastern division of the northern Federal judicial district of Georgia, and for other purposes.

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

The PRESIDING OFFICER. The bill has been read at length.

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

ELIZABETH R. LOWRY.

The PRESIDING OFFICER. The next pension case on the Calendar under the order of the Senate will now be proceeded with.

The bill (H. R. 12722) granting a pension to Elizabeth R. Lowry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth R. Lowry, widow of Fielding Lowry, late assistant quartermaster, United States Army.

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

WILLIAM MARTIN.

The bill (H. R. 12798) granting an increase of pension to William Martin was considered as in Committee of the Whole. It proposes to place upon the pension rolls the name of William Martin, of Fremont, Neb., a veteran of the Mexican war, and to pay him a pension of \$50 per month, in lieu of the pension he is now receiving.

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

MYRON A. HUDSON.

The bill (H. R. 16535) granting a pension to Myron A. Hudson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Myron A. Hudson, invalid and dependent son of Josiah B. Hudson, late a private of Company F, Twenty-sixth Regiment Iowa Volunteers, and to pay him a pension of \$18 per month.

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

ALVASON HOPKINS.

The bill (H. R. 13073) granting a pension to Alvason Hopkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alvason Hopkins, dependent father of Sherman Hopkins, late a private in Company L, Sixth Michigan Cavalry Volunteers.

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

SARAH KNIGHT.

The bill (H. R. 12702) granting a pension to Sarah Knight was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah Knight, dependent mother of Horace Knight, deceased, late captain of Company H, Twentieth Regiment Michigan Infantry.

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

COL. EVERARD BIERER.

The bill (H. R. 13386) to increase the pension of Col. Everard Bierer was considered as in Committee of the Whole. It proposes to increase the pension of Col. Everard Bierer, late colonel of One hundred and seventy-first Regiment Pennsylvania Volunteers, to \$30 per month.

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

ROBERT H. HOLMES.

The bill (H. R. 13409) granting a pension to Robert H. Holmes was considered as in Committee of the Whole. It proposes to place on the pension rolls the name of Robert H. Holmes, late of Company G, Forty-eighth New York Volunteer Infantry, at \$12 per month.

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

JULIA A. MARGROVE.

The bill (H. R. 13564) granting a pension to Julia A. Margrove was considered as in Committee of the Whole. It proposes to place on the

pension roll the name of Julia A. Margrove, who was on the pension roll as the widow of Thomas Powell, of Company B, Twelfth Kansas Volunteers, until her remarriage to George W. Margrove.

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

MRS. ELIZA WEAVER.

The bill (H. R. 13665) granting a pension to Mrs. Eliza Weaver was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. Eliza Weaver, dependent mother of Cassius Weaver, late of Company E, One hundred and forty-sixth Regiment of Indiana Volunteers.

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

PETER PETERSON.

The bill (H. R. 6388) granting a pension to Peter Peterson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter Peterson, late of Company E, Eighty-third Regiment Illinois Infantry.

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

WILLIAM F. REED.

The bill (H. R. 6606) granting a pension to William F. Reed was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William F. Reed, late of Company K, Thirty-fifth Regiment Kentucky Mounted Infantry.

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

MRS. MALINDA HAWKINS.

The bill (H. R. 11014) granting a pension to Mrs. Malinda Hawkins, a hospital matron and nurse during the war of the rebellion, was considered as in Committee of the Whole. It proposes to place upon the pension rolls the name of Mrs. Malinda Hawkins, late matron and nurse at hospital No. 5 at Saltwells, near Evansville, Ind., and to pay her a pension of \$12 per month.

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

DAVID S. SANDERS.

The bill (H. R. 13340) to pension David S. Sanders was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David S. Sanders, of Atwood, Howard County, Arkansas, late a private in Capt. Charles Pettigrew's company (F), First Regiment of Arkansas Volunteers, of which L. C. Howell was colonel, Indian war of 1836, and to pay him the same pension as is allowed by law for service in the war of 1812.

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

LIZZIE E. HASKETT.

The bill (H. R. 13687) granting a pension to Lizzie E. Haskett, a volunteer army nurse without pay, was considered as in Committee of the Whole. It proposes to place on the pension rolls at \$25 a month the name of Mrs. Lizzie E. Haskett, formerly Miss Lizzie E. Denny, who was a volunteer nurse without pay during the late war, and who is now so nearly blind that she has to be led whenever she goes out of the house, and who is now old, poor, and in failing health.

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

AUGUSTUS G. FRABLE.

The bill (H. R. 13343) granting an increase of pension to Augustus G. Frable was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Augustus G. Frable, late corporal Company I, Eleventh Pennsylvania Infantry Volunteers, and to pay him a pension of \$50 per month.

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

RUTH S. BYRON.

The bill (H. R. 6407) to restore to the pension roll the name of Ruth S. Byron was considered as in Committee of the Whole. It proposes to restore to the pension roll the name of Ruth Stewart Byron, of Stewart, Athens County, Ohio, and pay her a pension as widow of Capt. Charles Byron.

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

FRANCES JANE M'CLOUD.

The bill (H. R. 5458) granting a pension to Frances Jane McCloud was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Frances Jane McCloud, widow of Alexander McCloud, late private of Company G, Eighteenth Missouri Volunteers.

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

MRS. SUE DITTO.

The bill (H. R. 8933) granting a pension to Mrs. Sue Ditto was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Mrs. Sue Ditto, widow of Gideon Ditto, late a lieutenant in Company B, Eighty-first Regiment Ohio Volunteer Infantry.

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

MARY E. GRAHAM.

The bill (H. R. 8302) granting a pension to Mary E. Graham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Graham, invalid daughter of Barton W. Graham, deceased, late a sergeant in Company H, Sixty-third Regiment of Indiana Volunteers, and to pay her a pension of \$12 per month from and after the passage of this act.

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

MALINDA LEMMON.

The bill (H. R. 8303) granting a pension to Malinda Lemmon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Malinda Lemmon, widow of Samuel Lemmon, deceased, a soldier in Captain Wilkins's company of Indiana Militia from September 18 to November 18, 1811, and to pay her a pension at \$12 per month.

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

JOHN GEORGE.

The bill (H. R. 4236) pensioning John George was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John George, dependent father of Lafayette George, late of Company H, Fourteenth Illinois Volunteers, now deceased.

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

JESSE G. HAMILTON.

The bill (H. R. 7928) granting a pension to Jesse G. Hamilton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jesse G. Hamilton, late of Company B, Twenty-first Indiana Volunteers.

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

GEORGE S. HOWARD.

The bill (H. R. 3080) granting a pension to George S. Howard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George S. Howard, late a private in Company E, Twentieth Regiment Ohio Volunteer Infantry.

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

THOMAS F. BAKER.

The bill (H. R. 10890) granting a pension to Thomas F. Baker was considered as in Committee of the Whole. It proposes to place the name of Thomas F. Baker, late of Company F, Sixtieth Regiment Enrolled Missouri State Militia, on the pension roll.

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

GEORGE GARFIELD.

The bill (H. R. 12234) to increase the pension of George Garfield was considered as in Committee of the Whole. It proposes to increase the pension of George Garfield, second lieutenant Company D, Third Ohio Cavalry, and to pay to him a pension of \$45 per month.

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

JACOB BERG.

The bill (H. R. 1143) for the relief of Jacob Berg was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Berg, of Russellville, Pope County, Arkansas, late a private in Company —, Ninth West Virginia Volunteer Infantry.

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

HARLAN E. KING.

The bill (H. R. 12321) granting a pension to Harlan E. King was considered as in Committee of the Whole. It proposes to place the name of Harlan E. King on the pension rolls at \$60 per month, he being a soldier in Company C, Thirty-sixth Illinois Regiment, and this legislation shall not preclude the pensioner from receiving further increase by application at the Pension Office.

Mr. HARRIS. How many dollars a month?

The PRESIDING OFFICER. Sixty dollars. It is an increase of \$15 per month.

Mr. HARRIS. For what reason?

Mr. COCKRELL. Let the report be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. TURPLE February 26, 1891:

The Committee on Pensions, to whom was referred the bill granting a pension to Harlan E. King, have examined the same and report:

From the facts stated in House report, which is hereby approved and is hereto attached and made a part of this report, we believe this to be a meritorious bill, and do recommend that it be passed.

[House Report No. 3785, Fifty-first Congress, second session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 12321) to increase the pension of Harlan E. King, have considered the same and submit the following report:

The claimant is now pensioned at \$45 per month under act of February 29, 1859, for gunshot wound of left thigh and resulting varicose veins. From the report (No. 3605) in the second session of the Fiftieth Congress we quote the following as showing his physical condition at that time:

The claimant is now pensioned at the rate of \$30 per month for gunshot wound of left thigh and resulting varicose veins. He filed application for increase, alleging that he was entitled to increase on account of gunshot wound of left thigh, which has resulted in producing varicose veins of the left thigh and leg and of the lower part of the abdomen, and that as a result of said wound his testicles have shrunk to about one-eighth their former and natural size, rendering him wholly impotent. That said varicose veins began to appear in 1869, and his testicles have been shrinking since 1857. Both said results have been increasing until the present condition has been reached.

Irvin J. Beckwell, M. D., a medical graduate, testifies that he began treating claimant at the city hospital, Indianapolis, about April, 1873.

After fully describing the case, he says:

"During the time (about fifteen years) of my almost constant observation and treatment of his case, have known him to suffer excruciating pain in leg, and have often been called upon to give him anodynes internally or to apply morphine directly to the ulcer for the relief of pain. For weeks at a time said applicant has been unable to leave his room, requiring the services of an attendant. He is entirely unfit to do manual labor. Think his disability is liable to remain permanent in its present degree, or more likely to become worse. I would prefer having my leg amputated at the thigh to being in his condition. The matter of amputation has been repeatedly mentioned, and I have always given it as my opinion that he would not survive the operation. His entire system seems diseased, and it seems necessary for him to take remedies for the improvement of his blood nearly constantly."

William T. Fulton testifies that he has known applicant for seven years last past, and during that time has made his home and boarded at the same place with said claimant, and he knows from personal knowledge that said claimant has during all that time, at frequent intervals, been confined to his room and bed for periods ranging from four to ten weeks at a time, during which time his meals would have to be carried to him and he would require the aid and assistance of some one.

Enoch Rborer testifies that he has been well acquainted with claimant about fourteen years, and during the last seven years claimant has resided with him all the time except one year, and during that time, every year thereof, at frequent intervals, claimant would be confined to his room for periods ranging from one week to ten weeks, during which time he had to see that his meals were carried to him, and he required the aid and assistance of some one in his room all the time to dress and bathe his leg, give him medicine, and otherwise take care of him.

Isaac H. Hall, Alonzo Doty, and Jacob H. Martin, all neighbors who have been acquainted with claimant many years, testify substantially to the foregoing facts.

The claimant appeared before the medical board of the Pension Office and was examined September 13, 1883. The examination revealed about the condition above stated, but under existing laws no higher rating could be made than that under which the claimant is now pensioned.

The claimant alleges that during the last two years his disabilities have constantly and rapidly increased, and that he now requires the constant attendance of a nurse.

A personal examination of the claimant by a member of the committee led to the opinion that, while amputation of the left leg would be preferable to its retention, in the present diseased and helpless condition such an operation would result in the death of the claimant.

Upon consideration of the facts above stated, we are of the opinion that this is a meritorious measure, and recommend its passage, amended, however, in line 5, by striking out the word "seventy-two" and inserting the word "sixty," and amended further by adding at the close of the bill the words, "and this legislation shall not preclude the pensioner from receiving further increase by application at the Pension Office, subject to the provisions and limitations of the general pension laws of the United States."

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

EMILY J. WELKER.

The bill (H. R. 13206) restoring the name of Emily J. Welker to the pension roll was considered as in Committee of the Whole. It proposes to restore to the invalid pension rolls the name of Emily J. Welker, widow of Henry Welker, late of Company H, Eighty-eighth Illinois Infantry Volunteers.

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

AGNES C. JUNOT.

The bill (H. R. 13318) granting a pension to Agnes C. Junot was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Agnes C. Junot, widow of Charles Junot, a soldier of the Florida war and a pensioner under act of Congress approved October 16, 1853, and to pay her \$12 a month.

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

ELNORA A. DIXON.

The bill (H. R. 12642) granting a pension to Elnora A. Dixon was considered as in Committee of the Whole. It proposes to place upon the pension rolls the name of Elnora A. Dixon, of White County, Illinois, a crippled daughter of James B. Dixon, late a seaman on the United States gunboat Red Rover, in the service of the United States during the war of the rebellion, at \$12 per month.

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

MRS. MARTHA A. BROOKS.

A bill (H. R. 12564) granting a pension to Mrs. Martha A. Brooks was considered as in Committee of the Whole. It proposes to place on the pension roll the name Mrs. Martha A. Brooks, of Walton County, Georgia, whose husband, Josiah M. Brooks, was a private soldier in Capt. John Mann's company in the Creek Indian war of 1836 to 1838, and to allow her a pension at \$12 per month.

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

SUSAN A. MALONE.

The bill (H. R. 13223) granting a pension to Susan A. Malone was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan A. Malone, widow of Benjamin F. Malone, a soldier of the Indian war of 1836 and 1837, and to pay her a pension of \$12 per month.

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

HARRIET N. READ.

The bill (H. R. 13528) granting a pension to Harriet N. Read was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harriet N. Read, a resident of Dimondale, Mich., at \$12 per month, on account of disability resulting from disease contracted while serving as a hospital nurse during the war of the rebellion.

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

MARIA BROOKS.

The bill (H. R. 8604) granting a pension to Maria Brooks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maria Brooks, a nurse in the late war of the rebellion, and to pay her a pension of \$12 per month.

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

JOHN YOST.

The bill (H. R. 1863) granting a pension to John Yost was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Yost, late a member of Company I, Thirtieth Regiment Wisconsin Infantry Volunteers.

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

MARGARET DURAND.

The bill (H. R. 10465) granting a pension to Margaret Durand, hospital nurse, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Durand, as attendant nurse at Mound City Hospital near Cairo, Ill., during the war of the rebellion, at \$12 per month.

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

BRIDGET FOLEY.

The bill (H. R. 9111) granting a pension to Bridget Foley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Bridget Foley, widow of Joseph Foley, late private in Company K, Fifth Michigan Cavalry.

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

EMMA FULTON.

The bill (H. R. 9019) granting a pension to Emma Fulton was considered as in Committee of the Whole. It proposes to place upon the pension rolls the name of Emma Fulton, widow of George Fulton, late a member of Company C, Fifth Michigan Cavalry.

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

CLARA FOWLER.

The bill (H. R. 3070) granting a pension to Clara Fowler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clara Fowler, daughter of Francis A. Fowler, deceased, late a private of Company A, Seventh Wisconsin Volunteers, at \$18 per month.

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

JOHN T. BALLARD.

The bill (H. R. 7910) granting a pension to John T. Ballard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John T. Ballard, late private of Company F, Eighth Michigan Cavalry.

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

AMANDA E. PARKIS.

The bill (H. R. 11064) granting a pension to Amanda E. Parkis was considered as in Committee of the Whole. It proposes to place the name of Amanda E. Parkis, widow of Elias Parkis, late of Company A, Eighth Michigan Infantry, on the pension roll.

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

WASHINGTON GRIGSBY.

The bill (H. R. 9545) granting a pension to Washington Grigsby was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Washington Grigsby, dependent father of Jefferson Grigsby, late of Company B, Twelfth United States Colored Troops.

Mr. COCKRELL. Let the report be read explaining that case.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. BLAIR February 26, 1891:

The Committee on Pensions, to whom was referred the bill granting a pension to Washington Grigsby, have examined the same and report:

The report of the House committee is adopted and the bill reported favorably.

HOUSE REPORT.

Washington Grigsby is the father of Jefferson Grigsby, who enlisted in Company B, Twelfth Regiment United States Colored Infantry, July 31, 1863, and died of chronic diarrhea in hospital at Nashville, Tenn., February 5, 1865.

The soldier left surviving him a widow, who died in February, 1872, but no children. Because of this fact the father has no title under the general law; hence the rejection of his claim by the Pension Office.

Claimant never owned any property, and being now about one hundred years old is utterly unable to earn a support, being maintained by the charity of his neighbors. Relief, if any, must come soon.

Your committee are of opinion that the bill should be passed without delay, and therefore return the same with a favorable recommendation.

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

MRS. M. P. FELCH.

The bill (H. R. 8388) granting a pension to Mrs. M. P. Felch was considered as in Committee of the Whole. It proposes to place upon the pension rolls the name of Mrs. M. P. Felch, at \$12 per month, for services rendered during the late war as hospital nurse.

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

AUGUSTUS W. EATON.

The bill (H. R. 2297) granting a pension to Augustus W. Eaton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augustus W. Eaton, of Orange Park, Fla., late a member of Company H, Fourth Regiment of Maine Volunteers.

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

MARY ROBINSON.

The bill (H. R. 6048) granting a pension to Mary Robinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Robinson, of South China, Me., widow of Timothy Robinson, late of Company G of the Twenty-eighth Regiment of Maine Volunteers.

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

NANCY M. GROSS.

The bill (H. R. 6809) granting a pension to Nancy M. Gross was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nancy M. Gross, who was a nurse in the Second and Sixth Maine Regiments, 1861 and 1862, and to pay her a pension of \$12 per month.

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

JOSEPH DASCOMB.

The bill (H. R. 3766) granting a pension to Joseph Dascomb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Dascomb, dependent father of Charles B. Dascomb, late a private in Company D, Fourth New Hampshire Infantry.

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

ABBIE A. COLSON.

The bill (H. R. 6217) granting a pension to Abbie A. Colson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abbie A. Colson, of Winterport, Me., non compos sister of John L. Colson, late a private in the Third Battery Mounted Artillery, Maine Volunteers, at \$18 per month, the said pension to be paid to her legally constituted guardian.

Mr. COCKRELL. That is a queer case. Let the report be read explaining it.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. BLAIR February 26, 1891:

The Committee on Pensions, to whom was referred the bill (H. R. 6217) granting a pension to Abbie A. Colson, have examined the same and report:

The report of the House committee is adopted and the bill reported favorably.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6217) granting a pension to Abbie A. Colson, submit the following report:

Abbie A. Colson is the insane sister of John L. Colson, who enlisted December 30, 1861, in the Third Battery, Maine Artillery, was discharged therefrom June 17, 1865, and died of disease contracted in the service, October 21, 1868, leaving no wife or minor children surviving him. The mother of the soldier received a pension on account of his death and dependence upon him, which she drew until her death in April, 1885. The father of the soldier is also dead.

The proposed beneficiary applied for pension, but her claim has been rejected by the Pension Office because she had passed the pensionable age at time of her mother's death. She is shown to have no property of any kind, and no income except \$2 per month State pension, and is taken care of by a widowed sister, who is compelled to earn her own support by manual labor.

The case comes clearly within the well-established rules of Congress, and your committee, therefore, report favorably on the accompanying bill and ask that it do pass, amended, however, by striking out the word "Regiment," in line 7, and inserting therein instead the word "Battery."

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

COMMITTEE SERVICE.

Mr. INGALLS. Mr. President, I am a member of the Committee on Rules. My service here expires at 12 o'clock to-morrow. The Committee on Rules has leave to sit during the recess and has had duties assigned to it. It is necessary that it should be filled up before the adjournment. The President of the Senate *pro tempore*, by precedent, is a member of that committee. I ask the Senate to excuse me from further service on that committee and that the vacancy caused by my resignation may be filled by the appointment by the Chair of the President *pro tempore* of the Senate, the Senator from Nebraska [Mr. MANDERSON].

The PRESIDING OFFICER. If there is no objection, the Senator from Kansas will be excused from further service upon the Committee on Rules, and the Chair will appoint the Senator from Nebraska [Mr. MANDERSON] in his place.

Mr. BLAIR. I tender my resignation as a member of the Committee on Agriculture and Forestry, and suggest that the vacancy be filled by appointment by the Chair.

The PRESIDING OFFICER. If there is no objection, the Senator from New Hampshire will be excused from further service upon the Committee on Agriculture and Forestry.

Mr. PADDOCK. In behalf of the committee I suggest the name of the Senator from North Dakota [Mr. CASEY.]

The PRESIDING OFFICER. Is there objection to the suggestion made by the Senator from Nebraska?

Mr. INGALLS. What is the request?

The PRESIDING OFFICER. That the Senator from North Dakota [Mr. CASEY] be appointed on the Committee on Agriculture and Forestry in the place of the Senator from New Hampshire [Mr. BLAIR].

Mr. INGALLS. While undoubtedly occasional or individual changes of committee membership may be tolerated, it evidently might result in very serious embarrassment when the Senate meets again in December to have these casual and temporary arrangements made. I suggest therefore that these requests (several of them have already been acceded to) should be considered and that the membership should be filled up after consultation with the members of the body upon either side of the alley. There will be a committee having these matters in charge to whom changes of memberships should be referred.

Where precedent controls, as it does here in the Senate, and members of committees are assigned to their rank in accordance with the time of their service, evidently it would not do to allow casual and temporary arrangements to be made that might derange the whole plan of organization in December.

The PRESIDING OFFICER. Objection being made, the appointment will not be made at present.

Mr. PADDOCK. I think it is due to any committee that it should remain with its whole membership as well during the last two or three days as at any time during the session. I will state to the Senator from Kansas that there has been a good deal of consideration in respect to this matter and that the consensus of opinion has been reached on this subject in favor of the suggestion I made.

Mr. INGALLS. Now, take the Committee on the Judiciary, of which I am a member. I am the second longest in time of service upon that committee. Suppose I were to suddenly withdraw and ask to be excused, and that somebody might *eo instanti* be appointed upon the Committee on the Judiciary, one of the most important committees of this body. Any Senator can see that that would be a very embarrassing fact; that when the Senate assembles again in December and the question of the organization and arrangement of committees comes up for consideration, it would be perhaps a little delicate or a little embarrassing to exclude the Senator who had been casually appointed by the Chair to serve in my place.

With no desire to interfere with the Senator from Nebraska, I sug-

gest to the Senate that these are matters of grave and serious importance that ought to receive consideration by a committee to which they are usually assigned for consideration.

Mr. PADDOCK. In justice to myself I desire to state that this suggestion was made by me as chairman of the Committee on Agriculture and Forestry after very full and free consultation with a majority of the members of the committee.

Mr. GORMAN. Upon the Select Committee on the President's Message transmitting the Report of the Pacific Railway Commission, which is authorized to sit during the recess of the Senate, and probably will, there is a vacancy in a minority member by the death of Mr. Hearst, of California. I ask that the Chair fill that vacancy.

The PRESIDING OFFICER. The Senator asks that the vacancy on the committee named by him, occasioned by the death of Senator Hearst, may be filled. Is there objection?

Mr. HALE. I know nothing about this case, nor the case that has just been presented; but the considerations presented by the Senator from Kansas, it seems to me, must have force upon both sides of the Senate. Otherwise it would happen that every Senator going out or every vacancy occurring in any way would be filled at once without consultation on the part of the two committees which represent both sides of the Senate as the organization of the standing and select committees. As the Senator from Kansas has said, when the Senate comes together and is to fill these places permanently it finds that deliberate action of the body forestalled. The Senator from Maryland can see this of course as plainly as I can see it, because his mind is practical and businesslike, and I do not think he would want to do anything that would in any way forestall what is to be a deliberate arrangement of committees next winter.

Mr. GORMAN. I desire to say to the Senator from Maine that, while I recognize the force of the statement he makes, this case is entirely different. The committee on this side of the Chamber have understood the suggestion I now make. There is a vacancy caused by death, and the committee is authorized to sit during the recess, and what the minority desire is that they may have full membership upon the committee.

Mr. HALE. That presents another case. If, as the Senator says, the committee on that side of the Chamber which considers these matters has considered this subject, and there being an actual vacancy which has occurred by the loss of membership, then of course I do not object.

Mr. GORMAN. Not only is that true, but the committee on this side of the Senate regard this appointment as temporary, to terminate with the meeting of the Senate at the next session.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maryland?

Mr. COCKRELL. I thought the Senator from Maine objected.

Mr. HALE. I do not object.

Mr. COCKRELL. It is not a permanent arrangement, and it is not to forestall the arrangement to be made next session.

Mr. HALE. I do not object, but I hope it will be understood that during the coming brief hours there will be no further attempts to make vacancies upon committees and fill them.

The PRESIDING OFFICER. The request of the Senator from Maryland will be considered as agreed to, if there be no objection; and the Chair will appoint the Senator from New Jersey [Mr. McPHERSON] to fill the vacancy occasioned by the death of Senator Hearst.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House further insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 12227) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1892, and for other purposes, had agreed to a further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MORROW, Mr. PETERS, and Mr. SAYERS managers at the further conference on the part on the House.

HON. ALEXANDER McDONALD.

Mr. JONES, of Nevada. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report favorably the resolution which I send to the desk, and I ask for its present consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

Mr. COCKRELL. Let the resolution be read.

The PRESIDING OFFICER. It will be read subject to objection.

The Chief Clerk read the resolution, submitted by Mr. PLUMB February 26, 1891, as follows:

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

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. I should like to know in what Congress it was and why it comes so late, whether in accordance with precedent, etc.

Mr. JONES, of Nevada. It is in the same Congress, at exactly the same time, and for the same period as those who were ordered paid by similar resolutions two or three days ago.

The PRESIDING OFFICER. Is there objection?

Mr. GORMAN. I should like to inquire of the Senator from Nevada whether he has examined this matter himself to ascertain the facts. I will state the reason why I make the inquiry.

About three weeks ago I received a communication from the family of a distinguished gentleman who had a seat in this body, asking me to present a proposition to the Senate for the payment of a year's salary. In that case upon inquiry I found that the suggestion was made because they had received a communication from somebody here in Washington making it a business to look up the record and ascertain about such cases that had been existing for quite a number of years, where the families had never thought of coming to the Senate and asking for back pay.

I immediately went to the Secretary of the Senate with this communication and had the records examined, and found that by a resolution of the Senate the matter had been adjusted eight or ten years ago.

The PRESIDING OFFICER. Does the Senator from Maryland object to the consideration of the resolution?

Mr. GORMAN. I should like to know whether in this case the Secretary of the Senate has examined the records, because, I will say to the Senator from Nevada, on the face of this case that was presented to me it looked as if the amount was probably due, but a careful examination by the Secretary showed that it had been paid.

Mr. JONES, of Nevada. This claim has not been paid. It has been fully examined by the committee. A precisely similar case to this was acted on the other day, and under the same terms, arising at the same time.

Mr. GORMAN. In view of the statement I have just made of facts occurring in this case from Maryland, I think it is due to the committee as well as to the Senate that we should have a report from the financial officer of this body, showing that the claims have not been paid, because I stated a case where there is an attorney, whoever he may be I know not, whose business it seems to be to look up these claims for old Senators.

Mr. JONES, of Nevada. There is no doubt whatever about the case I now report. I ask for the present consideration of the resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

AGRICULTURAL APPROPRIATION BILL.

Mr. PLUMB. I ask that the message from the House in connection with the agricultural appropriation bill be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, March 2, 1891.

Resolved, That the House nonconcur in the amendments of the Senate to the bill (H. R. 13552) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1892, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. FUNSTON, Mr. PUGSLEY, and Mr. HATCH be the managers of the conference on the part of the House, with the following instructions:

Resolved, That it is the sense of the House of Representatives that the conferees on the part of the House on the said bill making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1892, shall not agree to the amendment of the Senate numbered 17.

Mr. PLUMB. Mr. President, the Senate asked of the other House what is ordinary and proper, a free and full conference as to the differences between the two Houses on that bill. In response, we get a message which conveys an instruction given by the House to its conferees which prevents a full and free conference. Under the circumstances, a very embarrassing condition of things arises. The conferees on the part of the Senate can not meet the House conferees now in a full and free conference upon equal terms; in fact, in regard to one of the items of difference between the two Houses, there is no chance for a conference whatever.

Mr. McPHERSON. What item is that?

Mr. PLUMB. It is the irrigation matter, as it called.

Mr. STEWART. An appropriation of \$20,000 to collect information in regard to irrigation.

Mr. PLUMB. There can not therefore be that conference which is in contemplation as the result of differences between the two Houses. I am justified in saying an instruction of that kind has never at this stage of the proceedings before in the history of this Government been given to the conferees of either of the Houses. I should like, in view of this very extraordinary proposition, to have some instruction from the Senate on the subject before the conference meets.

Mr. INGALLS. I should like to hear the message read again.

Mr. HALE. Before that is done, I ask the Senator from Kansas, in charge of the bill on the part of the Senate, whether the vote of the House insisting upon its action on this amendment was made at the time the first conference was asked.

Mr. PLUMB. There has been no conference held. The bill passed the Senate yesterday, and at the time of its passage, in order to facili-

tate the subsequent proceedings, I asked that the Senate insist upon its amendments and request a conference with the House of Representatives, which of course meant, according to parliamentary phraseology and understanding, a free and full conference.

Mr. HALE So it started out with that proposition.

Mr. PLUMB. And they answer by what has been read at the desk. I should like to have it read again.

The PRESIDING OFFICER. The communication from the House of Representatives will be read again.

The Secretary read the message of the House of Representatives.

Mr. GORMAN. Let the amendment be read.

Mr. COKE. What is the amendment?

The PRESIDING OFFICER. Several Senators suggest that the amendment to which the message refers be read. It will be read.

The CHIEF CLERK. On page 19, after line 14, the Senate inserted in the bill the following:

The time for the final completion of the report of the extent and availability for irrigation of the underflow and artesian waters within the region between the ninety-seventh degree of longitude and the eastern foothills of the Rocky Mountains, and the collection and publication of information as to the best methods of cultivating the soil by irrigation, limited to the 1st of July, 1891, by the act of September 30, 1890, is hereby extended to the 1st day of January, 1892; and the sum of \$20,000 is hereby appropriated to enable the Secretary of Agriculture to collect and publish information as to the best methods of cultivating the soil by irrigation.

Mr. PLUMB. For the purpose of testing the sense of the Senate I move that the Senate decline the conference upon the terms proposed by the House of Representatives.

The PRESIDING OFFICER. Will the Senate agree to the motion made by the Senator from Kansas, that the Senate decline to enter upon the conference requested?

Mr. REAGAN. What will be the effect of an affirmative vote on that proposition?

Mr. CULLOM. The bill will fail unless they back out.

Mr. PLUMB. Not necessarily. It will go back to the other House for reconsideration.

The PRESIDING OFFICER. The Senator from Texas is as well able to answer that question as the Chair. The question is on the motion of the Senator from Kansas.

Mr. SHERMAN. I hope the Senate will vote nay. We want a free and fair conference.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas. [Putting the question.] The yeas appear to have it.

Mr. PLUMB. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is the demand for the yeas and nays seconded?

Mr. HALE. Let us have a division.

Mr. STEWART. Before the vote is taken let me make one observation. I shall not elaborate it.

The extension of time was provided simply because the Secretary of Agriculture says the time was too limited to use the money that was appropriated last year, and he wants time to use that money. He can produce better results by an extension of time, so far as that is concerned. So far as the \$20,000 is concerned, it is simply to collect information in regard to irrigation, as to the best modes of agriculture, to be published so that people can understand what two-fifths of the whole country is. It is not intended to go into any internal improvements or any expense which is not usual with that Department. The people of the whole arid region feel a very deep interest in the matter.

Mr. GORMAN. I want to suggest to the Senator from Kansas whether the proper mode of proceeding here is not for the conferees to meet, and when they have met, then if you can not have a full and free conference, as you will not have under this resolution, let the conferees report that fact back to the respective Houses.

Mr. PLUMB. As a stream can not rise above the fountain, the conferees we are to meet can not disobey the instruction. We are notified in advance exactly what they intend to do. It is an extraordinary proceeding. If that is to be the character of the conference we are to have, of course the House might just as well say, "When we send you over a bill we give you fair notice now if you amend this bill we shall never agree to it," and thereby destroy the legislative functions of the Senate.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas that the Senate decline the request of the House of Representatives for a conference upon the agricultural appropriation bill.

Mr. PLUMB. On the terms proposed.

The PRESIDING OFFICER. On the terms proposed by the resolution of the House.

Mr. SHERMAN. It would seem to me that a conservative body like this ought not to pay any attention to what is said in this message. They can give their conferees instructions without offense to either House. We have often instructed our conferees. It is not usual, and I have never known a case where it was done in the first instance, but I have known of many cases where it was done the second or third time a conference was ordered.

The PRESIDING OFFICER. The Chair finds on examination that the conference was asked by the Senate, and the Chair supposes that the motion of the Senator from Kansas should be that the Senate declines to agree to the conference upon the terms named in the resolution of the House of Representatives.

Mr. SHERMAN. But the conferees had better meet, paying no attention to this resolution, and then just politely say to the House that it is not the proper way to do. It is scarcely worth while to get up a controversy now.

Mr. COCKRELL. Will the Senator permit me to ask him a question? The Senator has been connected with the House and Senate for many long years. Has he ever known a precedent of this kind?

Mr. SHERMAN. I knew one case where the House conferees came over here and held a conference with the Senate, where Senator Toombs, at the beginning of the conference, simply said, "Unless you appropriate money for the building of the customhouse"—I believe it was at New Orleans or Charleston—"we shall not agree to anything." I know very well that I, being one of the conferees, grabbed the papers, grew angry, and was about to march off, when he said, "Never mind; we will sit down, then," and Charleston or New Orleans was never mentioned afterwards. It is true there was no formal action by the Senate.

Mr. COCKRELL. There was no formal action on the part of the Senate or House?

Mr. SHERMAN. No.

Mr. COCKRELL. I suppose there never was such a case until the House of Representatives ceased to be a deliberative body.

Mr. SHERMAN. My opinion is the better way would be to at once meet with the House conferees and have a friendly talk about it.

Mr. GORMAN. I suggest to the Senator from Kansas that the Senate asked the House for a conference. We appointed our conferees. The House has agreed to the conference with a condition of which the Senate is now notified; and I submit to the Senator from Kansas that at this stage of the proceedings it is not a proper thing for the Senate to take action. The bill is now by action of the two Houses in the hands of six gentlemen, three from each House, and necessarily and naturally it ought to go there. When our conferees meet them and find that they are to obey these instructions which prevent a full and free conference, then they report back to their respective Houses; and that is the only way in which you can get this bill properly before either House. It will be impossible, it seems to me, for the Senate to pass the resolution in open session and send it back to the House that we will not receive their message.

Mr. PLATT. Let the message be read once more, please.

The PRESIDING OFFICER. The message will be again read.

The Chief Clerk again read the message from the House of Representatives.

Mr. PLATT. That does not prevent the House conferees from agreeing if they choose to do it, the instructions of the House to the contrary notwithstanding.

Mr. SANDERS. I understand this resolution was born of some resentment at what some members of the House thought was undue pressure brought to bear upon them in regard to the subject. It is not new in parliamentary history. I believe that Mr. Cushing, certainly some parliamentary authority, says that a full and free conference or two full and free conferences are usual before motions of this kind. I do not think we ought to meet anything that is the result of resentment by like resentment here. Trusting that we shall be able to save this appropriation yet, I think we had better proceed to have our conferees meet the House conferees and report back to us. We have already appointed ours.

Mr. CALL. Mr. President, I hope the Senator from Kansas will not insist upon the motion, and that a conference will be agreed to on the part of the Senate, for, however objectionable the form in which this conference may have been agreed to by the House, it will only, I think, create some bad feeling for us to reply in the same spirit. I have no doubt that when the conferees are appointed and meet the result will be upon a mutual conference of the two bodies that the matter may be accommodated in some shape or form. I therefore suggest that the usual course be pursued and the conference ordered by the Senate.

The PRESIDING OFFICER. The question is on the motion submitted by the Senator from Kansas. [Putting the question.] The yeas appear to have it.

Mr. PLUMB. I call for a division.

Mr. INGALLS. Mr. President, this is a matter of some gravity affecting the intercourse between the two Houses, their independence, and the comity that ought to prevail between them, and I should regret to have any ultimatum tendered or any action taken that would in any way whatever embarrass the future relations of the two bodies. I find in Cushing but one single precedent bearing on a question like this. I read from page 332, section 827:

It does not appear to be according to parliamentary usage, nor would it consist with convenience, to agree on condition or with some amendment or modification as to the subject-matter of the conference.

That is this case, as I understand it:

Such an agreement must be considered as a refusal of conference and treated as such. Thus where in answer to a request of the Commons for a conference the Lords informed them by message that they agreed to the conference, "al-

ways provided that nothing be offered at the conference that may in anywise concern their lordships' judicature," the Commons resolved that "by the Lords' answer there is no ground of conference on the matter as it was desired by this house, and also that conference be desired with the Lords on the subject of their answer."

So it appears that in cases of this kind there is a distinct formula to be followed, and that I hope my colleague will conform himself to. It would be a matter of regret, of course, for the Senate, a matter to be deplored, if there should be any rupture in the amicable and friendly relations between the two Houses. What is the motion now pending?

The PRESIDING OFFICER. The motion made by the Senator from Kansas.

Mr. INGALLS. May that be again stated?

The PRESIDING OFFICER. That the Senate decline the conference upon the terms stated in the communication from the House of Representatives.

Mr. SHERMAN. I will ask the Senator from Kansas before he sits down if it would not be a proper proceeding for his colleague to move that the Senate agrees to the conference, but denies the regularity or propriety of the form in which it is presented and will confer with them upon that subject.

Mr. INGALLS. Certainly. Of course it was entirely competent for the House of Representatives to instruct their conferees, but it was in violation of order, in my judgment, and propriety to inform us what they had done.

Mr. SHERMAN. That is precisely what I think. I think a message of the kind I suggest, sent there politely, would help the matter.

Mr. INGALLS. They should not have included in their message to the Senate a statement of the action they had taken, of course. It is impossible that there should be a full and free conference between the two Houses when the conferees of one are limited by instruction. Therefore the House ought to be notified, it seems to me, that a conference on the terms proposed is inadmissible and that there may be a conference with the conferees of the House touching the subject.

Mr. SHERMAN. Have the conferees been appointed by the Senate?

The PRESIDING OFFICER. The action of the Senate will be read.

The Chief Clerk read as follows:

Resolved, That the Senate request a conference with the House of Representatives on the bill and amendments.

Ordered, That Mr. PLUMB, Mr. FARWELL, and Mr. CALL be the conferees on the part of the Senate.

Mr. RANSOM. Let me ask the Senator from Kansas, who has just read Cushing's Parliamentary Law, if it is not the safest course for us to follow the line indicated in the text which he has read and let the Senate ask for a conference upon the message on the point about which the House decline to confer. As the Senator from Kansas has very properly and wisely enlightened us on the subject, it strikes me that that would be the safest course to follow. We should then be adhering to the precedents, and the House would take no offense whatever, or at least ought not, at anything we may do. I have no idea the House of Representatives intended to raise a serious and abrupt issue which can not be settled in the Senate upon this question, and I suggest to the Senator from Kansas that he present that resolution.

Mr. INGALLS. Then I will suggest—

Mr. PLUMB. I want to say one thing, if my colleague will excuse me. I think his suggestion will finally bring us to the same point where we are now. Of course, there would be more circumlocution and probably more amiability about it; but if the conferees meet, not upon the merits of the bill, but upon this extraordinary instruction, the House conferees will come to that conference, of course, instructed to do exactly what the House has disclosed, and they will be obliged to say to us they can not confer on that point at all; we have got to yield; and if we say we can not yield, then, of course, it must go back to the House in precisely the same shape and same effect as if it went back in the first instance. Still it is, of course, always advisable to take counsel of delay to some extent in matters of this kind, and to do those things which yield a milder rather than a more violent conflict or contention. I will therefore withdraw the motion which I made, leaving to any Senator the opportunity, now that the matter has been presented of making whatever motion he may deem fit.

The PRESIDING OFFICER. Unless a motion shall be made, the papers will go, as a matter of course, to the committee of conference.

Mr. SHERMAN. I suggest this form: That the acceptance of the conference is not in the usual form, and that the Senate conferees are directed to confer fully and freely with the House conferees in respect thereto.

The PRESIDING OFFICER. The Senator from Ohio offers a resolution for the purpose, the Chair supposes, of having it communicated to the House of Representatives. The resolution will be read.

Mr. SHERMAN. I offer it as a resolution of the Senate.

The Chief Clerk read as follows:

Resolved, That the acceptance of the conference is not in the usual form, and the Senate conferees are directed to confer fully and freely with the House conferees in respect thereto.

Mr. GORMAN. I should like to ask the Senator from Ohio how he would communicate that action to the other House?

Mr. SHERMAN. We can transmit our resolution.

Mr. GORMAN. The bill was in possession of the Senate. We acted upon it, we amended it, and sent the bill with our amendments to the other House. They acted in the way which we understand and appointed a conference committee. That action is complete. It is a mere notice to the Senate that they have appointed three gentlemen to confer with three gentlemen of the Senate heretofore appointed, and by all the precedents and rules that bill is in the hands at this moment of the six gentlemen who constitute that committee, and the honor and dignity of the Senate is in the hands of the three gentlemen already appointed by it. When they meet, they find that they are not met on the other side by free conferees. The bill is reported back first to the House of Representatives, where it comes up as a privileged question. I take it for granted the report will be that the conferees have been unable to agree because the House conferees were fettered and bound and there was no free conference.

I suggest to the Senator from Ohio that no action is necessary until the chairman of the committee of conference on the part of the Senate shall have made the report to the Senate, and then we can act.

Mr. SHERMAN. I do not regard the matter as of any particular importance, and I will withdraw the resolution.

The PRESIDING OFFICER. The resolution is withdrawn.

HON. WILLARD WARNER.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. SHERMAN March 2, 1891, reported it favorably without amendment, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Hon. Willard Warner, 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.

By unanimous consent, the Senate proceeded to consider the resolution.

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

Mr. INGALLS. Is there any information as to the amount involved in the various items in this and similar resolutions?

The PRESIDING OFFICER. The Chair has no information. Perhaps the Senator from Nevada [Mr. JONES] can give it.

Mr. INGALLS. It seems to me in matters of this importance and magnitude that there ought to be some written report. I inquired at the Secretary's office yesterday and discovered that, in a number of these cases which had been reported from the committee and acted upon *nem. con.*, there was a charge upon the miscellaneous items of the contingent fund of the Senate of various sums ranging from \$4,500 to \$6,500 each, and, if I am not very much mistaken, in several of these cases of Senators who came from States that had seceded, the terms for which the Senators were paid antedated the time when the States were rehabilitated and admitted into the Union. I think that is an absurdity.

When I examined the list I found there were claims against the miscellaneous fund of the Senate amounting to between \$25,000 and \$30,000, of the existence of which nobody had ever dreamed until they were hunted up by this or some other committee of this body. They had slept for thirty years in the profoundest obscurity. The parties themselves and their descendants had never dreamed that there was a valid existing claim for these amounts against the Treasury of the United States or the miscellaneous items of the contingent fund of the Senate.

In several cases, I believe, there was no term for which they could be paid in this body. I do not quite know what committee is responsible for this extraordinary and unprecedented expenditure. I can readily understand how it would be that if a Senator were in the position of those from Idaho or Wyoming, who came here and were sworn in on the 3d day of December, there might be some claim why he should be paid back to the time when his State was admitted, but what claim could there be that that Senator should be paid back to a period anterior to the time when his State was admitted, to the beginning of the Congress of which he was a member?

It seems to me that there ought to be some report in writing, that there ought to be some reason given, that some committee ought to inform the Senate and inform the country why it is that the expenditure of twenty-five or thirty or forty thousand dollars is imposed on the contingent fund of the Senate.

I have one observation further to make, and that is, if these are valid and existing claims for the back pay of Senators then they ought to be paid by appropriations on the deficiency bill. There is no sense or reason in getting them out of sight and having them paid from that fund, where it can not be detected, and then charged up as items of expense against the miscellaneous items of the contingent fund of the Senate. They are not just claims on that fund. That fund is appropriated for entirely different purposes. If these are gratuities or donations, then it ought to be so stated, but if they are the pay of arrears of compensation due to Senators, then they ought to be inserted in the deficiency bill and properly accounted for.

It seems to me, Mr. President, we ought to have in each one of these

cases some statement from some committee as to the reasons why these sums are paid and whether or not they do not date backward into that dark abyss of time when there was no State that the Senators could represent; and I affirm—I am not inclined to be positive about it—if my recollection of the historical State of Arkansas and Alabama and one or two other States is correct, for which these payments have been made, that the payment dates back to a period when there was no State in the Union from which these Senators could serve in this body.

Mr. TELLER. If the Senator from Kansas had addressed himself to this subject as he usually does to other subjects, he would not have made many statements he has made. The proposition to pay Senators from the commencement of the term is not a new one. There have been several cases reported here during this Congress, and most of them have been accompanied by written reports. I call the attention of the Senator from Kansas to the fact that we have paid Mr. Rice, who was a Senator from Arkansas, from the commencement of the term.

Mr. COCKRELL. Will the Senator yield to me that I may ask him a question?

Mr. TELLER. Certainly.

Mr. COCKRELL. I want an explanation as to the beginning of the term. Does that go back prior to the election of the Senator?

Mr. TELLER. Oh, yes, it goes back prior to the election. The Senators from Arkansas were not seated at the beginning of the term, which was the 4th of March, 1867. The members of the other House from Arkansas were not seated at the beginning of the term, and the House paid the members from the beginning of the term. The Senators, however, were not paid from the beginning of the term.

There are many precedents to the effect I have stated, but, not supposing that this question would arise at this time, I have not anything in my hand except the report I made in the case of Mr. Rice, which is very brief. By that report it appears that—

Patterson and Fowler, United States Senators from Tennessee, were seated July 27, 1866, and were paid from the 4th of March, 1865.

Mr. INGALLS. Paid when?

Mr. TELLER. It is not material when they were paid. They were paid from the beginning of the term.

Mr. HALE. Were they paid simultaneously, or nearly so, with the date of their service, when it was a matter fresh before the body to which they belonged, or are these claims being resuscitated now?

Mr. TELLER. Without the papers before me, I can not say when the claims were paid. A letter of Mr. Windom, Secretary of the Treasury, showing when they were paid, is on file with the committee, but I can not state the time from recollection.

Mr. DOLPH. I inquire of the Senator if, in any of these cases, the Senators were paid for a term previous to their election.

Mr. TELLER. Yes, sir; in both of the cases to which I am now referring:

The Representatives from Tennessee, Stokes and others, were seated July 28, 1866, and paid from March, 1865, on a report of Hon. HENRY L. DAWES, now a member of this body.

The Sergeant-at-Arms asked for instructions as to when the pay should commence, and the House decided without a division that the pay should begin with the term. Thaddeus Stevens stated that that had always been the rule.

When the Senator says that the State of Arkansas was not in the Union on the 4th day of March, 1867, he traverses the declaration that we on our side have repeated over and over again, that those States were never out of the Union and that they had no legal right to go out of the Union.

Mr. INGALLS. I referred to the date of the proclamation of the President declaring that they were readmitted to the Union.

Mr. TELLER. I do not remember at what date that was. I know when the war closed these persons came here claiming the right to seats in the Senate. Some of them came here and got their seats immediately and some of them were not seated for a long time afterwards.

I would say to the Senator from Kansas that this matter was carefully considered by the Committee on Privileges and Elections during the early part of this Congress, and the committee unanimously agreed that that had been the rule and there was no reason why these persons should not be paid. I will admit that probably the committee did not know that there were so many of these back claims to be presented as it now turns out, but if the principle was right the number of claims can have nothing to do with the question.

Mr. HALE. Mr. President, this has evidently developed into an industry to search the records of the Senate in order to find old cases of members of the body who have served a longer or a shorter period, who have received their pay, have received their allowance in contested cases, have served their time and have departed into the great body of American citizenship entirely content, but who are now brought in on claims which have slept for ten, fifteen, or twenty years, and some of them, as the Senator from Kansas [Mr. INGALLS] suggests, even a longer time.

If this new field of industry is being opened and being cultivated, as it evidently is, it seems to me that some committee ought to tell the Senate what is the extent of this new field of enterprise, how large is the constituency that is to be benefited by it, how thoroughly it is to

be worked, and how many men, women, and children are dependent upon this great industry referred to here.

Mr. STEWART. I think there is a resolution now before the Committee on Privileges and Elections to investigate that very subject.

Mr. HALE. It seems to me the committee ought not to have waited for the presentation of this great question which was suggested before I got up and which brought me to my feet; that is, how many of these cases there are in both the Senate and House.

It strikes the ordinary observer, Mr. President, as a remarkable thing that a member of the Senate, who, as I have said, has served his time, received his pay, received his allowances, received his mileage, and in some of these cases they received their allowances for contested elections and have departed and the whole thing has slept for years, and now we are confronted with one case after another and are told that no man knows the extent of them. It opens the whole field of the House of Representatives and the Senate in the past. The passage of one of these resolutions makes a precedent, and it looks to me as if the Senate will be called upon constantly in the years to come to pay hundreds of thousands of dollars in meeting these old cases.

I agree with the Senator from Kansas that the Senate ought to know something about these cases, and it seems to me the Senate ought to know about the amount involved here. There ought to be a report which would be placed on the files of the Senate to inform us how wide and expensive a job this is.

Mr. TELLER. I should like to say that there is not any large amount of money to be taken. This grew out of the extraordinary—

Mr. DAVIS. I object. I want the Senate to proceed with the pension bills on the Calendar.

Mr. TELLER. I wish to say a word.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. DAVIS] objects, and the resolution will go to the Calendar.

Mr. GORMAN. I wish to enter a motion to reconsider the vote by which the Senate passed the resolution in the case of Ex-Senator McDonald, of Arkansas, so that both cases may be considered together.

The PRESIDING OFFICER. The motion to reconsider will be entered.

MOBILE TRANSPORTATION COMPANY.

Mr. VEST. I ask leave to make a report from the Committee on Commerce at this time.

The PRESIDING OFFICER. The report will be received in the absence of objection.

Mr. VEST. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 5104) to grant to the Mobile Transportation Company a right to trestle into Mobile Bay at or near Alabama Port, to report it back with amendments. The Senator from Alabama desired that the bill should be put on its passage, and I ask for its present consideration.

The PRESIDING OFFICER. The bill will be read for information, subject to objection.

The bill was read.

Mr. HALE. What has become of the pension bills?

The PRESIDING OFFICER. The regular order is the consideration of House pension bills on the Calendar.

EXECUTIVE SESSION.

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

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania that the Senate proceed to the consideration of executive business.

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

AGRICULTURAL APPROPRIATION BILL.

The doors having been opened, it appeared that the Senate had agreed to the following resolution:

IN THE SENATE OF THE UNITED STATES, March 3, 1891.

Resolved, That the Senate insist upon its amendments to the bill (H. R. 13552) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1892, disagreed to by the House of Representatives, including the amendment numbered 17, referred to in the message from the House, and agree to a free and full conference on the disagreeing votes of the two Houses thereon.

MANUEL TIBBS.

The bill (H. R. 13042) granting a pension to Manuel Tibbs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Manuel Tibbs, of Washington, D. C., late a teamster in the Quartermaster's Department, in the war of the rebellion, and to pay him a pension of \$12 per month.

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

ROBERT A. WARE.

The bill (H. R. 10771) granting a pension to Robert A. Ware was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert A. Ware, who is blind and who was a

soldier in the Indian war of 1836, and to pay him a pension of \$25 per month.

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

WILLIAM A. PECK.

The bill (H. R. 13334) to increase the pension of William A. Peck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Peck, late a private in Company H, Third Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of the pension he is now receiving.

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

MRS. HANNAH M. FOSS.

The bill (H. R. 7477) granting a pension to Mrs. Hannah M. Foss was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. Hannah M. Foss, of Harmony, in the State of Maine, mother of Nathaniel A. Foss, late of Fourth Maine Battery, and to pay her a pension of \$12 per month.

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

COLLIN M'CLELLAND.

The bill (H. R. 11857) granting a pension to Collin McClelland was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Collin McClelland, late of the regular Army, and that he be paid a pension of \$30 per month.

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

FRANCIS A. GASKILL.

The bill (H. R. 12679) to increase the pension of Francis A. Gaskill was considered as in Committee of the Whole. It proposes to increase the pension of Francis A. Gaskill, late a private in Company K, Sixth Regiment New Jersey Volunteers, to \$45 per month.

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

CYNTHIA H. QUACKENBUSH.

The bill (H. R. 10485) for the relief of Cynthia H. Quackenbush was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cynthia H. Quackenbush, widow of the late Rear Admiral Stephen P. Quackenbush, of the United States Navy, and to pay her a pension of \$50 per month, in lieu of any pension she may now be receiving.

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

GEORGE W. GRAY.

The bill (H. R. 13643) granting a pension to George W. Gray was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Gray, late of Company H, First Massachusetts Volunteers, and to pay him a pension of \$50 per month.

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

LETTIE E. COVELL-BUCKLEY.

The bill (H. R. 10953) granting a pension to Lettie E. Covell-Buckley, late a nurse in the war of the rebellion, was considered as in Committee of the Whole. It proposes to pension Lettie E. Covell-Buckley at \$12 per month.

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

JOHANNA CARROLL.

The bill (H. R. 13652) granting a pension to Johanna Carroll was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Johanna Carroll, the permanently helpless child of Cornelius Carroll, late a private of Company K, Twelfth Illinois Volunteers, and to pay her a pension of \$12 a month.

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

KATE AND ETHEL B. COOK.

The bill (H. R. 13577) granting a pension to Kate and Ethel B. Cook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Kate Cook, widow of George T. Cook, late lieutenant Company C, Twenty-first New York Volunteer Infantry, lieutenant and acting quartermaster, Veteran Reserve Corps, and lieutenant Sixth United States Army, and to pay her a pension of \$25 per month; and also the name of Ethel B., minor child of the same, and to pay her a pension of \$2 per month, to date from soldier's death, February 5, 1891.

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

MARGARET HITT.

The bill (H. R. 12051) for the relief of Margaret Hitt, of Lincoln County, Missouri, 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.

JOHN B. ANGELL.

The bill (H. R. 13688) to pension John B. Angell, father of James C. Angell, alias John McShier, late of Company G, Fifth Pennsylvania Cavalry, was considered as in Committee of the Whole. It proposes to place upon the pension rolls the name of John B. Angell, father of the late James C. Angell, alias John McShier, of Company G, Fifth Regiment Pennsylvania Cavalry, at \$12 per month.

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

REBECCA P. NIELDS.

The bill (H. R. 4047) granting an increase of pension to Rebecca P. Nields was considered as in Committee of the Whole. It proposes to increase the pension of Rebecca P. Nields, widow of the late Lieut. Commander Henry C. Nields, United States Navy, from \$30 to \$50 per month.

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

ELLIS P. PHIPPS.

The bill (H. R. 13587) granting increase of pension to Ellis P. Phipps was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellis P. Phipps, late lieutenant Company A, Twelfth Regiment New Jersey Volunteer Infantry, at \$45 a month, in lieu of the pension he is now receiving.

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

JOHN O. MATHIS.

The bill (H. R. 1186) granting a pension to John O. Mathis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John O. Mathis, late of Company G, Fourth Regiment New Jersey Volunteers.

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

RECESS.

The PRESIDING OFFICER. The hour of 6 o'clock having arrived, under its order the Senate will now take a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, in reply to a resolution of the Senate relative to an investigation into the counterfeit stamping of test pieces for steel plates at the Linden Iron Works, Pittsburgh, Pa.; which was referred to the Committee on Naval Affairs, and, on motion of Mr. HALE, ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Navy, in reply to a resolution of the Senate relative to an investigation of alleged defects in castings furnished by the Standard Steel Casting Company of Thurlow, Pa.; which was referred to the Committee on Naval Affairs, and, on motion of Mr. HALE, ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the Senate, a copy of a letter from the Commissioner of Indian Affairs in regard to leases in severalty on the Omaha and Winnebago reservations; which was referred to the Committee on Indian Affairs, and ordered to be printed.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 24th of December last, a report from the Director of the Geological Survey, with accompanying plats and schedules, in regard to reservations of land for reservoir sites; which, if there be no objection, will be referred to the Select Committee on Irrigation and Reclamation of Arid Lands, without printing.

Mr. COCKRELL. If that report contains any information of a public character, it seems to me it ought to be printed.

Mr. STEWART. I think the communication, with the accompanying report, should lie on the table. We have passed an act which confines the reservoir sites to the land actually required for that purpose, and consequently they will all have to be resurveyed. The report is wholly immaterial since the passage of that act. I ask that the report may lie on the table. There is no necessity for its being printed. The legislation of this session makes that report waste paper.

Mr. PLUMB. I really think the report ought to be referred to the Committee on Public Lands, without printing. That committee has usually had jurisdiction of the subject, and I think that is the committee to which it should go.

The VICE PRESIDENT. The communication will be referred to the Committee on Public Lands, without printing, if there be no objection.

INVITATION TO ROCKPORT, TEX.

The VICE PRESIDENT presented a letter from Hon. W. H. CRAIN, conveying an invitation from the city council of Rockport, Tex., to the President and Vice President and Senate and House of Representatives to visit that city after the adjournment of Congress; which was ordered to lie on the table.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented the following petitions, praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table:

Petition of Mr. A. Newman, of San Francisco, Cal.;
 Petition of P. Lehner, Theo. Vogel, and 20 other business men;
 Petition of H. S. Stone, J. S. McKaven, G. W. Smith, E. M. Ford, Wilson Godwin, and 9 other citizens of Creal Springs, Ill.; and
 Petition of the National Paint, Oil, and Varnish Association of Chicago, Ill.

Mr. HALE presented the petition of the Board of Trade of Hudson City, Wis.; the petition of the Board of Trade of Salem, Oregon; the petition of the Merchants and Manufacturers' Exchange of Detroit, Mich.; the petition of the New Jersey Brewers' Association of Newark, N. J.; the petition of the Seattle (Wash.) Board of Trade; and the petition of the Boston Paper Trade Association, praying for a revision of census and statistical legislation and the establishment of a permanent Census Office; which were referred to the Committee on the Census.

He also presented a petition of the Maine State Board of Trade, and of the Biddeford (Me.) Board of Trade, praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented the petition of James Blenn, Caroline C. Alley, and 22 other citizens of Dresden Mills, Me., praying for the passage of a bill providing for the appointment of a commission on the subject of the social vice; which was referred to the Committee on Education and Labor.

