

By Mr. McCLELLAN: Petition of 80 citizens of Mt. Vernon, Ind., against closing the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. MEREDITH: Petition of N. S. Snyder, of Fletcher's Chapel, for relief—to the Committee on War Claims.

By Mr. REED: Petition of the Yearly Meeting of Friends for New England, for the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. ROBINSON of Pennsylvania: Memorial of Robert Emmett Literary Society of Chester, Pa., requesting the Representatives in Congress to take such action as to cause an inquiry to be instituted by the Department of State as to the methods by which Dr. Gallagher was convicted—to the Committee on Foreign Affairs.

Also, two petitions of citizens of Pennsylvania; one of Roysford and Spring County, and the other of Chester and Montgomery County, asking for the passage of House bill 401—to the Committee on the Judiciary.

By Mr. SAYERS: Petition of Austin Labor Council, requesting the opening of the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. SPRINGER: Petition of Knights of Labor, against closing the World's Fair on the Sabbath—to the Select Committee on the Columbian Exposition.

By Mr. CHARLES W. STONE: Petition of Warren County, Pomona Grange, of Pennsylvania, in favor of free delivery of mail in rural districts—to the Committee on the Post-Office and Post-Roads.

By Mr. TOWNSEND: Petition of the Upholsters' Union of American Federation of Labor 5577 of Denver, Colo., that there be no legislation for or against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WALKER: Petition of Aaron M. Gould, of Worcester, Mass., and others, against imposing conditions either as to keeping open or closing on Sundays the World's Fair—to the Select Committee on the Columbian Exposition.

## SENATE.

THURSDAY, July 21, 1892.

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

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

### WORLD'S FAIR EXHIBITS.

The joint resolution (H. Res. 105) authorizing the Secretary of the Interior to prepare and send to the World's Columbian Exposition models, drawings, etc., prepared or invented by women was read the first time by its title.

Mr. PETTIGREW. This is a House joint resolution and requires no appropriation of money. It relates to the World's Fair, and I ask for its immediate consideration.

The VICE-PRESIDENT. The Senator from South Dakota asks for the present consideration of the joint resolution. It will be read for information.

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

*Resolved, etc.*, That the Secretary of the Interior be, and he hereby is, authorized to prepare and send for exhibition in the Woman's Building of the World's Columbian Exposition, any articles, models, or drawings now in his custody, or deposited in the Patent Office, prepared or invented by women.

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

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

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

The joint resolution (H. Res. 102) requesting the loan of certain articles for the World's Columbian Exposition, was read the first time by its title.

Mr. PETTIGREW. I also ask for the immediate consideration of this joint resolution.

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

*Resolved, etc.*, That the President be, and he hereby is, authorized to request of the Government of Her Majesty the Queen Regent of Spain, of the municipal government of Genoa, of the Duke of Veragua, the descendants of Columbus, and of such other persons or corporations as may be thought proper, the loan of articles, papers, books, maps, documents, and other relics of Christopher Columbus and those who were associated with him or with the discovery and early settlement of America, for exhibition at the World's Columbian Exposition; that the Secretary of State shall make such provision as may be necessary for their reception, exhibition, and return; that the Secretary of the Navy shall be authorized, if necessary, to detail one or more vessels for their transportation; that the Secretary of War shall detail whatever military guard may be necessary for their care and protection.

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

Mr. HARRIS. I have no objection to the consideration of the joint resolution, but I wish to ask the chairman of the Committee on Patents in respect to the joint resolution just passed, why it is that it gives authority for the sending of models and drawings of the handiwork of women to the Fair and does not give the same privilege in respect to inventions and the handiwork of men? It seems to me that the joint resolution ought to have been broadened so as to include all models and drawings and inventions that in the discretion of the Secretary of the Interior would be matters of interest at the Fair. I simply wanted to ask the question why it is that it is confined to only one class.

Mr. PETTIGREW. There is a woman's building exclusively for exhibits of the work of women, and these models go to that building. I presume there will be no objection to an additional resolution embracing all other models.

Mr. HARRIS. I have no objection to that resolution.

Mr. PETTIGREW. It would hardly be proper to exhibit anything but models of inventions by women in the woman's building.

Mr. PLATT. I was not paying attention to the joint resolution, and therefore I will ask a question of the chairman of the Select Committee on the Quadro-Centennial. Has there not been a provision for a Government exhibit which is to embrace matters from the Patent Office? I suppose there has, and I suppose there is some provision by which the Patent Office is preparing to exhibit there.

Mr. PETTIGREW. I think it is, the same as the other Departments of the Government.

Mr. PLATT. I think so.

The VICE-PRESIDENT. Is there objection to the present consideration of joint resolution No. 102?

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

Mr. PETTIGREW. The joint resolution now under consideration is in substance the same as a joint resolution heretofore passed by the Senate. I think that what is contained in this measure was contained in two Senate joint resolutions. The other House seems to have put them together and passed it and sent it back to us in this form.

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

### 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. 9284) "making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1892, and 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 2, 5, 7, 9, 12, 13, 17, 19, 22, 23, 30, 34, 36, 37, 40, 41, 43, 49, 51, 63, 64, 71, 72, 81, 82, 85, and 89.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 8, 14, 15, 16, 20, 23, 24, 25, 26, 27, 29, 31, 32, 25, 42, 45, 46, 47, 48, 50, 52, 53, 54, 55, 56, 57, 58, 65, 66, 67, 68, 69, 70, 73, 74, 75, 76, 80, 83, 84, 86, 88, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 102, 103, 104, 105, 106, 107, and 108, and agree to the same.

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: Strike out from said amendment the name "Newton H. Trotter," and insert in lieu thereof "Newbold H. Trotter;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matters stricken out by said amendment, insert the following:

#### "FISH COMMISSION.

"For the completion of the fish cultural stations at Green Lake and Craigs Brook, Maine, including construction of ponds, buildings, roads, grading, and buoyage and all necessary materials and equipment, and pay of employees required for the same, \$8,000, being for the fiscal years 1892 and 1893;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "dollars;" add the Senate agree to the same.

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: Add at the end of said amendment the following: "being for the fiscal year 1893;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Custodians of abandoned military reservations and ruins of Casa Grande; To pay salaries of custodians of the following abandoned military reservations at not exceeding \$480 each per annum, namely: Fort Fred Steel, Wyo.; Fort Laramie, Wyo.; Fort Hays, Kans., and Fort Dodge, Kans., and custodian of ruins of Casa Grande at not exceeding \$720 per annum for services rendered during the fiscal years 1891 and 1892, \$5,280."

And the Senate agree to the same.

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: Restore the matter stricken out by said amendment amended as follows: Insert after the word "dollars" where it occurs the words "being for the fiscal year 1893 and;" and the Senate agree to the same.

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: Restore the matter stricken out by said amendment amended as follows: Insert after the word "dollars" where it occurs the words "being for the fiscal year 1893 and;" and the Senate agree to the same.



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 "\$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$21,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: Strike out the word "five" where it occurs in said amendment, and insert in lieu thereof the word "four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: Strike out all after line 8 of said amendment, and insert in lieu thereof the following:

"The governor, Abraham J. Seay, of Kingfisher, Okla., Leslie P. Ross, of Norman, Okla., and Samuel Crocker, of Oklahoma County, Okla., are hereby appointed a commission to apportion the Territory into thirteen council and twenty-six representative districts, as nearly as may be in proportion to the population, and the governor shall on or before the 1st day of October, A.D. 1892, issue a proclamation for the holding of such election on the first Tuesday after the first Monday in November, A.D. 1892, setting forth therein the apportionment of said Territory as aforesaid, and such election shall be held on the day last named, and said Second Legislative Assembly shall convene on the second Tuesday of January, A.D. 1893, as now provided by the laws of said Territory."

"That each of said commissioners shall be paid for his said services a sum not exceeding \$10 per diem for the time actually spent in making such apportionment."

"The said commissioners, in making said apportionment, shall so make the same that no voting precinct shall be situated in more than one council or representative district. Should either of said commissioners fail or refuse to act, the governor shall appoint, as his successor, the person recommended by the Territorial executive committee of the political party to which said commissioner belongs."

"The board of county commissioners of each county are hereby constituted a county canvassing board, and the governor, secretary, and Territorial auditor are hereby constituted a Territorial canvassing board, and said county canvassing board shall meet on the Friday next following said election and canvass the returns and declare the result of said election, and the county clerk shall thereupon immediately issue to all county and township officers elected at said election a certificate of their election, and shall immediately certify the canvass of said votes for Delegate to Congress, and for representatives and councilors to the secretary of the Territory, and the said Territorial canvassing board shall meet on the second Friday after said election and proceed to canvass the returns and declare the result of said election for a Delegate to Congress and for councilors and representatives of the Second Legislative Assembly, and immediately thereafter the secretary shall issue to the persons elected certificates of their election: And provided further, That the Legislative Assembly elected under this act shall not consider any proposition or pass any bill to remove the seat of government of said Territory from its present location."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: After the matter inserted by said amendment insert the following:

"That the appropriations made for the session employees of the Senate and House of Representatives for the fiscal year 1893 shall be available from and including July 1, 1892, during the session of Congress."

"That the unexpended balances of the appropriations for miscellaneous items of the Senate and House of Representatives for the fiscal year 1892 shall be available for expenditure during the fiscal year 1893."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For allowance to the following contestants and contestees, audited and recommended by the Committee on Elections, for expenses incurred by them in contested-election cases, namely:

"Alexander K. Craig, \$2,000;  
 "Andrew Stewart, \$2,000;  
 "Henry T. Noyes, \$2,000;  
 "John V. McDuffie, \$2,000;  
 "Louis W. Turpin, \$2,000;  
 "Hosea H. Rockwell, \$2,000;  
 "John A. Quackenbush, \$800; in all, \$12,800."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: Transfer the matter embraced in lines 9 to 18 inclusive on page 45 of the bill, and insert the same to follow line 22, on page 44 of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: Insert at the end of line 4 of said amendment the following:

"Provided, That no part of any sum appropriated by this act shall be used for the payment of any claim for sea pay or for provisions of the Navy on receiving, training, or practice ships, or for the payment of any claim which may have been allowed under the decisions of the Supreme Court which have been adopted by the accounting officers as a basis for the allowance of said claims which accrued prior to July 16, 1880."

And the Senate agree to the same.

On amendments numbered 18, 44, 78, 109, and 110 the committee of conference have been unable to agree.

EUGENE HALE,  
 W. B. ALLISON,  
 F. M. COCKRELL,  
*Managers on the part of the Senate.*  
 JOSEPH D. SAYERS,  
 W. S. HOLMAN,  
 NELSON DINGLEY, JR.,  
*Managers on the part of the House.*

After the Secretary had read the action proposed on amendment numbered 62,

Mr. HALE. There is one name in that amendment which should be changed, if the Secretary will turn back to the names of the commissioners. "J. B. Rupe, of Logan County" should be stricken out and "Samuel Crocker, of Oklahoma County," inserted.

The reading of the report having been concluded,

Mr. MANDERSON. This report of the committee of conference between the two Houses on this appropriation bill is as most of these reports are upon the great appropriation bills. The Secretary might as well read a chapter of Sanscrit as to read the report and expect it to be understood. I hope the Senator from Maine will explain what are the differences and what have been agreed upon by the conferees, of course not in detail but in general terms, that we may have the benefit of knowing what the report actually is.

While on my feet I call attention to the fact that I think the correction that is evidently simply the correction of a clerical error, as I understand it, ought to be made in the report itself rather than by the action of the Senate; for I take it that even by unanimous consent the report of a committee of conference cannot be amended, but it must be done by the action of the conferees.

Mr. HALE. That is done by the action of the conferees. I suggest to the Senator from Nebraska, who is an old parliamentarian, whether before a report is adopted and there is a mistake of that kind which the conferees desire to have corrected, it would be necessary to take the report back into the room and write it over and have a new one made? At any time before the report is adopted, I take it, the conferees, with the assent of the two Houses, may make a correction.

Mr. MANDERSON. I think so. The only point I make is that by the unanimous consent of the Senate we can not amend a conference report and then act upon it.

Mr. HALE. But we adopt that before the amendment is passed upon as a conference report.

Now, in response to the Senator from Nebraska with reference to the conference reports on appropriation bills, particularly on a long, large bill like this, the report itself naturally does not go into details, except technically reporting the amendments.

The committee of conference was able to agree, each side making concessions, upon all the items in the bill with the exception of five, upon which no agreement could be reached, and which must go first to the House of Representatives for its action, and then back here for the action of the Senate. They are the large items upon the bill. The other items are small and have been agreed on.

The items which are not agreed on are, first, amendment 18, which is the provision of the Senate in relation to the claims of the Pacific railroads. The Senate put on a proposition that in considering these claims or accounts in the case of the aided roads the accounts should be not paid but charged upon the books of the Department in the accounts unsettled of the Pacific roads; and that for branches nonaided the accounts should be settled and paid, because the Committee on Appropriations, following what has been done before in the Senate, thought it better, instead of going into details upon every small item, to lay down this rule of action. The House of Representatives, through its conferees, would not agree to that proposition.

Mr. STEWART. I will inquire of the Senator from Maine if the allowance made by the Senate was in pursuance of services rendered under contracts with the Government?

Mr. HALE. Oh, there is no question about that. The Senator understands that this is an old subject of controversy, and that for years during the pendency of the question with the Pacific railroads, the Union and the Central Pacific and the aided branches, the House of Representatives has insisted upon not paying these accounts until the whole subject is adjusted. There are old cases of judgments standing, but those we are not dealing with now. The Senate conferees did not think that we should go to any such extent as the House did, but that as to the lines which are nonaided, nonbonded, the services they rendered should be paid for.

Mr. STEWART. I will ask if these are the same character of claims as those for which judgments have been rendered?

Mr. HALE. I can not state whether they are the same. They are of the same general character.

The next item upon which no agreement could be reached was the provision for a deficiency which the Senate put on for the new Assistant Attorney-General of the Indian depredation branch of the Department of Justice. The original salary, through a misapprehension, was left not at what the other Assistant Attorneys-General have, but at \$2,500, and during this session upon another appropriation bill the salary of this officer has been put at the same rate with the other assistants.

The Senate committee thought that as he had been working and doing most faithful and most valuable work from the time he was sworn in until the present time, the attention of Congress might be drawn to making the salary equal to that of other Assistant Attorneys-General, desiring that he should be paid to that extent from the time he took office, and put that item into the appropriation bill, and the Senate agreed to it. The con-



feres on the part of the House of Representatives utterly refuse to agree to it. So that is not settled by this report.

Amendment numbered 78 is a formal disagreement, being in reference to the allowances for widows of deceased members of the House of Representatives. The House conferees were not ready to name the adjustment they desire for their House, and so that remains disagreed to, while of course there is no controversy about it.

Amendments numbered 109 and 110 are the French spoliation claims and the Indian depredation claims. The House conferees decline to agree to them, taking the same ground that has been taken heretofore by the House conferees, and refuse to admit these propositions upon the bill.

Mr. PADDOCK. They are in the form of judgments of the Court of Claims?

Mr. HALE. They are the same claims that the Senate put on. They are judgments by the court, reported and put on the bill by the Senate, but the House conferees decline to agree, as they have heretofore done, as I said.

These disputed questions will go back to the House of Representatives, which will act upon them, and there will be a contest made over these cases there. It has not yet been made in the House of Representatives, but, as in previous cases, will depend largely upon the vote of the other House. The Senate conferees have insisted in these cases, and the next action will be on the part of the House of Representatives.

If the report is adopted, I shall move that the Senate further insist on its amendments numbered 18, 44, 78, 109, and 110.

Mr. MITCHELL. The Senate added the sum of \$2,000 to the appropriations made by the House of Representatives for the pay of United States attorneys. Does that remain in the bill?

Mr. HALE. There has been no change there.

Mr. CALL. Mr. President, the Senate in the last Congress passed a resolution for the payment of certain employes, including Senators' clerks, for an extra month. That provision was put in the pending bill. I do not know the number of the amendment, but the conferees have agreed that it should be stricken out. There are several Senators, I understand, who desire to object to the adoption of the report on that account. For myself, I hope that the Senate will not agree to this report, but will send it back for further conference in respect to this item alone. If that can not be done, the whole report must be objected to. I think it had better remain in abeyance until another effort is tried to retain the action of the Senate.

It seems to me that when the Senate in the exercise of its constitutional and rightful power in reference to its own expenditures and those things which in its judgment are necessary for the transaction of its public business, shall have adopted a resolution and by the official action of the Senate pledged this body to the payment out of the contingent fund of the Senate of a certain amount to its employes, it does not comport with its dignity or with its constitutional duty to abate that demand unless at the extreme point of resistance. The Senate pledged to its employes, whether rightfully or wrongfully, the payment of this money. Some of them have obtained it by transactions with others; some, I understand, received payment out of a fund which was already in possession of the Senate; and since that time the other House has persistently refused to allow the Senate, in the payment of its own employes out of such portion of the funds as ought to be appropriated for that purpose, to exercise its right, its discretion, and its judgment in this matter. I understand that the conferees have agreed in this report that that provision shall be stricken out of the bill. For myself I hope the Senate will not adopt the report.

The VICE-PRESIDENT. The question is on concurring in the conference report.

The report was concurred in.

Mr. HALE. I move that the Senate further insist upon its amendments numbered 18, 44, 78, 109, and 110, and ask for a further conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. ALLISON, and Mr. COCKRELL were appointed.

#### IMPROVEMENTS AT ROPES PASS, TEXAS.

The VICE-PRESIDENT. The Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 1295) to authorize the construction of jetties, piers, and breakwaters at private expense in the Gulf of Mexico at the mouth of Ropes Pass, in the State of Texas; which will be read.

The first amendment of the House of Representatives was in section 2, line 3, after the word "within," to strike out "reasonable time" and insert "seven years from the passage of this act;" and in line 7, after the word "same," to insert "and the said com-

pany shall hold the United States harmless from any damage that may accrue to any person or persons by reason of the construction of its work;" so as to make the section read:

SEC. 2. That said work shall be prosecuted by the said the Port Ropes Company, its successors and assigns, diligently, and completed within seven years from the passage of this act, and entirely at its own expense, and nothing in this act shall be construed as committing the Government of the United States to any expenditure for the whole or any part of the same, and the said company shall hold the United States harmless from any damage that may accrue to any person or persons by reason of the construction of its work.

The next amendment of the House of Representatives was, in section 3, line 7, after the word "Texas," to insert "which value shall be ascertained by appraisement, to be made by three officers of the Engineer Corps of the United States Army, who shall be appointed for that purpose by the Secretary of War;" so as to make the section read:

SEC. 3. That at any time after said improvements and works have been completed as herein provided, and a depth of 20 feet has been obtained, the United States shall have the right to pay the said company, or their assigns, successors, or legal representatives, the value of the works constructed under this act or under or by virtue of any authority granted by the State of Texas, which value shall be ascertained by appraisement, to be made by three officers of the Engineer Corps of the United States Army, who shall be appointed for that purpose by the Secretary of War, and on such payment being made by the United States all rights to said work on the part of said parties shall cease; but nothing in this act shall be construed as compelling or requiring the Government to take possession of and pay for said works unless so desired by the Government of the United States.

The next amendment of the House of Representatives was to insert as a new section the following:

SEC. 4. That Congress may at any time alter, amend, or repeal this act.

Mr. COKE. I move that the amendments of the House of Representatives be concurred in.

The motion was agreed to.

#### ADDITIONAL AIDS TO NAVIGATION IN TAMPA BAY, FLORIDA.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1498) for the establishment of additional aids to navigation in Tampa Bay, Florida.

Mr. FRYE. I move that the Senate nonconcur in the amendment of the House of Representatives, and ask for a conference.

The motion was agreed to.

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

#### PETITIONS AND MEMORIALS.

Mr. PEPPER presented the memorial of J. D. Miller and 20 other members of the Seventh-Day Adventist Church of Lone Elm, Kans., remonstrating against the closing of the World's Columbian Exposition on Sunday; which was ordered to lie on the table.

Mr. SHERMAN presented a petition of the Merchant Tailors' Exchange of Dayton, Ohio, praying for the passage of House bill 9473, relating to importations of wearing apparel; which was referred to the Committee on Finance.

Mr. STOCKBRIDGE presented a memorial of 42 citizens of Flint, Mich., remonstrating against the commitment of the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday; which was ordered to lie on the table.

Mr. McMILLAN presented the petition of Amanda Benner and 24 other citizens of Stetson, Mich., praying for the passage of legislation prohibiting the sale, manufacture, and importation of cigarettes in the United States; which was ordered to lie on the table.

He also presented the memorial of Irving D. Hanscom and 21 other citizens of Marquette, Mich., praying for the adoption of an amendment to the Constitution of the United States prohibiting any legislation by the States respecting an establishment of religion or making an appropriation of money for any sectarian purpose; which was referred to the Committee on the Judiciary.

He also presented the memorial of Mrs. L. I. Harter and 44 other citizens of Ashley, Mich.; the memorial of F. T. Wales and 119 other citizens of Battle Creek, Mich., and the memorial of O. L. Tift and 51 other citizens of Montrose, Mich., remonstrating against the commitment of the United States Government to a union of religion and the State by the passage of any legislation closing of the World's Columbian Exposition on Sunday; which were ordered to lie on the table.

Mr. FAULKNER presented a petition of five churches of Philippi Charge (Methodist Episcopal) of West Virginia, praying for the closing of the World's Columbian Exposition on Sunday, and that the sale of intoxicating liquors be prohibited thereat; which was ordered to lie on the table.

Mr. PLATT (for Mr. DAWES) presented the memorial of A. F. Crooker and 4 other members of the Seventh-Day Adventist



Church of Oakdale, Mass.; the memorial of George W. Caviness and 31 other members of the Seventh-Day Adventist Church of South Lancaster, Mass., and the memorial of Martha J. Serrens and 42 other members of the Seventh-Day Adventist Church of Boston, Mass., remonstrating against the commitment of the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday; which were ordered to lie on the table.

Mr. HAWLEY presented the memorial of George W. Smith and 60 other citizens of Hartford, Conn., praying for the adoption of an amendment to the Constitution of the United States prohibiting any legislation by the States respecting an establishment of religion or making an appropriation of money for any sectarian purpose; which was referred to the Judiciary.

He also presented petitions of the Congregational churches of New Haven, Fair Haven, Middlebury, Northfield, and Litchfield, and the Swedish Zion Congregational Church of Hartford; of Joel S. Ives, Edwin K. Holden, and A. H. Gamsby, a committee representing nineteen societies of Christian Endeavor of Bridgeport, and of the Woman's Christian Temperance Union of Milford, all in the State of Connecticut; of the Grand Lodge Independent Order of Good Templars of Findlay, Ohio; of the Oxford Grange, No. 102, Patrons of Husbandry, of Oxford, Conn.; of the Natchaug Grange, No. 68, Patrons of Husbandry, of Chaplin, Conn., and of the South Windsor Grange, No. 28, Patrons of Husbandry, of Connecticut, praying for the closing of the World's Columbian Exposition on Sunday and that the sale of intoxicating liquors be prohibited thereat; which were ordered to lie on the table.

He also presented the memorial of A. E. Crandall and sundry other citizens of Fairfield, Conn., remonstrating against the commitment of the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Greenwich and Plantsville, Conn., praying for the passage of legislation prohibiting the sale, manufacture, and importation of cigarettes in the United States; which were ordered to lie on the table.

He also presented petitions of 26 granges and Congregational churches of Wolcott, New Haven, and Stratford, all in the State of Connecticut, praying for the closing of the World's Columbian Exposition on Sunday, and that the sale of intoxicating liquors be prohibited thereat; which were ordered to lie on the table.

He also presented petitions of parents, teachers, and physicians of Manchester, Woodbury, Plantsville, Watertown, and East Granby, all in the State of Connecticut, praying for the passage of legislation prohibiting the sale, manufacture, and importation of cigarettes in the United States; which were ordered to lie on the table.

Mr. HARRIS. I present the petition of several citizens of the State of Tennessee, praying that House bill 9473, limiting the amount of wearing apparel and personal effects which may be admitted free of duty, be passed before the adjournment of the present session of Congress. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. FELTON presented petitions of sundry citizens of California, praying for the passage of legislation prohibiting the sale, manufacture, and importation of cigarettes in the United States; which were ordered to lie on the table.

He also presented a memorial of the Chamber of Commerce of San Francisco, concerning the prospective establishment of a line of subsidized British steamships from Vancouver to Australia via Honolulu, in opposition to the practically unsubsidized American line from San Francisco to the same points, and praying for the passage of legislation to protect the American mercantile marine in this direction; which was referred to the Committee on Commerce.

Mr. MITCHELL presented petitions of citizens of Seaton, Russellville, Thurston, and Hult, all in the State of Oregon, praying for the passage of the Washburn-Hatch antioption bills; which were ordered to lie on the table.

Mr. QUAY presented a petition of 5 officers and 38 members of the Merchant Tailor's Exchange of Philadelphia, Pa., praying for the passage of House bill 9743 defining the amount of clothing to be admitted free of duty; which was referred to the Committee on Finance.

He also presented a petition of 19 citizens of Pennsylvania; a petition of the members of Grace Methodist Episcopal Church of Philadelphia, Pa., and petitions collected by the National Woman's Christian Temperance Union, signed by 621 citizens of Pennsylvania, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which were ordered to lie on the table.

He also presented a petition of 22 citizens of Pennsylvania, praying for the passage of the Washburn-Hatch antioption bills; which was ordered to lie on the table.

Mr. QUAY. I also present resolutions of the Kensington Methodist Episcopal Church of Philadelphia, Pa., commending the action of the Senate in the adoption of the amendment to the provisions of the sundry civil appropriation bill granting aid to the World's Fair on condition that the gates be closed on Sunday.

The VICE-PRESIDENT. The petition will lie on the table, if there be no objection.

Mr. SANDERS. Mr. President, I am as glad as anybody that the Senate has commended itself to any good people of the United States, but I rise to object to that paper being laid upon the table or presented here, for the simple reason that I believe it would be just as appropriate to present here resolutions condemning the Senate for having done that, and I do not believe that such literature is appropriate to be presented to the Senate. In this particular instance it happens to be commendatory, but it is the opening wedge to the presentation in this body and in the other body of a large number of papers condemnatory of the proceedings of this body and of that. While I would not in any way or manner interfere with the right of petition, asking us to do anything that any citizen desires, the question of the approval or condemnation of our action being sent to the Senate after we have expressed our judgment, seems to me to be highly improper. On this matter I think I can not be mistaken.

The VICE-PRESIDENT. The petition has been laid on the table by unanimous consent.

Mr. MANDERSON. I should make no comment upon this matter were it not for the fact that during the absence of the Vice-President, when I was filling the duties that devolved upon the Chair, there came to the Senate, I think addressed to the Vice-President, a paper somewhat similar to this. Glancing over it and seeing that it was couched in respectful terms and realizing the fact that the sundry civil bill was yet under deliberation by Congress and without final action being taken upon it in this body, it seemed to me that the communication then received, similar to this, was rather in the nature of a petition and that it was proper to be laid before the Senate.

I therefore took that action with regard to that paper. While I am somewhat inclined to agree that to condemn the action of the Senate might not be agreeable to us, yet if that which it condemns is presented and the condemnation is in proper and respectful terms, I do not see why it is not in the nature of a protest as to pending legislation and why it should not be received. I do not think it is opening the door to anything that would be at all injurious either to the rights or to the dignity of the Senate, to allow this class of papers to be received while the legislation is pending.

The VICE-PRESIDENT. What is the pleasure of the Senate? If there be no objection, the petition will lie upon the table by unanimous consent.

Mr. CAREY. I present a resolution adopted by the Federation of Labor of Washington, D. C., favoring the passage of House bill 8537, in reference to the eight-hour law. It is very short, and I ask that it be printed in the RECORD.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Wyoming that the petition be printed in the RECORD?

Mr. SHERMAN. What is it? Is it a communication from the Legislature of a State?

The VICE-PRESIDENT. It is not.

Mr. SHERMAN. If it is a mere private petition, I must object.

The VICE-PRESIDENT. It is a petition of the Federation of Labor of Washington, D. C.

Mr. SHERMAN. I object to its being printed in the RECORD. Let it be printed as a document.

Mr. CAREY. Is there any objection to having it read? The Federation requested that it should be read. It is very short.

Mr. PLATT. If it is read it goes into the RECORD.

Mr. CAREY. If it is read it is printed in the RECORD, but I do not care to take up the time of the Senate by having it read, but if necessary I shall ask unanimous consent to have it read.

Mr. HARRIS. What resolution is it?

The VICE-PRESIDENT. The indorsement of the resolution will be read.

The Chief Clerk read as follows:

Resolutions adopted by the Federation of Labor of Washington, D. C., on Tuesday evening, July 19, 1892.

Mr. HARRIS. I have been in the habit of objecting to anything going into the RECORD in full except resolutions and memorials from legislative bodies or State officials, and I object.

The VICE-PRESIDENT. Objection is made.

Mr. PLATT. Let the paper be printed as a document.



The VICE-PRESIDENT. The resolution will be printed as a document, if there be no objection. The Chair hears none, and that order is made.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House insisted upon its amendments to the bill (S. 111) to amend the act of Congress approved March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULBERSON, Mr. GOODNIGHT, and Mr. RAY managers at the conference on the part of the House.

The message also announced that the House insisted upon its amendments to the bill (S. 2137) to amend an act entitled "An act amending the pension law so as to remove the disability of those who, having participated in the rebellion, have since its termination enlisted in the Army of the United States and become disabled," approved March 3, 1887, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARTIN, Mr. HARRIES, and Mr. JOLLEY managers at the conference on the part of the House.

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

A bill (H. R. 7213) to amend an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved June 13, 1876; and

A bill (H. R. 9502) to authorize the Trinity River Navigation Company to open to navigation the Trinity River in the State of Texas.

#### 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. 3310) for the relief of Jerome H. Biddle; and

A bill (H. R. 2713) in relation to the execution of declarations and other papers in pension claims.

#### REPORTS OF COMMITTEES.

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

A bill (H. R. 2397) granting a pension to Stark Frazier;

A bill (H. R. 4809) granting a pension to James Smith;

A bill (H. R. 6106) granting a pension to Lydia M. Kennedy, sister of Abram Kennedy;

A bill (H. R. 2068) granting a pension to William H. Brewer;

A bill (H. R. 6561) granting a pension to Susanna Davis; and

A bill (H. R. 2399) granting a pension to John Mercer.

Mr. SAWYER, from the Committee on Commerce, to whom was referred the bill (H. R. 7974) to authorize the construction of a bridge over the Tennessee River at or near Deposit, Ala., reported it without amendment.

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

A bill (H. R. 3167) restoring the pension of Sallie M. Swigart;

A bill (H. R. 7235) granting a pension to Mary A. Sipp;

A bill (H. R. 7236) granting a pension to Julia S. Tompkins;

A bill (H. R. 3165) granting a pension to Orinda Leach;

A bill (H. R. 8241) granting a pension to William Oscar Stanley;

A bill (H. R. 7237) granting a pension to James W. Kirtley; and

A bill (H. R. 3170) granting a pension to Sarah A. Noble.

Mr. CULLOM. I am instructed by the Committee on Interstate Commerce, to whom was referred the bill (H. R. 9350) to promote the safety of employes and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes, to report it with an amendment in the nature of a substitute for the House bill and recommending the passage of the substitute. In connection with that bill, I may ask leave later, possibly this afternoon, to file a report.

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

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (S. 2337) for the relief of Jacob Kern, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2126) for the relief of Catharine E. Whitall, reported it without amendment and submitted a report thereon.

Mr. SANDERS. I am instructed by the Committee on Claims, to whom was referred the bill (S. 594) for the relief of Israel Kimball, to report it adversely.

The VICE-PRESIDENT. The bill will be indefinitely postponed, being adversely reported.

Mr. SANDERS. I ask that it be placed on the Calendar.

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

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 2520) for the relief of Joseph C. Williams, reported it with an amendment, and submitted a report thereon.

Mr. KYLE, from the Committee on Patents, to whom was referred the bill (S. 2130) for the relief of Mrs. Mary P. C. Hooper, reported it without amendment, and submitted a report thereon.

Mr. VILAS. I am instructed by the Committee on Claims, to whom was referred the bill (S. 3001) for the relief of Howard Lodge, No. 13, Independent Order of Odd Fellows, of Gallatin, Tenn., to submit an adverse report thereon.

Mr. BATE. I ask that that bill may be placed on the Calendar.

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

Mr. PALMER, from the Committee on Military Affairs, to whom was referred the bill (S. 2798) for the relief of Peter Light, reported it with an amendment, and submitted a report thereon.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (H. R. 7294) granting pensions to army nurses, reported it without amendment, and submitted a report thereon.

Mr. DANIEL, from the Committee on Claims, to whom was referred the bill (H. R. 4993) for the relief of the heirs of John R. Trentlen, reported it without amendment, and submitted a report thereon.

Mr. PADDOCK, from the Committee on Pensions, to whom was referred the bill (S. 3265) granting a pension to Marion C. Gurney, reported it without amendment, and submitted a report thereon.

Mr. BLODGETT, from the Committee on Pensions, to whom was referred the bill (H. R. 5766) granting a pension to Miss Adda Boodger, of Lockport, N. Y., reported it without amendment, and submitted a report thereon.

#### NATHANIEL LANG.

Mr. WALTHALL. I am directed by the Committee on Military Affairs to report favorably and without amendment the bill (H. R. 2370) for the relief of Nathaniel Lang.

Mr. SHERMAN. I ask unanimous consent of the Senate to put that bill upon its passage at this time, it being a House bill, and a plain case.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to relieve and absolve Nathaniel Lang from the sentence adjudged against him by a court-martial on January 20, 1865, and to restore him as of that date to his rank as captain of Company F, One hundred and twenty-first Pennsylvania Volunteer Infantry.

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

#### THOMAS C. ELLIS.

Mr. TURPIE. I am directed by the Committee on Pensions to report favorably, and without amendment, the bill (S. 2766) granting a pension to Thomas C. Ellis.

Mr. CALL. I ask unanimous consent for the immediate consideration of that bill. The case is well known to me. The man is very old, almost totally blind, and in very great need. I hope there will be no objection to its immediate consideration.

The being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension rolls the name of Thomas C. Ellis, a soldier of the Florida Seminole Indian war, and to grant him a pension of \$20 per month.

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

#### ADMINISTRATION OF UNITED STATES GOVERNMENT.

Mr. QUAY. I am instructed by the Committee on the Library to report favorably the joint resolution (H. Res. 155) to authorize and direct the Secretary of State to affix the great seal of the United States to a certain document therein stated, and I ask that it be placed upon its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which is a direction to the Secretary of State to affix the great seal of the United States to the document entitled "The administration of the United States Government at the beginning of the four hundredth anniversary of the discovery of America."



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

Mr. QUAY. In the same connection I report from the Committee on the Library, a concurrent resolution of the House of Representatives bearing upon the same subject, which I desire placed upon its passage.

The VICE-PRESIDENT. The resolution will be read.

The Chief Clerk read as follows:

*Resolved by the House of Representatives (the Senate concurring), That the sanction of Congress is hereby given to the acceptance by the President of the United States, from James D. McBride, for preservation in the archives of the executive department, of one copy of the "State edition" of a memorial entitled "The administrators of the United States Government at the beginning of the second century;" also of one copy of the document entitled "The administration of the United States Government at the beginning of the four hundredth anniversary of the discovery of America."*

The resolution was considered by unanimous consent and agreed to.

Mr. QUAY. I am also instructed to ask for the adoption of the order which I send to the desk in connection with the same subject.

The order was read and agreed to, as follows:

*Ordered, That the Secretary of the Senate be, and he is hereby, authorized and directed to affix the seal of the United States Senate to the document entitled "The administration of the United States Government at the beginning of the four hundredth anniversary of the discovery of America."*

#### ADMISSION OF NEW MEXICO.

Mr. CAREY. I am instructed by the Committee on Territories to report the bill (H. R. 7136) to enable the people of New Mexico to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States, with amendments, and recommend its passage.

I am also instructed by the committee to state that it is not desired to ask for the consideration of the bill until the next session of Congress. At an early day in that session I shall ask for its consideration.

Mr. PLATT. I ought to say that this is not a unanimous report and that I have not been able to bring my mind to assent to it. There are various statistics and facts bearing upon the question whether New Mexico is entitled to admission which I have not been able to obtain, and which the committee has not been able to obtain. The Census Office and the Commissioner of Education are not prepared to furnish us with the data for which we ask.

I therefore ask permission if, on behalf on the minority of the committee, I should feel bound to oppose this bill at the next session, that I may at the commencement of the session file a minority report.

The VICE-PRESIDENT. Permission will be granted in the absence of objection.

#### SMITHSONIAN INSTITUTION REPORTS.

Mr. HAWLEY. On behalf of the Committee on Printing, I submit two reports upon concurrent resolutions for the printing of certain documents, and ask for their present consideration.

The VICE-PRESIDENT. The first resolution reported by the Senator from Connecticut will be stated.

The Chief Clerk read the resolution, which was submitted by Mr. GIBSON of Louisiana, July 14, 1892, as follows:

*Resolved by the Senate (the House of Representatives 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 shall be for the use of the Senate, 6,000 for the use of the House of Representatives, 7,000 copies for the use of the Smithsonian Institution, and 3,000 for the use of the National Museum.*

Mr. HAWLEY. The committee direct me to report a number of amendments, which I ask the Secretary to read together, that they may be acted upon in gross.

The VICE-PRESIDENT. The Chief Clerk will report the resolution as proposed to be amended by the committee.

The CHIEF CLERK. It is proposed to amend the resolution, so as to read:

*Resolved by the Senate (the House of Representatives 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, 10,000 extra copies, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, 5,000 copies for the use of the Smithsonian Institution, and 2,000 copies for the use of the National Museum.*

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

The amendments were agreed to.