Mr. COCKRELL presented the following petitions, praying for the passage of the Paddock pure-food bill and remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of 30 members Local Union, Farmers and Laborers' Union, of Missouri;

Petition of 28 members Local Union, Farmers and Laborers' Union, of Missouri;

Petition of 17 members Local Union, Farmers and Laborers' Union, of Missouri;

Petition of 19 members Local Union No. 2384, Farmers and Laborers' Union, of Saline County, Missouri;

Petition of 100 members Local Union No. 196, Farmers and Laborers' Union, of Ray County, Missouri;

Petition of 24 members Local Union No. 3027, Farmers and Laborers' Union, of Monroe County, Missouri;

Petition of 11 members Local Union No. 2650, Farmers and Laborers' Union, of Maries County, Missouri;

Petition of 18 members Local Union No. 2271, Farmers and Laborers' Union, of Madison County, Missouri;

Petition of 8 members Local Union No. 338, Farmers and Laborers' Union, of Jefferson County, Missouri;

Petition of 18 members Local Union No. 884, Farmers and Laborers' Union, of Henry County, Missouri;

Petition of 15 members Local Union No. 1854, Farmers and Laborers' Union, of Franklin County, Missouri;

Petition of 13 members Local Union No. 3834, Farmers and Laborers' Union, of Franklin County, Missouri;

Petition of 12 members Local Union No. 2267, Farmers and Laborers' Union, of Daviess County, Missouri;

Petition of 35 members Local Union No. 1870, Farmers and Laborers' Union, of Dunklin County, Missouri;

Petition of 12 members Local Union No. 2715, Farmers and Laborers' Union, of Callaway County, Missouri;

Petition of 23 members Local Union No. 711, Farmers and Laborers' Union, of Callaway County, Missouri;

Petition of 31 members Local Union No. 1866, Farmers and Laborers' Union, of Carroll County, Missouri;

Petition of 19 members Local Union No. 1025, Farmers and Laborers' Union, of Cass County, Missouri;

Petition of 16 members Local Union No. 140, Farmers and Laborers' Union, of Cass County, Missouri;

Petition of 13 members Local Union No. 629, Farmers and Laborers' Union, of Benton County, Missouri;

Petition of 16 members Local Union No. 928, Farmers and Laborers' Union, of Barton County, Missouri;

Petition of 25 members Local Union No. 943, Farmers and Laborers' Union, of Audrain County, Missouri;

Petition of 23 members Local Union No. 1746, Farmers and Laborers' Union, of Adair County, Missouri;

Petition of 29 members Local Union No. 3153, Farmers and Laborers' Union, of Atchison County, Missouri;

Petition of Farmers and Laborers' Union No. 335, of Texas County, Missouri;

Petition of Farmers and Laborers' Union No. 964, of Jasper County, Missouri; and

Petition of W. T. Sillyman and other citizens of Missouri.

Mr. COCKRELL also presented the petition of R. G. Leaming and other citizens of Sedalia, Mo., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. HISCOCK presented a petition of the National Dairy and Food Commissioners' Association, adopted at a meeting held in Washington, D. C., praying for the passage of Senate bill No. 3911, subjecting oleomargarine to the provisions of the laws of the several States; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the New York Board of Trade and Transportation, praying for the passage of the bill to reduce letter postage; which was referred to the Committee on Post Offices and Post Roads.

He also presented the petition of H. Sears and 20 other citizens of Gerry, N. Y., praying for the passage of the Conger lard bill; which was ordered to lie on the table.

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

Petition of W. A. Brownell and 10 other citizens of Syracuse, N. Y.;

Petition of George H. Kent & Co. and 13 other business firms of Binghamton, N. Y.; and

Petition of Frank Hunt and 12 other builders of Syracuse, N. Y.

Mr. WOLCOTT presented the petition of A. Jacobs and 18 other citizens of Denver, Colo., and the petition of 33 members of the Master Builders' Association of Denver Colo., praying for the passage of the Torrey bankruptcy bill; which were ordered to lie on the table.

He also presented the memorial of John H. Stewart and D. H. Jones, of Denver, Colo., and 9 other citizens, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

Mr. PLUMB presented memorial of J. H. Wooden and 5 other citizens of Coffey County, Kansas; the memorial of Farmers' Alliance No. 2276, of Washington County, Kansas; the memorial of Farmers' Alliance No. 1411, of Clay County, Kansas; and the memorial of John Coffey and other citizens of Kansas, remonstrating against the passage of the Conger lard bill; which were ordered to lie on the table.

Mr. MITCHELL presented the petition of Catherine S. Pringle and others, praying for payment for Indian depredations; which was referred to the Select Committee on Indian Depredations.

He also presented the petition of Dr. Nelson Calvin Page, praying that the Botanical School of Medicine have all the rights and privileges of the law that are given to all other schools of medicine in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SQUIRE presented a petition of the Chamber of Commerce of Seattle, Wash., praying for a more liberal system of land laws; which was ordered to be printed as a document.

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

Petition of N. P. De Vaughn and 9 other citizens of Jefferson County, Nebraska;

Resolutions of Oneida Alliance, No. 1697, of Kearney County, Nebraska;

Petition of S. Sawyer and 15 other citizens of Fillmore County, Nebraska;

Petition of J. M. Thomas and 7 other citizens of Red Willow County, Nebraska;

Resolutions of Cherry Valley Farmers' Alliance, No. 1804, of Cherry County, Nebraska;

Resolutions of Blue Ridge Farmers' Alliance, No. 1052, of Polk County, Nebraska;

Resolutions of Goehner Alliance, No. 1860, of Goehner, Seward County, Nebraska;

Petition of M. R. Sharpe and 22 other members of Goehner Alliance, of Seward County, Nebraska;

Petition of Carl Picard and 11 other citizens of Thayer County, Nebraska;

Petition of James R. Norman and 39 other citizens of Hebron, Thayer County, Nebraska;

Resolutions of Pleasant Prairie Alliance, No. 865, Spring Ranch, Clay County, Nebraska;

Petition of H. W. Hubbard and 11 other citizens of Clay County, Nebraska;

Resolutions of North Blue Alliance, No. 833, of Arborville, Nebr.;

Resolutions of Mount Pleasant Farmers' Alliance, signed Wenzl Gyhra, president, W. C. Gilbert, secretary, of Burchard, Nebr.;

Resolutions of Stanton Alliance, No. 442, of Stanton County, Nebraska; and

Resolutions of Union Valley Lodge, No. 2076, of Chase County, Nebraska.

Mr. PADDOCK. I desire to give notice that if my distinguished friend, the eminent agriculturist and the Senator from Massachusetts [Mr. HOAR], does not at the next session secure the passage of this bill while an Indian appropriation bill is under consideration, in

twenty minutes, without debate, I shall offer it, and insist upon its incorporation into the agricultural appropriation bill and have it passed, although it may cause a compound fracture of every standing rule of the Senate. [Laughter.]

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 1818) granting a pension to G. C. McKnight, reported it without amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 3788) to authorize the Secretary of War to cause to be mustered Frank Gray, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. ALLEN, from the Committee on Claims, to whom was referred the bill (H. R. 1910) for the relief of Isaac H. Wheat, reported it without amendment.

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

A bill (H. R. 4842) for the relief of John C. Phillips; and

A bill (H. R. 10475) to prevent desecration of the United States flag.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (H. R. 13395) to provide an American register for the barge Sea Bird, of Perth Amboy, N. J., reported it without amendment, and submitted a report thereon.

Mr. SPOONER. I am instructed by the majority of the Committee on Claims, to whom was referred the bill (H. R. 5183) for relief of Dabney, Simmons & Co., to report it without amendment, and submit a report thereon.

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

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 10277) to remove the charge of desertion from the military record of Patrick Dunphy, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 12824) to remove the charge of desertion from the record of Andrew L. Gruggett as a former member of Company E, Sixth Tennessee Cavalry, in the war of the rebellion, and to grant him an honorable discharge therefrom, reported it with an amendment, and submitted a report thereon.

SITE OF PUBLIC BUILDING AT SPRINGFIELD, MO.

Mr. SPOONER. I am instructed by the Committee on Public Buildings and Grounds, to whom was referred a memorial of 268 citizens of Springfield, Mo., making certain allegations concerning the selection of a site for a public building at that city, to submit a report to accompany the testimony taken by that committee. I ask that the report and testimony be printed and that the report be read.

The report was read, and ordered to lie on the table, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the memorial of 268 citizens of Springfield, Mo., introduced into the Senate on the 6th day of January, 1890, making certain allegations concerning the selection of site for a public building at said city, have considered the same, together with other communications upon the subject, making certain insinuations against the present Supervising Architect of the Treasury, J. H. Windrim, in connection with the matter, and respectfully report as follows:

The committee declined to review the judgment of the officials of the Treasury Department in the selection of a site at Springfield, Mo., or to take testimony relating thereto, except so far as it related to the administration of the Treasury Department and the integrity of the Supervising Architect and other officials in the premises.

The committee, through a subcommittee appointed for the purpose, took a large amount of testimony, which is herewith reported to the Senate, and came unanimously to the conclusion that there is nothing whatever in the testimony, or in fact, which impeaches in any wise the capacity or integrity of Mr. Windrim, who seems in the matter to have been governed entirely by his judgment as to what would best subserve the public interest. The suggestion that he was unduly or improperly influenced by Mr. Kerens, Mr. Elkins, and others is not only not proven, but is overwhelmingly disproven. It rested originally upon mere rumor, and is by the concurrent and credible evidence of a large number of witnesses entirely overturned.

BILLS INTRODUCED.

Mr. McMILLAN introduced a bill (S. 5128) for the relief of Francis L. Potter; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MITCHELL introduced a bill (S. 5130) for the relief of William S. Hancock; which was read twice by its title, and referred to the Committee on Patents.

WITHDRAWAL OF PAPERS.

On motion of Mr. REAGAN, it was

Ordered, That the petition and papers on the bill for the relief of the estate of John W. Whitfield be withdrawn from the files of the Senate.

Ordered, That Mrs. Emily Moore have leave to withdraw her petition and papers from the files of the Senate.

Ordered, That Lucius B. Northrop have leave to withdraw his petition and papers from the files of the Senate.

On motion of Mr. DAWES, it was

Ordered, That the petition of George S. Boutwell and others, relating to retirement of General N. P. Banks, be withdrawn from the files of the Senate.

On motion of Mr. BLACKBURN, it was

Ordered, That Capt. W. P. Hall have leave to withdraw his petition and papers from the files of the Senate.

On motion of Mr. HOAR, it was

Ordered, That Florine E. Austin have leave to withdraw her petition and papers from the files of the Senate.

BILLS BECOME LAWS.

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 2d instant approved and signed the following acts:

An act (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;

An act (S. 5100) to prevent bookmaking and pool selling in the District of Columbia;

Joint resolution (S. R. 176) correcting an error in an enrolled bill;

Joint resolution (S. R. 158) amendatory of and supplementary to joint resolution No. 3, approved December 9, 1890; and

Joint resolution (S. R. 97) authorizing George H. Seidmore, vice consul general of the United States at Kanagawa, Japan, to accept a medal conferred upon him by the Emperor of Japan for saving a subject of Japan from death by drowning.

The message also announced that the President had this day signed and approved the following acts:

An act (S. 4897) to provide for the safe transport and humane treatment of export cattle from the United States to foreign countries, and for other purposes;

An act (S. 5013) to amend the charter of the Rock Creek Railway Company of the District of Columbia;

An act (S. 5044) to make Enfield, Conn., a port of delivery in the district of Hartford;

An act (S. 5109) granting a pension to Georgie Ann Porter;

An act (S. 255) granting a pension to Louisa V. Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, United States Volunteers;

An act (S. 4939) giving the consent of the United States to the erection of a bridge across Portage Lake, Houghton County, Michigan, between the villages of Houghton and Hancock;

An act (S. 3738) to provide for ocean mail service between the United States and foreign ports and to promote commerce;

An act (S. 3046) granting a pension to Fannie L. Davis;

An act (S. 1826) granting pensions to Powell's battalion of Missouri Mounted Volunteers;

An act (S. 5125) to provide for the examination and survey of a breakwater to form a harbor of safety and refuge in Lynnhaven Bay, near Cape Henry, at the foot of Chesapeake Bay, Virginia;

An act (S. 4591) authorizing the Lexington Ponton Bridge Company to construct and maintain a ponton bridge across the Missouri River at the city of Lexington, in the State of Missouri;

An act (S. 4119) granting the right of way to the Metropolitan Southern Railroad Company through the property of the United States in Montgomery County, Maryland;

An act (S. 5072) to authorize the building of a bridge at Van Buren, Ark., across the Arkansas River;

An act (S. 5110) to provide for the purchase of a site and the erection of a public building thereon at Philadelphia, in the State of Pennsylvania; and

An act (S. 707) for the allowance of the claim of George Brown 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, 1887.

The message further announced that the bill (S. 4520) to provide American registers for the steamers Montauk and Mineola, having been presented to the President February 19, 1891, for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, had become a law without his approval.

CONSIDERATION OF PENSION BILLS.

Mr. DAVIS. I ask that the consideration of the House private pension bills on the Calendar, to which there is no objection, may be proceeded with.

The PRESIDENT *pro tempore*. That is the regular order, and the consideration of pension bills will be resumed at the point where their consideration was suspended by the recess.

CARRIE F. AND SUSAN OGDEN.

The bill (H. R. 13108) granting a pension to Carrie F. Ogden and Susan Ogden was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Carrie F. Ogden and Susan Ogden, dependent sisters of Richard P. Ogden, late a sergeant in Company F, Fifth Regiment New Jersey Infantry, at \$12 per month, and in case of the death of either of them the full sum shall be paid to the survivor.

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

ANN CARR.

The bill (H. R. 8508) granting a pension to Ann Carr, of Vevay, Ind., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ann Carr, of Vevay, Ind., widow of Pat-

rick Carr, late a private in Company K, Second Regiment of Indiana Volunteer Cavalry, and late of Company C, Eighth Regiment of Indiana Volunteer Infantry, at \$12 per month during her widowhood.

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

D. G. SCOOTEN.

The bill (H. R. 3520) granting a pension to D. G. Scooten was considered as in Committee of the Whole. It proposes to place the name of D. G. Scooten, late a private in Company H, Fifty-ninth Regiment Illinois Infantry Volunteers, on the pension roll.

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

CHARLES T. SLOAT.

The bill (H. R. 10602) granting a pension to Charles T. Sloat was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Charles T. Sloat, late of Company B, One hundred and eighth Regiment of Illinois Volunteer Infantry.

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

N. E. PALMER.

The bill (H. R. 4888) granting a pension to N. E. Palmer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of N. E. Palmer, late of Company K, One hundredth Regiment Indiana Volunteers.

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

WILLIAM RICHARDSON.

The bill (H. R. 7002) granting a pension to William Richardson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Richardson, late a private in Company K, First Ohio Artillery.

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

OLIVER P. MARTIN.

The bill (H. R. 4209) granting a pension to Oliver P. Martin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Oliver P. Martin, late a private in Company I, Seventeenth Regiment Ohio Volunteer Infantry.

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

SQUIRE WEST.

The bill (H. R. 5106) granting an increase of pension to Squire West was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Squire West, late a private in Company F, Fourth Regiment of Indiana Volunteers, at \$30 per month, in lieu of the amount now paid him.

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

RICHARD CHRISTY.

The bill (H. R. 4878) pensioning Richard Christy was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Richard Christy, late of Company F, One hundred and twenty-fifth Illinois Volunteer Infantry, now of Enon, Barber County, Kans.

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

WILLIAM M. BISHOP.

The bill (H. R. 8595) for the relief of William M. Bishop was considered as in Committee of the Whole. It proposes to place the name of William M. Bishop, late a private in Company E, Seventy-ninth Regiment Illinois Volunteers, on the pension roll.

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

MARY A. RIPLEY.

The bill (H. R. 13575) granting a pension to Mary A. Ripley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Ripley, late volunteer army nurse and widow of Z. Howe Ripley, late member of Company G, Thirty-fifth New York Volunteers, and pay her a pension at the rate of \$12 per month, in lieu of the pension now received by her.

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.

JOHN F. MAILER.

The bill (H. R. 3611) for the relief of John F. Mahler was considered as in a Committee of the Whole. It proposes to place on the pension roll the name of John F. Mahler, late a private of Company C, Fifty-sixth Regiment Pennsylvania Volunteers.

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

MRS. HARRIET E. MARTIN.

The bill (H. R. 7937) granting an increase of pension to Mrs. Harriet E. Martin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. Harriet E. Martin, widow of Erastus F. Martin, third assistant engineer United States Navy, at \$18 per month, in lieu of the rate at which she is now paid under pension certificate No. 3115.

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

RUFUS SQUIRE.

The bill (H. R. 4328) granting a pension to Rufus Squire was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rufus Squire, late a private in the United States Marine Corps.

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

IMPRISONMENT OF AN AMERICAN CITIZEN IN MEXICO.

Mr. CALL. I ask leave at this time to present a resolution, for which I ask immediate consideration.

The PRESIDENT *pro tempore*. The resolution will be read for information.

The Chief Clerk read as follows:

Resolved, That the President of the United States be, and he is, requested to have an investigation made into the case of Graham, an American citizen who is stated in newspapers to be confined in prison in Mexico under circumstances of extreme cruelty, under a conviction of murder, of which, it is alleged he is innocent, and that he will cause such measures to be taken as may be proper under the circumstances for his release.

Mr. EDMUNDS. I should like to hear the resolution read again.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. EDMUNDS. I object until it is read again.

The PRESIDENT *pro tempore*. The resolution will be again read. The Chief Clerk read the resolution.

Mr. EDMUNDS. Not doubting that the President of the United States and the Secretary of State will defend all American citizens in foreign countries, I object.

Mr. HOAR. I suggest to the Senator from Florida that, if he states on his information as a Senator that the case should be looked into—

Mr. CALL. I think it should.

Mr. HOAR. Allow me to finish my statement.

Mr. CALL. I ask that the statement accompanying the resolution may be read.

The PRESIDENT *pro tempore*. The consideration of the resolution being objected to, it must go over under the rules.

Mr. HOAR. I ask unanimous consent to make a statement to the Senator from Florida and to the Senate.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the Senator will proceed.

Mr. HOAR. If the Senator from Florida will modify his resolution by omitting any recital from the newspapers or anything of that kind, and simply make the resolution a request that the President of the United States may inquire into the circumstances attending the imprisonment of one Graham, an American citizen alleged to be imprisoned in Mexico, without any suggestion that the punishment is cruel or otherwise, I do not think anybody will object to it.

Mr. EDMUNDS. Mr. President, I ask unanimous consent to say a word.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the Senator will proceed.

Mr. EDMUNDS. Without speaking by the book and speaking without any authority whatever, I venture the statement that the President of the United States is making the inquiry and consideration that this resolution calls for; and at this late day of the session, in the absence of any statement of dereliction on the part of the President and his officers, I think it is a reflection upon the President of the United States that we should even request him to do that thing, for I venture to affirm again that he has heard of this matter and is doing that duty which the President of the United States should.

Mr. CALL. I ask that the statement accompanying the resolution may be read.

Mr. DAVIS. I object. I think the consideration of the pension bill should be concluded.

The PRESIDENT *pro tempore*. Objection being made, the resolution goes over under the rules.

Mr. CALL. I ask the Senator to withdraw the objection for one moment.

Mr. EDMUNDS. I hope the Senator from Minnesota will allow the Senator from Florida to make his statement.

Mr. DAVIS. Very well.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Florida proceeding? The Chair hears none, and the Senator will proceed.

Mr. CALL. I have been requested to act in this matter by a citizen of the United States, who is a relative of the man alleged to be confined under circumstances of extreme cruelty and imprisoned upon a charge of which he is innocent. I do not know that this case has ever been brought to the attention of the President of the United States, but, if the time has come when the liberty of an American citizen is indifferent to the Senator from Vermont and to other Senators here, I wish to say that I am not of that number.

The statements in the newspapers demand the consideration of those who represent the people. There is nothing more sacred than the protection of the liberty of an American citizen who may be in foreign lands.

Mr. President, I am indifferent whether the Senator from Vermont objects to protecting the people of this country or not. I have done my duty. The case is before the Senate and the country.

Mr. EDMUNDS. I ask unanimous consent to occupy one-half of one minute.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

Mr. EDMUNDS. I hope I am not indifferent to the liberty of the citizens of the United States. I have tried not to be indifferent to the liberty of a great many citizens in the southern part of this country, some of them in the State of Florida, where I have felt that they did not have the liberty which they ought to have. I am not indifferent to the liberty of the people of the United States in Mexico, and I am not indifferent to what implies a reflection upon the administration of the Government of this country in respect to its foreign affairs that the President of the United States is not taking care of this affair.

Mr. DAVIS. I call for the regular order.

The PRESIDENT *pro tempore*. Objection being made, the resolution goes over under the rule. The consideration of pension bills being in order, the next case on the Calendar will be stated.

CAROLINE REEBLE.

The bill (H. R. 3485) granting a pension to Caroline Reebble was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caroline Reebble, mother of Edward Reebble, late of Company I, Fourth Regiment Minnesota Volunteers.

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

LEWIS J. BAKER.

The bill (H. R. 7148) granting a pension to Lewis J. Baker was considered as in Committee of the Whole. It proposes to increase the pension of Lewis J. Baker, late of Company K, Fifth Regiment Ohio Cavalry, to \$48 per month.

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

FEDOLIN BUCKEVIILLER.

The bill (H. R. 3254) granting a pension to Fedolin Buckeviller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Fedolin Buckeviller.

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

ELIZABETH DODGE.

The bill (H. R. 11421) granting a pension to Elizabeth Dodge was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Elizabeth Dodge, an army nurse, and to pay her a pension of \$12 per month.

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

JOHN O. McDONALD.

The bill (H. R. 6563) for the relief of John O. McDonald, alias William Barnes, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John O. McDonald, alias William Barnes, at \$16 per month.

Mr. COCKRELL. 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. DAVIS February 27, 1891:

The Committee on Pensions, to whom was referred "An act for the relief of John O. McDonald, alias William Barnes," have examined the same and report favorably upon the bill, and recommend its passage.

The report of the House committee, in which your committee concur, is appended.

HOUSE REPORT.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6563) granting a pension to John O. McDonald, alias William Barnes, submit the following report:

Applicant was member of First Regiment District of Columbia Infantry, and was discharged for disability February 9, 1865.

This claim, asking pension for disease of eyes, was rejected by Department for want of proof showing incurrence in line of service.

The proof is clear that the man was discharged for disability; the surgeon's certificate and order of discharge, February, 1865, show that he was discharged for pulmonary disease of lungs.

This disease, as well as the trouble with eyes, is claimed to have originated from an attack of measles while in the service.

The soldier entered the service with sound eyes. He had measles and was treated therefor, and was treated also for relapse of measles in hospital. Thereafter, according to the proof, his eyes were weak, and, from the proof of the soldier and from that of many of his reputable neighbors, his eyes grew worse soon after his discharge, and from 1866 until now have grown steadily weaker, and are now seriously diseased, rendering him incapable of work at many times, and entirely incompetent to labor during cloudy or dark weather.

Your committee are of opinion that the disease of the eyes was occasioned by and resulted from the soldier's attack and relapse of measles while in the service, and, after amending it by adding after the words "John O. McDonald," wherever they occur in the bill, the words "alias William Barnes," and by striking out the words "subject to the provisions and limitations of the pension laws," and substituting therefor the words "and pay him a pension of \$16 per month," we recommend the passage of the bill.

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

GOTTLIEB HUNZIKER.

The bill (H. R. 9504) granting a pension to Gottlieb Hunziker was considered as in Committee of the Whole. It proposes to put the name of Gottlieb Hunziker, of Company A, One hundred and seventy-sixth New York Volunteers, on the pension roll.

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

JOHN WAGNON.

The bill (H. R. 13592) to pension John Wagon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Wagon, of Warren, Bradley County, Arkansas, late a corporal in Capt. Thomas B. Watts's company, Col. William Lindsay's regiment of Alabama Volunteers in the Florida war, 1838, and to pay him the same pension as is allowed by law for service in the war, 1812.

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

LEAH ALLEN.

The bill (H. R. 13526) to increase the pension to Leah Allen was considered as in Committee of the Whole. It proposes to pay Leah Allen, of Amity, Clark County, Arkansas, a pension of \$20 a month, in lieu of the pension of \$8 now received under certificate No. 2922, Knoxville, Tenn., agency.

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

DAVID KEYS.

The bill (H. R. 4387) granting a pension to David Keys was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Keys, father of Thomas Keys, late of Company E, One hundred and eleventh Regiment New York Infantry Volunteers.

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

ROBERT C. KERR.

The bill (H. R. 1864) to place the name of Robert C. Kerr on the pension roll was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert C. Kerr, late of Company G, Eleventh Regiment Minnesota Volunteer Infantry.

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

JOHN H. R. STOREY.

The bill (H. R. 12777) to increase the pension of John H. R. Storey, Company F, One hundred and ninth Regiment Pennsylvania Veteran Volunteers, was considered as in Committee of the Whole. It proposes to increase the pension of John H. R. Storey, late a sergeant in Company F, One hundred and ninth Regiment Pennsylvania Veteran Volunteers, to \$45 per month.

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

ELIZA M. KEITH.

The bill (H. R. 13473) to restore to the pension roll the name of Eliza M. Keith (formerly Eliza Ash) was considered as in Committee of the Whole. It proposes to restore to the pension roll the name of Eliza M. Keith (formerly Eliza Ash), and widow of David L. Ash, of Company A, Thirty-seventh Regiment Illinois Volunteers, of Minneapolis, Minn., and to pay her a pension of \$12 per month.

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

NATHANIEL MOON.

The bill (H. R. 13443) to pension Nathaniel Moon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathaniel Moon, of Buena Vista, Ouachita County, Arkansas, late a private of Captain Pruitt's company, Colonel Snodgrass's regiment Alabama Volunteers, Creek war, and to pay him the pension allowed by law for service in the war of 1812.

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

CATHERINE McMANUS.

The bill (H. R. 3376) granting a pension to Catherine McManus was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catherine McManus, widow of John McManus, late a sergeant in Company D, Third Regiment New Jersey Infantry, at \$12 per month, and \$2 additional per month for each minor child under sixteen years of age at his decease.

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

MARY D. McCHESNEY.

The bill (H. R. 9313) granting a pension to Mary D. McChesney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary D. McChesney, widow of Thomas M. McChesney, late of Company M, Ninth Regiment New Jersey Volunteers, at \$12 per month.

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

ELIZABETH M. AYARS.

The bill (H. R. 11257) granting a pension to Elizabeth M. Ayars, formerly Elizabeth M. Sutton, was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Elizabeth M. Ayars, widow, formerly Elizabeth M. Sutton, widow of James C. Sutton, of Company D, Tenth New Jersey Volunteers.

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

ESTHER WALKER.

The bill (H. R. 8438) granting a pension to Esther Walker, formerly Esther Dayton, a nurse in the late war, was considered as in Committee of the Whole. It proposes to place the name of Esther Walker, formerly Esther Dayton, now residing at Ireton, Sioux County, Iowa, and an army nurse during the late war, on the pension roll at \$12 per month.

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

SARAH R. KIMBALL.

The bill (H. R. 13381) granting a pension to Sarah R. Kimball was considered as in Committee of the Whole. It proposes to place the name of Sarah R. Kimball, an army nurse, upon the pension roll at \$12 per month.

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

CATHERINE COOK.

The bill (H. R. 13450) granting a pension to Catherine Cook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catherine Cook, as an army nurse, at \$12 per month.

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

ANNA C. DEWHURST.

The 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, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anna C. Dewhurst, of Greenland, N. H., the invalid daughter of the late George Dewhurst, an acting master of the United States Navy in the late civil war, and to pay her a monthly pension of \$12.

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

DRUSILLA A. SHERWOOD.

The bill (H. R. 5924) granting a pension to Drusilla A. Sherwood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Drusilla A. Sherwood, late a nurse in the United States hospital at Keokuk, Iowa, and to pay her a pension of \$12 per month.

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

JAMES H. FLEMING.

The bill (H. R. 8226) granting a pension to James H. Fleming was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Fleming, of Company E, One hundred and fifth Ohio Volunteer Infantry.

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

OZRO HARRINGTON.

The bill (H. R. 2518) granting a pension to Ozro Harrington was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ozro Harrington, late a private in Company H, First Regiment Iowa Cavalry Volunteers.

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

ELIZABETH KEELY.

The bill (H. R. 8170) granting a pension to Elizabeth Keely was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Keely, mother of George D. Keely, late a private of Company G, Twenty-third Illinois Volunteer Infantry.

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

WILLIAM REEDER.

The bill (H. R. 4779) granting a pension to William Reeder was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of William Reeder, late of Company E, Fifty-seventh Regiment of Missouri Enrolled Militia, now a resident of Hamburgh, Iowa.

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

LYDIA B. GRAY.

The bill (H. R. 13589) granting a pension to Lydia B. Gray was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lydia B. Gray, late army nurse under direction of Miss Dorothea L. Dix, deceased, at \$12 per month.

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

ANGUS McVIGOR.

The bill (H. R. 6838) for the relief of Angus McVigor was considered as in Committee of the Whole. It proposes to place the name of Angus McVigor, late of Company G, Fifteenth Regiment United States Infantry, upon the pension roll at \$30 per month, in lieu of the pension now received by him.

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

EMILY M. TYLER.

The bill (H. R. 13224) granting a pension to Emily M. Tyler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emily M. Tyler, widow of the late Erastus B. Tyler, a brevet major general in the war for the Union.

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

ELLEN FINNERTY.

The bill (H. R. 7184) granting a pension to Ellen Finnerty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellen Finnerty, mother of Thomas P. Finnerty, late of Company K, First Massachusetts Volunteer Infantry.

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

GEORGE P. HARTMAN.

The bill (H. R. 7473) for the relief of George P. Hartman was considered as in Committee of the Whole. It proposes to place the name of George P. Hartman, Company I, Thirtieth Pennsylvania Volunteer Infantry, on the pension roll of the United States.

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

MARGARET MALLOY.

The bill (H. R. 9772) for the relief of Margaret Malloy was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Margaret Malloy, as dependent mother of James Malloy, late of Company D, Third Massachusetts Cavalry.

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

JAMES A. HULL.

The bill (H. R. 8856) for the relief of James A. Hull was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James A. Hull, father of Chauncey A. Hull, late a private in Company B, One hundred and ninth New York Volunteer Infantry.

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

JANE FEE.

The bill (H. R. 9431) granting a pension to Jane Fee was considered as in Committee of the Whole. It proposes to place the name of Jane Fee, widow of Michael Fee, late a member of Company G, of the Second United States Infantry, on the pension roll.

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

CHARLES EWING.

The bill (H. R. 9423) for the relief of Charles Ewing was considered as in Committee of the Whole. It proposes to place upon the pension rolls the name of Charles Ewing, late a member of Company D, Twelfth New York Cavalry.

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

ANNE MATTOCKS.

The bill (H. R. 6800) granting a pension to Anne Mattocks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anne Mattocks, an applicant for a pension under claim numbered 334307, as dependent mother of Ichabod W. Mattocks, late a soldier of Company A, First Vermont Cavalry Volunteers.

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

HETTA BRAINARD.

The bill (H. R. 6792) granting a pension to Hetta Brainard was considered as in Committee of the Whole. It proposes to place on the pension rolls the name of Hetta Brainard, widow of Loudon Brainard, late of Capt. Libeus Egerton's Company of Volunteers from Vermont, at the invasion of Plattsburgh, N. Y., September, 1814, and to allow her a pension of \$12 per month.

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

SYLVANUS B. DORSETT.

The bill (H. R. 11575) granting a pension to Sylvanus B. Dorsett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sylvanus B. Dorsett, dependent father of John Dorsett, late private in Company G, Ninth United States Infantry, killed September 13, 1847, at the battle of Chapultepec, at \$12 a month.

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

CHRISTIAN PAPE.

The bill (H. R. 7251) granting a pension to Christian Pape was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Christian Pape, late a private in Company K, Fifth Regiment of Missouri State Militia Cavalry Volunteers.

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

WILLIAM T. RHODES.

The bill (H. R. 8600) increasing the pension of William T. Rhodes was considered as in Committee of the Whole. It proposes to pay William T. Rhodes, late of Company K, Twelfth Regiment United States Infantry, in the war with Mexico, a pension of \$25 per month, in lieu of the pension he is now receiving.

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

SOLOMON SMITH.

The bill (H. R. 8445) granting a pension to Solomon Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Solomon Smith, late a private in Company D, Eleventh Regiment Kentucky Infantry Volunteers.

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

ELLEN J. WHARTON.

The bill (H. R. 9564) for the relief of Ellen J. Wharton was considered as in Committee of the Whole. It proposes that the act entitled "An act to restore pensions in certain cases," approved June 9, 1880, shall be construed so as to include within its provisions Ellen J. Wharton, of Louisville, Ky.

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

JOEL HAGLER.

The bill (H. R. 7952) to increase the pension of Joel Hagler, of Henry County, Tennessee, was considered as in Committee of the Whole. It proposes to place the name of Joel Hagler, of Henry County, Tennessee, on the pension rolls at \$30 per month, in lieu of the pension now received by him.

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

W. ZISTER.

The bill (H. R. 7614) granting a pension to W. Zister was considered as in Committee of the Whole. It proposes to place on the pension roll the name of W. Zister, widow of Frank Zister, Company H, Twenty-seventh Missouri Volunteer Infantry.

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

WILLIAM COMPTON.

The bill (H. R. 4168) for the relief of William Compton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Compton, late a private in Company I, Second Regiment of Tennessee Cavalry.

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

HALEM L. COOK.

The bill (H. R. 10491) granting a pension to Halem L. Cook, of Franklin, Ky., was considered as in Committee of the Whole. It proposes

to place on the pension rolls the name of Halem L. Cook, of Franklin, Ky., late a private in Company B, Eighth Tennessee.

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

W. C. CLOER.

The bill (H. R. 7107) to grant a pension to W. B. Cloer, late private in Company L, D. Storm's Arkansas Militia, was considered as in Committee of the Whole. It proposes to place on the pension rolls the name of W. B. Cloer, late private Company L, D. Storm's company, Arkansas Militia.

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

MARY A. IRVIN.

The bill (H. R. 8779) granting a pension to Mary A. Irvin, widow, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. Mary A. Irvin, widow of William Irvin, late private Company G, First Louisiana Cavalry.

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

MARTHA J. MORRISON.

The bill (H. R. 7397) for the relief of Martha J. Morrison was considered as in Committee of the Whole. It proposes that the pension of Martha J. Morrison, widow of George S. Morrison, deceased, late a private in Pike's company in the First Regiment of Arkansas Cavalry in the Mexican war, be increased to \$30 per month.

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

JOHN M. WIGGINS.

The bill (H. R. 9827) granting a pension to John M. Wiggins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Wiggins, late a private in Company B, Seventeenth Regiment Kentucky Cavalry, United States Volunteers.

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

GEORGE HARLAN.

The bill (H. R. 13460) for the relief of George Harlan was considered as in Committee of the Whole. It proposes to place on the pension roll, at \$8 per month, the name of George Harlan, of Stockbridge, Henry County, Georgia, who served in the Indian war of 1836.

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

ELIZABETH PHILLIPS.

The bill (H. R. 10101) granting a pension to Elizabeth Phillips, widow of Reuben Phillips, who was killed in engagement while member of Arkansas State militia, was considered as in Committee of the Whole. It proposes to place on the pension rolls the name of Elizabeth Phillips, widow of Reuben Phillips, lately member of Arkansas State Militia, killed in the service, and to pay her a pension of \$12 per month.

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

BELINDA JANE PHILLIPS.

The bill (H. R. 9583) pensioning Belinda Jane Phillips was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Belinda Jane Phillips, imbecile daughter of Isaiah Phillips, late of Company F, Thirtieth Iowa Volunteer Infantry, and to pay to her legally constituted guardian for her use a pension of \$18 per month.

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

ISRAEL R. PIERCE.

The bill (H. R. 9615) for the relief of Israel R. Pierce was considered as in Committee of the Whole. It proposes to place on the pension rolls the name of Israel R. Pierce, late private Company H, Seventh Ohio Volunteer Cavalry.

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

CONRAD STEPHAN.

The bill (H. R. 2802) granting a pension to Conrad Stephan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Conrad Stephan, of Upper Sandusky, Ohio, late a member of Company C, Fifteenth Regiment Ohio Volunteer Infantry.

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

JOSEPH S. HENDERSON.

The bill (H. R. 4250) granting a pension to Joseph S. Henderson was considered as in Committee of the Whole. It proposes to place the name of Joseph S. Henderson, late of Company H, Twenty-seventh Regiment Iowa Infantry, on the pension roll at \$16 per month.

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

WILLIAM P. WITT.

The bill (H. R. 5585) granting a pension to William P. Witt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William P. Witt, late of Company B, Seventeenth Regiment of Kansas Volunteers.

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

PETER WILLIAM FREDERICK.

The bill (H. R. 13270) granting a pension to Peter William Frederick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter William Frederick, private Company A, Fifth Regiment United States Infantry, for extraordinary services rendered in the years 1857 and 1858, and to pay him a pension of \$20 per month.

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

WILLIAM HALE.

The bill (H. R. 11097) granting a pension to William Hale was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Hale, late of the Klamath Rifles, in the Klamath Indian war in California, at \$8 a month.

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

JOHN BROWNLEE.

The bill (H. R. 13204) providing for the pensioning of John Brownlee, a soldier in the Indian war of 1855 and 1856, was considered as in Committee of the Whole. It provides that John Brownlee, who was a private soldier in Company H, Captain Layton's company, Colonel Kelley commanding battalion, in the Indian war, from the Territory of Oregon, during the years 1855 and 1856, shall be granted a pension of \$12 per month.

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

LYDIA F. FRYER.

The bill (H. R. 9627) granting a pension to Lydia F. Fryer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lydia F. Fryer, dependent and helpless daughter of Park H. Fryer, late a member of Company F, Sixteenth Regiment Ohio Volunteer Infantry, and to pay her legal guardian for her use a pension of \$18 per month.

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

SAMUEL T. CASTON.

The bill (H. R. 12100) granting a pension to Samuel T. Caston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel T. Caston, minor son of Samuel Caston, deceased, late a private in Company C, Palmetto Regiment of South Carolina Volunteers, in the war with Mexico, and to pay him a pension of \$8 a month from the date of his father's death on the 5th of July, 1890, until the 27th of September, 1894, when he will arrive at the age of sixteen years.

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

THOMAS E. BRECKENRIDGE.

The bill (H. R. 13545) for the relief of Thomas E. Breckenridge, late Company A, California Battalion, Mexican war, was considered as in Committee of the Whole. It proposes to increase the pension of Thomas E. Breckenridge, late of Company A, California battalion, under command of General John C. Frémont, in the war with Mexico, from \$8 to \$30 per month.

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

JACOB F. TAYLOR.

The bill (H. R. 13596) for the relief of Jacob F. Taylor, late Company B, Powell's battalion, war with Mexico, was considered as in Committee of the Whole. It proposes to place on the pension rolls the name of Jacob F. Taylor, late a private in Company B, Powell's battalion, in the war with Mexico, and to pay him a pension of \$20 per month.

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

HARVEY E. MACCOWN.

The bill (H. R. 13214) for the relief of Harvey E. Maccown was considered as in Committee of the Whole. It proposes that there be paid, out of the naval pension fund, to Harvey E. Maccown, widow of Robert T. Maccown, late medical director United States Navy, \$50 per month during her widowhood in lieu of her present pension.

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

NANCY O'NEAL.

The bill (H. R. 13394) granting an increase of pension to Nancy

O'Neal was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nancy O'Neal, widow of John O'Neal, and to pay her \$25 a month, in lieu of the amount now paid her as the widow of a soldier in the war of 1812.

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

The VICE PRESIDENT. The consideration of the House pension bills on the Calendar favorably reported is now completed.

CLARA FOWLER.

Mr. DAVIS. I ask that the vote by which the Senate passed the bill (H. R. 3070) granting a pension to Clara Fowler be reconsidered and that the bill be returned to the House of Representatives in accordance with its request.

The VICE PRESIDENT. The vote by which the bill referred to was passed will be regarded as reconsidered, in the absence of objection, and the bill will be returned to the House of Representatives in accordance with its request.

ST. MARY'S CHURCH, HARFORD COUNTY, MARYLAND.

Mr. GORMAN. I ask the Senate to consider at this time House bill 6186, for the relief of a small church in my State.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6186) authorizing the refunding of the duties paid on a painted-glass window imported by the rector of St. Mary's Church, county of Harford, State of Maryland.

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

COMMITTEE SERVICE.

Mr. PLATT. Before the recess the Senator from New Hampshire [Mr. BLAIR] asked to be excused from further service upon the Committee on Agriculture and Forestry, and it was suggested that the Senator from North Dakota [Mr. CASEY] should be appointed to fill the vacancy. Some objection was made on the ground that the question had not been considered by the committee which generally considers questions of that character. I wish to say now that that committee has been consulted, and it recommends that the Senator from North Dakota [Mr. CASEY] be appointed to fill the vacancy occasioned by the resignation of the Senator from New Hampshire [Mr. BLAIR].

I wish to say further that that does not involve any question as to the permanent composition of the committee.

The VICE PRESIDENT. The resignation of the Senator from New Hampshire [Mr. BLAIR] will be considered as accepted and the Senator from North Dakota [Mr. CASEY] will be appointed in his place upon the Committee on Agriculture and Forestry, if there be no objection. The Chair hears none.

Mr. HOAR. While I suppose everybody will recognize the great propriety of the selection which has been made of this eminent Senator for this important committee and while I have no doubt in any rearrangement which may be made of all the committees of the Senate at any time that Senator will be selected for that service if he be willing to accept that duty, still I think it ought to be distinctly understood that the action taken in this case is not to form a precedent.

The committees of the Senate, under its rules, are selected by the Senate by ballot, and by no other method whatever, except in a particular case where a selection may be made by a special vote. The committees are selected necessarily, ordinarily at a time when the composition of all the committees can be taken into consideration, and the qualifications for special duties of the Senators on both sides of the Chamber can be taken into consideration. Until within the last three or four years that was done at the beginning of each session. Then the committees only continued for the session. The rule has since been changed and now the committees continue during an entire Congress.

It would be productive of infinite inconvenience if a practice should grow up appointing Senators during the last two or three days of a session to places on committees. While every member of the body will give, I have no doubt, his consent to this particular arrangement, as another suggestion of the same kind was made a few days ago, there ought to be emphatic caution in regard to the subject.

Mr. PADDOCK. Mr. President, it fell to me, as chairman of the Committee on Agriculture and Forestry, to make the suggestion before the recess that the Senator from North Dakota [Mr. CASEY], who is the most extensive practical agriculturist in either branch of Congress, should be placed on the committee in place of the Senator from New Hampshire [Mr. BLAIR] who resigned. I understood there was a consensus of sentiment among the majority element of the Senate that this eminent agriculturist should be placed on that committee. There was some intimation that there might be a desire or intention in respect to this matter to forestall action as to the future membership of the committee. There was nothing of that kind contemplated. It is a mere *pro forma* matter, and I suppose, according to the precedent which has been frequently set heretofore in my relation to it as the chairman of that committee, it was my duty to pursue the course I did, because the committee is entitled, although the session may not last more than three hours, to have a full membership.

The VICE PRESIDENT. The Chair understands the appointment is only a *pro forma* appointment, subject to the pleasure of the Senate,

as the ordinary custom is to select members of committees by election, as indicated by the Senator from Massachusetts.

Mr. PADDOCK. That was the understanding about this selection before the recess.

CASCADES OF THE COLUMBIA RIVER.

Mr. DOLPH submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed 500 extra copies of the letter of the Secretary of War in answer to a resolution of the Senate calling for information concerning the progress and condition of work on the canal and locks at the cascades of the Columbia River, for the use of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13462) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1892, and for other purposes.

The message also announced that the House disagreed to the amendments of the Senate to the bill (H. R. 13658) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. PETERS, and Mr. BRECKINRIDGE, of Kentucky, managers at the conference on the part of the House.

The message further announced that the House insisted upon its disagreement to the amendment of the Senate numbered 15 to the bill (H. R. 13069) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1892, relating to telegraphic communication between the United States and the Kingdom of Hawaii, and had instructed its conferees to insist upon its disagreement to said amendment.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask that the message from the House of Representatives in relation to the deficiency appropriation bill may be laid before the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 13658) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes, and asking for a conference on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments to the bill disagreed to by the House of Representatives and accede to the conference asked for.

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. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. I now ask that the diplomatic appropriation bill be laid before the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives further insisting upon its disagreement to the amendment of the Senate numbered 15 to the bill (H. R. 13069) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1892, and asking for a further conference on the disagreeing votes of the two Houses thereon.

Mr. COCKRELL. Let the amendment be reported.

The VICE PRESIDENT. The amendment will be read.

The CHIEF CLERK. Amendment numbered 15, inserted by the Senate, was, on page 19, after line 16, to insert:

To enable the President to make engagements with any such citizens or corporations of the United States as shall appear to possess the means and facilities necessary to that end, for telegraphic communication between the United States and the Kingdom of Hawaii, which engagements shall contain provisions sufficient, in the judgment of the President, to secure to the Government and citizens of the United States early and adequate communication by telegraph with said kingdom upon reasonable terms for a period of not less than fourteen years, a sum not exceeding \$250,000 for each year in and during which such communication shall be so in operation, and during which such engagements shall be so in course of execution, not exceeding twenty years; and the total sum paid under this authority shall not exceed \$3,000,000.

Mr. HALE. I move that the Senate further insist on its amendment and ask for a further conference with the House of Representatives thereon.

Mr. COCKRELL. I inquire of the Senator from Maine if that is now the only disagreement.

Mr. HALE. That is the only disagreement.

Mr. COCKRELL. And the House conferees refused to agree to that amendment or to any modification of it?

Mr. HALE. The House conferees agreed to the proposition as submitted to the Senate this afternoon, but the House itself has disagreed to the amendment, and therefore the only thing is for the Senate to appoint a new conference.

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

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. HALE, Mr. ALLISON, and Mr. BLACKBURN were appointed.

REPORTS FROM COMMITTEE ON PRINTING.

Mr. MANDERSON. I have a few resolutions of a formal character in the way of reports from the Committee on Printing. I think there will be no objection to any of them, and they can all be disposed of in a very few minutes. I ask the indulgence of the Senate to present them at this time.

The VICE PRESIDENT. The Chair hears no objection.

EULOGIES ON REPRESENTATIVE PHELAN.

Mr. MANDERSON. I am instructed by the Committee on Printing to report favorably the House concurrent resolution for printing eulogies on the late Representative Phelan, and I ask for its present consideration.

The following concurrent resolution of the House of Representatives was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed of the eulogies delivered in Congress upon the late James Phelan, a Representative in the Fifty-first Congress from the State of Tennessee, 12,000 copies; of which 3,000 copies shall be for the use of the Senate, and 9,000 copies shall be for the use of the House of Representatives; and the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of the said James Phelan, to accompany said eulogies. That of the quota to the House of Representatives the Public Printer shall set apart 50 copies, which he shall have bound in full morocco with gilt edges, the same to be delivered when complete to the family of the deceased.

PRINTING OF AGRICULTURAL REPORT.

Mr. MANDERSON. I am also directed by the Committee on Printing to report favorably and without amendment the joint resolution (H. Res. 278) providing for the printing of the Agricultural Report for 1891. I ask for its present consideration.

Mr. COCKRELL. Let the joint resolution be read.

The VICE PRESIDENT. The joint resolution will be read for information.

The joint resolution was read, as follows:

Be it resolved, etc., That there be printed 400,000 copies of the annual report of the Secretary of Agriculture for the year 1891; 75,000 copies for the use of the Senate, 300,000 for the use of the House of Representatives, and 25,000 copies for the use of the Department of Agriculture, the illustrations for the same to be executed under the supervision of the Public Printer, in accordance with directions of the Joint Committee on Printing, said illustrations to be subject to the approval of the Secretary of Agriculture.

Sec. 2. That the sum of \$200,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the cost of printing said report.

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

Mr. COCKRELL. I congratulate the Senator from Nebraska on the success which has been made in the publication of the Agricultural Report. It used to be that it took us from eighteen months to two years after the report was furnished to Congress to have it printed and ready for distribution. Now, according to this resolution, we are going to have the report printed and ready for distribution before it has even been made.

This is the Agricultural Report for 1891. If I recollect aright it will not be submitted to the Senate until after the close of the fiscal year 1891, and that does not terminate, if I have not been dreaming, until the 30th day of June next.

Mr. MANDERSON. The Senator is correct in his statement of facts, but this is no new departure. For some years past the Agricultural Report has been ordered printed in advance of its completion. The material for the report, I understand from the Secretary of Agriculture, is all prepared, and the House undoubtedly have the same information. The object of the resolution is simply that this volume may go out early.

Mr. COCKRELL. This is in anticipation, so as to have the report ready to be printed in large numbers as soon as it is made?

Mr. MANDERSON. I understand that to be the case.

Mr. COCKRELL. That is a decided improvement on previous methods.

Mr. MANDERSON. I think the Senator from Missouri will find that there have been many improvements in the Public Printing Office over former methods in the administration of its affairs.

Mr. HARRIS. I inquire why only 75,000 copies are to be for the use of the Senate and 300,000 copies for the use of the House of Representatives? That seems to me an unusual proportion.

Mr. MANDERSON. Not as to this particular report. The usual distribution of documents is twice as many copies to the House of Representatives as are furnished to the Senate.

Mr. HARRIS. So I understand.

Mr. MANDERSON. But, in relation to this particular report of the Secretary of Agriculture, the proportion named in the resolution is the same as that which has obtained for a number of years.

Mr. HARRIS. Will the Senator give me some good reason why this proportion should be applied to this particular document, which is unusual and is not applied to the printing of all other documents?

Mr. MANDERSON. It is not unusual. As I say, it is in the line of that which has seemed to be a fair precedent. The members of the

House of Representatives are supposed to come more in direct contact perhaps with the people than the members of the Senate. They are supposed to represent the farming element more particularly interested in this book. At any rate, the Committee on Printing have not attempted at this late hour of the session to make any new departure. Finding that this was in the line of the precedents they have simply followed the resolution as it passed the House. To amend it now would mean its loss.

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

REPORTS OF SMITHSONIAN INSTITUTION AND NATIONAL MUSEUM.

Mr. MANDERSON. I am directed by the Committee on Printing to report favorably the concurrent resolution of the House of Representatives for printing the report of the Smithsonian Institution and of the National Museum. I ask for its present consideration.

By unanimous consent, the Senate proceeded to consider the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives (the Senate concurring), That there be printed of the reports of the Smithsonian Institution and of the National Museum for the year ending June 30, 1890, in two octavo volumes, 19,000 extra copies, of which 3,000 copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, 7,000 copies for the use of the Smithsonian Institution, and 3,000 copies for the use of the National Museum.

Mr. GORMAN. I ask my colleague of the Committee on Printing what is the estimated cost of printing these reports for this year.

Mr. MANDERSON. The Smithsonian report was made to the House of Representatives. I can only give an approximate estimate.

Mr. GORMAN. Is any special appropriation made?

Mr. MANDERSON. No; this is a concurrent resolution in the usual form.

The VICE PRESIDENT. The question is on concurring in the resolution.

The resolution was concurred in.

COINAGE COMMITTEE REPORT.

Mr. MANDERSON. I am directed by the Committee on Printing to report favorably the concurrent resolution of the House of Representatives for printing the testimony taken before the Committee on Coinage, Weights, and Measures of that body, for which I ask present consideration.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That 10,000 copies of the testimony taken before the Committee on Coinage, Weights, and Measures, with the accompanying report (No. 4967) be printed, 6,000 copies to be for the use of the House of Representatives, and 4,000 copies for the use of the Senate.

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

Mr. MANDERSON. Six thousand copies are for the House of Representatives and 4,000 copies for the Senate. This is a House resolution, and it will be seen in this instance they somewhat increase our proportion. I have found that the cost of printing this report, which I think is a very valuable one upon financial questions, is \$1,860. I ask for the present consideration of the resolution.

Mr. TELLER. I have been unable, owing to the confusion, to ascertain what the resolution is which has been read.

Mr. MANDERSON. I will inform the Senator.

Mr. TELLER. I should be glad to have the information.

Mr. MANDERSON. The resolution is to print the testimony taken before the House Committee on Coinage, Weights, and Measures, and quite a voluminous report from that committee. The House have passed a concurrent resolution proposing the printing of 10,000 copies.

Mr. TELLER. If an objection will carry that resolution over, I shall object to it. I will say that I have examined that testimony, and regard for another branch of Congress prevents me from expressing my opinion about it. If an objection will carry the resolution over, I object.

The VICE PRESIDENT. If objection be made, the resolution will go upon the Calendar.

Mr. MANDERSON. I hope the Senator will withdraw his objection. I make the request for the reason that quite a number of members of another body have desired the printing of this report and of this testimony. Of course I have not given it careful examination. It is not possible, in the nature of things, that the Committee on Printing can examine these voluminous documents; but this is a matter of printing which is asked for by the other House, and it seems to me that courtesy requires that, where they have an investigation of this sort, the result of it should be printed.

Mr. TELLER. The House of Representatives can print a considerable number of copies of the document without the permission of the Senate. The investigation is of no value whatever, in my judgment, either in the testimony taken or in the conclusions reached. There has been and there is accessible to everybody who wishes to study this question testimony which has been taken before other tribunals and before other committees, of infinitely more value and which was taken with the intent to find the truth, while this was taken for the purpose of obscuring and hiding the truth.

I shall maintain my objection, if that will be sufficient to defeat the passage of the resolution.

The VICE PRESIDENT. Objection being made, the resolution will be placed on the Calendar.

Mr. WOLCOTT. If my colleague should feel inclined to withdraw his objections I should at once renew it. The persons who gave this testimony are amply able to publish it. They represent a committee which was appointed as a buffer between the wishes of the people and the enactment of a law. If there is any further objection needed, I desire to make the objection.

The VICE PRESIDENT. The Senator's colleague [Mr. TELLER] has not withdrawn his objection.

Mr. MANDERSON. As I understand, it is not necessary to have a multitude of objections. One is sufficient.

REPORT OF LIBRARIAN OF CONGRESS.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the resolution submitted by Mr. EVARTS March 3, 1891, reported it without amendment; and the resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the annual report of the Librarian of Congress for the calendar year 1890 be printed, and that 500 copies with paper covers be printed for the use of the Library.

CASCADES OF THE COLUMBIA RIVER.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the resolution this day submitted by Mr. DOLPH, reported it without amendment; and the resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed 500 extra copies of the letter of the Secretary of War in answer to a resolution of the Senate calling for information concerning the progress and condition of work on the canal and locks at the cascades of the Columbia River, for the use of the Senate.

PRINTING OF A DOCUMENT.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the resolution submitted by Mr. WASHBURN, March 3, 1891, reported it without amendment, as follows:

Resolved, That the Public Printer is hereby instructed to print 5,000 copies of Senate Miscellaneous Document No. 78, this session, and deliver to the document room.

Mr. CULLOM. What is the subject of that resolution?

Mr. MANDERSON. It is in the nature of a petition, a presentation of facts pertaining to the Torrey bankruptcy bill. The cost for the number of copies asked for by the Senator from Minnesota [Mr. WASHBURN] who offered the resolution will be \$135. The document seems to me of sufficient importance to be printed.

The resolution was considered by unanimous consent, and agreed to.

TRANSFER OF REVENUE MARINE.

Mr. GRAY. I move that the Senate proceed to the consideration of Calendar No. 422, being the bill to transfer the revenue-marine service from the Treasury Department to the Navy Department.

Mr. HOAR. I desire to call up a resolution which was objected to.

Mr. GRAY. Let the bill I have referred to be taken up first.

Mr. HOAR. I must object to that. If any subject of general legislation is to be called up, the bankruptcy bill is entitled to precedence, and I shall move for the consideration of the bankruptcy bill.

Mr. GRAY. I understand that there has been, for the convenience of the Senate on the majority side, a certain order of business many weeks ago decided upon, which has long since been departed from.

Mr. HOAR. Never.

Mr. GRAY. And subjects in that order of business which were below the bill I now have in my hand, or much lower, at least, than the one to which the Senator now refers, have been taken up and disposed of. That order has been broken, and it is idle to suppose that it can now be maintained in the closing hours of this session. The bill whose consideration I have moved is one which has been upon the Calendar longer than any bill mentioned in that order of business. It has been upon the Calendar since the 21st of February, 1890, more than one year ago.

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

Mr. HOAR. Mr. President—

The VICE PRESIDENT. The motion is not debatable.

Mr. HOAR. I wish to inquire of the Senator from Delaware what bills he refers to as having been taken up out of the order agreed on.

Mr. GRAY. I refer to the land-court bill and another bill the title of which I do not now recall.

Mr. HOAR. They were taken up in the morning hour.

Mr. SHERMAN. I hope we shall not at this period of the session take up a controverted bill, about which there is a strong and earnest and honest difference of opinion among Senators. The bill to which the Senator from Delaware refers will keep until next year.

Mr. HARRIS. Is the question debatable, Mr. President?

The VICE PRESIDENT. The question is not debatable, as the Chair has already stated. The question is on the motion of the Senator from Delaware to take up a bill the title of which will be stated.

The CHIEF CLERK. A bill (H. R. 6944) to transfer the revenue-cutter service from the Treasury Department to the naval establishment.

Mr. SHERMAN. I call for the yeas and nays on that motion.

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

Mr. DIXON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. HAMPTON]. As he is absent, I withhold my vote.

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

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. I suggest to the Senator from Rhode Island [Mr. DIXON] that we transfer our respective pairs.

Mr. DIXON. That will be agreeable to me.

Mr. HARRIS. Then I vote "yea."

Mr. McPHERSON (when his name was called). I am paired with the Senator from Delaware [Mr. HIGGINS], but I am informed that if present he would vote "yea," and therefore I vote "yea."

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

The roll call was concluded.

Mr. DIXON. According to the arrangement for the transfer of pairs suggested by the Senator from Tennessee [Mr. HARRIS], I am at liberty to vote, and I vote "nay."

Mr. BLAIR. The Senator from Mississippi [Mr. GEORGE] with whom I am paired is not present; but I understand he would vote "yea" if here, and therefore I vote "yea."

Mr. FAULKNER. I transfer my pair with the Senator from Pennsylvania [Mr. QUAY] to the Senator from Texas [Mr. REAGAN], and I vote "yea."

Mr. CARLISLE (after having voted in the affirmative). I observe that the Senator from North Dakota [Mr. PIERCE] has not voted, and, as I am not informed how he would vote if present, I withdraw my vote, being paired with him.

Mr. CASEY. I am generally paired with the Senator from Florida [Mr. PASCO], but, being informed that he would vote "yea" if present, I vote "yea."

The result was announced—yeas 35, nays 23; as follows:

YEAS—35.

Allen,	Coke,	McPherson,	Stewart,
Barbour,	Colquitt,	Mitchell,	Stockbridge,
Bate,	Daniel,	Morgan,	Teller,
Berry,	Faulkner,	Pettigrew,	Turpie,
Blackburn,	Frye,	Plumb,	Vance,
Blair,	Gray,	Pugh,	Walthall,
Call,	Harris,	Ransom,	Warren,
Casey,	Ingalls,	Spooner,	Wolcott.
Chandler,	Kenna,	Stanford,	

NAYS—23.

Aldrich,	Dixon,	Jones of Nevada,	Sawyer,
Allison,	Everts,	McConnell,	Sherman,
Carey,	Farwell,	McMillan,	Shoup,
Cockrell,	Hale,	Mandersson,	Washburn,
Cullom,	Hawley,	Platt,	Wilson.
Davis,	Hoar,	Sanders,	

ABSENT—23.

Blodgett,	Edmunds,	Hiscock,	Pierce,
Brown,	Eustis,	Jones of Arkansas,	Power,
Butler,	George,	Moody,	Quay,
Cameron,	Gibson,	Morrill,	Reagan,
Carlisle,	Gorman,	Paddock,	Squire,
Dawes,	Hampton,	Pasco,	Vest,
Dolph,	Higgins,	Payne,	Voorhees.

So the motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6944) to transfer the revenue-cutter service from the Treasury Department to the naval establishment.

Mr. GRAY obtained the floor.

Mr. HOAR. Mr. President—

The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from Massachusetts?

Mr. GRAY. In one moment.

Mr. President, the bill which has just been taken up in the Senate for consideration fortunately does not require from me or from those who advocate its passage any lengthened advocacy at this time. I congratulate the Senate that, even at this late hour in the session, this bill, which has already been before the Senate five different times and debated on each of those occasions at considerable length, has its merits so well displayed and the objections, whatever they may be to it, so thoroughly developed that little need be done now, and little time of the few remaining hours of this session consumed in debate upon it.