The resolution as amended was agreed to.

#### YORKTOWN MONUMENT PRESENTATION.

Mr. HAWLEY. I now ask for the consideration of the other concurrent resolution which I reported.

The resolution was considered by unanimous consent and agreed to, as follows:

*Resolved by the House of Representatives (the Senate concurring), That there be printed 5,000 copies of the proceedings attendant upon the formal presentation*

*of the monument at Yorktown, Va., of which 1,000 copies shall be for the Senate, 2,000 copies for the House, and 2,000 copies (each bound in full leather) to be forwarded by the Department of State to the French Government for distribution among the descendants of our French allies participating in the operations which resulted in the surrender of the forces of Lord Cornwallis at that point.*

#### REPORT OF MONETARY COMMISSION.

Mr. MANDERSON. I am directed by the Committee on Printing to report favorably, with certain amendments, the concurrent resolution which I send to the desk.

The VICE-PRESIDENT. The resolution will be read.

The Chief Clerk read as follows:

*Resolved by the Senate (the House of Representatives concurring), That there be printed 60,000 copies of the report of the Monetary Commission created under the joint resolution of August 15, 1876, being Senate Report No. 703, second session Forty-fourth Congress; 20,000 for the use of the Senate and 40,000 for the use of the House of Representatives.*

The VICE-PRESIDENT. The resolution will be reported as proposed to be amended.

The CHIEF CLERK. It is proposed to amend the resolution so as to read:

*Resolved by the Senate (the House of Representatives concurring), That there be printed 30,000 copies of the report of the Monetary Commission created under the joint resolution of August 15, 1876, being Senate report No. 703, second session Forty-fourth Congress, 10,000 for the use of the Senate and 20,000 for the use of the House of Representatives.*

The amendments were agreed to.

Mr. COCKRELL. Do I understand that it is the report of the committee and not the accompanying documents which it is intended to print?

Mr. MANDERSON. Not the appendices and not the testimony, but the report proper of the committee, which is rather a small volume, for which there is a very great demand, and the edition is entirely exhausted.

The resolution as amended was agreed to.

#### BILLS INTRODUCED.

Mr. JONES of Arkansas introduced a bill (S. 3465) to amend section 22 of an act entitled "An act to regulate commerce," approved February 4, 1887, and amended March 2, 1889, and to permit common carriers to allow reduced rates to persons traveling on missions of mercy or charity, and to commercial travelers, and other persons habitually traveling from point to point on any legitimate business; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. McMILLAN introduced a bill (S. 3466) to remove the charge of desertion against William Cooper; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. QUAY introduced a bill (S. 3467) granting a pension to John W. Bennett; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

#### TEMPORARY ERECTION OF OVERHEAD WIRES IN THE DISTRICT.

Mr. McMILLAN. I introduce a joint resolution, which I ask unanimous consent to have immediately considered.

The joint resolution (S. R. 103) giving authority for the erection of overhead wires for the illumination of the city of Washington during the encampment of the Grand Army of the Republic during September, 1892, was read the first time by its title, and the second time at length, as follows:

*Whereas it is proposed during the approaching reunion of the Grand Army of the Republic to make provisions for the suitable illumination of the streets, avenues, and public grounds, which illumination can not be effected unless additional overhead wires for electrical purposes are temporarily strung; and*

*Whereas the Commissioners of the District of Columbia are prohibited by existing law from authorizing any overhead wires for electrical purposes to be strung on or over any street or avenue of the said city; Therefore*

*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the citizen's executive committee for the entertainment of the twenty-sixth national encampment of the Grand Army of the Republic to stretch suitable conductors with sufficient supports, wherever necessary for the purpose of effecting the said illumination: Provided, That the said conductors shall not be used for the conveying of electrical currents after September 27, 1892, and shall with their supports be fully and entirely removed from the streets and avenues of the said city of Washington on or before November 1, 1892: Provided further, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced; that all needful precautions are taken for the protection of the public, and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: Provided further, That no expense or damage on account of, or due to the stretching, operation, or removing of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia.*

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 be engrossed for a third reading, read the third time, and passed.



## EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business. I will say that it will take but four or five minutes.

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

## FOREST RESERVATIONS.

Mr. PEPPER. I wish to submit a request. I ask unanimous consent that Order of Business 954, being a resolution authorizing the appointment of a select committee of seven Senators to investigate and report upon the circumstances attending the riots at Homestead, Pa., may be taken up at this time.

Mr. FELTON. I wish to offer a resolution, which will take no time.

Mr. PEPPER. I will yield to the Senator from California for the purpose of offering a resolution.

Mr. FELTON. I offer the resolution which I send to the desk.

The VICE-PRESIDENT. The resolution offered by the Senator from California will be read.

The Chief Clerk read as follows:

Whereas under the provisions of the act of Congress approved October 1, 1890, certain lands in the State of California were made forest reservations; and

Whereas there were included in said reservation several thousand acres of land upon which homestead, preemption, and other settlers had entered and made homes and extensive improvements; and

Whereas said lands referred to are to a very small extent, if any, timber lands; but, on the contrary, have been, and can be cultivated; Therefore,

*Be it resolved*, That a committee consisting of three Senators be appointed to investigate the matter of the reservation of said lands and report to the Senate what action ought to be taken to protect the rights of any bona fide settler who may be included in said reservation;

That said committee be authorized to sit during the recess, to send for persons and papers, and do all things necessary to a full investigation of the merits of the case;

That the necessary expenses incurred in this investigation shall be paid out of the contingent fund of the United States Senate;

That the said committee shall make a full report at the second session of the Fifty-second Congress.

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

Mr. PADDOCK. I wish to say a word. The resolution just read at the Secretary's desk relates to a subject-matter which has been under consideration by the Committee on Public Lands. The subject is still there, though some action has been taken upon it. It has occurred to me that perhaps it might be well to have some further knowledge respecting the action of that committee in regard to this subject, and the chairman of the committee—

Mr. HARRIS. The resolution has gone to the Committee to Audit and Control the Contingent Expenses of the Senate, as I understand, has it not?

The VICE-PRESIDENT. It has.

Mr. PADDOCK. That is exactly what I am talking about.

Mr. President, this raises a thought which has been in my mind for a good while, and that is, that resolutions relating to any subject-matter over which a standing committee has jurisdiction ought first to go to the standing committee, where there is such a standing committee, for its consideration in respect of the particular subject-matter, and then be referred to the Committee on Contingent Expenses.

I do not demand that course in this case. I merely suggest that perhaps it might be better for the Senate itself that the resolution in the first instance should go to the standing committee having jurisdiction of such subjects.

## RELATIONS BETWEEN EMPLOYER AND EMPLOYÉ.

Mr. PEPPER. I offer a resolution which I send to the desk, and ask that it be read and lie over till to-morrow morning.

The VICE-PRESIDENT. The resolution will be read.

The Chief Clerk read as follows:

*Resolved by the Senate*, That the Committee on the Judiciary be, and it is hereby, instructed to inquire and report—

First. Whether, in the present state of the law as it concerns the relations between employer and employé, the former enjoys the privilege of determining and enforcing the rate or amount of wages to be paid to the employé for work and labor to be performed.

Second. Whether, in case the first query is answered in the affirmative, the resulting condition is conducive to the good of society or tends to promote the general welfare.

Third. Whether, in case the second query is answered in the negative, Congress has jurisdiction over the subject-matter to the extent of providing remedial legislation.

Fourth. And, if the third query is answered in the affirmative, what legislation, if any, is necessary to afford proper relief.

The VICE-PRESIDENT. The resolution will lie on the table and be printed.

## JURISDICTION IN LAND PATENTS.

Mr. PEPPER. I ask that Order of Business 954 may be now taken up. It is a resolution authorizing the appointment of a

select committee of seven Senators to investigate and report upon the circumstances attending the riots at Homestead, Pa.

The VICE-PRESIDENT. Is there further morning business? Mr. MITCHELL. I rise to a privileged question.

The VICE-PRESIDENT. The Senator will state his privileged question.

Mr. MITCHELL. I rise to a privileged question in relation to a conference which has been ordered. I move to reconsider the vote by which the Senate yesterday disagreed to the amendments of the House of Representatives to Senate bill 1111. I do this for the purpose of following it up by a motion that the Senate concur in the amendments of the House of Representatives.

The VICE-PRESIDENT. The title of the bill will be stated.

The CHIEF CLERK. A bill (S. 1111) to amend the act of Congress approved March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States."

The amendments of the House of Representatives were, in section 1, line 12, after "United States," to strike out "and where the value of such claim does not exceed \$5,000;" in line 14, after the word "courts," to insert "within whose jurisdiction the land or part thereof shall be located;" in line 16, after the word "claims," to strike out "and where the value exceeds \$5,000 the circuit courts of the United States shall have concurrent jurisdiction with said Court of Claims;" and in line 23, after the word "brought," to insert "and all persons having an interest in the subject-matter of the controversy adverse to the plaintiff shall be made parties defendant;" so as to make the bill read:

*Be it enacted, etc.*, That in addition to the jurisdiction conferred upon the Court of Claims and the district and circuit courts of the United States by sections 1 and 2 of the act of Congress approved March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," the Court of Claims shall have jurisdiction to hear and determine claims, to establish or enforce the rights of claimants to patents from the United States for lands to which the claimant may be entitled under any law or grant of the United States; the United States district courts within whose jurisdiction the land or part thereof shall be located shall have concurrent jurisdiction with said Court of Claims: *Provided*, That no suit shall be maintained against the United States under this act unless the same shall have been brought within six years after the passage of this act if the right shall have heretofore accrued, or otherwise within six years after the right shall have accrued for which the suit is brought, and all persons having an interest in the subject-matter of the controversy adverse to the plaintiff shall be made parties defendant.

Sec. 2. That upon the filing in the office of the Commissioner of the General Land Office of a duly certified copy of any final judgment or decree establishing the right of a claimant to a patent for public land, a patent shall be issued in accordance with said judgment or decree.

Mr. MITCHELL. I move that the Senate reconsider its vote disagreeing to the amendments of the House of Representatives and ordering a conference.

The motion was agreed to.

Mr. MITCHELL. Now, I move that the Senate concur in the House amendments.

The motion was agreed to.

## IRRIGATION AND RECLAMATION OF ARID LANDS.

The VICE-PRESIDENT. If there be no further morning business, the Chair recognizes the Senator from Wyoming [Mr. WARREN] under the notice heretofore given by him.

Mr. WARREN. Mr. President, in accordance with the arrangement made yesterday, I now ask the Senate to proceed to the consideration of the bill (S. 2529) providing for the irrigation and reclamation of arid lands, for the protection of forests and utilization of pasturage, and for other purposes.

The VICE-PRESIDENT. If there be no objection the bill will be regarded as before the Senate as in Committee of the Whole.

Mr. WARREN. Mr. President, it is my purpose in calling up the bill at this time for consideration to submit a few remarks tending to establish—

First. The value of irrigation as an aid to agriculture and its special importance to the United States.

Second. The necessity of giving serious and helpful consideration to the subject of improving our arid lands without delay.

Third. That the method of reclaiming the arid public lands of the United States proposed by the bill is safe and equitable, and will prove satisfactory to the nation at large, and bring about reclamation of the largest possible portion of the arid area in the most speedy and economical way.

It is generally conceded that something should be done to aid in the development of that part of the West known as the arid region. The present land laws are inapplicable to that section and the importance of prompt legislation can not be overestimated.

The measure which I submit for the consideration of Congress is as follows:

A bill providing for the irrigation and reclamation of arid lands, for the protection of forests and utilization of pasturage, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all public lands belonging to the United



States situate west of the ninety-ninth standard meridian of longitude west from Greenwich, and east of the summit of the coast and Cascade ranges of mountains, which are not more valuable for mining than agricultural purposes, nor embraced in any mining, homestead, or other claim initiated under the public land laws, that are to be hereafter perfected in accordance therewith, or were heretofore specifically reserved by the United States for any purpose, be, and the same are hereby, granted to the aforesaid States and Territories, for the purpose of aiding in the reclamation thereof, upon the following conditions, namely:

First. That each such State and Territory shall proceed, without unnecessary delay, to divide its area into irrigation districts and to provide for the distribution of the public waters to said districts, and, further, to engage in the actual work of reclaiming said lands by conducting water thereon, by the construction of requisite canals, reservoirs, and all other necessary irrigation works, so as to accomplish actual and successful cultivation of agricultural products, so far as such lands may be capable of reclamation by a proper water supply; and each of said States and Territories shall continuously engage, in good faith, according to its ability, in the work of reclamation until the whole area capable thereof shall have been reclaimed for the purposes aforesaid.

Second. That if, at any time after the expiration of ten years from the date of this act, in the judgment of the President of the United States, any State or Territory is not proceeding or continuing in good faith with the work of reclamation as herein provided, it shall be lawful for him by public proclamation to so declare, and Congress may thereupon declare that the United States resumes the title to all of such lands hereby granted as shall then remain wholly unreclaimed in any State or Territory in default, for the purpose only of continuing the work of such reclamation, and for no other purpose whatever, the same to be proceeded with in such manner as Congress may thereafter provide and determine, according to the intents and purposes of this act: *And provided*, That all lands useful only for pastoral purposes shall remain with or follow, as the case may be, the adjacent reclaimed or reclaimable lands and as an adjunct thereto.

Third. That each said State or Territory may mortgage, pledge, or conditionally sell the lands hereby granted, or such portions of them as may be necessary for the purpose of raising the requisite funds to accomplish reclamation, and for no other purpose: *Provided*, That said transfer or incumbrance shall reserve the express condition that the lands shall be owned and occupied, as to the number of acres granted each actual settler, according to the provisions of this act, whenever sale thereof shall be completed: *And provided further*, That each of said States or Territories may enact laws providing for the sale of the necessary lands for town sites and for right-of-way purposes.

Fourth. That when such lands, or any portion thereof, shall have been reclaimed and thereby made subject to agricultural use, the same shall be sold to actual settlers only, in tracts not exceeding 160 acres of irrigable land, in addition to which each settler shall be entitled to acquire non-irrigable lands to such an amount as will increase his holding to a total acreage of not more than 320 acres, all such entries of irrigable or other lands to be made conformably to legal subdivisions, such lands to be sold to each settler at the prices and under such regulations as to entry and perfecting of title as shall be fixed and provided by the respective State or Territorial Legislatures; all irrigable lands to be sold to such settlers at prices not exceeding the cost of reclaiming, and on such terms of payment as may be prescribed by law, and non-irrigable lands taken by settlers to be rated at a price not exceeding \$1.25 per acre; and said States and Territories may enact laws for disposal of lands under homestead entries in tracts not exceeding 320 acres, in legal subdivisions, to each homestead settler, no settler to be entitled to enter more than 160 acres of irrigable land: *Provided*, That such homestead settler shall possess the same qualifications required of a homestead settler under the United States land laws in operation immediately prior to the passage of this act, and no such settler shall perfect title to said land until he or she has actually resided upon and cultivated the same for not less than two years, and has procured by lawful means sufficient water or water rights to continue successful cultivation of at least 10 acres thereof, the proof whereof shall be made in such manner as the respective Legislatures aforesaid shall prescribe: *And provided further*, That a former entry and proof under the homestead laws of the United States shall not be a bar against homestead entry under State or Territorial law: *And provided further*, That no person shall acquire title from such State or Territory to more than 320 acres of land.

Fifth. That all lands not subject to reclamation and useful only for pastoral purposes, and not taken under the foregoing provisions of this act, may be apportioned or leased to actual settlers and use in tracts not exceeding the lands lying contiguous or adjacent to any such settler's lawful claim or entry of land, under such stipulations or at such prices as the respective Legislatures aforesaid may by law prescribe, the apportionment of contiguous or adjacent pasture lands being held to mean a division of lands, so that each settler shall be entitled to rent the pasture lands which lie nearer to the lands of such settler than to those of any other settler, excepting as limited or bounded by mountain ranges, highland divides, deep cañons, or other natural boundaries of different watersheds, hydrographic basins, or parts thereof, in which cases the said natural boundaries and barriers shall prevail: *Provided*, That any State or Territory may lease such grazing lands as have not been applied for by settlers, in such areas and on such terms as may be prescribed by the respective Legislatures aforesaid.

SEC. 2. That timber lands and reservoir sites hereby granted shall not be sold by any such State or Territory, but shall remain the property of the State or Territory as catchment areas for collecting and conserving the water to be used in irrigation; but timber needed for domestic, manufacturing or mining use in such State or Territory may be so used, subject to the laws enacted by the Legislature thereof, and any State or Territory to which this act applies shall have authority to provide by statute for the sale of surplus timber, for the protection of forests, for the growth of young timber, and for the use and protection of the reservoir sites by and for the people residing in said State or Territory.

SEC. 3. That full, accurate, and detailed reports of the operations of each State and Territory under this act shall be made on or before the 1st day of July in each and every year, to the President of the United States, through the governor thereof, who shall certify to the accuracy thereof, and the President may from time to time demand such other and further reports thereon as in his judgment may be necessary and proper, and failure to make the reports herein provided, or any of them, for six months after written demand thereof, shall be sufficient cause for the proclamation by the President as provided in section 1 of this act.

SEC. 4. That all applicants for the purchase of land reserved for sale by and under the existing laws of the United States providing for the disposal of mineral lands shall, in addition to the procedure, proofs and payments required by such laws, also make proof of payment to the State or Territory aforesaid of the cost of reclaiming the surface acreage sought to be purchased under such mining laws.

SEC. 5. That this act shall not impair the rights of any holder of any unsatisfied land scrip or certificates to locate the same as provided by existing law: *Provided*, That any such location, made upon lands after reclamation thereof by a State or Territory, shall not be carried to patent until proof of

payment of the cost of such reclamation to said State or Territory, by such locator or his or her assigns or legal representatives, has been made in the manner provided for and according to limits recognized in this act and by the laws of the State or Territory wherein the land located shall be situate.

SEC. 6. That all funds derived from the sale or lease of lands, or the perfecting of title thereto, and from the disposal of timber, shall be primarily devoted to the reclamation of lands susceptible of irrigation, and any unexpended residue shall be added to and become a part of the permanent school fund of the State or Territory concerned; and such funds shall not be expended or disposed of in any other manner.

SEC. 7. That upon the acceptance by the Legislature of any State or Territory of the terms, conditions, and provisions of this act, the same shall become operative in such State or Territory, and thereupon, and from the date of such acceptance, all laws and parts of laws inconsistent with the terms of this act shall become inoperative in such State or Territory: *Provided*, That any and all claims heretofore initiated under the land laws of the United States shall be perfected thereunder by compliance with the terms thereof; all lands, however, the claims to which shall be defeated because of noncompliance with law, shall revert to and vest in the States and Territories under the provisions of this act.

SEC. 8. That upon the acceptance of the provisions of this act by any State or Territory for the lands therein situate, and from time to time thereafter, as occasion may require, it shall be the duty of the Secretary of the Interior, at the expense of the United States, to cause to be delivered to the proper authorities of such State or Territory all maps, records, books, and papers, or certified copies thereof in case it may be necessary to retain the originals in the General Land Office, which may be necessary to such State or Territory for the proper control, administration, and disposition of such lands.

SEC. 9. That upon the acceptance of this act by any State or Territory, in the manner prescribed by section 7 hereof, this act and the act of acceptance thereof shall become binding upon the United States and any such State or Territory; and this act and such acceptance thereof shall not be altered, amended, or repealed in any manner except upon the mutual consent of the United States and of such State or Territory, expressed through acts of the Legislature thereof and through Congress.

Those who have investigated the subject know that large sums of money will be required to accomplish this development, because—

(a) To bring about increased irrigation and reclamation it becomes necessary to preserve the forest area of the mountains. It is well known that the rivers take their rise in high altitudes where the precipitation of both rain and snow is computed to be twice as great as at the sea level and many times as great as upon the high plains. The forests not only promote rain, but they serve to hold back the snow which falls in winter, allowing it to gradually melt during the summer months when water is most needed.

(b) To utilize the vast supply of water from streams, springs, and rain and snow fall, there should be constructed immense reservoirs or catchment basins in the mountains and foothills as a means of holding in reserve all surplus water until such times in each year as it can be used or distributed most advantageously, during the growing or irrigating season.

(c) There will be required innumerable canals to conduct the water, either through natural or artificial channels, to the plains and benches where it is level enough to distribute and where the soil is adapted to the production of agricultural crops.

(d) Artesian wells must be provided in some localities.

If the people of the United States could realize the great benefits to be conferred on all its citizens by the reclamation of the arid region, there would be no longer any question as to the propriety of the Government making suitable appropriations for inaugurating this great work.

When it is considered that millions of dollars are annually expended on river and harbor improvements, involving an expenditure under the bill for the present fiscal year of some \$22,000,000 forthwith and a further outlay of about \$30,000,000 in the near future, a measure like this, which is of equal, if not paramount importance, is certainly deserving of the most careful attention.

A glance backward will show that there has been a total appropriation of just about a round \$100,000,000 for rivers and harbors during the past ten years. This money has been expended in States along the seaboard or upon the great inland lakes and rivers, while no part has been expended for the direct benefit of the States and Territories lying west of the ninety-ninth meridian, known as the arid States.

Mr. President, I believe it would be not unreasonable to ask an amendment to the next river and harbor bill appropriating \$15,000,000 or \$20,000,000 per annum for the construction of reservoirs for the detention of water at the head waters of mountain streams.

Primarily this would stimulate and develop the trade and commerce of the arid region. But there are other advantages to neighboring States that ought not to be overlooked. In States lying along the Mississippi, Missouri, and other rivers and tributaries, the great abundance of water at flood time overflows the river bank and surrounding country. If these waters could be retained in the mountains and high plains by a system of lakes or reservoirs, damage resulting from spring freshets, the consequent breaking of levees and submerging of low lands would, to a great extent, be avoided. The water used for irrigation during the summer naturally finds its way back to the beds of streams, and, in a great measure, increases the supply in the



streams lower down at seasons of the year when more water than the natural flow is needed. In the intermediate country, the semiarid section, between the Missouri River and the Rocky Mountains, where streams are almost uniformly dry and without flow during several months of the summer, a system of reservoirs as proposed, would insure a continual and considerable supply of water for irrigation and other purposes.

The artificial use of water in stimulating the production of field, orchard, and garden is regarded by many, unacquainted with its advantages, as something of doubtful utility and as yet in an experimental stage of development. As a matter of fact, irrigation is of great antiquity, and has been for thousands of years of inestimable value. Upon its results a very large proportion of all the people of the earth are to-day dependent for sustenance. When it commenced and by whom first applied no one can answer, for it was known to exist before the history of mankind was written.

Mr. George P. Marsh says:

I have given some reasons for thinking that, in the climates to which our attention has been chiefly directed, man's first interference with the natural arrangement and disposal of the waters was in the way of drainage of surface. But if we are to judge from existing remains alone, we should probably conclude that irrigation is older than drainage; for, in the regions regarded by general tradition as the cradle of the human race, we find traces of canals evidently constructed for the former purpose at a period long preceding the ages of which we have any written memorials. There are in ancient Armenia extensive districts which were already abandoned to desolation at the earliest historical epoch, but which in a yet remoter antiquity had been irrigated by a complicated and highly artificial system of canals, the lines of which can still be followed; and there are, in all the highlands where the sources of the Euphrates rise, in Persia, in Egypt, in India, and in China, works of this sort, which must have been in existence before man had begun to record his own annals.

Not only is ancient history replete with accounts of nations that have risen and flourished in arid regions where irrigation was practiced, but the Bible makes many allusions to the same subject. In the description of the Garden of Eden in the first book, we are told that "A river went out of Eden to water the garden."\* Therefore, the first system of irrigation was in the Garden of Eden.

Numerous references are made to the use of water all through the Bible, and even in the last book there is described "A city that lieth four square," having "walls of jasper and gates of pearl," watered by "a pure river clear as crystal."

A recent writer on this subject observes:

A clear understanding of the fact that the countries of the Orient are dependent upon agriculture by means of irrigation, serves to throw much light upon Scriptural references to those countries, and gives a larger significance to the Divine mandate—subdue the earth.

"As the valleys are they spread forth, as gardens by the river's side, as the trees of lignoloes which the Lord hath planted, and as cedar trees beside the waters."—Numbers, xxiv, 6.

"For the land, whither thou goest in to possess it, is not as the land of Egypt, from whence ye came out, where thou sowedst thy seed, and wateredst it with thy foot, as a garden of herbs:

"But the land, whither ye go to possess it, is a land of hills and valleys, and drinketh water of the rain of heaven."—Deuteronomy, xi, 10, 11.

"I made me gardens and orchards, and I planted trees in them of all kind of fruits:

"I made me pools of water, to water therewith the wood that bringeth forth trees."—Ecclesiastes, ii, 5, 6.

The prophet Jeremiah evidently refers to the vast irrigating system of Babylonia in the words, "O thou that dwellest upon many waters, abundant in treasures." (Jeremiah, li, 13.) The entire disappearance of her "many waters," i. e., irrigating works, constitutes the overshadowing cause of the utter destruction of "Babylon, the glory of kingdoms, the beauty of the Chaldees' excellency." This fact appears to be clearly stated by Jeremiah in the words, "A drought is upon her waters and they shall be dried up;" and again, "Her cities are a desolation, a dry land, and a wilderness." (Jeremiah, li, 38.) The prophet Zephaniah appears also to have had reference to the historic fact as to the destruction of the irrigating works of Nineveh in the passage, "He \* \* \* will make Nineveh a desolation and dry like a wilderness." (Zephaniah, ii, 13.)

The fact that these mighty nations of Asia were absolutely ruined by the catastrophe involved in the destruction of their irrigating works fully explains the fact that their people have exhibited less persistency than those inhabiting countries in which the rainfall is adequate to the needs of agriculture, where, of course, no such overwhelming catastrophe as the absolute failure of agriculture could occur. When the irrigating system of these mighty empires were gone, all was lost. Thus showing the very great value of water and its application to land through irrigating processes.

It is a striking and interesting fact that many prosperous nations of people, those furthest advanced in the arts, the sciences, and in culture, had their rise and existence in the arid region, the peculiarities of climate as well as the stringent economic features present tending to produce people of exceptional energy and ability.

The ancient cities of Nineveh, Babylon, and others were built in the arid region, being developed and supported by the practical application of irrigation. These have been striking examples of what has been accomplished in the way of economic development in times past—unimportant examples as compared with all the vast sum that history records in this particular.

\*Let the fact be noted that no river waters land unless the water is taken out of the river by artificial methods and turned upon the land. In the ordinary course of nature rivers are supplied with water from the land.

In Egypt is to be found a remnant of one of the oldest and most wonderful nations which ever has existed in the history of the world. Without the aid of the waters of the Nile those sandy plains would have been but the most barren desolation; with it the desert sands were mustered to the comfort and sustenance of mankind throughout almost countless periods of time, and to-day, 3,000,000 acres still produce with unfailing fertility.

China has had its artesian wells, for irrigation, more than three thousand years, and very large portions of that wonderful empire are absolutely dependent upon irrigation, and it supports a denser population than any other nation of the world at this time.

Arabia's table-lands support 12,000,000 people who subsist upon the fruits of a soil which would scarcely support life at all without the artificial application of water.

Algeria has little or nothing more than desert waste of soil, and yet some 12,000,000 acres of this apparently valueless land is made to produce largely by the application of water.

In Southern Africa are large areas of land reclaimed by the artificial use of water. Also in Australia and Southern Europe; in Mexico and in South America.

In India it is estimated that not less than 30,000,000 acres of otherwise desert lands are made, by the practice of irrigation, to support a dense population. India supports some 200,000,000 people—three times as many as contained in the United States, the former having but three-fourths the area of the latter.

Bearing upon this let me quote Joseph Nimmo, jr., in "Uncle Sam's Farm":

When the British conquered India they found innumerable canals and reservoirs for irrigation. One province, the "Madras Presidency," had fifty-three thousand reservoirs, formed by 30,000 miles of embankment, and having three hundred thousand masonry gates, sluices, wastewells, etc. With a total area only about three-fourths the size of our "arid region," and dependent almost entirely upon irrigation, India supports a population of 200,000,000. Throughout large portions of that country the storm waters which fall during a brief season of the year are stored in tanks or cisterns, and thus become available for irrigation. The British Government has expended nearly \$400,000,000 in the improvement and extension of irrigating works in that country. The great Ganges Canal is nearly 1,000 miles long, and carries 7,000 cubic feet of water per second. It irrigates over 2,000,000 acres of land.

The great canal of Arabia, which irrigated the valley of Mareb, proceeded from an immense reservoir, formed by a dam 2 miles long and 130 feet high, in the province of Yemen. This dam was constructed of huge blocks of dressed stone and stood for two thousand years. These works existed long before the days of Solomon, and by some writers are assumed to have excelled all works of the kind, ancient or modern, indicating the skill of the Arabians as mathematicians and engineers.

Palestine was irrigated chiefly by means of wells, reservoirs, and tanks. Similar methods are now employed throughout Turkey and Asia Minor.

The great irrigating systems of antiquity constructed by wealthy and powerful nations have gone to ruin, and the countries which they reclaimed from the desert are in decay, for the reason that since their fall there has been no government strong enough or intelligent enough, or with jurisdiction large enough, to restore and maintain such extensive engineering works.

The Moors constructed extensive irrigating works in Spain a thousand years ago, and agriculture is there still carried on by the same means and under substantially similar government regulations. The ancient Peruvians and Mexicans constructed immense aqueducts for irrigation long before the conquest of their respective countries by the Spaniards. Agriculture throughout Mexico is dependent upon irrigation.

Recent explorers in Arizona have traced irrigating canals and reservoirs of considerable magnitude, and the remains of adjacent towns and cities indicating a population of at least 300,000 where now is a desert.

France has expended enormous sums of money in Africa upon the irrigating works of her Algerian possessions, and with excellent result. The art of irrigation is also practiced extensively in the southern part of France.

Lombardy and Piedmont in Italy take the lead in the irrigating works of southern Europe. The art of irrigation has come down to Italy from the Romans, who built extensive irrigating canals and reservoirs. The length of the irrigating canals of Lombardy has been doubled during the last thirty years. A fact especially worthy of note is that Lombardy and Piedmont have a rainfall of 37 to 38 inches annually, agriculture being there possible without irrigation, nevertheless irrigation is practiced for the reason that it greatly increases the volume of the crops, and also serves to insure them against destructive droughts, which sometimes occur. This furnishes a very important practical lesson to the people living in what Maj. Powell styles the subhumid region of the United States, i. e., the region between a line where the rainfall is less than 28 inches annually, and the positively arid region, in which agriculture is possible only by means of irrigation.

At last the people of this country are fully awake to the fact that they must grapple with conditions in the arid region similar to those which have been boldly met and successfully overcome by the nations of antiquity and by nations of the present day in Asia, Africa, and southern Europe. Such achievement clearly opens up to us as a nation a grand development and a splendid future.

It has been estimated by competent authorities that, outside the territory of the United States of America, in various countries of the world, there are under irrigation 133,250,000 acres of land supporting in the main 800,000,000 people.

History has demonstrated that with the best land, thoroughly reclaimed and under a reliable system of irrigation, a family can be supported upon the products of as low as 5 to 10 acres of land. If 20 acres be taken therefore as the average area of an irrigated farm capable of supporting a family, the estimated 100,000,000 acres irrigable land of the United States would furnish homes for 20,000,000 families, or in fact a greater population than the country now contains.

Coming down to the present limits of the United States, irrigation is no new nor minor subject. New Mexico and Arizona bear evidence of the existence of irrigating canals and also of



immense storage basins, constructed for the purpose of impounding surplus waters. They were built far back in the uncertain ages of the past, connected in history with the mysterious cliff dwellers and mound builders of that section.

But the practice of irrigation is not confined to those older subdivisions of the United States. Considerable progress has been more recently made in various other localities in our arid region.

It has been estimated that there is now in the United States some 8,000,000 acres of land under irrigation.

In order to understand or appreciate the importance of this irrigated acreage as well as the far greater question of the value of what may be still irrigated and reclaimed of this country, it may be well to call attention to what is signified by reclaiming an acre of land and giving it the value and productive capacity of an irrigated acre. It being remembered that the land is almost, if not absolutely, worthless before water is applied, but worth, after reclamation, according to location and circumstances, from \$5 to \$1,500 per acre. In applying water to the land, little, if any, fertilizer is needed. Land irrigated for hundreds of years shows no apparent decrease of natural fertility nor loss in productive capacity.

Without going into details, and not undertaking to draw a parallel between the irrigated lands of our country and such countries as China, India, and Egypt, where the relative value of land must be largely affected by the character of the population, let us consider facts which may be gathered from the study of civilization more nearly similar to our own, and upon this I desire to submit some figures and estimates, compiled by competent authorities:

P. Kropotkin, in speaking of the irrigated portion of Flanders, shows that lands manured but not irrigated produced at the best a crop of 2½ tons of meadow hay, but since the same fields have been irrigated the amount of crop has increased two to four fold, even where only pure, clean water was used; while it is a well-known fact that waters containing any considerable portion of sediment are for that reason vastly richer and more valuable for irrigation. Thus upon thin and unkindly soil 6 tons of hay became the rule, yielding a money return of from \$120 to \$280 per acre from a soil formerly yielding not exceeding \$48 per acre.

In Spain, lands possessing the right and means for irrigation are now sold at from \$720 to \$880 per acre, being nine to ten times the prices of unirrigated lands in the same vicinity.

Near Paris, irrigated fields, even in that climate, which may be classed as humid, produce an average of at least double the highest results from unirrigated lands.

Near Milan, in Italy, land irrigated with water derived from the city sewers, yields crops of from 8 to 10 tons of hay as a rule, and occasionally a meadow produces the almost incredible quantity of 18 tons of hay per acre.

But in neither antiquity of practice nor in the great improvement of land through irrigation and its increase of value need we, perhaps, go beyond the confines of our own country.

In Southern California, where the land in its natural condition is sandy and arid, producing nothing but scanty cactus and other worthless vegetation, having almost no value, or at best but a few cents per acre, becomes after thorough reclamation, salable in exceptional instances, for as high a price as \$1,500 per acre, and upon this price a sound and valid interest return is made upon the investment. It is true, such prices as these are only realized after lands have become well established as fruit lands. The fact remains, nevertheless, that the basis of all the value is in the water which is used for the irrigation of the lands.

Senator Reagan, in a minority committee report to the Senate as a result of an investigation, stated that—

If the irrigable lands are wisely selected and are declared irrigable lands and the right to use the water on such lands is established and a prohibition is put to the use of waters on other lands in such a manner that water rights inhere perpetually in the designated irrigable lands, such lands will be immediately given great value, varying from \$25 to \$200 per acre, depending upon their proximity to cities, towns, mining regions, and railroads.

I also quote from a report by the State engineer of California:

In Riverside and elsewhere water adds an immediate value to any land of \$100 to \$150 per acre.

From the Progress Report on Irrigation, prepared by Richard J. Hinton, under direction of the United States Agricultural Department, we quote the following:

In the counties of Arapahoe and Weld (Colo.) near Denver, Greeley, and Granada, nonirrigated land ranges from \$2 to \$30. Irrigation adds value thereto up to about \$100, and irrigated land under fruit is worth from \$200 to \$300 per acre. There is a permanent increase in value for small farms and irrigation of from \$50 to \$400 per acre over all rain-belt localities, so called. In western Kansas careful inquiries made by Special Agent J. W. Gregory show that the increase in value of farm lands by the creation of a water supply average from 50 to 250 per cent. Nonirrigated land within the semi-arid section of the State, and in twenty-eight different counties is quoted as selling at from \$1.25 to \$37 per acre. With water, so as to increase security for farming operations, the same quality of land is quoted at from \$8 to \$275 per acre, the average range being from \$20 to \$50 per acre.

In Montana the ruling rate will be for nonirrigated land, \$1.25 to \$10; for irrigated, from \$25 to \$75 per acre. In the Gallatin Valley and some other areas favorably located, the average price will range from \$100 to \$200 per acre. In Idaho the ruling rate will be about the same as in Montana, and in the neighborhood of Boise and some other favored points the values will range about as in the Gallatin Valley. In Eastern Oregon the small area of irrigated land increases in value at the rate of 300 to 500 per cent. In Washington the average price of land, according to its accessibility to subirrigation or irrigation from the phreatic flow, will range from \$3 to \$50 per acre. In Texas, fifty-two counties included within the area west of the ninety-seventh degree show a range of selling prices for land as follows: Nonirrigated, from \$1.50 to \$50; with water, \$20 to \$500 per acre.

A report made by the California State Board of Trade contains the following:

The average value of the product of unirrigated land is not more than one-

tenth that of irrigated. The difference in the variety of the crops possible to raise and in the capacity of the two kinds of land to sustain population is quite as great. The improvement in the character of the population is as marked as in numbers; intelligence and energy distinguish the new occupants of this country from the old. With regard to the practical knowledge of irrigation there is probably no field in the world where it is more exhaustive than in these two counties. It has been applied here for more than a hundred years, and has gradually grown from the simple methods of Spanish-American settlers to the most elaborate of modern systems.

As to the value of land in the arid regions before irrigated, the majority report of the special committee of the United States Senate appointed in 1889 to investigate and report upon the arid lands of the United States says:

Not one irrigated acre in the arid region was, before irrigation, worth over \$5; 97 per cent of it would not have brought the preemption price of public land, \$1.25 per acre.

From the statements submitted, there can be no question as to the value of land which has been thoroughly reclaimed by irrigation and is provided with an abundant and never-failing supply of water.

On the other hand, it is conclusively proven that arid land possesses a very small value for agriculture before it is irrigated even though the soil is otherwise favorable, the location good, and water accessible.

How much less, then, must arid land be worth that is not fertile, that is unfavorably located, and not convenient to water? Surely its value can be but trifling, even if it can be used for grazing purposes. Whatever value it may have must be given to it by the irrigation of contiguous lands.

Not only is irrigation valuable in the arid regions, but it has advantages for those who live in other portions of the United States where the rainfall originally supplies a sufficient amount of water for agriculture, but there are occasions when a farmer would gladly give the cost of a year's irrigation if he could secure the benefit of a single shower.

Thus irrigation may be said in a measure to afford insurance against losses by drought.

This subject seems already to have occasioned some thought in the State of New York and New England. A growing interest in the matter in that portion of the country is evidenced by an article appearing in the Massachusetts Plowman about a year since, from the pen of W. H. Yeomans, a man well informed upon agricultural topics. He maintains that irrigation would pay handsomely in New England. He says:

Take, for instance, the Connecticut Valley below Springfield; back from the river is a soil that is early, fairly fertile, but of a character poorly calculated to withstand dry weather; now, suppose a plan for the irrigation of all this land possible was inaugurated, by taking water from such a point up the river as would give a desired elevation to the water, so that it could be carried with such a gradual descent as to admit of its distribution over a maximum extent of surface, and this should be by means of laterals be made to do service when the natural soil moisture is exhausted. Why, there would be no check in the growth of crops the season through, and the yields would be simply marvelous. \* \* \* Such an enterprise would, only on a larger scale, be the same as expending money for a mowing machine when grass could be cut by a scythe. In New England there would undoubtedly be seasons when comparatively little water would be needed, and in that respect it is unlike Colorado, but the ditch would be supplied with head-gates, so that any such event could be provided for by cutting off the supply and regulating the flow so that it would not do harm where not required. There are unquestionably many portions of New England where, if a judicious plan of irrigation were adopted and carried into practice, there would be far less demand for fertilizers than at the present time.

Mr. Yeomans cites in proof of his position the great increase of crops of grass where some little spring has been diverted from its natural course to spread over the dry portion of the field, the yield being increased to two, three, and even four fold.

In the State of Florida it has been found profitable to irrigate a number of farms and orange groves, not because there is a lack of rainfall in that State, but it does not come at a season when most needed.

T. S. Potwin, D. D., on making a trip to Florida observes:

The great drought of 1890 caused much damage to orange trees and set many to thinking of a preventive of such result. Strangely enough to the New Englander, the time of drought in Florida is winter or spring, especially the latter. And the dry time between orange blooming in February and March, and the rainy season in June is liable to be fatal to the crop. The season, therefore, is not long for which irrigation is needed, but it is liable to be very much needed for that time; this is the problem, and there was Florida about half water anyway; lakes on every hand, and plenty of water everywhere within 20 feet of the surface; nothing but sand to drive through for wells, and wind enough to raise the water. It has not taken long to show people what to do. Of course large groves require steam power, and the operations that I witnessed were carried on by these means. With this insurance against drought, there seems to be little standing in the way of entire success in orange growing in southern Florida.

In several other of the Southern States, including South Carolina and Georgia, the value of irrigation in the production of rice and sugar has long since become thoroughly established.

It seems that irrigation is not always because of a lack of rainfall. On this subject I quote from a paper on irrigation written by Edward Bates Dorsey, C. E.

In no part of the world has so much money, talent, or attention been given to irrigation as in Italy, yet the climate there is very much the same as eastern New York, the annual average rainfall being about 39 inches, with about 4 inches per month, in April, May, June, and July, the months the crops are growing and maturing. Notwithstanding this heavy rainfall, there have



been expended about \$200 per acre to bring and distribute the water in some districts.

In India, where the English Government has spent so much money in irrigation works—up to 1881, \$86,000,000—the annual rainfall is, except in a few small districts, as large as it is here. For example, in the districts irrigated by the Ganges and Jumna Canals it is 38 inches.

In Italy, France, and most of India, the rainfall is ample for ordinary crops; irrigation is adopted to increase the yield and to prevent the failure of crops by drought. These reasons will apply equally as well to all other countries; the general impression that irrigation is only necessary or useful in dry countries is entirely incorrect.

The following is from an article entitled "Our Unwatered Empire," by Gen. Nelson A. Miles:

The Japanese have practiced this improved system of agriculture for thousands of years, although their country is blessed with as much rainfall as the fertile valleys on the eastern slope of our continent. They viewed the matter in its most practical light, using reservoirs and catchment basins for the storage of water when it was at flood, thus preventing destruction to growing crops, and diffusing the water so stored to the lowlands by a regular flow in periods of drought. Even the Chinese have been able, by careful, intelligent, and patient husbandry, to retain the fertility of their soil for thousands of years. \* \* \* History teaches us that irrigation is the oldest and surest method of intelligent agriculture.

Now, if the facts cited establish that the practice of irrigation assures a large and bountiful crop every year, it must follow that every region possessing and utilizing a sufficient water supply for that purpose eventually becomes a region supporting a dense agricultural population. This leads to the existence and support of large urban populations. Where prosperous farmers are found, there we find those engaged in manufacturing, commercial, and other pursuits.

Many of the resources of a country, including mining and manufacturing, are dependent for their development upon agriculture affording at moderate prices the main commodities needed for support of the laboring classes.

Valuable as irrigation is to land that can raise crops without it, how much more valuable must it be to those arid portions of the United States where irrigation is absolutely indispensable, and where but a very small proportion of the land can possibly be used for tillage, owing to the insufficient percentage of water with which to cover the land and the remoteness of the greater portion of the land from streams or water supply of any kind.

The best means of reclaiming the soil is a matter of vital concern to the people living in the arid region, where the annual fall of snow and rain is insufficient to raise agricultural crops of any kind successfully without irrigation. My remarks are, therefore, directed to the Rocky Mountain and elevated-plains country, where we are confronted with the condition of no irrigation, no crops, the annual rainfall being but 12 to 15 inches, instead of 25 to 30 as in humid regions. The chief wealth of the mountain country is likely to be in the development of its mineral resources. Those engaged in agricultural pursuits will for many years find a home market in supplying those employed in mining and the various pursuits growing out of the development of the mines.

It will probably be many years before those engaged in agriculture will produce more than is required for home consumption.

There need be no fear that the productions of the arid region will be so great as to come into serious competition with the agricultural interest in other States. Farming by irrigation must of necessity be confined to small holdings or a limited number of acres in each ownership. Bonanza farming will not be attempted, nor will the farmer of irrigated lands go very largely into the production of staple grain crops for export. It will be more profitable to raise such commodities as are now largely imported from foreign lands, and that do not come into competition with the staple products of our country. The large intervening or adjoining tracts of land will be utilized for grazing, while the irrigated farms will furnish the small grains, vegetables, and fruits required for local consumption. There will be produced in the more favored portions of the arid regions citrus fruits, raisin grapes, prunes, English walnuts, and other semitropical productions. But what is of greater importance is the fact that almost the entire arid region is adapted to the successful culture of the sugar beet, an industry that is not unlikely to surpass all others in the value of its manufactured product. Experiment has already demonstrated that the arid region is capable of raising sufficient quantities of sugar beets to supply the necessary sugar to make up the deficit between what is now raised and the entire needs of the United States. This will save millions of dollars to the people of this country and give employment to thousands of laborers.

It is in the arid region we find those peculiar advantages of soil and climate that make profitable the production of this crop. The cultivation of sugar beets requires a large amount of sunshine, and it becomes necessary that the water on a growing crop should be kept regulated and under control. The amount of saccharine matter is greatest when the beet is grown under a very high percentage of sunshine and a low percentage of moisture when the beet is ripening. The sunshine and drought of

the arid region with the artificial application of water furnish exactly the necessary conditions. This is shown in the magnificent results obtained lately in the Territory of Utah, both as to raising beets and in manufacturing sugar.

Mr. President, I can not lay too much stress upon the production in the United States, and particularly in the arid region, of the sugar beet. Our nation needs this product. Its cultivation will take thousands of men from other pursuits, especially farming, where overproduction in some lines seriously threatens a congested state of affairs in labor and markets. It will also cause the employment of thousands of people on transportation lines and in other industrial pursuits.

Another product to which the arid region is peculiarly adapted is alfalfa, the species of forage which supplies the Western country with its largest proportion of hay and is of immense value. Statistics show that hay is the largest and the most valuable crop produced in the world. It is grown over a wider area than any other commodity. But, owing to its great bulk, it is not profitable to be transported long distances. Hence, in dry countries, where little or no natural hay is raised, the value of alfalfa is incalculable. The stockmen and farmers need it for winter food and for finishing their meat product.

The water of mountain streams, even if carefully husbanded, by the storage of the entire surplus, during the nonproducing portion of the year, will irrigate but a small proportion of the lands in the arid States. Much of the land can not be irrigated owing to the contour of the country; while there are gorges and other waste places that can not be utilized. Under the most favorable circumstances and with the aid of all that science and money may contribute, to development of the arid region, it is safe to say that the land capable of being brought under cultivation will be less than 5 per cent in some States and Territories, and not exceeding 15 per cent in the most favored.

Regarding this point and the production of Western mines, the following is from the pen of Joseph Nimmo, jr., the well-known statistician:

The Rocky Mountain region is distinctively a mining country. During the latest year for which statistics have been compiled, it produced 96 per cent of the gold, 99 per cent of the silver, 70 per cent of the lead, and 62 per cent of the copper product of the United States, of the total value for the four metals alone of \$131,000,000. Besides these there are a large number of other mineral products.

As to the agricultural resources of the arid region, it is entirely dependent upon the water available for irrigation. It is certain that the water supply will never be sufficient for the irrigation of more than 5 per cent, possibly not more than 4 per cent, of the total area. The Government owns in these States 750,000,000 acres for which there are no customers. Throughout the arid region agriculture has been, is to-day, and for all time will remain essentially an adjunct of mining. The universal testimony of people throughout the arid region is that the vast mining interests of this section are restrained by the fact that so small a share of their agricultural products are produced in the vicinity of the mines.

There is a consensus of opinion among the hundreds of intelligent men with whom I have conversed that the demand for Eastern products of agriculture is now increasing more rapidly than the home supply through irrigation. The imports of Eastern manufactures into this region amounts to fully \$50,000,000 a year, upwards of three-fourths more than the value of the exported products from the United States to Brazil. About 60 per cent of the passenger traffic on railroads traversing the arid region is composed of commercial travelers engaged in selling Eastern products.

Irrigation and reclamation of land is almost a life and death matter with the residents of the arid States. The development of the vast mining interests of the country depends, in a great measure, upon the ability of those employed therein to obtain the necessities of life at reasonable prices.

Some objection to the reclamation of the arid lands of the West has been urged by a few individuals, and an occasional organization in the Eastern States, from the narrow standpoint that such an increase in the productive capacity of the Western lands must result in injury to the dwellers of the older portion of the country by unduly increasing agricultural productions. Unfortunately such objections have more or less weight with some people. This is the same spirit which has sought to retard the progress of invention and of development throughout the history of civilization. Rarely has there been any great step forward in the world's progress without opposition. Opposition manifested towards the spread of irrigation and reclamation of the arid lands is of the same kind that originally denounced the reaper, the sewing machine, and other labor-saving devices when they were first introduced. But time has demonstrated the great value and advantage of these progressive moves and inventions.

As an example of the puerility of arguments advanced against reclaiming this vast Western waste, it is noted that the Manchester (N. H.) Union says the thing must not be done because it would increase the evaporating surface of the United States by one-half, and this, it fears, would cause New England to become as cold as Alaska. The Union says one-third of the Republic is now arid "or dried up." When this "hundreds of thousands of square miles" is covered with water dire consequences will follow, says the Union.

Objections to the reclamation of arid lands are not only un-



tenable from an economic standpoint, but they are not founded on justice and fair dealing. It is a fact that the people who have settled upon lands offered them in the various States and Territories of the West have endeavored, in good faith, by a compliance with the laws and regulations, to erect homes for their families and to provide a patrimony for their children. In those States outside the arid region the laws have been applicable. The soil was generally good; it needed but to be tilled by the plow to produce bountiful crops. Those settlers who availed themselves of this class of public lands received good returns, the land being worth many times its cost. In time all such lands were taken up and disposed of by the Government.

There now remains of the public domain scarcely any available land capable of producing crops without irrigation and the expenditure of large sums of money before any return can be received from the land. The settler upon the public domain to-day is obliged to comply with the same laws and regulations as the homesteader, who a few years ago entered land worth ten to fifty times as much per acre. A family can not support themselves now and prove up upon a homestead until some provision for water and irrigation is made. There is no equity in this. The Government owes it to the youngest sons of the nation that they be given some of the benefits accorded to their fathers.

Under the existing conditions and laws of admission of most of the Western States, the water therein belongs to the State, so that the settler has to deal with the United States for his land and with the State for the water. If he owns both the land and the water he has a valuable possession, but it takes a large expenditure of money to bring the water to the land and to utilize it to the fullest advantage.

This brings us to a consideration of the question, What shall we do with the arid lands of the United States? Is it a fact that nearly all the lands remaining open to settlement are unavailable, or nearly so, under the present land laws and conditions? If so, how are we to meet this question and to solve the problem?

Of the feasibility and success attending the bringing of the water and land together and making the most worthless soils in their natural state productive in the highest degree through irrigation, sufficient evidence has been already offered; evidence of a character that can not be gainsaid and the truthfulness of which all must admit.

The time has come when the attention and efforts of this Government should be directed to the subject. There are peculiar features relating to a general policy of irrigation and reclamation of the arid lands of the United States that need to be carefully considered. The forest lands, which from every economic point of view ought to be preserved and are of inestimable value in carrying out the plans of irrigation, are rapidly being denuded of timber and plant growth. The growth of a century is often destroyed in a few hours by merciless, devastating fires. That which is everybody's business frequently is nobody's, and on that principle our forests have been left to take care of themselves.

Upon this point I submit a paper entitled *The Forestry Problem of the Arid Region*, by Arthur DeWint Foote, president American Society of Irrigation Engineers.

The policy of the General Government for protecting its forests, if policy it can be called, has resulted in that it has never protected a tree from fire or ax. Its total work consists in a few laws against stealing, which are more troublesome to the settler than to the timber thief.

The people living in the arid region know that for every tree cut a hundred are destroyed by fire. They realize how silly it is to punish a man for stealing a few logs while fires are permitted to destroy thousands of them. They laugh at the law, and a jury can not be found which will send a timber thief to prison.

It is not only the loss of the timber which these people deplore; they fully appreciate that the destruction of the forests means the ruin of their water supply. They may not be very well informed in regard to the physical laws governing climate and rainfall and the influence of prevailing winds, but they know, what the people of the East are beginning to learn, that the forests regulate the flow of streams. They know that from the forest-covered hills come the perennial streams that keep their ditches full all the summer long, while from the bare mountains come the streams that tear away their dams and head gates in April and become streaks of dry sand and hot bowlders in August.

The recent irrigation congress in Salt Lake City included some of the ablest men of the arid region. After three days of full and open discussion, they passed a resolution asking Congress to cede in trust all the lands of the arid region, except mineral lands, to the States and Territories therein. Perhaps the strongest argument put forward was that the States might, from the revenues derived from these lands, provide for the proper protection of the forests.

They said to the Government: Grant us these forests, which you are giving up to destruction, and these grazing lands, of which you can make no use, and we will save the one and develop the other.

A board of waters, lands, and forests in each State will have the entire control of these great interests. The task is one of grave difficulty. It will call for men of engineering skill, men skilled in the laws, men of executive force, and above all men of patience to successfully solve the problems which it will include. With the revenue from the lands such men can be secured. One of their duties will be the establishment of a system of forest patrols, one to each 30 miles square, who will roam the forests the summer through.

When in the still morning air a thin pillar of smoke rises from some deserted camp fire, the patrol at his post on a high, bare point will hurriedly

saddle his horse, and before the day wind has fanned that smoke into a flame water from his leather bucket will have quenched the fire.

The destruction of the forest comes, not from the great number of fires, but from the few that are never put out. People are more careful about their fires in this region than is generally supposed, but there are no rains until the autumn to put out those that get started.

In the Yellowstone Park, although thousands of camp fires are made every year, the patrols have little difficulty in keeping down those carelessly left to burn. It is the fires coming in from the outside that make the trouble and are fast destroying the wooded beauty of that wonderland.

This "army of patrols" which would be necessary to protect these forests is not a very formidable one. The State of Idaho has, within her borders, about 10,000,000 acres of forests, and would require about 175 patrols. To maintain this force it should cost the State about \$30,000 per annum.

The State also has about 20,000,000 acres of grazing lands. One-quarter of these, rented at 2 cents per acre, would pay the expense of the forest patrol and \$40,000 more. The services of these patrols would also be in demand for watching and regulating the cutting of the forest products. There is no reasonable objection to cutting much of the timber of these forests. If properly done it would be a marked benefit.

It is proposed that these forest and grazing lands be ceded to the States in trust only, the State to retain complete control of the forests and rent the grazing lands on long terms, in tracts not exceeding 5,000 acres to any person. With the security for his improvements which this long lease would give, the settler would fence his allotment and secure water, either by developing springs or by artesian wells, sufficient to water his stock, irrigate a garden and perhaps an orchard. Soon these vast rolling plains which now appear so endless and so desolate would be dotted here and there with patches of green, and each would be a home surrounded by grass and gardens and trees. The endless war between cowboy and sheep-herder would cease because each would keep his hands within his own inclosure. The enormous wasteful herds with their annually starving thousands would be dispersed and a sturdy though sparse population would find plenty where now is but a dreary waste under the domination of great cattle companies.

The irrigable lands are of course not necessary to the forests, but as the forests are necessary to them they may be mentioned here as a part of the general problem. They should in any case be included in the cession, because the boundary line between the irrigable lands and the grazing lands can never become fixed. Through the progress of irrigation, what is pasture land to-day may in a few years become highly cultivated fields. Greater economy in the use of water, greater facilities for building canals and dams, and the increased value of land, are constantly working to the spreading of water on the pasturelands. The disposition of the irrigable lands is a much more difficult problem than the protection of the forests or the development of the pasturelands. As the General Government has made such a total failure with the simple problem of the forests, there is no reason to suppose it would be more successful with the intricate one of the irrigable lands. This, and the control of the waters, will be the hardest part of the difficult task of the board of waters, lands, and forests.

Engineers know well that the laws of running waters—hydraulics—are very intricate and extremely difficult of accurate determination; when the water becomes of great value and is spread in innumerable streams over large areas, among thousands of owners (for each user of water becomes, under the law, to a certain extent, the owner) the complications and difficulties of accurately determining each man's rights are multiplied many times. Add to this varying conditions, as in times of scarcity, when each man is compelled to give up a part of his rights and suffer direct loss in consequence, and some idea of the problem of distribution of water for irrigation may be conceived.

Not only has each State different conditions and climates surrounding its irrigation problems, but there are within each State very different conditions to be met in different localities. One great valley needs an immense and comprehensive system of canals and reservoirs adapted to the whole of it. Smaller valleys may be better served by several small systems. One district may need the artesian system developed, another the springs and underflow, another reservoirs. The board of waters, lands, and forests, in each State can go far enough into detail to assist in the development of each particular district, according to its conditions and needs. How to assist in the best manner the development of the irrigation possibilities in each locality, whether by undertaking the works themselves, or guaranteeing interest, or in whatever manner, this Board may determine. The funds arising from the sale of the irrigable lands will be used to pay the necessarily large expense of supervision and improvement. Supervision and control, especially of the water, are absolutely necessary, and it is not reasonable to tax the other industries of the State for the proper regulation of this particular one.

Much objection will be made to the cession of these lands on account of the frauds likely to be connected with their administration. Forestry rings, pasture rings, and irrigation rings will arise, it will be said, and defeat the object of the cession, as in the case of other land grants.

It seems to me, however, that there have never been any similar grants of land. The swamp-land grants, about which so many frauds are said to have clustered, were an insignificant portion of any one State and never came before the people as an object of importance. The railroad grants were mostly in the Territories and no one felt much interest in them one way or another. These lands, however, immediately upon their cession, become the most prominent question in State affairs. Every man, woman, and child in the State has a personal interest in the forests and in irrigation; not only a semipoeitic interest, but a definite pocketbook interest. From the banker to the sheepherder, every man's prosperity depends on the water supply of the country.

These people know how to stop the forest fires; they know how to use the forest products so as not to injure the forests or inconvenience the settler; they know which the pasture lands are and how to occupy and use them to the benefit of the commonwealth; they know how valuable are the irrigable lands and how best to dispose of them to the actual settlers. And the water supply on which the life of the people depends—who so well as they know how it must be controlled, directed, and regulated that it may be spread over the land skillfully and with economy and justice?

Is it possible that these people will stand idly by and permit these vital interests to be turned over to "rings"?

Aymard tells us that the poorest peasants of Valencia have for centuries withstood the terrible pressure of officialism and divine right in Spain and still hold their ancient water rights, handed down to them from the time of the Moors. Is it possible that our American farmers will have less regard for their rights than the ignorant and oppressed peasantry of Spain?

The question in a few words is this: Our Government has failed to protect the forests, has no benefit from the grazing lands, will no, and perhaps should not, take any part in the development of the irrigable lands. The States and Territories of the arid region ask that these lands be ceded to them in trust, and they promise, with the revenues to be derived from them, to develop the irrigable lands, to occupy the grazing lands, and to protect and preserve the forests.

The answer must come soon or it will come to pass in the words of Isaiah, "The rest of the trees of the forest be few, that a child may write them."



As it requires large quantities of water to reduce and reclaim wild lands in the first instance, where much smaller quantities will suffice after the first reclamation, the sooner this great work is commenced the more land will eventually be irrigated and the nation's wealth increased accordingly.

It is necessary to provide for the legal distribution of water at the earliest possible date to prevent wasteful appropriation and use by individuals and corporations through faulty canals and distributing works. If properly controlled, the water after being applied to the high lands will much of it find its way by seepage to the lower plateaus and valleys, so that every gallon of water thus used multiplies its duty and service before reaching its original channel on its way to the ocean.

Irrigated land may be compared to a vast sponge, holding back the water during the irrigation season, only to be returned later on to the original stream at a lower level.

Allowing the importance of this subject and the necessity of giving it immediate attention, the next problem that confronts us is, how can the lands be best disposed of?

The bill which we have under consideration proposed the ceding of the arid lands, by the United States, to the States and Territories wherein such lands are situated on condition that they be reclaimed. Those who uphold this measure believe that it is due to the States and Territories in which the arid lands are situated that better laws be enacted for the settlement of these lands. It is generally admitted that no such valuable land as that taken up by the early farmers of the West now remains subject to settlement. The new settler is compelled to seek a home in the arid region, if he desires to enter upon the public domain, and under very great disadvantages as compared with the homeseeker of a few years ago. These obstacles can not be overcome unless the Government is willing to aid directly in the reclamation of the arid lands or transfer them to the States and Territories, leaving to the latter the question of improvement and final disposition.

To accomplish this reclamation will require the expenditure of millions of dollars for the construction of reservoirs, canals, and other improvements. After a careful canvass in law-making circles it is evident the Government will not, at this time, nor in the near future, make the necessary appropriations to inaugurate such a work. On the other hand, the States in which the arid lands are situated are deeply interested, and there is a settled conviction that the time has come when vigorous, far-reaching legislation should be had. The growth and development of the new States will be retarded unless better land laws or a wiser policy is adopted. Individual enterprise can do little more than has already been accomplished, and the people now appeal to the United States.

The Government is not asked to transfer to the States this land because of its great value. On the contrary, it is worth little unless the Government will reclaim it or allow it to be reclaimed. Land without water has no value. Give the States that which is almost worthless and let them make it useful.

The claim has been sometimes made that the public lands, in some way or other, belong to the older States, and that any benefits or proceeds arising from their disposition should be shared in by them, through the General Government. Answering this proposition, it may be said that even if these lands were of great value, in all equity they should be given to the States wherein situated. At present they afford no revenue to the Government. The decreasing revenues and increasing expenses of our public land system demonstrates this.

I here submit some memoranda of facts and figures from the document entitled "The Public Domain," regarding the public lands, giving the time when they were procured, at what cost, how disposed of, and how much yet remains at the disposal of the Government:

#### MEMORANDUM.

The title to the territory inclosed within the limits of the United States was acquired by rights of discovery, followed up by colonization, by treaty, by conquest, by cession, and by purchase. The first right of discovery grew out of the voyages of John and Sebastian Cabot, made in the interest of England in 1498. Other discoveries followed by Holland, France, Sweden, and Spain. The first English charter, for the purpose of promoting colonization, was granted to Sir Walter Raleigh in 1584. Other grants and colonizations under authority of the English and the other nations, claiming by rights of discovery followed, and thus originated the early colonies which eventually became the original thirteen States of the American Union. By virtue of the same grants and colonizations there was acquired a large area of country then considered as belonging to those colonies, but which was afterward erected into various other States, either directly or by virtue of the cession of the lands therein contained by the National Government. The States thus formed are Maine, originally a part of Massachusetts, Vermont, formerly a part of the Territory of New York, Kentucky, formerly a part of Virginia (West Virginia, in recent years, carved out of the State of Virginia), the States of Ohio, Indiana, Illinois, Michigan, Wisconsin, and that portion of Minnesota lying east of the Mississippi River, formed out of the various colonial cessions constituting what was known as the territory west of the Ohio River, and Tennessee, Alabama, and Mississippi, from the cessions constituting what was known as the territory south of the Ohio River. The nation's title to these lands, though originating in the rights of discovery and occupation referred to was completed by the revolution of the

thirteen colonies in 1776, being recognized and confirmed by the treaty of Paris, September 3, 1783, whereby the independence of the United States was recognized by Great Britain.

Subsequent acquisitions of territory were as follows: What is commonly known as the Louisiana purchase, consummated April 30, 1803, by which the United States acquired an immense area of country extending from the mouth of the Mississippi northward and northwestward to the present northern boundary of the United States and to the Pacific Ocean; the Florida purchase of 1819; the annexation of Texas in 1845; the Mexican cession of 1848; the Gadsden purchase of 1853; and the Alaska purchase of 1867.

Doubtless the most important and valuable of these was the Louisiana purchase, embracing small portions of the States of Alabama and Mississippi south of the thirty-first parallel, the entire area of the States of Louisiana, Arkansas, Missouri, Iowa, Nebraska, the Dakotas, Montana, Idaho, Oregon, and Washington; that portion of Minnesota west of the Mississippi River, all of Kansas except a small portion west of the one hundredth meridian and south of the Arkansas River, nearly all of the State of Wyoming, about one-third of the State of Colorado, and all of the Indian Territory, out of which has also recently been erected the Territory of Oklahoma. The amount paid to France for this magnificent domain, embracing 756,961,280 acres, was a total of \$27,267,621.98.

From Spain was acquired what is now embraced within the State of Florida, for the sum total of \$5,489,768.

The annexation of Texas added to the national area 175,587,840 acres, now embraced within the boundaries of that State, besides lands afterwards sold to the United States, comprising that portion of New Mexico east of the Rio Grande River; Southeastern Colorado; what was formerly known as the Neutral Strip; and that portion of Kansas south of the Arkansas River and west of the one hundredth meridian. For this Texas purchase the Government paid a total of \$10,000,000, the lands in this cession being estimated at 61,892,480 acres.

By the treaty of Guadalupe Hidalgo, in 1848, the United States acquired from the Republic of Mexico the territory now embraced within the States of California and Nevada, the western half of Colorado and New Mexico, all of Utah, and nearly all of Arizona. Its cost was \$15,000,000.

By what is known as the Gadsden purchase, the United States acquired by cession from New Mexico a strip of land lying in the southern part of the Territories of New Mexico and Arizona, containing 29,142,400 acres, at a cost of \$10,000,000.

The Alaska purchase embraces 399,529,600 acres, comprising all the former Russian possessions on the North American continent, with adjacent islands, acquired at a cost of \$7,200,000.

The total area of purchased and annexed territory added to the national domain since 1803 is 1,765,488,640 acres, at a total cost of \$88,157,389.98, including \$6,200,000 for the Georgia cession of 1802, but not including cost of surveys, etc.

The following presents in tabular form the area and cost of the various acquisitions of territory just described:

#### Public domain.

	Acres.	Cost.
Louisiana purchase, April 30, 1803.....	756,961,280	\$27,267,621.98
East and West Florida, February 22, 1819.....	37,931,520	6,489,768.00
Guadalupe Hidalgo, February 2, 1848.....	334,443,520	15,000,000.00
State of Texas, November 25, 1850.....	61,892,480	16,000,000.00
Gadsden purchase, December 30, 1853.....	29,142,400	10,000,000.00
Alaska purchase, March 30, 1867.....	399,529,600	7,200,000.00
Total.....		\$81,957,389.98
Cost of Georgia cession.....		6,200,000.00
Total cost of public domain.....		\$88,157,389.98

Thus it seems the original thirteen States not only obtained free all lands within their borders, by discovery or grants for colonization, but they obtained the benefits of vast areas in the West, afterwards subdivided into additional States. States that came in later were also generously treated. So if the new States are awarded all lands within their borders, they will receive no more benefit than the older ones obtained from the public domain. On these grounds there can be no injustice, it seems to me, in asking the free cession of the remaining public lands to the States and Territories as proposed.

An examination of the figures submitted will show that the first cost to the United States of all the public domain purchased, including Alaska, has been a trifle over \$88,000,000. The total amount of purchased and annexed territory will approximate 2,000,000,000 acres, at an average cost of perhaps less than 5 cents an acre.

The public lands were apparently regarded at the close of the Revolutionary war as a national resource to be utilized for raising funds for the benefit of the Government. They have since been devoted more or less to this purpose, and on several occasions very large free grants have been made direct by the Government to secure certain improvements, and grants in trust or otherwise have been made to some of the States.

Let us briefly consider some of the results arising from the disposition of public lands of the United States from the following

#### MEMORANDUM.

In 1785 Congress issued a proclamation forbidding settlement on the public domain.

In 1804 a law was passed to effect the same purpose.

In 1807 Congress gave the President power to remove settlers from the public lands pending sale.

By act of Congress of May 20, 1785, the "Board of Treasury," consisting of three commissioners, was to receive plats of surveys from the officer having same in charge, and the Secretary of War was then to draw by lot certain townships to be used in paying land bounties for the use of the Continental army, and the Board of Treasury was to draw the remainder by lot in behalf



of the States, which were to advertise and sell the land at public sale for not less than \$1 per acre, besides the expenses for survey and other charges, which were rated at \$30 per township.

By act of July 23, 1787, the price per acre was reduced to 66½ cents. The clause requiring the drawing for the thirteen States was repealed July 9, 1788, as was also the clause relating to drawing by the Secretary of War for land bounties. The same act gave the Board of Treasury power to sell certain lands at pleasure.

Between 1785 and July 23, 1787, various methods were attempted by which the public lands should be sold, but with little result. Not only was settlement upon the public lands discouraged, but the Secretary of War was authorized to remove settlers from various localities. Upon the last-named date Congress instructed the Board of Treasury to contract for the sale to what was known as "The Ohio Company" of 2,000,000 acres situated in what is now the State of Ohio, at a price of \$1 per acre, with the rebate of two-thirds of a dollar, under certain conditions; \$500,000 was to be paid down, and the remainder after the completion of the survey. This trust was reduced to \$22,900 acres, and the order confirmed by Congress July 27 of the same year. Thereafter Congress, upon petition for purchase by individuals or companies, authorized the Board of Treasury to make sale and execute transfer of lands.

The next sale was to John Cleves Symmes, of New Jersey, of a tract of land containing 248,540 acres, for which he and his associates paid \$165,983.42. This was in pursuance of an act of Congress, May 5, 1792. The price per acre realized by the Government for the lands disposed of under the terms of this sale was 66½ cents.

To the State of Pennsylvania was sold, by order of Congress, the tract now in Erie County, in that State, containing 202,187 acres, at the rate of 66½ cents per acre.

On July 20, 1790, Alexander Hamilton, Secretary of the Treasury, in pursuance of request of the House of Representatives made the preceding January, reported a plan for the disposition of the public lands. In this report Mr. Hamilton stated that in his opinion the disposition of the public lands should subserve two objects, the one a financial one upon the part of the Government, and the other the satisfaction of settlers upon such lands. He stated that three classes would be interested in the disposition of the public lands: The wealthy individuals and corporations, desiring to buy in order to sell again; colonies; and individual settlers or families. The first two, he maintained, would frequently want large tracts of land, while the last would generally purchase small quantities; therefore any plan for the sale of the western lands, while it had due regard for the last class, should be calculated to obtain all the advantages which might be derived from the first two classes. He therefore advocated the establishment of a general land office at the seat of Government, where purchasers, whether citizens or foreigners, could most easily make large purchases, while for the accommodation of the then present inhabitants of the western country and of other unassociated persons an office subordinate to the general land office should be opened in the northeastern and another in the southwestern territory. Among the limitations to be observed he suggested that no land be sold except that to which the Indian title should have been extinguished; that sufficient tracts be set apart as security for the public debt; that convenient tracts, not exceeding 100 acres to one person, should be set apart for actual settlers; that other tracts, in townships of 10 miles square, should be set apart for sale to the purposes of the first two classes enumerated; that the price should be 30 cents per acre, payable either in gold, silver, or public securities, etc.

On March 3, 1795, it was provided by Congress that "the net proceeds of the sales of lands belonging, or which shall hereafter belong, to the United States, in the western territory thereof," should constitute a portion of the sinking fund of the United States for the redemption of the public debt.

In May 16, 1796, was passed the act which may be considered as the real beginning of the methods of survey and disposition of the public lands which have obtained throughout nearly the whole history of the Government. It provided in substance for the system of surveys now in vogue.

The act of March 2, 1799 contains the following:

"That each and every person claiming the benefit of this act shall, on or before the 1st day of September next, give notice in writing to the Secretary of the Treasury or to the surveyor-general that they claim the right of preemption by this act offered, and that failure to give said notice shall forfeit the right of preemption."

This was the progenitor of the preemption law passed more than forty years later.

An act of May 10 introduced the present system of disposition of lands through officers called registers, whose offices were situated within defined districts.

The act also created the office of receiver of public moneys at each land office, who was to receive all moneys on account of sales of public lands, as at present. The duties of register and receiver of land offices as defined by this creative act have continued with slight modification to the present time.

Prior to the passage of the act of April 24, 1820, Congress had by special enactments directed various land sales to be made and had provided numerous plans for entry of land, credits, when sold, etc., but by this act it became the duty of the President, as it has since continued, to issue proclamations of sale of the public lands through the Commissioner of the General Land Office.

The general provisions of the act of April 24, 1820, continued in force until the passage of the preemption law of September 4, 1841, which was repealed a year ago.

Thus, after a period of more than fifty years' experience in attempting to dispose of the public lands for the sake of revenue, that plan was abandoned and the disposal of the public domain for the purpose of building up homes through the preemption act was substituted.

The receipts of the Government from cash land sales in the year 1835 were \$15,999,804.14, and in 1836 were \$25,167,833.06, and from 1830 to 1840 were a total of \$81,913,017.83, and the cash disposals of land from the beginning of the land system to June 30, 1880, are estimated at 169,832,564.61 acres. This includes preemption, homestead-commutation, and graduation-act entries, together with perhaps 20,000,000 acres originally entered under some special settlement or other law.

The United States, from 1785 to the present time, has sold land at various prices, as follows:

Agricultural lands at the rates of 12½, 25, 50, 66½, and 75 cents, and \$1, \$1.25, and \$2.50 per acre, paid under cash sales; large areas containing coal and millions of acres of timber land have been sold at the foregoing rates.

Mineral lands, in Michigan, Wisconsin, and other States, containing copper and lead were sold at from \$2.50 to \$5 per acre.

Coal lands are sold at \$20 per acre, where situated within 15 miles of a completed railroad; otherwise at \$10 per acre.

Desert lands and saline lands at \$1.25; and

Timber and stone lands at \$2.50 per acre.

Congress, for many years after the organization of the Government, made special grants of land in satisfaction of certain claims. The first of these was in the nature of an offer to soldiers and officers of the British army, who

would desert therefrom and become citizens of the United States, of certain quantities of unappropriated lands in some one of the States.

By act of July 23, 1787, the twenty-ninth section in each township of the Ohio company's purchase and of the Symmes' tract were granted and set apart for purposes of religion, being perhaps the only direct and specific grant of the kind known in the history of the United States. Other grants to individuals, for meritorious acts and services, were made at various times; also grants for missionary purposes, for eleemosynary and educational institutions, and grants to Polish exiles. These special grants and donations present almost all of any note running through a period of more than fifty years.

An act of Congress of May 18, 1795, providing for the sale of the public lands in a portion of the Northwest Territory, also provided that saline springs were to be reserved for the use of the United States, together with a section one mile square, which should include the spring, a whole township being reserved with one particular spring named in the act. The acts of admission of all the public-land States up to Nevada, gave to them all the salines, not exceeding twelve in number, together with 8 sections of land with each spring, for school purposes and public improvements. All these salines, together with mineral lands, were reserved from settlement under the provisions of the preemption law of 1841, and also from the operations of the homestead act. This law not operative in the Territories nor in all of the States. The States receiving grants of salines, together with the area so granted in each and patented up to June 30, 1880, are enumerated as follows:

	Area.		Area.
Ohio.....	24,216	Iowa.....	46,080
Indiana.....	23,040	Minnesota.....	46,080
Illinois.....	121,029	Oregon.....	46,080
Missouri.....	46,080	Kansas.....	46,080
Alabama.....	23,040	Nebraska.....	46,080
Michigan.....	46,080		
Arkansas.....	46,080	Total.....	559,965

NOTE.—With the exception of the States of Ohio, Indiana, and Alabama, each of which was granted 36 sections of land lying contiguous to the salt springs, 6 sections for each, for the use thereof; and of the State of Illinois, which was granted all the springs in the State, and the same quantity of land for each, the remaining States in the above list were each granted 13 springs, together with 6 sections of land for the use of each spring, lying contiguous thereto. They were patented by the United States to the several States, which disposed of them as they thought best.