It proposes, Mr. President, a distinct and definite reform in the administration of the Navy, a reform that was suggested many years ago, has been advocated at different times through a long period of years, has been recommended by various Secretaries of the Navy, received the indorsement of more than one Secretary of the Treasury, and receives the hearty commendation of the present Secretary of the Navy, as well as that of the late Secretary of the Treasury, Mr. Windom, whose departure from this life we have been called upon so recently to mourn; and

I understand and am informed that Mr. Windom's successor, the present Secretary of the Treasury, has expressed himself as decidedly in favor of this measure, having had occasion to consider it, as he has taken occasion to say, when he was a member of the House of Representatives, and is thoroughly informed as to its purview and merits.

So then it comes before the Senate with the weight of the authority of a list of compurgators that is rather unusual, and I think I may safely leave any further discussion of the bill to those who may desire to oppose it.

The bill seeks to do away with what has long been recognized by those who may have been familiar with the subject as an anomaly in the naval service, the maintenance of two distinct services, both naval and maritime in their character, one in the Navy Department proper and one under the management of a bureau in the Treasury Department. The revenue-cutter service is essentially a naval service. It requires the highest degree of seamanship and those officerlike qualities which are essential also in the naval service.

The character of that service is such that it tends to develop some of the most valuable qualities in seamen and naval officers. It presents the grandest school for those qualities and for practical seamanship that we have anywhere in the Government service, and we are depriving the young officers of the Navy of the benefits of that school which would fit them to a degree not now attainable in the practical part of their profession. This bill would put these young officers recently graduated from the Academy upon the decks of these craft belonging to the revenue service, and upon our coasts in the winter time, where they would obtain, under the command of able and experienced seamen, such a practical knowledge of their profession as I undertake to say they nowhere else have the opportunity in the naval service of acquiring so readily. It is because mainly of its influence upon the naval service, as I expect it to be exerted, and because of the benefit that I believe will accrue to that service, that I have advocated this bill.

I think, Mr. President, I shall not detain the Senate at this time with any further discussion of the merits of the bill and of the considerations which bear upon it.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole, and open to amendment.

ORDER OF BUSINESS.

Mr. CARLISLE. I understand the Senator from Delaware [Mr. GRAY] to say that he will yield a short time for some morning business.

Mr. GRAY. I can not do it.

Mr. CARLISLE. The Senator declines to yield?

Mr. HOAR. I understood the Senator from Delaware to say that he would yield to me to call up a resolution which went over under objection.

Mr. CARLISLE. I have asked him to yield to me for the same kind of a resolution.

Mr. GRAY. I have just declined to yield to the Senator from Kentucky. Therefore I hardly think I can yield to the Senator from Massachusetts.

Mr. COCKRELL obtained the floor.

Mr. HOAR. Mr. President, I desire to state that I understood the Senator from Delaware to say that when he had got his bill taken up he would yield to me.

Mr. GRAY. I did say so, but, having declined to yield to the Senator from Kentucky, I find myself in a position where I am now unable to yield to the Senator from Massachusetts.

Mr. CARLISLE. I wanted to make a brief statement. During the morning hour I introduced a resolution calling for information from the Postmaster-General, to which the Senator from Wisconsin [Mr. SAWYER], the chairman of the Committee on Post Offices and Post Roads, objected because he desired to look further into it. Yesterday morning the morning hour was waived because we had up the shipping bill, and it was decided by unanimous consent that some time during the day that character of business should be taken up and disposed of. I am not particular about it, except that I hope the Senate will not finally adjourn without my having a further opportunity to call it up.

Mr. HOAR. I would like to indulge in a very brief speech, if the Senator on the floor will pardon me.

Mr. COCKRELL. I yield.

Mr. HOAR. The resolution I desire to call up was reported by the Senator from Nevada [Mr. JONES], from the Committee to Audit and Control the Contingent Expenses of the Senate, and a brief debate grew up on that resolution, in which two Senators spoke with great severity under a total misunderstanding of the facts in regard to the committee of which I am chairman. When I attempted to secure an opportunity to reply, the Senator who had charge of the pending measure objected to further debate, on the ground that his pension matters must go on. That leaves the matter in a condition which certainly is very unjust to me and to my committee, as well as to the subject. I rose immediately after the pension business was over, and at the same time I asked the Senator from Delaware [Mr. GRAY] to yield to me that I might call up that matter in order to reply. The Senator said he would

do so if his bill should be taken up. He said that within the hearing of the Senate.

Mr. MORGAN. I object to the displacing of the regular order for anything.

Mr. HOAR. That is enough, of course.

Mr. MORGAN. That is enough.

Mr. HOAR. Then I shall have to make my speech on this bill, for I am going to make it.

Mr. MORGAN. That is all right.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 13511) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1892.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the following bills:

A bill (S. 3431) granting a pension to Martha N. Hudson; and

A bill (S. 4488) granting a pension to Elizabeth R. Lee.

The message further announced that the House had passed the joint resolution (S. R. 169) to provide for the organization of the circuit courts of appeals, with an amendment 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 (H. R. 1863) granting a pension to John Yost;

A bill (H. R. 2996) granting a pension to Martha J. Spencer;

A bill (H. R. 3766) granting a pension to Joseph Dascourt;

A bill (H. R. 7832) granting a pension to Mrs. Isabella Ray McGun-nigle;

A bill (H. R. 10535) granting a pension to Myron A. Hudson;

A bill (H. R. 11014) granting a pension to Mrs. Malinda Hawkins, a hospital matron and nurse during the war of the rebellion;

A bill (H. R. 11118) to place the name of Ruth McAnnally on the pension roll;

A bill (H. R. 12585) increasing pension of Lafayette Soper, of Morrisville;

A bill (H. R. 12628) granting a pension to Mrs. Edelyn Spalding, widow of Charles Spalding, deceased;

A bill (H. R. 12702) granting a pension to Sarah Knight;

A bill (H. R. 12722) granting a pension to Elizabeth R. Lowry;

A bill (H. R. 12798) granting an increase of pension to William Martin;

A bill (H. R. 13038) to increase the pension of John E. A. Stephens;

A bill (H. R. 13073) granting a pension to Alvason Hopkins;

A bill (H. R. 13117) granting a pension to Mary J. Best;

A bill (H. R. 13340) to pension David S. Sanders;

A bill (H. R. 13343) granting an increase of pension to Augustus G. Frable;

A bill (H. R. 13386) to increase the pension of Col. Everard Bierer;

A bill (H. R. 13409) granting a pension to Robert H. Holmes;

A bill (H. R. 13564) granting a pension to Julia A. Margrove;

A bill (H. R. 13665) granting a pension to Mrs. Eliza Weaver; and

A bill (H. R. 13687) granting a pension to Lizze E. Haskett, a volunteer army nurse without pay.

TRANSFER OF REVENUE-CUTTER SERVICE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6944) to transfer the revenue-cutter service from the Treasury Department to the Navy Department.

Mr. COCKRELL. Mr. President, this would be the crowning act of the legislation of the Fifty-first Congress. It is a fit thing to consider in the expiring hours, when everybody is supposed to be sentimental and gushing and disposed to give away everything that belongs to everybody else but himself. [Laughter.] I have heard in legislation of bold propositions, but a more bold, bald-faced, infamous proposition was never presented to any legislative body on this earth than this one.

Mr. FRYE. Will the Senator let us reconsider our votes? [Laughter.]

Mr. COCKRELL. Mr. President, what is this bill? It is a bill in the interest of the revenue-marine officers, their wives and their children, to enable them to destroy their existence as a revenue marine, to wipe out that branch of the public service that has existed for a hundred years, and resurrect themselves as naval officers, with their hands down in the pockets of the people up to their elbows, half of them on the retired list, living off the people of this country. That is the whole object of this bill, nothing more, nothing less, and nothing else. Today thirty-eight of these men would immediately go upon the retired list without performing one day's service in the Navy as naval officers.

Mr. CARLISLE. Will the Senator from Missouri allow me to interrupt him a moment?

The VICE PRESIDENT. Does the Senator from Missouri yield?

Mr. COCKRELL. It is always a pleasure to me to be interrupted by the Senator from Kentucky.

Mr. CARLISLE. Does the Senator from Missouri know that the Senator from Ohio has already introduced a proposition to put these very officers on the retired list? I mean the Senator from Ohio [Mr. SHERMAN] who unites with the Senator from Missouri in opposing this bill?

Mr. COCKRELL. Mr. President, the Senator from Ohio may have introduced such a bill as that. I doubt not he has, as the Senator from Kentucky says so, but that bill has not passed, nor has that bill the power and force that are behind this bill, the ablest lawyers in this city, honorable and upright gentlemen, handsomely paid for their legal services, and also the claim agents, and then the lobbyists, who have been haunting the corridors of this Capitol ever since this bill was taken up. Those attorneys have a right to appear there. Legalized claim agents have a right to appear here. But those who are working simply because they are supposed to have some political influence have crowded the corridors in order to get a chance to speak to Senators here and there to ask them to support this bill, those people have no rights here, and I trust and believe they will have no influence.

Here are these gentlemen, pretending to be officers in the revenue marine, coming before Congress and asking us to wipe them out of existence, to abolish the revenue marine, which has been an honored branch of the revenue service of the Treasury Department from the foundation of the Government for a hundred years. It has performed its work splendidly; it has done its duty well. They say, "Wipe us all out of existence as revenue-marine officers." "Why?" "That you may resurrect us upon the rolls of the United States Navy, where we shall be entitled to be retired upon pay, and our widows and children be pensioned out of the people's money, and our salaries largely increased, as they will be by this transfer." That is all there is in this bill.

Talk about its being in the interest of the service, Mr. President! There is not a shadow of public interest in this bill. It is a personal bill. It is for the personal advancement and gain and profit of these officers, who are willing to disgrace themselves and the service they have been in, and wipe out that service, destroy that branch, in order that they may get upon the retired list of the Navy and become naval officers.

Mr. President, there is a good deal of literature upon this question—Mr. FRYE. Did not the Senator exhaust the literature the other day?

Mr. COCKRELL. Why, Mr. President, that discussion was in days that have long since passed away. It is absolutely necessary to refresh the memory even of my good friend from Delaware [Mr. GRAY] by a repetition of the glaring facts and inconsistencies in this case. He seems to be utterly unconscious that there is anything wrong or improper about this bill. Therefore I must refresh his memory, and bring all these things back to his recollection.

Mr. GRAY. Come around to-morrow night. [Laughter.]

Mr. COCKRELL. I would rather do it to-night.

Mr. DAWES. Will it interrupt the Senator from Missouri if I present a conference report?

Mr. COCKRELL. I do not know whether I ought to yield for a conference report or not. This is a very important measure. If the Senator desires it, however, I will yield to him, inasmuch as conference reports have the right of way anyhow and I can not help myself. [Laughter].

INDIAN APPROPRIATION BILL.

Mr. DAWES. Mr. President, I submit the conference report on the Indian appropriation bill.

The VICE PRESIDENT. The conference report will be read.

The Chief Clerk 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. 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, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 10, 11, 25, 27, 43, 50, 54, 55, and 79.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 7, 9, 12, 17, 22, 23, 26, 28, 30, 31, 33, 34, 35, 36, 41, 44, 47, 48, 52, 53, 57, 58, 60, 62, 63, 65, 67, 70, 72, 73, 77, and 80 and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$90,200;" and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Add at the end of said amendment the following:

"Provided, however, That before the payment of any part of said sums to said Indians, there shall be deducted and paid to the attorney of record in the Court of Claims employed by the tribal portion of said Indians, under a contract heretofore approved by the Secretary of the Interior, and the Commissioner of Indian Affairs, the sum so agreed to be paid, if, in the judgment of the Secretary of the Interior and the Commissioner of Indian Affairs, such contract or agreement has been complied with or fulfilled."

And the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: Strike out from said amendment the words "or agen-

cies," and insert as a new paragraph, after line 17, page 25 of the bill, the following:

"The sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, for the prompt payment to the friendly Sioux and legal residents on the Sioux reservation for property destroyed or appropriated by the roving bands of disaffected Indians during the recent Sioux trouble, to be expended under the direction and control of the Secretary of the Interior, and upon satisfactory proof made to him in each case of the loss sustained."

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "And leases made by the members of the said confederated tribes of Indians of mineral lands, for mining purposes, since the selection of their individual allotments and subsequent to their becoming citizens of the United States, are declared to be valid for a period not to exceed twenty-five years: *Provided*, That any lessee or person occupying lands under any lessee may be removed therefrom and from the Indian Territory by the Secretary of the Interior, if in the judgment of the Secretary he is an improper person to reside or remain in such Territory;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Strike out from said amendment the words "there is hereby appropriated the sum of;" and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"For the temporary support of the Shebit tribe of Indians in Washington County, Utah, and to enable them to become self-supporting, the purchase of improvements on land situate near the Santa Clara River, on which to locate said Indians, the purchase of animals, implements, seeds, clothing, and other necessary articles, for the erection of houses, and for the temporary employment of a person to supervise these purchases and their distribution to the Shebits, \$10,000, to be immediately available."

And the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Strike out from said amendment the words "or agency;" and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"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."

And the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$40,000;" and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$40,000;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "Or paid for their benefit as he may direct;" and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"To enable the Secretary of the Interior, in his discretion, to employ a stenographer and copyist in the office of the Commissioner of Indian Affairs, at a rate of compensation not exceeding \$1,400 per annum, \$1,400."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"To enable the Secretary of the Interior, in his discretion, to negotiate with any Indians for the surrender of portions of their respective reservations, any agreement thus negotiated being subject to subsequent ratification by Congress, \$15,000, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: strike out the matter inserted by said amendment and insert in lieu thereof the following:

"For this sum, or so much thereof as may be necessary, to enable the Secretary of the Interior, by negotiation, to adjust all differences between the Indians upon the Pine Ridge and Rosebud reservations in South Dakota, in reference to the boundary lines of said reservations, their rations, annuities, and interest in the principal and interest of the permanent fund and to make such an arrangement with the Indians drawing rations on the Rosebud reservation as will be satisfactory to them, by which those of the Lower Brulé Indians who desire to do so may take lands in severalty upon the Rosebud reservation south of White River, \$8,000."

And the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "To be immediately available;" and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "To be immediately available;" and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "To be immediately available;" and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with amendments as follows: Strike out from said amendment the words "California, Idaho," and add at the end of said amendment the following: "To be immediately available;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to

the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"That one-half of all funds now held in trust by the United States for the benefit of the Delaware tribe of Indians, in the Indian Territory, with one-half of all interest due upon the same, including the school fund and interest thereon, and also one-half of 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, under the direction of the Secretary of the Interior, to said tribe: *Provided*, That hereafter said bonds shall be the property of the United States, and the Secretary of the Interior is hereby authorized and directed to sell one-half of the Union Pacific Railroad bonds held in trust for the Delawares, and to pay to the said Indians per capita 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."

And the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with amendments as follows: In lieu of the matter stricken out and inserted by said amendment insert the following: "Including pay of draughtsman to be employed in the office of the Commissioner of Indian Affairs \$1,000,000," and in line 6, page 100 of the bill, strike out the word "fifty" and insert "twenty-five," and in line 8, same page, strike out the word "Paris" and insert "Ferris;" and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,140,000;" and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$110,000;" and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$111,000;" and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with amendments as follows: Strike out from said amendment the words "one hundred and fifty" and insert in lieu thereof the words "one hundred and sixty-seven," and at the end of line 14, page 104 of the bill, insert the following paragraph:

"*Provided*, That at least \$535,000 of the money appropriated for the support of schools by this act shall be used exclusively for the support and education of Indian pupils in industrial and day schools in operation under contracts with the Indian Bureau."

And the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"*Provided*, That funds herein and heretofore appropriated for construction of ditches and other works for irrigating may be expended in the discretion of the Secretary of the Interior without advertising."

And the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert 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, but not in excess of the estimates for such 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 for the purpose of and in amount sufficient to meet the same."

And the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: Add after section 10 of said amendment the words "to be immediately available," and also the following sections:

"Sec. 11. That any of said Citizen Pottawatomie Indians who have not yet selected allotments may make such selections anywhere within the 30-mile-square tract of land 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 approval of this act, and not thereafter."

"Sec. 12. 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 Prairie 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 at any time within twelve months after the approval of this act, but not later, on behalf of said Citizen band, the style of such suit to be "The Citizen band of Pottawatomie Indians of Oklahoma Territory against the United States," said suit to have preference upon the trial dockets of said court. If it shall be found and determined that the said sum of \$117,790.75, or any part thereof, or any sum, has been and is yet retained by the United States to 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, and in said suits all claims against the United States on be-

half of either of said bands of Indians, or on behalf of one band against the other, shall be tried and determined and judgment rendered as shall be found just and right."

And the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Add at the end of section 13 of said amendment the following: "To be immediately available;" and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with amendments as follows: Insert, after the word "Indian," in line 2 of said amendment, the words "or Oklahoma;" and strike out, in lines 7, 8, and 9 of section 14 of said amendment, the words "under and in accordance with the provisions of said homestead laws shall before receiving a patent for his homestead" and insert in lieu thereof the words "on said lands shall before making final proof and receiving a certificate of entry;" and after the word "years," in line 13 of section 14 of said amendment, insert the following:

"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 sum to be paid as aforesaid."

And insert after said section the following:

"SEC. 15. That before any lands in Oklahoma are open to settlement it shall be the duty of the Secretary of the Interior to divide the same into counties, which shall contain as near as possible not less than 900 square miles in each county. In establishing said county lines the Secretary is hereby authorized to extend the lines of the counties already located so as to make the area of said counties equal, as near as may be, to the area of the counties provided for in this act. At the first election for county officers the people of each county may vote for a name for each county, and the name which receives the greatest number of votes shall be the name of such county: *Provided*, That as soon as the county lines are designated by the Secretary he shall reserve not to exceed one-half section of land in each county, to be located near the center of said county, for county-seat purposes, to be entered under sections 2387 and 2388 of the Revised Statutes: *Provided further*, That in addition to the jurisdiction granted to the probate courts and the judges thereof in Oklahoma Territory by legislative enactments, which enactments are hereby ratified, the probate judges of said Territory are hereby granted such jurisdiction in town-site matters and under such regulations as are provided by the laws of the State of Kansas.

"SEC. 16. That the school lands reserved in the Territory of Oklahoma by this and former acts of Congress may be leased, for a period not exceeding three years for the benefit of the school fund of said Territory, by the governor thereof, under regulations to be prescribed by the Secretary of the Interior."

And the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: Strike out, in lines 8, 9, and 10 of section 31 of said amendment, the following words: "under and in accordance with the provisions of said homestead laws shall, before receiving a patent for his homestead," and insert in lieu thereof the following: "on said lands shall before making final proof, and receiving a certificate of entry;" and insert at the end of said section the following:

"But the rights of honorably discharged Union soldiers and sailors, as defined and described in sections 2304 and 2305 of the Revised Statutes shall not be abridged except as to the sum to be paid as aforesaid."

And the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: Strike out, in line 10, section 26, of said amendment, the words "one dollar and twenty-five," and insert in lieu thereof "two dollars and fifty," and after the word "ninety," in line 26 of section 27, insert the following:

"*Provided, however*, That all contracts or agreements between said Indians, or any of them, and agents, attorneys, or other persons, for the payment of any part of this appropriation for or on account of fees or compensation to said agents, attorneys, or other persons, unless the same have been made as provided by law and are yet in force and have been approved by the Department of the Interior, or have been made by and between citizens of the United States, are hereby declared null and void; and in such cases the Secretary of the Interior shall cause all moneys herein appropriated to be paid directly to the said Indians, and shall pay no portion of the same to their said agents or attorneys, and in no event shall a sum exceeding 10 per cent. be paid to any agent or attorney."

And the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: Strike out from section 30 of said amendment all after the word "section," in line 18 of said section 30, and insert in lieu of the matter stricken out the following:

"That any person who may be entitled to the privilege of selecting land in severalty under the provisions of article 6 of the treaty of May 7, 1863, with the Crow Indians, and which provisions were continued in force by the agreement with said Indians ratified and confirmed by the act of Congress approved April 11, 1882, or any other act or treaty, shall have the right for a period of sixty days to make such selections in any part of the Territory by said agreement ceded, and such locations are hereby confirmed: *Provided further*, That all white persons who located upon said Crow reservation by reason of an erroneous survey of the boundary, and were afterwards allowed to file upon their location in the United States land office, shall have thirty days in which to renew their filings, and their locations are hereby confirmed; and that in all cases where claims were located under the mining laws of the United States, and such location was made prior to December 1, 1890, by a locator qualified therefore who believed that he or she was so locating on lands outside the Crow Indian reservation, such locator shall be allowed thirty days within which to relocate the said mining claims so theretofore located by them, within the limits of the ceded portion of said Crow Indian reservation, and upon such relocation such proceedings shall be had as are conformable to law and in accordance with the provisions of this act."

And the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: Strike out, in line 4 of said amendment, the word "nine," and insert in lieu thereof the word "seven;" and the Senate agree to the same.

That the sections be numbered in numerical order; and the Senate agree to the same.

H. L. DAWES,
P. B. PLUMB,
WILKINSON CALL,
Managers on the part of the Senate.

B. W. PERKINS,
O. S. GIFFORD,
S. W. PEEL,
Managers on the part of the House.

During the reading of the report

Mr. STEWART said: Mr. President, I do not believe that the reading of a conference report which refers to amendments by numbers only furnishes any information to the Senate, and I ask unanimous consent that the report may be adopted without reading.

Mr. GORMAN. No, no.

Mr. STEWART. It will take an hour to read it. We can not know what it means when nothing but the numbers of the amendments are stated.

Mr. COCKRELL. If we can not understand the amendments we shall have them read.

The Chief Clerk continued the reading of the conference report until the conclusion of the paragraph relative to amendment numbered 38.

Mr. COCKRELL. I would like to ask, Mr. President, what change was made in that thirty-eighth amendment. I wish to have the thirty-eighth amendment read and then the change proposed by the conference committee. I have the amendment myself on page 54 of the print of the bill.

The CHIEF CLERK. It proposes to strike out the matter inserted by said amendment and insert in lieu thereof the following:

For this sum, or so much thereof as may be necessary, to enable the Secretary of the Interior, by negotiation to adjust all differences between the Indians upon the Pine Ridge and Rosebud reservations, in South Dakota, in reference to the boundary lines of said reservations, their rations, annuities, and interest in the principal and interest of the permanent fund, and to make such an arrangement with the Indians drawing rations on the Rosebud reservation as will be satisfactory to them, by which those of the Lower Brulé Indians who desire to do so may take lands in severalty upon the Rosebud reservation south of White River, \$6,000

Mr. COCKRELL. I ask the Senator from Massachusetts if there is any authority for a commission there. Part of this amendment is for the purpose of paying the expenses of this commission.

Mr. DAWES. The difference between the conference report and the Senate thirty-eighth amendment is simply this: Instead of creating a commission to go out there the bill appropriates a sum of money to enable the Secretary of the Interior to negotiate with those Indians for the adjustment of those difficulties, without prescribing what shall be done, but leaving it discretionary with the Secretary of the Interior, with \$6,000 to pay the expenses.

Mr. COCKRELL. It proposes to give the same amount?

Mr. DAWES. The same amount of money.

Mr. COCKRELL. But gives no authority to appoint a commission, leaving the Secretary with general authority?

Mr. DAWES. Yes. That policy is adopted generally throughout the bill, instead of creating commissions, as heretofore, to go out and make negotiations, and then unless we ratify them the Indians are made uneasy, and if we do ratify them we involve the Treasury as we have done heretofore.

There is a standing law, the severalty act, which authorizes the Secretary of the Interior, whenever in his judgment he thinks it for the interest of the United States and of the Indians, to institute a negotiation for the surrender of any part of their reservation. Instead of creating a commission it is proposed to appropriate to enable the Secretary of the Interior to do this.

Mr. COCKRELL. In other words, you enable him to do directly in a fair way what these commissioners have been authorized to do and do independently of him?

Mr. DAWES. That is it exactly.

Mr. COCKRELL. I think that is a decided improvement, Mr. President, and I concur in that part of the report.

The VICE PRESIDENT. The reading of the conference report will be resumed.

The Chief Clerk resumed and continued the reading of the conference report to the clause relative to amendment numbered 45.

Mr. COCKRELL. What was done with the amendment numbered 39?

The VICE PRESIDENT. That has been read and passed over.

Mr. COCKRELL. I would like to ask the Senator in charge of the bill what is the change made in the amendment numbered 39?

Mr. DAWES. The report adds at the end of the amendment the words "to be immediately available." That is all the difference there is.

Mr. COCKRELL. "To be immediately available?"

Mr. DAWES. Yes.

Mr. COCKRELL. Instead of waiting until the end of the fiscal year?

Mr. DAWES. Exactly. Because those Indians were represented at the Department and by Senators here to be in a very distressed condition, it was thought better that the appropriation should be available in the spring rather than to wait until July. That is all.

Mr. COCKRELL. What was done with amendment numbered 40?

Mr. DAWES. What is the interrogatory?

Mr. COCKRELL. Was there any change made? I did not hear that read.

Mr. DAWES. The same words were added, "to be immediately available."

Mr. COCKRELL. That was the only change in that?

Mr. DAWES. We added the words "to be immediately available" to all of those payments that were to be made to the Indians.

Mr. COCKRELL. What was done with amendment number 41, about the claims of individual members of the Pottawatomie Indians? Read the change there.

The CHIEF CLERK. "That the House recede from its disagreement to amendments numbered 1, 2, 41," and others.

Mr. COCKRELL. There is no change in that at all, then. I ask what was done with amendment number 45, for the construction, purchase, and use of irrigating machinery and appliances.

The CHIEF CLERK. "Strike out from said amendment the words 'California, Idaho,' and add at the end of said amendment the following: 'to be immediately available.'"

Mr. COCKRELL. The words "California" and "Idaho" are stricken out, and it is confined to Montana and Nevada?

Mr. DAWES. Yes.

Mr. GORMAN. Mr. President, I would like to know from the Senator from Massachusetts why it is necessary to make all these appropriations immediately available for digging wells in the arid regions.

Mr. DAWES. They are not all, but the conferees thought it much better that those operations should begin early in the spring, for the benefit that the Indians could have from the irrigation of the district during the whole summer, on their crops, and also particularly for completing the works. If the appropriation shall not be available until July, the Indians of course will get no benefit of the irrigation this year on their crops.

Mr. GORMAN. I understand that. That would be true, however, of all the appropriations to be made. But, as I understand it, this appropriation bill runs from July 1, 1891, to July 30, 1892.

Mr. DAWES. Can the Senator from Maryland give any special reason why it is not just as well for this money to be made immediately available for this purpose as to wait until July?

Mr. GORMAN. The only reason I can give is that when we come here early next December we may be told, "As you made this money all immediately available upon the passage of the act, we are now short of funds, and we want more money; the Indians will starve, and there is no water on the reservations."

Mr. DAWES. They will be more likely to starve if you do not give them any water until after July.

Mr. GORMAN. Seriously, I ask the Senator, because the rule has been to appropriate for the fiscal year, unless in a special case. But here are three or four cases where the appropriation is made immediately available.

Mr. DAWES. I call the attention of the Senator from Maryland to the fact that in the District appropriation bill and in all the bills for the erection of public buildings we have almost universally made the money immediately available, so that operations can be commenced in the spring.

Mr. CALL. Mr. President, there is no objection to that amendment. The time to commence the work of irrigation is at a season of the year when it is necessary to do it. That is all there is in it, and it ought to be left in that way.

The VICE PRESIDENT. The reading of the conference report will be continued.

The Chief Clerk resumed the reading of the report to the action on amendment numbered 51.

Mr. COCKRELL. What change was made there in regard to the amount for the support of schools? I could not understand whether the sum was \$100,000 or \$1,000,000 in the amendment.

Mr. DAWES. The change was from \$320,000 to \$1,000,000, \$180,000 being added.

Mr. COCKRELL. Then one million is right.

Mr. DAWES. One hundred and eighty thousand dollars was added at that point, but \$125,000 was deducted in line 20.

Mr. COCKRELL. That remains \$1,000,000?

Mr. DAWES. That remains \$1,000,000.

Mr. COCKRELL. And the other is reduced by \$130,000?

Mr. DAWES. By \$125,000 in line 20.

The Chief Clerk resumed and concluded the reading of the report.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. CALL. Mr. President, I do not desire, of course, to interfere in any way with the adoption of this report. I only wish to acquit myself of any responsibility in reference to a single portion of the bill, on page 182, line 25. I merely wish to call the attention of the Senate to this provision of the bill which has been adopted, and leave it to the consideration of the Senate:

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'Alène Indians, did on the 1st day of June, A. D. 1871, with the consent of my people, when the country on both sides of the Spokane River belonged to me and my people, for a valuable consideration, sell to Frederick Post the place

now known as Post Falls, in Kootenai County, Idaho, to improve and use the same (water power); said sale included all three of the river channels and islands, with enough land on the north and south shores for water power and improvements."

There was no information, of which I had any knowledge, of the extent of this alleged agreement with the Indians for this land, nor of the channels of the rivers which are included within it and which are provided to be patented by the bill. The presumption, I suppose, would be that the commissioners who negotiated this agreement had full knowledge of the facts and that it was not considered of any very great value. I have been informed that there was perhaps a prospect of a large city there, but there was no evidence of which I have any knowledge upon the subject. Inasmuch as this is an unusual provision, I desire to call attention to it.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. CULLOM. Mr. President—

Mr. DAWES. Has the conference report been adopted?

Mr. CULLOM. Not yet.

I was not present, Mr. President, when this bill was considered in the Senate, and I supposed it was an appropriation bill for the benefit of the Indians. But in looking it over I find less about appropriations than almost any other subject. There are provisions in reference to treaties, in reference to the appointment of commissions, in reference to cessions of land, and all manner of contracts, and, so far as I have been able to observe it within the last few minutes, I can scarcely imagine any subject that is not involved in this bill.

I must say that while the Senate of the United States has seemed to become more and more inclined to incorporate general legislation in appropriation bills, yet there has never been, in my judgment, any bill before the Senate containing any such legislation outside of appropriations as seems to be in this. I would like very much, if the Senator from Massachusetts feels disposed to do so, that he should explain somewhat why all these different propositions and provisions in reference to other matters besides appropriations are incorporated in this bill.

Mr. DAWES. When this bill was up for consideration before the Senate its peculiar character was unfolded and discussed at great length. Therefore the Senate is responsible for its peculiar condition, for it was thrashed about as well as the Senators on different sides of the Senate Chamber were capable of doing. I will say to the Senator that it is the most ill-shaped and ill-gotten-up bill I have ever had any experience with.

Mr. CULLOM. I hope the Senator from Massachusetts is not responsible for it.

Mr. DAWES. I took particular pains to show to the Senate, as well as I was able, who was responsible for it. The bill came to this body in such shape that it was impossible for the Senate to relieve itself of the condition in which it was, for if this body stripped it and left it with nothing but the Indian appropriation bill proper, still the conference committee had to dispose of the matter stripped out of it, and therefore the Senate alone could not strip it and keep it stripped.

All but two of these large agreements with the Indians passed the Senate a long time ago in separate bills. They went to another body and were not acted upon there, but were taken by the Committee on Indian Affairs in the last week of the session and put bodily into this bill. That body, by an overwhelming vote, kept them there, in spite of everything that could be done. Therefore, this Senate, having no power over any other body than itself, was compelled to conform its action to this condition of things.

Mr. CULLOM. Mr. President, I suppose it is entirely too late in the session to think about rejecting this bill containing these appropriations and starting anew. So far as I am concerned, I do not feel disposed to vote for the conference report. I apprehend what the Senator from Massachusetts has stated, that almost every bill which has been before this Senate with reference to the Indians, or Indian reservations, or Indian lands, or Indian contracts, or Indian treaties, has managed somehow or other to get into this bill which is called an appropriation bill. I must insist that that kind of legislation, which we are going into more and more every session of the Congress of the United States, embodying measures of every sort, size, and kind that we can not take care of separately, certainly ought to be abolished before a very much longer time elapses, or else we may as well abolish all attempted legislation by separate acts, and let the Committee on Appropriations embody in the bills called appropriation bills whatever legislation they think necessary in the interest of the country.

Mr. PLUMB. Mr. President, the Senator from Illinois is entirely mistaken, very greatly mistaken, in saying, as he seems to say, that there is an increased tendency towards legislation on appropriation bills. It is not so. If he will go back through the statutes he will find in years gone by more legislation on appropriation bills at a single session than has been placed upon appropriation bills during all his term of service in this body.

Mr. CULLOM. I desire to inquire of the Senator from Kansas whether there has ever been such a bill as this, containing general legislation to the extent that this bill seems to contain.

Mr. PLUMB. Why, Mr. President, that is not a circumstance.

Mr. CULLOM. I have not seen anything of it.

Mr. PLUMB. Well, then, the Senator is afflicted with what might be called intellectual and physical strabismus.

Mr. HISCOCK. Mr. President, I desire to inquire of the Senator from Kansas whether the general legislation upon the appropriation bills has not been put there upon the report of other committees of the Senate, who are responsible for it; so that the Committee on Appropriations is not responsible for it and the Senate is not responsible for it, except as it has acted through its committees.

Mr. CULLOM. Will the Senator allow me?

Mr. HISCOCK. I do not care to defend the Committee on Appropriations; I am not on my feet for that purpose; but my question was whether the bills of that committee are not loaded with legislation upon the motion of other committees of the Senate, because they had pending before them measures that they saw no other way to secure consideration of except by putting them on appropriation bills, when, under the rules of the Senate, they could get consideration in that way.

Mr. CULLOM. I am not making any complaint against the Appropriations Committee of the Senate, especially in reference to this bill; but I desired simply to inquire of the chairman of the committee, as I can do, how it happens that so much general legislation got into this bill as seems to be here. Yet I am not disposed to say that the Senate Committee on Appropriations is at fault, especially as it has been stated that it was forced upon the bill in order to get anything done.

Mr. PLUMB. I am not defending the Committee on Appropriations at all.

If the Senator from Illinois will look back over the statutes he will find that the law for the reorganization of the Army of the United States upon its present basis was put into an appropriation bill. The entire scheme of army reorganization at the close of the war was put upon an appropriation bill. Bridges have been built by means of provisions upon appropriation bills. Captain Eads's scheme for the improvement of the mouth of the Mississippi River was put on an appropriation bill. I think I can say with perfect safety that during the last seven or eight years there has been less legislation upon appropriation bills than during a similar preceding period, very much less.

Now, Mr. President, this is legislation after a certain fashion, and yet in a certain other fashion it is not legislation. The bill is peculiarly tempting because of its bulk, but I assure the Senator that it is a question rather of quantity than of quality. If these several agreements had been ratified, as they might have been, each one of them by a paragraph not more than ten or twelve lines long, the Senator would probably not have paid any attention to it. But he sees here a great bill, embracing a couple of hundred pages, and, comparing that with other bills making appropriations for the Indian service, he thinks here is a dereliction of duty, a great departure from the rules, and so on, when in fact it is not true. These are simply chips and rags, the multiplication of words growing out of the repetition of the agreements of the Indians with the United States, words not at all necessary, and of a kind which in a large measure have heretofore appeared in appropriation bills.

But it is proper to say, as has already been said by the Senator from Massachusetts, that these agreements were put on this bill elsewhere, and not in the Senate; that when they came to the Senate it was for a long time debated in subcommittee, and finally in full committee, as to whether they ought not all to be taken off; and if it had not been for that fact that certain public interests would have suffered by that action they would have been stricken off. If they had been stricken off, however, we knew perfectly well that in the conference that would ensue we should be obliged to yield to the other legislative body or let the bill itself fail.

Now, I come to the consideration of the suggestion of the Senator from New York [Mr. HISCOCK], which he made a moment ago, and which is this: That at the close of the session, especially at the close of a short session and when there has been a great accumulation of business, as there has been during this session, of a very important public character, which has occupied the attention of both Houses for a large portion of the time allotted for its sessions, it seems almost inevitable that an appropriation bill must be resorted to in order that legislation of a more or less important character may be finally passed.

I am sure that the Senator from Illinois will understand that in matters of this kind the Committee on Appropriations did not design to cumber this bill with legislation, but where it yields at all it yields to other members of the body. Nothing would better satisfy that committee than to have all these appropriation bills stripped of everything in the shape of legislation, in order that they might correspond exactly with the theory that they shall be supply bills, bills for the purpose of carrying out existing laws and treaties, and nothing more. And yet, Mr. President, I am glad the Senator from Illinois has brought this matter to the attention of the Senate and shown to some extent how vicious this practice is and how from time to time it breaks out as a sort of eruption, not now so bad as heretofore, and yet I fear worse than it ought to be, indicating dereliction of duty in certain quarters, whereby at the last moment the only resource left for the passage of important legislation is that it shall be incorporated upon an appropriation bill.

Mr. DAWES. Let us have a vote.

Mr. CULLOM. I want to say one word further.

The PRESIDING OFFICER (Mr. SANDERS in the chair). The question is, Shall the report of the conference committee be agreed to?

Mr. EDMUNDS. I appeal to the Senator from Illinois [Mr. CULLOM] to allow the Senate to proceed to the consideration of an amendment by the House to the Senate joint resolution (S. R. 169) to provide for the organization of the circuit courts of appeal.

Mr. CULLOM. I yield for that purpose.

CIRCUIT COURTS OF APPEAL.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 169) to provide for the organization of the circuit courts of appeal, which was to add as a new section:

And be it further resolved, That nothing in said act shall be held or construed in any wise to impair the jurisdiction of the Supreme Court or any circuit court of the United States in any case now pending before it or in respect of any case wherein the writ of error or the appeal shall have been sued out or taken to any of the said courts before the 1st day of July, A. D. 1891.

Mr. EVARTS. I move that the Senate concur in this amendment. The PRESIDING OFFICER. It is moved that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

INDIAN APPROPRIATION BILL.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on 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.

Mr. CULLOM. I simply desire to say a word or two in addition to what I have already said upon this bill.

I called the attention of the Senate, as the Senator from Kansas has said, to this tremendous bill or conference report which we are considering, because I have been impressed with the belief that unless something is done by the Congress of the United States to stop the tendency of accumulating legislation upon appropriation bills we shall reach the point after awhile of legislating upon appropriation bills altogether, so that nobody will know where to find a law upon any subject unless he goes all through all the appropriation bills of the Government. And while I am not complaining of anybody in this Senate in connection with this bill I do think that there should be a more determined effort on the part of Senators and committees of the Senate to keep out of appropriation bills the vast amount of legislation that is going into them upon every occasion when we get near the end of a session. I do hope that hereafter committees having charge of appropriations, whoever they may be, will do whatever it is possible for them to do to prevent such an amount of legislation as has been ingrafted upon appropriation bills at this very session up to this time. If we do not, we might as well, as I said awhile ago, abandon almost any effort at legislation outside of appropriation bills and depend upon getting whatever we want ingrafted upon appropriation bills.

Mr. GORMAN. Now, I should like the Senator from Massachusetts to favor us with a statement of how much this bill appropriates or carries on its face.

Mr. DAWES. Mr. President, the bill on its face, as nearly as it can be ascertained (there being some indefinite appropriations connected with it), is about \$16,000,000. The Indian appropriation bill proper contains about \$7,200,000. The remainder of the bill is made up of the other appropriations necessary to carry out the agreements that were made with Indians for the surrender of a large portion of their reservations to the public domain. In the main it has cost the United States between \$1.25 and \$1.50 an acre for some ten or eleven million acres of land. All this land is opened by this bill to settlement as part of the public domain upon the payment by the settler of \$1.50 an acre, for all except that which was obtained from the Sisseton and Wahpeton reservation, which is open to settlement at \$2.50 an acre, because the United States gave the Indians for the surrender \$2.50 per acre.

Mr. GORMAN. Now, do I understand the Senator from Massachusetts to say that provision is made here for the Government to charge the settler the same amount per acre that the Government has paid to the Indian for this land?

Mr. DAWES. As nearly as could be calculated. The idea of the several agreements, and the idea of their ratification in this bill, is to reimburse the United States for this land. In other words, the United States purchases for the homesteader and acts as go-between between the Indian and the homesteader. It is not the intention of the United States to make any money out of the homesteader, but it is trying to take pains to secure reimbursement.

Mr. GORMAN. What is the price per acre? Have the conferees agreed upon the amount fixed by the Senate?

Mr. DAWES. The amount originally was \$1.25. I am not certain whether the change from \$1.25 to \$1.50 was effected by the Committee on Indian Affairs or by the committee of conference. My recollection on that point is vague.

Mr. GORMAN. When the Senate considered this bill it fixed the price at \$1.50 and \$2.50.

Mr. DAWES. Yes. When it came from the other branch it was \$1.25 upon every part of it except the Sisseton and Wabpeton reservation.

Mr. GORMAN. Was it not retained at \$1.50 and \$2.50 in the conference report?

Mr. DAWES. Yes.

Mr. GORMAN. Then there is no loss to the Government in that direction?

Mr. DAWES. It has been complained that the Government has more than reimbursed itself, but I do not think the Government has, because there are a good many indefinite appropriations.

Mr. GORMAN. Mr. President, I agree with the suggestion of the Senator from Illinois [Mr. CULLOM], and I so stated when this bill was under consideration in the Senate, when it came here from elsewhere at so late an hour in this session, freighted with all these treaties that have been pending for years. They are not treaties made in the last three or four months, but treaties made in the last three or four years, that had never been ratified, although this body, engaged as it has been in the discussion of other measures foreign to the ordinary business of the Senate, in committees and the body itself, had found time to consider the separate proposition of these treaties in separate bills, as is the right thing to do always to secure fair action.

Mr. DAWES. Will the Senator from Maryland allow me to correct myself?

Mr. GORMAN. Certainly.

Mr. DAWES. I am reminded by the Senator occupying the chair [Mr. SANDERS] that by the agreement with the Crow Indians we purchased land for very much less than \$1.50 an acre, I think less than \$1 per acre, and we sell that land for \$1.50 an acre. The Senator from Montana [Mr. SANDERS] complained that we were making too much money out of that transaction.

Mr. GORMAN. Mr. President, that is the first instance where the Government has made any money out of these transactions, so far as I know. I think when we come to strike a balance it will be found to be against the Treasury. I have never before heard of such a transaction as that now suggested.

But in reference to this point made by the Senator from Illinois, I wish to say that this body considered, by its Committee on Indian Affairs, of which the Senator from Massachusetts is chairman, nearly all the propositions contained in this bill in regard to the treaties—the propositions involving general legislation—except the Cheyenne and Arapaho treaty, as I understand, and possibly one other; and after the consideration in this body of these bills they were passed as separate measures, as I take it they ought to be, rather than upon an appropriation bill.

But, Mr. President, the Senator from Illinois, the Senate, and the country will take note of the fact that, while attempts have been recently made to legislate here in relation to these treaties, they have never been considered. Yet now, in the closing hours of this session, this bill came to us in such a form that it was impossible to ascertain what was contained within its pages. It came before the Committee on Appropriations, and, but for the familiarity of the distinguished Senator from Massachusetts with this subject, you would have had a bill to consider that would simply have been an outrage, one which would have meant nothing, and it was only after nights of labor by him as a subcommittee that it was placed in the shape in which it now is.

But I want to say to the Senator from Illinois that I do not believe there is another member of the Committee on Appropriations besides the Senator from Massachusetts who can tell whether it is a fair bill, in the interest of this Government, or not; and I do not hold the Senator from Massachusetts responsible for what may result from the provisions contained within this measure.

Mr. CULLOM. Can the Senator himself give any idea of the amount of money that will be required to carry out the provisions of the bill?

Mr. GORMAN. No, and I do not think any other living man can tell to-day. The Senator from Massachusetts has made the best estimate that it is possible to make, that on its face it carries over \$10,000,000, \$2,000,000 of it for educational purposes among the Indians and the rest of it for their support and for the payment of claims yet to be adjusted, and to pay the amount stipulated in the various treaties. How much it will be, or how bad it is, I do not believe can be told to-night, and we shall only ascertain it a year hence. But the bill coming so late in the session, with absolutely no consideration and no public discussion where it originated, with the limited time at our disposal, it has not been considered here as an appropriation bill ought to be or as a bill making provision for the ratification of treaties should have been.

When the bill was under consideration in the Senate I stated that I desired to strike out every provision in it of a legislative character; and I succeeded in getting a *viva voce* vote, but for reasons that were perfectly well known to the Senate it was impossible to have the yeas and nays without probably jeopardizing the bill and causing an extra session of Congress, a responsibility that no one could take.

Now, Mr. President, of course the bill will pass in the form in which it is, and I predict that before two years have passed the attention of the country will be so sharply drawn to these provisions that it will

furnish another reason why we shall never again tolerate in the legislation of Congress, in either branch of it, the enactment of great measures without debate and without consideration.

Mr. HAWLEY. I should like to ask the Senator for information what is the opinion of the Secretary of the Interior and the Commissioner of Indian Affairs upon this bill, whether it is satisfactory to them.

Mr. GORMAN. The Senator from Massachusetts can answer that question.

Mr. DAWES. I never knew an appropriation bill satisfactory to a Department, but I think this bill is as nearly satisfactory to the Interior Department as the lot of humanity will permit.

Mr. HAWLEY. I do not ask whether it is satisfactory as to amounts, but whether they believe in the purposes and principles and measures of the bill.

Mr. DAWES. The Interior Department are strongly in favor of the bill in its present shape.

Mr. GORMAN. Now, Mr. President, such being the history of this bill and the conditions which surround it, when it comes to the point of its passage I wanted to place this statement upon the record, so far as I am concerned myself. Other members of the Committee on Appropriations have made their own statements of facts. While the bill bears in part the sanction of the committee, it came here in fact under coercion, the committee being compelled almost under duress to bring it in, and for one I do not desire to be held responsible for any matter contained within its pages except the ordinary appropriations that are provided for by law.

Even in the ordinary appropriations I think the Senate has gone too far. I think the increase of the amount that has been given the Indian schools is in excess of the requirements of the service, and there is an extravagance in that expenditure which the people of this country will not tolerate long. The amount allowed for the education of Indian children, \$175 and \$180 per annum for each pupil, is excessive. I trust that next year this matter, as well as others, will be considered more thoroughly with a view to economy and a better administration of the affairs of the Indian Office.

Now there is one thing that I notice in the hasty reading of this report. I may be mistaken in it. As I caught the reading of the conference report, an attempt is made to reverse the policy agreed upon by the action of the two Houses in the treaty negotiated with these Indians by placing the whole matter in the hands of the Commissioner of Indian Affairs instead of the commissions. Am I correct in that? I ask the Senator from Massachusetts.

Mr. DAWES. There were two or three commissions created in the bill, and, instead of the commissions, the committee of conference availed themselves of a statute which authorized the Secretary of the Interior whenever in his judgment—that is the language of it—the interests of the Indians and of the United States are promoted thereby, to enter into negotiations with any tribe of Indians for a surrender of any portion of their reservations, and the agreement entered into by him with them, ratified by Congress, shall be an agreement like those in the bill. Instead of cutting out and making a court or commission, and prescribing what it shall do, and sending it out to make an agreement with the Indians beforehand, we trust the Secretary of the Interior with that discretion. I will read to the Senator the law.

Mr. McPHERSON. I should like to ask the Senator from Massachusetts if there is a provision of law which requires all these treaties or arrangements of which he speaks, whether made by commissioners or by the Secretary of the Interior, to be ratified by Congress.

Mr. DAWES. In 1871 Congress abolished the treaty-making system with the Indians, and provided that any agreement with them should have no validity until ratified by Congress instead of being ratified by the Senate in the form of a treaty. I have before me that provision of law; I do not know that it is worth while to read it.

Mr. GORMAN. Mr. President, I do not care to detain the Senate on this matter a moment longer. I felt that it was due to myself that I should say what I have said. I thought it was due to the Senate and due to the Senator from Massachusetts that I should make this statement. I have watched him during the day and night as he has tried to perfect this measure. Great credit is due him, and I for one absolve him from any criticism hereafter. I think that he has done the best that it was possible to do under the circumstances; but whatever trouble may arise comes from the conditions which surround this bill and the time when the Senate received it.

Mr. CALL. Mr. President, I was a member of the subcommittee on appropriations that agreed to this conference report. If this bill was subject to one-half the criticism which has been made upon it the conferees of the Senate had no right to concur in the amendments proposed or to submit this report to the Senate. But it has been criticized too severely. Whatever just complaint there might be for bringing into the Senate at so late a period a bill with so many items upon it and with these agreements, there is nothing in this bill that is not in accordance with existing law. These agreements have all been ratified and acted upon by both branches of Congress, the Senate and House of Representatives, with the exception of two, and those have

undergone the most deliberate and searching examination and argument in the Senate, and by decided majorities have been put upon the bill. So the criticism is in these respects unfounded.

All the provisions in this bill relating to the settlement of the public lands are but the application of the existing law in regard to such settlement. So in reference to the amount of the appropriation; whatever error there may be in the system of education or whatever too liberal expenditures there may be (and in my judgment they are so) for these schools, they are but the continuation of the established policy of the Government and are not in excess of what has been given heretofore. If they had been, the subcommittee on appropriations, to whom this matter was referred and who were the conferees, would not have assented to this report. I feel it due to myself to vindicate the bill in these respects.

Mr. President, in reference to the amount, the bill is not largely in excess of preceding bills upon this subject, and there is no foundation for the statement that it is. The appropriations made in the bill for the release of the Indian claims of right to this land is in accordance with the established policy of the Government and has been demanded by a large majority of both Houses of Congress. The amount is reimbursed, so that it is but a nominal appropriation. The entire amount comes back into the Treasury. It is nothing but a loan of the public credit of the United States to the accomplishment of these purposes and in no respect touches the taxation upon the people of this country.

Mr. President, there has been a great deal of objection found to this bill which has no just foundation. All the legislation to the bill is but the application of the existing law upon the subject.

That is the condition of this bill. That it came here too late for it to have had prolonged examination in reference to all of these items, and that every Senator could not fully comprehend them, is true; and that is all the criticism that can be made upon it.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House further insisted upon its disagreement to the amendments of the Senate to the bill (H. R. 13552) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1892, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and agreed to a free conference.

The message also announced that the House insisted upon its disagreement to the amendment of the Senate numbered 15 to the bill (H. R. 13069) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1892, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HITT, Mr. MORROW, and Mr. MCCREARY managers at the conference on the part of House.

ENROLLED BILLS SIGNED.

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

A bill (H. R. 174) to create the eastern division of the northern Federal judicial district of Georgia, and for other purposes;

A bill (H. R. 187) to create a new division in the northern judicial district of Georgia;

A bill (H. R. 2297) granting a pension to Augustus W. Eaton;

A bill (H. R. 7910) granting a pension to John T. Ballard;

A bill (H. R. 9019) granting a pension to Emma Fulton; and

A bill (H. R. 6111) granting a pension to Bridget Foley.

PUBLIC BUILDING AT SAGINAW, MICH.

Mr. SPOONER submitted the following resolution; which was read:

Resolved by the Senate, That the President be requested to return to the Senate the bill of the Senate (S. 1453) to provide for the purchase of a site and the erection of a public building thereon at Saginaw, in the State of Michigan.

Mr. SPOONER. I ask unanimous consent that the resolution may be acted upon at this time.

The PRESIDING OFFICER (Mr. SANDERS in the chair). Is there objection to the present consideration of the resolution?

Mr. EDMUNDS. Is that a bill which has passed both Houses and gone to the President? I suppose it must be.

Mr. SPOONER. That is the case.

Mr. EDMUNDS. I do not object to the present consideration of the resolution, but it ought to be a concurrent resolution.

Mr. SPOONER. I was informed at the desk that that matter had been much debated, and that it had been done sometimes by a Senate resolution, the bill having originated in the Senate, and sometimes by concurrent resolution. I think the bill would be returned—

Mr. EDMUNDS. Yes; but the Journals of the two Houses show that the bill has gone to the President.

Mr. SPOONER. Very well; let it be made a concurrent resolution.

Mr. EDMUNDS. I only call attention to it.

Mr. SPOONER. I defer always to the judgment of the Senator from

Vermont. I will modify the resolution so as to read: "*Resolved by the Senate (the House of Representatives concurring).*"

Mr. SHERMAN. Let the resolution be read.

Mr. SPOONER. It simply asks the President to return a public-building bill that it may be corrected.

Mr. SHERMAN. All right.

The resolution was considered by unanimous consent, and agreed to.

ELIZABETH R. LEE.

Mr. DOLPH. I present a conference report, which I ask may be read, although it requires no action.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 4488) granting a pension to Elizabeth R. Lee, 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 the amendment and agree to the same.

A. S. PADDOCK,
J. N. DOLPH,
GILBERT A. PIERCE,
Managers on the part of the Senate.

C. E. BELKNAP,
JOHN G. SAWYER,
S. S. YODER,
Managers on the part of the House.

Mr. EDMUNDS. That requires no action.

The PRESIDING OFFICER. The report requires no action.

MARTHA N. HUDSON.

Mr. CHANDLER. I call up the conference report on Senate bill 3431.

The PRESIDING OFFICER. The Chair presents the report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 3431) granting a pension to Martha N. Hudson, 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 House amendment and agree to the same with an amendment striking out "eight" and inserting "twenty" in line 3; and the House agree to the same.

G. K. DAVIS,
H. W. BLAIR,
Managers on the part of the Senate.

E. N. MORRILL,
S. S. YODER,
A. NUTE,
Managers on the part of the House.

The report was concurred in.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB 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. 13511) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1892, 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 numbered 3, 6, and 7, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$270,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Insert before the word "inspectors" in said amendment the word "post-office."

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$8,000,000."

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment insert the following: "And including \$40,000 for the rental of one hundred improved canceling machines, eighty."

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "not exceeding \$55,000."

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Strike out from said amendment the words "any mailable matter except merchandise" and insert in lieu thereof the word "letters."

P. B. PLUMB,
W. B. ALLISON,
J. C. S. BLACKBURN,
Managers on the part of the Senate.

HENRY H. BINGHAM,
J. H. KETCHAM,
JAMES H. BLOUNT,
Managers on the part of the House.

Mr. FRYE. I desire to ask the Senator from Kansas what action was taken touching the increase of the foreign-mail service.

Mr. PLUMB. It was left exactly as it was by the amendment of the Senator from Maine in the Senate.

Mr. FRYE. That is satisfactory.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on

the amendments of the Senate to the bill (H. R. 12227) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1892, and for other purposes.

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 (H. R. 1143) for the relief of Jacob Berg;
 A bill (H. R. 3080) granting a pension to George S. Howard;
 A bill (H. R. 4236) pensioning John George;
 A bill (H. R. 5453) granting a pension to Frances Jane McCloud;
 A bill (H. R. 6048) granting a pension to Mary Robinson;
 A bill (H. R. 6407) to restore to the pension roll the name of Ruth S. Byron;

A bill (H. R. 6809) granting a pension to Nancy M. Gross;
 A bill (H. R. 8604) granting a pension to Maria Brooks;
 A bill (H. R. 9545) granting a pension to Washington Grigsby;
 A bill (H. R. 10890) granting a pension to Thomas F. Baker;
 A bill (H. R. 12642) granting a pension to Elnora A. Dixon;
 A bill (H. R. 13206) restoring the name of Emily J. Walker to the pension roll;

A bill (H. R. 13223) granting a pension to Susan A. Malone;
 A bill (H. R. 13318) granting a pension to Agnes C. Junot; and
 A bill (H. R. 13529) granting a pension to Harriet N. Read.

PENSION APPROPRIATION BILL.

Mr. ALLISON 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. 12227) making appropriation for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1892, 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 amendments of the Senate numbered 1, 5, and 6, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out and inserted by said amendment insert the following:

"Or for services rendered in securing the passage of any special act of Congress granting a pension or an increase of pension in any case that has been presented at the Pension Office, or is allowed under the general pension laws." And the Senate agree to the same.

Amendment numbered 4: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment of the House insert the following words: "Express or implied;" and the Senate agree to the same.

W. B. ALLISON,
 H. L. DAWES,
 A. P. GORMAN,
Managers on the part of the Senate.

WILLIAM W. MORROW,
 S. R. PETERS,
Managers on the part of the House.

Mr. INGALLS. I ask the Senator from Iowa to state how the conference report leaves the disputed points between the two Houses upon the question of fees in pension cases.

Mr. ALLISON. Amendment numbered 4 was a proviso stating that a prior provision should not apply to valid existing contracts. The House added to that "on file in the Pension Office." The words inserted by the House have been stricken out and the words "express or implied" added, so that it applies to a valid contract, express or implied.

Mr. McPHERSON. The Senator has made his statement and we have not heard a word of it upon this side of the Chamber.

Mr. SPOONER. It saves all valid contracts, express and implied.

Mr. ALLISON. The proviso as it now stands excepts from the provisions of the bill all valid contracts, express or implied.

The PRESIDING OFFICER (Mr. SANDERS in the chair). The question is on concurring in the report.

The report was concurred in.

PUBLIC BUILDING AT SAGINAW, MICH.

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

Resolved, That the President be requested to return to the Senate the bill of the Senate (S. 1453) to provide for the purchase of a site and the erection of a public building thereon at Saginaw, in the State of Michigan.

INTERNATIONAL COPYRIGHT.

Mr. PLATT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate, numbered 5 and 6, to the bill (H. R. 10881) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights, 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 numbered 5 and 6, and agree to the same with an amendment as follows, to wit: Strike out all of section 3 after the word "prohibited," in line 13, and insert in lieu thereof as follows:

"Except in the cases specified in paragraphs 512 to 516, inclusive, in section 2, of the act entitled 'An act to reduce the revenue and equalize the duties on imports, and for other purposes,' approved October 1, 1890; and except in the case of persons purchasing for use and not for sale, who import subject to the duty thereon not more than two copies of such book at any one time; and except in the case of newspapers and magazines, not containing in whole or in

part matter copyrighted under the provisions of this act, unauthorized by the author, which are hereby exempted from prohibition of importation: *Provided, nevertheless,* That in the case of books in foreign languages, of which only translations in English are copyrighted, the prohibition of importation shall apply only to the translation of the same, and the importation of the books in the original language shall be permitted."

O. H. PLATT,
 FRANK HISCOCK,
Managers on the part of the Senate.
 W. E. SIMONDS,
 JAMES BUCHANAN,
Managers on the part of the House.

Mr. PLATT. Mr. President, I will state very briefly the effect of the agreement to which the conferees on the part of the Senate and the conferees of the House have come. I will preface anything I have to say on that subject by remarking that I am confident it is the only agreement which we could reach, and that any failure on the part of the Senate to agree to this report is equivalent to the defeat of any bill on the subject.

If the report is agreed to, it will provide that books on the free list of what is known as the McKinley tariff can be imported free of duty. It leaves out the amendment of the Senator from Ohio [Mr. SHERMAN]. It allows the importation of not more than two copies of any book, subject to the duty on it, without obtaining the consent of the author or proprietor of the copyright. It leaves everyone at liberty to import two copies of a foreign book by paying the duty on it.

Mr. CULLOM. Suppose there is not any duty, can he import it?

Mr. PLATT. Then it is imported free under the provisions of the McKinley act to which I have referred.

It allows newspapers and magazines to be imported provided they do not contain copyrighted matter not authorized by the author. That is all there is in the agreement. It takes the place of all that we have been quarreling about.