#### SWAMP LANDS.

As early as 1826 an unsuccessful attempt was made to obtain a cession to the States of Missouri and Illinois of the swamp lands within the limits of those respective States. Afterward, on March 3, 1849, Congress granted to the State of Louisiana, to aid "in constructing the necessary levees and drains to reclaim the swamps and overflowed lands therein," "the whole of those swamps and overflowed lands which may be, or are, found unfit for cultivation," and on September 28, 1850, extended the grant to enable the "State of Arkansas to construct the necessary levees and drains to reclaim the swamp and overflowed lands therein." The last section of this act, however, enlarged the grant so as to embrace "each of the other States of the Union in which such swamp and overflowed lands, known and designated as aforesaid, may be situated."

The total selected by the various States up to June 30, 1891, amounted to 80,241,586.21 acres. In the mean time 856,589.40 acres of land have been patented by the United States as indemnity for swamp lands sold to settlers by the General Government and in addition cash indemnity to the amount of \$1,581,852.10 has been paid for the same purpose, and there are still pending indemnity claims to the amount of 2,312,949.22 acres, as follows:

#### SWAMP LANDS IN PLACE.

Swamp lands selected for the several States up to June 30, 1891.

	Acres.		Acres.
Alabama.....	531,355.00	Michigan.....	7,293,179.28
Arkansas.....	8,656,312.63	Minnesota.....	4,400,666.92
California.....	1,883,555.90	Mississippi.....	3,602,903.30
Florida.....	22,227,313.39	Missouri.....	4,843,583.34
Illinois.....	3,981,784.10	Ohio.....	116,766.28
Indiana.....	1,377,727.70	Oregon.....	419,270.49
Iowa.....	4,567,959.33	Wisconsin.....	4,569,712.12
Louisiana (act 1849).....	11,214,996.32		
Louisiana (act 1850).....	554,459.51	Total.....	80,241,586.21

#### Indemnity swamp lands—Adjusted claims.

States.	Cash indemnity.	Land indemnity.
Alabama.....	\$13,335.51	20,009.36
Florida.....	77,045.63	94,740.57
Illinois.....	441,376.17	101,984.90
Indiana.....	39,080.91	8,434.84
Iowa.....	540,173.07	341,632.97
Louisiana.....	49,371.07	29,214.25
Michigan.....	15,922.04	24,599.43
Mississippi.....		47,888.73
Missouri.....	191,241.03	82,042.27
Ohio.....	29,027.76	
Wisconsin.....	185,278.91	106,042.08
Total.....	1,581,852.10	856,589.40

#### Indemnity swamp lands—Unadjusted claims.

	Acres.		Acres.
Alabama.....	33,739.17	Michigan.....	4,948.83
Illinois.....	1,119,517.30	Mississippi.....	155,701.44
Indiana.....	12,036.76	Missouri.....	42,351.13
Iowa.....	908,595.58		
Louisiana.....	36,059.01	Total.....	2,312,949.22

The reasons assigned for the grants of swamp lands to the several States were:

"1. The alleged worthless character of the premises in their natural condition, and the inexpediency of an attempt to reclaim them by direct national interposition.

"2. The great sanitary improvement to be derived from the reclamation of extensive districts notoriously malarial and the probable occupancy and cultivation that would follow.



"3. The enhancement in value and readier sale of adjoining Government property."

Under the operations of the act and the decisions of the Secretary of the Interior, considerable quantities of land which had at various times been settled upon by citizens, and the title to which had passed from the United States, were decided to be swamp lands to which the respective States were entitled.

It was estimated by Thomas Donaldson, in 1880, that the area claimed up to that time, and claims in process of settlement by the several States under the various acts, about equaled the whole surface of the States of New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, Maine, New Jersey, Delaware, Maryland, and West Virginia. The alleged swamp lands claimed since that date are sufficient in area to add to the list quoted more than half the area of the State of South Carolina.

As early as 1893 the question of the granting of subsidies of public lands to aid in the construction of canals, wagon roads, and railroads had begun to be warmly discussed.

The first grant of public lands for purposes of internal improvement was made by act of Congress April 30, 1802, giving to the State of Ohio the one-twentieth part of the net proceeds from the sales of public lands in that State, the funds thus derived to be devoted to the purposes of laying out and making public roads from the navigable waters flowing into the Atlantic Ocean to the Ohio River.

March 2, 1827, an act gave to Illinois and Indiana grants of land in aid of the construction of two canals, the one to connect the Wabash River with Lake Erie, and the other to connect the Illinois River with Lake Michigan.

An act of May 24, 1828, gave to the State of Ohio a similar grant to aid in the construction of what was known as the Miami Canal from Dayton to Lake Erie. By the terms of this grant, land equal to 2½ sections in width on each side of the canal was granted, the United States reserving each alternate section. The method thus inaugurated afterwards became the rule in all land grants for public improvements.

Various other grants for canal purposes were made to the States of Wisconsin and Michigan from the dates mentioned down to July 6, 1866.

By act of May 23, 1828, lands were granted to Alabama for purposes of river improvement, afterwards to Wisconsin and Iowa, lands for the same purpose.

In an act of August 8, 1846, making a grant of this kind to the Territory of Wisconsin, was a provision for increasing the prices of reserved sections of land to the double minimum, or \$2.50 per acre, which inaugurated the custom afterwards extensively followed.

The Ohio wagon-road grants of money in 1802 and 1803 were followed by small grants of land for like purposes in Ohio, Indiana, and other States. Considerable grants for military roads were made to the States of Wisconsin, Michigan, and Oregon from 1863 to 1869.

By act of March 2, 1833, Congress authorized the State of Illinois to divert the canal grant of March 2, 1827, and to construct a railroad with the proceeds of said lands. This was the first Congressional enactment providing for a land grant in aid of a railroad, but was not utilized by the State.

The first right of way, 30 feet in width on each side of its line through the public lands, with use of timber within 300 feet on either side, and 10 acres of land at the terminus, was granted to a Florida company, March 3, 1835.

The act of September 20, 1850, was the first railroad act of real importance, and initiated the system of grants of land for railroads by Congress, which prevailed until after July 1, 1892. This grant gave the State of Illinois the even-numbered sections of land for 6 sections in width on either side of the railroad and branches. It also initiated the "indemnity" practice of granting lands to the companies in lieu of lands within the original grant occupied by legal settlers at the time of the defined location of the route. The same act extended like terms and conditions to the States of Alabama and Mississippi in aid of the Mobile and Ohio road.

The next grant of consequence was made by act of June 10, 1852, to the State of Missouri for the Hannibal and St. Joseph and Missouri Pacific railroads.

Other grants of more or less consequence followed at intervals during the succeeding ten years. There had been for many years constant agitation of the importance of the construction of a railroad to the Pacific coast. A public meeting was held at Dubuque, Iowa, in 1838 on this subject, and some years later one Asa Whitney petitioned Congress for a grant of 100,000,000 acres of land to enable him to construct a railroad to the Pacific Ocean, and vigorously prosecuted his request.

In 1845, Senator Stephen A. Douglas, of Illinois, proposed a grant of alternate sections of land to the States of Ohio, Indiana, Illinois, and Iowa to aid in the construction of a railroad from Lake Erie by way of Chicago to the Missouri River; and prepared bills to organize the Territory of Nebraska, extending from the Missouri River westward, and the Territory of Oregon, from the summit of the Rocky Mountains to the Pacific Ocean, and to reserve to each of said Territories the alternate sections of land for 40 miles on each side of the line of railroad from a point on the Missouri River where the Lake Erie road should cross the same to the Pacific Ocean, either at some point in Oregon, or to the Bay of San Francisco, in case California should be annexed in time.

After the discovery of gold in California in 1849 had caused the sudden population of that region, and from the admission of California into the Union in 1850, up to 1862, Congress was inundated with measures proposing the construction of a railroad to the Pacific Ocean.

In 1858 a Senate bill proposed that the United States should loan to the Pacific road constructors its 5 per cent bonds to the amount of \$12,500 per mile for each mile of road, to be repaid in transportation of mails and other Government service.

In his annual report for 1849 the Secretary of the Interior called attention to the "recent Pacific Railroad meeting at Memphis and St. Louis."

Throughout the decade from 1852 to 1862 mass meetings resolved, Legislatures petitioned, and political conventions argued in favor of the passage by Congress of a law to build a railroad to the Pacific. From 1856 to 1860 every political party, beginning with the Democratic in 1856 and including the Douglas and Breckinridge wings of that party in 1860, in the platforms of their national conventions pledged their several parties to such Government aid as would insure the construction of a railroad to the Pacific coast. All three Presidential candidates in 1856, Buchanan, Fremont, and Fillmore, wrote letters favoring the road. President Pierce had advocated it in his message to Congress in December, 1853, and President Buchanan, in his message of December 6, 1858, spoke of the importance of it, suggesting that Congress might commit the construction of the road to companies incorporated by the States, and might then assist them in the work by grants of land or money or both under certain conditions and restrictions. President Lincoln's messages in 1861 to 1864 contained recommendations and suggestions upon the same subject.

As an outgrowth of this long-continued agitation and public interest, the Union Pacific Railroad Company was incorporated by act of Congress July 1, 1862, to build a railroad and telegraph line from the Missouri River to the Pacific coast. The company was given right of way, allowances for shops, stations, odd-numbered sections of public land, etc. Bonds in aid of construction were also to be issued.

Inasmuch as the estimated area, of the various land grants made by Congress to States and Territories and to corporations from 1850 up to June 30, 1880, was 155,504,994.59 acres, it appears that but little more than one-third of all the lands granted have as yet been patented to grantees; and by act of September 29, 1890, Congress forfeited all lands heretofore granted to any State or corporation in aid of the construction of railroads opposite to, and coterminous with, any portion of such road not completed and in operation at the date of the passage of such act, so that certain lands already certified to States and railroad companies have been, and others will hereafter be, restored to the public domain. Upon the other hand there were pending before the Land Commissioner on June 30, 1891, railroad grant selections to the amount of 28,846,577.56 acres. It is therefore a question not yet settled as to what will be the total acreage of public lands eventually patented as grants in aid of railway construction.

The public records show the following:

*Statement exhibiting already adjusted land concessions to railroads, etc.*

States.	Certified or patented for the year ending June 30, 1891.	Certified or patented up to June 30, 1891.
<b>RAILROADS.</b>		
Illinois	Acres.	Acres.
Mississippi	2,586,053.00	935,158.70
Alabama	2,931,780.59	1,784,412.03
Florida	1,072,406.47	2,552,344.40
Louisiana	32,272.24	1,305,429.87
Arkansas		4,709,759.09
Missouri	240.00	3,225,010.84
Iowa		3,656,011.31
Michigan	70,883.00	8,206,714.31
Wisconsin		4,337,650.67
Minnesota	160.00	
Kansas		
Total to States	103,555.84	37,685,731.88
Total to corporations	2,985,123.39	16,780,503.45
Total railroad grants	3,088,679.23	54,466,235.33
Deduct amount of land declared forfeited by Congress		1,387.00
Net total of grants		54,465,250.73
<b>WAGON ROADS.</b>		
Wisconsin		302,930.96
Michigan		221,013.35
Oregon		1,258,786.52
Total wagon-road grants		1,782,730.83
Railroad grants		54,465,250.73
Total wagon-road and railroad grants		56,247,981.56

*Lands granted for canal purposes.*

Indiana	Acres.
Ohio	1,457,366.06
Wisconsin	1,100,361.00
Illinois	325,431.00
Michigan	290,915.00
Total quantity granted and certified	1,250,000.00
	4,424,073.06

*Acres certified under river-improvement grants.*

States.	Date of laws.	Staute.	Page.	Name of river.	Total number of acres granted and certified.
Alabama	May 23, 1828	4	290	Tennessee, Coosa, Cahawba, and Black Warrior.	400,016.19
Wisconsin	Aug. 8, 1846	9	83	Fox and Wisconsin	683,802.43
	Mar. 2, 1849	9	352		
	Aug. 3, 1854	10	345		
(Joint resolution)	Mar. 3, 1855	10	724		
	June 9, 1858	11	313	Des Moines, below Raccoon Fork.	322,392.18
(Joint resolution)	Mar. 12, 1867	15	20		
Iowa	Aug. 8, 1846	9	77		
					1,406,210.80

**EDUCATIONAL LAND GRANTS.**

By acts of Congress from 1785 to the present time there have been granted to States and reserved to Territories for educational purposes the following: For public or common schools, every sixteenth section of public lands in the States admitted prior to 1848, and the sixteenth and thirty-sixth sections in States admitted and Territories organized since that date, estimated at 67,893,919 acres; for seminaries or universities, two townships and upward in each State or Territory containing public land, the total thus granted being estimated at 1,165,520 acres; for agricultural and mechanical colleges, by acts of Congress of July 2, 1862, and since, 30,000 acres for each Representative and Senator in Congress, of land "in place," where the State contained a sufficient quantity of public land subject to sale at ordinary private entry at the rate of \$1.25 per acre, and scrip representing an equal number of acres, where the State did not contain such land, the scrip to be sold by the State and located by the holders thereof on any such land in other States and Territories. The total of lands thus granted is estimated at 9,600,000 acres, making a total of grants for educational purposes of 78,659,439 acres up to June 30, 1880.



## SCHOOL LANDS.

Alabama, Louisiana, and Mississippi had each a grant for schools of the sixteenth section in each township with indemnity following the grant. There has been no occasion to compute the exact aggregate of the lands granted in place, and the indemnity selections, but it may be roughly estimated at one-thirty-sixth part of the areas of these States.

Colorado, Minnesota, and Oregon had each a grant of the sixteenth and thirty-sixth sections for schools with indemnity following the grant. There has been no occasion to compute the aggregate of the lands granted in place and the indemnity selections, but it may be roughly estimated at one-eighteenth of the area of these States.

Nevada had a grant, in quantity, of lands in lieu of the sixteenth and thirty-sixth sections, restored to the public domain under act of June 16, 1880. The total of approvals of school selections of Nevada includes 9,233.36 acres indemnity lands selected under the original grant and not under the grant of 2,000,000 acres made by the act of June 16, 1880.

## MILITARY RESERVATIONS.

The National Government has, at various times, by acts of Congress, set apart and reserved for use as military posts, tracts of land, a large proportion of which have since been vacated and restored to the public domain, but others still remain segregated as military reservations, to the amount of 2,246,630.18 acres.

## MILITARY BOUNTY LANDS.

There have been located under bounty-land warrants issued under the acts of 1847, 1850, 1852, and 1855 up to June 30, 1891, lands as follows:

	Acres.
Act of 1847	12,942,120
Act of 1850	12,840,640
Act of 1852	679,680
Act of 1855	32,415,510
Total	58,877,950

And there are still outstanding warrants issued under the foregoing acts for 2,278,520 acres, making a total granted under such acts of 61,156,470 acres.

## INDIAN RESERVATIONS.

Almost the entire area of the lands embraced within the boundaries of the United States was originally what is commonly denominated as Indian country, but by purchase and by treaty at various times, as well as by conquest and occupation by the whites, the land occupied by the Indians has gradually been reduced to certain tracts known as Indian reservations.

## STATE SELECTIONS.

By act of Congress, September 4, 1841, there was granted "to each new State that shall hereafter be admitted into the Union" 500,000 acres of public lands for internal improvements. Under this grant there had been selected up to June 30, 1880, 7,806,554.67 acres, and there had been previously granted to Ohio, Indiana, Illinois, and Alabama, in addition to the quantity just quoted, a total of 1,693,445.33 acres, making a total up to that time of 9,500,000 acres. Much more has been taken since.

## PRIVATE LAND CLAIMS.

In the early history of this country, prior to the achievement of the independence of the United States, various parties had acquired color of right to claim certain tracts of land in various portions of the area now embraced within the boundaries of the United States. Some of these originated in grants said to have been made by the British and French and by the various Indian tribes. Most of these were eventually disallowed, the defeated claims embracing the most extensive ones. Other private land claims, in large number and some for large areas, originated in grants made by Spain in Florida, Louisiana, Colorado, New Mexico, Arizona, and California. Still other claims have been made by virtue of grants from Mexico to individuals prior to the acquisition of territory from that country by the United States. A number of French grants in the territory of Louisiana have subsequently been confirmed by the United States, while many other claims having the same origin have been disallowed. The title to about 80,000 acres has passed to individuals by virtue of these French claims. In Florida the total area of surveyed land claims amounted, prior to 1880, to 1,250,519.75 acres.

Private land claims under the treaty with Mexico (Guadalupe Hidalgo) have been confirmed, prior to 1880, a total acreage of 8,332,432 acres in California, while there was pending on July 1, 1880, before the General Land Office similar claims from the same State to the amount of 421,394.34 acres. Large territories claimed in Arizona and New Mexico still remain undischarged, but are in process of settlement. In the Territory of New Mexico are to be found sixteen grants or reservations to as many Indian pueblos or cities, the total acreage thus granted amounted to 453,427.48 acres. There have been patents issued by the United States for 4,456,158.43 acres of private land claims in New Mexico and Colorado, and on July 1, 1880, there were pending claims for private land grants in New Mexico and Colorado to 4,675,173.57 acres, and in the Territory of Arizona there were pending on the same date claims to 121,299 acres.

From 1806 to 1862 various land claims and Indian claims were settled by the issue of indemnity scrip permitting the holder to locate lands on the public domain. Up to June 30, 1880, there had been taken by such scrip, other than bounty-land scrip issued for military services, a total of 2,893,034.44 acres.

Under the graduation act of August 4, 1854, public lands which had long been on the market and remained unsold were graduated in price from \$1 per acre down to 12½ cents, according to the length of time such tracts had been in market. All lands having been on the market for ten years, still remaining unsold, were to be sold at \$1 per acre; for fifteen years or upward, at 75 cents; twenty years or upward, 50 cents; for twenty-five years or upward, 25 cents; for thirty years or upward, 12½ cents. The quantity of land sold under this law has amounted to 25,696,419.73 acres.

Up to June 30, 1880, there had been disposed of under coal land laws, 10,750.24 acres, for which the United States received \$146,999.25.

By act of August 4, 1842, residents of the peninsula of East Florida, able to bear arms, were granted 160 acres of land each, upon making actual settlement thereon, this donation to be limited to 200,000 acres. Under this act 210,720 acres were disposed of.

An act of September 27, 1850, providing for a donation of public lands in Oregon: First. To actual settlers prior to September 1, 1850, one-half section to a single man, and 640 acres to a family. Second. To those who should become settlers between December 1, 1850 and December 1, 1853, a quarter section to a single man and half section to a family. The time of these donations was afterwards extended to December 1, 1855, residence and cultivation for four consecutive years were required, and mineral lands were excluded from the operations of the act, and afterwards a commutation clause was added. The total number of acres disposed of under these acts was 2,553,757.

By act of March 2, 1853, the provisions of the Oregon donation act were

extended to the Territory of Washington, resulting in the disposal of 290,215 acres.

On July 16, 1854, citizens of the Territory of New Mexico were granted 100 acres of land each under certain restrictions. Under this grant there had been taken up to June 30, 1880, 20,105 acres.

Under the town-site acts there had been located on the public domain, prior to June 30, 1880, 1420 towns, with an acreage of 144,131 acres. Under the county-seat act eight counties had secured a total of 887 acres. The benefit of the town-site act had been taken by six towns, embracing 3,840 acres, and under a law authorizing the President to reserve town sites one town had been reserved, containing 59 acres. Total of lands taken under all these acts, 148,917 acres.

Under the mining laws there had been patented up to June 30, 1880, 38,435.11 acres of lode claims, realizing \$288,767; a total of 148,621.14 acres and \$486,545.

From these mines it is estimated that there had been produced of the precious metals in the United States from 1848 up to 1880 a total of \$1,860,463,792.

One of the most beneficent of all the various laws for the disposal of the public domain is the "homestead act," which passed Congress May 20, 1862. The question of reserving the public lands from further grant to corporations and from sale, setting apart such lands for the benefit of settlers thereon, had begun to be extensively agitated as early as 1852, and continued to be a national question until the passage of the act referred to, ten years later. Public sentiment as to the expediency of such an act was divided, because it caused an almost entire change in the then settled land policy. Instead of the public lands being disposed of for cash, they were to be given away to settlers who would occupy and improve them for a term of years. The whole question had been thoroughly discussed pro and con. An attempt had been made in January, 1859, by Galusha A. Grow, of Pennsylvania, to so amend the laws relating to preemption of public land as to prevent its being offered for sale for ten years after it should have been surveyed. This was a move in the direction of permitting settlers to occupy free homes upon the public domain. It was defeated by a very close vote. The following month a bill to secure homesteads to actual settlers on the public domain passed the House by a vote of 120 to 76. Upon the bill coming up for consideration in the Senate, an earnest contest was inaugurated, resulting in the homestead act being laid aside by a tie vote, the Vice-President, Mr. Breckinridge, breaking the tie by voting to lay aside the bill. Several efforts were afterwards made to call up the bill, all of which failed.

March 6, 1860, Mr. Lovejoy, of Illinois, reported from the Committee on Public Lands substantially the same bill previously introduced by Mr. Grow, which had been passed by the House in 1859, and after a somewhat extended fight the bill passed the House by a vote of 115 to 65. When the bill came to the Senate, Mr. Johnson, of Tennessee, afterward President, from the Committee on Public Lands of that body, reported a substitute for the House bill, granting homesteads to actual settlers at 25 cents per acre. When the bill came before the Senate, Senator Wade, of Ohio, endeavored to substitute the House bill, but was defeated, and on May 10 the Senate passed Mr. Johnson's bill by a vote of 44 to 8. The House refused to concur in the Senate's action and the Senate refused to recede, resulting in a protracted conference on the part of committees of the two Houses. They finally came to an agreement on June 19 by the House accepting the Senate bill with slight amendments. This amended bill passed both Houses, but on June 23 was vetoed by President Buchanan, and the question as to whether the bill should be passed over the President's veto was lost. The same question came before the Thirty-seventh Congress in 1861, the bill being introduced by Mr. Aldrich on July 8, to secure homesteads to actual settlers upon the public domain. On December 4 this was reported back to Congress, and after a spirited contest was passed by the House on February 28, 1862, and also passed the Senate May 2, with certain amendments. After a committee of conference the bill finally passed on May 19, and was approved by President Lincoln on May 20. This original homestead act has been amended several times.

## TIMBER AND STONE ACTS.

Depredations upon the timber lands of the country seem to have early attracted attention. In 1817 Congress passed an act for the preservation of live-oak and red-cedar forests, and in 1822 authorized the President to employ the Army and Navy for the protection of such timber. In 1831 Congress made it a felony to cut or remove timber from the public lands without due permission, and the same year a system of agencies under the supervision of the Treasury Department was established for the protection of timber. The management of the timber interest was transferred to the General Land Office in 1855. In 1878 an act was passed authorizing the sale of timber land unfit for cultivation in California, Oregon, Nevada, and Washington at \$2.50 per acre. Under the timber and stone acts there had been sold up to June 30, 1880, 20,782.77 acres, at \$2.50 per acre.

## TIMBER CULTURE.

In order to promote the growth of timber upon the treeless public domain of the Western States, an act was passed March 3, 1873, and amended March 13, 1874. Under this act there had been filed up to June 30, 1880, 9,346,690 acres.

## DESERT LANDS.

To provide for the disposition of desert lands in Lassen County, Cal., Congress, by act of March 3, 1875, permitted the entry of 640 acres of land, requiring that water be put upon the same by claimants and the land paid for at the rate of \$1.25 per acre. March 3, 1877, Congress enacted the desert-land act, which applied to the States of California, Oregon, Nevada, Washington, Idaho, Montana, Wyoming, the Dakotas, and the Territories of Utah, Arizona, and New Mexico. Up to June 30, 1880, there had been entered under this act 897,160.57 acres.

In addition to grants heretofore mentioned, the public lands have since been disposed of from time through the several acts. There remained of the public domain on June 30, 1891, not including Alaska, the Cherokee Outlet, Indian lands, and certain other small exceptions, 579,664,603 acres, of which 294,027,773 acres are yet unsurveyed. It is estimated that more than 300,000,000 acres are not adapted to agriculture, but that perhaps 100,000,000 acres of desert lands may be reclaimed by irrigation.

The following table is submitted:

Recapitulation of vacant lands in the public-land States and Territories.

State or Territory.	Surveyed land.	Unsurveyed land.	Total.
	Acres.	Acres.	Acres.
Alabama	947,310		947,310
Arizona	11,342,214	43,718,791	55,061,005
Arkansas	4,698,398		4,698,398



*Recapitulation of vacant lands in the public-land States and Territories—Continued.*

State or Territory.	Surveyed land.	Unsurveyed land.	Total.
	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>
California	33,323,517	15,972,982	52,299,499
Colorado	33,614,499	5,552,531	42,167,030
Florida	2,069,151	799,230	3,468,381
Idaho	4,740,786	29,041,065	33,781,851
Iowa	3,000	3,000	6,000
Kansas	799,078	799,078	799,078
Louisiana	1,141,729	101,389	1,243,118
Michigan	781,816	781,816	781,816
Minnesota	2,910,455	3,939,520	6,849,975
Mississippi	1,201,280	1,201,280	1,201,280
Missouri	1,023,898	1,023,898	1,023,898
Montana	10,790,999	63,581,770	74,372,769
Nebraska	11,065,436	395,000	11,460,436
Nevada	29,472,117	23,859,748	53,331,865
New Mexico	39,444,239	15,449,440	54,893,679
North Dakota	5,811,910	10,323,530	16,135,440
Oklahoma	1,230,917	2,271,489	3,502,406
Oregon	24,791,353	14,428,799	39,220,151
South Dakota	5,024,202	9,061,192	14,085,394
Utah	6,917,840	28,511,147	35,428,987
Washington	5,432,891	14,968,800	20,401,691
Wisconsin	1,003,133	1,003,133	1,003,133
Wyoming	38,794,048	12,048,350	50,842,398
Total	285,280,251	294,027,773	579,308,024

*a* This aggregate is exclusive of Ohio, Indiana, and Illinois, in which, if any public land remains, it consists of a few small isolated tracts; it is exclusive of the Cherokee Strip, containing 8,044,644 acres, and all other lands owned or claimed by the Indians in the Indian Territory west of the ninety-sixth degree of longitude, contemplated to be made a part of the public domain by the fourteenth section of the act of March 2, 1889 (25 U. S. Stats., 1005), and it is also exclusive of Alaska, containing 577,390 square miles, or 369,529,600 acres, of which not more than 1,000 acres have been entered under the mineral laws, and includes 356,659 acres of mineral land in Nevada, in addition to the quantities given under the head surveyed land and unsurveyed land in the foregoing table.

As to the growth of our country and its probable needs for the future, I submit the following, from the report of the Secretary of the Interior for 1891:

**POPULATION SEEKING SETTLEMENTS.**

In connection with the facts already presented in regard to opening the country for settlement, preserving its streams, and improving its condition, it is appropriate to note that the census taken in 1890, under the supervision of this Department and the Census Bureau, concerning which 118 bulletins of the Superintendent have already been issued, shows the population of the United States and Territories to have been in that year 62,622,500, being an increase of 24.86 per cent over that of the year 1880, and that the assessed valuation of property was \$24,249,589,804, being an increase of 43.46 per cent over that of 1880. The increase in value, \$7,346,596,261, is as much as was the true value of all property as returned by the United States census in 1850, which was \$7,135,790,228, and if it be found upon further and complete inquiry that the same relation existed in 1890 between assessed valuation and true valuation as there did in 1880, the absolute wealth of the United States may be estimated at \$62,610,000,000, or nearly \$1,000 per capita as against \$514 per capita in 1890; \$780 in 1870, and \$870 in 1880. (Census Bulletin No. 104.) In this unprecedented increase of population and still more extraordinary advance in values of property may be found the cause of the great demand for new homes and the concentration of so many thousands upon the places where vacant lands may be found. This demand will increase with each succeeding year, and it is submitted that there should be no relaxation in such administration of the Government as will give a fair field for the development of the nation.

This summary of the more important phases of the work achieved by the Interior Department during the last year has been called first to your attention; but the reports relating to the various bureaus, territories, institutions, parks, etc., are full of interest and now demand separate consideration.

Many years ago it became a settled policy of the National Government to foster internal improvements in the various States. To this end the public lands have been used, with the approval of the people, in aid of educational institutions, the construction and improvement of wagon roads, railways, canals, water ways, harbors, etc.

A study of the history of the administration of the public lands of the United States discloses mistakes, prodigality, and in rare instances, fraud; but this could scarcely have been anticipated and can in the future be guarded against because of the experience and education gained in the past. Whatever view we take of it, candor compels the admission that great and beneficial results have grown out of the disposition made of the public lands.

Unfortunately it is the fate of many laws, however carefully framed to carry out a noble purpose, to become the instruments of the grasping and unscrupulous. Doubtless not a single enactment concerning the disposition of the public lands but has at some time in its history been made a cover for dishonest practices. Yet, it may be boldly stated that no single act concerning the disposal of the public lands but in its ultimate results has been beneficial rather than otherwise to the country at large.

It is not my intention to palliate or condone a single one of the many offenses committed under the cover of law, nor do I wish to be understood as in any sense excusing any violation of law, yet the fact remains that the passing of title of public land from the nation to private individuals has invariably resulted in the

development of the State and national resources, adding to the total population and wealth.

History shows that increased population, the building of cities, the multiplication of manufacturing establishments, the opening of mines, in fact all the elements of development and growth, have invariably resulted, where the ownership of land was changed from the nation to the individual. People at the present time are wont to inveigh against frauds committed under the preemption law, grant of swamp lands, of school lands, of railroad lands, and in fact under every law which has been enacted for disposition of the public domain. All frauds are to be deplored by every honest, law-abiding citizen, yet there is scarcely a single law providing for grants or transfer of the public domain, that if judged by its general results alone can not at this time be justified, notwithstanding the occasional shortcomings.

The grant of lands made to Iowa largely procured for that State her railroads and population, and the same may be said of the grant of land made to the State of Illinois for railroad purposes. It not only promoted the rapid development of that great State, but it probably saved the Commonwealth from absolute bankruptcy. To-day it furnishes a large revenue towards carrying on the government of that State. At the same time, no single inhabitant of Illinois has probably been unfavorably affected to the extent of a single dollar on account of these grants having been made.

Undoubtedly the Pacific Railroad grants have called forth the most severe criticism; but if it had not been for these subsidies the great transcontinental lines would not have been completed for many years, and the vast territory west of the Missouri River would have remained almost a wilderness. The land granted would have remained practically of no value either to the Government or the people.

The building of the Pacific roads made possible a reasonably satisfactory solution of the Indian problem, saved the country millions of money in transportation of Indian and military supplies, bound the Pacific and Atlantic States in close union, made sure the settlement of a country rich in agriculture and mining possibilities, employed thousands of men, and helped to make the nation richer and more prosperous in times of peace and stronger and better prepared in case of threatened war.

Mr. President, it is scarcely fifty years since Daniel Webster opposed with emphatic objections the opening of a mail route from the Missouri River westward to the Columbia and Pacific coast. He believed the expense useless, the country unimportant, uninhabitable and without value. We now have a dozen important sovereign States and several Territories, the latter knocking at the door of the Union, and asking to be admitted as States, all located within the section of country then condemned as worthless.

Even as late as 1843, Washington Irving, in the *Adventures of Capt. Bonneville*, describing the Rocky Mountain region, makes the following prediction of the future of the country and its people:

Some new system of things, or rather some new modification, will succeed among the roving people of this vast wilderness; but just as opposite, perhaps, to the inhabitants of civilization. The great Chippewyan chain of mountains and the sandy and volcanic plains which extend on either side are represented as incapable of cultivation. The pasture which prevails there during a certain portion of the year withers under the aridity of the atmosphere, and leaves nothing but dreary waste. An immense belt of rocky mountains and volcanic plains, several hundred miles in width, must forever remain an irreclaimable wilderness, intervening between the abodes of civilization, and affording a last refuge to the Indian. Here roving tribes of hunters living in tents or lodges, and following the migrations of the game, may lead a life of savage independence, where there is nothing to tempt the cupidity of the white man. The amalgamation of various tribes and of white men of every nation will in time produce hybrid races like the mountain Tartars of Caucasus. Possessed as they are of immense droves of horses, should they continue their present predatory and warlike habits, they may in time become a scourge to the civilized frontiers on either side of the mountains, as they are at present a terror to the traveler and trader.

To illustrate the importance to the nation of these States and Territories, I desire to submit some facts and figures, carefully compiled, which can not fail to be of interest to the business world.

The arid region of the United States is beyond all question the most valuable mining area on the surface of the globe, having regard to natural resources, climate, facilities for transportation, and other relations to the commerce and industries of the world. Its chief marketable and exportable mineral products at the present time are gold, silver, copper, lead, and coal.

The following table indicates the total value of metals and minerals produced in the arid region during the last year for which the statistics have been made up:

Gold	\$31,843,000	Borax	\$617,000
Silver	75,331,000	Gypsum	102,000
Copper	16,500,000	Sandstone	1,961,000
Lead	11,300,000	Granite	2,024,000
Zinc	300,000	Limestone	1,643,000
Quicksilver	1,200,000	Marble	87,000
Tin, 27,000 long tons.		Metallic paint	23,000
Coal	15,300,000	Iron ores	501,000



Petroleum .....	\$640,000	Other.....	\$15,000
Natural gas .....	27,000		
Salt .....	582,000		
Mineral waters .....	375,000		
Slate .....	18,000		
		Total value (less tin product).....	160,494,000

NOTE.—The facts in regard to gold and silver in the foregoing table have been compiled from data furnished by the Director of the Mint, and all the remaining figures in regard to metals and minerals from data furnished by the United States Geological Survey.

The arid region, including California, produces over 96 per cent of the entire gold product of the United States and nearly all the silver, only one-tenth of 1 per cent of silver being produced in other States. This is clearly indicated by an accompanying table:

Approximate distribution by producing States and Territories of the product of gold and silver from the mines of the United States for the calendar year 1890.

State or Territory.	Gold.		Silver.		Total value.
	Fine ounces.	Value.	Fine ounces.	Coining value.	
Alaska .....	36,886	\$762,500	7,500	\$9,679	\$772,179
Arizona .....	48,375	1,000,000	1,000,000	1,292,929	2,292,929
California .....	604,687	12,500,000	900,000	1,163,636	13,663,636
Colorado .....	200,758	4,150,000	18,800,000	24,307,070	28,457,070
Georgia .....	4,837	100,000	400	517	100,517
Idaho .....	89,494	1,850,000	3,700,000	4,783,838	6,633,838
Michigan .....	4,354	90,000	55,000	71,111	161,111
Montana .....	159,638	3,300,000	15,750,000	20,363,636	23,663,636
Nevada .....	135,450	2,800,000	4,450,000	5,753,535	8,553,535
New Mexico .....	41,119	850,000	1,000,000	1,680,808	2,530,808
North Carolina .....	5,732	118,500	6,000	7,757	126,257
Oregon .....	53,213	1,100,000	75,000	96,969	1,196,969
South Carolina .....	4,837	100,000	400	517	100,517
South Dakota .....	154,800	3,200,000	100,000	129,292	3,329,292
Texas .....	32,895	680,000	300,000	387,878	1,067,878
Utah .....	9,869	204,000	70,000	90,505	294,505
Washington .....					
Alabama, Maryland, Tennessee, Virginia, Vermont, and Wyoming.....	1,935	40,000	2,000	2,585	42,585
Total.....	1,588,877	32,845,000	54,516,300	70,485,714	103,330,714

The total gold product of the world during the year 1891 amounted to \$124,229,000, of which \$33,175,000, or 27 per cent was produced in the United States, and during the same year the total silver product of the world was \$182,129,000, of which \$75,416,000, or 41 per cent, was produced in the United States.

The wonderful development of gold and silver mining in the United States is indicated by an accompanying table which shows the annual value of the gold and the silver product each year from 1845 to 1891, inclusive. From this table it will be seen that the total value of the product of these two metals amounted during the year 1891 to \$108,591,000, being larger than during any previous year in the history of the country; as follows:

Coining value of the gold and silver produced from mines in the United States since 1792.

[The estimate from 1792 to 1873, inclusive, is by R. W. Raymond, Commissioner, and since by the Director of the Mint.]

Years.	Gold.		Silver.	Total.
	California.	Other States and Territories.		
April 2, 1792, to July 31, 1834.....		\$14,000,000	(*)	\$14,000,000
July 31, 1834, to December 31, 1844.....		7,500,000	\$250,000	7,750,000
1845.....	1,008,327	1,008,327	50,000	1,058,327
1846.....	1,139,357	1,139,357	50,000	1,189,357
1847.....	889,085	889,085	50,000	939,085
1848.....	\$10,000,000	10,000,000	50,000	10,050,000
1849.....	40,000,000	40,000,000	50,000	40,050,000
1850.....	50,000,000	50,000,000	50,000	50,050,000
1851.....	55,000,000	55,000,000	50,000	55,050,000
1852.....	60,000,000	60,000,000	50,000	60,050,000
1853.....	65,000,000	65,000,000	50,000	65,050,000
1854.....	60,000,000	60,000,000	50,000	60,050,000
1855.....	55,000,000	55,000,000	50,000	55,050,000
1856.....	55,000,000	55,000,000	50,000	55,050,000
1857.....	55,000,000	55,000,000	50,000	55,050,000
1858.....	50,000,000	50,000,000	500,000	50,500,000
1859.....	50,000,000	50,000,000	100,000	50,100,000
1860.....	45,000,000	45,000,000	150,000	45,150,000
1861.....	40,000,000	40,000,000	2,000,000	42,000,000
1862.....	34,700,000	4,500,000	4,500,000	43,700,000
1863.....	30,000,000	10,000,000	8,500,000	48,500,000
1864.....	28,000,000	19,500,000	11,000,000	57,100,000
1865.....	28,500,000	24,725,000	11,250,000	64,475,000
1866.....	25,500,000	28,000,000	10,000,000	63,500,000
1867.....	25,000,000	28,725,000	13,500,000	67,225,000
1868.....	22,000,000	26,000,000	12,000,000	60,000,000
1869.....	22,500,000	27,000,000	12,000,000	61,500,000
1870.....	25,000,000	25,000,000	16,000,000	66,000,000

Coining value of the gold and silver produced from mines in the United States since 1792—Continued.