Mr. SHERMAN. In other words, the Senate conferees have surrendered what has been twice voted for by a decisive majority of the Senate of the United States. The theory of our Government is that no bill should pass Congress unless it has the assent of both Houses. In this case it can not be said that the surrender of these provisions carries out the will of the Senate, the Senate having twice voted decisively in favor of the two propositions which have been abandoned.

I wish to call attention to one fact that I do not generally care about discussing. The committees of conference are always appointed to represent the majority of the Senate or House, whichever they represent. In this case a majority of the committee of conference, on the part of the Senate, was against the propositions of the Senate and voted against the proposition of the Senate and voted to recede from the propositions of the Senate; and the Senate afterwards instructed their conferees to support the amendment that had been adopted by the vote of the Senate. That is rather a peculiar organization of a committee of conference, but I did not care to object to it at the time.

Now, the question is whether the Senate of the United States are willing to enter upon this new field of legislation, to abandon a practice, whether good or bad, which has existed for over a hundred years, by which anybody can print any book published in a foreign country at will and pleasure and sell it to the people of the United States. This bill departs from that old practice and adopts a new one, to give to the author his right of authorship and the exclusive right to sell his books in the United States of America. But it goes beyond that. It gives to the publisher employed by the author the exclusive right to publish the book without competition with foreign countries. It is that theory and that principle which has been twice negated by the decided vote of the Senate and that now has been surrendered.

The effect of the proposition as it now stands is to make the copyright granted an exclusive monopoly to publish a book in the United States without any competition from foreign countries except that contained in two provisions. First, I will refer to the provision offered by the Senator from Kansas [Mr. INGALLS]. It takes the heart and life out of that proposition. The proposition of the Senator from Kansas was to allow magazines and newspapers of current literature to come into the country free. Most of it comes in free of all duty whatever under the existing law. But now, if the London Times contains a chapter of a book that is copyrighted in this country, it must be excluded.

Mr. PLATT. Not if the matter published was authorized by the author.

Mr. SHERMAN. But how can the consent of the author be obtained? In England they publish these things as a matter of course. The London Times comes here with a chapter taken from some book that is copyrighted in this country, and it is absolutely excluded.

Mr. CARLISLE. Will the Senator allow me to make a suggestion? The PRESIDING OFFICER (Mr. PADDOCK in the chair). Does the Senator from Ohio yield?

Mr. SHERMAN. Certainly.

Mr. CARLISLE. I call the Senator's attention to the fact that it may be an English book, it may be a book composed, printed, and copyrighted in England, and yet the London Times can not make any extract from it and come into this country.

Mr. SHERMAN. Then there is another thing. Take the great magazines with which we are familiar, Blackwood's and the various

other magazines published in England, some of which it is said have a larger circulation in the United States than in England. If such a magazine contains portions of chapters or extracts from an author, in certain cases it would be in violation of this rule, and consequently it could not be imported here.

The liability of any book or magazine or paper being confiscated by the revenue officers because it contains matters that have been copyrighted in this country would be a new departure from anything that has ever happened before. It would be an embarrassment without limit. It practically nullifies the clause inserted upon motion of the Senator from Kansas. All those who are familiar with the ordinary quarterlies and reviews and monthlies of England know that the great body of those magazines rest upon reviews and criticism involving extracts from works that are copyrighted in this country or that are supposed to be copyrighted in this country.

Now as to the other proposition, the object of the amendment that was finally formulated by the Senator from Kentucky [Mr. CARLISLE], the idea of which I first suggested, is that there ought to be competition between the publishers in England and the publishers in our own country, a competition in accordance with our general laws, which by duties on imported books gives to the home publisher a great advantage.

These books can not be introduced here, except that two copies may be ordered by a single person. So, if I desire to send to England for a book that has been copyrighted in this country, I have the privilege to do so, but at what cost and expense! If I send an order for two books to a London bookseller and have them directed to me here, I have the right according to this proposition, upon paying the duty, to import them. But what is that right worth? In the first place, I have to buy the books at the retail price.

Mr. GRAY. Let me call the attention of the Senator from Ohio to the fact, in addition to what he has already said, that if he wishes for his own use one or two books from a London publisher he can not avail himself of the bookseller in this country to import the volumes for him.

Mr. PLATT. But he can get them by mail.

Mr. SHERMAN. Now let us look at that provision. A man can not get books into this country except by a triplicate invoice. Anybody who undertakes to purchase a suit of clothes or anything of that kind from abroad has to have a triplicate invoice signed by the consul in London, the cost of which I do not know, but it is considerable for every invoice. It costs just as much to make out an invoice for two books as it would cost for a thousand books, and he can only make this invoice for two books and no more. He has to pay at least from \$1.50 to \$3 for the expense of invoicing. Then further is the expense of transportation, and besides he has to pay the duty; so that in effect the cost would be added to so great an amount in this favor that is granted to the American people to import books from abroad that no one except a very rich man could afford to import any books whatever.

In other words, it is a denial to the people of the United States of the right to import any books that have been copyrighted in this country except at an expense which would place this privilege far beyond the reach of ordinary people. So none but the rich, who are indifferent to the cost of importation, could indulge in this bounty given to the people of the United States.

Now, the right to import books, the right to read books, the love of books is more general in this country than anywhere else, as I said this afternoon; and yet this right, which every American citizen has enjoyed since the declaration of American Independence, is so limited and cribbed by the operations of this proposed law that it can not be exercised practically; and it would be better entirely to strike out this provision and leave it to a broad inhibition to prohibit absolutely the importation of any books from abroad.

I do not wish to detain the Senate at this late hour. I do not think this report removes my objection to the bill, and I shall content myself with voting against it.

Mr. PLATT. I should like to ask the Senator from Ohio one question, and that is whether these books can not be imported through the mails without triplicate invoices.

Mr. SHERMAN. I do not think that any books can be imported without triplicate invoices. I have forgotten the exact law on the subject. Has the Senator the law?

Mr. PLATT. No; I was trying to find it.

Mr. SHERMAN. My impression is that the right to send books through the mail is limited to a certain weight. I think the weight can not exceed 4 ounces; I am not sure; but I know that in practice books are rarely sent to this country by mail except cheap editions, which do not cost much and where the duty can be levied. But even then, before the party can get the books he has to pay the duty upon them, and he must go to some customhouse to do it. I live in a region of country where fortunately we are many miles removed from a customhouse.

The great body of the people in our country do not live within 10 miles of a customhouse. In the city of New York they might possibly pay the duty to a customhouse officer because fortunately the post office in New York is very near the customhouse. So whenever a duty

has to be paid upon books that are sent here from foreign countries you will have to make a journey to pay the duty unless you employ a broker or an agent to do it, and if you have them directed to an agent you are denied this benefit of importing books. Three-fourths of the people of the United States do not live within 10 miles of a customhouse.

Now, why should we surround ourselves and tie ourselves up with these difficulties, which are plain and tangible, merely to give to a foreign author the right to have a monopoly in our own country? It seems to me we ought not to do it, and I shall therefore vote against concurring in the report.

Mr. HISCOCK. Mr. President, doubtless the Senator from Ohio is correct that at least for a time a conference committee should respect the will of the majority of the body which creates it and should not report against provisions adopted by the majority unless they have some reason for believing that there is a change of sentiment, until the question has been tested thoroughly on that line. It always has been the custom, however, with reference to conference committees, and we have constant illustrations of it, to surrender at some time the views of the majority of the body that the committee represents.

The conference committee upon this bill, against their own convictions, did respect the will of the majority of the Senate and came back and took instructions, and we have concluded now to present another report, which is practically a modification of the bill sent over by the House, and in fact in opposition to the amendment introduced originally by the Senator from Ohio and improved, or changed, or modified, at least, by the Senator from Kentucky. I recall the discussion we have had here over that provision. If my recollection serves me, and I think it does, the Senator from Ohio pointed out the great hardship that was to be imposed upon him, upon you, Mr. President, or upon anyone else, that we must have the written consent before we can import a book by this restriction; and it was urged against the House bill that gentlemen who desired the English edition of a work without this great trouble would be unable to procure it. It was not urged then, nor has it been urged, that this provision was offensive because it prevented the general public from having books.

Sir, I believe that an American edition, printed upon American paper and by American workmen, in the main will satisfy the wants of the American public. I have no doubt upon that question; and it is no objection to the bill to me that it insures to the American public the work of its own artisans, its own manufacturers. This provision was opposed both on this side of the Chamber and the other, upon the ground that it had in it a restrictive provision that prevented a gentleman who desired an English edition from placing it in his library; that we prevented him from procuring it unless he went to the trouble of obtaining consent of the publishers in this country. I supposed when we had removed that objection to the bill, when this was remedied, when we gave to every American citizen, to every gentleman who desired the English edition or the German edition, a peculiar edition of a book, a prized edition of a book, printed elsewhere, the privilege of bringing it here without any unnecessary obstacles being placed in the way, we had then removed the objection to that feature of the House bill.

I believed that I had the right—and, so believing, I exercised it—of joining with my distinguished colleague upon the committee, the Senator from Connecticut, in a report recommending that the Senate recede from the amendment called the Sherman amendment, and agree to the adoption of the House bill with this modification.

Mr. PLATT. I wish to ask the Senator from New York to allow me to state that, since this discussion on the subject whether a book can be imported without invoices, a leading lawyer of this city sends me this:

I have at my office a law book imported from England by mail without any invoice, under existing regulations, by which Post Office and Treasury cooperate to collect duty.

A law book weighs more than 4 ounces.

Mr. HISCOCK. Now, Mr. President, go to the other provision of the bill. I discussed that provision somewhat this afternoon. In the manner in which it was adopted in the Senate it practically made free to the reading public of this country the works of our own authors, if published in magazines. The Senator says that no book or magazine can be imported here which has an extract in it from a copyrighted book published in this country. I imagine that no such narrow construction as that will be put upon the bill. Comment in a newspaper upon something that has been said by the author has not been forbidden. It is the publication in whole or in part, for the purpose of giving to the general public the work of an author, that is prohibited by the provisions of the bill, to an extent, as is suggested by the Senator from Massachusetts [Mr. HOAR], of violating the copyright.

I commend to the Senator from Ohio this illustration. Is it a violation of a copyright for a reviewer to discuss any work, to criticize any work that is published here which is copyrighted? Has it ever been held to be a violation of our copyright law to publish all extracts that are necessary for that purpose? Certainly not. The life license that is allowed there, extended to newspapers and extended to periodicals, is all that can be desired or all that should be desired in respect to the admission of foreign magazines or newspapers. No such narrow

construction as that can be put upon the provisions of this bill as it has been reported. In a review of an article, extracts from a work are not inhibited. It has not been the purpose of the language, and that construction would not be put upon the language which we have used.

It is the purpose of the committee, and it was the intention in framing this measure to provide for the publication of the works of foreign authors here in the United States, that they should be printed here. Doubtless books should be made of material furnished here. That is the purpose and the object of this bill. But to remove the objection, which it seemed to me when it was advanced here, and it seems so to me now, was narrow, to relieve gentlemen who desire expensive books from abroad, fancy editions, or peculiar editions, authors' editions, from any unnecessary burdens, we have given them the privilege of importing here, subject to duty, each man, woman, or child who desired to do it, two volumes of any work or two sets of any work; and it seems to me we have removed every objection that should obtain against the passage of this bill from those who have any intention of supporting an international copyright law.

Mr. GRAY. Mr. President, as one of the conferees on the part of the Senate both at the former conference and the one that was ordered this afternoon, it is perhaps incumbent upon me to say a word to explain my attitude in regard to this bill and to the conference report which lacks my signature.

I believe that I have been in the last two years, during which this matter of international copyright has been agitated in the Senate, a zealous and untiring advocate and friend of the measure. I have gone as far as it was possible, it seems to me, for a man with any convictions, in compromising those convictions in order that a copyright bill of some fashion might pass the Senate and the House and find a place upon the statute books of the United States.

I have been in favor, and am now in favor, of the creation and protection of literary property. I say "of the creation," because literary property can only be a subject of creation by law. It marks an advance in civilization. It becomes a highly civilized nation that there should be other forms of property than those which are capable of manual possession; that other forms of property than those which are susceptible of *possessionem pedis* should be recognized; that the product of the mind and of the inventive genius should by operation of law have the qualities of property, and that the valuable attributes which belong to such property should be secured to the inventor or the author. I have striven that such laws might be passed by the United States, as the Congress of the United States is authorized by the Constitution to pass such laws.

When this bill came into the Senate it was weighted down with many provisions that seemed to me inconsistent with that idea of an international copyright law, the protection of an author in his literary property; but for the sake of accomplishing something in a field where nothing had hitherto been accomplished, I did, as I said, compromise my convictions in regard to several matters in the bill and voted against all amendments, because we were made to believe that if the bill went back to the House of Representatives with any amendments its passage there would be jeopardized.

But these two amendments were put upon the bill. The amendment that is called the Sherman amendment recognized the right of a foreign author not only to bargain with the publisher in this country, but also recognized (I mean the spirit of that amendment, although its phraseology did not quite attain that result) the right to import into this country the book which was copyrighted in the country of his residence, subject to the tariff laws of the United States, and to sell it here in this market as well as in the market of his home. That was a provision which fully protected the author. The author could not complain if you widened not only the market for the American copyrighted book, but also for the book that he had copyrighted in the country of his home. Who else could complain or had the right to complain? The advocates of this conference report say that the publishers have a right to complain because they are not allowed by law to secure an absolute monopoly, without reference to their bargain with the author, for the publication and sale of the book copyrighted in this country by the foreign author.

Mr. President, this is a bill to protect authors; it is a bill to create and recognize and protect literary property; and I shall mourn as much as any friend of copyright can mourn if this bill be defeated by reason of the greed of the publishers. They have not shown a willingness to concede a single iota of their claim. This bill must be made watertight in their interest; no leak must be allowed which can possibly in their opinion work to their disadvantage; and therefore I was not willing to compromise any further not only my own convictions, but the convictions of the Senate as they were expressed in two deliberate votes.

Mr. PLATT. I think the Senator from Delaware hardly does the publishers of this country justice in the statement which he has just made. I think so far as the publishers are concerned they would be willing, and have been willing, to accept a good many modifications of the bill; but the people who do the work, the printers, have insisted, and I think with a great deal of justice, that if we are going to allow to a foreigner the exclusive market for his work we ought at least to couple with it a provision that the work shall be done in this coun-

try, inasmuch as, practically, if an American goes abroad to obtain a copyright in a foreign country the work on his book will be done in that country.

Mr. GRAY. I am not concerned very much about what takes place in a foreign country, although I think the Senator from Connecticut is a little wrong in his statement that that would be the condition of things in the foreign country.

Mr. MORGAN. I should like to ask a question of both the Senators, who have looked over this question very maturely. This bill, as I understand, becomes operative upon a condition that is within it. That condition is that some foreign countries shall enact corresponding legislation, legislation substantially the same that is found in this bill. Now, have the committee any assurance whatever that any foreign country has any intention at all of passing a bill on the subject of copyright substantially like this? I put that question because I have thought from the beginning that there was nothing in all this anxiety that we are exhibiting about this legislation. It is a matter that never can be arranged except by convention between us and foreign powers.

Mr. PLATT. I have not any doubt in the world that the British Parliament would be very glad to pass a bill providing that if an American author was allowed copyright in England the work should be done there.

Mr. MORGAN. That is only a part of the subject there.

Mr. DANIEL. Will the Senator allow me to inquire what good that would do the American author, our constituent, to have such a bill passed in England, if that is the object of this bill?

Mr. PLATT. It would give the author the English market, which he does not now have.

Mr. GRAY. When we have recognized the author's right, whether he be foreign born or native, to the product of his mind and to the result of his own genius, we have accomplished all that is necessary to put this country in line with those countries that are most advanced in civilization and that have arrived at this high plane. The author, if he be a foreigner, as I said awhile ago, can come to this country and obtain under this bill, if it should become a law, a copyright, and can sell that copyright to any publisher that he chooses. The publisher, on the other hand, has a perfect freedom of contract, and can make such bargain with the foreign author as he thinks will be necessary to protect him in what he has bought. If there is a danger that the foreign author will flood this country with editions of his book copyrighted abroad, then the publisher in this country can protect himself against that action on the part of such author by a stipulation in his contract with him.

But there is no reason why we should make an absolute prohibition against the importation of the foreign edition of the book, seal up our ports against the introduction of a book printed in England or on the continent, because, forsooth, it happens to be copyrighted in this country, unless that is done by the consent and under the contract of the author.

So, Mr. President, I believe that the proposition known as the Sherman amendment, modified as the conferees did modify it—

Mr. PLATT. As we offered to modify it.

Mr. GRAY. As we did modify it in the first conference, was so reasonable and commended itself so to all fair-minded men that if it had been pressed upon the other House of Congress they would have acceded to it and have retired from their opposition to the Senate amendments. That was not attempted, as I understand, in the last conference.

Mr. PLATT. The Senator ought to state that that was preliminary, and the House conferees finally decided that they would not take the amendment called the Sherman amendment as we had proposed to modify it.

Mr. GRAY. The House conferees (if I am not violating any propriety in this matter in stating it) at the first conference accepted this modified provision known as the Sherman amendment and acceded to its reasonableness.

Mr. PLATT. Not positively. They were to consult with their friends in the House, and after consultation they said they could not take it.

Mr. GRAY. Whether they consulted with their friends in the House, and I suppose they did (they said they were going to do it and that was right), or consulted with their friends outside of the House who have been thronging the lobbies of the Senate and the other House—properly enough, and I do not object to it—

Mr. HISCOCK. Will the Senator allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from New York?

Mr. GRAY. I do.

Mr. HISCOCK. The Senator certainly should not insinuate in any way or charge that as against the proposition we have been pressed by the publishers or that they have thronged the lobby in opposition to it. I say to him that in my opinion that proposition will be entirely acceptable to the publishers. But there is an interest that is entitled to be heard upon this great question, the printers, and they have been heard. In their judgment a bill ought not to pass here the effect of which might be to transfer the publication of books, either of this country or of foreign authors to be sold here, to England, Germany,

France, or the islands of the sea. The argument which they have urged against it, the necessities which they have urged, were controlling upon the House conferees, and I do not hesitate to say that they have controlled my action in this matter. Do not lay it therefore to the publishers; they may be eliminated; and place the blame, the fault, if there is any, precisely where it belongs. I do not believe it to be a fault or that they are to blame for it. They have a right.

Mr. GRAY. Some antagonistic interest, I am afraid, has throttled copyright in the American Congress, at this session at all events, and I mourn that it should be so; that there is any interest, whether that of the printer or of the publisher, that should have thrust itself in between this just measure and the Congress of the United States, this attempt on the part of Congress to do justice by authors which has been so long delayed and which should be delayed no longer. But, sir, copyright can not expect to get a footing in the Congress of the United States if it permits itself to be saddled and bridled by outside interests, ridden to death by those who have a pecuniary interest, perhaps, in the making of books or the publishing of books.

Mr. President, I do not believe that the interests of either publishers or printers would have been affected disadvantageously to them by the adoption of the amendment known as the Sherman amendment modified as it was offered to be modified by the conferees. They were not willing, it seems, to make any experiment, to see how this law, which never has been a law heretofore in the United States, would work, and then if they were injured, if they were unjustly dealt with by the law, appeal to Congress for a correction of the evil in that respect and in the direction whence it came. But they insisted, or somebody insisted for them (I never saw any of these gentlemen, I can say in justice to them), that there must be no concession to that feeling which was so apparent in the two votes in the Senate whereby we desired that the ports of the United States should not be closed and hermetically sealed against the importation of foreign books, against that choice which the readers of this country have a right to exercise in the purchase of their intellectual pabulum.

Now, what I said about the publishers thronging these corridors I did not mean to say in any invidious sense. They had a right to be here; I recognize that, because they have their interest incidentally in this matter. I do not know that they have used any arguments that they had not a right to use. They were the arguments of interested men. I do not know that they have used them otherwise than honestly. I dare say they have stated them frankly, and I find no fault with them; but we are to meet this case as we find it, and we who think that their demands are unjust and not to be conceded to the extent that they insist have a right also to state our opposition to them.

Mr. President, I believe that if we had insisted upon the modified Sherman amendment, modified very materially in a very important particular, as it was tendered to them in the first instance, and had stood upon the vote had this afternoon, the friends of copyright in the other House, rather than lose the passage of a copyright bill at this Congress, would have receded from their opposition and agreed to the amendments in order that there might be some sort of a law upon the statute books of the United States. I very much regret that that course was not taken.

Mr. WOLCOTT. Mr. President, what took place in conference is a matter of very small consequence to the rest of the Senate, and what authors or publishers are waiting outside in the lobbies to impress their view upon Senators is likewise a matter of very small importance. What we want at this time, I think, is to find what is best for the American people.

The Senator from Ohio, in support of the amendment which has assumed his name, speaks of the rights which the American people have enjoyed. Those rights are first assumed in his speech. If we may say to our citizens, "We throw around you the protection of our flag and our Republic, and, if we think that a good thing and you think it, we want it and it belongs to the country;" that is all right. If we say to a foreigner, "If you bring or send your thought over here and we get hold of it, we have a flag big enough, a Naval Committee, an Appropriation Committee which seems all-important in these days, and forts big enough to protect ourselves in keeping it; we will take it;" that is all right.

But this bill does not proceed upon that theory. It proceeds upon the theory that, if a man thinks of anything and he keeps it in his head, then it is his; that, if he sees fit to divulge it, it is his as long as he may control the channel through which his thought passes; and whether it costs us much or costs us little we are to give that man as an encouragement to high living and good thinking the benefit of whatever good thing he thinks or says. It costs the people more; there is no doubt about that. If every man who can buy a font of type and belongs to a labor organization can come in here and get a bill passed through that he may gobble up and grab whatever a man thinks of, it is going to be very cheap thought.

That is not the theory upon which this bill goes. It goes upon the theory that we want to encourage the highest and the best thought and the expression of it. That is what this country wants. It desires to give the man the highest reward that the appreciation of his fellow-

citizens can bestow upon him. That is what this bill is. It costs more. If a man in England thinks of something and he comes over here, he is protected. He is a "bloody Englishman;" he is not entitled to a blessed thing under our flag; and yet the theory of this bill is that, no matter what flag he sails under or what country he lives in, if he thinks a good thing and brings it over here and anybody wants it, we are willing to pay for it and we are willing to buy it, and he may sell it at his own price, because it is his property, the property of his own soul, and his own heart, and his own tongue.

For those reasons, Mr. President, I believe that we should stand by copyrights and not mingle our bill with any of the pettifoggery of a typographical or lithographical union; but let us pass our bill upon the theory that a man who does a decent thing may sell it at his price in a free Republic which wants to encourage the highest and the best thoughts that any man may be capable of.

Mr. GRAY. Let me ask the Senator from Colorado a question before he sits down.

Mr. WOLCOTT. Certainly.

Mr. GRAY. Recognizing the force of what he has said, and being as ardently in favor of protecting a man who thinks a good thought in controlling the channels through which it is expressed, why is not the Senator from Colorado willing that when the Englishman has thought his good thought and comes to this country and copyrights it he should also have the liberty of sending over here a copy of the book he has copyrighted abroad that is equally his and equally becomes the channel through which he expresses his thought?

Mr. WOLCOTT. Simply because you live under your own flag and your own Government are you willing to pirate English royalty; are you willing to take what you want of English thought and not pay for it? If a man sends over here the product of his brain, he has a right to demand his price for it. You have no right to take it away from him.

Mr. EVARTS. Mr. President, we can not discuss the fundamentals of copyright. What we are to discuss is how we will extend the privilege of copyright, which involves the monopoly of copyright of foreign authors for the benefit of the people of this country. Two arguments reach the subject: the benefit we are to have from foreign authorship made in our country valuable to him, and the reciprocal advantage to our authors in their authorship in the foreign country.

We have been treated this afternoon to an hour's discussion on minor and trivial topics. The arrangement now laid before the Senate would dispose of all those objections. We were told that a rich man or a scholar loving books should be at liberty to have handsome books, costly books, with good type for his failing eyes. We were told it was absurd that returning travelers bringing their books for their use on shipboard should have to throw them overboard when they reach here. That has been disposed of.

We were told that foreigners coming here should not be cut off from their relations to their foreign authorship and their foreign affections in literature. That has all been disposed of. All these things are now brought into the discussion by the enemies of the copyright. But these objections amount to nothing.

What is there left then? It is seriously nothing but this, that whereas now all foreign literature may be appropriated to the consumption and the enlargement of knowledge therefrom without cost and without protection to the author, if we recognize the copyright, cheap literature and cheap access to knowledge will be burdened.

Mr. President, there is nothing in that but the mere question whether you will give copyright protection to foreign authorship. Foreign authorship can not get it in the spirit separated from the body. The body in which literature appears is by type and print and publishing. That is what needs to be protected, not thoughts while not committed to the public, while diffused by conversation, or public knowledge that is in the mind until it is promulgated; but the author has no mode of protection at home or abroad except in the vehicle of publication by which readers are open in access to his thoughts and the revenue from patronage that shall arise.

Therefore, when Senators tell us that for years they have been in favor of copyright, in favor of protecting foreign authorship, in favor of justice and duty, and then tell us that they are not for this measure here to-night, what worth is it that they have all these noble sentiments in favor of the protection of literature?

Mr. ALDRICH. Mr. President, I desire to say a few words in protest against the attitude in which the Senator from Delaware [Mr. GRAY] undertakes to place the members of the Senate who are voting in antagonism to the position which he sees fit to occupy upon this question. He assumes that he himself and those who are acting with him are the friends *par excellence* of copyright, and that those who are not voting with him are controlled in their votes by some organization or somebody outside of this Chamber who has selfish pecuniary interests involved.

Now, at the end of twenty years, the Senate of the United States have a chance to pass a copyright bill.

Mr. PLATT. At the end of fifty years.

Mr. ALDRICH. At the end of fifty years, the Senator from Connecticut says. While the Senator from Delaware and those voting

with him are making professions of friendship for copyright they are deliberately voting against every opportunity of having a copyright bill enacted into a law at this time or as I believe for a long time to come.

It is said by the Senator from Delaware and others that authors should be protected in their rights of property. Have not American workmen, American printers, and American publishers equal rights with American authors within their own sphere? Certainly they have. Have not the members of typographical unions and publishers as good a right to present their views in a respectful and respectable way to Congress as anyone else?

I am voting upon this measure in the way, and in the only way, by which success can be accomplished for copyright; and I am not willing to remain silent in my seat when Senators rise in their places and claim to be the only friends of copyright while they are voting in a way which can only result in the defeat of any measure.

Mr. DANIEL. We find ourselves, Mr. President, at this juncture in a very extraordinary situation. The amendment offered by the Senator from Ohio was amply debated in this body. It was enacted as an amendment to the House bill and that amendment was carried to the House of Representatives. A second time in the course of its procedure the Senate indicated its emphatic opinion that there should be no prohibitive law under the name of copyright to interdict the American people from receiving literary works from other lands. The ink, however, was not yet dry upon the instructions of the Senate to its conferees when they hastened to abandon the mission with which they were charged and came back to the Senate to urge it to recalcitrate in its opinions, at a time when the House of Representatives had never yet voted upon the Senate amendments to this bill.

The CONGRESSIONAL RECORD reveals an extraordinary situation. The House of Representatives did not vote separately upon the amendments to this bill, nor have they ever been conveyed to that body and voted upon. Although the sense of this body has been twice taken, our own ambassadors have abandoned the trust with which they were charged to insist upon its judgment, and have come here and renewed the original debate upon the right to copyright. In doing so they have unmasked themselves before this body; and if we have been treated to no new argument in favor of this barbaric, Chinese policy to shut out the windows of the world which shed light upon us, we have at least had a concession from one of our conferees, the Senator from New York [Mr. HISCOCK], who has proclaimed that he was not controlled by the judgment of the Senate, that he was not governed by any consideration for authors, that he did not contemplate the necessities of the American people, but that he was looking to the benefit of the printers.

Mr. President, we have a tariff act to protect the printers of the United States by a tariff of from 25 to 35 per cent. No foreign production can come here in competition with American literary works without paying one-fourth or 35 per cent. on its cost; and yet we are told that the American people must be burdened with an additional cost above, and immeasurably above, the 25 and 35 per cent., not for the benefit of the American author, whose name was inscribed upon the preface of this bill, not for the enlightenment of the people, but solely for the benefit of the printers.

But, Mr. President, if the Senator from New York had made himself familiar with the testimony taken before the committees that have considered this case he would have seen that the scheme of the combined monopolists in here parting the author's garments did not comprehend any benefit to the American printer in that partition of benefaction. On the contrary, the head man who spoke in the interest, so called, of the American printers declared that the scheme of this bill was not to have the author's work reset on this side of the Atlantic, but to compel the removal of the English printers to America. If this scheme succeeds according to the plans and specifications of the combined monopolists, instead of benefiting the American printer it will import new rivals for his work from the cheap labor of Europe.

Mr. President, the kind of protection which the Senator from New York spoke of here to-night is a very peculiar kind of protection. We are told in one breath by such advocates as he is of the protective policy that we must put high taxes upon everything that comes from abroad in order to protect the American workingman, and to-night he tells us that we must put high taxes upon things that come from abroad, and not content with high taxes we must prohibit them from coming from abroad in their original shape, not to protect the American workingman, but to protect the foreign author. Meantime the great masses of the American people are paying both sorts of taxation, one for the benefit of the allied monopolists who have put up protection in one breath to protect the American author with whom they have just fallen in love, and the other to protect the American workingman who is to have a British printer brought from abroad to take his place in the printing house.

Mr. President, I do not care to go over the twice and thrice told tale of this bill. It is acknowledged by the Senator from New York that the whole object of this double monopoly is to increase the cost of literature to the American people. I can not imagine a worse curse upon this people than to invoke the influence and the voice of their legislative body in order to enhance the cost of knowledge.

Mr. PLATT. The Senator from New York [Mr. HISCOCK] is absent,

but as I heard the Senator from New York he made no statement that the passage of this bill would enhance the cost of books in this country.

Mr. DANIEL. Is not that the object of it?

Mr. PLATT. And I want to put on record here—I do not know whether I shall ever have an opportunity to have my prediction verified—that if this bill passes I do not believe it will enhance the price of any books, and I believe it will cheapen the price of the better class of books in this country, both American and foreign.

Mr. DANIEL. What good is it going to do the authors if it cheapens their productions? Will the Senator tell us that?

Mr. PLATT. It will give authors a compensation, and it will diminish the price of books by enlarging the market for books.

Mr. DANIEL. Mr. President, will there be any more people in the United States to buy books? If not, how is the market going to be enlarged for them? What system of expansion or elasticity is to be given to the American market by which it is to be enlarged for books? That is a new idea that has not been suggested before in this debate.

Mr. PLATT. If it makes books cheaper, as I believe will be the effect of the law, it will certainly enable more people to buy books and the publishers and authors to reach more people with their books.

Mr. DANIEL. Mr. President, the argument is inconsistent. It says in one breath that you will cheapen the product and enhance the profit to the producer. That is not the scheme or intent or effect of this bill.

Mr. PLATT. If the Senator will allow me once more, I want to say that in my judgment the adoption of the amendment of the Senator from Ohio would have the effect to create a book monopoly in London, to enhance the price of books, and to put the American public at the mercy of the foreign publisher as relates to the price of books. That is in plain language what it means.

Mr. DANIEL. Mr. President, it can not create monopoly to leave competition. Monopoly is a destruction of competition. Under the amendment of the Senator from Ohio the American citizen can buy the book which is copyrighted and produced in America, or he can buy, after paying the tariff tax, the copyrighted book which has been produced in a foreign land. In other words, there will be two sources from which he may purchase the book, with a burden plus, upon the foreign author, if he shall purchase it abroad, of paying the tariff tax.

Mr. PLATT. Oh, no, Mr. President.

Mr. DANIEL. Now, the Senator is in the strange position of declaring that books will be cheapened by giving one set of publishers the monopoly of sale; in other words, that by permitting one man or set of men to engross the market you cheapen the product. That is against all the experience of the world and all the philosophy of competition.

But I shall not prolong this matter. I do not feel that the Senate has been treated fairly and justly by its conferees in giving up the case which they were instructed to advocate. I think the correlative branch of Congress should have an opportunity to vote upon the Senate amendments, and that the opinions which have been here uttered should have their fair chance to mature into law.

It will not be our fault, Mr. President, if this be not done. This bill was sent days and days ago to the other House of Congress. They have had abundance of time to pass upon it. If it should fail and no copyright bill should be enacted at this session, the Senate will not be to blame, which transmitted the bill that it assented to to the other House; but the conferees may blame only themselves who have abandoned the position which the Senate charged them to advocate.

Mr. PLATT. Very much that the Senator from Virginia has said is calculated to provoke reply, but I shall not prolong the discussion, because I know how important time is. I simply desire to say, however, that I do not think the conferees on the part of the Senate are open to any criticism in the course which they have pursued. I think they stood by the action of the Senate until it was demonstrated that no bill could be passed if they insisted longer; and then they obtained an agreement upon a modification of the action of the Senate which answers many of the objections which have been urged in the Senate. They have done nothing more than is done by every conference committee—it is done every day on appropriation bills—after having for a reasonable time insisted, and insisted in good faith on the action of the Senate as controlling the conference. I simply desired to say that.

Mr. CARLISLE. Mr. President, I appreciate the importance of facilitating the transaction of public business at this late hour of the session as much as any one, and yet I desire to submit a very few words in regard to the present situation of this bill.

I am among those on this side of the Senate who determined, somewhat reluctantly, I confess, in my own case, to support the original House bill as it came to the Senate, if it could be voted upon here without amendment. But, after the amendment proposed by the Senator from Maine [Mr. FRYE] had been adopted, I determined, and then announced, that it was my purpose to vote for every proper amendment that might be offered.

The bill as it came here from the House prohibited simply the importation of books, and nothing else. It was amended upon the motion of the Senator from Maine so as to prohibit the importation not

only of books, but of maps, dramatic or musical compositions, engravings, chromos, lithographs, cuts, prints, and photographs. In that form it passed the Senate, subject to the qualification made by the amendment proposed by the Senator from Ohio [Mr. SHEEMAN].

The conference committee, as I understand the report made to the Senate this afternoon and agreed to, so modified the amendment offered by the Senator from Maine, which I have just stated, as to exclude from it maps, dramatic or musical compositions, engravings, chromos, lithographs—

Mr. PLATT. Chromos are excluded.

Mr. CARLISLE. Engravings, cuts, and prints?

Mr. PLATT. Yes.

Mr. CARLISLE. Leaving, as it now stands, and with the amendment of the Senator from Ohio excluded, an absolute prohibition against the importation not only of all books, whether they were originally composed and printed in the United States or abroad, but of all chromos, lithographs, and photographs, whether they were designed in the United States or abroad.

Mr. PLATT. Which shall be copyrighted in the United States.

Mr. CARLISLE. Which shall be copyrighted. Of course that is understood, because we are speaking all the time of copyrighted books.

The bill, therefore, in this respect is far worse in my judgment than the bill as it came from the House originally, for while it is true that the bill as it originally came here permitted the importation by any one person of not exceeding two books only in case he could procure the assent of the proprietor of the copyright, which provision has now been eliminated by the conference report, still the prohibition is broader and wider than it was before. It prohibits the makers of our magazines and periodicals who may want to import works of art, or so-called works of art, from abroad for use in the manufacture of their books, from bringing them here. It prohibits the importation, by its reference to the tariff act which was passed last fall, of any photograph from abroad unless it has been made more than twenty years ago. No photograph which might be necessary for the education of our people, for the purpose of illustrating some scientific subject, some work of art, some improvement in arms or ships, can be imported into this country under this bill if it has been copyrighted here as well as abroad.

In regard to the other amendment, proposed by the Senator from Kansas, which permitted the importation of newspapers and periodicals, the conference report as now presented absolutely prohibits their importation if they contain in whole or in part any matter copyrighted.

The Senator from New York who addressed the Senate a short time ago took issue with the statement made by some other Senator that the importation of these magazines and other periodicals and newspapers would be prohibited if they contained extracts only from some copyrighted work, and yet the language of this report is as broad as it can be made. The importation of the newspaper or the periodical is prohibited, I repeat, by the express language in this report.

Mr. PLATT. Not unless it contains pirated copyrighted matter.

Mr. CARLISLE. I will read it:

And except in the case of newspapers and magazines, not containing in whole or in part matter copyrighted under the provisions of this act, unauthorized by the author, which are hereby exempted from prohibition of importation.

Now, that is not pirated matter in the usual sense of the term, but it requires the publisher of a periodical or newspaper in a foreign country, before he can insert into his work the briefest extract from any copyrighted work, to procure the assent of the author.

Mr. PLATT. The decisions of the courts in this country are clear and distinct to the effect that it is not an infringement of copyright to print extracts in good faith.

Mr. CARLISLE. Of course not, but the point I make is that in every instance where a foreign periodical desires to make extracts from a publication made in the United States and copyrighted, or from a publication made in Europe and copyrighted, the publisher must apply to the author in this country, if this be his residence, or to the author abroad, if he be a citizen or subject of some other country.

The Senator from New York, in commenting upon this part of the report, said that periodicals were admitted free of duty. Periodicals are subject to a duty of 25 per cent. ad valorem, I think.

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

Mr. CARLISLE. Very well; will the Senator show me the provision for their free admission?

Mr. PLATT. On the free list, paragraph 637 of the tariff law of 1890:

637. Newspapers and periodicals; but the term "periodicals" as herein used shall be understood to embrace only unbound or paper-covered publications, containing current literature of the day and issued regularly at stated periods, as weekly, monthly, or quarterly.

As a result, all of the cheap publications of the day are books issued monthly and termed periodicals, and so regarded.

Mr. CARLISLE. To what paragraph did the Senator call my attention?

Mr. PLATT. Paragraph 637.

Mr. CARLISLE. It is out of its proper place, because I had examined all that part of the tariff act which relates in a consecutive man-

ner to books, periodicals, photographs, lithographs, etc. This is paragraph 637:

Newspapers and periodicals; but the term "periodicals" as herein used shall be understood to embrace only unbound or paper-covered publications, containing current literature of the day and issued regularly at stated periods, as weekly, monthly, or quarterly.

I think the Senator is right and I was wrong, and that under the new tariff act they are admitted free of duty.

But the point which the Senator from New York was making was that this was necessary in order to protect the printers, and that, if we did not have this prohibition against the importation of foreign books and foreign newspapers and foreign periodicals, the printers would not be protected.

Well, Mr. President, let us see what there is in that argument. According to the law, as it now appears, the printers will not be protected against the importation of newspapers and periodicals from abroad except in those cases where the foreign newspaper or periodical contains some copyrighted matter; and in every other case the printers of the United States are left to rely upon the law which now exists as they have relied upon it for many years past, to wit, the tariff law, which imposes a duty upon printed matter, and upon the express provision of this very bill, which will stand whether the amendment of the Senator from Ohio be agreed to or not, that all these copyrighted books must be printed from type set in this country.

So that the printers, about whom the Senator from New York talked so much and in whose favor he made such a strong appeal, are protected, in the first place, by a positive prohibition, unless the amendment by the Senator from Ohio shall be adopted; and in that case they will be protected by a positive prohibition as to the American works, and they will be protected also by a duty of 25 per cent. ad valorem upon their books, with an additional duty upon all the packages in which the books are imported, amounting, according to the best estimate I have seen made, to about 10 or 15 per cent. more.

Mr. President, I say that this bill as it is reported from the committee of conference is far worse than the original bill, and I regret to say that I can not give it my support.

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

Mr. GORMAN. I ask for the yeas and nays on that question.

The yeas and nays were ordered.

Mr. GORMAN. I only wish to say that, in view of the instructions of the Senate and the vote of the Senate upon the amendment of the Senator from Ohio, I believe the Senate owes it to itself to reject this report.

Under the circumstances, where the Senate has decided by a direct vote as to one particular proposition, my understanding of the duty of a conference committee is that it ought to bring the subject again before the body before it undertakes to reverse its action and abandon the proposition.

Mr. PLATT. That is just what we have done.

Mr. GORMAN. I do not understand that that is what the conferees have done. I understand that they have reported back an agreement which, under the circumstances, I think is not within the rule which prevails in such cases.

Mr. PLATT. We have reported back an agreement, but that does not control the Senate. The Senate itself must take the responsibility.

Mr. GORMAN. I understand that the Senate must take the responsibility, but the point I made is that the conferees ought to have brought the subject back in a very different form. Under the circumstances I hope the Senate will take the responsibility of rejecting the report.

The PRESIDING OFFICER. The question is on concurring in the report of the conference committee, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. DIXON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. HAMPTON]. In his absence, I withhold my vote.

Mr. FAULKNER (when his name was called). I transfer my pair with the Senator from Pennsylvania [Mr. QUAY] to the Senator from Texas [Mr. REAGAN], and vote "nay."

Mr. McMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE], but I am authorized by him to vote to-night. I vote "yea."

Mr. McPHERSON (when his name was called). I have a general pair with the Senator from Delaware [Mr. HIGGINS]. In his absence I withhold my vote.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN], but if my vote should be necessary to make a quorum I am at liberty to vote. I withhold it, however, for the present.

Mr. MITCHELL (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER]. If he were present, he would vote "yea" and I should vote "nay."

Mr. PADDOCK (when his name was called). I am paired with the

Senator from Louisiana [Mr. EUSTIS]. I shall vote later if necessary to make a quorum.

Mr. STOCKBRIDGE (when his name was called). I am paired with the Senator from Ohio [Mr. PAYNE], but I am at liberty to vote if it is necessary to make a quorum.

The roll call was concluded.

Mr. PLATT. The Senator from Rhode Island [Mr. DIXON] stated that he is paired with the Senator from South Carolina [Mr. HAMPTON]. The Senator from Georgia [Mr. BROWN] has authorized me to pair him in favor of this bill and against amendments to it. I suggest to the Senator from Rhode Island that he transfer his pair so that the Senator from Georgia [Mr. BROWN] will stand paired with the Senator from South Carolina [Mr. HAMPTON] on this question.

Mr. DIXON. I accept that suggestion, and vote "yea."

Mr. HISCOCK (after having voted in the affirmative). I am paired with the Senator from Arkansas [Mr. JONES], but I am informed that a quorum has not voted, and by the terms of our pair I have a right to vote to make a quorum. Therefore I will allow my vote to stand.

Mr. PLATT. I wish to announce that the Senator from Pennsylvania [Mr. CAMERON] is paired with the Senator from Montana [Mr. SANDERS] on this vote.

Mr. BLAIR. I am paired with the senior Senator from Mississippi [Mr. GEORGE].

Mr. MORRILL. I am paired with the Senator from Tennessee [Mr. HARRIS], but I transfer that pair to the Senator from Wyoming [Mr. CAREY], which enables me to vote. I vote "yea."

Mr. BERRY. I wish to announce that my colleague [Mr. JONES] is unwell to-night and unable to be here. He is paired with the Senator from New York [Mr. HISCOCK]. My colleague would vote "nay" if present.

Mr. RANSOM. The Senator from New York [Mr. HISCOCK] has voted.

Mr. BERRY. I can not help that. He is paired with my colleague, and my colleague if present would vote "nay."

Mr. SPOONER. I desire to announce that the Senator from Delaware [Mr. HIGGINS] is absent because of illness.

The result was announced—yeas 27, nays 19; as follows:

YEAS—27.

Aldrich,	Farwell,	Morrill,	Stanford,
Allen,	Frye,	Pasco,	Stewart,
Chandler,	Hawley,	Pierce,	Warren,
Dawes,	Hiscock,	Platt,	Washburn,
Dixon,	Hoar,	Sawyer,	Wilson,
Dolph,	Jones of Nevada,	Shoup,	Wolcott.
Edmunds,	McMillan,	Spooner,	

NAYS—19.

Bate,	Coke,	Gray,	Plumb,
Berry,	Cullom,	Ingalls,	Ransom,
Call,	Daniel,	Kenna,	Sherman,
Carlisle,	Faulkner,	Morgan,	Walthall.
Casey,	Gorman,	Pettigrew,	

ABSENT—40.

Allison,	Colquitt,	Jones of Arkansas,	Quay,
Barbour,	Davis,	McConnell,	Keagan,
Blackburn,	Eustis,	McPherson,	Sanders,
Blair,	Evarts,	Manderson,	Squire,
Blodgett,	George,	Mitchell,	Stockbridge,
Brown,	Gibson,	Moody,	Teller,
Butler,	Hale,	Paddock,	Turpie,
Camieon,	Hampton,	Payne,	Vance,
Carey,	Harris,	Power,	Vest,
Cockrell,	Higgins,	Pugh,	Voorhees.

So the report was concurred in.

Mr. HISCOCK subsequently said: Mr. President, I understand that on the last roll call the Senator from Arkansas [Mr. BERRY] announced that I was paired with his colleague [Mr. JONES, of Arkansas]. According to the terms of the pair, I am allowed the privilege of voting to make a quorum, and at the time when I voted a quorum had not appeared. I accordingly voted and was called from the Senate in connection with business in the other House. After I had voted I understand that other Senators came in and voted, so that there were two more than a quorum voting. I wish to add that my vote did not affect the result.

Mr. HALE subsequently said: The members of the Committee on Appropriations have been engaged in concluding the appropriation bills. I learn that within the last half hour a vote has been taken upon the copyright bill. I desire for one to have myself recorded in the votes upon that bill. No notice has been given, no information has been received on that subject by the members of the Senate who were engaged in the room of the Committee on Appropriations, and I hope before the matter passes from the Senate a motion to reconsider will be made in order to give Senators an opportunity to record themselves upon the bill. I desire to record myself upon it.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the bill (H. R. 13383) 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.

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 (H. R. 4017) granting an increase of pension to Rebecca P. Nields;

A bill (S. 4488) granting a pension to Elizabeth R. Lee;

A bill (H. R. 5265) granting a pension to Emma Chapman;

A bill (H. R. 5924) granting a pension to Drusilla A. Sherwood;

A bill (H. R. 6388) granting a pension to Peter Peterson;

A bill (H. R. 6606) granting a pension to William F. Reed;

A bill (H. R. 6838) for the relief Angus McVigor;

A bill (H. R. 7148) granting a pension to Lewis J. Baker;

A bill (H. R. 7477) granting a pension to Mrs. Hannah M. Foss;

A bill (H. R. 7928) granting a pension to Jesse G. Hamilton;

A bill (H. R. 8302) granting a pension to Mary E. Graham;

A bill (H. R. 8303) granting a pension to Malinda Lemmon;

A bill (H. R. 8388) granting a pension to Mrs. M. P. Felch;

A bill (H. R. 8438) granting a pension to Esther Walker, formerly Esther Dayton, a nurse in the late war;

A bill (H. R. 8933) granting a pension to Mrs. Sue Ditto;

A bill (H. R. 10465) granting a pension to Margaret Durand, hospital nurse;

A bill (H. R. 11350) for the relief of Mary B. Clayton;

A bill (H. R. 11474) granting a pension to Eliza A. Philbrook;

A bill (H. R. 11582) granting a pension to Mrs. Elizabeth M. Hollingsworth;

A bill (H. R. 12234) to increase pension of George Garfield, late second lieutenant Company D, Third Ohio Volunteer Infantry;

A bill (H. R. 12321) granting a pension to Harlan E. King;

A bill (H. R. 13511) making appropriation for the service of the Post-Office Department for the year ending June 30, 1892; and

A bill (H. R. 12564) granting a pension to Mrs. Martha A. Brooks.

AGRICULTURAL APPROPRIATION BILL.

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

Mr. PLUMB. I hope that motion will be waived until I can present a conference report.

Mr. WILSON. I yield to the Senator for the purpose of submitting a conference report.

Mr. PLUMB. I present the report of the committee of conference on the agricultural appropriation bill.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk 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. 13552) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1892, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 10, 11, 13, and 15. That the House recede from its disagreement to the amendments of the Senate numbered 1 to 14 and 16, inclusive, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$10,000;" and the Senate agree to the same.

PRESTON B. PLUMB,
WILKINSON CALL,
CHARLES B. FARWELL,
Managers on the part of the Senate.
E. H. FUNSTON,
J. V. McDUFFIE,
W. S. FORMAN,
Managers on the part of the House.

The PRESIDING OFFICER (Mr. ALDRICH in the chair). The question is on concurring in the report of the committee of conference.

The report was concurred in.

REPORT OF MONETARY COMMISSION.

Mr. PLUMB submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Senate 1,500 copies of Senate Report No. 703, Forty-fourth Congress, second session, being the report of the Monetary Commission created under the joint resolution of August 15, 1876.

HON. WILLARD WARNER.

Mr. WILSON. I renew my motion for an executive session.

Mr. HOAR. I hope the Senator will allow me to call up the resolution in regard to the case of Ex-Senator Willard Warner.

Mr. WILSON. I will yield temporarily.

Mr. HOAR. I move that the Senate proceed to the consideration of the resolution.

The PRESIDING OFFICER. The resolution will be read for information.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Hon. Willard Warner, 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 PRESIDING OFFICER. Is there objection to the present con-

sideration of the resolution which has been reported from the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. GORMAN. I objected to the consideration of one of those resolutions this afternoon, because from the hasty reading of it at the desk I could not see that any amount was fixed in the resolution itself. The custom of the Senate heretofore has been to report the facts in each case and the amount to be paid, so as not to leave it uncertain.

Mr. HOAR. I did not make the report in this case from the Committee on Privileges and Elections, but I wish to say that in the two reports I have made I have followed the course the Senator from Maryland suggests. This report was made by the Senator from Colorado [Mr. TELLER] originally.

I will briefly state, in answer to all the criticisms which have been made upon this subject, that this principle of awarding compensation is the one which has been, as I understand, uniformly applied in both Houses from the foundation of the Government. That is, when a State was in the Union and a Senator was chosen for a particular term and was the only Senator chosen or appointed for that term to represent the State, the fact that his election took place a little after the beginning of the term did not prevent him from being entitled to his pay from the commencement of the term.

The principle has been applied in countless cases. There was a time, within my recollection, when the State of New Hampshire did not elect its Representatives until, I think, in April or May or June, certainly not until after the 4th of March.

Mr. BLAIR. The second Tuesday of March.

Mr. HOAR. There was another State which came in when I was in the other House which also elected its Representatives later than the 4th of March. The Senator from Florida [Mr. PASCO] now upon this floor was paid—he will correct me if I in any particular make a wrong statement—from the beginning of the term, though appointed by the governor. If it is an error it is an error in regard to the individual and not in regard to the fact, because I remember that one Senator from Florida was so paid.

When the Southern States were readmitted after the rebellion the pay of their representatives went back to the time of the readmission of the States; and there has been no question, although the Senator from Kansas [Mr. INGALLS] seemed to think there had been, when there has been any pay given to a Senator before the readmission of his State. There was one case, and I think two, where Mr. Segar and Mr. Underwood, of Virginia, were paid as contestants, though they were admitted at a time when Virginia was practically out of the Union; but there was a little strip of the territory of Virginia, including Alexandria and the site of the College of William and Mary, which was always considered as in the Union, and which gave a constitutional assent to the admission of West Virginia, and the Committee on Privileges and Elections held that as the State had been treated as to the portion of the territory presided over by Governor Pierpont as in the Union for the purpose of giving the constitutional assent required for the division of the State of Virginia and the creation of a new State out of its territory, Mr. Segar and Mr. Underwood were well justified in making a contest, and we paid them, I think, \$1,000 for the contest, and perhaps a larger sum. I do not remember the sum. That is the only apparent exception.

Mr. PASCO. I wish to ask the Senator from Massachusetts a question.

Mr. HOAR. Let me finish my statement and then I will answer the question. It is true that since the payment of Mr. Lewis and Mr. Rice a few months ago there have started up quite a number of these claims. All the claims I have known about, with one exception, I am quite sure, have been made by the parties interested themselves. In the case of Mr. Sawyer, who was dealt with the other day, we examined the facts. He came before the committee. The committee referred the case to the Senator from Colorado [Mr. TELLER] and the Senator from Indiana [Mr. TURPIE], I think; there was one member at any rate of each party; and the committee authorized them, this principle being perfectly settled, to apply it to the facts and to make report accordingly. That has been done.

I think it would be better if, as the Senator from Maryland has said, the report of the committee should set forth the exact dates and the exact amount to be appropriated, but I trust my honorable friend from Maryland, under the circumstances of the case, as the Senator from Colorado [Mr. TELLER] was taken ill and went away about the time he was preparing the report, and was absent from the Senate for some time, will not consider that that omission will require him to object to the resolution in this particular case.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? The Chair hears none.

Mr. GORMAN. I beg pardon of the Chair.

Mr. PASCO. I hope the Chair will not ride over the rights of Senators in that way.

Mr. HOAR. I will now hear the question of the Senator from Florida [Mr. PASCO].

The PRESIDING OFFICER. Has the Senator from Maryland or the Senator from Florida any objection to the consideration of the resolution?

Mr. GORMAN. Both of us addressed the Chair, Mr. President.

Mr. HOAR. Before I yield to the Senator from Florida for a question, will he allow me to put one to him? I ask whether I am right in remembering his case as the one to which I alluded.

Mr. SPOONER. Will the Senator from Florida yield to me for one moment?

Mr. PASCO. The Senator from Massachusetts [Mr. HOAR] has the floor.

Mr. HOAR. I will certainly yield to anybody who wants me to, and especially to the Senator from Wisconsin.

The PRESIDING OFFICER. The Chair begs to state that the question before the Senate is, shall the resolution be considered? The question is not on the passage of the resolution.

Mr. HOAR. I beg pardon of the Chair, I thought I had the consent of the Chair to make a statement.

Mr. PASCO. As my name has been drawn into this controversy—

Mr. HOAR. Will the Senator from Florida allow me to ask him if I am right in my recollection that his case is the one I refer to?

Mr. PASCO. I will make my own statement after the Senator from Massachusetts gets through, when I will take the floor in my own right.

The PRESIDING OFFICER. The Chair will repeat to the Senator from Florida, who perhaps does not understand the parliamentary status of the case, that the question is whether or not the Senate will consent to consider the resolution. The question is not upon its passage.

Mr. PASCO. My name has been drawn into this controversy.

The PRESIDING OFFICER. The question is not debatable.

Mr. PASCO. It is being debated.

The PRESIDING OFFICER. The Chair is perhaps at fault for allowing the Senator from Massachusetts to proceed to debate a question which is not debatable.

Mr. HOAR. I hope the Senator will have consent to proceed.

Mr. SPOONER. I ask unanimous consent that the Senator from Florida be permitted to proceed.

Mr. WOLCOTT. I object.

The PRESIDING OFFICER. Objection being made, the resolution goes over.

PUBLIC BUILDING AT SAGINAW, MICH.

Mr. SPOONER. I ask the Chair to lay before the Senate the message from the President of the United States returning Senate bill 1453.

The PRESIDING OFFICER. The Chair lays before the Senate a message from the President of the United States, which will be read.

The Chief Clerk read as follows:

To the Senate:

In accordance with the resolution of the Senate of this date, I return herewith Senate bill 1453, to provide for the purchase of a site and the erection of a public building thereon at Saginaw, in the State of Michigan.

BENJ. HARRISON.

EXECUTIVE MANSION, March 3, 1891.

Mr. SPOONER. I offer a resolution relating to that bill, which will take but a moment.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the resolution of the Senate concurring in the amendment of the House to the bill (S. 1453) for the erection of a public building at Saginaw, Mich.

Mr. PASCO. Mr. President, I take the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. PASCO. I wish to make a statement in the nature of a personal explanation.

The PRESIDING OFFICER. The Senator from Florida is entitled to the floor.

Mr. PASCO. The Senator from Massachusetts [Mr. HOAR] was pleased to draw my name into this debate, and he asked me a question as to the time when my compensation commenced. That matter was referred by the Secretary of the Senate for his guidance to the Committee on Privileges and Elections or to its chairman. The committee or its chairman decided that, under the rule which is found on page 288 of the Senate Manual, a rule based upon the statute, I was entitled to compensation from the commencement of the term for which I was elected, though in fact my election took place about ten weeks after the term commenced. Under the head of "Compensation of members of Congress" the statute appears in the following words:

In all cases of vacancy in either House of Congress, by death or otherwise, of any member elected or appointed thereto, after the commencement of the Congress to which he shall have been elected, each person afterwards elected or appointed to fill such vacancy shall be compensated and paid from the time the compensation of his predecessor ceased.

The note underneath says that it is based on the statute of "July 12, 1862," and, in fact, it contains the words of the statute—"12 Statutes, 624."

I made no application for compensation prior to the time of my election. It was a matter upon which the opinion of the Committee on

Privileges and Elections, or that of its chairman, was sought. They took it up and decided it, and my salary was paid in accordance with their decision.

Now, if this is a parallel case, it must rest upon this same statute. This statute was in existence when the Senators were in Congress, which was after July, 1862, the date when the statute was passed, and if, as the Senator from Massachusetts [Mr. HOAR] says, it depends upon the same circumstances that the case to which he referred does, why have not those gentlemen had the same privileges as have been accorded to others? They must have drawn their compensation under the statute in force at the time, that was passed in 1862, and these claims arose in 1865, 1866, 1867, and along there.

It is manifest, Mr. President, that the claims now coming up of the gentlemen who occupied seats in the Senate during the days of reconstruction must rest upon some other basis than the basis which the Senator from Massachusetts thinks they rest upon. If they rested upon this basis they would have been paid under this statute as all other Senators have been, and doubtless they have been paid all they were entitled to under the statute.

This claim, as was suggested by the Senator from Maryland [Mr. GORMAN] and by the Senator from Kansas [Mr. INGALLS], doubtless rests upon some other foundation; and that other foundation ought to be investigated before these claims are railroaded through the Senate.

If they rest upon a statute, the statute I have read being in force at the time, they would have been paid the same amount that other Senators were paid under like circumstances; but if they rest upon the idea that these Senators were entitled to compensation during the time the war was continuing, while the States were not represented in Congress, which is the most probable foundation, then it is manifest they are not entitled to this additional compensation.

Before this question is settled, these matters ought to be investigated and reported upon. When the facts are laid before the Senate it will be time enough for the Senate to determine whether these gentlemen who were Senators in the past are entitled to additional compensation. If the claims rest, however, upon the same foundation the Senator from Massachusetts thinks they do, then they doubtless would have been paid under the statute of 1862.

Mr. HOAR. Mr. President, may I say one word?

The PRESIDING OFFICER. The question is—

Mr. PASCO. I have not surrendered the floor, Mr. President.

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

Mr. PASCO. I do not occupy the floor very much, and when I do I wish to get through with what I have to say.

The compensation the Senator from Massachusetts referred to rested upon this statute. It was decided upon by his own committee, without any application coming from me; and the Secretary acted upon the opinion of the committee, determining that my case came under this rule and statute, and that I was entitled to what all other Senators have received under like circumstances. The application of that case to the present cases which are before the Senate, I think, has no foundation whatever. There was no special action by the Senate ever asked for or taken with reference to my salary. These claims must rest upon some other foundation than a precedent in my favor.

As I said before, the facts ought to be investigated, and all the circumstances should be laid before the Senate in a report before any final action is taken upon this case.

Mr. HOAR. Mr. President—

Mr. SPOONER. I have offered a resolution which relates to a subject which has nothing whatever to do with the matter of paying Senators, and the bill to which the resolution relates is endangered by these delays. I hope we may have a vote on it.

The PRESIDING OFFICER. The question is on the resolution of the Senator from Wisconsin [Mr. SPOONER].

Mr. HOAR. I wish to utter one word in reply to the Senator from Florida.