Years.	Gold.			Silver.	Total.
	California.	Other States and Territories.	Total.		
1871.....	\$20,000,000	\$23,500,000	\$43,500,000	\$23,000,000	\$66,500,000
1872.....	19,000,000	17,000,000	36,000,000	28,750,000	64,750,000
1873.....	17,000,000	19,000,000	36,000,000	35,750,000	71,750,000
1874.....	17,500,000	16,000,000	33,500,000	37,300,000	70,800,000
1875.....	17,617,000	15,783,000	33,400,000	31,700,000	65,100,000
1876.....	17,000,000	22,900,000	39,900,000	33,800,000	73,700,000
1877.....	15,000,000	31,900,000	46,900,000	39,800,000	86,700,000
1878.....	15,300,000	35,900,000	51,200,000	45,200,000	96,400,000
1879.....	16,000,000	32,900,000	48,900,000	40,800,000	89,700,000
1880.....	17,500,000	18,500,000	36,000,000	39,200,000	75,200,000
1881.....	18,200,000	16,500,000	34,700,000	43,000,000	77,700,000
1882.....	16,800,000	15,700,000	32,500,000	46,800,000	79,300,000
1883.....	14,120,000	15,880,000	30,000,000	46,200,000	76,200,000
1884.....	13,600,000	17,200,000	30,800,000	48,800,000	79,600,000
1885.....	12,700,000	19,100,000	31,800,000	51,600,000	83,400,000
1886.....	14,725,000	20,275,000	35,000,000	51,000,000	86,000,000
1887.....	13,400,000	19,000,000	32,400,000	53,350,000	85,750,000
1888.....	12,750,000	20,425,000	33,175,000	59,195,000	92,370,000
1889.....	13,000,000	19,800,000	32,800,000	64,646,000	97,446,000
1890.....	12,500,000	20,345,000	32,845,000	70,464,000	103,309,000
1891.....			33,175,000	75,417,000	108,592,000
Total.....			1,904,881,769	1,073,172,000	2,978,053,769

\*Insignificant.

The total copper product of the United States during the year 1890, according to returns received by the United States Geological Survey, amounted to 265,115,133 pounds, of which 150,627,977 pounds, or 59 per cent, was the product of the arid region.

It is also a matter of interest to note in this connection that the total copper product of the world during the year 1890 amounted to 605,946,560 pounds, of which the product of the United States constituted 44 per cent.

The total lead product of the United States during the year 1889, according to returns received by the United States Geological Survey, amounted to 365,934,000 pounds, of which 257,818,000 pounds, or 70 per cent, was produced in the arid region.

The total lead product of the world during the year 1890 amounted to 1,000,587,840 pounds, of which the lead product of the United States constituted 36 per cent.

The total coal product of the arid region during the year 1890 amounted to 10,956,787 tons, and was valued at \$18,763,726. Coal is now mined in California, Colorado, the Indian Territory, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oregon, Texas, Utah, Wyoming, and Washington. The coal of the Rocky Mountain area varies in quality from lignite, or inferior bituminous, to the most valuable bituminous and semi-anthracite qualities. As yet the coal of the arid region is not to any extent shipped outside that area, being consumed for domestic purposes, for locomotive-engine fuel, and in the numerous and rapidly growing mining industries of the Rocky Mountain States and Territories.

To conduct this mining and to stimulate further development requires agricultural crops to be raised on the spot, or as near at hand as possible.

Regarding other products of this particular country I direct your attention to some of the domestic animals. It is estimated that the vast buffalo herds which once roamed over the arid region numbered in the aggregate not far from 10,000,000. Besides, this area was the grazing ground of large numbers of elk, moose, deer, and other graminivorous animals. These have given place to about 2,000,000 horses, 50,000 mules, 15,000,000 cattle, and nearly 25,000,000 sheep—a total of about 42,000,000 head, as shown by the following tables:

Values of live stock in the arid region.

State or Territory.	Horses.	Mules.	Milch cows.	Oxen and other cattle.	Sheep.
Colorado.....	\$6,668,000	\$402,000	\$1,751,000	\$16,046,000	\$4,307,000
Idaho.....	3,594,000	89,000	930,000	5,440,000	1,155,000
Montana.....	5,979,000	97,000	975,000	14,242,000	4,949,000
New Mexico.....	1,039,000	452,000	387,000	14,771,000	5,288,000
Texas.....	24,856,000	5,966,000		31,222,000	3,802,000
Utah.....	3,315,000	177,000	1,101,000	5,259,000	5,070,000
Wyoming.....	5,583,000	167,000	423,000	14,767,000	2,522,000
Arizona.....	1,397,000	123,000	462,000	10,150,000	1,393,000
California.....	12,131,000	1,733,000		9,895,000	4,079,000
Nevada.....	2,356,000	122,000	513,000	4,910,000	1,188,000
Oregon.....	4,299,000	114,000		12,464,000	2,577,000
Total.....	71,207,000	9,442,000	6,548,000	139,166,000	36,253,000

N. B. This estimate is made up by assuming that half the horses, mules, sheep, milch cows, oxen, and other cattle of Texas, California, and Oregon are in the arid region, and excluding all of such animals in North and South



Dakota, Washington, Nebraska, and Kansas, although a considerable portion of each one of these States is embraced in the arid area. Milch cows of Texas, California, and Oregon excluded.

These figures being largely made up from tax returns in the various counties of the different States, are without doubt much less than actual amounts, both as to the number of animals and their valuation.

Sheep-raising and the wool product of the arid region is worthy of notice. It has become an enormous industry in the Rocky Mountain States and Territories. The total number of sheep in the United States in the year 1891 is stated by the Department of Agriculture at 43,431,136, of which 23,615,311, or 54 per cent, were in the arid region.

The wool product of the arid region during the year 1891, estimated by J. P. Ferritt, of Philadelphia, is as follows:

	Pounds.		Pounds.
Texas .....	29,941,632	Montana .....	14,471,359
Oregon .....	17,023,313	New Mexico .....	12,534,652
California .....	21,130,015	Utah .....	14,391,300
Nevada .....	3,532,970	Washington .....	4,038,360
Colorado .....	12,736,983	Wyoming .....	7,833,770
Arizona .....	4,749,144		
Idaho .....	3,513,846	Total .....	148,917,344

The total wool clip of the arid region for the year 1891 is estimated at 149,000,000 pounds, valued at \$30,000,000.

As the total wool product of the United States is estimated at 262,400,000 pounds, it appears that the wool product of the arid region constitutes nearly 57 per cent of the total wool product of the country. This calculation includes California, Texas, Oregon, and Washington, and excludes Kansas, Nebraska, North and South Dakota, and Oklahoma.

Concerning the importation of products of agriculture into the arid region, the development of the mining interests have always been very much in advance of agricultural development. This is due especially to the fact that agriculture is possible in that area only by means of irrigation, attended in all cases with considerable expense, and in many cases requiring work of heroic magnitude, involving the expenditure of hundreds of thousands and even millions of dollars. Besides, nature has set absolute limitations to the quantity of land which can be reclaimed, such limitations being the water supply and available lands to be irrigated by water which can be turned upon them. The result has been, therefore, that from the time when the mining interests of the arid region were to any extent developed there has been a large and constantly increasing importation of products of agriculture from the humid regions, both east and west of that area.

Interesting and valuable information in regard to imports into the arid region has been kindly furnished me by the Northern Pacific Railroad Company, the Union Pacific Railway Company, the Burlington and Missouri River Railroad in Nebraska, and the Southern Pacific Company. It is impossible to state the value of this enormous traffic over these and other railroads even approximately, except as to agricultural products and lumber:

*Tons of freight moved into the arid region by railroads for consumption in one year.*

	Tons.
Over Atchison, Topeka and Santa Fe Railroad .....	7,741,638
Over Southern Pacific Railway .....	6,292,069
Over Union Pacific Railway .....	4,895,204
Over Northern Pacific Railroad .....	3,569,969
Over Texas and Pacific Railway .....	1,614,375
Over Missouri Pacific Railway .....	4,638,379
Total .....	28,721,654

*Lumber imports.*

Over Burlington and Missouri Railroad .....	\$234,000
Over Northern Pacific Railroad .....	1,147,000
Over Union Pacific Railway .....	2,401,000
Over Southern Pacific Railway .....	683,000
Over Atchison, Topeka and Santa Fe Railroad .....	1,500,000
Over Texas and Pacific Railway .....	200,000
Over Missouri Pacific Railway .....	1,000,000
Total .....	7,195,000

*Value of imports of agricultural products shipped into the arid region by railroads.*

Over Southern Pacific Railway .....	\$4,042,264
Over Union Pacific Railway .....	6,638,320
Over Northern Pacific Railroad .....	1,424,000
Over Burlington and Missouri Railroad .....	216,000
Over Atchison, Topeka and Santa Fe Railroad .....	4,500,600
Over Texas and Pacific Railway .....	300,000
Over Missouri Pacific Railway .....	2,000,000
Total .....	19,121,184

Furniture, wagons, and agricultural implements are also imported into the arid region in large quantities, a fact clearly indicated by inspecting the various table furnished by the several railroad companies. No separate estimate can be made as to the value of the general merchandise imported from Boston, New York, Philadelphia, Baltimore, Cincinnati, St. Louis, Chicago, St. Paul, Minneapolis, Kansas City, Omaha and hundreds of other centers of trade and of manufacture at the East and

from San Francisco, Portland, Tacoma, and Seattle at the West. The commercial travelers engaged in the sale of such merchandise are on every railroad train and in every city, town, and hamlet throughout the arid region.

It appears that the value of lumber taken into the arid region is safe to estimate at over \$7,000,000 a year, and that there is imported into the arid region from other States of the Union agricultural products aggregating in value about \$20,000,000 annually.

As a rule the price of all products of agriculture in the arid region is the price of the same at, say, St. Paul, Minneapolis, Omaha, Kansas City, San Francisco, and Portland, Oregon, plus the cost of transporting such products from these cities to the points where sold for consumption.

No apprehension need be felt that irrigation will reduce this enormous demand for products of agriculture from other States, because the mineral development of this vast area will for a long time continue to increase faster than its agricultural production, and consequently its demand for products of agriculture from abroad will continue to increase. The chief benefit to be derived from irrigation will be an increased production of forage for animals and vegetables for mankind—products that can not well bear shipment long distances.

Apocryph of this I quote from an article in Harper's Magazine for June, written by Julian Ralph, about the State of Montana:

Let me begin a detailed description of Montana by saying that its future as an agricultural State will be dependent upon the extent and number of irrigation ditches that shall be cut in it. \* \* \* An early and general development of the farm lands is relied upon, because the great mining camps of the State will consume nearly all the products of the farms as fast as the farms increase in number. There is no danger that the mining camps will not grow and multiply to keep the demand strong. The miners are the best people in the world to farm for, because they produce money and they pay cash.

As to the commerce of the arid region, there are no means of ascertaining exactly the total value of the internal commerce of the United States, or even of commerce between States. The commerce of the arid region is, however, so peculiar in character, that it may be approximately stated. The chief surplus products of that area are gold, silver, lead, copper, horses, cattle, sheep, and wool. The aggregate annual value of these products moved out of the arid area is not far from \$240,000,000. Considering the small extent to which manufactures have been developed in the arid States and Territories, and the heavy shipments of agricultural products and general merchandise into that area, it appears safe to assume that the value of imports into the arid region from other States now amounts to \$200,000,000 a year. This gives for the total value of the commerce of the arid region with the other States of the Union the enormous sum of \$440,000,000.

In the foregoing tables and estimates all of Oklahoma and Indian Territory are excluded.

This amount greatly exceeds the value of the commerce of the United States with any foreign country on the globe except Great Britain. In fact, the total value of the commerce of the United States with all the countries and colonies south of us on this continent—i. e., Mexico, Central America, South America, and the West India Islands—amounted to about \$332,000,000 during the year ended June 30, 1891, but this was more than \$100,000,000 less than the commerce of the arid region with the other States of the Union. This immense commerce is almost entirely a development of the last thirty years, and has been rendered possible through the construction of railroads, upon which it is entirely dependent for the means of transportation.

Give the arid region assistance to increase its agriculture, and its development will greatly enrich the nation without incurring disastrous competition with the tiller of the soil in other sections of our country.

Although irrigation in the arid region is still in its infancy, there had been expended in irrigation works, prior to 1890, about \$30,000,000, and over 3,600,000 acres of land reclaimed as per the following statement showing the cost of irrigating works and the number of acres of land reclaimed thereby in each State and Territory of the United States:

State or Territory.	1889.	
	Cost of works actually employed in irrigating crops.	Land reclaimed, i. e., upon which crops were cut.
Montana .....	\$1,623,194	350,582
Idaho .....	1,028,603	217,005
Washington .....	196,559	48,799
Oregon .....	825,660	177,944
Wyoming .....		229,676
Nevada .....		224,403
Utah .....	2,779,640	263,473
Colorado .....	6,308,755	890,735



State or Territory.	1889.	
	Cost of works actually employed in irrigating crops.	Land reclaimed, i. e., upon which crops were cut.
California	\$12,954,605	1,004,233
Arizona	465,354	65,821
New Mexico	511,937	91,745
Texas	111,999	18,241
Kansas	83,272	20,818
Nebraska	51,908	11,744
North Dakota	1,424	445
South Dakota	50,294	15,717

To show the percentages of land and water areas in arid States, I submit the following statement:

*Land and water areas of certain States and Territories.*

State or Territory.	Total area.	Water surface.		Land surface.	
		Acres.	Total area.	Acres.	Total area.
	<i>Acres.</i>		<i>Per ct.</i>		<i>Per ct.</i>
Arizona	72,332,800	64,000	0.09	72,268,800	91.91
California	101,350,400	1,523,200	1.50	99,827,200	98.50
Colorado	68,512,000	179,200	.27	68,332,800	98.73
Idaho	54,272,000	326,400	.60	53,945,600	99.04
Kansas	53,531,200	243,200	.46	53,288,000	99.54
Montana	93,491,200	492,800	.53	92,998,400	99.47
Nebraska	49,606,400	428,800	.86	49,177,600	99.14
Nevada	70,848,000	614,400	.87	70,233,600	99.13
New Mexico	78,451,200	76,800	.098	78,374,400	99.902
North Dakota	45,308,800	381,000	.848	44,927,800	99.152
Oregon	61,459,200	940,800	1.53	60,518,400	91.47
South Dakota	49,696,000	512,000	1.03	49,184,000	98.97
Texas	170,069,200	2,233,600	1.31	167,835,600	98.69
Utah	54,380,800	1,779,200	3.27	52,601,600	96.73
Washington	44,275,200	1,472,000	3.32	42,803,200	96.68
Wyoming	62,649,600	201,600	.32	62,448,000	99.68

Now, Mr. President, the appropriations by Congress for the improvement of rivers and harbors and other similar works in the United States have amounted to hundreds of millions. Though this policy has been accomplished with certain abuses, still the results obtained have added to the prosperity and glory of the country almost beyond computation. And this policy will undoubtedly continue upon a still broader and more generous scale. But of the seventeen States lying wholly or in part in the arid region there are but four which can well be benefited by the usual river and harbor appropriations, and these four in but slight degree, as compared with most of the other States. The remaining thirteen can not in the nature of things expect any appreciable share in the appropriations from year to year in the interests of the construction and improvement of water ways and harbors in the interest of commerce. At the same time this region, sparsely populated as it is, having in some States less than one person for each square mile, has already contributed millions of dollars to the wealth of the United States, and through its mines and other resources will continue to contribute to the prosperity of the nation.

Viewing it from this standpoint, what compensation will the United States offer to this locality, heretofore neglected and unprovided for, yet deserving and profitable to the nation?

I suggest, Mr. President, that this section of country be now generously recognized, either through liberal appropriations for the reclamation of our arid lands, or by the cession of the arid lands to the States and Territories wherein situated, in cases where such States and Territories are willing to assume the trust and legislate accordingly. Preferably the former, but if the National Government declines to furnish relief through appropriations, then open wide the door for the States themselves to make something of value out of that which is now almost valueless to the nation itself and to the various Commonwealths.

While the public land has heretofore been more or less rapidly sold, and the Government has received considerable revenue therefrom, the time is fast approaching, and indeed has been reached in some localities, where settlement and sale of land is at a standstill, where the total revenues from lands scarcely pay the expenses of conducting land offices, and the public domain becomes thereby a public burden.

Mr. President, more than two-fifths of the total area of the United States is contained within what is commonly known as the arid region. Nearly all of this section absolutely requires the benefits of irrigation in order to insure the successful practice of agriculture. No further statement than this ought to be necessary to demonstrate to thinking men the fact that the reclamation of the arid lands is not a small and insignificant or a sectional matter. Not only is it of national importance, but in

comparison with no other single factor of our national progress does it assume insignificant proportions. It is a burning question and it will not down. It is important because the public domain outside the arid region is narrowing to small proportions.

Upon this point permit me to quote from the last report of the Commissioner of the General Land Office. He says:

That the demand for homes on the public domain is greater than ever before in the country's history may reasonably be inferred from recent experience in the opening of Oklahoma Territory for settlement. On an average there appeared upon the ground, within twenty-four hours after the land was thrown open for settlement by the President's proclamation, at least two qualified entrymen for every desirable quarter section of land in the Territory. In consequence of the abnormal demand and the limited acreage, conflicting claims arose which have resulted in long, vexatious, and expensive contests. This unusual demand for land in Oklahoma did not arise because of any special preference for the climate or soil, but because of the very limited area of public land remaining upon which a settler can raise crops without artificial irrigation. There are millions of acres of land in the arid region with soil equal if not superior to that found in Oklahoma, in sections of the country where the climate is equally desirable, upon which no one attempts to settle, for the reason that a water supply for irrigating purposes can not be secured at such expense as the settlers are able to undergo.

It has been demonstrated that these arid lands, when reclaimed by a sufficient water supply proper for irrigation, produce abundant crops for an indefinite period of time and with unfailing regularity. Water conducted from streams or reservoirs to the land and distributed over its surface in process of irrigation, seems to act as a powerful fertilizing agent.

Within the arid region, that part of the land which can be irrigated and watered with small expense has already been settled upon. With what is left, the settler or homesteader can not for himself carry on the reclamation of the land without assistance or a changed condition of things, because of the great cost of obtaining water and the general nonapplication of the present land laws to existing conditions.

It requires but the most cursory examination to indicate that if the arid lands are to be reclaimed from absolute or comparative desolation and rendered inhabitable, it must be accomplished in one of two ways: Either the National Government must bring about the desired result through national means and control, or else the whole matter must be relegated to the States and Territories concerned.

The cession of the lands to the States and Territories will promote the development of large mineral wealth, which must remain undeveloped until the production of food for man and beast in the vicinity of the mines shall render it profitable to this class.

If the States have control of their lands, they will proceed without delay with the work necessary for their utilization. Homes for agriculturists are the only hope these States have of great future growth and importance; mining, manufacturing, and other pursuits being maintained and stimulated by the products of farms near at hand. The lands would not be a gift to the States, but a transfer of the trust for the benefit of bona fide settlers.

It has long been the policy of this Government, that the public lands are not to be held as a resource for profit out of which the Government is presumed to reap the largest possible benefit, but they are held by the Government in the capacity of a trustee to be administered for the benefit of those who shall settle upon and develop them.

For the past few years this subject has been much discussed. Many public men and influential public journals have taken occasion to express themselves in relation thereto. A quite thorough investigation has heretofore been made of the irrigation and reclamation of the arid lands by a committee of this body. In the present session committees for the consideration of this subject have been appointed in both Houses of Congress. The President's last annual message refers to the importance of the subject. Exhaustive reports have been made by different divisions of the Departments of the Government. Foreign agents of the United States have been required to add to the available data bearing upon the same. The subject has been discussed at the meetings of various conventions and congresses called together to consider great economical questions affecting the welfare of the Republic. The present Congress has been liberally petitioned and the consensus of opinion seems to very largely favor the prosecution of the work of reclaiming under local control and management rather than that it should be undertaken by the General Government.

If in this matter, as in all other concerns of the Government, the voice of the people is to be taken as the voice of authority and the base of action, it seems to me that there can be no longer any question that the proper disposition of this whole matter consists in turning over these lands with all attendant rights and privileges and complications to those most vitally interested and concerned.

As proof that I am not alone in this matter, I desire to put in evidence a few quotations.



In the President's annual message, as follows:

The future of the Territories of New Mexico, Arizona, and Utah in their material growth and in the increase, independence, and happiness of their people is very largely dependent upon wise and timely legislation, either by Congress or their own legislatures, regulating the distribution of the water supply furnished by their streams. If this matter is much longer neglected, private corporations will have unrestricted control of one of the elements of life and the patentees of the arid lands will be tenants at will of the water companies.

The United States should part with its ownership of the water sources and the sites for reservoirs, whether to the States and Territories or to individuals or corporations, only upon conditions that will insure to the settlers their proper water supply upon equal and reasonable terms. In the Territories this whole subject is under the full control of Congress, and in the States it is practically so as long as the Government holds the title to the reservoir sites and water sources and can grant them upon such conditions as it chooses to impose.

From the last report of the Secretary of the Interior:

It may be that the United States will not endeavor to either build the reservoirs or retain these desert lands for improvement by itself. The expense would be in the aggregate so very great that the National Government may not assume it, and the reservoirs, canals, and ditches may be transferred, so far as already located by the United States, to the States and Territories, and those yet to be located will be put under local legislation and control. But it would seem absolutely essential that there should be reserved to the United States the power of forfeiture and resumption in case of great abuse or a conflict of interests between States threatening to lead to actual violence between their respective populations, or allowing the irrigation of vast districts to fall into hands of monopolies without sufficient protection for the people. It is not at all impossible or improbable that one State at the head of the stream, where alone can great bodies of water be stored, will so use the advantage as to deprive the lower State of its due share of the water, or that an improvident State may allow the system to fall into the grasp of the selfish and covetous, without sufficient safeguards for the people dependent for their homes and fields upon a supply of water at cheapest rates. Not only their prosperity but their liberty may rest, then, upon a wise interference by the National Government.

The present Commissioner of the General Land Office, Hon. Thomas H. Carter, a man thoroughly identified with the interests of the West and fully informed, treats of the question of the irrigation of the arid public lands in his last annual report:

There are two ways eligible: First, to pursue a policy indicated in a recent act of Congress, encouraging private capital to engage in the enterprise. This policy must necessarily result in passing the ownership of water, and consequently the control of the land, to corporations. A wiser plan, it seems to me, would be the transfer of the land and water to the direct control of the States, subject to such limitations and restrictions as would insure the reclamation of the land by the States, and the transfer of title from the State in the first instance to actual settlers in quantity not exceeding, say, 150 acres of land to each settler. When the title becomes securely vested in actual settlers on the land there need not be any apprehension of danger from the action of the settlers in disposing of their homes. On the reclaimed desert, as elsewhere, the homestead will in general be more valuable to the family owning and living upon it than to anyone else. Hence, the General Government will have carried into effect its ancient and wise policy in providing as a condition of the grant that no State shall convey more than a limited area of the land to any one person, and further that such person shall be an actual settler on the land conveyed to him or her, and shall be possessed of such other qualifications as in the wisdom of Congress may seem proper.

The conditions suggested might be made effective by providing that any violation thereof should operate as a forfeiture of the land to the Government of the United States.

The unsatisfactory experience following the granting of swamp lands to the States may be suggested as an objection of some potency against a similar policy with reference to the arid portion of our public domain. The experience mentioned should not be overlooked, nor should it be accorded an importance in its application to the pending question to which it is not entitled.

The total area of swamp land was estimated at the time of the grant at from 5,000,000 to 20,000,000 acres. This was but an insignificant fraction of the surface of the States in which the land was located. The remainder of the surface of those States was valuable productive soil. Hence, the so-called swamp lands were of little consequence to the great body of the people. The disposition made of the swamp land was a matter of slight concern to the States, and therefore the attention given the subject was mainly given by claim agents and speculators whose success in driving bargains was largely attributable to the fact that the quantity of land involved was comparatively small and the public interest smaller still. We are now dealing with a subject of vital importance to the States whose entire arable surface is involved. The future prosperity of every desert-land State depends on the wisdom and practical character of the legislation enacted to facilitate and encourage the reclamation of our arid lands. Every man in the country who desires or may desire to secure a home on the public domain is interested.

While the swamp land-grant States may have been indifferent and unwise in dealing with a grant which was but a merely incidental matter, the desert land-grant States could not afford to thus deal with and consider a question of vital importance. Indifference would court adversity and recklessness would bring ruin.

When a proposition of this gravity is submitted to any organized body of American citizens directly interested in its wise consideration and solution they will consider wisely and act well.

Mr. Carter's predecessor in office, Hon. Lewis A. Groff, a very able ex-commissioner of the General Land Office and a resident of Nebraska, while he can not be called a resident of the arid region itself, is a man thoroughly well-informed, of undoubted public spirit and of sound judgment, in an article contributed to *The California Illustrated Magazine*, expresses himself as follows:

The 500,216,831 acres lying west of the one hundredth meridian, excepting those portions situated in Northern California west of the Sierra Nevada Range, and in Oregon and Washington west of the Cascades, are within what is known as the arid country. Save a few valleys where rain falls, and others with natural subirrigation, this vast area is unfit for agriculture unless reclaimed. In many places reclamation is impossible because water cannot be obtained. Some districts are so hopelessly sterile that irrigation, if it

were practicable, would be useless. Large tracts are mountainous and of no value save for their timber, or as minerals are discovered in them. \* \* \* The small bodies of agricultural land lying east of the one hundredth meridian might also, if not entered under the homestead law within a given time, be granted to the States in which they lie. A similar disposition might be made of the arid and mineral lands under proper restrictions as to their disposal and development, and, in the case of arid lands, their reclamation. When the remaining Territories have been admitted to statehood, the lands within their borders could be granted to them on the same conditions.

Of course, many objections may be urged against these suggestions, but the precedents for the course of action outlined are already established. Swamp lands have been liberally granted by Congress to several of the States. Directly or indirectly, immense grants have also been made them for canals, railroads, and other internal improvements. The seventeen States formed from the territory of the original thirteen colonies administered their own land system and received the revenue derived therefrom. Texas does the same to-day.

Furthermore, since the enactment of the homestead law, it has been the policy of Congress to dispose of public lands with a view to the settlement and upbuilding of States, and the making of taxable property, rather than for direct revenue; and, if this object could be more efficiently promoted by the States themselves, the relinquishment of the small income received by the nation under the present system ought not to be an obstacle to the change. \* \* \*

The Legislature of the several States can best determine by what methods their arid and swamp lands can be reclaimed, their mineral lands developed, their agricultural lands made to support a teeming and happy population; and how, in accordance with these ends, to condition their disposal. Congress is too far off, its knowledge too abstract. It is overburdened besides. The Land Office itself sits like an incubus upon its breast. No one who has not frequented the sessions of our national assembly or examined the *CONGRESSIONAL RECORD* can have any idea how much time land legislation consumes, or how unsatisfactorily it is performed. Precisely here appears the great benefit of the suggested change to the General Government. Relieved of this load, Congress could devote the time now spent on land matters to weightier questions whose consideration can not be relegated to the States, and its efficiency would be incalculably increased. To settlers it is plain that the new order of things would be a boon. They could transact their business through an office within the confines of their own State instead of one hundred or thousands of miles away, one burdened besides with the business of many other States. The "law's delay" under the present system works much hardship and injustice. No doubt it also bears its share in the encouragement of malpractices. With prompter decisions would probably come a reduction in frauds, claim-jumping, and the like, thus promoting public morals as well as the security of honest settlers.

Maj. J. W. Powell, who has so long and ably conducted the United States Geological Survey, has made arid lands a study, and has written much upon this subject. He contributes the following under date of March 27, 1892:

#### IMPORTANT PROPOSITIONS.

Let me briefly set forth in a series of propositions the principles which it is believed should guide the agriculturists in the arid West in their endeavor to develop the farming interests of the region:

First. The whole subject should be turned over to the people, to be controlled by local self-government.

Second. There are about 150 natural districts, each one containing a body of timber lands, a body of pasturage lands, a body of irrigable lands, and a source of water supply. Each of these districts should have an independent organization and make its own laws to govern all these values. The districts can be easily defined by natural boundaries.

#### HOW ORGANIZED.

Third. Each district should organize by electing its own officers and establishing its own court, with general supervision by State officers and the right to appeal to a State court.

Fourth. These districts should have the right to select and designate the lands to be irrigated in such a manner as to economize the water to the greatest advantage; but the right of present farmers and landholders should be primarily and permanently secured.

Fifth. In such districts the people should make their own laws governing the distribution of water and regulating its use so as to avoid waste.

#### EXCLUDE WATER COMPANIES.

Sixth. Where it is possible the farmers should construct their own irrigation works, so as to be independent of water companies.

Seventh. When it is necessary to employ water companies, as it may be when large streams are to be controlled or great reservoirs constructed, such companies should be authorized to store and carry water, but not to be the owners of water. The farmers should not buy water or water rights of the companies, but only contract for the delivery of water. The companies should be carriers, not owners.

#### PEOPLE TO REGULATE WATER.

Eighth. The companies should have no right to decide to whom the water shall be delivered. Such rights should be in the hands of the farmers. But, on the other hand, the companies should have the right to collect proper charges for delivering water, as per contract. When, in stress of dry seasons, an insufficient amount of water is procurable, how this water shall be distributed should be controlled by the officers elected by the people, and not by the company.

#### PEOPLE CONTROL FORESTS.

Ninth. The people of each district should have control of the forests of the district, in order that they may properly use the timber in their industries, properly protect it from fire and waste, say how the timber shall be cut in order best to protect the water supply.

Tenth. The people in each district should have the right to control the pasturage lands, and such land should be held by the people in common as pasturage lands, and be used only to such an extent as not to injure the flow of waters to the irrigable land. The control of pasturage lands in the interest of irrigation is far more important than their control in the interest of stock-raising.

If the above propositions are sound, it becomes important to decide how they can be best carried into effect. The general management of this subject is now up for discussion in the National Congress. By some it is proposed that the whole subject should be turned over to the States for solution, and that the land should be granted to the States under proper conditions and restrictions. By others it is proposed that the general legislation should be national, and the control should be left in the hands of the General Government. Which of these methods is the better is a question to be settled by statesmen, guided, as they will be to a greater or less degree, by the expression of the opinions of the people most deeply interested therein. As



to which of these two methods should prevail, I have not expressed an opinion. I have been interested in the collection of the facts and the discovery of the general principles, and have left it to others to consider the legal and political methods to be pursued, and hence am neither an advocate of State control or of national control, but only urge that ultimately there must be district control and that local self-government is the wisest and best for the people.

#### LOCAL SELF-GOVERNMENT.

It will be seen that a policy is advocated which contemplates the control of the arid lands—including irrigable lands, pasturage lands, and timber lands—by local self-government, the rights and duties relating thereto being distributed to about one hundred and fifty great irrigation districts that can be easily defined by natural boundaries. Whether these principles are wise or unwise is left to the judgment of those who are interested in the subject—to the people themselves. What is wrong should be condemned; what is right should be accepted.

Joseph Nimmo, jr., who investigated this matter as special agent for the Agricultural Department in 1880 and since, reports as follows:

Throughout the arid region agriculture has been, is to-day, and for all time will remain essentially an adjunct of mining. The miner found that by turning a part of the water in his ditch upon a patch of ground he could raise vegetables and fruit and grain, and in this way the work of irrigation has been developed.

It is the uniform testimony of people throughout the arid region that the vast mining interests of this section are restrained by the fact that so small a share of their agricultural products is produced in the vicinity of the mines. It is undoubtedly true that, if irrigation were so developed as to enable the Rocky Mountain States to produce all the vegetables, fruit, and hay which are there needed, the consumptive demand for other agricultural products of the East would be largely increased. There was a consensus of opinion among the hundreds of intelligent men with whom I conferred, that the demand for Eastern products of agriculture is now increasing more rapidly than the home supply through irrigation. It is beyond the dreams of the people of the arid region that they shall ever become exporters of agricultural products. The idea that the farming interests of the Atlantic seaboard States, or of the fertile Western and Northwestern States, will ever suffer from the competition of irrigated lands in the arid region is as groundless as would be a fear of the competition of agriculture in the New England States, the richest market for the farm products of other States, but where manufactures are promoted and the consumptive demand is stimulated by such agriculture and horticulture as is possible near the manufacturing centers.

A large proportion of the arable and pastoral lands of the Rocky Mountain States is embraced in the public domain. The National Government is the trustee and agent of the people for the sale of those lands. The people of the arid region believe that the peculiar governing conditions demand that this trusteeship should be transferred to the several States of that region. This has abundant precedent in the present public land policy of the United States.

It is impossible now to estimate the area of the pastoral lands, but it is safe to say that the total value of the lands already donated to the States greatly exceeds the total value of the irrigable and pastoral lands of the arid region.

These lands are already a part of the territory of the several States by their compact of birthright with the United States. By the terms of the same compact the waters available for irrigation are the property of the people of the several States, and are to be regulated and distributed by the several State governments.

Agriculture by irrigation in those States, as in every arid region of the world, must of necessity be carried on under a principle of law regarding the ownership and distribution of running water, which has no place in the laws of a rainfall area where the law of riparian rights prevails. Congress and the Supreme Court of the United States have already recognized the right of the arid States to regulate the subject of irrigation in their own way.

The subject of irrigation is intensely technical and peculiar, presenting itself under different conditions in different States and in different parts of the same State. It seems to be impracticable therefore for the Government of the United States to attempt to administer beneficially the irrigation interests of the Rocky Mountain States.

The last Legislative Assembly of the State of Wyoming unanimously adopted a memorial to Congress asking for the cession of the lands to the States. The last Legislature of Idaho adopted a similar memorial. Other States and Territories have done likewise. Municipal governments, boards of trade, and commercial bodies all through the West have done the same. The governors of States have recommended.

Governor Toole, in his last annual message to the Legislature of Montana, says that—

There was a time when it seemed not improbable that the General Government would take hold of this proposition, and under its supervision control and manage the water supply to the advantage of all. It is perfectly apparent, however, at this time (January, 1891) that influences are cooperating which will eventuate in destroying whatever hope we may have had in that direction. Eastern communities, which have set this opposition in motion, appear to be mindful only of local interests, and not of the prosperity of the whole country. Their protest is based upon the claim that the reclamation of these arid lands would subject the settler in the Eastern and Middle States to undue competition, retarding relief from agricultural depression. \* \* \* The homes which we propose to make are not for us alone, but for every citizen of the United States who has the courage to come and take one. If we are to receive any substantial or speedy benefits from our arid lands, I believe the State must first acquire a title to them, and then undertake by appropriate legislation to reclaim and dispose of them. The Government should select, survey, and convey these lands to the State upon such conditions as would secure their occupation and reclamation.

Elwood Mead, State engineer for Wyoming, and a man of large experience in irrigation matters, writes the Senate Committee on Irrigation as follows:

The most satisfactory remedy for this state of affairs, and in my judgment the only efficient one, is for Congress to grant to each State of the arid region, or to each Territory upon becoming a State, all the irrigable lands within its borders held by the General Government, such State to be charged

with the supervision of their reclamation and with their disposal to actual settlers.

The reasons for asking this donation are as follows: \* \* \*

"First. The reclamation of the lands of this region lays upon the people engaged and upon our local or State government requirements and expenses not encountered by the pioneer of the humid portion of the country. Not only does the construction of ditches and other distributing works add greatly to the first cost of a farm, but with their multiplication comes the necessity of the State assuming control of the distribution of the water supply, and its failure to do so leads inevitably to expensive litigation or to personal controversies which impair both the success and growth of our agriculture. A further incentive to prompt action is the fact that the area of land susceptible of reclamation exceeds the amount of water supply. The water, therefore, possesses a greater value than the land, and on economical distribution rests the limit of our future agricultural wealth. It is of the utmost importance, therefore, that no wasteful or improper diversion be permitted, and that the State should control the appropriations of water as well as its subsequent division among the various claimants.

"Second. Our experience during the past five years has shown the evil growing out of the control of the lands being under one authority and the water under another.

"If this Territory could during the past five years have controlled the disposal of the irrigable lands within its borders, it could, while disposing of it to actual settlers only, have afforded such protection to canal companies as would have given our agriculture four times its present importance, and more than double our population. Instead of this there have been repeated instances where arbitrary and unreasonable rulings have subjected our people to heavy and wholly unnecessary expense, and to cause the whole land policy to be regarded as oppressive. It was, however, the inevitable result of land laws wholly unsuited to the needs of irrigation and of their enforcement by officials in Washington whose experience had not prepared them to deal with the conditions which exist here.

"It is also impossible for Congress to pass a general law which will operate with equal justice and success on the arid belt as a whole. The conditions differ in the different sections, as do our water laws. Wyoming differs from Utah and Arizona from Montana or Idaho. The people of each section are the best calculated to determine the system best suited to their needs and should be given the means of carrying it into effect.

"Third. The results already achieved are a sufficient guaranty of what can be accomplished under favorable circumstances. Our legislation as to water has, on the whole, been wise, but it can never have the stability or success which would come with the control of both land and water. Our engineering works have elicited the praise of experts from other irrigated countries for both their economy of construction and adaptation to their use. At present the practical knowledge of the subject is almost wholly confined to those engaged in the work. The information gained through the labors and investigations of the Geological Survey can be utilized by local legislatures, while by placing the responsibility for this work upon our people a great impulse will be given to the diffusion of intelligence on the subject and to local pride in the character of our irrigation works. It will put the solution of this problem in the hands of the people best informed on the subject and most interested in its success.

"We will say further that our people are afraid of the proposed withdrawal of the irrigable lands from settlement or the placing of the construction and control of our irrigation works under the charge of the National Government; the reason being in both cases that the delay and uncertainty which would be inseparable from such action would be disastrous. While the passage of laws to encourage individuals or companies to reclaim large bodies of arid lands would most speedily accomplish the desired end, namely, reclamation and settlement of the arid regions, yet public sentiment seems to be so adverse to this plan that we feel that it is scarcely worth our while to advance it."

To limit the acquirement of title to the public lands to the provisions of the homestead act would be disastrous restriction on settlement, and there is no valid reason for its adoption. It offers no aid towards the construction of better works or the more economical diversion of water, the most important consideration connected with the whole subject. In this respect the desert-land law was the best ever enacted, if it had been liberally construed, or if the rulings of the Land Office had been uniform as to its meaning. The difficulty has been that the changes in the rulings have been of so radical a character as to practically constitute new legislation and to cause much hardship and expense to those honestly endeavoring to comply with the law.

Every settler on these lands, which in their present condition have no agricultural value, and who reclaims them and makes them productive, is a benefactor of the whole country and should receive the most liberal treatment. Instead, however, after having expended from \$5 to \$15 per acre in bringing the water on his land and preparing it for irrigation, he is compelled to pay the same price therefor that the settler on the broad prairies of Iowa and Kansas paid for land already prepared for the plow. The commonwealths who are charged with the duty of guarding the public welfare should be aided in their efforts. Every consideration which justified and secured the donation of the swamp lands to the States of the humid region applies with greater force to the advisability of a similar donation of the arid lands to the several States and Territories interested. Not only are our local governments charged with heavy duties and responsibilities which none of the humid States had to confront, but the settlers who come here to engage in farming undertake the practice of an art whose mastery is both complicated and difficult and of which they have no previous experience.

Our climatic conditions are exceptional, making much of our agriculture an experiment. \* \* \* The success of irrigated agriculture enormously increases the value of the arid domain and will be an important contributor to our national wealth and prosperity. The best results can only be secured through the nation's aid. I trust it may be generously extended.

Prof. F. J. Stanton, formerly geologist and mining engineer of Wyoming, a man conversant with irrigation for more than a quarter of a century, expresses his opinion in the following terse language:

The great policy of the Government should be to steadily work for the speedy extinction of the Federal title to all the lands within the limits of the respective States.

Give the entire control of the lands within their respective limits to the respective States themselves, to be devoted:

First. Donations to the resident agricultural and pastoral settlers.  
Second. To the bona fide reclaimers of mineral, swamp, and arid lands.  
Third. For purposes of internal industrial improvements.

During the past two years there have been held in various



Western and Southern cities, conventions or congresses of representative men who are interested in the upbuilding of the nation; men broad-minded, public-spirited, and desiring the greatest good to the country at large. From fifteen to twenty States and Territories were represented at each meeting.

One of the earliest was known as the "The Western Commercial Congress" held at Kansas City. The session lasted through several days, and among the resolutions adopted, bearing upon various economic subjects, was this one:

*Resolved*, That it is the sense of this congress that the General Government should cede its arid lands, under proper conditions, to the various States within whose boundaries such lands are situated.

At Galveston, Tex., on February 7, 1891, was held a session of the Transmississippi Commercial Congress, a body similar to the one last mentioned as meeting at Kansas City. Their expression on this subject was:

*Resolved*, That we favor the reclamation of the arid region of the west by the National Government through a system of water storage reservoirs and artesian wells.

At Denver, May 19, 1891, at another session of the transmississippi congress, after a full discussion the following resolutions were adopted:

*Resolved*, That it is the sense of this congress that the General Government should, under proper restrictions, cede to the several States and Territories of the arid region the public lands within their borders, excepting such lands as are more valuable for mining than agricultural purposes: *Provided*, That no State or Territory shall be permitted to sell such lands for less than \$1.25 per acre, nor more than 320 acres to one person, nor to any other than an American citizen, who shall, at the time of purchase, be an actual citizen of the State or Territory in which said land shall be: *And provided further*, That said State or Territory shall apply the funds arising from the sale of said lands to the reclamation of the same, and for school purposes.

*Resolved*, That the National Government shall make such appropriations as may be necessary to place under irrigation those lands which have been settled upon as agricultural lands, and proven unfit therefor.

Hon. A. L. Thomas, governor of Utah Territory, upon the suggestion of numerous citizens and commercial bodies in that part of the country, issued a call for an irrigation congress to be held at Salt Lake City, beginning on September 15, 1891. To this congress were invited representatives of all the States and Territories. The delegations that attended in response to the call of Governor Thomas were appointed by the governors of the several States and Territories, the mayors of cities, and the various commercial bodies interested. Upon the assembling of the irrigation congress there were brought together nearly a thousand of the best-informed citizens of that portion of the country. The object of the congress was the consideration of the reclamation of arid lands only, and for three days the matter was fully and freely discussed. After much argument the following resolutions were submitted and passed with great unanimity:

*Resolved*, That this congress is in favor of granting in trust, upon such conditions as shall serve the public interest, to the States and Territories needful of irrigation, all lands now a part of the public domain within such States and Territories, excepting mineral lands, for the purpose of developing irrigation, and to render lands now arid fertile and capable of supporting a population.

*Resolved*, That it is the sense of this convention that the committee selected to prepare and present to Congress the memorial of this convention respecting public lands, should ask, as a preliminary to the cession of all the land in the Territories in accordance with the resolutions of the convention, a liberal grant to said Territories and to the States to be formed therefrom of the public lands, to be devoted to public school purposes.

Whereas large areas of arid lands and semiarid lands, situated upon the great plains of the Dakotas, Western Nebraska, Kansas, and Oklahoma were settled upon in good faith by home-seekers, under the supposition that they were entering agricultural lands; and

Whereas the settlers upon such lands have expended much time and labor upon the same, and paid into the United States Treasury therefor many millions of dollars, only to discover that irrigation to a greater or less extent is necessary in making homes for themselves thereon: Therefore,

*Be it resolved*, That the representatives of all the States and Territories directly concerned in irrigation do hereby pledge their unwavering support to the just demands of such settlers, that the General Government shall donate at least a portion of the funds received from the sale of such lands toward the procurement of the means necessary for their irrigation.

*Resolved*, That this congress heartily indorse the irrigation work of the Agricultural Department of the National Government in the collection and dissemination of information, especially its admirable progress reports covering the whole field of irrigation development, and that it favors large appropriations for this work hereafter.

A month later another session of the transmississippi congress was held at the city of Omaha, beginning October 19, 1891. The Salt Lake platform was unanimously indorsed and adopted.

At the city of New Orleans, February 23, 1892, in commercial congress, the following resolution was adopted:

*Resolved*, That this congress is in favor of granting in trust, upon such conditions as shall serve the public interests to the States and Territories needful of irrigation, all lands now a part of the public domain within such States and Territories, excepting mineral lands, for the purpose of developing irrigation, to render the lands now arid, fertile, and capable of supporting a population.

*Resolved*, That it is the sense of this convention that the committee selected to propose and present to Congress the memorial of this convention respecting the public lands, should ask as a preliminary to the cession of all the lands in the Territories in accordance with the resolutions of the convention, a liberal grant to said Territories and to the States to be formed therefrom of the public lands, to be devoted to public school purposes.

*Resolved*, That recognizing the fact that large areas of arid and semiarid lands situated upon the great plains in the Dakotas, Western Nebraska, Kansas, and Oklahoma and Eastern Colorado were settled upon in good faith by home-seekers under the supposition that they were entering agricultural lands, and that said settlers upon such lands have expended much time, labor, and much money upon the same, and have paid into the United States Treasury therefor many millions of dollars, only to discover that irrigation to a greater or less extent is necessary in making homes for themselves thereon; we therefore do hereby pledge the unwavering support of the people of the Transmississippi States and Territories in furtherance of the just and equitable demands of such settlers that the United States Government shall devote at least a portion of the said funds towards the procurement of the means of irrigation therefor.

The Colorado Mining Exchange, at its great meeting in Denver, adopted resolutions similar in substance and purport as those already quoted.

At the Nevada State irrigation convention, held last October, that body reaffirmed and adopted the Salt Lake City resolutions.

November 11, 1891, a farmers' congress, held at Sedalia, Mo., among other proceedings adopted a resolution:

Congress to cede the arid lands to the various States to provide the States with systems of irrigation.

Montana, at its State irrigation convention, advocated a different plan, but fully recognized the importance of early action by the Government in securing the reclamation of the arid lands, voicing the sentiment of the meeting, as follows:

*Resolved*, That in the judgment of this convention it is the duty of the General Government to aid in the development of the arid lands in the several States and Territories where such lands exist; and while we do not deem it desirable that the control and title to such lands should pass from the General Government to the several States containing them, we do nevertheless urge that at least the proceeds arising from the sale of such lands shall be applied to the supplying of water for their development for the purpose of agriculture, and we urge our Senators and Representative in Congress to use every effort to accomplish such legislation as will bring about this desirable result, not only for our own State, but for all other States and Territories similarly situated.

At Las Vegas, N. Mex., beginning on March 16, 1892, there was held an irrigation convention, which, after a full discussion, adopted the resolutions following:

*Resolved*, That this convention is in favor of granting in trust, upon such conditions as shall serve the public interests, to the States and Territories needful of irrigation, all lands now owned or hereafter acquired by the United States for the purpose of encouraging colonization and developing irrigation, in order that such lands may be populated, and rendered fertile and capable of supporting a population, excepting and reserving, however, from these grants all the mineral lands, public parks, military and other reservations, and public buildings of the United States now in use in such States and Territories.

*Resolved*, That it is the sense of this convention that the committee selected to prepare and present to Congress the memorial of this convention, respecting the public lands, should ask as a preliminary to the cession of all the lands in the Territories, in accordance with the resolutions of the convention, a liberal grant to said Territories and to the States to be formed therefrom, of the public lands, to be devoted to public schools and other institutions of learning, nonsectarian in character.

The following resolutions were passed by the Colorado State beet-sugar convention:

No. 1. That we commend the action of Congress in granting a bounty of 2 cents per pound on all sugars produced in the United States.

No. 2. That Congress be requested to continue, for a period of at least five years longer, to admit free of duty all machinery for the manufacture of sugar from beets.

No. 3. That Congress and our State Legislatures be requested to make ample appropriation for the acquisition and general distribution of information on the subject of the beet-sugar industry.

No. 4. That it is the sense of this convention that Congress should cede, under proper restrictions, the Government arid lands to the various States and Territories within whose boundaries such lands are situated.

In a memorial to the Congress of the United States from the executive committee of the National Irrigation Congress we find the following:

It is undeniably true that the General Government has nearly reached the limit of its capacity to provide homes for settlers upon the public domain. The tracts now remaining are almost wholly such as can not be sold or otherwise disposed of under the liberal provision of our land laws. Referring to the area embraced in the terms of the resolution, the condition is found to be that lands susceptible of irrigation at a practicable cost are occupied, and that those which are still subject to entry can only be fitted for cultivation by systems of canals, reservoirs, or artesian wells, involving expenditures quite beyond the resources of individual settlers.

The topography and other physical conditions that must be overcome in the work of utilizing water for the purposes of agriculture are not widely understood. The ultimate sources of the streams that provide the only available water supply are the snows that are deposited on the mountain tops and in the deep recesses of the canons. In the spring these snows melt rapidly and form raging torrents, that cut deep channels in their pathway. Thus when they enter the valley they are far below the levels of the lands which they are to reclaim. The condition renders it necessary to fix the point of diversion far up the canon upon the rocky mountain sides, and to construct long canals and flumes to conduct the water at the required height to be delivered upon the successive benches that lie below.

The waste of water before the season of irrigation commences is another potent factor of expense. In the spring the flow of water is the largest, for obvious reasons, and then vast volumes run to waste. Later the supply decreases, and is the least when most needed for the nourishment of growing crops. To prevent this the only efficient remedy is to impound the water in large storage reservoirs, which can only be constructed at an enormous cost.

It is not to be assumed that because the reclamation of the arid region involves the expenditure of large sums of money it is therefore impracticable. On the contrary, it can be fully justified as a business enterprise. Compare the yield in agricultural products of lands cultivated with the aid of irrigation with the yield of lands that are watered by the natural rainfall, and the



difference will be found from 50 to 100 per cent in favor of the former. Land that is now wholly unproductive, upon being provided with facilities for irrigation immediately attains a value of from \$10 to \$50 an acre, the difference being due to location, accessibility to markets, and other manifest conditions. It may be questioned whether the country affords a more inviting field for the investment of capital than that which is here presented.

We feel warranted in assuming that the General Government will pursue no policy respecting the arid lands of the public domain that will not assist in their reclamation and the development of their possibilities in affording homes to settlers, increasing the food supply for the people and contributing to the general wealth. The question remains whether Congress will undertake the work by direct appropriations from the Treasury sufficient for the prompt construction of the required systems of irrigation. There has been some agitation of the subject for several years past, without further results than the appropriation of \$350,000 and its expenditure in topographical surveys. It is not manifest that these have materially advanced the solution of the practical problems of irrigation. At all events, the rate of progress forbids the hope of any substantial results within a reasonable period. So far as we can infer the disposition of the General Government from its previous action, the answer to the above question must be in the negative.

Neither is it certain that it would be practicable for Congress to pass a general law that would operate justly and sufficiently upon all parts of the arid belt. Not only do the physical conditions vary in the different sections, but the laws governing the appropriation and use of water are radically different in adjoining States. Wyoming differs in both from Montana and Idaho, and Colorado from Utah and New Mexico; and yet it is of primary importance that legislation designed to promote the reclamation of these lands should recognize and adjust itself to all of these differences.

The only alternative course seems to be that which is recommended in the resolutions of the Congress, viz: "The granting in trust upon such conditions as shall serve the public interest, to the States and Territories, excepting mineral lands for the purpose of developing irrigation, to render the lands now arid fertile and capable of supporting a population." We feel assured that such action would be promptly followed by the inauguration and vigorous prosecution of enterprises for the reclamation of those lands, either by the States and Territories themselves, or through the agency of municipalities erected for the purpose with power to borrow money upon the security of the works and the reclaimed lands.

A precedent for the policy proposed is not wanting. Congress ceded to the States in the Mississippi Valley and other sections of the Union the swamp lands within their respective limits. The purpose of this action was to insure their reclamation, and it found its support in the knowledge that a considerable expense would be involved in fitting them for cultivation.

Such is the condition of the arid lands, with this difference, that the problem of reclamation is infinitely more difficult than that of draining the swamp lands, and also that the swamp lands in any one State were of comparatively little value and of so slight concern to the public that they were liable to maladministration; whereas in the case of the arid lands, as soon as they come under the control of the State, they will at once become the most prominent question in State politics, and of so great and immediate importance to its citizens that their administration will be conducted under the surveillance of a deeply concerned people, who will permit of no chicanery. In principle, the cession of the swamp lands to the States affords a precedent for such action as we are seeking at the hands of your honorable body.

The importance of our pastoral interests makes it necessary that provision be made for the protection and utilization of the grazing land in connection with the contiguous irrigable areas. To the grazing lands as distinguished from the agricultural lands belong those vast areas of elevated table and bench lands and the high rolling divides which lie upon the summits and along the slopes of the watersheds; and they comprise three-fourths of the arid domain. They never can be made the self-supporting habitation of man, because they are too elevated and too vast in extent to be irrigated; but they furnish a valuable complement to the lands reclaimed, the first supplying the summer's and the second the winter's food supply.

Adequate provision for securing possession or management of these lands, for the sole purpose to which they are adapted, has never been attempted by Congress; and the question is of such magnitude and importance in connection with the subject of farming by irrigation in the region where grazing lands abound, that a great impetus will be given to irrigation if such States as may see fit to adopt that policy are placed in a position to encourage settlement by attaching to the land capable of being reclaimed a larger contiguous tract of grazing land. It will make more valuable the irrigable areas and supply the settler with an important source of income by adding the business of stock-raising to that of the farmer.

\*\*\* To the settlers the preservation of the forests is a matter of grave importance. They are dependent upon them for fuel, fencing and building materials, but this is by no means the limit of their interest. The forests on the mountain tops are the chief conservators of the water that is to irrigate the valleys below. With their destruction the reclamation of the arid lands ceases to be a problem and becomes an impossibility. An efficient and just system of preserving the forests from destruction by fire and applying them under proper restrictions, to the use of the settlers, can not be otherwise provided and administered than by the States. \*\*\* The coniferous trees, such as constitute the timber growth on the mountains and elevated plateaus of the West, are exceedingly inflammable, and when fire is once communicated to them a vast destruction of value ensues. The loss from this cause measured by the stumpage value of the timber alone may be estimated, without extravagance at \$100,000,000 per year. The Federal Government has made some efforts to arrest this destruction, but wholly without success. It is from the States or local agencies created by the States that protection must be sought. \*\*\*

The condition of settlers on lands within the semiarid belt was felt to call urgently for relief at your hands. Thousands of people have settled within this area in reliance upon the assurance officially extended by the Government that they were "agricultural," which was naturally presumed to mean that they were capable of producing crops by the usual method of agriculture. They have found that the rainfall is highly uncertain in quantity and seasonableness, and that year after year the labors which they have bestowed upon their fields have been expended in vain. The consequences have been most deplorable. Without fault on their own part, acting only upon the impulse that has been the chief factor in expanding the domain of civilization, they now find themselves and their families confronted with actual destitution. The Government sold to them the lands that they occupy at no less prices and upon no other terms than such as obtained in more favored localities; and it has received into its Treasury not less than \$12,000,000 as the purchase price. We submit that the circumstances eloquently support their prayer for relief, and that the Government may most properly dedicate a portion of the money which they have themselves contributed to the work of developing and applying the water supply in such a manner as to make these lands habitable and productive.

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The State should own the forest lands and hold them, that it may pre-

serve the forests thereon from destruction and the water supply from becoming intermittent and useless.

The State should own the grazing lands and hold them that they may be made valuable, and that the revenues from them may be available to pay the expense of protecting the forests.

The State should own the irrigable lands, that it may obtain a revenue from their sale with which to so regulate and distribute the water supply for their irrigation as to produce the greatest benefit to the commonwealth and to the individual irrigator.

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No system of reservoirs, however costly, can so well regulate the flow of its great rivers and hold their waters back for irrigation late in the summer as the forests do now.

Under the care of the General Government the forests of this State are being destroyed with terrible rapidity, and there appears no hope of change in this policy.

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The Republican national convention just held at Minneapolis adopted in their platform the following plank:

We favor cession, subject to the homestead laws, of the arid public lands to the States and Territories in which they lie, under such Congressional restrictions as to disposition, reclamation, and occupancy by settlers as will secure the maximum benefits to the people.

The grazing lands are now of no direct benefit to the General Government and can not be sold, because, under the laws, no one can acquire over 160 acres, and such a small area is of no value.

Under State ownership they would be allotted or leased. \*\*\*  
With the security of tenure thus given, stockmen would develop water on them sufficient for stock and domestic use, and make them extremely valuable as adjuncts to their irrigated hay lands, using the pastures for their summer and the hay lands for their winter feeding.

The revenue from the grazing lands thus rented would be sufficient for the administration and protection of both pastures and forests.

In irrigation a very unstable though valuable element is spread abroad over the land in open channels and must be divided equally amongst hundreds of individuals. The obtaining of this water at the proper time is often the sole condition between plenty and poverty to hundreds of families.

It is an absolute necessity that the water supply be controlled and regulated by the State to prevent terrible oppression and hardship.

Proper control and regulation is difficult and intricate, requiring men of ability and special training and a large expenditure of money. It is not reasonable to tax other industries of the commonwealth for the direct use and benefit of these irrigable lands, therefore the State should own these lands, that it may sell them at such a price as will pay for the extraordinary expense which their peculiar conditions require.

The State would establish a commission or board of waters, lands, and forests, whose duties would be to protect the forests from fire, secure proper cutting of timber and collect the revenue therefrom; allot and rent the pastures and collect the rentals; control and regulate the water supply, that no waste, oppression, or monopoly shall injure the people, and conduct the sale of the irrigable lands in such a manner as may advance the interests of the commonwealth. This board would thus control the greatest of all State affairs, and would be held responsible for their proper administration.

Each citizen of the State would have an intimate personal interest in its proceedings, and would watch it as if it were his own. The shape of his pocketbook would often be affected by their work. Is it probable that corruption could creep in where there were so many interested eyes upon the watch?

It would seem like questioning the ability of our people to govern themselves, to question their ability to administer the waters, lands, and forests upon which their livelihood depends.

Omitting other similar opinions expressed by high public officers and by gatherings of representative citizens, and not quoting from numberless men of eminence who favor local control of these lands, we must take into consideration the public press, that great and fearless reflector of enlightened public sentiment. I can not take the time or space to use many of the great multitudes of editorials, but I submit the following brief extracts:

[New York Times, January 3, 1892.]

The proposal to transfer to the States and Territories the arid public lands within their respective limits was broached in the last Congress, and has probably gained adherents since that time, even if only as a choice in a dilemma. \*\*\* At any rate, it is becoming more and more evident that the irrigation of these latter is not properly the business of the General Government, any more than rendering them fertile in other ways. \*\*\* The question is one of expediency, or, in other words, of a wise regard for the public interests. The Government should not embark on a project involving hundreds of millions with the mere view of putting its arid lands on the market at a higher price.

[New Orleans Times-Democrat, December 25, 1891.]

The irrigation congress recently held at Salt Lake City has suggested a far better solution, one against which no serious objection can be raised, and which strongly recommends itself to Congress—this is that the United States donate to the several States and Territories all the public lands within their respective areas for the purpose of making these arid tracts fertile.

A very similar gift was made to Louisiana, Mississippi, Arkansas, and Florida nearly half a century ago, when the United States gave them all the lands within their borders subject to overflow, to be used for the special purpose of draining and leveeing these lands.

[Christian Union of New York City, September 23, 1891.]

The people of the East are part owners in this domain as well as the people of the West, and it is a good deal to ask of the former that they absolutely relinquish their interests. Yet it would be far wiser for the National Government to give over these lands unreservedly to the States and Territories than itself to begin the construction of works of irrigation.

[Rocky Mountain News, Denver, Colo., September 18, 1891.]

The News has always maintained that it was the duty of the Federal Government to cede the arid lands to the States on the condition that they be reclaimed. Irrigation is not a subject understood at Washington. The great circumlocution office which transacts business at the National Capital is always inventing excuses for not doing a thing. It is no more honest than the State governments and lacks the promptness, the zeal and the practical intelligence which would characterize the actions of the latter were they intrusted with the work.



[New York Tribune, September 16, 1891.]

The reclamation of the Great American Desert, as the arid belt was called on the maps of forty years ago, has already begun in good earnest, and it may be safely conceded that the time is approaching when the Federal Government should at least give settlers a free hand. \* \* \*

Not less than 5,000 delegates, coming from all the States and Territories west of the Mississippi and from many foreign countries have been drawn to Salt Lake in response to Governor Thomas's invitations. They include not only practical farmers and public men, but scientists of reputation, and their deliberations will cover a broad field of inquiry. The chief question of moment, undoubtedly is the proposition that the National Government shall transfer the arid public lands in its possession to the States and Territories within which they are politically held. It will be observed that this suggestion recognizes the impossibility of engaging the Federal Government in the work of digging ditches and building reservoirs. It is urged, however, that the preliminary work of surveys and of drawing engineering plans might properly be demanded of Congress and that this accomplished, there should be no general objection to the release of the lands to the local authorities. Certainly the country will be much interested to hear the arguments that will be presented at Salt Lake in advocacy of this plan. It has undoubted merit.

[New York Witness, February 10, 1892.]

The proposition now before Congress to transfer these lands to the several States is probably the wisest course that could be adopted. The States should have the work of irrigation done at the public expense, and then sell the lands in quarter sections to actual settlers at prices high enough to cover all costs, or at a yearly rental that would in time wipe out the original outlay.

[Denver Republican, February 5, 1892.]

It will be a notable year in the history of the arid regions if Congress at its present session grants the arid lands to the States and Territories. Fortunately the prospect for such legislation is good. The reasonableness of the proposition that the lands be granted to the States and Territories is so evident that there is hardly any room at all for objections. It would throw the burden and expense of reclaiming the lands upon the States, and thus it would do away with all propositions to draw upon the National Treasury for this purpose. The Eastern farmers would not be able to say that they were taxed to raise up competition against themselves.

[Cheyenne Daily Leader, March 18, 1892.]

If the arid lands are ceded to the several States, the General Government should cede them unconditionally, leaving to the individual States the solution of the problem of their reclamation. As these lands are now they are of absolutely no value to the Government, the States, or the people. They are just so much waste and barren land which are practically irreclaimable under present conditions. Given to the several States with restrictions attached, the work of reclamation is necessarily hampered, and they become to the State what they are now to the General Government, viz, a white elephant. They should be in a measure a dowry to the new States which otherwise start out portionless in their race with their more-favored and older sisters. Properly managed, they would, so to speak, set the State up in business, drawing hither settlers who would be assured a living from the start, filling the State coffers from their sale, and adding vastly to the taxable wealth.

[Denver Sun, March 5, 1892.]

There is little chance that this work of reclamation can be done except through the cession of the lands to the States. It would be an unfamiliar and difficult task to the nation, but a familiar and easy one to the States. It is beyond the reach of individual or corporate enterprise. It is hardly conceivable that there can be even combines or syndicates with resources equal to the reclamation of lands that make an empire in territorial extent. The only feasible plan for the accomplishment of this great work seems, indeed, to be in committing it to the States.

[Record Union, of Sacramento, Cal., September 30, 1891.]

The policy of the Government of the United States with reference to the public domain has been a succession of blunders. The great majority of the people of the United States have no more conception of the physical conditions under which the lands remaining in the public domain lie than if they resided upon another planet. The proposition to grant these lands to the States and Territories, that their treatment may be controlled by systems devised in the States and Territories, is a proposition in the direction of placing them under an administration of intelligence and divorcing them from the control of ignorance and stupidity.

[Omaha Bee, May 20, 1891.]

It is perhaps not to be doubted that if the reclamation of the arid lands is left to the General Government it will be delayed much longer than if the States are given an opportunity to reclaim them, and perhaps will never be done. There is a very strong sentiment in the country, particularly in the East and South, hostile to the General Government having anything to do with irrigation beyond making surveys for reservoir sites, and it will be a long time before this can be overcome, if it can ever be. On the other hand, if the nonmineral arid lands were ceded to the States it would become available as security upon which the States could borrow all the money necessary to build reservoirs and construct canals and irrigating ditches. There are obvious advantages in letting the States having arid lands manage irrigation enterprises themselves, for being the immediate concern of their own people it is reasonable to be presumed that they would get better results from them in every way than if such enterprises themselves were under the control of the General Government. The resolution adopted by the commercial convention unquestionably represents the intelligent sentiment of the West in this matter and ought to have weight with Congress.

[New York Sun, May 25, 1891.]

It is not the business of the United States Government nor is it fitted to carry on the irrigation business. The work can be done more intelligently, more cheaply, and with fuller knowledge and protection of local interests by the States themselves. The increased value of the reclaimed land will justify undertaking the improvements. The arid lands are of no use to the Federal Government. Cede them to the States in which they are situated and let those States have the expense and the glory of making the rose blossom where now is the sage brush and the cactus.

[Cheyenne Daily Sun, February 24, 1891.]

It will be incumbent on the Government to expend large sums in reclaiming the arid lands of the West, or else turn them over to the States and Territories. The land is of very little value without the construction of reservoirs and extensive irrigating canals. It is the water that is of value, and the State should and will have control of it. The Government really gives up nothing, but it simply allows the land and the water to come under one jurisdiction, which is the only way the same can be properly disposed of.

[Chieftain of Pueblo, Colo., February 18, 1891.]

Were these lands which are now practically worthless to the Government ceded to the various States within whose boundaries they lie, no doubt arrangements could be made by the State governments to render a large portion of them valuable by the construction of irrigation ditches. As in their present condition they are worth nothing to the General Government, it does not seem that the States are asking any great favor by requesting their donation. In the hands of the State governments they would soon be settled up, homes provided for thousands of people and the taxable property of the country greatly increased, while if the present status of affairs continues they will remain for years to come barren wastes inhabited only by the coyote, the prairie dog, and the rattlesnake.

[Phoenix (Ariz.) Herald.]

In his annual report to the Secretary of the Interior, Acting Governor Murphy seems to have struck the right cord, when he says:

"If the General Government desires to be liberal and legitimately encourage the development of the arid region without immediate pecuniary profit to itself it can substantially demonstrate its liberality by ceding these public lands to the States and Territories in which they lie, and to reclaim the lands and make them immediately available as a source of profit, might loan to the Territory or State sufficient money to construct the necessary reservoirs and canals, possibly under the direction and control, until completed, of Government authority, and take as security the bonds of the State or Territory at 2 per cent annual interest.

"Under such action the Territory of Arizona would immediately become financially strong, populous, and beyond all question capable of self-government."

[Engineering News.]

To accomplish the vast work of arid land reclamation, not only in Utah, but in the majority of the far Western States and Territories, means must be provided; and, as mentioned in our last issue, the best means to this end seems to be the ceding of the public lands for this purpose on the lines indicated in the resolutions of the irrigation congress. The past policy of the General Government has not been, and should not be, to regard these lands as a source of immediate profit, but as lands held in trust for the common good of all citizens. \* \* \* It is sincerely to be hoped, therefore, that the General Government will earnestly take up and discuss to a satisfactory end the plan and policy outlined at Salt Lake City, a policy which practically applies to the whole arid region of the West.

[Toledo Blade.]

The irrigation project is a proper one, but it does not follow that it is the duty of the Federal Government to take it up. These arid lands should be surveyed and mapped, and then should be conveyed to the States and Territories within which they are situated, under carefully drawn stipulations—the State's title to them to be dependent upon the bringing under irrigation of a specified minimum area each year or each term of five or ten years. There are over a million square miles of lands needing irrigation. It would require a sum equal to our present national debt, and more, to provide means of irrigation. There is no reason the nation should incur this enormous expense. We doubt whether the constitutional power of Congress extends to the creation of a debt for such a purpose.

[Hartford Post.]

The surest way and the one surest of success is for the Government to "let go" of the lands now useless and for which it declines to appropriate sufficient development money, allowing the States to undertake to utilize and make valuable such lands as are nonproductive and unremunerative alike to the nation, the several States, and the home-seekers.

The State ought to charge settlers for this land only the cost for reclamation, and should sell in restricted acreage to each owner and only to actual settlers. The present Federal land laws are defective and inapplicable to the arid region. Each State can best frame the laws suitable to its peculiar condition. Under the present Federal laws title is not guaranteed with sufficient clearness to warrant the outlay of money. The homestead law offers no aid because the homesteader has not sufficient money to build ditches from our large streams and no opportunity of making a livelihood until such ditches are built.

J. A. Breckons, a Wyoming author, says in the Commonwealth, Chicago, Ill.:

Wyoming has an area of over 60,000,000 acres of land. It has a diversity of resources of oil, iron, coal, and other minerals and should be one of the wealthiest States in the Union. Despite these resources, however, the State has but 66,000 people, or less than one to each square mile, and the assessed valuation of the entire State is but little over 50 cents to each acre of land.

The lands in the State which have not become the property of individuals belong at the present time to the National Government. Their transmission to individuals is regulated by an inflexible system of rules unalterable by the varying conditions of location or character of the lands. A tract of land remote from water and which can not be reached by irrigation and thus utilized, except at great expense, is subject to the same rules for the acquirement of ownership as a tract contiguous to streams and which can be reclaimed and made productive at slight expense. As a result the land along small streams where ditches can be taken out at small cost has been filed upon, but along the large streams, where enormous capital is required to build dams and ditches, immense tracts lie idle.

So much uncertainty exists in regard to acquiring title to the public land under the present laws, and so little provision is made for securing future returns upon investments which might be made by moneyed men to aid in the reclamation of arid lands, that the spectacle is afforded of a great State lying dormant. \* \* \*

The injustice is all the greater when the fact is considered that in Wyoming and in nearly all of the arid States the control of the water supply has been transferred to the States themselves. \* \* \*

There is but one satisfactory solution to the problem, and that is the granting to the arid States the ownership of the land within their boundaries. \* \* \* As the State lands would be the most valued resource and the common heritage and hope of future prosperity of the people, it is but reasonable to presume that this heritage would be guarded with as much vigilance by the direct representatives of the people in their State Legislatures as it would be by representatives in either branch of the National Congress.

That the State Legislature would be better qualified to pass laws applicable and beneficial to the State than Congress, with nine out of ten of its members having no knowledge of the question, goes without saying. \* \* \*

The lands along the streams and in localities susceptible of irrigation should be allowed only to be taken in small holdings, but contributory



to each of these holdings should be an area of grazing land, either to be rented to the holder of the irrigable land, or to be held in common by the owners of lands along each stream or in each irrigable district. The owners of the irrigated tracts could, by a cooperation of fences, or any manner they might choose, protect their contiguous grazing lands and secure to the community fourfold the value they now possess, and the individual charge to each holder could be regulated easily in proportion to the holdings of stock of each user. \* \* \*

With a system like this and which by reason of different natural conditions would not apply to other States in the arid region, and therefore could not well be reached by a general national system of laws, an opportunity would be given in Wyoming to establish a basis of credit upon the lands upon which there would be no trouble in inducing outside capital to build any irrigation works which might be necessary to reclaim the land.

The Irrigation Age, issued at Denver, Salt Lake City, and San Francisco, a most ably edited publication in the interests of irrigation and the reclamation of lands, has long been an advocate of the policy of ceding the arid lands to the States.

I quote a few brief paragraphs:

Ceding the public lands to the States will amount to putting a fire insurance policy on the forests of the West. The loss by forest fires under the present management of the public lands amounts to about \$100,000,000 a year. That is the timber loss. The loss to water sources is still heavier.

Great nature has filled the reservoirs of the mountains with a wealth of snow, which the forests will hold in their grasp until the warm sun beckons in the spring. Then the winter's legacy will flow down the mountain sides to make the valleys golden with the harvest. The summer will be as lavish with its crops as the winter is with its snow. And so we may know that here in the arid half of the continent the farmer is already assured of another splendid season.

The arid region will be the seat of the future agricultural development of the United States. It will be money in the pocket of every farmer and fruit-grower to make his few acres as near like a model for the new settler as possible. We have here all the conditions necessary for model farms, orchards, and homes. Every man who makes the most of these conditions will increase the value of his land and the size of his yearly profits. He will also materially assist the arid States to attract the attention of the world and make sure of their prosperity.

The Age believes in land cession as the most feasible plan looking to the reclamation of the arid public domain. Its advocacy of this cause is largely responsible for the prominent position it occupies in public thought to-day.

I quote a few paragraphs from the majority report of the Committee on Irrigation and Reclamation of Arid Lands in the House in support of the bill to cede the arid lands to the several States and Territories:

Why should the Government desire to longer retain proprietorship of this arid region? Why, for that matter, should it now have a vast domain of unappropriated public land? It only holds lands as a trustee, and until they can be suitably settled and occupied, and is presumptively interested only to the extent that actual bona fide settlers may be accommodated. It is not supposed that it wants to retain them in order that they may be donated to corporations or given away as subsidies. Enough of that has already been done. Its administration of the land system in the past has not escaped severe censure.

After a careful review of the whole question we have arrived at the conclusion that the General Government will be benefited—that it will gain rather than lose by the proposed cession; that it will gain in the speedy reclamation of and settlement upon these lands; that it will gain in the acquisition and increase of a strong and self-supporting Western population; that it will be benefited in the opportunity that will be afforded for an outlet for its present and prospective millions of landless and homeless people who now crowd, and will in future overflow, its dense and more populous Eastern States; that additions to popular well-being and prosperity will ensue; that fresh stimulus will be given to the States and Territories immediately interested to earnest endeavor for their own development; that local self-government, in all the problems involved, will assert its forces; that civilization will be advanced; that rich, waving fields and comfortable homes will make glad the solitary places which now abound in this dormant and unproductive region.

What will, what can the Government lose? What citizen, what State will begrudge their proportionate contribution of the heritage remaining in this fragment of the public domain to the people who are to redeem it? What sacrifice to either will be involved in surrendering these now barren wastes and hills and mountains? They will not go to aliens, but to our own people. It is worthy of notice that no serious protests from any Eastern State against the objects sought to be accomplished by this bill have found their way to your committee, notwithstanding the long time they have had the subject under consideration and the public notice which has been given concerning the character of the measures upon which they have been deliberating.

We have been forcibly impressed with the conviction that suitable legislation upon this subject is imperatively demanded and can not well be longer postponed. Our conclusion is that the only solution of the question will be found in ceding these lands to the States and Territories. That this policy will ultimately prevail we confidently predict.

The greater portion of the land proposed by the bill to be ceded is in its present condition of little practical value, but is capable of being appreciated beyond computation by processes of irrigation; but to accomplish its reclamation and successful development will require long time, careful treatment, and great expenditure of money. It is now comparatively an arid waste, forbidding to the home-seeker, though fraught with untold possibilities. This land, urged by the necessities of our mighty civilization—the demands of our large and constantly increasing population for homes—the necessary development of its talent, though incalculable resources, cries out for redemption from its now unprofitable condition.

It is not in keeping with the progress of the age, the growth and dignity of our country, and the wants of our people that it should remain in its present unproductive condition. It must be rendered habitable. It can not, and ought not remain a perpetual wilderness and destitute of useful results. Either the United States must sooner or later accomplish its reclamation by direct appropriations from the Federal Treasury by the construction and maintenance of irrigation works and the operation of the multiplied and manifold agencies for its development, or falling so to do, must leave it to the States and Territories within which it is embraced, in their own way, to work out that salvation which is possible.