The statute which the Senator has cited proceeds upon the ground that the general principle is that reported by the committee; that is, that when a Senator serves the entire term his time goes back to the beginning of the term for which he was elected. That has been the general rule from the beginning of the Government. When a Senator resigns or dies and creates a vacancy and another is chosen to take his place, there the statute says the date shall go back to the time when the vacancy occurred, taking it back to the time of his own election or appointment.

The resolution proposing to pay Mr. Warner, which was introduced by the Senator from Colorado [Mr. TELLER], simply declares that upon this principle the Secretary of the Senate shall ascertain the facts and pay accordingly.

Mr. SPOONER. I hope we shall have a vote on the pending resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution of the Senator from Wisconsin [Mr. SPOONER].

The resolution was agreed to.

EXECUTIVE SESSION.

Mr. WILSON. Now, I renew my motion for an executive session.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa.

Mr. GRAY. I rose to demand the regular order, but I recognize the fact that the motion of the Senator from Iowa to proceed to the consideration of executive business is a privileged question.

The PRESIDING OFFICER. The regular order is the motion of the Senator from Iowa, who moves that the Senate proceed to the consideration of executive business.

Mr. GRAY. The regular order is the revenue marine transfer bill. Mr. WOLCOTT. I appeal to the Senator from Iowa to yield to me for a moment.

Mr. WILSON. Will the Senator from Colorado yield to me for a moment? I have not occupied much of the time during the session.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the bill (H. R. 13266) to provide for the payment of bonds of the District of Columbia falling due July 1, 1891, and July 1 and 26, 1892; in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 3865) to provide for the reorganization of the artillery force of the Army, agreed to the conference asked for by the Senate, and had appointed Mr. CUTCHEON, Mr. OSBORNE, and Mr. WHEELER of Alabama managers at the conference on the part of the House.

JOHN M. EDDY AND OTHERS.

The PRESIDING OFFICER. The Senate resumes, as in Committee of the Whole, the consideration of the regular order, being the bill (H. R. 6944) to transfer the revenue-cutter service from the Treasury Department to the naval establishment.

Mr. GRAY. Upon that bill the Senator from Missouri [Mr. COCKRELL] had the floor, and he is not present. I will take the floor upon the bill.

Mr. CULLOM. I appeal to the Senator from Delaware, as I think I ought not in the condition of my health to remain here longer tonight, to allow me to call up House bill 3223.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent that the pending order may be informally laid aside and that the Senate proceed to the consideration of a bill the title of which will be read.

The CHIEF CLERK. A bill for the relief of John M. Eddy, Elizabeth K. Carroll, Alice B. Eddy, and Frank M. Eddy.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John M. Eddy, Elizabeth K. Carroll, Alice B. Eddy, and Frank M. Eddy, children and heirs at law of Mrs. Mary J. Eddy, of Shawneetown, in the State of Illinois, the sum of \$1,990.16, for use and occupation of her land, with the buildings located thereon, situated in the county of Gallatin, in said State, by the United States military authorities, and known as Camp Mather, from about September 1, 1861, until about April 1, 1862, and for damages to said premises committed by said military force, and also for supplies furnished to and taken by them while in such occupation; and the said sum to be in full compensation for all claims for the same.

Mr. EDMUNDS. Now, let us hear the report.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. PASCO February 28, 1891:

The Committee on Claims, to whom was referred the bill (H. R. 3223) for the relief of John M. Eddy, Elizabeth K. Carroll, Alice B. Eddy, and Frank M. Eddy, having given the matter careful examination, respectfully submit the following as their report thereon:

The claimants are the surviving children and heirs at law of Mary J. Eddy, late of Shawneetown, Ill., deceased. Mrs. Eddy at the beginning of the late war owned and possessed a farm of about 230 acres in Gallatin County, near Shawneetown, Ill., in which her two younger children seem to have had an interest. There was a brick dwelling house upon the farm and suitable outbuildings, and the place was in good condition. It was her home and she was supporting her family from the proceeds of the farm, which was worked under her direction.

In October, 1861, under an arrangement made by Col. Robert Kirkham, of the fifty-sixth Illinois Infantry, the place was taken possession of for the use of the United States troops who might be sent there. The place was known as Camp Mather; the dwellinghouse was used for an army hospital and for military headquarters, and the farm for a camp and drill grounds. Mrs. Eddy was to receive \$1,000 a year as rent, together with all damages she might sustain by the occupation of the place. The lease was in writing, but was not produced in evidence, for it could not be found at the time the evidence was taken. Two witnesses, however, testified that they had seen it and their statements as to its contents were admitted by the board which last investigated the claim. The occupation continued to March 19, 1862, and the Sixth Illinois Cavalry, as well as the regiment of infantry mentioned, were upon the place during the time, and it was also occupied by the Eighty-seventh Illinois Infantry.

Immediately after they left three commissioners were appointed by Colonel Kirkham to ascertain and report the damage and injury done to the place; one of these commissioners seems to have been named by Mrs. Eddy. They reported that there was justly due her \$2,869 as damages. This result was at first

accepted and Mrs. Eddy states that she received a voucher for the amount of the award, but in some way, not clearly stated in the record, the payment of the voucher was stopped, the Government failed to carry out the action of the board, and other commissioners were appointed who, it is charged, made but a partial examination of the case and decided that there was but \$509.50 due Mrs. Eddy, which she received; but there is no evidence that she accepted it as a settlement, and she certainly was not satisfied with it and continued her efforts to obtain a larger amount.

She and her son claimed that this commission was authorized to report only as to the wood used by the troops, the former report not stating in cords the quantity consumed. One of her sons was in the Army when the camp was established upon the place, and she could not remain there after its occupation by the troops and removed to the neighboring town. She did not write to him about her troubles because she did not wish to make him dissatisfied. He went home on a short visit about two years later, and finding what her situation was urged her to continue her efforts. She at last wrote a personal letter to President Lincoln January 16, 1865, and stated her case very fully and in an earnest and feeling manner. A copy of it is among the papers sent to the committee from the War Department. It is indorsed as follows:

Respectfully referred to Major General Hooker, commanding Northern Department.

W. A. NICHOLS,
Assistant Adjutant General.

ADJUTANT GENERAL'S OFFICE, January 31, 1865.

Through successive references and indorsements it reached the headquarters of the district of Illinois at Cairo, where E. T. Sprague, the colonel commanding, as directed by Brigadier General Crook, appointed a board of investigation. His order reads as follows:

[Special Order No. 33.]

Capt. G. M. Humphrey and M. O. Nichols, Forty-second Wisconsin Volunteers, are hereby appointed a board for the investigation of the claim of Mrs. Mary J. Eddy, of Shawneetown, Ill., against the United States. They will proceed to Shawneetown, Ill., without delay, investigate and report according to instructions furnished them. Quartermaster Department will furnish necessary transportation.

By order of Col. E. T. Sprague, commanding post.

T. S. KIDD,

First Lieutenant and Acting Assistant Adjutant General.

The following is a copy of the instructions:

HEADQUARTERS, CAIRO, ILL., February 10, 1865.

Capt. G. M. Humphrey, acting assistant inspector general, and Capt. M. O. Nichols, both of the Forty-second Wisconsin Volunteers, will constitute the board ordered by Brigadier General Crook to investigate this case. They will visit Mrs. Eddy, will inspect the premises mentioned personally, take reliable testimony as to their condition when taken for Government use and as to the nature and amount of damages, and report thereon in detail item by item. They will report separately on the value of the rent of the premises and the time the same were used. One clerk is allowed the board.

E. T. SPRAGUE,
Colonel, Commanding Post.

The board visited the farm February 14, 1865, took the testimony of a number of witnesses, and made a report based thereon, and found that there was due to Mrs. Eddy the sum of \$2,749.66, less the amount of \$759.50, which she had received (\$250 as rent and \$509.50 on the report of the second board), leaving \$1,990.16, the amount mentioned in the act of the House which has been referred to the committee.

This report reached Colonel Sprague and was forwarded by him, February 24, 1865, to General Crook and reached General Hooker in due course, March 1, 1865, who sent it to the War Department, and it reached the Inspector General's Office. This officer, Col. J. A. Hardie, decided that no relief could be given except by the action of the Congress, as the case had been closed in the Department when the Government had settled upon the former award. His order is dated March 10, 1865.

The death of President Lincoln followed soon after, and the action of Colonel Hardie stopped all further proceedings without an opportunity of further appeal to him to carry to a conclusion the proceedings he had set in motion after receiving her complaint. The War Department having decided that its jurisdiction was exhausted and that Congress alone could give her relief, Mrs. Eddy had a bill introduced in her behalf in the House of Representatives and a like bill in the Senate of the Forty-third Congress in 1874, but no report was made upon either. In the Forty-fourth Congress her petition was presented asking for relief, and was referred, with a bill in her behalf, to the Committee on Military Affairs of the House, but no further action was taken. Bills of a similar tenor have been introduced in the House of Representatives of nearly every Congress since then in her behalf during her lifetime, and in behalf of her heirs since her decease. In one instance an adverse report was made upon the ground that the original claimant was bound by the action which was taken upon the report of the second board of commissioners.

In the Forty-ninth Congress, and again in the last, favorable reports were made based upon the report of the commissioners appointed upon the action of President Lincoln, but no action was taken by the House of Representatives upon either report. During the present Congress the case has again come before the House and another favorable report has been made by the Committee on War Claims. Upon this report the bill before us was there passed and is now before us for consideration and action.

The report of the board of commissioners seems to be sustained by abundant testimony.

The claim arose in a Northern State, away from the immediate theater of the war. The original claimant was entitled to the protection of her contract. The amount found by the board was due her thereunder. She exercised reasonable diligence in pressing her claim during her lifetime, and so have her heirs since her decease.

The committee therefore recommend that the bill as it has come from the House do pass.

The PRESIDING OFFICER. 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.

DISTRICT BONDS.

Mr. INGALLS. Mr. President—

Mr. EDMUNDS. I call for the regular order.

Mr. INGALLS. I ask that the bill from the House of Representatives with regard to the refunding of certain debts of the District of Columbia be now laid before the Senate.

The bill (H. R. 13266) to provide for the payment of bonds of the District of Columbia falling due July 1, 1891, and July 1 and 26, 1892, was read the first time by its title.

Mr. INGALLS. On the 1st of July, 1891, \$2,720,450 of 6 per cent. permanent-improvement bonds of the District of Columbia mature, and of the 7 per cent. permanent-improvement bonds, \$290,400, making an aggregate of \$3,010,850. In 1892 the following bonds mature: Twenty-year 6 per cent. funding bonds, \$875,900; market-stock 7 per cent. bonds, \$44,400, making in all, \$920,300, or an aggregate for the two years of \$3,931,150, which the United States Government has guaranteed, and for which no provision for payment has yet been made.

A provision was inserted in the bill making appropriations for the District of Columbia for this purpose, but was omitted in conference. It is necessary in order to avoid the protest of these bonds that provision should be made before the adjournment, and I ask that the bill may be read at length for information and put upon its passage.

Mr. EDMUNDS. I should be glad to have the Senator tell us whether the United States have guaranteed this outstanding indebtedness that is now maturing, and, if so, under what law.

Mr. INGALLS. I have not the information before me. This information is based upon the report of the Treasurer of the United States, who says that the maturing bonds on the 1st day of July are guaranteed by the United States Government. The information that reaches me is that they are held largely abroad, and unless some provision is made for their payment they will go to protest practically, and the Government will be dishonored.

Mr. EDMUNDS. Mr. President, I did not know (it was undoubtedly my fault) that the United States had guaranteed any of the bonds of the District of Columbia except what are called the three-sixty-fives. When the United States put on one-half of the current expenses of the District and some old things were put in it the United States did guaranty the interest of those 3.65 bonds. If there is any law or statute which shows that we have guaranteed these bonds, of course we ought to do it, and, if we have not, undoubtedly we ought to make some provision for allowing the District to fund or do something or another. I am only now inquiring for information.

Mr. INGALLS. Let the bill be read at length, Mr. President.

The PRESIDING OFFICER. If there be no objection, the bill will be read.

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

Be it enacted, etc., That the Treasurer of the United States, *ex officio* commissioner of the sinking fund of the District of Columbia, is hereby directed to cause bonds to be prepared in sums of \$100, \$500, and \$1,000, to be designated as ten-year funding bonds of the District of Columbia, bearing interest at the rate of 3.65 per cent. per annum, payable half yearly on the 1st days of July and January in each year. Such bonds shall be redeemable at pleasure after two years and payable ten years after the date of their issue. The principal and interest thereon shall be exempt from taxation by Federal, State, or municipal authority, and the faith of the United States is hereby pledged that the United States will, by proportional appropriations and by causing to be levied upon the property within said District such taxes as will do so, provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the same at maturity; and the bonds shall have set forth and expressed on their face the above-specified conditions, and the principal and interest thereon shall be made payable at the Treasury of the United States.

Said bonds shall be engraved and printed at the expense of the District of Columbia, shall be signed by the Treasurer of the United States, *ex officio* commissioner of the sinking fund, countersigned by the auditor of the District of Columbia, and bear the seal of said District. They shall be numbered consecutively, and registered in the office of the Register of the United States Treasury, for which registration the Secretary of the Treasury shall make such provision as may be necessary.

The Treasurer of the United States is hereby authorized to sell and dispose of any of the bonds issued under this act, at not less than their par value, to the most favorable bidder or bidders, after having duly advertised the same for ten consecutive insertions in two daily papers in Washington and two in New York, the bids to be opened under such regulations as may be prescribed by the Secretary of the Treasury, and the award to be subject to his approval. The proceeds thereof shall be applied to the redemption of any of the bonds of the District of Columbia falling due on the 1st day of July, 1891, and on the 1st and 26th days of July, 1892; but the bonds hereby authorized shall be used for no other purpose whatsoever.

Any of the bonds hereby authorized may be called in for payment after the expiration of two years from the date of issue, by said Treasurer of the United States, at his discretion, the bonds so to be called to be distinguished and described by their dates and numbers, beginning for each successive payment with the bonds of each class last dated and numbered.

Public notice shall be given by advertisement by ten successive insertions in two daily papers published in the city of Washington of the time on which payment will be made, and the interest on the particular bonds so selected at any time to be paid shall cease at the expiration of thirty days from the date of such notice.

The commissioners of the District of Columbia are hereby authorized and directed to provide for the payment of all expenses connected with the engraving, issue, and redemption of the above bonds, upon vouchers to be approved by the Treasurer of the United States.

Mr. EDMUNDS. I do not object to the present consideration of the bill, because it is a matter that ought to be attended to in some way, but I want to call attention to what I believe to be the fact, that the United States is so far under no obligation in respect of these particular bonds that are falling due. We have never undertaken to guaranty them or do anything about them, as I believe. If I am wrong about that I shall be glad to be corrected.

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

Mr. SHERMAN. My impression is that the guaranty of the bonds

is very much like this: That the Government will guaranty them so far as to cause taxes to be levied to meet them.

Mr. EDMUNDS. These particular bonds which are now falling due are not anything that the United States ever undertook to guaranty at all. The only ones that I ever heard of which were guarantied by the United States are what are called the 3.65 bonds, which are no part of these.

Consequently, Mr. President, if I may be allowed to state, this bill provides in substance and effect and in language that the United States will pay one-half of these new bonds now to be issued to take the place of the old debt. That adds to what the United States has undertaken to do for this District by just that much. We are to pay one-half of this \$2,000,000 or \$3,000,000 in the end by proportional appropriations, as the bill states. We may just as well look it in the face. It may be right or it may be wrong; but I think it right that we should all understand that that is what it is.

I am a taxpayer in this District, to a very small amount, I am very sorry to say, but I am also here a Senator representing the people of the United States, or some small part of them, as the constitutional case may be, and I do not see upon what ground, speaking for the rest of the people of the United States, they should be called upon to pay one-half by taxing the rest of the people of the United States on this old debt of the District, unless we have already agreed to pay half of it. If we have, then of course we ought to do it.

Mr. PLUMB. Under existing law a sinking fund is provided for the payment of the debt of the District of Columbia to the amount now of about \$425,000 per annum. That is derived from the revenues of the District levied upon the taxable property, and another amount equal to that is added from the revenues of the Government. In other words, it is a sort of partnership agreed to at the time the present form of government was substituted for what was known as the "Shepherd" government.

That sinking fund amounts to about \$425,000 per annum. It is enough to extinguish the first part of this debt, that due in 1891. In about three years more it will extinguish the remainder. That law is a pledge to the public creditor that a certain amount of money will go each year to the sinking fund. I do not think there can be anything added to what is provided by law, although the promise in this case is more specific than the other.

Mr. CHANDLER. I desire to ask a question of the junior Senator from Kansas [Mr. PLUMB], in relation to the debt of the District of Columbia. If my memory serves me aright, the Senate passed on the District appropriation bill a provision for these very bonds, authorizing the Treasurer of the United States or the Secretary of the Treasury to advance the money to pay the bonds; and there was a provision that the sum should be reimbursed from the sinking fund of the District in installments extending over several years. Why, then, I desire to ask, is it necessary to pass this bill at this time?

Mr. PLUMB. The conferees on the part of the House of Representatives would not agree to the provision in the appropriation bill to which the Senator refers, which was a much wiser provision than this. Then the Secretary of the Treasury said it would be entirely out of keeping to issue bonds, because the funds on hand in the Treasury might easily be appropriated to pay this debt, and the refunding of it through the medium of the sinking fund would be all that was necessary. But the House conferees would not agree to that, and consequently it was stricken out of the bill.

Mr. CHANDLER. It is true, as I understand the Senator from Vermont [Mr. EDMUNDS] states, that there is no guaranty in words by the United States of any of the bonds of the District of Columbia except the debt known as 3.65 bonds. If I am wrong I should like to be informed by the Senator from Kansas. But by this bill we put into the provision for these new funding bonds the same guaranty as to these which now exists as to the 3.65 bonds. If I am correct I should like to know it.

Mr. PLUMB. That is right.

Mr. CHANDLER. I take it for granted that that can be done only on the theory that the United States is responsible for the whole debt of the District of Columbia.

Mr. SHERMAN. Is this a House bill?

Mr. INGALLS. It is a House bill.

Mr. SHERMAN. Then I would not venture to amend it. If I were to suggest a new one I would reduce the rate of interest to 3 per cent., which would be ample with the guaranty of the Government of the United States. But I do not propose to do it under the circumstances at this time.

Mr. EDMUNDS. I do not think if we reduce it to 3 per cent. on a ten years' option of redemption in two years that we could probably get a great deal of money, unless we should have been able to pass the silver bill or something of that kind to give us plenty of money.

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

REPORT OF MONETARY COMMISSION.

Mr. MANDERSON. I ask leave to make a report from the Committee on Printing at this time.

The PRESIDING OFFICER (Mr. PADDOCK in the chair). The report will be received, in the absence of objection.

Mr. MANDERSON. I report favorably from the Committee on Printing the resolution this day submitted by the Senator from Kansas [Mr. PLUMB], for which I ask present consideration.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That there be printed for the use of the Senate 1,500 copies of Senate Report 703, Forty-fourth Congress, second session, being the report of the monetary commission created under the joint resolution of August 15, 1876.

Mr. MANDERSON. I find the number of copies provided for in the resolution can be printed within the limit of the law allowed to either House to order.

The resolution was considered by unanimous consent, and agreed to.

TRANSFER OF REVENUE MARINE.

Mr. EDMUNDS. I call for the regular order.

Mr. GRAY. The regular order is the revenue-marine bill. I had the floor on that bill, and yielded for a moment.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6944) to transfer the revenue-cutter service from the Treasury Department to the naval establishment.

Mr. GRAY. Mr. President, to the bill which is now before the Senate certain amendments reported by the Committee on Naval Affairs were adopted by the Senate when the bill was last before it for consideration. I move to reconsider the vote by which all of those amendments were agreed to, except one in regard to the date in the fourth and fifth lines.

Mr. CHANDLER. I suggest to the Senator that the vote on all the amendments be reconsidered.

Mr. GRAY. Except that in regard to the date.

Mr. CHANDLER. That stands 1890.

Mr. GRAY. Then I will move to reconsider the vote on all the amendments.

The PRESIDING OFFICER. The Chair will suggest that when the bill is reported to the Senate all the amendments will be open for action. That will simplify the parliamentary proceeding.

Mr. SHERMAN. Until the Senator from Missouri [Mr. COCKRELL] can return, who is now engaged elsewhere in the transaction of important business of the Senate—

Mr. GRAY. We might as well reconsider the vote on the amendments.

Mr. SHERMAN. I object.

The PRESIDING OFFICER. If there be no objection, the amendments will be considered as disagreed to.

Mr. SHERMAN. I object, Mr. President. I object to any action being taken in the absence of the Senator from Missouri, who is entitled to the floor on the bill.

Mr. GRAY. I do not understand that the objection of the Senator from Ohio or the objection of any other Senator can prevent me from making a motion to reconsider.

The PRESIDING OFFICER. The Senator from Delaware moves a reconsideration of the vote by which the amendments were adopted.

Mr. SHERMAN. Upon that question I take the floor, and I desire to address the Senate.

I desire, in the first place, to submit a motion that the bill be postponed until the first Monday in December next, and I shall ask for a vote upon that question. It seems to me that it ought not to require a very long argument upon that proposition. I submit that motion now for the reason—

Mr. GORMAN. Will the Senator from Ohio permit me to make a suggestion?

Mr. SHERMAN. Let me state, that it may not appear captious, that I objected to the motion of the Senator from Delaware to reconsider the amendments, because those amendments were very proper and improved the bill, and no doubt he would prefer to have them in the bill if it could have been passed in time this session or at the next session. He probably makes the motion because he supposes that the amendments could not be acted upon in the other House at this late period of the session. But I do not think this bill ought to be acted on to-night.

Mr. EDMUNDS. Will the Senator permit me to ask a question?

Mr. SHERMAN. Certainly.

Mr. EDMUNDS. I inquire of the Chair if this bill is now in Committee of the Whole or in the Senate.

The PRESIDING OFFICER. The bill is in Committee of the Whole.

Mr. EDMUNDS. The motion to reconsider the amendments is not necessary if the bill is in Committee of the Whole, because when reported to the Senate the question will be on concurring in the amendments, and if the Senate does not want the amendments they can be stricken out.

Mr. SHERMAN. I take it at this period of the session, with the public business in its present condition, the Senator from Delaware ought not to urge any further discussion or action on this bill. It seems to me we are so weary at this time that it endangers the health of many to stay here, and I would not stay here except for the neces-

sity of awaiting action on appropriation bills. But with the strong feeling of the Senator from Missouri [Mr. COCKRELL], and with my own strong convictions that it is an unwise measure, in the public interest I do not think it ought to be pressed. I hope the time has come when the Senator must see that it is practically impossible to try to pass the bill at the present session without putting us to the weariness of a debate, and that he will allow the bill to go over until the first Monday in December next.

I suggest in this connection that the Senator himself, for the purpose of gaining fuller information upon this bill, as there never has been a thorough investigation of the question, will introduce a resolution for an investigation, for the taking of testimony of practical men who are engaged in the revenue-marine service. I suggest to him that he move the appointment of a committee who shall be friendly and who shall make a thorough investigation of this subject during the recess. Then we shall have before us at the next session the testimony of men who know all about it.

With the convictions I have, which were strongly formed when administering this branch of the Government, I shall probably concur in any amendment proposed to the bill that seems to be proper.

Mr. GORMAN. I suggest to the Senator from Ohio that we know perfectly well that it is impossible to pass anything except by unanimous consent in the present condition of things. I learned a few moments since that the Committee on Appropriations expect to have another conference report soon ready, which must be considered within three-quarters of an hour if the bill is to be enrolled in time. I therefore suggest to my friend from Delaware and to everybody else that we had better have it understood that nothing can be done now except by unanimous consent, so as not to run the risk of developing possibly the lack of a quorum on a yea-and-nay vote.

The PRESIDING OFFICER. It is the impression of the present occupant of the chair that the motion to postpone the further consideration of the bill until the first Monday in December is not a competent motion at this stage.

Mr. SHERMAN. A motion to postpone?

The PRESIDING OFFICER. A motion to postpone until the first Monday in December would not be in order, in the opinion of the Chair.

Mr. GRAY. We can not postpone a bill beyond the Congress.

The PRESIDING OFFICER. The bill dies with the adjournment.

Mr. EDMUNDS. You can postpone it until the year 2510, if you please.

Mr. SHERMAN. The Senate of the United States is a perpetual body, and a motion to postpone a bill until any future period is quite in order.

Mr. GRAY. This is a House bill, and with the adjournment of this Congress the bill falls. You must begin *de novo* with a new Congress. You can not postpone a bill to the next Congress, but you may postpone it indefinitely.

Mr. EDMUNDS. I do not want to have a new precedent set on motions or bills. The rules provide that, when the question is pending on a motion to postpone to a day certain (and it has been the uniform practice of the Senate when anybody wanted to make such a motion, as has been done a thousand times in the last twenty-three years to my personal knowledge), when you want to defeat a measure you move to postpone it to a day beyond the session, which is just equivalent to beating it, only you beat it in that way. Therefore I humbly submit to the Chair that the motion of the Senator from Ohio is perfectly in order. Of course it means the defeat of the bill.

The PRESIDING OFFICER. The Chair will accept the view of the Senator from Vermont.

Mr. CHANDLER. I should like to inquire what was the suggestion of the Senator from Maryland [Mr. GORMAN] in reference to a recess.

Mr. GORMAN. I said nothing in reference to a recess. I suggested to my friend from Delaware that it would be as well by common consent to agree that all contested matters should be laid aside, as it is not possible to dispose of them, and that we should wait until a conference report on an appropriation bill comes in, which I suppose will be within three-quarters of an hour.

Mr. CHANDLER. Mr. President, with reference to the suggestion addressed to the Senator from Delaware [Mr. GRAY] I have nothing to say, but I do wish to say that it seems to me the motion of the Senator from Ohio [Mr. SHERMAN] is a very unkind motion, to say the least.

The Senator says, and very truthfully, that we are in the closing hours of the session; that it is an important bill; and that it is too important a bill to be considered in the closing hours of the session, and therefore he moves to postpone it until the first Monday of December next.

The Senator is himself more than any one else responsible for the fact that this bill is caught up in the closing hours of the session, and he is in a position where he feels authorized to make this motion on account of the condition in which the bill is caught.

Mr. President, there has been an order of business alluded to here several times within the last week or two. I do not know whether that order of business is one that has been agreed upon by both sides

of the Chamber or not. It has been said that it was agreed upon on this side of the Chamber, and Senators have been urged to adhere to that order of business. Whoever made up that order of business put the bill that should have been the first bill as the last bill, and that is the revenue marine transfer bill.

This bill passed the House of Representatives on the 17th of March, 1890, nearly a year ago. A similar bill had been reported by somebody, I believe, the Senator from Delaware [Mr. GRAY], before this bill came over from the House of Representatives.

Mr. WOLCOTT. I should like to ask to whom the Senator is referring when he says "by somebody." Of course it was reported by somebody, and some bill was preferred before some other bill. Does the Senator desire to express his contempt for the Committee on Appropriations or any other committee? If so, I hope he will express it openly and above board, and not leave the whole Senate under the stigma of his opposition. I hope the Senator will state definitely.

Mr. CHANDLER. I will state to the Senator from Colorado that when I said "somebody" I did not mean "nobody." This bill was reported by the Senator from Delaware on the 2d day of April, nearly a year ago. It was discussed last summer. I was not able to be present in the Senate when it was discussed, but it was discussed at length by the Senator from Ohio [Mr. SHERMAN]. I had the pleasure of hearing him on one occasion, but I did not hear him on a recent occasion. I learned from the CONGRESSIONAL RECORD that the Senator from Missouri [Mr. COCKRELL] discussed the bill at great length, and I read what he said on the subject, although I did not have the pleasure of hearing him and seeing him when he made his forcible address.

After a long discussion the bill in some way was superseded by some other business, and it came over until the first Monday of December last. Since that time the order of business of which we have heard so much has been made up, and by some process, through some system of reasoning which I can not comprehend, this bill, which should have been the foremost bill of all, which was the earliest bill from the House of Representatives, which was the earliest bill discussed in the Senate, and which had been discussed out, and by every rule of fairness and decency ought to have been placed first upon the order of business and voted upon first, was found at the foot of the roll; and there it has stood from that time to this, until substantially all the bills on that order of business have been taken up and disposed of.

Now, when we reach this bill, when the Senator from Ohio knows that there is probably a majority of two to one in the Senate in favor of the bill, and that it ought to pass and be engrossed and go to the President and be signed, the Senator from Ohio says it is really unbecoming that we should go on and consider this bill in these closing hours of the session, when we ought to give more time to its consideration.

Mr. President, the motives of the Senator from Ohio are undoubtedly good and lawful. He is a statesman whom we all respect and revere, and by no possibility could he intend to do any injustice to this bill, but nevertheless the fact remains that the bill by somebody has been treated with the grossest injustice, and has been put upon the order of business under circumstances which were thought to insure the result that has happened, and that is that the session would expire without an opportunity to consider it.

Mr. President, if this is fair play for a great public bill of this nature, then I do not know what fair play is. If this is majority rule, then I do not know what majority rule is.

The Senator from Delaware has no personal interest in this measure that I am aware of. I have certainly no personal interest in the bill. I have studied and considered this subject since the year 1882. I believe that this bill is one of the best administrative reforms that we can now introduce into the administration of the Government. I do not say that it is any more important than that we should adopt upon the motion of the Senator from Missouri some different method of passing vouchers through the Treasury Department, which I understand he has treated in some two or three large volumes.

I do not say that it is any more important, but it is one of the most important administrative reforms that have been presented to Congress. It has been considered by several Secretaries of the Navy. It has been recommended by several Secretaries of the Navy, and at last we found a Secretary of the Treasury who had the good judgment and keen perception and high wisdom to also recommend that this transfer be made.

When at last we are all ready to vote upon it, the honorable Senator from Ohio, out of the stores of his own wisdom, discovers that it is a bill that a majority of the Senate ought not to be allowed to pass.

I repeat, this bill has not had fair play. It has not had the chance which a bill of this kind ought to have had; and I say it is not fair treatment of a great public measure of this kind, when it has been fully discussed and a majority of the Senate are ready to pass it, to first put it on an order of business which smothered it for six weeks and makes it impossible to dispose of it, and then when we take it up say the bill must be postponed because there is not time to discuss it.

PUBLIC TIMBER LANDS.

Mr. GRAY. Mr. President—

Mr. PLUMB. I ask the Senator from Delaware to yield to me.

Mr. GRAY. For what purpose?

Mr. PLUMB. In order to take up and pass a bill.

Mr. GRAY. Will it take any time?

Mr. PLUMB. I wish to make a statement, and I am done.

The Senate has passed at this session one of the most useful and at the same time one of the most comprehensive land bills which ever passed this body. It has come to the knowledge of the members of the Committee on Public Lands that the President of the United States is unwilling to approve the bill because of one feature of one section, not enough, in my judgment, to warrant the withholding of his approval from it; but of course I am not the President of the United States, and therefore do not put my responsibility in place of his. The measure is of great consequence to the whole public-land system of the United States and its administration, and probably to-day in a more sensible way than ever before.

It has been suggested that the section to which objection is taken might be amended in such a way as to preserve its essential features, and two members of this body have drawn a bill, which I hold in my hand, and which I shall be glad to have the Senate consider and pass. Of course, if it occasions any debate or rouses any inquiries, that is the end of it. It comes at a very unfortunate time, as everyone can see, but the emergency is very considerable, and, as I think, warrants the effort at least to adjust this matter to the views of the President.

I ask leave to introduce the bill, and ask that it may be read at length.

The bill (S. 5129) to amend section 8 of an act approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes," was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That section 8 of an act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, be, and the same is hereby, amended so as to read as follows:

"Sec. 8. That suits by the United States to vacate and annul any patent heretofore issued shall only be brought within five years from the passage of this act, and suits to vacate and annul patents hereafter issued shall only be brought within six years after the date of the issuance of such patents. And in the States of Colorado, Montana, Idaho, North Dakota and South Dakota, Wyoming and the district of Alaska, and the gold and silver regions of Nevada, and the Territory of Utah in any criminal prosecution or civil action by the United States for a trespass on such public timber lands or to recover timber or lumber cut thereon, it shall be a defense if the defendant shall show that the said timber was so cut or removed from the timber lands for use in such State or Territory by a resident thereof for agriculture, mining, manufacturing, or domestic purposes under rules and regulations made and prescribed by the Secretary of the Interior and has not been transported out of the same, but nothing herein contained shall operate to enlarge the rights of any railroad company to cut timber on the public domain: *Provided*, That the Secretary of the Interior may make suitable rules and regulations to carry out the provisions of this act; and he may designate the sections or tracts of land where timber may be cut, and it shall not be lawful to cut or remove any timber except as may be prescribed by such rules and regulations; but this act shall not operate to repeal the act of June 3, 1878, providing for the cutting of timber on mineral lands.

The PRESIDING OFFICER (Mr. DOLPH in the chair). 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.

Mr. CHANDLER. Do I understand the Senator from Kansas to say that this bill is exactly the same except one section dropped out, or one part of one section, as the bill on the same subject heretofore passed?

Mr. PLUMB. This simply amends one section of that bill.

Mr. EDMUNDS. What is the difference?

Mr. PLUMB. The difference is that this gives to the Secretary of the Interior the power to make rules and regulations in regard to the cutting of the timber on the public domain in a more effective way than is contained in the original section.

Mr. MITCHELL. The bill which this bill proposes to amend repeals the timber-culture act, as I understand.

Mr. PLUMB. It does.

Mr. CAREY. I will give the exact words which are inserted in this bill that were not in the one already passed. First, the bill heretofore passed provides that—

In any criminal prosecution or civil action by the United States for a trespass on such public timber lands, or to recover timber or lumber cut thereon, it shall be a defense if the defendant shall show that the said timber was so cut or removed from the timber lands for use in such State or Territory by a resident thereof for agricultural, mining, manufacturing, or domestic purposes.

The words I have read are in the bill as it passed. These are the words that are added at this point:

Under rules and regulations made and prescribed by the Secretary of the Interior.

This is an addition. The proviso to the section as it passed reads as follows:

Provided, That the Secretary of the Interior may make suitable rules and regulations to carry out the provisions of this act.

That proviso we passed. Then these words are added:

And he may designate the sections or tracts of land where timber may be cut, and it shall not be lawful to cut or remove any timber except as may be prescribed by such rules and regulations.

It does not materially change the proposed law. The words I have read are the only words that are added to the bill as it passed at this session.

Mr. EDMUNDS. The substance of this section I remember in the

former bill which this bill refers to as an act. I suppose it is not an act until the President signs it, and if he does it will be one. I was opposed to that bill on the ground that I believe it is destructive to the mountain timber of the United States to give everybody in any State or Territory where it is the right to cut it at will for every purpose that it can be used for in that Territory or State, if he does not carry it away for manufacturing and every other purpose, except possibly a railroad purpose, as wood for locomotives.

I believe it to be injurious to every country below where woods are, because where streams come from the fountains in the woods and flow down into the plains they would be dried up and gone, as human experience in Europe and other countries has shown is the result of denuding the mountains of timber. I said that before, and only repeat it now for the purpose of restating my opposition to the measure.

I am not going to object to its being considered, but only to state that I do not think it right. This regulation business does not appear to me as a matter of law to prevent the citizen from taking timber and having a good defense in the allocation, as it might be called, of the words; and when you get into court where a man is to be punished for doing this thing or sued for it, as it reads, the fact that the Secretary of the Interior has not authorized it by regulations will not allow a man to be convicted. I dare say that was not intended, but I am very much afraid that would be the technical effect.

Having said that, as not being in favor of this proposition, I nevertheless do not object to the bill.

Mr. PLUMB. I want to say one word. In the first place, I will ask the Senator to bear in mind that the bill which is now before the President authorizes the President to set apart forest reservations, and thereby gives him a control which he has not now over the forests of the United States. The President therefore will have the control over the forests for the very purpose which the Senator from Vermont has in view, a very useful one; that is to say, protecting the streams below mountains.

In the next place, everybody in that country uses timber now. Every bit of timber that is necessary out there is used. Whether with or without the law it is still used, and what happens is this: That the inspectors of the Department, detectives, United States marshals and United States attorneys, blackmailers, and informers profit by it; and yet the cutting of the timber goes on.

It does not answer any public purpose to say that this shall not be done, because it is done. This measure puts it under regulations of the Government, not making it any more certain that timber will not be used, because it must be used there just as the air is used, but merely under such regulations as may be framed to give to the Department of the Interior the opportunity to protect to some extent the timber and make that lawful which now, while unlawful, is still universally carried on.

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

INTERNATIONAL COPYRIGHT.

Mr. EDMUNDS. Regular order.

Mr. GRAY. I have the floor. I yielded to the Senator from Kansas [Mr. PLUMB].

Mr. MCPHERSON. Will the Senator yield to me to call up a bill?

Mr. GRAY. If it leads to no debate.

Mr. EDMUNDS. We can not pass any more bills.

Mr. MCPHERSON. There will be no discussion on it.

Mr. EDMUNDS. I insist on the regular order.

Mr. PASCO. I wish to make a privileged motion.

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Florida?

Mr. PASCO. I wish to make a privileged motion.

Mr. GRAY. I yielded to the Senator from New Jersey [Mr. MCPHERSON].

Mr. MCPHERSON. I desire to call up for consideration Order of Business 2744.

Mr. EDMUNDS. I insist on the regular order, Mr. President.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Jersey?

Mr. EDMUNDS. I insist on the regular order.

The PRESIDING OFFICER. The Chair understands the Senator from Vermont to object.

Mr. SPOONER. What is the regular order?

Mr. EDMUNDS. The revenue-marine bill.

Mr. PASCO. I rise to a privileged motion.

Mr. GRAY. I yield to the Senator from Florida for the purpose of making a privileged motion, as he asserts.

Mr. PASCO. I move to reconsider the vote by which the Senate concurred in the conference report on the bill (H. R. 10881) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights.

Mr. HISCOCK. I believe that motion is not debatable, and I believe further that, the House of Representatives having already acted upon the conference report and having adopted it, it is too late to make the motion.

The PRESIDING OFFICER. The Senator from Florida has the right to enter the motion to reconsider. The Chair is not certain about his right to have it disposed of.

Mr. EDMUNDS. He has the right to make it as a privileged motion, and the rule provides that it shall be accompanied (as I suppose, of course, the papers have gone to the other House) with the motion to ask the House to return the bill; which last motion is to be put forthwith and decided without debate, the rule says, as I remember it.

The PRESIDING OFFICER. The first question is on the request of the House of Representatives to return the bill (H. R. 10881) to amend Title LX, chapter 3, of the Revised Statutes of the United States relating to copyrights. Is the Senate ready for the question?

Mr. PASCO. On that I ask 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 have a general pair with the Senator from South Carolina [Mr. HAMPTON], and in his absence I withhold my vote.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. GRAY (when his name was called). I am paired with the Senator from Illinois [Mr. CULLOM].

Mr. ALLISON (when Mr. HIGGINS's name was called). I voted a moment ago, forgetting my pair with the Senator from Delaware [Mr. HIGGINS]. I therefore wish to withdraw my vote. If he were present, he would vote against this motion.

Mr. HISCOCK (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES], with the right to vote to make a quorum.

Mr. McMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE], but I am permitted to vote on this question. I vote "nay."

Mr. McPHERSON (when his name was called). I am paired generally with the Senator from Delaware [Mr. HIGGINS].

The PRESIDING OFFICER. The Presiding Officer calls the attention of the Senator from New Jersey to the fact that the Senator from Iowa [Mr. ALLISON], a moment ago announced that he is paired with the Senator from Delaware [Mr. HIGGINS].

Mr. McPHERSON. Then I vote "yea."

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN], and the Senator from West Virginia [Mr. FAULKNER] is paired with the Senator from Pennsylvania [Mr. QUAY]. I suggest to the Senator from West Virginia that we exchange our pairs, so that we may both vote. I vote "nay."

Mr. MITCHELL (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER], but I will transfer the pair, with the consent of all parties, to the Senator from California [Mr. STANFORD], and I will vote "yea."

Mr. PLATT. The Senator from California [Mr. STANFORD] would vote on this question the same as the Senator from South Carolina [Mr. BUTLER].

Mr. MITCHELL. Then the transfer can not be made and my pair with the Senator from South Carolina [Mr. BUTLER] will stand. I withdraw my vote.

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. EVARTS].

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

Mr. STOCKBRIDGE (when his name was called). I am paired with the Senator from Ohio [Mr. PAYNE].

The roll call was concluded.

Mr. BATE. My colleague [Mr. HARRIS] is paired with the Senator from Vermont [Mr. MORRILL].

Mr. DAVIS. I desire to state that I am paired with the Senator from Indiana [Mr. TURPIE], but I have the right to vote to make a quorum. I vote "yea."

Mr. FAULKNER. Under the arrangement for the transfer of pairs, as suggested by the Senator from Nebraska [Mr. MANDERSON] I transfer my pair with the Senator from Pennsylvania [Mr. QUAY] to the Senator from Kentucky [Mr. BLACKBURN], and I vote "yea."

Mr. BLAIR. On this question I am paired with the senior Senator from Mississippi [Mr. GEORGE].

Mr. SQUIRE. I inquire if the Senator from Virginia [Mr. DANIEL] has voted.

The PRESIDING OFFICER. He has not.

Mr. SQUIRE. I am paired with that Senator, but I am at liberty to vote to make a quorum. I vote "nay."

Mr. PLATT. The Senator from Rhode Island [Mr. DIXON] announced a pair with the Senator from South Carolina [Mr. HAMPTON]. I have a letter before me from the Senator from Georgia [Mr. BROWN] which authorizes me to pair him with some one opposed to the bill; and I suggest that a transfer of the pairs be made so that the Senator from South Carolina [Mr. HAMPTON] and the Senator from Georgia [Mr. BROWN] will stand paired, and the Senator from Rhode Island [Mr. DIXON] will be at liberty to vote.

Mr. PASCO. I will state that the Senator from South Carolina this morning voted for the amendment of the Senator from Ohio [Mr. SHERMAN].

Mr. PLATT. Exactly; and therefore he is paired with the Senator from Georgia [Mr. BROWN], who would vote against it.

Mr. DIXON. Under the arrangement suggested I transfer the pair I have with the Senator from South Carolina [Mr. HAMPTON] to the Senator from Georgia [Mr. BROWN], and I vote "nay."

Mr. McPHERSON. I call the attention of the Senator from West Virginia [Mr. FAULKNER] to the fact that the Senator from Kentucky [Mr. BLACKBURN] has voted.

Mr. FAULKNER (after having voted in the affirmative). I was not aware of that. I withdraw my vote and stand paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. STOCKBRIDGE. I inquire if a quorum has voted.

The PRESIDING OFFICER. A quorum has not yet voted.

Mr. STOCKBRIDGE. I am at liberty to vote to make a quorum, and I vote "nay."

The result was announced—yeas 13, nays 22; as follows:

YEAS—13.			
Bate,	Davis,	McPherson,	Ransom.
Casey,	Hale,	Pasco,	
Cockrell,	Ingalls,	Pettigrew,	
Coke,	Kenna,	Plumb,	
NAYS—22.			
Allen,	Farwell,	Platt,	Stockbridge,
Blackburn,	Frye,	Sawyer,	Warren,
Chandler,	Hawley,	Shoup,	Washburn,
Dixon,	Jones of Nevada,	Spooner,	Wolcott.
Dolph,	McMillan,	Squire,	
Edmunds,	Manderson,	Stewart,	
ABSENT—51.			
Aldrich,	Cullom,	Hiscock,	Quay,
Allison,	Daniel,	Hoar,	Reagan,
Barbour,	Dawes,	Jones of Arkansas,	Sanders,
Berry,	Eustis,	McConnell,	Sherman,
Blair,	Evarts,	Mitchell,	Stanford,
Blodgett,	Faulkner,	Moody,	Teller,
Brown,	George,	Morgan,	Turpie,
Butler,	Gibson,	Morrill,	Vance,
Call,	Gorman,	Paddock,	Vest,
Cameron,	Gray,	Payne,	Voorhees,
Carey,	Hampton,	Pierce,	Walthall,
Carlisle,	Harris,	Power,	Wilson.
Colquitt,	Higgins,	Pugh,	

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll.

Mr. MORGAN. I move that the Senate adjourn until 9.30 a. m. tomorrow. ["No!" "No!"]

Mr. EDMUNDS. That will not do, because appropriation bills are still hanging.

Mr. MORGAN. There is no quorum present.

Mr. EDMUNDS. I know; but there is a quorum within reach immediately.

Mr. MORGAN. I withdraw the motion.

The PRESIDING OFFICER. The Senator from Alabama withdraws the motion. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Allen,	Coke,	Ingalls,	Ransom,
Allison,	Davis,	Jones of Nevada,	Sawyer,
Bate,	Dixon,	Kenna,	Shoup,
Berry,	Dolph,	McConnell,	Spooner,
Blackburn,	Edmunds,	McMillan,	Squire,
Blair,	Farwell,	McPherson,	Stewart,
Butler,	Faulkner,	Manderson,	Stockbridge,
Call,	Frye,	Mitchell,	Walthall,
Carey,	Gorman,	Morgan,	Warren,
Carlisle,	Gray,	Pasco,	Washburn,
Casey,	Hale,	Pettigrew,	Wolcott.
Chandler,	Hawley,	Platt,	
Cockrell,	Hiscock,	Plumb,	

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present.

Mr. ALLISON. I ask unanimous consent that the yeas and nays may be considered withdrawn upon the pending motion and that no further business may be done at this time except action on appropriation bills.

Mr. PLATT. How does that leave the motion?

Mr. MANDERSON. I hope the Senator will not insist upon the latter part of his request.

Mr. FRYE. If there is a quorum here I want to pass one little bill.

The PRESIDING OFFICER. The Chair will ask the Senator from Iowa to state his request for unanimous consent.

Mr. BLAIR. Mr. President—

Mr. ALLISON. I withdraw the request.

Mr. BLAIR. I do not wish to ask for the transaction of any business, but I should like to make a request that will not occupy more than a minute, if there be no objection. The bill (S. 602) to organize bureaus of information relating to employment, occupations, wants, means of livelihood, and homes is one to which I have given a good

deal of thought, and I had hoped to see it at some time reach the stage of discussion in the Senate.

Mr. WOLCOTT. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Hampshire yield?

Mr. BLAIR. I prefer not to be interrupted for just a moment.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. BLAIR. It is a bill which I deem more important than any other that has been considered—

Mr. WOLCOTT. Mr. President, I rise to a parliamentary inquiry. Mr. BLAIR. Save only the educational bill. I beg the Senator not to interrupt me.

Mr. WOLCOTT. I ask what is the regular order.

Mr. BLAIR. I was making a request which I desire to make.

The PRESIDING OFFICER. The pending question is the motion to recall the copyright bill from the other House. Pending that the Senator from New Hampshire was making a request to the Senate. Does the Senator from Colorado object to it?

Mr. WOLCOTT. He does.

Mr. FAULKNER. I suggest that the regular order would be the calling of the roll on the motion of the Senator from Florida [Mr. PASCO], but I would suggest further that the request of the Senator from Iowa in the interest of the public business and the appropriation bills should be granted unanimously, and business suspended until that matter can be brought before the Senate. It will be done in a few minutes, I understand.

Mr. EDMUNDS. That is the right thing to do.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had returned the resolution of the Senate concurring in the amendment of the House to the bill (S. 1453) to provide for the purchase of a site and the erection of a public building thereon at Saginaw, in the State of Michigan.

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:

Joint resolution (S. R. 169) to provide for the organization of the circuit courts of appeals;

A bill (S. 3431) granting a pension to Martha N. Hudson;

A bill (H. R. 1186) granting a pension to John O. Mathis;

A bill (H. R. 1864) to place the name of Robert C. Kerr on the pension roll;

A bill (H. R. 2518) granting a pension to Ozro Harrington;

A bill (H. R. 3376) granting a pension to Catherine McManus;

A bill (H. R. 3520) granting a pension to D. G. Scooten;

A bill (H. R. 9564) for the relief of Ellen J. Wharton;

A bill (H. R. 9827) granting a pension to John M. Wiggins;

A bill (H. R. 10488) for the relief of Cynthia H. Quackenbush;

A bill (H. R. 10491) granting a pension to Halem L. Cook, of Franklin, Ky.;

A bill (H. R. 10771) granting a pension to Robert A. Ware;

A bill (H. R. 10953) granting a pension to Lettie E. Covell-Buckley, late a nurse in the war of the rebellion;

A bill (H. R. 11064) granting a pension to Amanda E. Parkis;

A bill (H. R. 11097) granting a pension to William Hale;

A bill (H. R. 11575) granting a pension to Sylvanus B. Dorsett;

A bill (H. R. 11857) granting a pension to Collin McClelland;

A bill (H. R. 12051) for the relief of Margaret Hitt, of Lincoln County, Missouri;

A bill (H. R. 12100) granting a pension to Samuel T. Caston;

A bill (H. R. 12679) to increase the pension of Francis A. Gaskill, Company K, Sixth New Jersey Volunteer Infantry;

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. 13042) granting a pension to Manuel Tibbs;

A bill (H. R. 13108) granting a pension to Carrie F. Ogden and Susan Ogden;

A bill (H. R. 13204) providing for the pensioning of John Brownlee, a soldier in the Indian war of 1855 and 1856;

A bill (H. R. 13214) for the relief of Harvey E. Maccown;

A bill (H. R. 13224) granting a pension to Emily M. Tyler;

A bill (H. R. 13270) granting a pension to Peter William Frederick;

A bill (H. R. 13332) granting a pension to Anna A. 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. 13344) to increase the pension of William D. Peck;

A bill (H. R. 13381) granting a pension to Sarah R. Kimball, an army nurse;

A bill (H. R. 13394) granting an increase of pension to Nancy O'Neal;

A bill (H. R. 13443) to pension Nathaniel Moon;

A bill (H. R. 13450) granting a pension to Catherine Cook;

A bill (H. R. 13460) for the relief of George Harlan;

A bill (H. R. 13473) to restore to the pension roll the name of Eliza M. Keith (formerly Eliza Ash);

A bill (H. R. 13526) to increase the pension of Leah Allen;

A bill (H. R. 13545) for the relief of Thomas E. Breckenridge, late Company A, California Battalion, Mexican war;

A bill (H. R. 13577) granting a pension to Kate and Ethel B. Cook;

A bill (H. R. 13587) granting increase of pension to Ellis P. Phipps;

A bill (H. R. 13589) granting a pension to Lydia B. Gray;

A bill (H. R. 13592) to pension John Wagon;

A bill (H. R. 13596) for the relief of Jacob F. Taylor, late Company B, Powell's battalion, war with Mexico;

A bill (H. R. 13643) granting a pension to George W. Gray;

A bill (H. R. 13652) granting a pension to Johanna Carroll; and

A bill (H. R. 13688) to pension John B. Angell, father of James C. Angell, alias John McShier, late of Company G, Fifth Pennsylvania Cavalry;

PUBLIC BUILDING AT SAGINAW, MICH.

Mr. SPOONER. The Senate passed a resolution this evening requesting the President to return to the Senate the bill for the erection of a public building at Saginaw, Mich., in which the Senator from Michigan [Mr. McMILLAN] is much interested as a Senator. That bill has been returned. The House has returned to the Senate the message which announced the concurrence of the Senate in the House amendments. I desire to ask unanimous consent that the vote by which the Senate concurred in the amendments of the House to the bill may be reconsidered.

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

Mr. EDMUNDS. I should like to have an explanation, because I think it my duty to insist on the regular order unless some mistake or accident has happened in some way.

Mr. SPOONER. I want to move to concur in the House amendments reducing the appropriation from \$250,000 to \$200,000. That is all there is of it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin? The Chair hears none.

Mr. EDMUNDS. Subject to a call for the regular order.

The PRESIDING OFFICER. The Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 1453) to provide for the purchase of a site and the erection of a public building thereon at Saginaw, in the State of Michigan. The amendments will be read.

The CHIEF CLERK. On page 1, line 20, strike out "\$250,000" and insert "\$200,000."

On page 1, line 21, strike out "\$250,000," and insert "\$200,000."

Mr. SPOONER. I move that the Senate disagree to the amendments of the House of Representatives.

The PRESIDING OFFICER. Does the Senator from Vermont object to the consideration of this matter?

Mr. EDMUNDS. No, sir, I do not. I said subject only to a call for the regular order. Under the circumstances, I do not object to this particular proceeding.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wisconsin that the Senate disagree to the amendments of the House of Representatives.

The motion was agreed to.

Mr. SPOONER. I move that the Senate insist upon its disagreement and ask for the appointment of a committee of conference.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. SPOONER, Mr. PASCO, and Mr. DANIEL were appointed.

ARTIFICIAL LIMBS FOR EX-SOLDIERS.

Mr. EDMUNDS. Now I call for the regular order.

The PRESIDING OFFICER. The Secretary will call the roll upon the motion made by the Senator from Florida.

Mr. EDMUNDS. Pending that, Mr. President, I ask unanimous consent that business may be suspended until a conference report comes in.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Vermont?

Mr. MANDERSON. I simply want to ask a departure from that for one purpose, and that is to pass a bill upon the Calendar that is of this nature: It is to give to those who have lost arms or legs in the service an artificial limb every three years instead of every five years. It is a House bill, and it will only take a moment to pass it. I should like to call that bill up by unanimous consent and pass it. It is in the nature of a pension bill.

Mr. EDMUNDS. I shall not object, Mr. President. I can not stand up against a request of that kind.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 949) to amend section 4787 of the

Revised Statutes of the United States. It proposes to amend section 4787 of the Revised Statutes of the United States by striking out the word "five" where it occurs therein and inserting in lieu thereof the word "three;" so that when amended the section will read:

Every officer, soldier, seaman, and marine who was disabled during the war for the suppression of the rebellion, in the military or naval service, and in the line of duty, or in consequence of wounds received or disease contracted therein, and who was furnished by the War Department since the 17th day of June, 1870, with an artificial limb or apparatus for resection, who was entitled to receive such limb or apparatus since said date, shall be entitled to receive a new limb or apparatus at the expiration of every three years thereafter, under such regulations as have been or may be prescribed by the Surgeon General of the Army.

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

Mr. COCKRELL. Let the bill be read in full, so that we may understand what it is.

Mr. MANDERSON. The only change is striking out "five years" and inserting "three years." It is the artificial-limb bill.

Mr. COCKRELL. Oh, all right.

The bill was passed.

LEASE OF PREMISES FOR SENATE COMMITTEES.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Sergeant-at-Arms of the Senate is hereby authorized to lease, until the Maltby House is ready for occupancy, the house No. 33 B street, northeast, for the use of the committees of the Senate: *Provided*, That the rent paid for the use of said house shall not exceed \$163 per month, the expenses of such leasing to be paid from the contingent fund of the Senate.

SENATE COMMITTEE ON IMMIGRATION.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. CHANDLER March 2, 1890, reported favorably thereon; and the resolution was considered by unanimous consent, and agreed to:

Resolved, That the Senate Committee on Immigration be, and hereby is, authorized to continue during the recess of Congress the investigation concerning the workings of the immigration laws, and the effect on immigration, and incidentally on American workmen, likely to follow the purchase of American industries by foreign capital, as directed by the concurrent resolution of March 12, 1890, with all the powers conferred by said resolution.

FALLS CHURCH AND POTOMAC RAILWAY.

Mr. DANIEL. I ask the Senate to take up and pass Senate bill 5061.

Mr. HALE. I should be glad to get up an appropriation bill, and I have been trying to get the floor, but I give up.

Mr. DANIEL. I ask the Senate to pass a bill to allow the Falls Church and Potomac Railway Company to construct a railroad across the Government lands at Arlington.

The PRESIDING OFFICER. The Senator from Virginia asks unanimous consent for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (S. 5061) to allow the Falls Church and Potomac Railway Company to construct and operate a railroad across the Government lands at Arlington, in the country of Alexandria, Virginia.

The PRESIDING OFFICER. The Chair will state to the Senator from Maine that pending a motion upon which there has been a roll call some business was received by unanimous consent. The Chair was not aware of the nature of the business of the Senator from Maine. Of course nothing can be considered except by unanimous consent.

Mr. DANIEL. I do not wish to delay appropriation bills. I will let this bill lie over until the Senator gets through.

The PRESIDING OFFICER. The bill called up by the Senator from Virginia will be read.

The Chief Clerk read the bill.

Mr. HALE. The Senator from Vermont [Mr. EDMUNDS], who is not present, desired to be here when this measure should be considered. Mr. EDMUNDS entered the Chamber.

Mr. HALE. I call the attention of the Senator from Vermont to the fact that the Arlington Railroad bill, which the Senator himself has examined and in some degree looked after, is now before the Senate.

Mr. SPOONER. I do not understand that this is the bill to which the Senator from Vermont objected.

Mr. HAWLEY. This is what you may call a horse railroad, providing for electric or cable movement. It runs through the reservation, of course outside of the cemetery entirely, and is to be absolutely in all respects under the control at any moment of the Secretary of War. It would be a very great convenience for the people who can go to Arlington then by street railroad, practically. There will be a little break in Georgetown, but crossing the bridge they can take this road and go within 150 or 200 yards of the gate of the cemetery and go on to Falls Church.

Mr. EDMUNDS. Where does it start? In Washington?

Mr. HAWLEY. At the other end of the free bridge.

Mr. EDMUNDS. I do not think this is any time of night, in the present wearied condition of the Senate and of everybody to consider

the propriety of building a railroad anywhere, for any purpose, and therefore I object.

Mr. HAWLEY. Will the Senator allow me to make a statement? This will be a great public convenience, beyond any doubt. The road has been carefully laid out. I have a map of it, and so far as it has gone it is approved by the Secretary of War. There is no danger of any injury to Government property, and it would be a very great convenience to the public.

Mr. HALE. How much does it interfere with the road which is used by the people of every sort or kind in driving to Arlington? The people who are desirous of enjoying the surroundings of Washington have had their comfort and pleasure very seriously curtailed by a road that was smuggled through here, nobody knowing anything about it, which utterly destroyed one of the best driveways, one of the best walks, and one of the best roads that lead out of the city.

Anybody who has desired to drive out into the country over the road north of Georgetown within the last two years, which is a thoroughfare for everybody, not simply for pleasure, but for every kind of people, has found that the road is absolutely destroyed so far as safety goes. This line that was smuggled through has put its tracks on the road, and it is not safe for anybody either to drive or walk upon that road, and one of the ways which lend attractiveness to Washington and make it a desirable place for people to live in has been practically closed up.

Now, another place that it is the habit of people to frequent is the cemetery at Arlington and the old Lee mansion. It is a resort for hundreds of thousands of people, not the people who go in their carriages, but people who take the herds and the stage lines and the other humbler means of transportation; the people who come from all the States of the Union make that a constant pilgrimage. I should be glad to know whether a part of this scheme is to destroy that means of getting to this much-frequented spot, because nothing is safe from the incursion of these railway companies. There is no roadway that is sacred. The theory that they all go on is that the public ways are mainly ways for their benefit, and they seek in one way and another, through the charters that they get passed here by constant importunity, to get the control and occupation of these ways. I do not suppose that there is any class of legislation that is so clamorous as the legislation in favor of these companies.

Mr. HAWLEY. Will the Senator yield to me one moment?

Mr. HALE. Not just yet. No matter what the pressure of business, no matter how important great public measures are that are before the Senate, any hour of the day somebody gets up with a railroad bill and clamors for its reception, supplicates for it to be considered and passed; and the frequent way is to take the time when the Senate is thin and when any Senator who is opposed to the aggressions and incursions of these roads is away. It is an organized business to smuggle these schemes through, to get these bills through.