If the Federal Government is to do this work it may well take notice that the ultimate demands upon its Treasury will be enormous, far beyond any present accurate calculation, but certainly at an expense far in excess of

anything it has yet encountered for any specific object of internal improvement, reaching even billions of dollars. Nor can the point be overlooked and ignored that if the National Government shall undertake the execution of this immense enterprise it must perform that function in an impartial and comprehensive manner; it can not afford to lavish its expenditures on any favored locality, but it will be constrained, in all fairness and propriety, to treat the distinct, special, and local problems of reclamation in a suitable way wherever they may arise, as well in one State or Territory as another.

To do all that will be expected of it, and that the exigencies will require, will be simply impossible of accomplishment. Nor is it believed that the taxpayers of the country remote from the arid region will be induced to consent to the outlay necessary for such a purpose. When the magnitude and far-reaching consequences of such a proposition are considered and understood in all their phases, it is reasonable to assume that thoughtful, prudent, and economic men will conclude that the General Government, essaying this object, has a work upon its hands from which it may well pray deliverance, if that deliverance can be had in a manner consistent with sound public policy, just to the whole people, advantageous to the people most directly concerned, and upon their voluntary acceptance of the burden and assumption of the responsibility involved.

I have thus presented the opinions of press and people from nearly all parts of the United States and without regard to political affiliations. There can be no other conclusion than that such opinions are honestly entertained and that they represent an overwhelming public sentiment upon this subject.

The Senate Committee on Irrigation and Reclamation of Arid Lands has, up to this time, received, during the present session, scores of prayers and petitions, representing numerous local governments, conventions, commercial bodies, and interested citizens, asking that these lands be ceded, and such petitions are continuing to arrive, while but very few petitions, not numerous signed, have been received expressing a different opinion.

Mr. President, the whole matter is reduced to this, that the arid lands must be reclaimed and rendered habitable.

The PRESIDING OFFICER (Mr. PADDOCK in the chair). The Senator from Wyoming will please suspend. The hour of 2 o'clock having arrived, the Chair will lay before the Senate the unfinished business.

The SECRETARY. A bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes.

The PRESIDING OFFICER. The Senator from Virginia [Mr. DANIEL] is entitled to the floor on the unfinished business.

Mr. COCKRELL. Will the Senator from Virginia yield that I may ask unanimous consent that the unfinished business be temporarily laid aside until the Senator from Wyoming can have five or ten minutes, during which he may conclude his remarks?

Mr. DANIEL. I shall be most happy to yield.

The PRESIDING OFFICER. The Senate has heard the request of the Senator from Missouri. Is there objection? The Chair hears none, and the Senator from Wyoming will proceed.

Mr. WARREN. A major portion of the lands to be reclaimed now belong to the National Government, while the ownership of the waters necessary to irrigate the public lands is vested in the States, having been conveyed to the new States in some instances by the United States on their admission into the Union. Under this condition of things it is not probable that the General Government would consider it a wise provision to expend vast sums of money necessary to bring about the reclamation of the arid lands. On the other hand, the citizens of the States who are vitally interested in the arid region are willing to undertake its reclamation. They are thoroughly familiar with the wants of the country, and have such practical experience and knowledge of its capabilities as will enable them to work out the best results.

The very foundation of our National Government is based upon the wise administration of local affairs. The superstructure of the Republic rests upon the capacity of the people to govern themselves and manage their affairs with wisdom and prudence.

The principal argument advanced by those who object to the cession of these lands, so far as I have observed, is that the States and Territories can not be safely intrusted with the responsibilities of administering such a trust. To support this proposition, it is alleged that certain grants heretofore made to States have in some instances been abused. I am willing to concede this, but only in so far that some evil is always likely to follow in the track of great transactions done for the public good. In the main I believe that such trusts have been wisely and carefully administered.

Some profess to believe that the proposed cession of land is more in the interest of stockmen and capitalists than other classes. An examination into the subject will hardly bear out such a conclusion. On the contrary, just the reverse may be expected. As an illustration, I quote from an article by Julian Ralph in Harper's Magazine for June:

The result has been that when a call was issued for data concerning irrigation in Montana, preliminary to a convention for the study of the subject at the opening of this year, it was found that there were already somewhere near three thousand five hundred irrigating ditches, the property of five hundred owners. Some of these schemes are gigantic. In some instances the project has been to secure not only the water, but the land it is irri-



gate, and the water lords expect to reap fancy prices for the land from settlers, in addition to rents which their great-great-grandchildren may fatten upon. In other cases only the water is got by the men or companies, and they are content to confine themselves to the taxes they will impose on the land as fast as it is taken up. The cattlemen of Montana decry these schemes, and beg the officials and editors of the State not to discuss irrigation and small farming, as, they say, settlers may be induced to come in and spoil the stock or grazing business; yet I am told that one company of cattlemen had secured miles of land and the adjacent water rights along the Missouri against the inevitable day when—but the cattle business shall have another chapter. \* \* \*

Governor Toole, in his message for 1891, abandons all hope of Federal supervision of this potentiality of wealth, and concludes his remarks with the statement that he assumes it to be the province of the Legislature to provide "against excessive and extortionate charges by individuals and companies engaged in the sale, rental, or distribution of water, and to prevent unjust discrimination in the disposal of the same to the public." He thinks the right of the State to regulate this matter should be asserted and maintained. He does not discuss the project of having the State develop and maintain the ditches, nor does he touch upon the next best alternative—of insisting that the farmers who own the land shall inherit the water plants after a fixed term of years. \* \* \*

Already, on some of the ranges, the "cow men" (cattle owners) are growing tired of relying on Providence to superintend their business, and they are sending men to look after the herds once a month, and to pick out the calves and weaker cattle and drive them to where hay is stored. By spring-time one in every fifteen or twenty in large herds will have been cared for in this way. In far Eastern Montana range feeding in large herds will long continue, but in at least five-sevenths of the State irrigation and the cultivation of the soil will soon end it. The hills and upper benches, all covered with self-curing bunch grass, will still remain, and will forever be used for the maintenance of small herds of cows and sheep, properly attended and provided with corrals and hay, against the times when the beasts must be fed. The farmers will undoubtedly go into cattle-raising, and dairy farming is certain to be a great item in the State's resources, since the hills are beside every future farm, and the most provision that will be needed will be that of a little hay for stocking the winter corrals.

Mr. President, there may have been errors in the laws relating to former grants of swamp, school, and other lands, and this experience should guard us against similar mistakes in the future. But, to doubt that arid-land grants to the States will be properly and safely handled by those commonwealths for the benefit of the people and to their best advantage is to doubt the capacity of the people for self-government. Such a proposition is illogical and untenable. Water in pipe or stream does not rise higher than its source. There is no power in this country greater than the people themselves. Their representatives in the national halls of Congress have no right to arrogate to themselves loftier patriotism, greater honesty, or more searching vigilance than is found in those who represent the people in their State assemblies.

The belief that the Government should relinquish to the several States its interests in the arid lands is rapidly growing in favor with the people throughout the country. Under all the circumstances, it will prove the most logical, expeditious, and safe way of disposing of the arid-lands question, and relieve the Government of this perplexing problem.

These lands, if judiciously handled, contain elements of value that may be used to bring about their reclamation. Without control of the lands and the opportunity to hold out better inducements to settlers, the arid States and Territories can not thrive. It will require the passage of more liberal land laws. Individual enterprise can not command the resources necessary to elaborate the great irrigation system, but if the State is given control of the lands, a basis is formed upon which funds may be raised sufficient to bring about the largest measure of development.

Upon all Government lands neither municipal nor State taxes can be collected, but as fast as these lands can be merged into private ownerships a revenue from taxation follows. So long as they remain arid and unreclaimed they constitute a barrier to further progress and development. The land may perhaps furnish free range for corporations engaged in raising cattle, sheep, and horses, but for this the Government receives no rental, nor can the States derive any revenue. The stockmen with their great herds of cattle and horses have filled a valuable place in the development of the West, following as they naturally did, the Indians, in the occupation of the country. They have made it possible for homeseekers to settle upon the public domain, and in a great measure have furnished the taxable property upon which to found municipal and state governments. I would not detract one iota from the value of this industry to the new country, but the live-stock-open-range business is necessarily of a temporary character and is compelled to seek more remote localities as the plow advances and give way to the cultivated fields that follow in its wake.

There will be more cattle, horses, and sheep in the country in the aggregate, but in smaller holdings and better cared for. It will not be "more men and less steers," but more men, more and better stock and larger revenues.

The supporters of this bill desire the several States and Territories to make homes for thousands of thriving and prosperous people. Upbuilding all the interests, mining, manufacturing, and railroad building, as well as agriculture; and preventing in

all cases large individual or corporate holdings of land for speculative purposes.

In summing up, Mr. President, this bill provides that all lands west of the ninety-ninth meridian and east of the summit of the Coast and Cascade ranges of mountains, excluding mineral lands and lands embraced in initiated legal claims, shall be granted to the States and Territories wherein situate for the purpose of reclamation upon certain conditions.

Conditioned, that each State and Territory must first accept the trust and proceed without unnecessary delay to distribute, protect, and increase the public waters, prohibit wasteful appropriation, and provide for irrigation and reclamation of the lands; this in good faith, but only according to financial ability of each State.

If the States do not proceed to the improvement of the lands, after ten years such lands may revert to the Government for the purpose of being reclaimed by the General Government according to the spirit of this act.

States may sell lands for town-site and right-of-way purposes. Pasture lands adjacent to irrigable lands to follow the irrigated lands.

Commonwealths may mortgage or conditionally sell large areas to raise money for irrigation, but for no other purpose, and when sale is completed it must be to actual settlers and in small tracts.

Only 160 acres of irrigable lands to one party, but additional nonirrigable can be owned by same party.

In addition, a homestead right is protected through the State government.

Contiguous grazing lands may be apportioned or leased to the settler in such manner as the States may decide.

All reservoir and timber lands to remain State property for the common benefit.

Timber to be protected against fire or ax, but the timber not necessary for conservation of snow and water may be disposed of by the States as provided.

Any expense for reclamation incurred on mining lands must be refunded by the claimant of mineral lands.

All unsatisfied soldiers' claims, land certificates, etc., shall be honored.

All funds from sale, lease of lands, timber, etc., to be used for reclamation of lands, but if a residue, it shall be added to the permanent school fund.

Mr. President, I earnestly desire a solution of the arid-lands problem. If in the wisdom of my fellow-Senators there is a better plan than the one I have outlined, I will most gladly accept it.

My purpose in introducing this bill and in calling it up for consideration is to invite the widest discussion and the most searching scrutiny of this whole subject.

The surplus water now rushing past vast territories of drought-stricken, thirsty land would be the salvation of thousands of acres if diverted and stored near the head waters of streams. Now it is left untrammelled to crowd congested creeks and rivers at flood time, overflowing and washing through levees and earthworks, inflicting incalculable damage to property, South as well as North.

The public forests are annually being destroyed by terrible fires.

Surely the elements, fire and water, have a higher purpose in serving the ends of man. Let us hold them both in check. Make of cruel masters dutiful servants. Let us as far as possible prevent the devastation of our forests by fire, and by this means hold back the waters from troublesome overflows. Save the water to use in fructifying the mountain valleys and plains and bringing forth bountiful crops.

An eloquent citizen of New England once made the laudable boast that not a drop of water in his State ran to the sea without having its usefulness trebled by being made to turn the wheels of industry.

In the arid West every drop of water that flows from the mountains to the sea that is not utilized for irrigation is like so much gold dropped into the bottom of the ocean and irretrievably lost; for, if spread upon the soil, water will enhance the value of land and create national wealth as surely as does gold taken from the mines of the mountains add to the volume of our money.

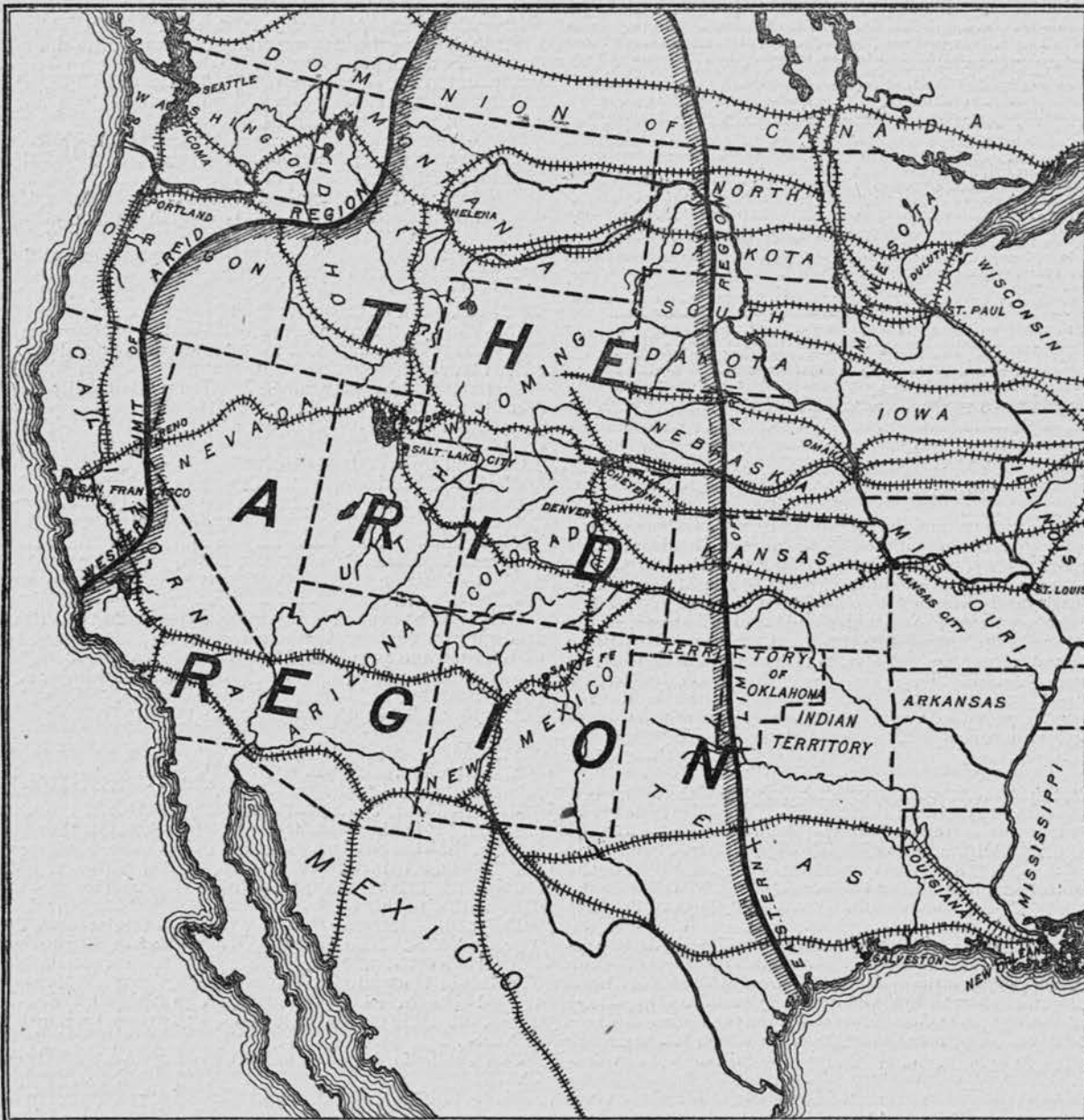
The men that have done the most to facilitate progress and growth in the world are those who were willing to depart somewhat from established rules and dogmas, as such restrictions grew too narrow, and to accept new and more progressive methods, departing largely or even wholly from established precedents and practices.

Then let us enter earnestly into the work of the reclamation of arid lands of the United States, and if necessary devise sweeping and effective legislation upon the subject.

Our progress must not be impeded.



MAP EXHIBITING THE ARID REGION OF THE UNITED STATES.



Mr. President, the Senator from Oregon [Mr. DOLPH] addressed the Senate upon the objects of this bill on the 8th of last month. I was out of the city at the time, but I have read his speech with much care, and I desire to thank the Senator for his able remarks. I thank him for myself and in behalf of all the people throughout the arid region for the interest he has taken in the subject of the reclamation of arid lands. I trust his interest may never flag and that we may always have the benefit of his advice and acknowledged ability.

I must remind the Senator, however, that in his mild criticism of the Committee on Irrigation, where he feels called upon to say that "either appalled by the magnitude of the subject and the difficulties encountered in attempting practical legislation, or insensible to the urgency for action by Congress, that committee has permitted six months of the present session to expire without formulating or reporting any measure on the subject," he does, I think, injustice.

This committee as at present constituted was made a standing committee after the beginning of the present session. Nearly all the members of the committee are from among those recently elected to this body. But two of the nine members were in the Senate at the commencement of the Fifty-first Congress; three came in during the Fifty-first Congress, and four members obtained seats at the commencement of the present session.

The distinguished Senator from Oregon, chairman of the Com-

mittee on Public Lands, has been a member of the Senate since March 3, 1883, and yet he felt called upon to say in his speech the following:

The questions are of too much importance to admit of serious mistakes in the legislation adopted. But even faulty legislation in the right direction would be better than inaction. For some time past this question of what should be done by Congress looking to the reclamation of the arid lands has been a matter of earnest and careful consideration with me. I have found great difficulty in reaching a conclusion as to what the best course is for Congress to pursue. If anyone thinks the subject is free from difficulties he has much to learn about it.

And thus, Mr. President, the Senator in making his own excuses, provides more than a sufficient excuse, if one be needed, for the Irrigation Committee; for after all his able, energetic, and tireless public service, rendered during the last nine and a half years, he admits that he has not yet reached a conclusion as to what is the best course for Congress to pursue.

The subject is indeed a wide one. I am confident, however, the committee will prove diligent and worthy.

Mr. President, unless some other Senator wishes to address the Senate upon the bill while it is upon the table, I ask that it be referred to the Committee on Irrigation and Reclamation of Arid Lands.

The PRESIDING OFFICER. If there be no objection, and no other Senator desires to speak on the bill, it will be referred to the Committee on Irrigation and Reclamation of Arid Lands. The bill is so referred.



## LIQUOR TRAFFIC IN INDIAN TERRITORY.

Mr. PLATT. Yesterday upon my motion the Senate disagreed to the amendments of the House of Representatives to the bill (S. 1988) to amend sections 2139, 2140, and 2141 of the Revised Statutes touching the sale of intoxicants in the Indian country, and for other purposes, and a committee of conference was appointed on the disagreeing votes of the two Houses. I move that the Senate request the recall of the bill from the House of Representatives.

The motion was agreed to.

## PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 20th instant approved and signed the following acts and joint resolution:

- An act (S. 478) for the relief of Mrs. E. Trask;
- An act (S. 1708) for the relief of Mrs. Sarah J. Waggoner;
- An act (S. 2018) granting a pension to Mary E. Law, widow of Capt. Richard L. Law, United States Navy;
- An act (S. 3291) to provide for holding terms of court in the district of Montana;
- An act (S. 3415) to remove the political disabilities of William S. Walker, of Atlanta, Ga.; and
- A joint resolution (S. R. 46) providing for an investigation relative to the "slums of cities."

## HOUSE BILLS REFERRED.

The bill (H. R. 7213) to amend an act entitled "An act authorizing the appointment of receivers of national banks, and for other purposes," approved June 13, 1876, was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 9502) to authorize the Trinity River Navigation Company to open to navigation the Trinity River in the State of Texas, was read twice by its title, and referred to the Committee on Commerce.

## BULLETINS OF THE AMERICAN REPUBLICS.

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

*To the Senate and House of Representatives:*

I herewith transmit for the information of Congress a communication from the Secretary of State, forwarding certain bulletins of the American Republics.

BENJ. HARRISON,

EXECUTIVE MANSION,  
Washington, July 21, 1892.

The VICE-PRESIDENT. The message will, with the accompanying papers, be referred to the Committee on Foreign Relations, and printed.

Mr. COCKRELL. Ought it not to go to the Committee on Printing?

The VICE-PRESIDENT. The Senator from Ohio [Mr. SHERMAN] suggested to the Chair that it should go to the Committee on Foreign Relations, and with the order to print.

Mr. HARRIS. The order is to print the accompanying documents as well as the message?

The VICE-PRESIDENT. Yes. The Senator from Ohio examined them all.

## ORDER OF BUSINESS.

Mr. PEPPER. I ask unanimous consent that Order of Business 954 may be made a special order for to-morrow morning at 15 minutes after 12 o'clock.

The PRESIDING OFFICER (Mr. PADDOCK in the chair). The Senator from Kansas asks that the resolution authorizing the appointment of a select committee of seven Senators to investigate and report upon the circumstances attending the riots at Homestead, Pa., be made the special order for to-morrow at 12 o'clock and 15 minutes. Is there objection?

Mr. ALLEN. Mr. President—

Mr. GEORGE. The antiopion bill is the unfinished business, and the Senator from Virginia [Mr. DANIEL] is entitled to the floor. I object to any arrangement which would interfere with that.

The PRESIDING OFFICER. The Senator from Mississippi is reminded that the order sought to be made does not interfere with the unfinished business. It is for 12 o'clock and 15 minutes to-morrow, which would be before the unfinished business would take its place properly before the Senate.

Mr. PEPPER. It is simply during the morning hour.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

Mr. CALL. I desire to say that I have given notice on several occasions that when the order of resolutions is reached to-morrow morning I shall ask leave to call up the resolution of the Senator

from Indiana [Mr. VOORHEES] and other resolutions relating to the Homestead affair, for the purpose of having them considered by the Senate and submitting some remarks thereon.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas [Mr. PEPPER]?

Mr. ALLEN. Under an arrangement made yesterday Senate bill 3056, relating to the Puyallup Indian Reservation lands, which is unfinished and was under consideration at that time, was to be taken up this morning at the close of the remarks of the Senator from Wyoming [Mr. WARREN] if they should close during the morning hour.

The PRESIDING OFFICER. Does the Senator from Washington object?

Mr. ALLEN. I wish to proceed with that bill to-morrow morning, as I would have proceeded this morning had not the morning hour been otherwise consumed.

The PRESIDING OFFICER. Does the Senator from Washington object to the request of the Senator from Kansas?

Mr. CULLOM. I hope the Senator from Washington will have an opportunity to finish the Puyallup bill to-morrow.

Mr. WASHBURN. I think I shall feel it my duty, immediately after the morning business to-morrow, to move to proceed to the consideration of the antiopion bill.

The PRESIDING OFFICER. It requires an objection on the part of some Senator to the request of the Senator from Kansas to prevent the order being made.

Mr. CULLOM. I object to anything just now.

Mr. PEPPER. I do not propose to interfere with the regular order. I propose to make a special order for to-morrow morning during the morning hour.

The PRESIDING OFFICER. Is there objection?

Mr. GEORGE. I object to anything except the regular order, the unfinished business.

The PRESIDING OFFICER. The request of the Senator from Kansas is objected to.

## DEALING IN OPTIONS AND FUTURES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes.

Mr. WASHBURN. The Senator from Virginia [Mr. DANIEL] has the floor. I ask him to yield for a moment.

The PRESIDING OFFICER. Does the Senator from Virginia yield?

Mr. DANIEL. With pleasure.

Mr. WASHBURN. I desire to offer an amendment. It is not necessary to send it to the desk. I move to strike out all of section 12. I understand the Senator from Virginia yesterday moved to strike out both sections 12 and 13, so that his motion would have preference. I will ask a division of the question and a vote on the first part of the amendment striking out section 12. Then I will ask further to amend section 13.

I desire to state in connection with this motion that it is the purpose of everyone who has had anything to do with the preparation and formulating of this bill to strike at the great iniquity of gambling in agricultural and food products without in any way, or certainly just as little as possible, interfering with the legitimate commerce and trade of the country. That is the purpose and desire so far as I know of every friend of the bill. It is certainly mine. I doubt if there is a Senator on this floor who could more illy afford to do anything which would interfere with the legitimate trade and commerce of this country than myself and my constituency.

I have never regarded section 12 as essential. It was placed in the bill in order to get a clew or cue, whichever you may say, in the revenue department to the violation of the act by requiring every man who proposed to deal in futures, where there was actual ownership, to take out a license for \$2 and have a record kept. It is certainly not a great hardship, but it might prove in some cases an annoyance and embarrassment, and as it is not vital or really essential to the purpose of the bill, I have thought it wise to strike it out entirely.

The PRESIDING OFFICER. The amendment of the Senator from Minnesota will be received for consideration at the proper time. The Senator from Virginia is entitled to the floor.

Mr. WASHBURN. I want it considered now.

Mr. CULLOM. Let the Senator from Minnesota amend the bill by striking out the twelfth section.

Mr. WASHBURN. I move to amend by striking out section 12. I presume the Senator from Virginia will agree to that, and then allow me—

Mr. DANIEL. I have already moved to strike out the twelfth and thirteenth sections, but I am not done speaking upon that motion merely.



Mr. GEORGE. The Senator from Minnesota can call for a division on the amendment of the Senator from Virginia.

Mr. WASHBURN. Very well.

Mr. DANIEL. I do not care to bring up another subject while I am on the floor. I am glad to yield to the Senator, however.

Mr. WASHBURN. I thought it would be well to have it done early, so that the Senator from Virginia and every other gentleman who proposes to address himself to the subject should know what was finally to be the purpose; that was all.

Mr. DANIEL. The Senator wants a vote taken now upon striking out the twelfth section?

Mr. WASHBURN. I should like to have the twelfth section stricken out, and then we need not discuss a dead horse.

The PRESIDING OFFICER. The Chair understands the Senator from Minnesota to call for a division of the question on the amendment of the Senator from Virginia to strike out sections 12 and 13.

Mr. DANIEL. I would prefer not to be interrupted in my remarks. We can take a vote on the amendment afterwards, and I shall vote with the Senator to strike out section 12.

Mr. HISCOCK. Will the Senator—

The PRESIDING OFFICER. The Senator from Minnesota holds the floor by the courtesy of the Senator from Virginia.

Mr. WASHBURN. Certainly; and if he makes any objection I yield the floor and defer it to a later time.

Mr. DANIEL. I only yielded the floor for the Senator from Minnesota to offer an amendment which would meet some of the objections which have been made. I thought it was a different amendment; but no matter what it may be, I only yielded for that purpose, not for the purpose of any other proceeding than what was then pending.

Mr. HISCOCK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Virginia yield further?

Mr. DANIEL. Certainly.

Mr. WASHBURN. Mr. President—

The PRESIDING OFFICER. To whom does the Senator from Virginia yield?

Mr. DANIEL. I yield to the Senator from Minnesota.

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

Mr. DIXON. I ask the Senator from Minnesota to yield to me a moment for the purpose of offering an amendment.

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Rhode Island?

Mr. WASHBURN. Yes, sir.

Mr. DIXON. I submit an amendment which I ask to have read.

The PRESIDING OFFICER. The amendment proposed by the Senator from Rhode Island will be read for information.

The SECRETARY. Strike out all after the semicolon, in line 27, page 2, down to and including the word "person," on page 3, in line 40, and insert:

Nor to any contract or agreement made by or with any person to furnish and deliver at any time, or within any designated period, any of said articles for use, consumption, or traffic in his business, occupation, or manufacture, or for the sustenance of himself, his family, guests, servants, tenants, employés, or domestic animals.

Mr. DIXON. I shall ask for the adoption of that amendment.

Mr. WASHBURN. I desire to offer an amendment to the amendment.

Mr. HISCOCK. I wish to inquire whether the bill is now before the Senate for the consideration of amendments?

The PRESIDING OFFICER. The bill is now before the Senate, and the Senator from Virginia [Mr. DANIEL] is entitled to the floor. He yielded to the Senator from Minnesota, who proposed an amendment. The Senator from Minnesota yielded to the Senator from Rhode Island, who has proposed an amendment.

Mr. HISCOCK. What I desire to know is whether the bill is now under that consideration which makes amendments and voting on amendments in order.

The PRESIDING OFFICER. Subject to the will of the Senator from Virginia, who holds the floor.

Mr. HISCOCK. The point I desire to make is this: Striking out the twelfth section, as is suggested, without debate or without consideration, does not get rid of the twelfth section. The bill comes here from the House of Representatives with the twelfth section in it. It is not entirely within the power of any one Senator or of the Senate to control the bill, and Senators may want to discuss the bill as it comes from the other House on its provisions as well as on the line of the amendments that may be proposed by the Senator from Minnesota.

Mr. CULLOM. If the Senator will allow me—

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Illinois?

Mr. CULLOM. I wish to make a suggestion.

Mr. WASHBURN. If the Senator from New York had given me attention he would understand that I have not pressed the question of a vote upon the amendment. The Senator from Virginia very courteously and kindly yielded to me in order to offer an amendment. He does not desire that a vote shall be taken on the amendment and of course I shall not press it.

Mr. GRAY. If any other Senator did not desire it, he would have the same right to object.

Mr. WASHBURN. Certainly. I do not want to press the amendment to a vote now.

Mr. GRAY. Any amendment is open to discussion by the whole Senate.

Mr. WASHBURN. Certainly.

Mr. CULLOM. What I desire to say is this—

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Illinois?

Mr. DANIEL. Yes, sir; for an explanation.

Mr. CULLOM. I simply desire to say that I think it is entirely proper and competent for any Senator who has an amendment to offer to the bill at any time during its consideration to offer it—

Mr. GEORGE. Except when somebody is speaking.

Mr. CULLOM. But during the general discussion it seems to me that the better way is when such amendments are offered to allow them to be printed and lie upon the table until the Senate takes up the bill for consideration section by section.

The PRESIDING OFFICER. The Chair does not think that the stage of consideration has been reached when amendments can properly be voted upon.

Mr. WASHBURN. Now I desire to offer an amendment to the amendment.

The PRESIDING OFFICER. The Senator from Virginia is entitled to the floor. Does he yield to the Senator from Minnesota?

Mr. DANIEL. Of course, I yield for the purpose of allowing an amendment to be offered.

Mr. WASHBURN. I desire to offer an amendment to the amendment offered by the Senator from Rhode Island [Mr. DIXON].

The PRESIDING OFFICER. The amendment to the amendment will be received and read for information.

The SECRETARY. Add at the end of the amendment of Mr. DIXON the following proviso:

*Provided, however,* That such contract or agreement shall not be made in or upon any board of trade, produce, cotton, hops, merchants', or other exchange, or other commercial association, or in any place or upon any premises where price quotations of said articles are announced, bulletined, or published, nor be subject to the rules or regulations of said board, exchange, or other commercial association.

The PRESIDING OFFICER. The amendment to the amendment will lie on the table for consideration hereafter. The Senator from Virginia will proceed.

Mr. DANIEL. Mr. President, I do not believe that one man ought ever to be taxed for another man's benefit, or that any one class of people should be taxed for the benefit of another class. I am no devotee of the gospel of taxation as a cure-all for any of the ills to which society is liable.

#### REVENUE THE RIGHT OBJECT OF TAXATION.

It looks to me quite anomalous, strange, and almost unaccountable that at a time when great bodies of the American people are moving impressively and solemnly to bring taxation within the lines of its legitimate purposes, and when a great party has proclaimed its doctrine that taxation should be levied for revenue only, we should see members of that party and persons who have professed that doctrine allying themselves with a so-called tax measure which is for everything else but revenue.

This contradiction can only be accounted for upon the different way in which we approach questions when our interests seem to us to lie in different directions. It is imagined by certain persons that the power of the Government to levy customs and imposts may be so exercised as to benefit certain classes of manufacturers, and hence they vote to deflect them from their normal and legitimate ends to incidental and to direct measures of personal and sectional gain. They are opposed by those who do not find their interests identical.

But here upon a question of internal-revenue taxation, where the powers of Congress are less ample than they are with reference to foreign taxation, we find good men, and honorable and intelligent men, who have combated one ill with a constitutional doctrine, immediately turning around and applying that abhorred doctrine to subserve purposes which they conceive will benefit their sections, or their people, or improve public morals, or do some other benefaction to society at large.

OUR POWERS IN REFERENCE TO EXCISE NARROWER THAN THOSE IN REFERENCE TO CUSTOMS AND IMPOSTS.

Mr. President, our powers with reference to excise or in-



ternal taxation are not so large as they are with reference to the taxation of importation. Congress has two powers with reference to foreign importation. It has a right to regulate commerce, and it has a right to tax for revenue. If it may tax and if it may regulate commerce, may it not appropriately apply the tax as one of the methods of commercial regulation? I do not say that it can, but I do say that there is a broader base for the contention and a more plausible argument for the view that the taxation of foreign commerce may be for other purposes than revenue than there is for the idea that a local excise tax may be for a different purpose than revenue.

#### THIS BILL A HARSH MEASURE.

Mr. President, I have discussed in some measure the general principle of the pending bill. I propose now to call attention to some of its details. Apart from its object it appears to me to be an exceedingly harsh measure. It visits very heavy penalties. It puts very great restrictions upon the internal commerce of the country, upon that portion of it which is considered by its patrons to be legitimate as well as upon that portion which is considered to be illegitimate.

#### DETAILS OF THE BILL—OPTIONS AND FUTURES.

The first section of this bill defines options for the purposes of this act. It declares that:

The word "options" shall be understood to mean any contract or agreement whereby a party thereto, or any party for whom or in whose behalf such contract or agreement is made, acquires the right or privilege, but is not thereby obligated, to deliver to another or others, at a future time or within a designated period, any of the articles mentioned in section 3 of this act.

The articles mentioned in section 3 are cotton, hops, wheat, corn, oats, rye, barley, pork, lard, and bacon.

Then the second section defines futures, as follows:

That for the purposes of this act the word "futures" shall be understood to mean any contract or agreement whereby a party contracts or agrees to sell and deliver to another or others at a future time, or within a designated period, any of the articles mentioned in section 3 of this act, when at the time of making such contract or agreement the party so contracting or agreeing to sell and make such delivery, or the party for whom he acts as agent, broker, or employé in making such contract or agreement, is not the owner of the article or articles so contracted or agreed to be sold and delivered, or has not theretofore acquired by purchase, and is not then entitled to the right to the future possession of such article or articles under and by virtue of a contract or agreement for the sale and future delivery thereof previously made by the owner thereof.

#### LEGITIMATE TRANSACTIONS OF FUTURE DELIVERY.

Now, Mr. President, in respect to "future" contract that is here mentioned, many transactions may exist under that heading which are perfectly proper and legitimate, and which are daily exercised in the wholesale walks of trade. Many a man goes through town and country and takes orders with a view to himself purchasing goods which he will deliver thereafter, provided he gets the orders; and an infinite number of wholesome, regular, and orderly transactions of trade, not only in agricultural products but in all the necessities of life, which society desires are thus purchased and are thus delivered in an economical manner.

Mr. President, there are excepted from the operations of this definition of options and the interdict of them certain classes of transactions:

1. It is provided that this act shall not apply to any contract or agreement for the future delivery of any of said articles made for and in behalf of the United States, or any State, Territory, county, or municipality, with the duly authorized officers or agents thereof;

2. Nor to any contract or agreement made by any farmer or planter for the sale and delivery at a future time, or within a designated period, of said articles belonging to said farmer or planter at the time of making such contract or agreement, and which have been grown or produced, or at said time are in the act or course of growth or production, on land owned or occupied by such farmer or planter;

3. Nor to any contract or agreement made with any farmer or planter to furnish and deliver to such farmer or planter at a future time, or within a designated period, any of said articles which are required as food, forage, or seed by such farmer or planter, his tenants, or employés;

4. Nor to any contract or agreement made with any retail dealer to furnish and deliver to such retail dealer at a future time, or within a designated period, any of said articles for use in his trade or business as such retail dealer;

5. Nor to any contract or agreement made with any person to furnish and deliver to such person at a future time, or within a designated period, any of such articles which are purchased for the consumption of such person, his family, guests, servants, or employés, or of any domestic animal or animals belonging to such person.

Certain amendments have been offered, the full scope and effect of which I could not catch from the momentary reading of

them, which extend this class of exceptional cases. But the very insertion of so many exceptional cases in this act recognizes the fact that in the daily transactions of human life, permeating the marts of business all over this land, such transactions as these that are interdicted here are legitimate and wholesome, and that they are according to the manners and customs of trade.

#### THE TAXES IMPOSED.

As to the transactions which it is intended by this bill to preserve within interdict of the law, here is the method of dealing with them. It is provided:

SEC. 4. That special taxes are imposed as follows: Every dealer in "options" or "futures" as hereinbefore defined in this act, shall pay annually the sum of \$1,000 as a license fee for conducting such business, and shall also pay the further sum of 5 cents per pound for each and every pound of raw or unmanufactured cotton, hops, pork, lard, or bacon; and the sum of 20 cents per bushel for each and every bushel of any of the other articles mentioned in section 3 of this act, the right or privilege of delivering which to another or others at a future time, or within a designated period, may be acquired by such dealer in his own behalf or in behalf of another or others under any "options" contract or agreement as defined by section 1 of this act, or under any "futures" contract or agreement as defined in section 2 of this act, or under any transfer or assignment of any such "options" or "futures" contract or agreement.

This means that \$1,000 as a license tax, to start with, 5 cents per pound, and 20 cents per bushel are to be required to be paid by him to the collector of internal revenue as the foundation of his license to negotiate such transactions.

#### WHO IS A DEALER.

Then, Mr. President, in this same fourth section is defined who is to be regarded as a dealer in options or futures:

Every person, association, copartnership, or corporation who shall in their own behalf, or as agent, broker, or employé of another or others, deal in "options" or make any "options" contract or agreement as hereinbefore defined, or make any transfer or assignment of any such "options" contract or agreement, shall be deemed a dealer in options.

That is to say, a single transaction makes a man, according to this bill, the proprietor of a business. Any man upon the way-side, in the country, or in a town, who may have no idea of prosecuting any such business as this, but who incidentally, by the way, may have a single transaction of the kind denominated in this act, is to be dealt with as a dealer and a business man as much as if he were a broker with an office upon the street or a member of the stock exchange.