Mr. HAWLEY. The Senator from Maine should measure his language.

Mr. HALE. I am curtailing my thought, Mr. President, and speaking in a very subdued and moderate manner compared with the way I feel about these things, because I am aware that I am addressing Senators and that I am to a certain degree responsible for what I say. Therefore I am measuring my language and am containing myself, and not giving utterance to the feeling of indignation that I have at the way in which these railroad companies have lobbied and importuned and supplicated their measures through the Senate and through both branches of Congress for the last few years. Some of us have become almost discouraged in our attempt to stop any of these matters.

We are told, as I remember we were one day when opposition was made to one of these bills, that these roads were the chariots of the poor—the old story that has been told in New York and everywhere else where these schemes have been organized and have dominated Legislatures and all kinds of legislative and municipal bodies. That is the pretext on which the whole thing is done.

Mr. President, it is not in the interest of the poor, it is not in the interest of the everyday man, woman, and child that these pleasant driveways and walks out of this city should be given over to street-railroad corporations. These corporations, every one of them, have valuable stock, for which they have never paid anything commensurate with its value to them. We have given them immense privileges, and there is not one of them that does not need to be watched.

I do not know whether the Senator from Connecticut, who is as straightforward and honest and earnest a man in legislation as any man here, has examined this measure in order to see that there is not something covert in it, so that when we come back here in December we shall find that something or other has been done here that nobody apprehended beforehand. I hope he has examined it. I have not. I have not had the opportunity.

Mr. HAWLEY. I sympathize with what the Senator from Maine has said concerning those roads that trespass upon the best driveways. I know there is one going up towards Tennallytown that is an aggravation to every man who goes over it. This map shows that, leaving the Chain bridge, the road leaves the highway as soon as it can; that it goes through pasture land and ravine, and does not touch any highway

so far as I know; it does not, certainly, until it gets away past the Government reservation upon the hills beyond. This is the line of it. [Indicating.] It touches no highways whatever, except to get out of them as soon as it can, into the open pasture and ravine.

Mr. CHANDLER. Does it start on the other side of the river or on this side?

Mr. HAWLEY. It starts on the other side of the river.

Mr. EDMUNDS. I call for the regular order, Mr. President, if my friend from Connecticut is through.

Mr. DANIEL. I think the Senator ought to allow me to make a few remarks.

Mr. EDMUNDS. Certainly.

The PRESIDING OFFICER. Does the Chair understand the Senator from Vermont to object to the further consideration of the bill?

Mr. EDMUNDS. No, sir. My friend from Virginia desires to make some remarks, and I withdraw my call for the moment.

Mr. DANIEL. Mr. President, the collocation of events rather than any circumstance in my history would lead one to suppose that the long diatribe the Senator from Maine has just delivered against these little railroads might be intended as criticism upon those who have asked for the consideration of this bill. It is needless for me to say (and I should feel humiliated if I stood in any presence in which I felt called upon to say) that I have never tried to smuggle anything through anywhere. I believe this to be a small, innocent little railroad. It is not yet in existence. If the Senator would spend his eloquence upon some of those corporations which have taken possession of Washington it seems to me he would have at least, I can not say a nobler mark, but one more deserving of such tremendous phrases as those he has leveled at this little railroad.

Mr. HALE. Mr. President, I have never spared these large corporations whenever I have found them making aggressions, but I have found that what seems to be a very simple and a very little road when it is considered here by the Senate is apt to turn out to be a very great public discomfort and nuisance after it is chartered. None of them are very small.

Mr. DANIEL. Now, Mr. President, I will state all I know about this matter. Two gentlemen, both of them ex-officers of the United States Army, requested me to call this bill up. They are residents of that county, living near Falls Church, and want communication with Washington. The bill was introduced by my colleague [Mr. BARBOUR], who is the particular representative of that country in that he has been its Representative in the other House and is very familiar with its affairs. The matter has been investigated by the chairman of the Committee on Military Affairs, who called my attention to this map, and it does not seem, so far as I know or understand, to interfere with any of the drives near Washington. I know nothing but this about it.

Mr. HALE. If the road has its terminus on the other side of the river, the Virginia side, in what way does it seek the intervention of Congress unless it is passing over land which has been dedicated to some specific purpose other than the passage of railroads?

Mr. DANIEL. That is all; it passes across a tract owned by the Government, the estate of Arlington, which is quite a large territory, and stretches around the Arlington Cemetery.

Mr. HALE. Then it goes through and divides the Arlington estate?

Mr. DANIEL. Yes, sir; that is it.

Mr. HAWLEY. It goes down in a ravine along a part of that region, on the south side of Fort Myer, between Fort Myer and Arlington Cemetery.

Mr. CHANDLER. Do I understand that the Secretary of War or the War Department assented to the construction of this road?

Mr. HAWLEY. Part of the work has been done. I can not speak with absolute definiteness as to how much they have to do.

Mr. DANIEL. Mr. President, I will yield my time—I only wish to say this much as a matter of personal explanation—to the chairman of the Committee on Military Affairs, who has more knowledge of this matter.

Mr. HAWLEY. The bill retains in the most absolute language possible the entire control of the War Department over every foot of it. You may order it up at any time; you may order them to remove it; you may revoke the license, and all that.

Mr. EDMUNDS. I shall be obliged to call for the regular order for a good many reasons; but before I do I want to call the attention of the Senate to the structure of this bill. It is an absolute license and authority. It is not a mere license; it is an authority, as the bill states.

Mr. HAWLEY. License or authority.

Mr. EDMUNDS. License and authority; a larger word, authority.

Mr. HAWLEY. Is it not tautological?

Mr. EDMUNDS. It is tautological in the sense that it is cumulative. It provides that "license and authority" is—

Granted to the Falls Church and Potomac Railway Company, an organization incorporated under the laws of the State of Virginia, to construct and operate, by horse, cable, compressed air, or electric power—

Overhead or underground; the bill does not say it, but it covers it all—a railroad across and over the lands belonging to the United States Government, lying and being in the county of Alexandria, in the State of Virginia, known as Arlington, following the route already located—

Of which we have no official and binding evidence—and partially graded through the ravine—

"Partially graded." I suppose there should be a comma. Probably it does not mean that any Secretary of War who now exists would allow them to come in there without authority of law. The "partially graded" must be "partially graded" outside of the property of the United States. Of course, I take it, that is it—

through the ravines south of the officers' quarters at Fort Myer.

That cuts between the military establishment at Fort Myer and the cemetery property, I think. Am I right about that?

Mr. HAWLEY. I suppose it does.

Mr. EDMUNDS. It proceeds:

And to construct a depot and such side tracks and other facilities as may be necessary for the convenient operation of its said railroad.

They build the depot on the grounds of the United States, with such sidetracks and other things as are necessary for railway establishments, on the cemetery ground.

Provided, That the route of said railroad through said Government lands and the location of the depot and the plans of the depot and the motive power to be used by said railroad on said Government lands shall be submitted to and shall be subject to the approval of the Secretary of War, who may alter, modify, and annul, in his discretion, any approval or order concerning the same.

Now, there I may say, before I go on any further, that nobody ever knew of an authority that had been given to an officer of the United States, the Secretary of War, or the Secretary of the Treasury, for a corporation to get on Government property that ever could be got to be annulled by any officer.

Mr. HAWLEY. Oh, yes.

Mr. EDMUNDS. I never have heard of such a case. There may be one.

Mr. HAWLEY. The Hygeia Hotel.

Mr. EDMUNDS. The Hygeia Hotel is right there now.

Mr. HAWLEY. But during the war, the old hotel.

Mr. EDMUNDS. Oh, during the war the exigencies of military defense there, of course, led to the destruction of that hotel in order that it should not screen the use of the guns in resisting British and other fleets that were supposed to be in sympathy with the Confederacy, as I really believe they were.

Congress by this bill is not authorized to do anything more about it at all. It is a grant of an authority the exercise of which is to be left entirely by the legislative will to an executive officer of the Government, and in that respect the grant would be just as perfect, so far as the rights of the railway are concerned, if they can deal with the Secretary of War to his satisfaction, as if it were an absolute grant to them without the control of anybody. The power of Congress over it is not reserved at all in this bill.

Then it goes on to provide that they—

Shall occupy and use said right of way, which shall not exceed 50 feet in width, and depot, subject to change or removal therefrom and the revocation of the license and authority hereby given whenever the public service, in the judgment of the Secretary of War, may require such revocation and removal, and any change or removal that may be ordered shall be at the expense of the said railroad company, and the said company shall repair, etc.

Then there is a very stringent limitation in the second section that if it is not done within two years the license shall absolutely cease and determine.

Mr. DANIEL. I will suggest to the Senator from Vermont that all his difficulties will be met by just adding what would be the law as I understand it any way, that this license be revocable or amendable by Congress at any time.

Mr. EDMUNDS. I do not think so, Mr. President. Of course that would help it a great deal; but here at the last hours of the session—

Mr. DANIEL. Will the Senator allow me to say further that I will move an amendment—

Mr. EDMUNDS. No; I am going to call for the regular order. You can not do that.

Mr. DANIEL. Will the Senator allow me to show him the report? With the permission of the Senator from Vermont I will ask leave to offer here and to have inserted in the RECORD the report of the Committee on Military Affairs, showing that this matter has been before the Quartermaster General and the Secretary of War, and that this bill was drawn in accordance with their recommendations.

Mr. EDMUNDS. I do not doubt that; but they were not very wise in their recommendations, as I think.

The PRESIDING OFFICER. There being no objection to the request of the Senator from Virginia, the report referred to by him will be printed in the RECORD as part of his remarks.

The report is as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 5061) to allow the Falls Church and Potomac Railway Company to construct and operate a railroad across the Government lands at Arlington, in the county of Alexandria, Virginia, have had the same under consideration and submit the following report:

It does not touch the part of the Government reservation dedicated to the cemetery. The road will be of great convenience to citizens of Washington who desire to visit Arlington. The subjoined report of the House on a similar bill contains the recommendation of the Secretary of War and the Quartermaster General.

[House Report No. 1256, Fifty-first Congress, first session.]

The bill proposes to give the Falls Church and Potomac Railway Company

a license to construct and operate by horse, cable, compressed air, or electric power a railroad across the Government lands in Virginia known as Arlington and Fort Myer. Such a railroad would be a convenience to those who desire to visit the national soldiers' cemetery at Arlington. The bill, with the amendments proposed, will be well guarded. Its general form and scope have been approved by the Secretary of War, as shown by the accompanying letter. The committee recommend that the bill pass, amended as noted on the bill filed with this report.

[First indorsement.]

QUARTERMASTER GENERAL'S OFFICE,
January 29, 1890.

Respectfully returned to the honorable the Secretary of War. It is recommended to have inserted after the word "erected," in line 17, the words "and the motive power to be used."

Also that the bill further provide that the Falls Church and Potomac Railway Company shall repair at their own expense and in a manner satisfactory to the Secretary of War any damage that may be done to the roads upon the Government lands at Arlington by the construction of said railroad.

S. B. HOLABIRD,
Quartermaster General United States Army.

WAR DEPARTMENT, Washington, February 1, 1890.

SIR: I return herewith your letter of 23d ultimo, transmitting a bill (H. R. 525) to allow the Falls Church and Potomac Railway Company to construct and operate a railroad across the Government lands at Arlington, in the county of Alexandria, Virginia, and invite your attention to the report of the Quartermaster General indorsed thereon, in whose recommendations I concur.

Very respectfully,

REDFIELD PROCTOR,
Secretary of War.

HON. B. M. CUTCHEON,
Chairman Committee on Military Affairs,
House of Representatives.

Mr. EDMUNDS. This is the state of the bill at the hour of nearly half past 3 o'clock on the 3d of March—I suppose it is, in point of law, on the 4th of March by the calendar—and I do not think that it is right (and I say it with great regret, for everyone knows that I should be glad to oblige everybody) to endeavor to pass these horse-railroad and cable-railroad bills with these powers, brought up for the first time in the very last hours of the session; and therefore I am compelled to call for the regular order.

Mr. HAWLEY. Will the Senator let me put the report into the RECORD before he makes his motion?

Mr. EDMUNDS. With great pleasure.

Mr. HAWLEY. I desire, before the Senator makes his fatal objection, to put the report in the RECORD. It includes the indorsement of the Quartermaster General and the favorable recommendation of the Secretary of War.

The PRESIDING OFFICER. The report was ordered inserted in the RECORD at the request of the Senator from Virginia.

Mr. EDMUNDS. Now I call for the regular order.

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

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. I ask that the action of the House of Representatives on the diplomatic and consular appropriation bill be laid before the Senate.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives insisting on its disagreement to the amendment of the Senate numbered 15 to the bill (H. R. 13069) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1892, and agreeing to a further conference on the disagreeing votes of the two Houses thereon.

Mr. HALE. There has been one conference upon this bill. It has gone back to the House and the House after discussion and upon a vote has insisted upon its disagreement to the amendment upon the bill put on in the Senate in relation to the Hawaiian cable. I am entirely satisfied that it will be useless to attempt any further conference with the House upon this subject, as the attitude of that body has been taken deliberately and represents a large majority of the body. The measure, however wise, however patriotic it may be, and however much it may have commended itself to Senators, is not essential to the operation of the bill, which is for the running expenses, the yearly expenditures of the State Department. Under the conditions, believing that all has been done that can be done and that further conference would be useless, I move that the Senate recede from its amendment.

Mr. EDMUNDS. Is that the only one left?

Mr. HALE. That is the only remaining amendment. All the other amendments have been agreed to.

The PRESIDING OFFICER. The Senator from Maine moves that the Senate recede from its amendment.

Mr. HALE. I will say that the House agreed to all the other amendments of the Senate.

Mr. EDMUNDS. I very much regret that the House of Representatives could not have seen their way clear to do in some form, large or small, but in an adequate form, this matter, which I think is of the greatest possible importance to all the people of the United States in aspects that were mentioned before. The responsibility is with them, and they have a right to say no, whatever may become of the interests of the country. I have no doubt that my friend from Maine and the other conferees have done all that they could, and therefore I shall not oppose the motion to recede. I am very sorry for it.

Mr. HALE. It is perhaps proper that I should state, owing to the suggestion of the Senator from Vermont, that the conferees on the part of the Senate offered to modify the amendment and change it from the amendment passed by the Senate, making the amount smaller and putting it in such a condition that at the end of two years the Government would have a right to purchase it or take it at its cost; but all propositions were rejected. The House had set itself resolutely and determinedly against the whole matter.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maine that the Senate recede from its amendment to the bill.

The motion was agreed to.

ARMY REORGANIZATION.

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. 3865) to provide for the reorganization of the artillery force of the Army, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

"SEC. 2. That the organization of the infantry of the Army shall be that each regiment shall consist of twelve companies, constituting three battalions of four companies each, one colonel, one lieutenant colonel, three majors, one adjutant, one quartermaster, one sergeant major, one quartermaster sergeant, one chief musician who shall be instructor of music, and two principal musicians.

"The adjutant and quartermaster shall be extra lieutenants selected from the first and second lieutenants of the regiment. Original vacancies above the grade of second lieutenant created by this section shall be filled by promotion, according to seniority, in the infantry arm of the service: *Provided*, That until otherwise authorized there shall be twelve captains, eight first lieutenants, and eight second lieutenants to each regiment of infantry: *And provided further*, That there may be enlisted two thousand Indians. And nothing herein shall be construed to increase the enlisted force of the Army beyond the limit now authorized by law."

And the House agree to the same.

Amend the title so as to read:

"An act to provide for the reorganization of the artillery and infantry forces of the Army."

And the House agree to the same.

JOS. R. HAWLEY,
CHARLES F. MANDERSON,
E. C. WALTHALL,
Managers on the part of the Senate.

B. M. CUTCHEON,
E. S. OSBORNE,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on concurring in the report.

Mr. GRAY. I should like to ask the Senator from Connecticut if this conference report includes a disagreement to the Senate bill so far as regards an increase of the Army.

Mr. HAWLEY. Yes. The opposition was such elsewhere that the proposed increase of the Army was dropped, and there is no increase of officers intended. It is substantially confined now to reorganizing the regiments in accordance with modern form into three battalions of four companies each. The only other change besides this three-form battalion is that 2,000 Indians may be enlisted instead of employing 2,500 scouts as the old law was.

Mr. GRAY. Are those 2,000 Indians in addition to the force now?

Mr. HAWLEY. Oh, no; nothing was increased.

Mr. EDMUNDS. That is expressly declared.

Mr. HAWLEY. It is expressly declared that nothing herein shall increase the total enlisted force of the Army.

Mr. GORMAN. What is the total increase over the present Army?

Mr. HAWLEY. Not a man.

Mr. CHANDLER. It is only a change of organization.

Mr. HAWLEY. It is a change of organization with the present force. It is a change, also, in this, that they may make some private soldiers of Indians instead of merely employing them as scouts.

The PRESIDING OFFICER. The question is on concurring in the report.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the bill (H. R. 10831) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relative to copyrights.

The message also announced that the House further insisted on its disagreement to the amendments of the Senate numbered 2, 17, 18, 19, and 20 to 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, asked a conference with the Senate on the disagreeing votes of the two Houses, and had appointed Mr. BUTTERWORTH, Mr. CANNON, and Mr. FORNEY managers at the conference on the part of the House.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I ask the Chair to lay before the Senate the message from the House of Representatives on the legislative, executive, and judicial appropriation bill.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives on 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.

Mr. EDMUNDS. What is the state of that bill?

Mr. ALLISON. The difference between the two Houses now relates solely to the question of annual compensation to clerks of Senators and committees. I move that the Senate still further insist upon those amendments and agree to the conference asked for by the House of Representatives. I desire to say to the Senate now that unless the conferees shall be instructed otherwise I think it may be the expectation that the Senate conferees will substantially recede from the amendment proposed in the Senate.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL were appointed.

COMMISSION OF PHILIP C. JOHNSON.

Mr. EDMUNDS. I call for the regular order.

Mr. CHANDLER. I ask unanimous consent to call up the bill (H. R. 6559) to provide for the issue of the commission of Philip C. Johnson as a rear admiral in the United States Navy.

Mr. EDMUNDS. I call for the regular order.

The PRESIDING OFFICER. The Senator from Vermont calls for the regular order.

Mr. CHANDLER. I ask the Senator from Vermont to allow me to make a statement.

Mr. EDMUNDS. Oh, yes; the Senator has a right to make a statement.

Mr. CHANDLER. I think the Senator then will withdraw his objection.

The PRESIDING OFFICER. The Senator from New Hampshire will proceed, if there is no objection.

Mr. CHANDLER. Commodore Philip C. Johnson was a faithful naval officer who became entitled on the 25th day of January, 1887, to be promoted to rear admiral. He became entitled by operation of law to be rear admiral, subject of course to the necessary physical and professional examination. He was one of the finest officers in the naval service. He was then on a sick bed and died three days after he became entitled to this promotion. He married a lady from South America and left two children. The Congress of the United States granted his wife a pension of \$50 a month, and she is now desirous of having the simple parchment commission which recites that Commodore Johnson was entitled to be a rear admiral.

A bill for this purpose, granting this simple gratification to this estimable woman, was reported from the Committee on Naval Affairs and has been upon the Senate Calendar. The same bill also passed the House of Representatives and has been upon the Calendar a long time. It is one of the very few House bills which have not been acted upon, and I really think it ought to pass and become a law, and that we should gratify this woman by giving to her for her comfort and that of her children this commission. The report contains a memorial on the subject of Commodore Johnson from the secretary of the order of the Loyal Legion of the United States, signed by Commander JOSEPH R. HAWLEY and Recorder Albert Ordway.

I think, Mr. President, that this is an exceptional case and that the Senator from Vermont might let this bill be passed although he objects to others. I certainly make an earnest appeal for this woman.

Mr. EDMUNDS. Mr. President, I shall be willing next December, if we are all alive and here, that this lady shall have her certificate and commission to date back to this very day, if that makes any difference, and to have an increased pension if it is right; but I feel bound in this stage of the business for one, treating everybody alike, to insist upon the regular order.

Mr. MORGAN. If it shall turn out to be right in next December to pass this bill it is just as right now as it will be then. There are some reasons connected with the situation of this lady and her family why I think the Senate might be very considerate of her claims, for they are real claims.

Commodore Johnson was a man whose record has not been excelled in the Navy, I think, for his services to the Government of the United States in pursuing his rightful ideas of sentiment and propriety and justice. He went to Chili and married a lady there, who is a very excellent woman. He brought her to this country, served the country faithfully, and she served him faithfully as a wife. He was taken with sickness and died after he was entitled to be promoted to the rank of rear admiral. He was a commodore in the Navy.

I do not suppose that there is a man on the list of naval officers to whom the United States really ought to feel more indebted than they would to Commodore Johnson. This lady after the death of her husband became stricken with blindness. She is almost entirely blind. She has one boy left of two very interesting sons, one of whom was lost

by drowning somewhere on the coast of Maine, and she expects after she has accumulated enough means to return to her native country. She wants to take her children back there and to inform the Chilean Government that they are the children of a rear admiral of the United States Navy.

Mr. EDMUNDS. On that statement I withdraw the objection.

Mr. MORGAN. I wish to add just one remark to what I have said, and that is that there is no pension sought, no increase of pay, or anything of that kind. I would say further that it is in pursuance of precedents, several of which can be found in the history of our Government.

Mr. MANDERSON. Let us pass it.

Mr. MORGAN. I think it is an act of simple justice.

Mr. EDMUNDS. I withdraw the objection, as I stated, on the statement of the Senator from Alabama.

Mr. MORGAN. I am very glad.

The PRESIDING OFFICER. The objection being withdrawn the bill will be read.

The Chief Clerk read the bill (H. R. 6559) to provide for the issue of the commission of Philip C. Johnson as a rear admiral in the United States Navy, and the Senate, as in Committee of the Whole, proceeded to its consideration.

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

Mr. PADDOCK. I desire to say that I have lived in the same house with this lady and her son and daughter. She has a beautiful daughter who is younger perhaps than the son. I wish to bear testimony to the very high character of the lady and the very great merit of the proposition, and to express my very great gratitude to my friend from Vermont for withdrawing his objection.

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

The bill was passed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 10881) to amend Title EX, chapter 3, of the Revised Statutes of the United States, relating to copyrights.

WARREN HALL.

Mr. EDMUNDS. I call for the regular order.

Mr. MITCHELL. Mr. President, if the Senator will allow me, I will make a brief statement. After the heart of the Senator from Vermont has melted and he very generously and very properly, I think, gave way to the passage of a bill a moment ago, I wish to appeal to him, and not to him alone, but to every member of the Senate, in behalf of a poor colored man whose name is Warren Hall. The bill for his relief has passed both Houses of Congress at different times, some two or three times, I think, through each House, but it never happened to get through both Houses at the same time, and it thus failed to become a law. It is a House bill now passed at the present session and stands on the Calendar, No. 2960. It is House bill 2888.

The purpose of the bill is to refer this case to the Court of Claims for the purpose of ascertaining whether the claim of this man is true or not. He claims that he was born a free man in Alexandria, Va., some fifty or sixty years ago, whenever the time was, and the question to be determined by the Court of Claims is whether that is true or not. If it is true then he has a claim that all agree is valid against the United States. I appeal to my friend from Vermont and to all other Senators present to permit this House bill to be now placed on its passage.

Mr. EDMUNDS. Mr. President, I have read in the reports of the Court of Claims, published at the expense of the United States, the statement of the trial of the case of Warren Hall against the United States; and the finding of facts made by the court, upon testimony that was taken upon examination and cross-examination, states that according to their finding this man was a free man, born of a free woman at Alexandria, Va.

Mr. MITCHELL. The son of an Indian woman.

Mr. EDMUNDS. The son of an Indian woman, and I believe an Indian woman is a free woman, and so I say a free woman. What the other part of his parentage was I am not so sure. It is stated in the findings of the court, so it is not necessary for them to try that over again, that he was kidnaped at Alexandria and taken to a slave mart in Washington, for it was at a time, I believe, when Alexandria belonged to the District of Columbia, and was put up at auction with other slaves, as the custom of the time then was, and sold and went South; that he was put on a plantation by his actual master, who had bought him in Mississippi, at North Bend or South Bend, or some place, it is stated in the findings of fact, and that he worked there with the other slaves on the plantation in the ordinary way that everybody does under such conditions.

When the late unpleasantness occurred, by some mischance of fortune so far as the Confederacy were concerned, the Army of the United States got into the possession of that region of country, as they did at last, after some considerable difficulty, in other parts of the country, and the officers of the United States, under the confiscation and seizure acts, as contraband of war, seized on that plantation a number of bales of cotton that had undoubtedly been raised partly by the help of this

man and by the help of all the other servants, or whatever they were called, and took it away to a steamboat landing, or wherever to be taken, into the custody of the United States, by due process of law.

This man then undertook immediately, before the cotton had departed from that region, by applying to the military officers on an affidavit swearing that he was the owner of that cotton, and that a Mr. Roach, who, I believe was his master, did not own it at all. Whether Roach was loyal or disloyal this finding of fact does not state. Nevertheless the United States kept it, returned it, reported it, and it was sold and the proceeds were turned into the Treasury.

Then Warren Hall, under the authority of law and within the time that the law authorized, put in a claim for it, and Mr. Roach intervened by interpleader or whatever, claiming that it was his, though from what became of the interpleader it would lead one to suspect that it was a friendly interpleader, for Roach's loyalty or disloyalty is not shown, and the case went off on the trial of Hall's right.

Now, I have stated it fairly, from the best of my recollection, and I have read it very recently. The finding of the court is as a fact, that they have found, as the law compels them to do, like a special verdict, that this man confessed that in swearing by his affidavit to the officer to get that cotton back on the plantation he had committed perjury; that he confessed it.

Then the question of what his race and social condition were, whether as a slave or a free man, and therefore if a free man entitled to what he had earned on that plantation, was gone into, and the court after finding these facts and stating that the evidence was enormously conflicting on large parts of the case, as to whether he had ever set up any claim to the cotton before, they find as a positive fact that he had confessed that he had committed perjury in swearing to this first affidavit, and proceed to dispose of the case on the ground that he was a slave at the time and, whatever the other questions might be, that whatever he had earned was by the laws then in force the property of his master.

Mr. MITCHELL. Will the Senator allow me?

Mr. EDMUNDS. Just excuse me a moment. On that question, which was the question of law that they decided, with these official findings of a special verdict of the fact, the case went to the Supreme Court of the United States and that judgment was affirmed.

If it is necessary, as a coincident to my gladly consenting, when the case was stated, to the issuing a commission to the widow of Admiral Johnson, that this case should go through now, and Senators think so, I do not know what I shall say.

Mr. MITCHELL. Will the Senator allow me just one word? Of course the question as to whether anybody was perjured or not was a mere incidental and outside question.

Mr. EDMUNDS. Yes, perjury is always incidental.

Mr. MITCHELL. The Senator will admit that the vital question decided, and the only question that could be decided by the court upon which the case turned, was that this man was a slave and not a free-born man.

The only purpose of this bill is to submit to the jurisdiction of the court the question as to whether the claim which he now makes is true, namely, that he was born of an Indian woman, which my friend admits. If that is true, it would make him a free-born man.

Mr. EDMUNDS. There is not any dispute about the finding of the court; but when the case went up to the Supreme Court of the United States, reported in one of the volumes of 90's—I have forgotten the number—Mr. Justice Swayne, I think it was, in delivering the opinion of the court on this mere question of law as to the status of this claimant, expressed their surprise—I am not using their language, but what it amounted to—that the Court of Claims should have gone off flying into the air on the question of the status of the claimant when they had found as a fact in the record upon all the testimony that the man had discredited himself in respect of the transaction itself, and had confessed that he had committed perjury in swearing that he owned the cotton.

Mr. MITCHELL. I will just say one word in conclusion, and that is, if the Senate think the case ought not to be passed, of course they will not pass it. If they think it should be passed, they will pass it. This case has been investigated before the committees of the two Houses of Congress at various times. There never has been an adverse report made by any committee that investigated the case. On the contrary, there have been various reports made in each House, every one of which has been favorable to this claimant. One report was made by the Senator from Massachusetts [Mr. HOAR], who is a member of the Committee on Claims. He submitted a report here a session or two ago. That report was indorsed by every member of the Committee on Claims favorably. It was passed through the Senate. It has been passed through the Senate twice. It has been passed through the House of Representatives three times, I think. It was passed through the House of Representatives on an unanimous report of the committee of that House at the present session.

Mr. EDMUNDS. That is not in order, you know, even on this last night of the session.

Mr. MITCHELL. It is here now as a House bill. Now, if on this statement a statement of my distinguished friend from Vermont the Senate think the case ought to be considered, all right; if not, I have done my duty.

Mr. EDMUNDS. May I ask my friend a question?

Mr. MITCHELL. Certainly.

Mr. EDMUNDS. I wish to ask him if he has examined the findings of the Court of Claims.

Mr. MITCHELL. I will frankly confess that I have not carefully examined this case, and I will confess another thing, so that I may be entirely frank in the matter. This case was investigated so far as the Committee on Claims of the Senate is concerned by my friend the Senator from Delaware [Mr. HIGGINS]. It received the approval of the Committee on Claims, and he was instructed, as I am advised, to submit a report to the Senate. The Senator from Delaware took sick and sent word to me to submit his report in his name, which I did, as the RECORD will show. I will frankly confess that personally I have no further knowledge of the question.

Mr. EDMUNDS. If my friend from Oregon is really in earnest about this business now, I should like to send down and get the report of the case from the Court of Claims and have it read; and then I should like to ask my friend if he would be in a hurry, as a matter of justice, to pass this bill.

There is one other consideration. There were about 75 bales of cotton, I believe.

Mr. MITCHELL. I do not know how many.

Mr. EDMUNDS. It was seized in the year 1863 under the laws of war and the statutes of the United States. I should suspect my friend from North Carolina [Mr. RANSOM] can probably remember what cotton was worth that year. I suppose those 75 bales of cotton must have been worth \$5,000 at least.

Mr. RANSOM. At least.

Mr. EDMUNDS. Now, that cotton had been raised that year; and this claimant states (I believe it is stated in the findings or in the testimony which is referred to somewhere) that he had exchanged some pigs (that he had raised on his little cabin place that I believe on the plantations the colored servants have) and things that he had raised in his garden for the 75 bales, \$5,000 worth of cotton. That is a mere incident to the affair. I do not think that we ought to pass this bill by unanimous consent to-night, and I must object to it.

Mr. MITCHELL. Now, Mr. President, one word more. I fully appreciate, of course, if the Senator from Vermont still insists, that there must be an investigation of this case in view of all that has been said. I have been requested to call up the bill by a member of the House in whom I have very great confidence and who stated to me that they had examined this bill; and on behalf of our brother Senator from Delaware, who investigated the matter and reported the bill, and was authorized to report favorably on this bill, and on the additional fact that this bill had passed both Houses two or three times heretofore, I deemed it my duty to call it up and bring it to the attention of the Senate. If my friend still insists that the bill should not pass, of course I will not press it.

Mr. EDMUNDS. I call for the regular order.

The PRESIDING OFFICER. The Senator from Vermont objects.

Mr. McPHERSON. I ask unanimous consent to call up House bill 13395, being a bill to give a register to a barge.

Mr. EDMUNDS. I call for the regular order.

The PRESIDING OFFICER. The Senator from Vermont objects.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to 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, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 18 and 20. Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$416,080;" and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "For twenty-three clerks to committees, at \$6 per day during the session, \$27,256."

And the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the matter stricken out insert the following:

"For thirty-nine clerks to Senators who are not chairmen of committees, at \$6 per day each during the session, \$49,608."

And the Senate agree to the same.

W. B. ALLISON,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.
BENJAMIN BUTTERWORTH,
J. G. CANNON,
W. H. FORNEY,
Managers on the part of the House.

Mr. EDMUNDS. I hope my friend from Iowa will explain just what the result of this conference is.

Mr. ALLISON. The result of it is that instead of annual clerks to a portion of committees and annual clerks to Senators there are session clerks for committees and session clerks to Senators.

Mr. EDMUNDS. For all committees?

Mr. ALLISON. No, sir.

Mr. SPOONER. It does not change the existing order.

Mr. EDMUNDS. It does not change the existing order of things?

Mr. ALLISON. It leaves the existing order practically.

Mr. EDMUNDS. Well, practically.

Mr. ALLISON. We have three annual clerks added. Those remain in the bill.

Mr. EDMUNDS. So the three added annual clerks stay?

Mr. ALLISON. Yes.

Mr. SPOONER. It does not interfere with the Committee on the Judiciary or the Committee on Claims or the other standing committees which have been in the habit of having annual clerks.

Mr. COCKRELL. This leaves each Senator not chairman of a committee with a session clerk just as before and makes the appropriation for it.

Mr. MITCHELL. The sum and substance then of this business is simply, as I understand it, that the committees which have had annual clerks heretofore, twenty-five in number, continue to have annual clerks at a salary of \$2,240 per annum, some of them two clerks, while fifteen committees, denominated as session committees, are deprived of annual clerks as they have been heretofore very unjustly, and are allowed session clerks as they have been heretofore at \$6 a day, and that the thirteen select committees, which have heretofore not had annual clerks, but have simply had session clerks, are accorded that small favor in the future just as in the past. So the only change made in the existing rule is to add three of the committees to the twenty-five which have heretofore had annual clerks, that is to say, the Committee on Coast Defenses, the Committee on Patents, and the Committee on Engrossed Bills; and we who happen to be chairmen of committees of the class of the seventeen are relegated to the same position that we have occupied heretofore. The Senators who are not chairmen of committees are accorded nothing, although the Senate by a most decisive vote, when this bill was under discussion, voted to give to each of such Senators an annual secretary at a salary of \$1,500 per year.

That is the situation. That is what has been done for us by the Committee on Appropriations and by the conference committee. In other words, everything has been given away to the House so far as the seventeen committees of the Senate are concerned which have heretofore had session clerks only and have not had annual clerks. Everything has been given away by the conference committees so far as the Senators are concerned who are not chairmen of committees and who have never had the benefit of a regular secretary.

Personally I feel myself like trying to defeat this bill because I think it is unjust in every sense of the term. It is invidious, it is wrong, and there is not a Senator on this floor to-night who is chairman of a committee that has been awarded or allotted an annual clerk but knows in his own soul that it is wrong and invidious and unjust. Because you have the power you have done it, because you have the power we have to submit to it; that is, if we will.

Having said that much, the Senate can do precisely as it pleases about it.

The PRESIDING OFFICER. The question is on the adoption of the report.

The report was concurred in.

NORFOLK AND WESTERN RAILROAD.

Mr. DANIEL. I ask the Senator from Vermont to allow me to call up a Senate bill which has passed the House with an amendment and lies on the table, to allow the Norfolk and Western Railroad to enter Washington.

Mr. EDMUNDS. I feel bound to insist on the regular order, for I have examined that amendment, as my friend knows. I should be glad to oblige him, but I believe, in the form in which it stands, it is very injurious to the public interests and unjust to property-owners. It is too late in the session, as I have told my friend, to put it in a condition where the matter would be proper to be considered.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE 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. 13653) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 10, 11, 12, 13, 14, 16, 17, 23, 38, 46, 48, 49, 50, 51, 52, 54, 55, 56, and 95.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 7, 8, 9, 15, 18, 19, 21, 24, 25, 26, 27, 29, 31, 32, 33, 34, 35, 36, 39, 40, 41, 42, 43, 44, 45, 47, 53, 57, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 86, 92, 93, 94, 99, and 100.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"For enlarging, improving, and completing the public building at Dallas, Tex., in addition to the sum heretofore appropriated for said building, \$150,000."

And the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum appropriated, insert "\$50,000;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"And the Washington and Georgetown Railroad Company of the District of Columbia shall pay and satisfy to the District of Columbia, within eighteen months from the approval of this act, the full amount of the judgment that was rendered against the said company by the supreme court of the District of Columbia at the suit of the said District, in cause No. 22457, at law, on the docket of said court, with the cost of said cause and interest on said amount from the date said judgment was rendered until paid, and that upon the failure of the said company so to pay said amount, costs, and interest within the time aforesaid, the charter of the said company shall become forfeit, and all its rights, privileges, and franchises as a body corporate shall cease and determine."

And the Metropolitan Railroad Company of the District of Columbia shall pay to the District of Columbia within eighteen months from the approval of this act the full amount of the judgment that was rendered against the said company by the supreme court of the District of Columbia at the suit of the said District, in cause numbered 22458, at law, on the docket of said court, with the costs of said cause and interest on said amount from the date said judgment was rendered, until paid, and that upon the failure of the said company so to pay said amount, costs, and interest within the time aforesaid, the charter of said company shall become forfeit, and all its rights, privileges, and franchises as a body corporate shall cease and determine."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$10,800;" and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum appropriated by said amendment insert "\$15,000;" and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: Add at the end of said amendment the following:

"And no part of this appropriation shall be expended except for items accruing during the fiscal year ending June 30, 1891."

To pay Ex-Senator F. A. Sawyer, under Senate resolution of February 27, 1891, \$6,543.28.

To pay Ex-Senator George E. Spencer, under Senate resolution of February 28, 1891, \$6,543.38."

And the Senate agree to the same.

Amendments numbered 87, 88, and 89: That the House recede from its disagreement to the amendments of the Senate numbered 87, 88, and 89, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employes of the Senate and House, borne on the annual and session rolls, both on the 1st day of October, 1890, and the 3d day of March, 1891, including the Capitol police and Official Reporters of the Senate and House, for extra services during the Fifty-first Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available."

To pay to the clerk of the Committee on Expenditures in the Interior Department for extra services rendered a sum equal to one month's pay, \$180."

And the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: After the matter inserted by said amendment insert the following:

To pay George W. Rac, assistant clerk to the Committee on Claims, for extra services, \$180."

And the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: After the matter inserted by said amendment insert the following:

For rent of building for use of the folding room of the House, from March 1, 1891, to January 1, 1892, \$1,250."

And the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: Strike out all after line 24 of said amendment; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In line 11 of said amendment strike out the word "first" and insert in lieu thereof the word "second;" and strike out lines 23 to 35, both inclusive, of said amendment; and the Senate agree to the same.

On amendments numbered 22, 30, 59, 60, 81, 85, 96, 98, 101, 103, and 104, the committee of conference have been unable to agree.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

J. G. CANNON,
S. R. PETERS,
W. C. P. BRECKINRIDGE,
Managers on the part of the House.

Mr. FRYE. I will ask the Senator having the conference report in charge what was the fate of the amendment relating to the rights of Mrs. Cole and her property?

Mr. HALE. That is amendment, I think, numbered 71. The House conferees receded and that is in the bill.

Mr. DANIEL. What becomes of the French spoliation claims amendment?

Mr. HALE. It is still in dispute between the two Houses.

Mr. FAULKNER. Mr. President—

Mr. HALE. Perhaps it will be better for me to make a general statement.

Mr. GORMAN. I think so.

Mr. FAULKNER. I hope the Senator will make a general statement.

Mr. HALE. The conference was continued for several hours in an endeavor to compose all the differences between the two Houses. That was found to be impossible, although nearly all of the items in dispute were finally agreed upon, the one side or the other giving way

on different items. But there are certain amendments of the Senate that it was found impossible to bring the House conferees to an agreement upon, and they are by the report, as it has been read, still held subject to further conference. Among those are the amendments 22, 96, and 98 in relation to the Pacific railroad claims. The amendments 59 and 60 are those which relate to payments to the widows of the late Chief Justice and Mr. Justice Miller. Amendments 84 and 85 relate to Senators' clerks, the same subject-matter that was discussed upon the legislative appropriation bill conference, but which upon this bill of course applies to the remnant of the year from now until July 1; and amendments 101, certain claims; 103, a long list of French spoliation claims; 30 and 104—

Mr. SPOONER. Were they agreed to?

Mr. HALE. I am now reciting those which were not agreed to. The State claims, those different amendments, it was found impossible to agree upon.

Mr. MITCHELL. Does the Senator say it is impossible as to all of them?

Mr. HALE. Yes, I have given those we could not agree upon. These items it was found impossible to come to an agreement upon. The conferees on the part of the House took ground very strongly and squarely against them all, and the Senate conferees did not feel that they should yield, and so they form a part of the report as not being agreed to, and undoubtedly there will be further conference.

What the House will do when these items are submitted to it, of course I can not say. My impression is that they will be submitted to the House and an opportunity given for that body to recede. If that is done there will be little or nothing more for the conferees to act upon, and unless that is done there will have to be another conference.

Mr. EDMUNDS. Suppose both sides should recede at the same time.

Mr. HALE. Then there would be a very happy and harmonious result.

Mr. EDMUNDS. You want the conference report agreed upon as far as it goes?

Mr. HALE. Yes.

Mr. SPOONER. Will the Senator allow me to ask him whether the item for the Dallas public-building bill was retained?

Mr. HALE. That remains.

The PRESIDING OFFICER. The question is on concurring in the report.

Mr. DANIEL. I rise to make an inquiry of the Senator in charge of the bill. I should like to know what is now the status of the amendment which was put on the deficiency bill with respect to the war claims of 1812, the claims of New York, Pennsylvania, and Virginia?

Mr. HALE. Those I have just stated are in the list which the conferees representing the two branches can not come to an agreement upon.

Mr. EDMUNDS. They are the State claims to which the Senator referred.

Mr. DANIEL. I understand that; but what I wish to get at is, what will be the effect of the action now asked to be taken on these claims?

Mr. EDMUNDS. This is only a confirmation of what has been agreed upon, and leaves the other for further controversy.

Mr. DANIEL. This vote does not preclude our action upon that.

Mr. EDMUNDS. Not at all. It merely closes out what has been agreed upon.

Mr. HALE. And, on the other hand, it leaves them open for action.

Mr. FAULKNER. I desire to ask the chairman of the committee of conference whether he knows that the change of time in reference to the one month's extra compensation allowed here will have the effect of excluding from that extra month three small pages here in the Senate.

Mr. HALE. My impression is that no change was made in the conference.

Mr. FAULKNER. Yes, the amendment of the Senator from New Hampshire [Mr. CHANDLER], changing the time to the 3d day of March from the 1st day of October, would allow those three pages to come in with the others. It would require these pages to have been on the roll on the 1st day of October. There were three of them not on the roll until after the meeting of the Senate in December.

Mr. HALE. That was the original House provision. We did not change it.

Mr. FAULKNER. But there was an amendment made in the Senate.

Mr. HALE. But that was the original House provision. We did not change the House provision in that regard.

Mr. FAULKNER. But the Senate changed it, and it seems that has been changed in conference.

Mr. HALE. It was not changed from the House provision. The Senate conferees agreed to the House provision.

Mr. EDMUNDS. That leaves out three of these little boys?

Mr. FAULKNER. It leaves out three little boys.

Mr. EDMUNDS. We must pay them out of the contingent fund, then.

Mr. HALE. It is quite likely that under the language the House in-

sisted upon that may be found the result not only in the case of these three pages, but in other cases. Of course we are always glad to take care of them, and we shall in some way take care of them; but it is quite likely to be found that there are others who, under the date fixed by the House, do not come under the provision. Some classification had to be made in a general way to embrace the regular force, and, as I said, quite likely others will be found who do not come under the provision. If they do not, the two bodies must look out for them. If there are three of these bright little fellows who act for us here who are left out, of course they should be taken care of, and they will be.

Mr. GORMAN. If I understand the report of the committee of conference the conferees have agreed on all the items in the House bill as it came here except the amendment 101 on page 93, and that is the only item which the House sent to us upon which there is a disagreement.

Mr. EDMUNDS. What is that item?

Mr. GORMAN. That is the item upon the claims of various people that occurred during the war.

Mr. HALE. The claims on page 93, under the Sixth Auditor?

Mr. GORMAN. Yes, those old claims.

Mr. HALE. The House conferees insisted upon their proposition and the Senate conferees did not feel justified in yielding, and they are still subject to further conference.

Mr. GORMAN. That is the only amendment to the original text of the bill now in conference, I understand.

Mr. EDMUNDS. That is the original text?

Mr. GORMAN. Yes, that came to the Senate, and the Senate struck it out.

Mr. HALE. I think all the other matters are matters that the Senate put on the bill.

Mr. GORMAN. Then in the next conference the question I suppose will be presented of the French spoliation claims, and the railroad claims, and the State claims of California, Oregon, Nevada, Virginia, New York, and Maryland.

Mr. HALE. Those are the large items, and those were all put on by the Senate.

Mr. GORMAN. The point I am getting at is, if we adopt this report now, the view in the end, as I understand, always is that the House insisting on new legislation and new amendments must give way.

Mr. EDMUNDS. In the end the House must give way on their text that they want and we do not, and if they insist we shall be obliged to give way on our amendments. There is no way of getting on by any other proceeding.

Mr. GORMAN. I hope that is the understanding of the rule. This amendment of the House I regard as one that ought not to be included at this time in the bill. It is the old claims, and I think the Senate struck them out very properly. It was a subject of a long controversy and it would be likely to lead to a good deal of debate yet.

Mr. EDMUNDS. I am sure the House (and we have a right to speak of the House on a conference report, with great respect of course) would never insist that they would not have an appropriation bill at all because we were unwilling to take that class of subjects which it has embraced. They must take such as we are willing to assent to, and we are compelled to take such as they are willing to assent to, and that must, of course, be mutual.

Mr. HALE. The conferees, if they are continued, will do the best they can. The conferees as thus far instructed or as they are representing the Senate will not consent to give up all the propositions that were put on by the Senate simply because the Senate, in the exercise of its undoubted right as a co-ordinate branch of the Legislature, has seen fit to amend the appropriation bills; because, if the Senate conferees went into conference upon the proposition that they must give away everything that the Senate had put on because the House objected to it, there would be little sense in a conference. Of course the conferees will do the best they can and come to as near accord as possible.

Mr. GORMAN. Many of the claims included in the bill have been heretofore presented, and, when antagonized, they have always been given up. They consist of private claims of individuals, railroad companies, etc. Whether the statements which have been made about them are correct, I do not pretend to say at this moment. On the other hand, here are claims of three or four sovereign States of the Union, which have had their accounts audited, and there is no question about the facts connected with them or the justice of them. Similar claims have been paid in other cases, and I should myself be personally disappointed if in this case, at the end of the session, in all these matters we should be compelled in the end to pay private claims and sacrifice the claims of three or four States.

It seems to me if this conference report is adopted it has drifted down to that proposition, and in view of the fact that the conferees on the part of the Senate have surrendered practically everything, except three annual clerks of committees of this body, we ought to insist upon justice being done in this bill.

At the last session of Congress the Senate, whether wisely or unwisely, passed a resolution continuing the employes and clerks and

others during the recess for two months. We had the unquestioned right to do that. We remained in session here until October. The business of the body was going on in the mean time, for this is a permanent body.

The Senate is under obligation to pay these officials for the two months' recess, and because the money was not paid them they were compelled to contract debts and obligations. In this conference report the proposition to pay them is absolutely given away. That is a provision which the Senate was in honor bound to make, and it does seem to me that this report is a total surrender.

Mr. MITCHELL. I do not understand that the conferees have given that away yet.

Mr. HALE. The committee of conference accepts with proper humiliation the censure of the Senator from Maryland, and will bear in mind in a very humble way his admonition as to what it shall do hereafter.

The items for clerks which were inserted by the Senate, as I have already stated, are still open to conference. What we shall be able to do with the House on that matter is an uncertain thing, but the Senate conferees have thus far not surrendered that matter in the least. That is open, as I have stated, to subsequent conference between the two bodies.

Mr. GORMAN. The Senator from Maine gets into a humor occasionally when he will not tolerate an expression of opinion from any other member of the body. I have stated calmly and as pleasantly as it was possible for me to do my views of the condition of this bill and what I thought was due to this body. I supposed until recently that that was the privilege and the duty of any Senator on this floor. I would not consider it offensive if any Senator should make like criticisms upon my actions if I were a member of a conference committee.

The Senator from Maine, while indisposed to hear suggestions, must remember that we are both members of this body, and I shall state my opinion as to the report of a committee of conference of which he happens to be chairman with the same freedom that I would if any other member of the body happened to occupy that position, and so long as he acts in such capacity—which I suppose he will for some time to come—he will continue to have my frank criticism on any proposition which emanates from a conference committee of which he happens to be chairman.

Mr. HALE. Mr. President, whatever I may have said in regard to this report has been certainly said in as calm and dispassionate a way as the Senator from Maryland has uttered his criticisms upon the report. I should be an exception in the body if I did not expect myself to be subjected to the criticism of the Senator from Maryland. I do not object, and no Senator presenting a conference report ought to object to questions and criticisms. That is one way by which we arrive at good results, especially in conference reports.

When the Senator from Maryland departed from that spirit of fair and reasonable and friendly criticism, as I think he did, and stated that this was a clean surrender on the part of the Senate conferees, I felt, as he felt about criticizing the report, that it was a matter which I had a right to raise objection to.

I do not think that the report is a surrender on the part of the Senate conferees. I do not think the Senator is justified in making that criticism. I do not think when the bill is compared, and when the concessions, the giving up on the part of the House, are compared with what is given up on the part of the Senate, and are looked into by Senators, that the Senator will himself deliberately say that the Senate conferees have surrendered everything.

I do not think, unless the Senator is bent upon putting the conferees in the attitude of failing to do their duty to the body which they represent, that he can find in this report any justification of his statement that the Senate conferees have surrendered everything.

I do not object to criticism; I invite it; but I do object to characterizations such as have fallen from the Senator's lips, which carry with them a very strong censure and an intimation that the Senate conferees have not done their duty. That I shall not submit to tamely, whether it comes from the Senator or anyone else, but I shall defend the report in the best manner I can.

Mr. GORMAN. Mr. President, let us take the report. The Senate determined for itself last session that it would continue these employes during the recess. I have stated that case. The Senate determined that it wanted the clerks to Senators made annual clerks hereafter. Not one of these provisions has been made, and yet the report comes back from the other House with an agreement on every other item.

Mr. HALE. Is the Senator under the impression that the items covering the points he has mentioned have been abandoned by the Senate conferees?

Mr. GORMAN. No. I understand one is in conference, and that that is open.

Mr. HALE. What more could the Senate conferees do than to keep these matters in conference? They have not yielded them, but the House has not agreed to them.

When the Senator says that a large majority of the House propositions have been agreed to, I ask are there any propositions that the

Senate committee or the Senate struck out, either upon the motion of the Senator from Maryland or of any other Senator, that the Senate conferees have abandoned and given up?

In all appropriation bills, most of the items which are the foundation of the bill are agreed to by both Houses. They are not the subject of controversy. Most of the controversies arise upon amendments which are placed upon the bill by this body itself. The Senator knows, for he has had large and valuable experience on conference committees, that the controversies which arise are almost always with reference to amendments which are placed upon the bills by the Senate.

I say again that I do not feel that the committee is open to the censure of the Senator. I do not think it is a fair statement that the committee has surrendered everything. The Senate conferees have reserved for future action all the items not agreed upon by the conferees of the House of Representatives, and they are still open between this body and the other.

Mr. GORMAN. Yes, Mr. President, some of these matters are open, but the items that are left open place the Senate at a great disadvantage.

The Senator from Maine has no right to take any criticism which has been made as personal to himself. He is only one of three conferees. I spoke of the conference report, which I have a right to speak of. I may have been wrong in the statement, but that is not a matter which the Senator from Maine has a right to take as a personal affront to himself. He is not the whole conference on the part of the Senate. True, he is the chairman of the committee, but I repeat again that the report as it comes here now, if adopted, will leave open only such measures for future consideration as that the Senate, under the general rule in such cases, must surrender nearly all of them.

Mr. HALE. Now, will the Senator state what is his fault with the conference committee? What has it given up?

Mr. GORMAN. I have been trying to state it, but the Senator from Maine insists that I have no right to state it.

Mr. HALE. I do not, by any means. Representing the conferees and speaking for the entire conference, I should be glad to know whether there is really any serious fault the Senator finds, or whether he is animated by a determination, a disposition to make trouble, to suggest faults, and to array prejudice against this report. I am very glad to say to the Senator that I do not see that he has any ground for his criticism, and I should be very glad if he would state why he thinks the conferees have surrendered.

Mr. GORMAN. Mr. President, I fear it would be impossible for me to convince the Senator from Maine that there could be any objection to anything that he reported. I trust he will not continue in that frame of mind, but that he will go on and consider these matters as kindly and as pleasantly as I try to do always.

Mr. PASCO. I will ask the Senator from Maryland to yield to me for one moment on a privileged question.

Mr. GORMAN. Certainly.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on 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 message also announced that the House further insisted on its disagreement to the amendments of the Senate to the bill (H. R. 13552) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1892, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FUNSTON, Mr. PUGSLEY, and Mr. HATCH managers at the conference on the part of the House.

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 (H. R. 2802) granting a pension to Conrad Stephan;
- A bill (H. R. 3254) granting a pension to Fedolin Buckeviller;
- A bill (H. R. 3485) granting a pension to Caroline Reeble;
- A bill (H. R. 3611) for the relief of John F. Mahler;
- A bill (H. R. 4168) for the relief of William Compton;
- A bill (H. R. 4209) granting a pension to Oliver P. Martin;
- A bill (H. R. 4250) granting a pension to Joseph S. Henderson;
- A bill (H. R. 4328) granting a pension to Rufus Squire;
- A bill (H. R. 4387) granting a pension to David Keys;
- A bill (H. R. 4779) granting a pension to William Ruder;
- A bill (H. R. 4878) pensioning Richard Christy;
- A bill (H. R. 4883) granting a pension to N. E. Palmer;
- A bill (H. R. 5106) granting an increase of pension to Squire West;
- A bill (H. R. 5585) granting a pension to William P. Witt;
- A bill (H. R. 7002) granting a pension to William Richardson;
- A bill (H. R. 7251) granting a pension to Christian Pape;
- A bill (H. R. 9583) pensioning Belinda Jane Phillips;
- A bill (H. R. 9615) for the relief of Israel R. Pierce;

A bill (H. R. 9627) granting a pension to Lydia F. Fryer;
 A bill (H. R. 9772) for the relief of Margaret Malloy;
 A bill (H. R. 10101) granting a pension to Elizabeth Phillips, widow of Reuben Phillips, who was killed in engagement while a member of Arkansas State militia;

A bill (H. R. 10602) granting a pension to Charles T. Sloat;
 A bill (H. R. 11257) granting a pension to Elizabeth M. Ayars;
 A bill (H. R. 11421) granting a pension to Elizabeth Dodge;
 A bill (H. R. 12227) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1892, and for other purposes;

A bill (H. R. 13266) to provide for the payment of bonds of the District of Columbia falling due July 1, 1891, and July 1 and 26, 1892; and

Joint resolution (H. Res. 278) providing for the printing of the Agricultural Report for 1891.

INTERNATIONAL COPYRIGHT.

Mr. PASCO. Mr. President, there is a motion pending to reconsider the copyright bill and to ask its return from the House of Representatives. While that motion is pending, it being only temporarily laid aside, that other business might be transacted, the bill comes back and is laid upon the Secretary's table. I ask the direction of the Presiding Officer with reference to the future course of that bill, whether it should not be allowed to remain upon the Secretary's desk until the motion to reconsider is disposed of? I ask, Mr. President, that, pending the disposition of the matter, the attention of the Vice President be called to the fact and that he be requested not to sign the enrolled bill, which has been received from the House of Representatives. If that is not the proper course to be pursued, I hope some Senator of larger experience will suggest what should be done.

Mr. EDMUNDS. Mr. President, I understand the bill has come back signed by the Speaker, pending the consideration of the question by the Senate, or rather its want of consideration. Of course it is the duty of the Secretary and the clerks of the Senate to execute the regular course of business in order. If the Vice President had been in the chair the bill would have been immediately laid upon his table, and so any suggestion that the present Presiding Officer should give any direction to delay the matter could not be made. If we were to pass this resolution now, the bill having come back, the House would return the message that "We have not got your bill, it is in the Senate now, signed by the Speaker."

The difficulty is that the consideration of the motion to recall the bill has been delayed here for two or three hours. I am not very much in favor of the copyright bill, I confess, as it stands. I am in favor of fair play. Although I voted with the committee in the main, I very much doubt whether it is a wise and right bill as it stands; but at the same time I am bound to say that the Secretary and the clerks can not be allowed any discretion as to holding bills, either those that go to the House or those that come back. If they had such a discretion, it would be a very dangerous one indeed. I am sure everybody will agree to that. So I do not see what we can do about it; the motion to request the return of the bill not having been agreed to before the enrolled bill was sent, I do not think there is any ground to complain that the gentlemen at the desk have failed in their duty in any particular.

The PRESIDING OFFICER. The present occupant of the chair supposes he is powerless in the matter, as the Senate has taken no action and the bill must take its regular course. The Chair does not understand that it is his duty to make any official notification to the Vice President.

Mr. HALE. That is not a practical question at present, because the Vice President is not here and probably will not be here.

Mr. PASCO. I will state that the bill has been hurried off into the Vice President's room and he has already signed it, and I presume it is on the desk now. The Vice President probably signed it in his private room.

Mr. HALE. It is only an instance of the manner in which this whole performance has been railroaded through.

Mr. DANIEL. I hope this bill will not be railroaded into a law, when it is almost obvious to every comprehension that the Senate has not had a fair opportunity to express its sense upon the subject. I am informed—I do not state it in my own knowledge—that to-night the Senate conferees, who had been sent forth to maintain the views of the Senate having suddenly and almost immediately surrendered those views, when the vote was taken the bell was not rung, and there were three Senators attending to the public business in an adjoining committee room and constrained to be absent from their seats, who had no notification or warning of this intended action on the part of our conferees.

If this bill should become a law the circumstances under which it has passed would be a reproach to this body; that twice it should have acted with a full membership here, and that suddenly, when it had just charged its conferees with the duty of maintaining its opinions, they returned and abandoned them, and a vote was taken without warning to Senators who were in the building, who had no opportunity to re-express themselves upon this subject.

Now, Mr. President, when we have had no opportunity to get those Senators here after their detention, many of them old men, some of them feeble men, after long nights of session, to railroad through the Senate this bill of general legislation, wide and comprehensive in its scope, would be no credit to the Senate of the United States and would stand as a reproach against its record.

A motion to reconsider that bill is pending. It will be heard as soon as a full Senate can gather here to hear it, and I should feel humiliated and the country would feel humiliated to realize that a bill affecting so vastly such great and material interests had been put through under the instigation and lash of the monopolists who are seeking to aggrandize themselves by it, under circumstances when the fair sense of this body had not been registered in favor of it.

I hope, Mr. President, that such steps as are in the power of this body may be taken to remedy the wrong which has been done, and that the warning will be recognized that it is hoped to get a fair and full vote on this subject in the morning.

Mr. PLATT. Mr. President, perhaps it is incumbent upon me to make some remarks in view of what has been said by the Senator from Virginia [Mr. DANIEL].

It seems to me very strange that there should be any talk about railroadng this bill through the United States Senate. No bill of which I have knowledge has been fought with such desperation as this bill has by its opponents.

The conference committee presented their first report this afternoon, on the last day of the session, at about 4 o'clock. It was presented earlier than that, but the vote of the Senate was about 4 o'clock in the afternoon. A new conference was ordered, and that report from the new conference committee was made at about 10 or half past 10 o'clock in the evening. There was no undue haste about it; there was no action of that conference committee which is open in any respect to criticism.

It was brought back here; it was discussed here for at least two hours and if Senators were not here it was not the fault of those who presented the report and had it discussed in the Senate. It received as much consideration in the Senate and more than the conference reports of the Committee on Appropriations, which are putting on or taking off from bills millions and millions of dollars. It was voted upon. The venerable assistant doorkeeper of the Senate rang the bells of the Senate. I make that statement upon his authority, and no one will doubt his word. I myself told a page to go to the committee room of the Committee on Appropriations and tell the members of that committee who were there engaged that we were voting on the copyright bill, that I feared we should not have a quorum, and that I wished they would come and vote in order to make a quorum.

The conference report was concurred in. It was then suggested that there were some members of the Committee of Appropriations who desired to have an opportunity to record their votes. Immediately thereupon a Senator who had voted for the bill went to the Senator who made that suggestion and offered to move to reconsider, but was informed that he was not ready to have the motion made. That motion was postponed for nearly two hours, until a voting quorum was not left on the floor of the Senate.

Now, I want to repel any talk about railroadng, and I want to talk about a motion for obstruction and for the purpose of killing the bill when there is an evident majority in its favor.

Mr. FAULKNER. Mr. President, I desire to suggest to the Chair and to the Senate that there must be a power in this body to prevent a bill passing from its custody into the hands of the Executive when there is now pending before the body a motion to reconsider the vote by which the bill was passed. To my mind, it is perfectly absurd to assume that, after the body had passed upon a bill and a motion had been made for the reconsideration of that bill, the bill could then be put through the Senate again by the signature of the presiding officer, the attention of the Senate being called to it by its being required to be laid before the Senate and entered upon the Journal, and yet no power resided in the body to stop the further passage of that bill on its way to the Executive for his consideration.

I am satisfied that it is in the power of this body to stop the bill here. I am satisfied that if the President of this body had been occupying the chair when that motion for a reconsideration was entered and when the enrolled bill, signed by the Speaker of the House, was presented to him for his signature, he would not have hesitated one moment in what was his duty as the presiding officer of this body, to suspend the signing of that paper until the body itself had had an opportunity to act upon the motion to reconsider. To take any other view would be almost to deny common sense and common decency and common justice in the mind of the presiding officer of this body.

I assume that if this bill has been signed, of which we have as yet no official information, it has been done in ignorance of the parliamentary condition of the bill. I therefore feel justified in moving that the bill in relation to copyright be not laid before the Senate or signed by the presiding officer until after the motion has been passed upon by the Senate for the reconsideration of the vote by which the report was concurred in.

Mr. EDMUNDS. Mr. President, this is not a new question. We

have had several instances of this same character where the rules provide that, if a bill has gone from the Senate, a motion can be made to reconsider, if within two days, and it is accompanied with a motion to ask the other House to return the bill if the bill has gone to the other House. The Secretary of the Senate and his officers, happily, taking it one hundred years together, have no power at all except to obey the mandate of the Senate, which accompanies the passage of every bill or agreement upon a conference report. Then, if anything is to be communicated to the House of Representatives they are to do it. That is their positive duty. Everybody can see that if I should go to the Secretary of the Senate, being, as I am glad to say, a personal friend of his, and try to tease him into holding back a bill and not to send it over to the House of Representatives because somebody was going to enter a motion to reconsider, he would tell me, I have no doubt, as he ought to, that he had received a command from the Senate and could not receive any entreaties from me. I am very sure he would say that thing.

The thing has happened a great many times, and sometimes former Secretaries of the Senate, as I have known—I have been here, and I am sorry to say it, a great deal longer than I ought to be—have held a bill at the request of Senators, and when attention was called to it (while one Senator was pleased or the minority were pleased who did not want the bill to go, if they were beaten) condemnation has taken place, as of course it should, because it is totally impossible to intrust to the executive officers of the Senate the determination whether a bill should pass or not or whether it should go to the other House or not. They are to obey orders. I repeat that I do not care anything about the bill, for I do not think, as it stands, it is a good one, although I voted for it as being better than nothing, but as the case stood they could do nothing else than take that bill over to the House of Representatives.

My friend from Florida [Mr. PASCO], I believe it was, entered the motion to reconsider after the bill had gone.

Mr. PASCO. The motion is pending now.

Mr. EDMUNDS. I say my friend from Florida made the motion or entered the motion to reconsider as the rules require.

Mr. PASCO. There was no information before the Senate as to whether the bill had been sent or not. That is not complained of at all.

Mr. EDMUNDS. That is not the point I am talking about. I am trying to get at what the fact is, the history of it.

Mr. PASCO. The Secretary will be able to give that fact.

Mr. EDMUNDS. The Senator himself can give the fact. I think it was the motion to reconsider and the motion that the House of Representatives be requested to return the bill—

Mr. PASCO. And the bill had then no doubt gone over to the House of Representatives. That is not the cause of complaint. The cause of complaint is that after it comes back here—

Mr. EDMUNDS. That is another thing I am about to come to. I want to find out where we are historically.

The bill had gone to the House of Representatives in the regular course, about which the Secretary of the Senate and his officers had no discretion whatever.

Mr. PASCO. There is no complaint about that.

Mr. EDMUNDS. They had no right to have a discretion of any kind. The Senator says there is no complaint about that. Very well. Then my friend from Florida, I believe, made the motion to reconsider, exactly in accordance with the rules, and the motion that the House be requested to return the bill. That I am right about, I believe. Then the rules require that the motion to request the return of the bill shall not be debatable and shall be put forthwith. I believe I am right about that. That motion was put, and I believe the yeas and nays were called upon it, and it disclosed the want of a voting quorum. It does not make any difference how many were present who could not vote, there was no quorum.

Mr. PASCO. No voting quorum.

Mr. EDMUNDS. No effective quorum. The next step was under the rules to have a call of the Senate, and I believe there was a call of the Senate. If there was or was not, I do not think it is any fault of the Secretary or any of his people, but the fault of the Senators who are not here. I believe there was a call of the Senate, and a quorum appeared; otherwise we could not have gone on at all. That must be true. Then a voting quorum appeared, and the question, by the acquiescence of somebody, not mine, drifted away, and we took up other things.

Mr. PASCO. By unanimous consent.

Mr. FAULKNER. Whatever was done was done by unanimous consent, which was requested by the Senator from Iowa [Mr. ALLISON].

Mr. EDMUNDS. Very well.

Mr. FAULKNER. Temporarily.

Mr. EDMUNDS. Then so much the better. By unanimous consent the Senate left the question of whether they would take another vote—for then it would be open for a new vote, of course, and must be—adrift, and proceeded to other business.

The House of Representatives, then having no information of any wish of the Senate to recall the bill, proceeded to deal with it there. I assume from the circumstance that it now appears the bill has come

back signed by the Speaker. They agreed on the conference report, as I must assume on what we have here.

Mr. PLATT. The House of Representatives sent a message here to that effect.

Mr. EDMUNDS. They sent a message here to that effect with the bill, I suppose, and finally the Clerk of the House came with the enrolled bill, the House having had no notice, stating that the Speaker of the House of Representatives had signed it.

There was the action of the two Houses undisturbed and standing, although a Senator had a motion to reconsider and a motion pending to send for the bill. Now, if in that stage of it, we had come to a vote on the request that the House send back the bill, the answer would have been, "We have sent it back; we have not got your bill; it has gone through all the stages here, has been signed by the Speaker, and was sent under the parliamentary law of both Houses." This proceeding was formerly under joint rule, which we have not now. The bill came back to the Senate, and it is now said that the President of the Senate, the Vice President of the United States, has in the regular course, which is his duty, for he can not know that anybody wishes again to proceed to try to recall the bill—

Mr. MITCHELL. May I ask the Senator from Vermont a question right there?

Mr. EDMUNDS. Certainly.

Mr. MITCHELL. It is conceded, as I understand—and I wish to base my inquiry on that statement—by everybody, the Senator from Vermont included, that the motion to reconsider the vote by which the conference report on the copyright bill was agreed to was entered by a Senator in his proper place and in due time, within the rules of the Senate. Accompanying that motion was a request that the House return the bill, from the fact that a motion to reconsider the vote by which it had been passed in the Senate had been entered, and the bill was returned in pursuance of that request.

Mr. EDMUNDS. Oh, no; not at all. We have never passed any request. That is the very trouble about it.

Mr. MITCHELL. Perhaps I am wrong about that.

Mr. EDMUNDS. The Senate did not choose to make any request.

Mr. MITCHELL. Admitting that to be so, the bill was returned, not in pursuance of a request, but in pursuance of the regular course of business: The House having passed the bill and then returned it here in the usual course of business, not in pursuance of any request of the Senate, but in pursuance of the usual course of business, the presiding officer of the Senate, be he Vice President or anyone else, is presumed to know, and must know, that the motion to reconsider that vote was entered by a proper person at a proper time and according to the rules.

Now, the question I wish to put to the Senator from Vermont is, whether, under that state of facts, he thinks the Vice President, having knowledge of those facts or presumed to have knowledge of them, had any right to attach his signature to the bill. I say he had not.

Mr. EDMUNDS. That is a question which is a perfectly fair one, and I answer not only that the Vice President or the President *pro tempore* had a right, but it was an imperative duty that he could not have refrained from executing, unless the Senate before he executed it should have taken some lawful and regular step to prevent it; for the Vice President of the United States, who is the presiding officer of this body, has no more discretion in a matter of this kind than the Secretary of the Senate. If he had, he would be the master of the Senate and not the Senate the master of itself.

I repeat what I believe I intimated a little while ago, that this is no new question. The same kind of a disturbance and apparently some feeling—which I certainly do not possess, for, as I say, I have not a deep interest in this copyright bill as it stands—has occurred over and over again. The rules have provided just what may be done and how it may be done, and until that is done the ordinary and regular course of things goes on.

Mr. MITCHELL. May I ask the Senator another question?

Mr. EDMUNDS. If the Senator will allow me to answer his first question before he puts another, I shall be very glad.

Mr. MITCHELL. Certainly.

Mr. EDMUNDS. I have known one or two Vice Presidents and certainly one President *pro tempore* of the Senate, to whom bills have been presented under circumstances just like these, who have felt compelled as a matter of duty—because, as I say, they had not any discretion at all, not any more than the Secretary has unless the Senate chooses to interfere in time—to go on and sign a bill. I might now enter a motion to reconsider every one of the appropriation bills which have passed to-night, for I voted for every one of them, and make a motion that they should be recalled from the House of Representatives. Does anybody suppose that, because I do not bring on my motion or because there is the want of a quorum, or whatever may happen, I or any number less than a majority, acting within a given time, could stop the progress of those bills? The proposition is preposterous.

Mr. MITCHELL. Suppose a vote is taken on a bill pending properly in the Senate. The bill is placed on its passage, and the bill is passed by a vote of the Senate, and before that bill is transmitted to the House of Representatives a Senator enters a motion to reconsider

the vote by which the bill was passed, does the Senator from Vermont think it would be the proper thing for the Secretary to transmit that bill to the House while that motion was pending and undecided? I submit that as bearing upon this question.

Mr. EDMUNDS. Most decidedly not, Mr. President, if a motion to reconsider was entered.

Mr. MITCHELL. That is what I supposed.

Mr. EDMUNDS. There is no rule which entitles anybody to enter a motion to reconsider. That is merely by common consent. A Senator may make a motion to reconsider, which is a privileged question and must be acted upon then unless the Senate wants to postpone it, but having been made and entered by consent, as we call it, when everybody is willing to let it wait, then, of course, if it is made before the bill has gone from the Senate, the Secretary has no business to take it away. If he did he would do an irregular and improper thing, which no Secretary ever did or ever would do.

The motion which the rules provide for was made by the Senator from Florida, and the only motion that could be voted upon then was a motion which the rules require should be put forthwith, and without debate, to ask the House to send the bill back, and until the House sends the bill it is theirs, and not ours, but they always do it, and we always do in such a case. Until that is done the House could go on as we would go on, because we would have no notice of anything of that kind. This question has been up a thousand times.

Mr. MITCHELL. The answer of the Senator from Vermont has been what I supposed it would be and what it ought to have been, a truthful and a proper answer. That being so, as admitted by the Senator from Vermont, when the bill finally comes back here in the usual course of business and is in the possession of the Senate and under its control, a motion to reconsider having been made and pending undecided, and the time not having elapsed within which that motion can be made, what is the difference between the case I propounded a moment ago to the Senator and the case I have now stated?

Mr. EDMUNDS. I will state it. I do not care anything about this bill, but I say this trouble now is an old story. The bill has been acted upon by the House of Representatives. It has gone through all its stages there, and it has become as a passed bill as much their property as it is ours. Therefore when the bill comes back as an enrolled bill signed by the Speaker, it is not at all in the attitude of a bill that is yet under consideration. That is the answer to the question.

Mr. MITCHELL. The Senator must hold, then, that the fact that the bill has gone to the House, although it may have gone immediately previous to the entering of the motion or immediately after, no matter which, cuts off the right of the Senate to reconsider the case. That is what it amounts to.

Mr. EDMUNDS. I only want to say a word in answer to that. If this request had been voted upon and had reached the House of Representatives after the report had been agreed to and the bill enrolled and the Speaker of the House had signed it, the House would have found itself in a difficulty that is extremely difficult to get out of, and have said, "Why, this bill has passed through all its stages here and has got into a different attitude; it has been entered in the Journal as signed by the Speaker." Of course until it is sent back to the other House, it is capable in that case of some sort of action, which would probably enable them in some way or other—I confess I do not know how it is done, but I believe it has been done—to reconsider the matter and put it into the stage in which it reached the House, and then send it back so that it shall be open in both Houses.

Mr. HALE. I am forced to disagree with the Senator from Connecticut [Mr. PLATT], who has said that it is apparent that a majority of the Senate desire to pass this bill. The truth, as shown by the record, is precisely the reverse of that. From the beginning, notwithstanding the pressure that has been exerted here and elsewhere in favor of the bill, whenever in a full Senate a vote has been taken it has disclosed the fact that a majority of the Senate is opposed to the bill. Every amendment that was offered in the earlier stages of its consideration, stoutly resisted as it was by the friends of the bill, was passed by a decisive majority. It was stated over and over again that amendments which were pending, if adopted, would destroy the bill, and yet upon that statement, on a full vote of the Senate, one amendment after another was adopted, disclosing upon the proposition made by the friends of the bill that a majority of the body is hostile to it.

The bill went to the other branch and into conference with the amendments ingrafted upon it. It came back upon a first report of the conference committee less than twenty-four hours ago, and upon a test vote in the Senate, with a large representation upon the floor and voting, the action which had been taken in amending the bill was sustained by the Senate.

So far from this bill having the support of a majority of the Senate, it has never upon any test vote, excepting in a thin Senate, when the opponents of the bill were surprised, been able to secure a majority. When in a thin Senate the opponents of the bill were surprised and when several Senators who were away would have been glad to record their votes against it had they been notified—whether the neglect to notify them was through any fault or otherwise I do not know, but they certainly had no opportunity of voting upon it—the ordinary mo-

tion that is customarily made in such cases to reconsider was entered by a Senator who had voted for the bill.

Mr. President, I did not and do not understand that that motion was made for any purpose of delay. All Senators have seen that done repeatedly. The desire was that the surprise should be recovered from and that the Senate should be full before this important matter was voted upon. The motion to reconsider was entered, and it was not the fault of anybody that it could not be acted upon, because a quorum had disappeared upon the one side and upon the other.

Mr. President, when that bill came back under these circumstances, not a rare condition, not a forced condition, but an ordinary condition that the Senate has seen itself in time and again, I regret very deeply that the Vice President saw fit to sign the bill. I do not think that the presiding officer of this body, the Vice President, had he known what the situation was, that there was a serious, an earnest, a proper, and a customary effort to get a full vote of the Senate, would have signed the bill. I must believe, Mr. President, because all of us admit the eminent fairness of that official—the natural justice that reigns in his mind, the disposition to be fair, the habit of uprightness which has characterized him throughout his life, lead me to believe that he could not have known that here and now was an honest and serious effort to gain a full vote of the Senate upon this proposition.

I hope this consideration will prevent further proceedings upon this bill until a quorum can be obtained and a vote of the Senate. I hope that the Chief Magistrate will in some way have brought to his mind the fact that, instead of this bill coming to him with a deliberate majority of the Senate in its favor, it has only secured it in a thin Senate when its opponents were surprised. I hope if the bill through one process or another is got away from the table and taken to the President that he will take notice of this fact.

Mr. President, it may be that I stand alone or nearly alone in my feelings about this bill. So far as I am affected by Senators near me and representing the section which I do, I expected in the beginning to vote for the copyright bill. I have had irresistibly borne upon my mind from the time this discussion began until the present moment that the bill is faulty; that it is a bad bill; that it is a bill not in the interest of the people; that it is a bill to build up monopolies. I saw it better expressed than in any words that I can utter in a circular, which I suppose has been sent to all Senators from the copyright people, giving extracts from prominent newspapers throughout the country in relation to this bill, and one of the leading newspapers expressed in a gratified way, hoping that this bill would pass, a sentiment which I think is at the bottom of it—not that Senators felt that, but that those most interested in it felt it. It said: "With the copyright bill, good bye to cheap editions of English and foreign works that are now found among the American people."

Mr. President, that proposition, which shuts off from the daily life and the daily enjoyment of our people the best literature of the world because it is cheap, may possibly gain a majority in the Senate to-day, but it will never stand with the American people. The Senate is willing to pass a fair and reasonable copyright bill which protects the author, which recognizes the fertile brain that produces the book, but I do not believe a majority of the Senate is ready to pass a bill that builds up a monopoly of publishers and takes away from the American people cheap literature.

Mr. PLUMB. I wish to present the report of the committee of conference on the agricultural appropriation bill.

Mr. HALE. There is a conference report pending.

The PRESIDING OFFICER. The Chair will take this occasion to state that he is not satisfied that the question under discussion is a question of higher privilege than a conference report. At all events, there is nothing before the Senate, unless the Senator from West Virginia [Mr. FAULKNER] submitted a motion.

Mr. FAULKNER. I did submit a motion.

The PRESIDING OFFICER. The Chair supposed the whole matter was proceeding by unanimous consent.

Mr. FAULKNER. Mr. President—

Mr. HALE. I hope the Senator will not make a motion at present. I hope the conference report on the deficiency appropriation bill, which has not yet been finished, will be acted on.

Mr. PASCO. I have no objection to that, if it is understood that the enrolled bill, which I do not yet consider has been completed even by the signature of the Vice President, shall lie upon the table until the question is disposed of.

Mr. PLATT. No understandings.

Mr. HALE. I am willing to take the chances on that. If, after this discussion, any member of this Senate or any subordinate takes that paper from the desk and seeks to put it further upon its passage, let him take the responsibility. I am willing to risk that.

Mr. PASCO. I should like to be heard further before this matter passes away.

Mr. PLATT. I thought I had the floor.

Mr. HALE. I call for the regular order, which is the conference report.

Mr. PLATT. I want to take an hour or two, if there is to be a discussion.

Mr. HALE. I call for the regular order. I do not desire to say anything further. Let us have a vote on the conference report.

DEFICIENCY APPROPRIATION BILL.

The Senate resumed the consideration of the report of the committee of conference on the bill (H. R. 13653) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes.

Mr. GORMAN. I believe I have the floor on the conference report. The PRESIDING OFFICER. The Senator from Maryland is entitled to the floor.

Mr. GORMAN. In my judgment, though possibly my understanding about it may not be correct, as I caught the text of the report imperfectly from the reading at the desk, the condition in which the bill will be left if the report shall be adopted will necessarily result, under the rules which govern conferences, in all the great claims which were put on the bill by the Senate being sacrificed, for the reason that there is practically nothing left for the conference except the Senate amendments and one amendment which I will refer to, being amendment numbered 101 to the original text of the bill, and in future conferences we shall be at a disadvantage.

The Senator from Maine [Mr. HALE] takes offense at that statement. Of course the conferees on the part of the Senate will understand that I make no reflection upon them. I understand the embarrassments under which conference committees labor and the difficulties they have in dealing with these great bills, particularly at the close of a short session of Congress. I have experienced myself many of those difficulties and troubles, and I repeat again that in my judgment if the report shall be adopted then the Senate will be practically at the mercy of the House.

There are one or two amendments on this bill which are of great public importance; that is, they are of great importance to a large number of people in this country: the French spoliation claims and the State claims. While the State which I represent has a large interest in one of these claims, I was not in favor of putting it upon an appropriation bill. I would have preferred it to stand in a separate bill. I believed that was right. The Senate thought otherwise, and that claim and others were placed in the bill. The bill which I hold in my hand and which has been in conference is practically a bill of claims which have been acted upon by the Treasury auditors and by the Court of Claims as were the claims of the States.

I repeat now that in my judgment the condition in which the bill will be left when we have adopted this report will be to sacrifice all of these important Senate amendments. It is possible that our conferees could not get any better terms; but, in the interest of the people whom I represent, I felt that I had a right to make the statement I did without giving offense to any member of the conference committee. I am sure that my distinguished friend, the chairman of the Committee on Appropriations [Mr. ALLISON], and his colleague on this side of the Chamber [Mr. COCKRELL] understand perfectly that that was not my intention. I think the Senate will recognize that my criticism of the action of the committee has been moderate indeed when compared with other statements which have been made in connection with other bills.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference on the deficiency appropriation bill.

The report was concurred in.

Mr. HALE. I move that the Senate further insist upon its amendments disagreed to by the House of Representatives and ask for a further conference.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed.

AGRICULTURAL APPROPRIATION BILL.

Mr. PLUMB. I ask the Chair to lay before the Senate the message from the House of Representatives on the agricultural appropriation bill.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives further disagreeing to the amendments of the Senate to the bill (H. R. 13552) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1892, and asking for a further conference with the Senate thereon.

Mr. PLUMB. I move that the Senate further insist on its amendments to the bill disagreed to by the House, and accede to the request of the House for a further conference.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. PLUMB, Mr. FARWELL, and Mr. CALL were appointed.

Mr. PLUMB. I now present the report of the conference committee. The report will be read.

The Chief Clerk 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. 13552) making appropriations

for the Department of Agriculture for the fiscal year ending June 30, 1892, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 10, 11, 13, and 15. That the House recede from its disagreement to the amendments of the Senate numbered 1 to 14 and 16, inclusive, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$10,000;" and the Senate agree to the same.

PRESTON B. PLUMB,
WILKINSON CALL,
CHARLES B. FARWELL,
Managers on the part of the Senate.
E. H. FUNSTON,
J. V. McDUFFIE,
W. S. FORMAN,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was concurred in.

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. 5129) to amend section 8 of an act approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes."

COMMITTEES OF THE SENATE.

Mr. ALLISON. I ask unanimous consent at this time to present a resolution, which is necessary for the convenience of the Senate.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the standing and select committees of the Senate, as now constituted, be, and they are hereby, continued, with power to act, until the first Monday in December, 1891, or until their successors are elected.

The resolution was considered by unanimous consent, and agreed to.

INTERNATIONAL COPYRIGHT.

Mr. CALL. Is the motion pending for the reconsideration of the vote by which the report of the committee of conference was adopted on the copyright bill?

Mr. FAULKNER. I inquire whether there is not a conference report before the Senate.

The PRESIDING OFFICER. The conference report has been adopted.

Mr. FAULKNER. If it has been adopted, I desire to renew the motion I made.

Mr. CALL. What is the motion?

Mr. FAULKNER. I move that the President of the Senate be requested not to lay before the Senate the copyright bill as enrolled until after the Senate has acted upon the motion to reconsider the vote by which the conference report was concurred in.

Mr. CHANDLER. I rise to a question of order.

Mr. PLATT. I rise to a question of order.

The PRESIDING OFFICER. The chair recognizes the Senator from New Hampshire [Mr. CHANDLER].

Mr. CALL. I believe I have the floor.

Mr. PLATT. I wish to make a point of order on this motion.

Mr. CHANDLER. I will submit my question of order to the Presiding Officer.

The PRESIDING OFFICER. The Senator from Florida [Mr. CALL] rose to make some inquiry, and the Senator from West Virginia [Mr. FAULKNER] rose in his place and submitted a motion.

Mr. CALL. I yielded to the Senator from West Virginia.

Mr. CHANDLER. I rise to a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. CHANDLER. The point of order is that the Senate is now dividing on the motion of the Senator from Florida [Mr. PASCO], to recall the enrolled bill from the House. That is the regular order now before the Senate.

Mr. FAULKNER. Then I demand the regular order and insist upon the call of the yeas and nays upon that motion.

Mr. PLATT. Does the Chair entertain the motion of the Senator from West Virginia?

The PRESIDING OFFICER. The Chair sustains the point of order raised by the Senator from New Hampshire [Mr. CHANDLER].

Mr. FAULKNER. Now, I demand the regular order, which is the calling of the yeas and nays on the motion of the Senator from Florida [Mr. PASCO].

The PRESIDING OFFICER. The Senator from West Virginia demands the regular order.

Mr. SPOONER. I wish to say one word.

The PRESIDING OFFICER. The Senator from Connecticut has been seeking recognition.

Mr. SPOONER. The Senator will allow me.

Mr. PLATT. Certainly.

Mr. SPOONER. Mr. President, I have not understood that any Senator who has discussed this question has indicated any inclination to impute to the Vice President in anything that he has done in this

matter other than the utmost good faith. The Senator from Maine [Mr. HALE] in the remarks which he submitted expressly disclaimed the belief that the Vice President would have attached his signature to this bill with the knowledge that a motion had been entered to reconsider the vote by which the Senate had concurred in it.

I think it proper to say in view of what has occurred, the Vice President being absent, that I had a conversation with him upon the subject and was informed by him that he had no knowledge that a motion had been entered to reconsider the vote by which the Senate passed the bill, and that he signed the bill with a large number of other bills as a matter of routine, not knowing at the time he signed it that the copyright bill was among the bills which were before him.

Mr. HAWLEY. Let me suggest to the Senator that the Vice President was not in the chair at the time the motion to reconsider was made.

Mr. SPOONER. I was about to say that. That would follow fairly from the statement that the Vice President did not know that the motion had been entered. It is true he was not in the Chamber at that time and has not been in the Chamber since.

Mr. EDMUNDS. If he had been in the chair he could not help signing it.

Mr. SPOONER. If he had been in the chair he would have known the motion to reconsider had been entered. I make that statement in justice to him, although I think it hardly necessary. I wish to say for myself that I never have known a man in public life more careful to discharge impartially, with the utmost fidelity and in the most scrupulous way, his duties as presiding officer of the Senate than the Vice President.

Mr. DANIEL. I wish the Senator to understand that no one has made any kind of suggestion reflecting at all upon the Vice President.

Mr. PLATT. I thought I yielded to the Senator from Wisconsin [Mr. SPOONER] at his request. I supposed I retained the floor.

Mr. SPOONER. I beg the Senator's pardon. I am obliged to the Senator for yielding to me.

Mr. FAULKNER. I call for the regular order, which is the calling of the roll on the motion of the Senator from Florida.

Mr. PLATT. I want to be heard on that motion.

Mr. FAULKNER. Unless there is a question of order raised, of course there can be no debate.

Mr. PLATT. I wish to state what I understand to be the parliamentary status of this question. Of course, the Senator can reach it by another motion; but, as I understand, on the motion to reconsider, the yeas and nays were demanded, the roll was called and showed 13 Senators in favor of the motion and 22 against it. Then the Senator from Iowa [Mr. ALLISON] asked unanimous consent that the demand for the yeas and nays should be withdrawn. I appeal to the Senator from Iowa [Mr. ALLISON] as to the correctness of the statement.

Mr. ALLISON. I do not remember the exact details of my motion, but it was to set aside this whole matter for the moment in order that I might call up an appropriation bill. I think very likely I did ask that the demand for the yeas and nays might be withdrawn, as I supposed that was necessary, but my request was objected to, and I withdrew it afterwards.

The PRESIDING OFFICER. The Chair did not understand that the request was that the demand for the yeas and nays should be waived nor that it was understood that it was waived by the Senate.

Mr. PLATT. Then I have no point of order to make.

The PRESIDING OFFICER. The regular order was called for several times when the roll call would have been in order, but by unanimous consent other matters were taken up. The pending business is now the roll call on the motion of the Senator from Florida [Mr. PASCO].

Mr. CHANDLER. Mr. President, there seems to be no doubt that since that became the situation the business has proceeded by unanimous consent, and I hope there will be unanimous consent to go on without any demand being made to ascertain whether or not there is a quorum present, because it is very evident, as it is now nearly 6 o'clock and there are not many hours remaining of the session, that all business can be brought to a standstill if Senators choose to do it. It is practically only by unanimous consent that appropriation bills can be proceeded with.

Mr. EDMUNDS. There is a quorum here.

Mr. CHANDLER. Therefore the matter involved in the motion of the Senator from Florida we must find some way to dispose of without dividing the Senate unless it is first ascertained that a quorum is present.

Mr. CALL. This proceeding is by unanimous consent, and I ask unanimous consent to make a few observations.

The PRESIDING OFFICER. The Chair hears no objection.

Mr. CALL. By the rules of this body, there has been no action of the Senate upon the copyright bill. That is a proposition as to which there can be no doubt. I venture to say that there never has been a tribunal of judgment of any kind which has decided that while any proceeding was *in fieri*, in process of execution, it could, by any action of any member of that body, or of the entire constituent body, be decided to be an accomplished fact. There is no doubt about that proposition. It is utterly unreasonable for persons to pretend to reason

that, when the rules of proceeding and the essential methods prescribed by the law are provided, a departure from them, before reaching a final conclusion, can authorize the assumption that the thing has been done.

Now, what is the position? The bill was here and a vote was taken upon it. The rules of the Senate declare that a reconsideration may be had; that it is competent for any Senator to ask for that reconsideration. In strict pursuance of the rules a member of this body, authorized to do so, demanded a reconsideration of the vote by which the conference report was adopted. While that motion was pending, in full vigor and life and possessed of all of its functions, in violation of the rules of proceeding and the essential methods of accomplishing this act prescribed in the rule, the bill was sent to another body.

Mr. PLATT. I desire to correct the Senator in that respect. Having heard that it was probable that a motion to reconsider would be made, I requested the clerks to hold the bill for that purpose, and they held it for perhaps twenty minutes. They then said to me that they did not feel justified in holding the bill on my request, that they must send it to the House of Representatives, and it was sent there two hours before the motion to reconsider was made.

Mr. CALL. The Senator from Connecticut is a lawyer and a man of vigorous mind, of clear perceptions, and he knows that this suggestion of his has no kind of relation in reason to this proposition.

Mr. PLATT. The Senator says the motion was made before the bill went over. It was in fact made long after.

Mr. CALL. It is wholly immaterial at what time the motion was made, so that it was made within the time prescribed by the rule of the Senate. The rule says that, if the motion to reconsider be made within a certain time by a Senator who voted in favor of the bill, that motion is competent and shall possess the constitutional function of suspending the action of the Senate. It is in fact a writ of supersedeas prescribed by the rule. That is all I wish to say.

Mr. ALLISON. Mr. President, I think the business of the Senate respecting appropriation bills is in such a condition that the Senate can take a recess until, say, 9 o'clock in the morning.

The PRESIDING OFFICER. Before submitting the motion the Chair will state, in regard to the copyright bill, that there is no present intention of laying that bill before the Senate until the question which has been pending is disposed of, and the suggestions of the Senator from Maine [Mr. HALE] in regard to that matter were not at all necessary. The course taken by the Chair was for the purpose of facilitating business in the disposition of appropriation bills.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House insisted on its amendments to the bill (S. 1453) to provide for the purchase of a site and the erection of a public building thereon at Saginaw, in the State of Michigan, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MILLIKEN, Mr. LEHLBACH, and Mr. CLUNIE managers at the conference on the part of the House.

FOOD ADULTERATION, ETC.

Mr. PADDOCK. Encouraged by the proffered indulgence and assistance of the distinguished Senator from Vermont [Mr. EDMUNDS], who has been rather in charge of the proceedings here for some time, I now ask unanimous consent to proceed to the consideration of the bill known as the Conger lard bill. I hope there will be no objection to it. It is a very important bill.

Mr. CHANDLER. I hope now we may have a vote on the revenue marine transfer bill.

Mr. PADDOCK. I hope the Senator will not interfere with the consideration of the bill which I have indicated. I do not hear any objection to my request for unanimous consent, Mr. President, to take up and consider the Conger lard bill.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that the bill to which he has referred may receive present consideration.

Mr. PLATT. I suppose we have a regular order, Mr. President.

Mr. PADDOCK. I am asking unanimous consent. Whether the order be regular or irregular I ask that it may be dispensed with, and that we may take up the bill to which I have referred and for which the whole country is clamoring.

Mr. PLATT. The Senator is not serious.

Mr. PADDOCK. I am absolutely and entirely serious. I am anxious and the country is anxious that action should be taken upon that bill before the adjournment of Congress.

PRINTING OF ACTS.

Mr. MANDERSON. Mr. Amzi Smith, the superintendent of our document room, has called my attention to the fact that there is an enormous demand for the private land claims court act, the act establishing the circuit courts, and the act providing for the adjudication and settlement of claims arising from Indian depredations, and he is anxious for an additional number of each one of these acts. I ask, therefore, that 500 copies of each may be printed.

Mr. COCKRELL. That is right.

Mr. EDMUNDS. Let the resolution be read.

The Secretary read as follows:

Resolved, That there be printed for the use of the Senate 500 additional copies of the act to establish a court of private land claims, the act to establish circuit courts of appeal, and the act to provide for the adjudication and payment of claims arising from Indian depredations.

Mr. EDMUNDS. I move to amend the resolution by adding "and 500 copies of the joint resolution passed this day amending the court-of-appeals bill."

Mr. MANDERSON. I accept that.

Mr. EDMUNDS. It is necessary that everybody who has a copy of the court-of-appeals act should have a copy of that resolution.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add to the resolution—

Also 500 copies of Senate joint resolution amending the act to establish circuit courts of appeals.

Mr. MANDERSON. I accept that as a modification of my resolution. At the suggestion of several Senators I modify the resolution further by striking out "500" and inserting "1,000;" so as to make the number of copies 1,000.

The PRESIDING OFFICER. The Senator has a right to modify his resolution. The question is on the resolution as modified.

The resolution as modified was agreed to.

PUBLIC BUILDING AT SAGINAW, MICH.

Mr. SPOONER. I present a conference report.

The PRESIDING OFFICER. The conference report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1453) for the erection of a public building at Saginaw, Mich., 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 amendments of the House, and agree to the same with an amendment reducing the amount fixed as the limit of cost from \$250,000 to \$100,000.

JOHN C. SPOONER,
SAMUEL PASCO,
JOHN W. DANIEL,
Managers on the part of the Senate.
S. L. MILLIKEN,
THOMAS J. CLUNIE,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was concurred in.

RECESS.

Mr. ALLISON. I now renew my motion that the Senate take a recess until 9 o'clock.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa.

The motion was agreed to; and (at 6 o'clock and 7 minutes a. m., Wednesday, March 4, 1891) the Senate took a recess until 9 o'clock a. m.

AFTER THE RECESS.

The Senate reassembled at 9 o'clock a. m., Wednesday, March 4, 1891, in continuation of the legislative session of Tuesday, March 3, 1891.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPIERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the bill (S. 1453) to provide for the purchase of a site and the erection of a public building thereon at Saginaw, in the State of Michigan.

The message also announced that the House had agreed to the report of the committee of conference on the bill (H. R. 13552) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1892.

The message further announced that the House had passed the following bill and joint resolutions:

A bill (S. 4557) to incorporate the National Conservatory of Music of America;

Joint resolution (S. R. 159) authorizing Brig. Gen. Thomas L. Casey, Chief of Engineers United States Army, to accept from the President of the French Republic a diploma conferring the decoration of officer of the National Order of the Legion of Honor; and

Joint resolution (S. R. 163) authorizing the State of Oregon to construct, maintain, and operate a portage railroad over the property of the United States at the cascades of the Columbia River, Oregon.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A 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; and

A bill (H. R. 12581) to increase the pension of Joseph Mason, of Dallas, Ill.

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 (H. R. 7473) for the relief of George P. Hartman;

A bill (H. R. 7614) granting a pension to W. Zister;

A bill (H. R. 7952) to increase the pension of Joel Hagler, of Henry County, Tennessee;

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

A bill (H. R. 13462) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1892, and for other purposes;

A bill (H. R. 6792) granting a pension to Hetta Brainard;

A bill (H. R. 6800) granting a pension to Anne Matlocks;

A bill (H. R. 8508) granting a pension to Ann Carr, of Vevay, Ind.;

A bill (H. R. 9431) granting a pension to Jane Fee;

A bill (H. R. 7184) granting a pension to Ellen Finnerty;

A bill (H. R. 9504) granting a pension to Gottlieb Hunziker;

A bill (H. R. 7397) for the relief of Martha J. Morrison;

A bill (H. R. 6563) for the relief of John O. McDonald, alias William Barnes;

A bill (H. R. 7107) to grant a pension to W. B. Cloer, late private in Company L, D. Storm's Arkansas Militia;

A bill (H. R. 7937) granting an increase of pension to Mrs. Harriet E. Martine;

A bill (H. R. 8600) increasing the pension of William T. Rhodes;

A bill (H. R. 8226) granting a pension to James H. Fleming;

A bill (H. R. 8595) for the relief of William N. Bishop;

A bill (H. R. 12581) to increase the pension of Joseph Mason, of Dallas, Ill.;

A bill (H. R. 949) to amend section 4787 of the Revised Statutes of the United States;

A bill (H. R. 3223) for the relief of John M. Eddy, Elizabeth K. Carroll, Alice B. Eddy, and Frank M. Eddy;

A bill (H. R. 6217) granting a pension to Abbie A. Colson;

A bill (H. R. 6559) to provide for the issue of the commission of Philip C. Johnson as a rear admiral in the United States Navy;

A bill (H. R. 6186) authorizing the refunding of the duties paid on a painted-glass window imported by the rector of St. Mary's Church, county of Harford, State of Maryland;

A bill (H. R. 8445) granting a pension to Solomon Smith;

A bill (H. R. 8779) granting a pension to Mary A. Irwin, widow;

A bill (H. R. 8856) for the relief of James A. Hull;

A bill (H. R. 9313) granting a pension to Mary D. McChesney; and

A bill (H. R. 9423) for the relief of Charles Ewing.

INTERNATIONAL COPYRIGHT.

Mr. PLATT. I call for the regular order.

The VICE PRESIDENT. The pending question is on the motion of the Senator from Florida [Mr. PASCO] to recall the bill (H. R. 10881) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights.

Mr. PASCO. The motion was to reconsider the vote by which the conference report was adopted, and to ask for the return of the bill by the House to the Senate.

Mr. PLATT. And the question, under the rules, is upon the recall of the bill from the House of Representatives, and that is to be put without debate.

Mr. PASCO. I will state that the reconsideration is moved under Rule XIII, which is as follows:

RULE XIII.

RECONSIDERATION.

1. When a question has been decided by the Senate, any Senator voting with the prevailing side may, on the same day or on either of the next two days of actual session thereafter, move a reconsideration; and if the Senate shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. Every motion to reconsider shall be decided by a majority vote, and may be laid on the table without affecting the question in reference to which the same is made, which shall be a final disposition of the motion.

2. When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate, and been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return the same; which last motion shall be acted upon immediately, and without debate, and, if determined in the negative, shall be a final disposition of the motion to reconsider.

The bill had gone to the House of Representatives at the time, and the motion to recall the bill was coupled with a motion to reconsider, in strict accordance with the rule.

The VICE PRESIDENT. The first question is on the return of the bill from the House of Representatives.

Mr. PASCO. The yeas and nays have been ordered upon that motion.

The VICE PRESIDENT. The roll will be called upon agreeing to the motion of the Senator from Florida.

The Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called). Upon this vote the pair of the Senator from Indiana [Mr. TURPIE] is transferred to his col-

league [Mr. VOORHEES], who, I am informed, would vote "nay," and I refrain from voting.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

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

Mr. HISCOCK (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES]. By the terms of our pair, however, I have a right to vote to make a quorum. I therefore vote "nay" with the understanding that I shall withdraw my vote if a quorum is present.

Mr. STOCKBRIDGE (when his name was called). I am paired on this question with the Senator from Ohio [Mr. PAYNE].

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

The roll call was concluded.

Mr. HARRIS. I see that the Senator from Arkansas [Mr. JONES] is absent. The Senator from New York [Mr. HISCOCK] is paired with him, but votes to make a quorum. I will transfer my pair with the Senator from Vermont [Mr. MORRILL] to the Senator from Arkansas [Mr. JONES], and vote "yea."

Mr. CULLOM. I have a general pair with the Senator from Delaware [Mr. GRAY], who is not present, as I observe. I have the right, however, to vote in case my vote is necessary to make a quorum. I vote "nay." If a quorum comes in I will withdraw my vote.

Mr. BLAIR. I am paired with the Senator from Mississippi [Mr. GEORGE].

Mr. ALLISON. I am paired with the Senator from Delaware [Mr. GRAY].

Mr. KENNA (after having voted in the affirmative). I am reminded that I am paired with the Senator from Colorado [Mr. WOLCOTT], which is true, and I desire to withdraw my vote. I had overlooked it for the time being.

The result was announced—yeas 9, nays 19; as follows:

YEAS—9.			
Berry, Cockrell, Coke,	Hale, Harris,	Mitchell, Paddock,	Pasco, Sherman.

NAYS—19.			
Butler, Carey, Chandler, Cullom, Dolph,	Edmunds, Farwell, Frye, Hawley, Hiscock,	Hoar, Manderson, Morrill, Platt, Sawyer,	Stewart, Turpie, Warren, Washburn.

ABSENT—53.			
Aldrich, Allen, Allison, Barbour, Bate, Blackburn, Blair, Blodgett, Brown, Call, Cameron, Carlisle, Casey, Colquitt, Daniel,	Davis, Dawes, Dixon, Eustis, Everts, Faulkner, George, Gibson, Gorman, Gray, Hampton, Higgins, Ingalls, Jones of Arkansas, Jones of Nevada,	Kenna, McConnell, McMillan, McPherson, Moody, Morgan, Payne, Petigrew, Pierce, Plumb, Power, Pugh, Quay, Ransom, Reagan,	Sanders, Shoup, Spooners, Squire, Stanford, Stockbridge, Teller, Vance, Vest, Voorhees, Walthall, Wilson, Wolcott.

Mr. PLATT. Let the roll be called.

The VICE PRESIDENT. The vote disclosing the want of a quorum, the roll will be called.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich, Allen, Allison, Berry, Blair, Blodgett, Butler, Casey, Chandler, Cockrell,	Coke, Cullom, Davis, Dawes, Edmunds, Farwell, Faulkner, Frye, Hale, Harris,	Hawley, Hiscock, Hoar, Kenna, Manderson, Morrill, Paddock, Pasco, Platt, Plumb,	Sanders, Sawyer, Sherman, Spooners, Stockbridge, Turpie, Vance, Warren, Washburn.
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The VICE PRESIDENT. Thirty-nine Senators have responded to their names. No quorum is present.

Mr. EDMUNDS. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant-at-Arms will see that the order of the Senate is executed.

After a little delay Mr. DOLPH, Mr. CAREY, Mr. STEWART, Mr. REAGAN, and Mr. SHOUP entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-four Senators have responded to their names. A quorum is present.

PAY OF EMPLOYÉS.

Mr. FAULKNER. I ask unanimous consent to offer a resolution, and I ask its reference to the Committee to Audit and Control the Contingent Expenses of the Senate. It is to supply an omission in

the deficiency appropriation bill in reference to a few of the employés of the Senate and to put all upon the same footing.

Mr. HALE. I hope that will be done.

The VICE PRESIDENT. If there be no objection, the resolution will be read.

The resolution was read, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, out of the miscellaneous items of the contingent fund, to each of the regular employés borne on the annual or session rolls of the Senate who are not included in the provisions of the act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes, a sum equal to one month's pay at the compensation now paid them by law.

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

Mr. VANCE. The resolution has to be referred to the Committee on Contingent Expenses.

Mr. HALE. I do not think there can be any objection to passing the resolution just as it is.

Mr. CULLOM. I hope the resolution will be referred. The statute requires it.

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

Mr. BUTLER. Then that defeats the resolution. That is the only effect of it, and it is very unfair to some of the employés who happen to be in that category, and I implore my friend from Illinois to let the resolution pass.

Mr. PLATT. The resolution has to go to the committee.

The VICE PRESIDENT. If there is no objection, the resolution is before the Senate.

Mr. FAULKNER. No; it must be referred to the Committee on Contingent Expenses, I understand.

Mr. HARRIS. The law requires it.

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

Mr. VANCE subsequently reported the resolution from the Committee to Audit and Control the Contingent Expenses of the Senate; and it was considered by unanimous consent, and agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPIERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13658) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes, further insisted upon its disagreement to the amendments of the Senate numbered 22, 30, 59, 60, 84, 85, 96, 101, and 104, agreed to the further conference asked by the Senate on said amendments, and had appointed Mr. CANNON, Mr. PETERS, and Mr. BRECKINRIDGE of Kentucky managers at the conference on the part of the House, with instructions to further insist on its disagreement to amendments numbered 22 and 96.

INTERNATIONAL COPYRIGHT.

The VICE PRESIDENT. The question recurs on the motion made by the Senator from Florida [Mr. PASCO] to request the House of Representatives to return the bill (H. R. 10881) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired on this vote with the Senator from Delaware [Mr. GRAY].

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. Otherwise I should vote "yea."

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

Mr. KENNA (when his name was called). I am paired with the Senator from Colorado [Mr. WOLCOTT].

Mr. STOCKBRIDGE (when his name was called). Upon this question I am paired with the Senator from Ohio [Mr. PAYNE].

Mr. TELLER (when his name was called). On this question I am paired with the Senator from Louisiana [Mr. GIBSON]. If he were present, I should vote "yea."

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

The roll call was concluded.

Mr. MANDERSON. The Senator from Minnesota [Mr. DAVIS] has been taken suddenly ill and has been called from the Chamber, and probably will not be able to be here during the rest of the session.

Mr. STOCKBRIDGE. The condition of my pair allows me to vote to make a quorum. I therefore vote "nay."

Mr. BLAIR. I again announce my pair with the Senator from Mississippi [Mr. GEORGE].

Mr. SPOONER. I am paired with the Senator from Mississippi [Mr. WALTHALL].

Mr. SANDERS (after having voted in the affirmative). I am reminded that I am paired with the Senator from Pennsylvania [Mr. CAMERON], and I wish to withdraw my vote.

Mr. SPOONER. I am at liberty to vote to make a quorum, and I vote "nay."

Mr. SANDERS. I am advised that there is no quorum present, and I will take the liberty of voting as I think the Senator from Pennsylvania would vote. I vote "nay."

Mr. BLAIR. As stated, I am paired with the Senator from Mississippi [Mr. GEORGE], but for the purpose of making a quorum I vote the same way that he would vote. I vote "yea."

Mr. PIERCE. I am paired with the Senator from Kentucky [Mr. CARLISLE], but I understand he would vote "yea" if he were here, and I vote "yea" to make a quorum.

Mr. FAULKNER. I will transfer the pair I have with the Senator from Pennsylvania [Mr. QUAY] to the Senator from North Carolina [Mr. RANSOM], and vote "yea."

Mr. BLAIR (after having voted in the affirmative). I am informed that my vote is no longer necessary to make a quorum, and I withdraw it and stand paired with the senior Senator from Mississippi [Mr. GEORGE].

Mr. DANIEL. I transfer my pair with the Senator from Washington [Mr. SQUIRE] to the Senator from Alabama [Mr. PUGH] and vote "yea."

The result was announced—yeas 21, nays 29; as follows:

YEAS—21.			
Berry,	Faulkner,	Pasco,	Vance,
Call,	Gray,	Pettigrew,	Vest,
Casey,	Hale,	Pierce,	Walthall.
Cockrell,	Harris,	Plumb,	
Coke,	Jones of Arkansas,	Reagan,	
Daniel,	Mitchell,	Sherman,	
NAYS—29.			
Aldrich,	Dolph,	Jones of Nevada,	Spooner,
Allen,	Edmunds,	McMillan,	Stewart,
Blodgett,	Farwell,	Manderson,	Stockbridge,
Butler,	Frye,	Morrill,	Warren,
Carey,	Hampton,	Platt,	Washburn.
Chandler,	Hawley,	Sanders,	
Dawes,	Hiscock,	Sawyer,	
Dixon,	Hoar,	Shoup,	
ABSENT—35.			
Allison,	Cullom,	Kenna,	Quay,
Barbour,	Davis,	McConnell,	Ransom,
Bate,	Eustis,	McPherson,	Squire,
Blackburn,	Everts,	Moody,	Stanford,
Blair,	George,	Morgan,	Teller,
Brown,	Gibson,	Paddock,	Turpie,
Cameron,	Gorman,	Payne,	Voorhees,
Carlisle,	Higgins,	Power,	Wilson,
Colquitt,	Ingalls,	Pugh,	Wolcott.

So the motion was not agreed to.

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. 3238) to provide for the purchase of a site and the erection of a public building thereon at Clarksville, in the State of Tennessee, with an amendment 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. 5129) to amend section 8 of an act approved March 3, 1891, "An act to repeal timber-culture laws, and for other purposes;" and

A 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."

The VICE PRESIDENT announced his signature to the enrolled bill (H. R. 10881) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights, which had previously received the signature of the Speaker of the House of Representatives.

PUBLIC BUILDING AT CLARKSVILLE, TENN.

Mr. HARRIS. I ask the Chair to lay before the Senate the amendment of the House of Representatives to Senate bill 3238.

The VICE PRESIDENT. The Chair lays before the Senate the amendment of the House of Representatives to the bill (S. 3238) for the erection of a public building in the city of Clarksville, Tenn., which will be read.

The CHIEF CLERK. In line 9, after the word "of," strike out "fifty" and insert "thirty-five."

Mr. HARRIS. That is the only amendment. It reduces the appropriation from \$50,000 to \$35,000. I move that the Senate concur in the amendment.

The motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask that the deficiency appropriation bill be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate the action of the House of Representatives concurring in some and nonconcurring in other amendments of the Senate to the bill (H. R. 13658) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes, and instructing their conferees to insist on the disagreement of the House to the amendments of the Senate numbered 22 and 96.

Several SENATORS. Let the message be read.

The Chief Clerk read as follows:

Resolved, That the House concur in the amendment of the Senate numbered 103 to the bill (H. R. 13658) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes, and further insists upon its disagreement to the amendments of the Senate to said bill numbered 22, 30, 59, 60, 81, 85, 96, 98, 101, 103, and 104, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses, and has appointed Mr. CANNON, Mr. PETERS, and Mr. BRECKINRIDGE of Kentucky managers at the conference on the part of the House.

Resolved, That the conferees on the part of the House are hereby instructed to insist on the disagreement of the House to the amendments of the Senate numbered 22 and 96.

Mr. STEWART. Mr. President, if I understand the amendments that have been agreed to and rejected, the amendment of the Senate putting in the French spoliation claims has been agreed to and the State claims and the payment to the railroads for carrying the mails have been rejected.

Now, the position of the bill seems to be that the State claims of California, Oregon, and Nevada for money expended in the suppression of the rebellion, after all the other States have been paid, are rejected; that the judgments of the Supreme Court on the claims for the carrying of the mails, the judgments already declared that the United States is liable and owes the money and should pay it, have been rejected.

The French spoliation claims, in which there is no judgment, which is simply a finding under a law that declares that such findings shall not in any way commit the United States to the payment of the claims, and the finding of the court under such a law which has not been examined by the Committee on Claims, as the chairman stated that it had not been fully examined, but they had gone far enough to ascertain that a portion of them were unsatisfactory, and claims one hundred years old, standing in that way, to a very large amount, are put into the bill.

Now, the system of legislation which produces such results certainly must be very defective. These appropriation bills come in and the main part of the legislation of Congress is forced into two or three days and nights and investigation and deliberation under the pressure are denied, because we are threatened with an extra session of Congress, and we must take what the House says we shall take or we must take the consequences of an extra session. That alternative is constantly presented, and while judgments of courts binding upon the Government are ignored, while State claims can not get consideration and are to be abandoned after consideration, claims that do not have a standing by reason of a judgment of a court or the investigation of a committee are allowed to pass.

I refer to the validity of these particular claims. I am aware that committees have held from time to time that there were equities in these French spoliation claims, but before they are paid it should be ascertained by some committee that each item that is appropriated goes to a legitimate claimant, so that when it has been neglected one hundred years we may investigate it and ascertain that the money goes to the party entitled to it. That has not been done. I would not object to the payment of any of these claims if it were found that there was money due to a particular individual, but it comes in without that investigation, and it is to be passed in the last hours of the session, while the judgments of courts and claims of States are unceremoniously ignored. Now it goes back to the committee for further conference.

It is a serious responsibility upon a Senator who feels that he must do his duty here as to what he ought to do under such circumstances, whether we must continue from year to year to pass bills under the threat of an extra session, to which we can not give our assent conscientiously, and must stay here year after year and see legitimate claims ignored. The question is whether it is our duty to submit to it. It is a matter of grave consideration. I will not now determine what I shall do, but it seems to me if legislation can not be carried on more orderly than this it is the duty of the Senate to defeat the important bills and call a halt and rearrange the mode of doing business.

I think the Senate is, in a great measure, to blame in this matter. The Senate has the same power to originate appropriation bills that the House has. The House has got in the habit, and it goes on every season, and it always will, to send these bills here at the last moment so that they can not be considered by the Senate. I think the Senate is derelict in its duty if it does not commence early in the session to inaugurate bills and give time for consideration, that we may have our legislation in order, so that at the end of the session every Senator will not leave the Senate Chamber conscious that he has been a party to a very great wrong which the Congress of the United States allows because he did not have time to correct it.

The whole legislation of Congress has to be done in two or three nights, when it must be done hurriedly—done when jobs of all kinds can go through. Each Senator has to go home and explain it, and has

to submit to it, that he can not reach it; that he could not discuss it because he was threatened with an extra session or the failure of the passage of the necessary bills to carry on the Government. It is a matter of grave consideration whether it is not my duty here to do all in my power to defeat this bill. Mr. President, I have said all I desire at this time. I have made these remarks, and I may make more before the bill becomes a law, but that is all I shall say at this time.

Mr. HALE. Mr. President, I desire to say only a word in reply to the Senator from Nevada. The instructions given to the committee on the part of the House do not apply to the State claims, but only to the railroad claims, so that in the conference which will immediately ensue the Senate conferees will not find the conference embarrassed by any action of the House aside from those claims. The committee of conference will be in session immediately, and I can only repeat what I have said before, that it will endeavor to secure as much as possible of the action of the Senate upon this bill.

I want to say to the Senator from Nevada—I know that he is a reasonable man upon all these subjects—that the Senate is committed to these State claims by vote, by sentiment, and it is only a question of time when they will pass.

The present bill, aside from the matters which have been discussed, contains upon it an appropriation for pensions for soldiers amounting to \$28,000,000. I do not suppose there is a Senator here who, whatever may be his feeling about other matters in the bill, would desire to wreck the bill and thereby leave the soldiers without money for the payment of their pensions during the remainder of the year. Calling the attention of the Senator to this, I leave the subject now, and hope to be able to report from the conference committee in a very short time.

Mr. CHANDLER. I ask the Senator how much is appropriated in the bill for pensions.

Mr. HALE. The appropriations for pensions are found upon page 5—

Mr. EDMUNDS. What is the total amount?

Mr. HALE. Amounting to \$28,678,332.89. This money is needed at once. Without it the payments between now and June 30, of course, will cease.

ARMY REORGANIZATION.

Mr. HAWLEY. I wish to ask unanimous consent. I hope the Senate will at least hear me state the case. The bill (H. R. 3865) to provide for the reorganization of the artillery force of the Army is in such a shape now that I wish the Senate would request the House to return it in order that I may ask the Senate to drop all the Senate amendments and simply concur in the original House bill. It is the most that I can expect to do now. I move that the House of Representatives be requested to return the bill.

The motion was agreed to.

EXECUTIVE SESSION.

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

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the bill (H. R. 13658) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 13552) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1892; and it was thereupon signed by the Vice President.

EBENEZER F. WOODWORTH.

Mr. EDMUNDS. I call for the regular order, which is the bill for the transfer of the revenue marine.

Mr. SHERMAN. Oh, that has gone over. I ask the Senate to proceed to the consideration of the bill (H. R. 8057) to remove the charge of desertion standing against the name of Ebenezer F. Woodworth.

Mr. CARLISLE. I do not object to the consideration of that bill, but I have a resolution here simply calling upon the Postmaster-General for information. It went over by consent and I should like to dispose of it as soon as this bill is disposed of. It is somewhat important to procure it.

Mr. SHERMAN. This will take but a moment.

The VICE PRESIDENT. Is there objection to the present consideration of the bill indicated by the Senator from Ohio?

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

The bill was reported from the Committee on Military Affairs with an amendment, to add at the end, "missing May 12, 1862, and supposed to have fallen into the hands of the enemy;" 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 amend the records of the War Department by removing the charge of desertion now standing on said records against the name of Ebenezer F. Woodworth, late of Company L, Third Regiment Michigan Cavalry Volunteers, missing May 12, 1862, and supposed to have fallen into the hands of the enemy.

Mr. SHERMAN. I hope the amendment will not be agreed to.

The amendment was rejected.

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

Mr. COCKRELL. Let the third reading of the bill be in full. I want to see what amendment has been stricken out.

The bill was read the third time at length, and passed.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 13658) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 22, 30, 59, 60, 84, 96, 98, 101, 103, and 104.

That the House recede from its disagreement to the amendment of the Senate numbered 85, with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert:

"For clerks to Committees on Patents, Coast Defenses, and Engrossed Bills from March 4 to July 1, 1891, at the rate of \$2,200 per annum each."

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.
J. G. CANNON,
S. R. PETERS,
W. C. P. BRECKINRIDGE,
Managers on the part of the House.

Mr. STEWART. I should like to ask what disposition has been made of the amendments that were disagreed to.

Mr. HALE. The Senate conferees found the conferees on the part of the House entirely firm in their resistance, and declined to yield; so that it became a question of giving up the Senate amendments or giving up the bill, and, mainly in consideration of the large appropriation in the bill for the pensioners, amounting to \$28,000,000, the conferees on the part of the Senate receded from the amendments, and they are out of the bill.

Mr. STEWART. Mr. President, this illustrates in a very glaring form the mode of doing business between the two Houses. Appropriation bills involving more money than was ever appropriated in any one session in time of peace at least can not be said to have been considered by the Senate. They nearly all came here in a bunch in the last two or three days and the Senate has been compelled to work night and day. Many Senators were unable to stay here on account of their health. Old men, feeble men, and men in ill health were unable to stay here and criticize these bills. They have been in the hands of a very few men who were overworked and could not give to them the attention they required.

They are not bills passed by the deliberation of this body, and it will be a marvel if there are not many things in these bills that Senators will regret and will be called upon to explain, and they will be compelled to make the explanation that there was no opportunity for any investigation of the great bulk of these bills; that it would have involved an extra session of Congress, which is regarded by the country as a calamity. We have been passing these bills under the shade of that calamity and under that threat, sitting here night and day. A large portion of the time there could not be a quorum. Those who were engaged on conference were necessarily in their committee rooms, and what has been done is unknown to the majority of the Senate.

In this bill judgments of courts, of the Supreme Court, binding, legal obligations of the Government, have been rejected. Claims of States of undoubted validity that have been long delayed have been rejected, and claims—

Mr. MORGAN. Will the Senator from Nevada allow me to ask him a question? Does the Senator desire to defeat the bill?

Mr. STEWART. I am not going to defeat the bill. I shall only occupy a few moments more, but I want to call attention to the situation. I am going to sit down in a moment. I say claims that have not the investigation or indorsement of the committee, involving millions, are in this bill. I do not complain of the conferees of the House; I do not complain of the conferees on the part of the Senate. They have labored night and day. It is a marvel to me that they have been able to perform the labor they have. They have done the best they could, and the result is that we have made these enormous appropriations for which the Senate, although responsible legally, can not be held responsible individually or morally.

I call attention to this matter now for the purpose of suggesting the necessity of earlier action on the appropriation bills and the further necessity of the Senate inaugurating appropriation bills, so that they can have them in time, that they can consider them properly, and that we can have legislation that we will understand, and that the country will understand, and not a great mass of material, involving millions and hundreds of millions that we know nothing of, forced through at the end of a session with the old excuse that we could not

reach it because we had to submit and pass the bills to avoid an extra session. The Government must be carried on; I recognize that; and I do not propose to block the wheels of Government, but I appeal to Senators that in the future this work on appropriation bills shall be begun in time and that they may be properly considered.

The PRESIDENT *pro tempore*. The question is on concurring in the conference report.

The report was concurred in.

REFUND OF IMPORT DUTIES.

Mr. HIGGINS. I ask the Senate to proceed to the consideration of the bill (H. R. 4730) to refund certain import duties.

Mr. HARRIS. Let it be read for information.

Mr. HIGGINS. The bill has been read.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. PASCO. Unanimous consent has been asked several times, but has been refused by the Senator from Vermont [Mr. EDMUNDS]. He is not now in his seat.

Mr. CULLOM. May I appeal to the Senator from Florida in behalf of the Senator from Delaware, who has been ill and who has just come out of his sickroom to attend the session this morning [for the purpose of getting a few things done? I hope the Senator will withdraw his objection to this bill, whatever objection he may make to others.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Florida to object to the consideration of the bill?

Mr. PASCO. The objection is urged on behalf of the Senator from Vermont.

The PRESIDENT *pro tempore*. The Senator from Florida suggests that objection to this bill has been urged several times by the Senator from Vermont.

Mr. HIGGINS. The Senator from Vermont knew of my application, and is not going to make any objection to it.

Mr. PASCO. I will say also that this matter was not reported on unanimously by the committee and it will lead to discussion if brought up.

Mr. HIGGINS. I should think it would not lead to very much discussion inasmuch as it has been already discussed upon its merits. All I ask is that it be allowed to come to a vote.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the bill?

Mr. PASCO. I make objection.

The PRESIDENT *pro tempore*. Objection is made.

Mr. GRAY. I trust the Senator from Florida will not insist on his objection.

Mr. PASCO. I object.

HON. ALEXANDER M'DONALD.

Mr. GORMAN. I desire to withdraw the motion I entered for a reconsideration of the resolution proposing to pay Hon. Alexander McDonald, and to let it pass.

The PRESIDENT *pro tempore*. The Senator from Maryland withdraws his motion to reconsider the vote by which the resolution reported from the Committee to Audit and Control the Contingent Expenses of the Senate was passed. The resolution has been heretofore agreed to.

Mr. HARRIS. It requires unanimous consent to withdraw the motion to reconsider.

The PRESIDENT *pro tempore*. Is there objection to the request? The Chair hears none, and the resolution stands passed.

COMMITTEE SERVICE.

Mr. MORGAN. I have a request to prefer to the Senate. I ask that it be read.

The Secretary read as follows:

UNITED STATES SENATE, Washington, D. C., March 4, 1891.

Mr. PRESIDENT: I respectfully request that the Senate will excuse me from further service on the Committee on Foreign Relations.

JOHN T. MORGAN.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Alabama? If there be no objection, the request is granted.

Mr. HOAR. I rise to object to the request of the honorable Senator from Alabama. The withdrawal of that Senator from that honorable service would be received with regret by the whole Senate. But I interpose the objection in order that there may be some further consideration of the matter. I know the country would be very sorry indeed if this great service should be subtracted from that committee. I object.

Mr. RANSOM. I unite with the Senator from Massachusetts in that statement, and protest against the withdrawal of the Senator from Alabama from the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. Objection being made, it is the duty of the Chair to present the request for the vote of the Senate. Shall the Senator from Alabama be excused from service upon the Committee on Foreign Relations?

Mr. HOAR. Let that request go over.

The PRESIDENT *pro tempore*. Being objected to, it must be passed over under the rule.

Mr. DAWES. I think we had better vote on it than to have it go over.

Mr. CULLOM. I hope action will be taken, and that the vote will be that he will not be excused.

Mr. GORMAN. I trust that the Senate will dispose of this request. I join the Senator from Massachusetts and the Senator from North Carolina in saying that it would be a great misfortune to the Senate to permit the Senator from Alabama to withdraw from that committee. I trust that by a unanimous vote we shall request him to continue his service on the committee.

The PRESIDENT *pro tempore*. The Senator from Massachusetts has objected to present consideration.

Mr. HOAR. I will withdraw my objection to the present consideration in order that the motion of the Senator from Maryland may be adopted.

Mr. GORMAN. I request that the Senator from Alabama continue his service upon the Committee on Foreign Relations.

Mr. BUTLER. Allow me to suggest to the Senator from Maryland that the motion be put in this form, that the Senate declines to accept the request of the Senator from Alabama, and upon that we can vote.

The PRESIDENT *pro tempore*. Is that modification of the motion accepted?

Mr. GORMAN. Yes, sir.

Mr. SPOONER. Mr. President, I do not think my last word in the Senate can be of any better service to the Senate than by the expression of the hope that the Senator from Alabama will not insist upon withdrawing from further service upon the Committee on Foreign Relations.

I believe it is the unanimous judgment of the Senate without regard to party that the withdrawal of that Senator from service upon that committee would be a serious public loss. His service there has been broadminded, fearless, able, lofty, and patriotic. I should regard it as a calamity if he should cease to be a member of that committee while he remains a member of the Senate.

The PRESIDENT *pro tempore*. It is moved by the Senator from Maryland that the Senate decline to accede to the request made by the Senator from Alabama to be excused from further service upon the Committee on Foreign Relations. Is the Senate ready for the question? [Putting the question.] The "ayes" have it, and the Senate declines to excuse the Senator from Alabama.

READJUSTMENT OF SALARIES OF POSTMASTERS.

Mr. CARLISLE. Two or three days ago I offered a resolution calling for information from the Postmaster-General and it was objected to by the chairman of the Committee on Post Offices and Post Roads, for the purpose of looking into it. He informs me that he will make no further objection to it. It is a simple Senate resolution, and I should like to have it passed.

Mr. EDMUNDS. Let it be read for information.

Mr. CARLISLE. It was read, but it can be read again.

The resolution was read, as follows:

Resolved, That the Postmaster-General be, and he is hereby, directed to report to the Senate a detailed statement of the whole salary due certain postmasters and the representatives of deceased postmasters, ascertained and determined as required by section 8 of chapter 114 of the laws of 1890, and chapter 119 of the laws of 1883, which requirement was by the Postmaster-General published on the 17th of February, 1884, as the concurrent construction of said laws by the Postmaster-General and the Attorney-General of the United States, which publication was reported to the Senate on the 17th day of May, 1886, and printed as Exhibit A, Senate Executive Document No. 146, Forty-ninth Congress, first session.

Such report shall state the amount of salary of each postmaster who applied or whose representative applied under the act of March 3, 1883, for readjustment of salary within each biennial term of actual service as such postmaster between July 1, 1864, and July 1, 1874, ascertained on the basis of chapter 61 of the laws of 1854, less the amount of salary paid such applicant within each of said biennial terms of service, and to be limited to the biennial terms within which the paid salary is 10 per cent. or more less than the amount of salary thus ascertained, such report to be made to the Senate, so far as the same can be prepared, at the beginning of the next session of Congress and to be completed as soon thereafter as practicable.

Mr. HALE. I object to that; let it lie over.

The PRESIDENT *pro tempore*. The Senator from Maine objects to the present consideration of the resolution, and it goes over.

NOTIFICATION TO THE PRESIDENT.

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

Resolved, That a committee of two Senators be appointed by the Chair, to join a similar committee appointed by the House of Representatives, to wait upon the President of the United States and inform him that the two Houses having completed the business of the present session are ready to adjourn unless the President has some other communication to make to them.

The PRESIDENT *pro tempore* appointed as the committee on the part of the Senate under the resolution Mr. EDMUNDS and Mr. GORMAN.

THANKS TO THE VICE PRESIDENT.

Mr. RANSOM submitted the following resolution; which was considered by unanimous consent:

Resolved, That the thanks of the Senate are hereby tendered to Hon. LEVI P. MORTON, Vice President, for the courteous, dignified, and able manner with which he has presided over its deliberations during the present session.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to unanimously.

PROTECTION OF MINERS.

Mr. WILSON. I ask unanimous consent to proceed to the consideration of the bill (H. R. 3339) for the protection of the lives of miners in the Territories.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill? The Chair hears none.

Mr. SHERMAN. I objected to that bill within a day or two, but Senators around me seem to think that it is a matter of importance to human life, and I withdraw my objection.

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

Mr. WILSON. The bill has been read at length.

The PRESIDENT *pro tempore*. The bill has been read at length and is open to amendment 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.

COINAGE COMMITTEE REPORT.

Mr. HAWLEY. In behalf of the Committee on Printing I ask the Senate to consider a concurrent resolution from the House of Representatives for printing certain testimony, as will appear by the resolution itself. Objection was made a day or two ago, but I am informed that the two Senators who objected have withdrawn their objection.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks for the present consideration of the concurrent resolution heretofore reported from the Committee on Printing. It will be read.

The concurrent resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That 10,000 copies of the testimony taken before the Committee on Coinage, Weights, and Measures, with the accompanying report, No. 3967, be printed, 6,000 copies to be for the use of the House of Representatives and 4,000 copies for the use of the Senate.

Mr. COCKRELL. I desire to ask the Senator if there is a minority report accompanying that report.

Mr. HAWLEY. I am not informed. That is the resolution just as it came over from the other House. I take it for granted there is one. I am informed by the Senator from Colorado [Mr. TELLER] that there is a minority report with it.

Mr. COCKRELL. Then if the antidote goes along with the poison I withdraw my objection.

Mr. HAWLEY. Which is the poison?

Mr. TELLER. I objected to this resolution last evening, and I objected largely upon the ground that this investigation was had for the purpose of preventing action upon the bill sent by this body to the House of Representatives. There is, I understand, a majority and a minority report accompanying the testimony taken in this connection, and I withdraw any objection I may have made.

The PRESIDENT *pro tempore*. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a resolution that a committee of three members be appointed on the part of the House to join such committee as may be appointed by the Senate to wait on the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn *sine die* unless he may have some further communication to make to them; and that in accordance with the foregoing resolution the Speaker had appointed Mr. MCKINLEY, Mr. PAYSON, and Mr. MILLS.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 13653) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes; and it was thereupon signed by the Vice President.

CHINESE IMMIGRATION.

Mr. MITCHELL. I offer a resolution, and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Committee on the Judiciary be, and it is hereby, instructed to inquire as to the date when under existing legislation the acts now in force relating to the restriction of Chinese immigration into this country expire, whether in 1892 or 1894; and also as to whether the Chinese exclusion act of 1888, commonly known as the "Scott act," will have any force or effect, and, if so, in what respect and to what extent, after the restriction acts referred to shall have expired by the provisions of their own limitation, and report to the Senate in December next.

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

Mr. COCKRELL. I should like to hear some explanation of that resolution.

Mr. MITCHELL. I will submit a word of explanation. There is very serious question in the minds of many persons as to the exact date when the present restriction acts relating to Chinese immigration into

this country expire. The question is whether they expire in 1892 or in 1894. The original act was passed in 1882, and provided for a restriction of ten years. Then that act was amended two years later by a supplementary act passed in 1884, and it is not by any means free from doubt whether the subsequent act extends the ten-year restriction two years in addition to the time fixed in the original act.

All I desire, if this resolution should be passed, is that we may have the judgment of the Judiciary Committee at the next session of the Senate. If the question is free from doubt, as some think, it can do no harm; and if there is a doubt, as a great many think, then it is important that we should have the judgment of that committee in order that we may determine what further legislation, if any, is necessary on the subject.

Mr. STEWART. I think it is well to pass the resolution. There is some doubt in regard to the construction of the statute, but we shall meet at the next session before the time expires, and at that session it will be necessary to pass a further restriction act continuing the law now in force and perhaps to perfect it further. The delegation from the Pacific coast will press such a measure at the next session.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

JOHN C. PHILLIPS.

Mr. CULLOM. I wish to call up a bill reported from the Committee on Military Affairs, the bill (H. R. 4842) for the relief of John C. Phillips. The bill has gone upon the Calendar.

Mr. COCKRELL. I desire simply to say that there are a dozen bills or more reported from the Committee on Military Affairs before that one, and they must be passed before that bill can be considered. The bill was only reported to-day, and it can lie over and take its chances with the others.

Mr. CULLOM. I hope the Senator from Missouri will not object. It is certainly a meritorious bill.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the bill indicated by the Senator from Illinois?

Mr. COCKRELL. Yes. That bill was reported to-day, and there are other bills reported yesterday and before that time on the Calendar, and it is not right to take up one at the foot of the Calendar.

Mr. CULLOM. I desire to inquire whether under the rule I can move to proceed to its consideration.

The PRESIDENT *pro tempore*. Having been reported during the present legislative day the bill can not be considered.

Mr. CULLOM. I was under the impression that perhaps that was the rule, and I made the inquiry of the Chair to be certain of it.

PRINTING OF MEMORIALS.

Mr. WASHBURN. I present memorials and resolutions of commercial, industrial, and professional bodies, and clippings from newspapers, advocating the passage of the Torrey bankruptcy bill. I ask that they be printed as a miscellaneous document.

Mr. SHERMAN. It is an unusual request to print a whole mass of petitions and extracts from newspapers, etc., in regard to a pending bill. I think the motion, with the papers, had better be referred to the Committee on Printing.

The PRESIDENT *pro tempore*. It will be so referred unless there be objection.

Mr. WASHBURN. I wish the Senator would withdraw his objection. These documents will give a great deal of very valuable information in regard to this question, which is interesting the country to so great an extent. It embraces memorials and various newspaper clippings bearing on the subject, and it is desired, in order to educate the people and enable them fully to understand the question, that this publication should be made. I hope the Senator will withdraw his objection.

Mr. SHERMAN. I am in favor of the bankruptcy law proposed, but it seems to me the practice of printing a great mass of stuff made up of extracts from newspapers is a very bad one, and the matter ought to be referred to the Committee on Printing.

Mr. CULLOM. If the Senator will allow me, I think there was a resolution passed, reported by the President *pro tempore* of the Senate from the Committee on Printing, touching the question as to the printing of this document.

Mr. BUTLER. Mr. President, we can not hear one word on this side.

Mr. TELLER. Will the Chair inform us what we are to vote upon? We have not been able to hear.

The PRESIDENT *pro tempore*. The Chief Clerk will state the indorsement on the papers.

The CHIEF CLERK. Petitions of commercial, industrial, and professional bodies, and clippings from newspapers, praying for the passage of the Torrey bankruptcy bill.

The PRESIDENT *pro tempore*. The Senator from Ohio moves the reference of the memorials and accompanying papers to the Committee on Printing.

Mr. CULLOM. What I desire to say is that my recollection is that perhaps yesterday the present occupant of the chair reported a resolution from his committee providing for the printing of this matter. I may be mistaken in that.

The PRESIDENT *pro tempore*. The occupant of the chair will state that it was not this matter, but a matter that had been heretofore transmitted to the Senate.

Mr. HAWLEY. I have looked at this bundle of papers. While it will undoubtedly be interesting, yet I find it to be nothing on earth but a scrapbook of newspaper articles concerning, as far as I can see, the Torrey bankruptcy bill.

Mr. WASHBURN. They are memorials of commercial bodies.

Mr. HAWLEY. Those matters go to the limbo of old papers in the Capitol here. We do not undertake to print memorials. There is an abundance of very able articles prepared by the best of lawyers and the most experienced of merchants concerning the whole of these subjects, and in the random newspaper articles, often for the day's reading, it is only occasionally that there is really an able and instructive treatment of the subject. I think it is quite a waste of money and time to print it.

Mr. GEORGE. I desire to know the exact attitude of the motion made by the Senator from Ohio about printing this document. Will it result from the carrying of the motion that the document will be printed at the public expense?

Mr. MANDERSON. Mr. President, I have examined the material that is connected with that communication, and as at present advised it seems to me the Senate should not order the printing. It is a large collection of editorial matter and communications published in the newspapers of the country. I think it would be establishing a very dangerous precedent, without the careful consideration of the proper committee, that matter of that kind should be printed at the public expense. I hope that the reference may be made.

The VICE PRESIDENT. The question is on the motion made by the Senator from Ohio that the papers be referred to the Committee on Printing.

The motion was agreed to.

TARIFF COMPILATION.

Mr. MANDERSON. There was referred to the Committee on Printing some time since a House concurrent resolution providing for the printing of 150,000 copies of the Senate document known as the "Comparative statement of the custom laws." On account of the publication of the Compendium of the Tariff it was thought well to report that resolution adversely. The Senate reconsidered that action and referred the House resolution again to the Committee on Printing. There seems to be such a very great desire for this document at both ends of the Capitol that I am instructed by the Committee on Printing to report it back favorably, and I ask for its present consideration.

The concurrent resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring). That there be printed for the use of Congress 150,000 copies of the Senate document entitled "Comparison of the customs law of 1883 with the new law of 1890," with index, and the administrative customs law of 1890; and that 100,000 copies of said document be for the use of the House and 50,000 for the use of the Senate. The cost of printing 150,000 copies will be about \$7,500.

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. 4212) for the relief of Henry E. Rhoades.

ENROLLED BILLS SIGNED.

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

Joint resolution (S. R. 159) authorizing Brig. Gen. Thomas L. Casey, Chief of Engineers, United States Army, to accept from the President of the French Republic a diploma conferring the decoration of officer of the National Order of the Legion of Honor;

Joint resolution (S. R. 168) authorizing the State of Oregon to construct, maintain, and operate a portage railroad over the property of the United States at the Columbia River, Oregon;

A bill (S. 1453) to provide for the purchase of a site and the erection of a public building thereon at Saginaw, in the State of Michigan;

A bill (S. 3238) to provide for the purchase of a site and the erection of a public building thereon at Clarksville, in the State of Tennessee;

A bill (H. R. 4483) granting an increase of pension to Mrs. S. J. Rayner;

A bill (S. 4557) to incorporate the National Conservatory of Music of America;

A bill (H. R. 8170) granting a pension to Elizabeth Keely;

A bill (H. R. 11606) granting a pension to Elizabeth M. Riley;

A 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;

A bill (H. R. 13575) granting a pension to Mary H. Ripley;

A 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;

A bill (H. R. 8057) to remove the charge of desertion against the name of Ebenezer F. Woodworth; and

A bill (H. R. 3839) for the protection of the lives of miners in the Territories.

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 this day approved and signed the following acts:

An act (S. 4224) for the erection of a new customhouse in the city of New York, and for other purposes;

An act (S. 2471) for the relief of certain officers and enlisted men of the First Kansas Colored Volunteers;

An act (S. 5089) authorizing the Coos Bay, Roseburgh and Eastern Railway and Navigation Company, in the county of Coos, State of Oregon, to construct a bridge across the Coal Bank Slough, in said State;

An act (S. 2635) for the relief of Charles G. Hood;

An act (S. 2692) to establish certain ports of delivery in Alaska Territory;

An act (S. 1813) granting increase of pension to Florida G. Casey;

An act (S. 5105) authorizing the construction of a railway upon the Government reservation at Fort Monroe, Virginia;

An act (S. 4155) to provide for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate commerce, and for other purposes;

An act (S. 209) to authorize the Secretary of War to cause to be mustered William P. Atwell;

An act (S. 4733) granting to the Missoula and Northern Railroad Company the right of way through the Flathead Indian reservation, in the State of Montana;

An act (S. 4981) for the relief of Sylvester Truesdell;

An act (S. 4488) granting a pension to Elizabeth R. Lee;

An act (S. 3238) to provide for the purchase of a site and the erection of a public building thereon at Clarksville, in the State of Michigan;

An act (S. 1453) to provide for the purchase of a site and the erection of a public building thereon at Saginaw, in the State of Michigan;

An act (S. 5129) to amend section 8 of an act approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes;"

An act (S. 3431) granting a pension to Martha N. Hudson;

An act (S. 4557) to incorporate the National Conservatory of Music of America;

Joint resolution (S. R. 169) to provide for the organization of the circuit courts of appeals;

Joint resolution (S. R. 159) authorizing Brig. Gen. Thomas L. Casey, Chief of Engineers, United States Army, to accept from the President of the French Republic a diploma conferring the decoration of officer of the National Order of the Legion of Honor; and

Joint resolution (S. R. 168) authorizing the State of Oregon to construct, maintain, and operate a portage railroad over the property of the United States at the cascades of the Columbia River, Oregon.

NOTIFICATION TO THE PRESIDENT.

At 11 o'clock and 50 minutes a. m. Mr. EDMUNDS and Mr. GORMAN appeared at the bar, and Mr. EDMUNDS said:

Mr. President, the committee appointed to wait upon the President of the United States, in conjunction with the committee of the House of Representatives appointed for that purpose, have waited upon him and informed him that the two Houses had concluded their business and were ready to adjourn unless he had some further communication to make. He replies that he has no further communication to make, and wishes for the President of the Senate and all its members a happy and safe return to their homes and every felicity.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a joint resolution (H. Res. 298) to amend "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1892;" in which the concurrence of the Senate was requested.

STATEMENTS OF APPROPRIATION BILLS.

Mr. ALLISON. I ask leave to have printed in the RECORD a summary of the appropriations of this session. In the nature of things it can not be accurately prepared for two or three days.

The VICE PRESIDENT. Is there objection to the request made by the Senator from Iowa? The Chair hears no objection.

Mr. COCKRELL. Will that include the aggregate of the permanent and indefinite appropriations or simply the amounts specified in bills that have been passed at this session?

Mr. ALLISON. It is expected that it will include a fair and accurate statement of the situation, whatever it is.

The PRESIDENT *pro tempore*. The Chair hears no objection, and leave is granted.

Mr. BUTLER. The Senate has been very much disappointed in not having that statement. Heretofore I believe our distinguished friend has always had that statement prepared and ready to be submitted to the Senate. Perhaps the pressure of business has prevented his getting it ready now, very much to our regret.

Mr. ALLISON. The Senator from South Carolina will readily see

that in the hurry of affairs here it would be impossible to make an accurate statement of the appropriations before adjournment to-day.

Under the leave granted by the Senate to print in the RECORD a summary of the appropriations made at the present session, Mr. ALLISON submits the following statements showing the total appropriations passed, with a chronological history of the several appropriation bills,

the estimates submitted therefor, and the amount of appropriations made at the first session of this Congress, for the fiscal year 1891, and also presents a comparative table of the total appropriations made by the Fiftieth and the Fifty-first Congresses, with a brief explanation as to the differences found in amounts of the general appropriation bills passed by these Congresses.

Chronological history of appropriation bills, second session of the Fifty-first Congress, estimates and appropriations for the fiscal year 1891-'92, and appropriations for the fiscal year 1890-'91.

Title.	Estimates, 1892.	Reported to the House.		Passed the House.		Reported to the Senate.		Passed the Senate.		Law, 1891-'92.		Law, 1890-'91.
		Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.	
Agricultural.....	\$2,812,003.50	1891. Feb. 9	\$2,804,853.50	1891. Feb. 25	\$2,814,853.50	1891. Mar. 2	\$3,018,153.50	1891. Mar. 2	\$3,068,153.50	1891. Mar. 3	\$3,023,153.50	\$1,799,100.00
Army.....	25,815,644.83	1890. Dec. 11	24,630,529.19	1891. Jan. 14	24,630,529.19	1891. Jan. 26	24,578,029.19	1891. Jan. 31	24,629,029.19	1891. Feb. 24	24,613,529.19	24,203,471.79
Diplomatic and consular.....	1,942,605.00	1891. Jan. 10	1,664,925.00	1891. Feb. 4	1,640,425.00	1891. Feb. 11	1,655,925.00	1891. Feb. 17	1,906,925.00	1891. Mar. 3	1,656,925.00	1,710,815.00
District of Columbia.....	5,450,215.17	1890. Dec. 17	5,385,726.17	1890. Jan. 22	5,390,576.17	1891. Feb. 11	8,307,595.17	1891. Feb. 12	8,309,825.17	1891. Mar. 3	5,597,125.17	5,769,541.15
Fortification.....	7,484,323.00	1891. Dec. 9	4,478,803.00	1891. Dec. 11	4,478,803.00	1891. Jan. 16	4,046,303.00	1891. Feb. 4	3,616,303.00	1891. Feb. 24	3,774,803.00	4,232,935.00
Indian.....	6,846,908.03	1891. Jan. 27	7,220,040.14	1891. Feb. 18	12,772,415.73	1891. Feb. 26	12,665,039.95	1891. Feb. 28	15,134,791.98	1891. Mar. 3*	16,336,284.86	7,263,016.02
Legislative, etc.	22,689,282.55	1891. Jan. 10	21,558,896.55	1891. Feb. 13	21,839,436.55	1891. Feb. 26	21,975,516.25	1891. Feb. 27	22,096,806.25	1891. Mar. 3	22,027,674.25	21,030,732.75
Military Academy.....	552,736.90	1890. Jan. 6	402,064.64	1891. Jan. 31	402,064.64	1891. Feb. 3	402,064.64	1891. Feb. 4	407,064.64	1891. Mar. 2	402,064.64	433,296.11
Navy.....	33,331,590.11	1890. Dec. 20	30,955,957.58	1890. Jan. 26	31,111,654.78	1891. Feb. 6	31,551,654.78	1891. Feb. 11	31,551,654.78	1891. Mar. 2	31,541,654.78	324,136,035.53
Pension.....	135,263,085.00	1891. Dec. 1	135,099,785.00	1891. Dec. 6	135,099,785.00	1891. Jan. 10	135,214,785.00	1891. Feb. 5	135,214,785.00	1891. Mar. 3	135,214,785.00	98,457,461.00
Post office.....	77,545,891.41	1891. Feb. 6	77,365,212.61	1891. Feb. 23	77,365,212.61	1891. Feb. 27	77,390,212.61	1891. Mar. 2	77,897,222.61	1891. Mar. 3	77,907,222.61	72,226,698.00
River and harbor.....	(d)										(e)	25,136,295.00
Sundry civil.....	38,811,082.90	1891. Feb. 3	34,242,970.89	1891. Feb. 9	34,302,470.89	1891. Feb. 21	37,220,913.99	1891. Feb. 26	39,170,538.99	1891. Mar. 3	37,410,363.99	29,738,282.22
Total.....	358,545,361.40		345,809,764.27		351,818,227.06		357,996,193.08		363,033,100.11		359,560,585.99	316,141,703.56
Deficiency, printing, etc., 1891.....	16,000,000.00	1890. Dec. 9	382,000.00	1890. Dec. 11	413,470.57	1890. Dec. 18	510,398.71	1890. Dec. 19	510,398.71	1891. Jan. 8	515,894.71	438,617,448.96
Deficiency, 1891 and prior years.....		1891. Feb. 17	36,577,308.00	1891. Feb. 26	35,786,893.33	1891. Mar. 2	38,653,572.44	1891. Mar. 3	41,914,722.32	1891. Mar. 3	38,191,798.96	
Total.....	404,545,361.40		382,769,032.36		388,078,590.96		397,190,164.23		408,518,221.14		398,268,279.66	354,753,152.52
Miscellaneous.....	5,000,000.00								44,256,531.10		7,010,905.27	
Total regular annual appropriations.....	400,545,361.40										402,524,810.76	361,770,057.79
Permanent annual appropriations.....	122,486,808.00										122,486,808.00	101,628,453.00
Grand total, regular and permanent annual appropriations.....	523,032,169.40										525,011,618.76	463,398,510.79

a One-half of the amounts for the District of Columbia payable by the United States, except amounts for the water department (estimated for 1892 at \$302,538.20), which are payable from the revenues of the water department.
 b This amount includes \$1,000,000, appropriated by joint resolution September 29, 1890, for nickel ore or nickel matte for naval purposes.
 c Includes all expenses of the postal service payable from postal revenues and out of the Treasury.
 d No estimate is included in the "annual estimates for the public service" for rivers and harbors for 1892. By note on page 183 of the Book of Estimates for 1892, items aggregating \$10,967,250 are submitted, as follows: "Amounts that will probably be earned by contractors during next fiscal year, as reported by the Chief of Engineers," \$1,096,000; "amounts that can be profitably expended in the next fiscal year, as reported by the Chief of Engineers," \$5,621,250, and under "Missouri River Commission," \$1,250,000.
 e No general river and harbor appropriation act was passed for 1892, but an appropriation of \$1,000,000 for the improvement of the Mississippi River was made by joint resolution approved March 3, 1891, and appropriations amounting to \$1,951,200 for the improvement of certain harbors and rivers were included in the sundry civil act, making in all for 1892 \$2,951,200.
 f This amount is approximated.
 g This amount includes \$29,335,598.34 for pensions for the fiscal year 1891.
 h This amount includes \$25,321,907.35 for pensions for the fiscal year 1890.
 i This amount includes the specific appropriation of \$500,000 made by the act to refund direct taxes, but does not include the indefinite appropriation made by said act, nor the indefinite appropriation of the proceeds of the sale of the old customhouse in New York (required to be sold for not less than \$4,000,000) toward the construction of a new customhouse in that city.
 j This is the amount originally submitted to Congress by the Secretary of the Treasury as estimated to be necessary under permanent specific and indefinite appropriations.

The following statement shows somewhat in detail the increase and reduction made by the appropriation acts passed by the Fifty-first Congress over those passed by the Fiftieth Congress.

APPROPRIATIONS MADE BY THE FIFTIETH AND FIFTY-FIRST CONGRESSSES.
 Table comparing by acts the appropriations made by the Fiftieth and Fifty-first Congresses.

Title of act.	Fiftieth Congress, fiscal years 1889 and 1890.	Fifty-first Congress, fiscal years 1891 and 1892.	Increase, Fifty-first Congress over Fiftieth Congress.	Decrease, Fifty-first Congress from Fiftieth Congress.
Agricultural.....	\$3,385,780.00	\$1,827,253.50	\$1,441,473.50	
Army.....	48,787,915.73	48,820,000.98	32,085.25	
Diplomatic and consular.....	3,408,490.00	3,367,740.00		\$40,750.00
District of Columbia.....	10,728,820.23	11,368,669.32	637,849.09	
Fortifications.....	5,205,594.00	8,007,738.00	2,802,144.00	
Indian.....	16,341,154.18	23,648,300.88	7,307,146.70	
Legislative, etc.....	41,601,793.88	43,058,427.00	1,456,633.12	
Military Academy.....	1,217,810.50	837,360.75		380,449.75
Navy.....	41,635,345.62	55,677,690.31	14,042,344.69	

Table comparing by acts the appropriations made by the Fiftieth and Fifty-first Congresses—Continued.

Title of act.	Fiftieth Congress, fiscal years 1889 and 1890.	Fifty-first Congress, fiscal years 1891 and 1892.	Increase, Fifty-first Congress over Fiftieth Congress.	Decrease, Fifty-first Congress from Fiftieth Congress.
Pension.....	a \$175,017,400.00	b \$288,329,751.69	\$113,312,351.69	
Post office.....	127,465,578.02	150,133,921.60	22,668,343.58	
River and harbor.....	22,397,616.20	25,136,295.00	2,738,678.10	
Sundry civil.....	51,618,146.49	67,148,646.21	15,530,499.72	
Deficiencies.....	24,393,901.56	22,667,636.94		\$1,726,264.62
Miscellaneous.....	20,426,657.81	11,267,436.37		9,159,221.47
Total.....	593,632,004.95	764,204,868.55	181,969,549.44	11,806,685.81
Permanent annual.....	224,331,854.85	224,115,251.00		216,593.85
Grand total.....	817,963,859.80	988,410,120.55	181,969,549.44	11,523,279.09
Net increase.....		170,446,260.75	170,446,260.75	

a Includes \$3,500,000 pension deficiencies for 1888, passed at the first session of the Fiftieth Congress, and \$3,000,000 pension deficiencies for 1889, passed at the second session of the Fiftieth Congress.

b Includes \$25,321,907.35 pension deficiencies for 1890, passed at the first session of the Fifty-first Congress, and \$29,335,598.34 pension deficiencies for 1891, passed at the second session of the Fifty-first Congress.

AGRICULTURAL APPROPRIATION ACTS.

The increase of \$1,441,473.50 is caused by increased appropriation for the establishment of agricultural-experiment stations in the various States which have complied with the act of March 2, 1887, of \$228,000; for the expenses of the Weather Bureau transferred to the Department of Agriculture, \$889,753.50; and for the increased necessities of the Department in carrying on its work since being made one of the Executive Departments.

ARMY APPROPRIATION ACTS.

The small increase of \$32,085.25 in acts carrying \$48,000,000 is caused by changes in appropriations for the various departments of the Army service, chiefly in the Quartermaster's Department and for expenses of recruiting.

DIPLOMATIC AND CONSULAR APPROPRIATION ACTS.

The diplomatic and consular appropriations made by the Fifty-first Congress are less than those made by the Fiftieth Congress by the sum of \$40,750.

DISTRICT OF COLUMBIA APPROPRIATION ACTS.

The increase of \$637,849.09 is caused by increased appropriations for the fire department, the police department, street improvements, support of schools, reformatories and prisons, and for various other purposes.

FORTIFICATION APPROPRIATION ACTS.

The increase of \$2,802,144 is caused by new items of appropriation for commencing and continuing the construction of gun and mortar batteries for defense of Boston, New York, San Francisco, and other harbors, amounting to \$1,971,000; an increase in the appropriations for the new Army gun factory at Watervliet arsenal, Troy, N. Y., and for new and improved guns for fortifications and other works of defense.

INDIAN APPROPRIATION ACTS.

The increase of \$7,307,146.70 is caused by new items of appropriation to carry out recent treaties negotiated with various Indian tribes, mainly for the sale of portions of their lands which will be opened for settlement and sale by the Government, and ratified and confirmed by the Indian appropriation act passed at the second session of the Fifty-first Congress, amounting to \$5,626,290.75; for payment to the Choctaw and Chickasaw Nation of Indians for certain lands occupied by the Cheyenne and Arapaho Indians, \$2,991,450; and an increase in the appropriations for support of Indian schools of \$1,331,800. The appropriations made by the Fiftieth Congress included an unusual item of \$1,012,942.02 for payment for Seminole lands. Other items of increase and reduction made by the Fifty-first Congress in the appropriations by the Fiftieth Congress show a net increase as above stated of \$7,307,146.70.

LEGISLATIVE APPROPRIATION ACTS.

The increase of \$1,456,633.12 is caused by increase in the clerical force of the various Executive Departments, mainly in the Pension Office, amounting to \$776,120, in the Patent Office, Land Office, record and pension division of the War Department, the Sixth Auditor's Office, the Post-Office Department, and the Navy Department. An increase of \$300,000 is made in the internal-revenue service, principally on account of the expenses of inspection of sugar, upon which a bounty is to be paid under the act of October 1, 1890.

MILITARY ACADEMY APPROPRIATION ACTS.

The appropriations for support of the Military Academy made by the Fifty-first Congress are less than those made by the Fiftieth Congress by the sum of \$380,449.75.

NAVAL APPROPRIATION ACTS.

The increase of \$14,042,344.69 is caused principally by increased appropriations for the construction of new ships for the Navy, the total appropriations for increase of the Navy made by the Fifty-first Con-

gress being \$24,727,000, and by the Fiftieth Congress \$12,990,000, and for improvement of plants at the various navy yards so as to build and repair iron and steel ships, and for building new dry docks at Port Royal, S. C., and on Puget Sound. The appropriations for the general running expenses of the naval establishment have been about the same in amount for each Congress.

PENSION APPROPRIATION ACTS.

The increase of \$113,312,351.69 shows the entire increase in appropriations for pensions, including deficiencies, made by the Fifty-first Congress over the Fiftieth Congress. This large increase is caused in part by the failure of the Fiftieth Congress to make sufficient appropriations for pensions for the fiscal year 1890, leaving a deficiency to be provided for by the Fifty-first Congress of \$25,321,907.35, and the appropriation by the Fifty-first Congress of the full amount estimated to be required for the fiscal year 1892, so that no deficiency appropriations for pensions will be necessary at the next session of Congress.

POST-OFFICE APPROPRIATION ACT.

The increase of \$22,668,343.58 for the postal service is due to the growth and expansion of that service throughout the country, and occurs mainly in the items for compensation to postmasters, clerks in post offices, rent, light, and fuel for post offices, the free-delivery service, star-route, steamboat, and railroad transportation, railway post-office car service, railway post-office clerks, mail bags and mail-bag-catchers, mail locks and keys, and for foreign mail service.

RIVER AND HARBOR APPROPRIATION ACTS.

The increase of \$2,738,678.10 for river and harbor improvements is due to enlarged appropriations for some of the principal works of improvement in progress, such as the Mississippi River and Missouri River improvements, for purchase and improvement of Portage Lake and other canals, and for various new works entered upon.

SUNDRY CIVIL APPROPRIATION ACTS.

The increase of \$15,530,499.72 is caused by some new and necessary items of appropriation, as for improving certain harbors and rivers heretofore provided for in river and harbor appropriation acts, \$1,951,200; for expenses of the Eleventh Census, \$2,750,000; for post-office building at Washington, D. C., \$250,000; and for additional accommodations for the Government Printing Office, \$250,000; and by the increased needs of other branches of the public service as follows: For lighthouses and the lighthouse establishment, \$350,000; for military posts, \$290,000; for National Home for Disabled Volunteer Soldiers and aid to State homes, \$1,620,000; for public printing and binding, \$400,000; for public buildings, \$5,204,830.78; for Congressional Library building, \$450,000; for artificial limbs and appliances for soldiers and sailors, \$195,000; for establishing and completing the Chickamauga and Chattanooga national parks, \$200,000; for publication of records of the war of the rebellion, \$334,000; for expenses of United States courts, \$250,000; for public land surveys and expenses of the land service, \$780,000; for care, heating apparatus, fuel and lights for public buildings, \$425,000; for the World's Fair, to be held in Chicago, \$468,000; and for other items of increase for the Life-Saving Service, the Revenue-Cutter service, the Fish Commission, expenses of Bureau of Engraving and Printing, for recoinage of silver coins, the quarantine service, etc.

Various other items of increase and reduction and omission of items in the sundry civil appropriation acts passed by the Fiftieth Congress are made by the Fifty-first Congress, resulting in a net increase, as above stated, of \$15,530,499.72.

DEFICIENCY APPROPRIATION ACTS.

The deficiency appropriations, exclusive of pension deficiencies which for comparative purposes have been included in the above table under pension acts, made by the Fifty-first Congress, are \$1,726,264.62 less than those made by the Fiftieth Congress, although an extraordinary

appropriation for the payment of the French spoliation claims of \$1,304,000 was included in the general deficiency act passed at the second session of the Fifty-first Congress.

MISCELLANEOUS APPROPRIATION ACTS.

The miscellaneous appropriation acts show a decrease made by the Fifty-first Congress in the appropriations made by the Fiftieth Congress of \$9,159,221.47. A portion of this decrease is caused by the fact that many special public-building acts passed at the Fiftieth Congress carried appropriations therefor, while the Fifty-first Congress excluded the most of such appropriations from the special acts and made provision for the same in the sundry civil acts.

A summary of the increase of \$170,446,269.25 in the appropriations made by the Fifty-first Congress over the Fiftieth Congress shows that the principal items, in round numbers, are as follows:

For pensions.....	\$113,300,000.00
For postal service.....	22,600,000.00
For new ships for the Navy.....	11,700,000.00
For mortar batteries and heavy guns for harbor defense and for new Army gun factory.....	2,800,000.00
For river and harbor improvements.....	4,600,000.00
For expenses of the Eleventh Census in various bills.....	6,075,000.00
For payment of French spoliation claims.....	1,300,000.00
For National Home for Disabled Volunteer Soldiers, including aid to State homes.....	1,600,000.00
For carrying out new Indian treaties ratified by Congress, including payment to Choctaw and Chickasaw Nations for lands.....	8,600,000.00
	172,575,000.00

Various other items of increase and reduction and omission of items included in the appropriations of the Fiftieth Congress are made by the Fifty-first Congress, resulting in a net increase, as stated, of.....

170,446,269.75

CORRECTION OF ERROR IN ENROLLMENT.

Mr. PLUMB. Mr. President, one of the accompaniments of the manner in which we do business in the last hours of a session is that the most important legislation is done by enrolling clerks. It will be a great piece of good fortune if, as from time to time the measures which have been passed during the last hours of this session are exposed to construction and to view, they do not contain very much greater mistakes than the item which is mentioned in the joint resolution which I ask leave to call up.

An item appropriating \$150,000 was stricken out in conference, and the conference report was agreed to by both Houses, but the enrolling clerks of the House in some way managed to insert it, and therefore it is to-day a law; that is to say, that which both Houses enacted affirmatively should not be in the agricultural appropriation bill is there in contemplation of law and with as much legal effect as any other provision of the bill. I ask unanimous consent that the joint resolution may be read.

Mr. BLAIR. What is the item?

Mr. PLUMB. I was not sufficiently specific. It is in regard to the purchase of seeds for settlers in what are called the arid regions, \$150,000.

The joint resolution (H. Res. 298) to amend "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1892," was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the act of March 3, 1891, entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1892," be amended by striking out the appropriation of \$150,000 for seeds for destitute citizens of the West.

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

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

FINAL ADJOURNMENT.

The VICE PRESIDENT (at 12 o'clock m., Wednesday, March 4). I am admonished by yonder dial that the life of the Fifty-first Congress is ended, and that the hour of separation and farewell has again arrived. The record is made up and has gone into history. No one of us can be unmindful as we part of the fact that all are not with us who answered to the first roll call of this Congress. Three members of this body, all taken from one side of this Chamber, have answered the last summons and gone out forever from the haunts of men. They were well worthy of the love we bore them, and will be cherished in the hearts of the people as able and honorable and patriotic public servants.

Without previous experience as a presiding officer I came with distrust to the discharge of the duty imposed by the Constitution upon the Vice President in his relation to the Senate, certain only of an unflinching purpose to do right and of the patience and forbearance of this great body. I acknowledge with grateful sensibility the courtesy and kindness which, even in critical and complicated situations, the mem-

bers of the Senate have been accustomed to accord to me, and the honor conferred by the resolution just adopted in my absence from the chair. With the earnest hope that each member of this body may be blessed in every relation of life, I now declare that the constitutional period of the Fifty-first Congress having been completed, the Senate stands adjourned without day.

NOMINATIONS.

Executive nominations received by the Senate the 3d day of March, 1891.

LAND COMMISSIONER IN SAMOA.

Henry C. Ide, of Vermont, to be land commissioner in Samoa under the general act signed at Berlin June 14, 1889, by the plenipotentiaries of the United States, Germany, and Great Britain. Henry B. Atherton, heretofore nominated to the above-named office, has declined the appointment.

CONSUL GENERAL.

Willard D. Tillotson, of Washington, to be consul general of the United States at Kanagawa, *vice* John F. Gowey, resigned.

REGISTER OF LAND OFFICE.

George A. Barry, of Eau Claire, Wis., to be register of the land office at Eau Claire, Wis., *vice* Lyman P. Hotchkiss, resigned.

APPOINTMENT IN THE ARMY.

Tenodor Ten Eyck, late captain of infantry, to be captain of infantry to rank from February 28, 1891.

PROMOTIONS IN THE ARMY.

Cavalry.

Second Lieut. Charles J. Symmonds, Eighteenth Infantry, to be second lieutenant of cavalry, to rank in the cavalry arm from September 21, 1890.

Medical Department.

Maj. Charles R. Greenleaf, surgeon, to be assistant medical purveyor, with the rank of lieutenant colonel, February 24, 1891, *vice* Fryer, retired from active service.

Capt. Charles K. Winne, assistant surgeon, to be surgeon, with the rank of major, February 22, 1891, *vice* Cowdrey, deceased.

Capt. Timothy E. Wilcox, assistant surgeon, to be surgeon, with the rank of major, February 24, 1891, *vice* Greenleaf, promoted.

Capt. Fred C. Ainsworth, assistant surgeon, to be surgeon, with the rank of major, February 27, 1891, *vice* Tremaine, retired from active service.

Capt. Valery Havard, assistant surgeon, to be surgeon, with the rank of major, February 27, 1891, *vice* Loring, retired from active service.

Corps of Engineers.

First Lieut. Gustav J. Fieberger, to be captain, February 22, 1891, *vice* Young, resigned.

First Lieut. Oberlin M. Carter, to be captain, February 26, 1891, *vice* Hinman, retired from active service.

Second Lieut. Francis R. Shunk, to be first lieutenant, February 22, 1891, *vice* Fieberger, promoted.

Second Lieut. Eugene W. Van C. Lucas, to be first lieutenant, February 26, 1891, *vice* Carter, promoted.

Cavalry.

Lieut. Col. Albert P. Morrow, Sixth Cavalry, to be colonel of cavalry, February 18, 1891, *vice* Brackett [Third Cavalry], retired from active service.

Maj. Samuel S. Sumner, Eighth Cavalry, to be lieutenant colonel of cavalry, February 18, 1891, *vice* Morrow [Sixth Cavalry], promoted.

Capt. Albert B. Kauffman, Eighth Cavalry, to be major of cavalry, February 18, 1891, *vice* Sumner [Eighth Cavalry], promoted.

First Lieut. Charles M. O'Connor, regimental adjutant, Eighth Cavalry, to be captain of cavalry, February 18, 1891, *vice* Kauffman, promoted.

First Lieut. Quincy O'M. Gillmore, Eighth Cavalry, to be captain of cavalry, February 20, 1891, *vice* Ropes [Eighth Cavalry], retired from active service.

First Lieut. Louis A. Craig, Sixth Cavalry, to be captain of cavalry, February 24, 1891, *vice* Overton [Sixth Cavalry], retired from active service.

First Lieut. William Baird, Sixth Cavalry, to be captain of cavalry, February 24, 1891, *vice* Hanna [Sixth Cavalry], retired from active service.

First Lieut. Wilbur E. Wilder, Fourth Cavalry, to be captain of cavalry, February 25, 1891, *vice* Martin [Fourth Cavalry], retired from active service.

First Lieut. John F. Guilfoyle, Ninth Cavalry, to be captain of cavalry, February 25, 1891, *vice* Conline [Ninth Cavalry], retired from active service.

Second Lieut. James A. Swift, Seventh Cavalry, to be first lieutenant of cavalry, February 7, 1891, *vice* Hoyle [First Cavalry], promoted.

Second Lieut. John C. Waterman, Seventh Cavalry, to be first lieutenant of cavalry February 20, 1891, *vice* Gillmore [Eighth Cavalry], promoted.

Second Lieut. Barrington K. West, Sixth Cavalry, to be first lieutenant of cavalry, February 20, 1891, *vice* Burnett [Ninth Cavalry], retired from active service.

Second Lieut. Robert B. Watkins, First Cavalry, to be first lieutenant of cavalry, February 24, 1891, *vice* Craig [Sixth Cavalry], promoted.

Second Lieut. Robert J. Duff, Eighth Cavalry, to be first lieutenant of cavalry, February 24, 1891, *vice* Baird [Sixth Cavalry], promoted.

Second Lieut. Edwin C. Bullock, Seventh Cavalry, to be first lieutenant of cavalry, February 25, 1891, *vice* Wilder [Fourth Cavalry], promoted.

Second Lieut. Samuel E. Adair, Fifth Cavalry, to be first lieutenant of cavalry, February 25, 1891, *vice* Guilfoyle [Ninth Cavalry], promoted.

Artillery.

Second Lieut. John W. Ruckman, Fifth Artillery, to be first lieutenant of artillery, February 20, 1891, *vice* Rice [First Artillery], retired from active service.

Second Lieut. William P. Stone, Second Artillery, to be first lieutenant of artillery, February 20, 1891, *vice* Massey [Fifth Artillery], retired from active service.

Infantry.

Lieut. Col. Joseph S. Conrad, Twenty-second Infantry, to be colonel of infantry, February 24, 1891, *vice* O'Beirne [Twenty-first Infantry], deceased.

Maj. John H. Page, Eleventh Infantry, to be lieutenant colonel of infantry, February 24, 1891, *vice* Conrad [Twenty-second Infantry], promoted.

Capt. James H. Bradford, Nineteenth Infantry, to be major of infantry, February 24, 1891, *vice* Page [Eleventh Infantry], promoted.

First Lieut. George P. Borden, Fifth Infantry, to be captain of infantry, February 20, 1891, *vice* Logan [Fifth Infantry], retired from active service.

First Lieut. Alexander McC. Guard, Nineteenth Infantry, to be captain of infantry, February 20, 1891, *vice* Remington [Nineteenth Infantry], retired from active service.

First Lieut. William B. Wheeler, Eighteenth Infantry, to be captain of infantry, February 20, 1891, *vice* Miller [Eighteenth Infantry], retired from active service.

First Lieut. Benjamin H. Gilman, Thirteenth Infantry, to be captain of infantry, February 24, 1891, *vice* De Courcy [Thirteenth Infantry], retired from active service.

First Lieut. Walter S. Scott, Twenty-fifth Infantry, to be captain of infantry, February 24, 1891, *vice* Stivers [Twenty-fifth Infantry], retired from active service.

First Lieut. Alfred Reynolds, Twentieth Infantry, to be captain of infantry, February 24, 1891, *vice* Maize [Twentieth Infantry], retired from active service.

First Lieut. Leven C. Allen, Sixteenth Infantry, to be captain of infantry, February 24, 1891, *vice* Wedemeyer [Sixteenth Infantry], retired from active service.

First Lieut. Thomas H. Barry, First Infantry, to be captain of infantry, February 25, 1891, *vice* Markland [First Infantry], retired from active service.

Second Lieut. Blanton C. Welsh, Fifteenth Infantry, to be first lieutenant of infantry, February 13, 1891, *vice* Mason [First Infantry], deceased.

Second Lieut. James A. Goodin, Seventh Infantry, to be first lieutenant of infantry, February 20, 1891, *vice* Vedder [Nineteenth Infantry], retired from active service.

Second Lieut. Charles L. Collins, Twenty-fourth Infantry, to be first lieutenant of infantry, February 20, 1891, *vice* Payne [Nineteenth Infantry], retired from active service.

Second Lieut. George P. Ahern, Twenty-fifth Infantry, to be first lieutenant of infantry, February 20, 1891, *vice* Young [Fourth Infantry], retired from active service.

Second Lieut. Woodbridge Geary, Nineteenth Infantry, to be first lieutenant of infantry, February 20, 1891, *vice* Spencer [Nineteenth Infantry], retired from active service.

Second Lieut. Thomas H. Wilson, Second Infantry, to be first lieutenant of infantry, February 20, 1891, *vice* Borden [Fifth Infantry], promoted.

Second Lieut. Edwin A. Root, Twenty-second Infantry, to be first lieutenant of infantry, February 20, 1891, *vice* Guard [Nineteenth Infantry], promoted.

Second Lieut. Harry C. Hale, Twelfth Infantry, to be first lieutenant of infantry, February 20, 1891, *vice* Wheeler [Eighteenth Infantry], promoted.

Second Lieut. Charles H. Cochran, Seventh Infantry, to be first lieutenant of infantry, February 20, 1891, *vice* Woodbridge [Seventh Infantry], retired from active service.

Second Lieut. Elmore F. Taggart, Sixth Infantry, to be first lieuten-

tenant of infantry, February 20, 1891, *vice* Chase [Fourth Infantry], retired from active service.

Second Lieut. Samson L. Faison, First Infantry, to be first lieutenant of infantry, February 24, 1891, *vice* Tyler [Thirteenth Infantry], retired from active service.

Second Lieut. Alfred Hasbrouck, jr., Fourteenth Infantry, to be first lieutenant of infantry, February 24, 1891, *vice* Mumford [Thirteenth Infantry], retired from active service.

Second Lieut. Jacob F. Kreps, Twenty-second Infantry, to be first lieutenant of infantry, February 24, 1891, *vice* Griffith [Thirteenth Infantry], retired from active service.

Second Lieut. Henry C. Cabell, jr., Fourteenth Infantry, to be first lieutenant of infantry, February 24, 1891, *vice* Gilman [Thirteenth Infantry], promoted.

Second Lieut. Edgar S. Walker, Seventeenth Infantry, to be first lieutenant of infantry, February 24, 1891, *vice* Scott [Twenty-fifth Infantry], promoted.

MEMBER OF MISSOURI RIVER COMMISSION.

Richard S. Berlin, of Nebraska, to be a member of the Missouri River Commission, *vice* W. J. Broach, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 3, 1891.

MEMBER OF MISSOURI RIVER COMMISSION.

Richard S. Berlin, of Nebraska, to be a member of the Missouri River Commission.

LAND COMMISSIONER IN SAMOA.

Henry C. Ide, of Vermont, to be land commissioner in Samoa.

CONSUL-GENERAL.

Willard D. Tillotson, of Washington, to be consul-general of the United States at Kanagawa.

PROMOTIONS IN THE ARMY.

Tenedor Ten Eyck, late captain of infantry, to be captain of infantry.

Second Lieut. Charles J. Symmonds, Eighteenth Infantry, to be second lieutenant of cavalry.

Medical Department.

Maj. Charles R. Greenleaf, surgeon, to be assistant medical purveyor, with the rank of lieutenant colonel.

Capt. Charles K. Winne, assistant surgeon, to be surgeon, with the rank of major.

Capt. Timothy E. Wilcox, assistant surgeon, to be surgeon, with the rank of major.

Capt. Fred C. Ainsworth, assistant surgeon, to be surgeon, with the rank of major.

Capt. Valery Havard, assistant surgeon, to be surgeon, with the rank of major.

Corps of Engineers.

First Lieut. Gustav J. Fieberger, to be captain.

First Lieut. Oberlin M. Carter, to be captain.

Second Lieut. Francis R. Shunk, to be first lieutenant.

Second Lieut. Eugene W. Van C. Lucas, to be first lieutenant.

Cavalry.

Lieut. Col. Albert P. Morrow, Sixth Cavalry, to be colonel of cavalry.

Maj. Samuel S. Sumner, Eighth Cavalry, to be lieutenant colonel of cavalry.

Capt. Albert B. Kauffman, Eighth Cavalry, to be major of cavalry.

First Lieut. Charles M. O'Connor, regimental adjutant, Eighth Cavalry, to be captain of cavalry.

First Lieut. Quincy O'M. Gillmore, Eighth Cavalry, to be captain of cavalry.

First Lieut. Louis A. Craig, Sixth Cavalry, to be captain of cavalry.

First Lieut. William Baird, Sixth Cavalry, to be captain of cavalry.

First Lieut. Wilber E. Wilder, Fourth Cavalry, to be captain of cavalry.

First Lieut. John F. Guilfoyle, Ninth Cavalry, to be captain of cavalry.

Second Lieut. James A. Swift, Seventh Cavalry, to be first lieutenant of cavalry.

Second Lieut. John C. Waterman, Seventh Cavalry, to be first lieutenant of cavalry.

Second Lieut. Barrington K. West, Sixth Cavalry, to be first lieutenant of cavalry.

Second Lieut. Robert B. Watkins, First Cavalry, to be first lieutenant of cavalry.

Second Lieut. Robert J. Duff, Eighth Cavalry, to be first lieutenant of cavalry.

Second Lieut. Edwin C. Bullock, Seventh Cavalry, to be first lieutenant of cavalry, promoted.

Second Lieut. Samuel E. Adair, Fifth Cavalry, to be first lieutenant of cavalry.

Artillery.

Second Lieut. John W. Ruckman, Fifth Artillery, to be first lieutenant of artillery.

Second Lieut. William P. Stone, Second Artillery, to be first lieutenant of artillery.

Infantry.

Lieut. Col. Joseph S. Conrad, Twenty-second Infantry, to be colonel of infantry.

Maj. John H. Page, Eleventh Infantry, to be lieutenant colonel of infantry.

Capt. James H. Bradford, Nineteenth Infantry, to be major of infantry.

First Lieut. George P. Borden, Fifth Infantry, to be captain of infantry.

First Lieut. Alexander McC. Guard, Nineteenth Infantry, to be captain of infantry.

First Lieut. William B. Wheeler, Eighteenth Infantry, to be captain of infantry.

First Lieut. Benjamin H. Gillman, Thirteenth Infantry, to be captain of infantry.

First Lieut. Walter S. Scott, Twenty-fifth Infantry, to be captain of infantry.

First Lieut. Alfred Reynolds, Twentieth Infantry, to be captain of infantry.

First Lieut. Leven C. Allen, Sixteenth Infantry, to be captain of infantry.

First Lieut. Thomas H. Barry, First Infantry, to be captain of infantry.

Second Lieut. Blanton C. Welsh, Fifteenth Infantry, to be first lieutenant of infantry.

Second Lieut. James A. Goodin, Seventh Infantry, to be first lieutenant of infantry.

Second Lieut. Charles L. Collins, Twenty-fourth Infantry, to be first lieutenant of infantry.

Second Lieut. George P. Ahern, Twenty-fifth Infantry, to be first lieutenant of infantry.

Second Lieut. Woodbridge Geary, Nineteenth Infantry, to be first lieutenant of infantry.

Second Lieut. Thomas H. Wilson, Second Infantry, to be first lieutenant of infantry.

Second Lieut. Edwin A. Root, Twenty-second Infantry, to be first lieutenant of infantry.

Second Lieut. Harry C. Hale, Twelfth Infantry, to be first lieutenant of infantry.

Second Lieut. Charles H. Cochran, Seventh Infantry, to be first lieutenant of infantry.

Second Lieut. Elmore F. Taggart, Sixth Infantry, to be first lieutenant of infantry.

Second Lieut. Samson L. Faison, First Infantry, to be first lieutenant of infantry.

Second Lieut. Alfred Hasbrouck, jr., Fourteenth Infantry, to be first lieutenant of infantry.

Second Lieut. Jacob F. Kreps, Twenty-second Infantry, to be first lieutenant of infantry.

Second Lieut. Henry C. Cabell, jr., Fourteenth Infantry, to be first lieutenant of infantry.

Second Lieut. Edgar S. Walker, Seventeenth Infantry, to be first lieutenant of infantry.

PROMOTION IN THE REVENUE SERVICE.

Third Lieut. Cyrus B. Fengar, of Cincinnati, Ohio, to be second lieutenant, revenue service.

REGISTER OF THE LAND OFFICE.

George A. Barry, of Eau Claire, Wis., to be register of the land office at Eau Claire, Wis.

UNITED STATES MARSHAL.

William R. Leeds, of Pennsylvania, to be United States marshal, eastern district, Pennsylvania.

COLLECTOR OF CUSTOMS.

G. Harrison Smith, of New York, to be collector of customs, district Cape Vincent, State of New York.

RECEIVER OF PUBLIC MONEYS.

Dean W. Hammond, of Lakota, N. Dak., to be receiver of public moneys at Minot, N. Dak.

INDIAN AGENT.

Jay Lynch, of Washington, to be agent for the Indians of the Yakima agency, in Washington.

POSTMASTERS.

Henry C. Myers, Missoula, Missoula County, Montana.

Edwin Aldrich, Canton, St. Lawrence County, New York.

Alfred T. Andrews, Cleveland, Cuyahoga County, Ohio.