#### REQUIREMENTS MADE OF THE "DEALER," AND OTHER EXACTIONS.

Then, section 5, Mr. President, goes on to provide how the dealer shall make application for a license to the collector of internal revenue, either to practice or to transfer any such contract of which he shall be in possession, the tax that he shall pay, the bond of \$40,000 which he shall give with two or more sureties satisfactory to the collector, conditioned that the obligor shall pay or cause to be paid the tax or taxes herein provided.

Then section 6 goes on to provide for a book which the collector shall keep in his office, in which shall be registered a copy of each and every application made to him for a license.

Then section 7 provides that every options or futures contract or agreement shall be signed in duplicate by the parties; that it shall state in explicit terms the time when the right or privilege of delivering the article shall expire; that it shall state in explicit terms, if it be a future contract, the date at which or the last day of the period within which the article or articles therein contracted or agreed to be sold shall be delivered—initiating a new principle of law as to commercial transactions which from the foundation of this country to the present time have existed and been conducted by word of mouth; that contracts shall be in duplicate and that they shall be registered with a collector, as if they were deeds for the transfer of land.

Then the dealer himself is required by section 8 to keep a book, the man who has a certain transaction of the interdicted kind.

Then by section 9 it is provided for a weekly report of the transactions, with a multiplicity of small and intricate provisions.

It is also provided by section 9 that the person making any such contract or assignment in his own behalf, or in behalf of another, shall, in addition to the taxes imposed by way of license, pay the collector the sum of \$2 as a registry fee for each and every such option or future contract that he enters into.

#### HARSH PENALTIES.

Then we come to section 10, which is a section of penalties. It provides that every person who shall violate any provision of this act, or refuse to pay the license or registry fees provided for by it, shall, besides being liable for the amount of the tax or taxes prescribed, pay a fine of not less than \$1,000 nor more than \$20,000, or be imprisoned not less than six months nor more than ten years, or be subject to both such fine and imprisonment.

From what code of penal statutes, Mr. President, does this free American Republic gather the idea of piling up fines and imprisonments upon trivial transactions which are acknowledged in the body of the act to be legitimate and which are licensed by the Government and favored by its patronizing power.



## SECTION 12 REQUIRING LICENSE TO SELL ONE'S OWN PROPERTY.

Then, Mr. President, we come, through section 11, to section 12. I am glad that those who have opposed this bill have made an impression upon its patrons—who now seem willing that section 12 be stricken out. This is a bill of sixteen sections. Three-fourths of these sections, or eleven of them, are directed towards transactions which are denominated to be hurtful to trade.

The spirit and animus of this bill are disclosed by the language of section 12 and of section 13, which follows it:

SEC. 12. That every person, association, copartnership, or corporation, except as hereinbefore provided in section 2—

I have read the exceptions provided in section 2—

who shall make any contract or agreement for the sale of any of the articles mentioned in section 3 of this act and requiring the delivery of such article subsequent to the date on which such contract or agreement is made, and who, at the time of making thereof, is the owner and entitled to the possession of the article or articles which are the subject of, embraced in, or covered by such contract—

Must apply for a license, must put himself under the police power of the internal revenue, must come under the penalties of not less than \$1,000 nor more than \$5,000 if he does not keep a book entering up all of his transactions.

## NO DENOUNCEMENT OF CORNERS.

Now, Mr. President, I would ask that it be noticed that the most mischievous of all the transactions from which the farmers conceive that they suffer are not at all interdicted by this act. The engrossment of the market by the purchase of large quantities of grain and holding it in elevators; the cornering of the market by a few capitalists who combine and form themselves into a powerful syndicate so that they can rush that accumulated body of grain out upon the market at any time in order to affect its price; these are the great and overshadowing evils that affect these legitimate transactions in the market. Those are not aimed at by this bill.

Those practices are not in any way sought to be prevented. On the contrary, under the machinery of this bill, under the designation of the twelfth section, every man in the country who is selling his own grain in his own barn or in his own field the dealers in corners would be enabled to spot everywhere as a competitor or rival with their transactions; they would have the Government of the United States joining in partnership with them to enable them to engross the market and to affect prices in a much more effective manner than they can under any existing status of things.

I am glad to hear from the Senator from Minnesota [Mr. WASHBURN] that he is willing and unites in the motion to have this twelfth section struck out. When that section is struck out it will also be necessary to strike out certain portions of the thirteenth section which are coupled with it, for that section goes on to provide, on page 16 of the bill, that—

Whenever any contract or agreement for the sale and future delivery of any of the articles mentioned in section 3 of this act shall be made, and the making thereof shall not be reported to the collector of internal revenue, either as required by section 9 or as required by section 12 of this act—

Then certain penalties and forfeitures are provided. Therefore I call the attention of the Senator from Minnesota to the fact that these words in section 13 that refer back to section 12 should also be stricken out with it.

Mr. WASHBURN. Mr. President, I should like to ask the Senator from Virginia whether that suggestion does not apply equally to the prior sections? It seems to me the provision would apply equally. I will think it over.

Mr. DANIEL. Whether it is struck out with reference to other sections or not, it ought not to refer to section 12 after section 12 has ceased to exist. That is a mere formal amendment.

## THE BILL AN ABUSE OF TAXING POWER—THE TAX ON STATE BANKS OF ISSUE.

Now, Mr. President, in brief, with reference to this bill, I regard it as an abuse of the power of taxation, and in connection with it I have offered an amendment, which I shall ask to be considered at the proper time, to relieve our statutes of another abuse of the power of Federal taxation; I mean that provision which has been upon our statute books for over a quarter of a century, which imposes a tax of 10 per cent upon the circulation and issues of State banks.

## FINANCIAL CONDITION OF THE SOUTH.

Mr. President, I hope Senators who consider these amendments will not judge of the propriety or policy of its adoption solely by their own surroundings. Those of us who represent States lying south of Mason and Dixon's line are in a very different commercial and agricultural situation from that of either the North or the West, and I ask them, even if they should have some prejudice against any return to the old system of State banking which we had before the war, to consider this matter in the light of our situation and to overcome, if they can, any prejudice which they may have against it when they themselves do not feel the stress of circumstances which on our part calls for its repeal.

## THE UNEVEN DISTRIBUTION OF LOANABLE FUNDS.

I have a table before me, Mr. President, which appears in the report of the Comptroller of the Currency for 1891. It is a report which shows the aggregate capital, surplus, undivided profits, and individual deposits of national and State banks, loan and trust companies, savings and private banks in the United States on June 30, 1891.

It also shows the average per capita of these resources in each of the States mentioned. Beginning with the New England States, we find that in Maine the total available loanable capital in the various banks and trust companies is \$81,000,000, or a per capita of \$122.55; that in New Hampshire there is a per capita of \$253; in Vermont a per capita of \$123; in Massachusetts, \$323; Rhode Island, \$361; Connecticut, \$261; New York, \$272; Pennsylvania, \$101; California, \$218, and so on.

But when you come to the Southern States you find that the per capita of available and loanable capital, instead of running up into the hundreds of millions, is down, away down, in some cases not one-tenth or one-twelfth of what it is in these other communities. For instance, I find that in my own State, of Virginia, the total loanable capital is \$42,000,000, or a per capita of \$25; that in the State of West Virginia the per capita is \$18.26; in North Carolina it is only \$6.47; in the State of Alabama it is \$9.69; in Mississippi, \$8.98; in Arkansas, \$6.55; Georgia, 12.14, and in almost all of the Southern States it bears a very insignificant proportion to what it does in the Northern and Western States which have had the advantages of many circumstances that it is needless for me to go into details to relate.

Mr. FAULKNER. I would ask the Senator from Virginia whether he does not intend to incorporate that table with his remarks?

Mr. DANIEL. Certainly; I desire that the entire table should appear in my remarks.

The PRESIDING OFFICER (Mr. TURPIE in the chair). It will be so ordered unless objection be made. The Chair hears none, and it is so ordered.

The table referred to is as follows:

States and Territories.	Population June 1, 1891.	All banks.	
		Capital, etc.	Average per capita.
Maine.....	663,000	\$81,253,068	\$122.55
New Hampshire.....	379,000	96,225,832	253.89
Vermont.....	333,000	40,981,014	123.07
Massachusetts.....	2,299,000	742,651,224	323.02
Rhode Island.....	352,000	127,126,880	361.15
Connecticut.....	764,000	199,953,881	261.72
New York.....	6,110,000	1,063,004,193	272.27
New Jersey.....	1,484,000	119,766,799	80.70
Pennsylvania.....	5,382,000	546,267,053	101.50
Delaware.....	170,000	14,886,050	87.50
Maryland.....	1,048,000	101,096,200	96.46
District of Columbia.....	236,000	20,146,171	85.37
Virginia.....	1,670,000	42,131,055	25.23
West Virginia.....	773,000	14,113,894	18.26
North Carolina.....	1,638,000	10,002,746	6.47
South Carolina.....	1,165,000	14,556,233	12.49
Georgia.....	1,867,000	22,682,049	12.14
Florida.....	405,000	8,485,786	20.95
Alabama.....	1,538,000	14,900,568	9.69
Mississippi.....	1,309,000	11,754,338	8.98
Louisiana.....	1,137,000	35,138,019	30.90
Texas.....	2,304,000	65,070,737	28.24
Arkansas.....	1,161,000	7,007,971	6.55
Kentucky.....	1,870,000	86,078,082	46.03
Tennessee.....	1,773,000	42,603,237	24.03
Ohio.....	3,720,000	220,297,991	59.22
Indiana.....	2,213,000	71,753,885	32.42
Illinois.....	3,899,000	271,513,188	69.61
Michigan.....	2,139,000	124,332,290	58.12
Wisconsin.....	1,728,000	91,828,490	53.14
Iowa.....	1,935,000	111,981,211	58.87
Minnesota.....	1,360,000	102,482,170	75.35
Missouri.....	2,734,000	164,047,645	60.00
Kansas.....	1,448,000	53,896,588	37.22
Nebraska.....	1,148,000	69,323,620	60.39
Colorado.....	440,000	40,480,878	92.00
Nevada.....	44,000	1,176,791	26.75
California.....	1,214,000	271,189,235	218.00
Oregon.....	333,000	17,878,204	53.69
Arizona.....	61,000	1,272,356	20.86
North Dakota.....	193,000	8,085,308	46.56
South Dakota.....	341,000	11,669,101	34.22
Idaho.....	93,000	2,588,258	27.83
Montana.....	145,000	20,277,490	139.85
New Mexico.....	157,000	4,415,963	28.12
Indian Territory.....	181,300	282,954	1.56
Oklahoma.....	115,000	480,347	4.18
Utah.....	214,000	15,358,062	71.77
Washington.....	375,000	27,859,317	74.29
Wyoming.....	66,000	5,373,750	81.42
Total.....	64,156,300	5,840,438,191	91.03

## THE OBJECT OF TAXING STATE BANKS EFFECTED AND NOW OBSOLETE.

Mr. DANIEL. Now, I wish to call the attention of the Senate in that connection to another fact, and that is this: That the



entire object which was sought to be effectuated by the levy of the 10 per cent on the issues of State banks has been attained and has ceased to exist. Lord Coke used to say that, "Ceasing the reason, the law ceases." If this were a common-law matter with which we dealt, the effecting of the object would render obsolete the means by which it was attained. But this is a statute, an obsolete and ancient statute put upon our books to attain a certain purpose, which has been attained, and being no longer essential, as a matter of public policy it is but logically right that it should cease to be.

#### NO BANKS OF ISSUE NOW EXTANT IN SUFFICIENCY.

In addition to the paucity of currency in the Southern section of our country is the fact that it is impossible for that section or for any section under existing conditions to procure a sufficiency of currency, whatever might be their capital or resources, through the banking system which the United States Government instituted to take the place of State banks.

#### HOW NATIONAL-BANK CURRENCY IS RETIRING.

In this connection, Mr. President, I will refer to another page in the report of the Comptroller of the Currency in which he has exhibited in a table how the currency of the national-banking organizations is being withdrawn and retired from circulation.

The table referred to is as follows:

*Decrease of national-bank circulation during each of the years ended October 31, from 1884 to 1891, inclusive, and the amount of lawful money on deposit at the end of each year.*

October, 1882	\$362,889,134
National-bank notes outstanding October 31, 1883, including notes of national gold banks	\$352,013,787
Less lawful money on deposit at same date, including deposits of national gold banks	35,993,461
	316,020,326
National-bank notes outstanding October 31, 1884, including notes of national gold banks	333,559,813
Less lawful money on deposit at same date, including deposits of national gold banks	41,710,163
	291,849,650
Net decrease of circulation	24,170,676
Net outstanding as above, October 31, 1884	291,849,650
National-bank notes outstanding October 31, 1885, including notes of national gold banks	315,847,168
Less lawful money on deposit at same date, including deposits of national gold banks	39,542,979
	276,304,189
Net decrease of circulation	15,545,461
Net outstanding as above, October 31, 1885	276,304,189
National-bank notes outstanding October 31, 1886, including notes of national gold banks	301,529,889
Less lawful money on deposit at same date, including deposits of national gold banks	81,819,233
	219,710,656
Net decrease of circulation	56,593,533
Net outstanding as above, October 31, 1886	\$219,710,656
National-bank notes outstanding October 31, 1887, including notes of national gold banks	\$272,041,203
Less lawful money on deposit at same date, including deposits of national gold banks	102,826,136
	169,215,067
Net decrease of circulation	50,495,589
Net outstanding as above, October 31, 1887	169,215,067
National-bank notes outstanding October 31, 1888, including notes of national gold banks	239,385,237
Less lawful money on deposit at same date, including deposits of national gold banks	87,018,909
	152,366,328
Net decrease of circulation	16,848,739
Net outstanding as above, October 31, 1888	152,366,328
National-bank notes outstanding October 31, 1889, including notes of national gold banks	202,023,415
Less lawful money on deposit at same date, including deposits of national gold banks	71,816,130
	130,207,285
Net decrease of circulation	22,159,043
Net outstanding as above, October 31, 1889	130,207,285
National-bank notes outstanding October 31, 1890, including notes of national gold banks	179,755,643
Less lawful money on deposit at same date, including deposits of national gold banks	54,796,907
	124,958,736
Net decrease of circulation	5,248,549
Net outstanding as above, October 31, 1890	124,958,736
National bank notes outstanding October 31, 1891, including notes of national gold banks	172,184,558
Less lawful money on deposit at same date, including deposits of national gold banks	35,430,721
	136,753,837
Net increase of circulation	11,795,101

The gross decrease of circulation, including the notes of gold banks and those of failed and liquidating associations, was \$7,571,985.

It appears from this table that the national-banking circulation was at its maximum in the year 1882, and that it then amounted to the large volume of \$362,889,134. The next year, 1883, it had sunk to \$352,000,000 and some odd; that is to say, it had gone out of circulation at the rate of \$1,000,000 per month. In the year 1884 the net decrease of circulation was over \$24,000,000; in the year 1885 it was \$56,000,000 in that single year; in the year 1886 it was \$50,000,000; in the year 1887 it was \$16,000,000; in the year 1888 it was \$22,000,000; in the year 1889 it was \$5,000,000, and in the year 1891 it was \$11,795,000.

Mr. President, the national bank has well nigh fulfilled its function as a bank of issue. It is going out of existence *ex necessitate rei*. It can not be prolonged, because the Government is paying off at the rate of \$100,000,000 a year the bonds upon which this circulation is based. The time is ripe and the hour has come when the Government ought to restore the rights of the States to use such financial facilities as they can themselves invent for purposes of domestic use.

#### AGENCIES OF GOVERNMENT SHOULD NOT BE TAXED.

Mr. President, it was many years ago decided by the Supreme Court of the United States in the famous constitutional case of *McCullough vs. Maryland* that it was not within the power of State governments to tax the Governmental agencies of the Federal Government. The converse of that proposition would seem to be a logical legal sequence; that it is not within the power of the Federal Government to tax the local agencies of the State governments.

Also, Mr. President, it was long ago decided, in the case of *Briscoe vs. The Commonwealth of Kentucky* (11 Peters's Reports, 257), that State banks were the agencies of State governments; that their circulating notes, which were not legal tender, were not bills of credit; and that they were the appropriate financial agencies of the State.

#### DECISION OF UNITED STATES SUPREME COURT.

Notwithstanding that comity would seem to have required a decision from the Supreme Court of the United States against any tax upon the circulation of State banks, it did transpire that that court did hold that it was constitutional to levy this tax of 10 per cent. It is proper, however, to call attention to the circumstances under which that tax was levied and under which this decision was made. It is proper also to call attention to the rationale of the decision, and to show that it rested upon necessity and exigency of war.

#### TWO HUNDRED MILLIONS OF STATE CURRENCY DESTROYED.

In the year 1860, when our civil war began, there was in the United States \$202,205,000 provided by the banks of the various States of the Union as a circulating medium. In the State of Virginia alone, under the operations of the banking system, which was based upon specie, the strongest and best of any financial foundation, there was in circulation \$12,000,000 of State currency, and good names could get loans and discounts at the rate of 6 per cent. In Virginia the amount invested in State banks was \$15,000,000, and the State itself derived from interest in State banks, by way of dividends and bonuses, an annual revenue of \$368,853.42.

Pending the war the national-banking system had sprung up, and with it there came a certain sense of jealousy, perhaps not altogether resting in pecuniary rivalry, but one inherent in the then condition of affairs, against State banks, which competed with them for popular favor.

On the 30th of June, 1864, in the third year of the war, Congress first inaugurated this policy of taxing State institutions. It then provided a tax of 1 per cent upon the circulation of State banks, payable in installments of one-twelfth of 1 per cent per month. This measure was not designed to be, any more than the one that is now under discussion, as a bona fide revenue measure. This measure of 1864 was a "fishing" law, a feeler, to ascertain the condition of the State banks, to find out the magnitude of their transactions, and to pioneer the way towards their destruction.

It can not be doubted—

Said Chief Justice Chase, who at that time was Mr. Lincoln's Secretary of the Treasury—

That the object of this provision was to inform the proper authorities of the exact amount of paper money in circulation with a view to its regulation by law.

#### STATE BANKS TAXED TO BUILD UP NATIONAL BANKS.

The war ended. Its beginning had found the Federal Government with a debt of only \$65,500,000. At its close an immense debt of \$2,845,000,000 had been piled up, as reported on the 1st of August, 1865, and the Treasury had to provide the proper resources to meet it.

With a view to building up the credit of the Government and with a view to strengthening the national banks, which had then become the great national agencies of finance, on March 3, 1865,



when the end of the war had been well nigh attained, the following enactment passed Congress:

That every national banking association, State bank, or State banking association, shall pay a tax of 10 per cent on the amount of notes of any State bank or State banking association paid out after the first day of July, 1866.

An amendment of more extended application, adopted July 13, 1866, still remains upon the statute books.

Now, Mr. President, we see, if we examine the reports of the Comptroller of the Currency, how rapidly this resulted in the utter destruction of State banks and in the elimination from the local currency of the people of over \$200,000,000 of their currency, more than the national banks now issue for this great nation of 65,000,000 of people.

The tax on circulation for a series of years, from 1864 to 1877, I have in a table before me.

It was over \$2,000,000 in 1864. In 1877 it had dwindled down to \$5,000. The State banks then had been completely overwhelmed and had become extinct, and this great body of \$2,000,000 of currency had been destroyed.

#### JUSTICE NELSON'S VIEWS.

Mr. President, as to the constitutionality of this act I shall not go into the intricacies of that discussion now, except to say this: That if it be a constitutional power to tax any of the agencies of the States, it is an extremely delicate power, and one which should only be exercised under extreme exigencies. Judge Nelson, in the case of *Veazy Bank vs. Fenno*, reported in 8 Wallace, says on this subject:

This taxation of the powers and faculties of the State government, which are essential to their sovereignty and to the efficient and independent management and administration of their internal affairs, is for the first time advanced as an attribute of Federal authority. It finds no support or countenance in the early history of the Government or in the opinions of illustrious statesmen who founded it. These statesmen scrupulously abstained from any encroachment upon the reserved rights of the States; and within these limits sustained and supported these sovereign States.

#### NECESSITY THE ONLY JUSTIFICATION OF THE TAX.

When the Chief Justice had delivered the opinion in that case he predicated his opinion upon the idea which in his mind no doubt was the main and moving inducement to the judgment which he rendered. He said:

The necessity of adequate provision for the financial exigencies created by the rebellion—

Was what led to the adoption of this provision of the statutes.

Now, Mr. President, Chief Justice Chase was a great and learned man. When he was Secretary of the Treasury he indorsed the greenback issue. When he became a judge, no longer under the impulse of the exigency which had actuated him as Secretary, but in calmer and in more reflective moments, he himself held that legal-tender provision of those notes to be unconstitutional. It is not improbable that had this act never been passed upon by the Supreme Court until we passed out of the atmosphere of the times which engendered it, and when returning justice had an opportunity to lift aloft its scale, that body would have rendered a different decision and would have concurred with the dissenting judges who so clearly and powerfully illustrated the impolicy and obnoxious spirit of this enactment.

#### REASONS FOR THE REPEAL OF THE TAX.

But whether we have the power to preserve this statute upon our statute books or not, this remains clear to every mind:

First, it is no longer a source of revenue. The State banks are the fountain withered and dried up. They pay not a dollar into the Treasury under that enactment, and as a revenue measure they can find no element of justification.

Secondly, the necessity which spurred the Government to this act—a necessity which I do not mean to deprecate, for I realize that a great government in a great stress will often go towards results without time or patience to investigate nicely the power to attain them. That necessity is ended—it has long ago expired.

Thirdly, a national bank which was built up to substitute the State bank is itself going out, and the fact of the case as it is presented to our minds here is that Congress has assumed as its prerogative, and in the exercise of that prerogative has destroyed the facilities of the people for local currency, and yet has not provided any source from whom they may get a national currency. They have destroyed one fountain and they are destroying the other, and the result is that neither to their State Legislatures nor to their Federal representatives have the people any reason to anticipate that their appeals will be granted if they approach them for the renovation of their banking system.

#### PREJUDICE AGAINST STATE BANKS OF ISSUE—LET EACH STATE DECIDE FOR ITSELF.

Mr. President, I know there is a great deal of prejudice not only in commercial communities like New York, Philadelphia, Chicago, and St. Louis, but there is a prejudice in my own community and among all communities of this country on the part of some of the people against the reviving of State banks. In

response to its existence let me say that if we take the 10 per cent tax off of the notes of the State banks of circulation we do not therefore undertake the responsibility of reviving State banks. We leave it to each State to decide for itself. If the State of Massachusetts with her \$323 per capita in circulation shall say, "We have an abundance of circulation and do not wish to have any State circulation," well and good; let her go her own gait and provide for her local policy as she sees fit.

If the great commercial metropolis of New York, which is glutted with the wealth pouring into her lap from every State in this Union, shall say, "We have banks enough and facilities enough and want no State circulation," we can only say, "All right, New York; we are not pushing any upon you; you need not have any unless you want it."

#### DEARTH OF CURRENCY IN SOME STATES.

But, Mr. President, when you go down into the State of Virginia, which has but \$24 per capita, when you go down into Mississippi, which has but \$8, when you go down into Arkansas, which has but \$6, does it not seem to be an intolerable exercise of mere despotic power if those who are in the abundance of plenty shall say, "We have enough, but we deny to you the ancient right which you exercised for so many years to get and use that which you may, if you are not embarrassed by it?"

#### NATIONAL CURRENCY SUPPLEMENTED BY LOCAL CURRENCIES.

Mr. President, I believe in a national currency. When the republic of man shall first assemble it will be discovered, I have no doubt, that the universal dollar has become the commercial *nexus* which has brought mankind into one nation. In the far and distant Aiden (and it may not be as distant as some of us anticipate) hard metallic money shall circulate among all the nations of the earth at an agreed ratio between the different metals. But because there is a national circulation of universal application in our country and of universal value the world over, it does not follow that local communities should not have their subsidiary currencies for their own local use.

It is true there is some inconvenience about it. Many say that here in this country we want the best currency that the world admits of. So say I. So, Mr. President, we want the best of everything else. We want the best clothes that can be made. We want the best dinners that can be eaten. We want the best houses that can be built. But if we can not build marble palaces, shall we not therefore build brick? If we can not build brick, will you deny us the cabin? If we can not wear silk and satin, shall we not wear calico and cotton until we can rise to the higher grade of being and indulge in the greater luxuries?

It is very inconvenient, I know, when you cross a State line to be shifting about with a local currency, but it is a great deal more inconvenient to be without any currency to shift with.

#### LOCAL ABILITY STIMULATED BY LOCAL INDEPENDENCE AND SELF-HELP.

If you would restore to the States the right to create their local currencies you would prompt and cultivate in every one of these States a higher financial education than they now possess. I believe the reason why our country is so progressive, that the masses of our people are so intelligent, is because the people are accustomed in every village and in every hamlet to consider the gravest questions and to deal with them. You have often found that great problems which statesmen and scholars had pondered over in vain were solved by some of these rude and perhaps unlettered men, who had sprung up in the country side and whose native force of character and genius of intellect had brought them to the front.

Our jury system, which accustoms the humblest men to hear discussions of life and death and of constitutional law, elevates the jury and educates them in the problems of law and of constitutional jurisprudence. If you allow the great State of New York, or the State of Virginia, or the State of Maine, or the State of Wyoming to issue its notes, I will venture to say that if they have wild-cat banks this year they will not have them next year. The people will instantly realize that they themselves are the greatest sufferers from any wild-cat venture and they will put a high order of men in their Legislatures and bring their genius and power and character to the front, and out of their minds there will be an evolution of solid financial thought which will build up institutions which will be the pride and glory of our country.

#### HOW THE STATE BANKS CAME TO THE AID OF THE FEDERAL GOVERNMENT.

Mr. President, I am not speaking in a mere speculative and prophetic sense when I assert the capacity and power of the forty-four Commonwealths which compose the American Union—to build up amongst themselves financial institutions of stability and worth. I am merely speaking from the experience of this Government in the past years. Let me call attention to the fact that when this Government got in the greatest strain it has ever been in, when in 1861 it needed the sinews of war, with revolution permeating its boundaries, it was not any invention of



Congress, but it was the State banks that came to its rescue and provided it with the resources which enabled it to sustain for a time the war.

Mr. President, as soon as the war began in 1861, gold, according to a natural law, immediately went into its hiding places and a great deal of it fled the country. The amount of gold and silver coin in the banks of New York at that time was less than \$50,000,000. The Government commenced borrowing money as early as August, 1861. It then negotiated its first loan of \$50,000,000; in October a second loan of the same amount was effected; and in November another of \$56,000,000. The Treasurer demanded that the loan should be paid in coin. This was done, and the State banks quickly recuperated from the strain upon them. Mr. Gibbons, who is a vigorous and intelligent writer upon this subject, known as such among all the financiers, remarks upon this feat of the State banks which came to the aid and rescue of the country that—

A more satisfactory proof of the strength of the banking system could not be afforded.—*Gibbons on Finance and Taxation*, page 134.

It is quite true, Mr. President, that in a short time the banks were forced to suspend specie payments. So was the Government, so were the people, so was the country in all directions.

But—

Mr. Gibbons adds, in commenting on that fact—

there can be no doubt that the general and overruling cause of the suspension of specie payments was the law of 1846, establishing the "Independent Treasury" which declared gold and Treasury notes the only legal currency of the Government, and prohibited the deposit of public funds in the State banks.

In other words, while the Government did not in the least favor the State banks, and while at that time it gave them no deposits in compensation for the benefit, it was these hundred hands stretched up toward the capital through all the States that brought to it the financial aid which it needed in the hour of peril.

#### OUR EXPERIENCE SIMILAR TO ENGLISH EXPERIENCE.

Mr. President, our experience in this country with the national banks has been somewhat like the experience of England with the English banks. Fourteen years after the Bank of England was first chartered it became a monopoly. The Government had gone to war with Louis XIV of France and the Bank of England loaned it money on condition that no other joint stock bank of issue should be allowed in England.

The Government assented. It summarily suppressed free banking, which had existed to that time in England, and granted the monopoly. It was demanded by the Bank of England in return for loaning this money; and "as a result," says a financial writer, Mr. Patterson, who is accepted as a high authority on this subject—"as a result it inflicted upon the country a burden which though little more than theoretical at the time has since then repeatedly inflicted the most widespread disaster and has done more to check the industrial career of England than any other cause that can be named."

Like causes, Mr. President, in all countries produce like results. The Bank of England destroyed the smaller banks in an hour when the English Government stood in need, and the national bank destroyed the State banks when it became the policy of the Government to build it up.

#### THE HOUR HAS COME FOR THE RESTORATION OF STATE BANKS OF ISSUE.

But I am not now here to indulge either in criticism upon the national banking system or to denounce its authors or those who are engaged in it. On the contrary, so far from denouncing it and so far from criticising its existence, I realize that it was the birth of a time when financial genius of the nation had to reach forth in all directions in order to strengthen its own hands and in order to attain results which it regarded as great.

But, however wise they may have been in their institution, however beneficent they may have been in their career, the hour has already struck when the objects of their existence have been accomplished, when the theory of their being has been exhausted, and when I might almost say they "lag superfluous upon the stage." They are expiring because the Government is withdrawing the bonds upon which they existed; and as they are going out and the Government no longer supplies to its people the opportunity through their agency upon any condition to get the circulation which they need, has not the hour also come when an obsolete tax should be stricken from our statute books and the States be restored to their financial autonomy to depend upon and to help themselves?

Mr. President, if we hear of so many wild schemes of finance which are springing up here and there, visionary, I fear, and never destined to realize the hope of any who venture in them, is it not because we have destroyed the natural faculties of government and broken its orderly autonomy, and desperation reaches out to catch at a straw in hope of aid?

#### TRUST THE PEOPLE.

Trust the people. Government is experimental; it is not an exact science. The greatest, the boldest, the bravest, and the wisest people are those who do not fear to experiment and to attempt. No age would be better or greater than the age that went before it if some bold spirits did not march out in its van and say "Try." Do not fear the States. They are composed of the same population in their Legislatures as make Senators and Representatives. The stream can not rise above its source. The legislators who create and the constituencies who elect Senators and Representatives are as wise and often wiser than they. They are the same race; they have the same history, the same culture, and the same opportunity of knowing; and why should we fear that these healthy and vigorous States, full of intelligence and opportunity of self-culture, full of churches and factories and schools and happy rural homes, would fail in an enterprise which addresses itself to their business and lies close to their hearts?

Mr. WHITE. Mr. President, the votes which have been hitherto had in the Senate to take up this bill and the general line on which the argument has proceeded seem to indicate that there is probably a majority sentiment on the floor in favor of the bill. I should hesitate very much with this knowledge to make any very elaborate discussion as to the constitutionality of the bill, or as to the wisdom of the legislation which it propounds, if I were not profoundly conscious that in my judgment there has been before the American Congress for many years no more pernicious, no more vicious, no more flagrantly unconstitutional legislation, no legislation more tending to undermine and destroy the very foundations of our Government, and none more calculated to do untold and untellable harm to the people of this great country. The interests which this proposed legislation affect are enormous. The products the price or sale of which the bill attempts to regulate run up into vast proportions. I excerpt a statement from the testimony of Mr. Bacon, the president of the Milwaukee Chamber of Commerce, in which he says:

The cotton crop of the country, which is handled in a similar way, is estimated at \$303,000,000 for the current year. For last year it was estimated at \$370,000,000. The meat product of the country is estimated at from \$600,000,000 to \$750,000,000 annually. These, added to the cereal products, make an aggregate of \$2,600,000,000 in value, a large proportion of which is disposed of during a small portion of the year, which is required for consumption during the whole year.

These figures, of course, convey but little idea to the mind without comparison. When we consider that the silver product of the country, which has been the subject of such extensive legislation for the past fifteen years, is only about \$50,000,000 in value, we will see that the amount is relatively more than fifty times as much.

The value of the annual agricultural productions of the country is nearly equal to the aggregate of the national debt at the close of the war, the amount of which we have only reduced about one-half. It is only by comparison of these figures that one can reach an approximate idea of the magnitude of the interests involved in this question.

The theory of the Senator who presents the bill and who urges it with so much zeal on this floor is that if the bill passes, to all the great body of the consumers of this country, representing 78 per cent of the population, there is to be an enhancement in the cost of these vast products. If, then, the arguments of the proponents of the bill be true, upon nearly \$3,000,000,000 of products the effect of this legislation will be to increase the price to all the consumers of the country.

My judgment is, on the other hand, that if the bill passes the necessary effect will be to reduce the price obtained by the producers of the country in a considerable degree upon this great sum.

With these great issues involved in this bill, issues which go home to every hearthstone in this land, issues which reach out their fingers into the pockets of every man, be he rich or poor, I think I shall be justified in an attempt to discuss its provisions deliberately, in order to point out what I conceive to be the flagrant constitutional defects which are involved in it, and the gross financial and business heresies which it contains.

Mr. President, let me analyze the bill. What does the first section provide? It has been gone over very frequently, but I shall go over it again in order to make clear what I shall endeavor to say.

The first section forbids options, which in the argot of the commercial gamblers are known as "puts" and "calls." Now what is a "put" and "call," or an option, as defined in this bill? It is a contract by which a man gives to another a sum of money for the privilege of calling upon that man to deliver property, or for the privilege of delivering to him. It is a purely unilateral contract, by which a man gives a sum of money for the privilege of delivering or receiving property.

So far as this contract is concerned, or this so-called contract, I have no word of defense to raise, because it is a contract which engenders no obligation *per se*. The courts of this land, at least the courts in my State, have declared that it is a contract without consideration, which can not be enforced; that it involves within its bosom an element of chance which makes it



purely aleatory, and therefore takes it out of the domain of all those great contracts around which the law throws the shelter of its protection and the instrumentalities for its enforcement.

The first section reads as follows:

That for the purposes of this act the word "options" shall be understood to mean any contract or agreement whereby a party thereto, or any party for whom or in whose behalf such contract or agreement is made, acquires the right or privilege, but is not thereby obligated, to deliver to another or others, at a future time or within a designated period, any of the articles mentioned in section 3 of this act.

What does the second section provide? The second section defines futures. What does it define futures to be? It defines any contract to be a future where the one selling at the time of sale is not the actual owner of the property, however real may be his intention to deliver at the time stipulated, and however great may be his means of fulfillment. What else does it provide? After defining this contract it then goes on to say that neither the Government of the United States, nor any municipality, nor any State, nor any farmer, in so far as he may have made a crop or have a crop in process of being made, shall be brought within the grasp of the provision. The amendment which has been adopted on the motion of the Senator from Minnesota also takes all retail dealers out of the reach of the second section.

Section 2 provides:

SEC. 2. That for the purposes of this act the word "futures" shall be understood to mean any contract or agreement whereby a party contracts or agrees to sell and deliver to another or others at a future time, or within a designated period, any of the articles mentioned in section 3 of this act, when at the time of making such contract or agreement the party so contracting or agreeing to sell and make such delivery, or the party for whom he acts as agent, broker or employé in making such contract or agreement, is not the owner of the article or articles so contracted or agreed to be sold and delivered, or has not theretofore acquired by purchase, and is not then entitled to the right to the future possession of such article or articles under and by virtue of a contract or agreement for the sale and future delivery thereof previously made by the owner thereof: *Provided, however,* That no provision or requirement of this act shall apply to any contract or agreement for the future delivery of any of said articles made for and in behalf of the United States, or of any State, Territory, county, or municipality, with the duly authorized officers or agents thereof, nor to any contract or agreement made by any farmer or planter for the sale and delivery at a future time, or within a designated period, of any of said articles belonging to said farmer or planter at the time of making such contract or agreement, and which have been grown or produced, or at said time are in actual course of growth or production, on land owned or occupied by such farmer or planter; nor to any contract or agreement made with any farmer or planter to furnish and deliver to such farmer or planter at a future time, or within a designated period, any of said articles which are required as food, forage, or seed by such farmer or planter, his tenants, or employés.

The third section enumerates the articles which come under this provision. This section, when I come to comment upon it hereafter, I shall show represents in my judgment the greatest enormity in the bill.

SEC. 3. That the articles to which the foregoing sections relate are raw or unmanufactured cotton, hops, wheat, corn, oats, rye, barley, pork, lard, and bacon.

That is the enumeration. The fourth section imposes taxes and licenses. It imposes a license of \$1,000 and a tax of 5 cents on every pound of raw or unmanufactured cotton, hops, pork, lard, or bacon, and 20 cents per bushel upon every bushel of wheat, etc. Section 4 is as follows:

SEC. 4. That special taxes are imposed as follows: Every dealer in "options" or "futures" as hereinbefore defined in this act, shall pay annually the sum of \$1,000 as a license fee for conducting such business, and shall also pay the further sum of 5 cents per pound for each and every pound of raw or unmanufactured cotton, hops, pork, lard, bacon, or other edible product of swine, and the sum of 20 cents per bushel for each and every bushel of any of the other articles mentioned in section 3 of this act, the right or privilege of delivering which to another or others at a future time, or within a designated period, may be acquired by such dealer in his own behalf or in behalf of another or others under any "options" contract or agreement as defined by section 1 of this act, or under any "futures" contract or agreement as defined in section 1 of this act, or under any transfer or assignment of any such "options" or "futures" contract or agreement; which said amount or amounts shall be paid to the collector of internal revenue as hereinbefore provided, and by him accounted for as required in respect to other special taxes collected by him. Every person, association, copartnership, or corporation who shall in their own behalf, or as agent, broker, or employé of another or others, deal in "options" or make any "options" contract or agreement as hereinbefore defined, or make any transfer or assignment of any such "futures" contract or agreement, shall be deemed a dealer in "options;" and every person, association, copartnership, or corporation who shall in their own behalf, or as agent, broker, or employé of another or others, deal in "futures" or make any "futures" contract or agreement as hereinbefore defined, or make any transfer or assignment of any such "futures" contract or agreement, shall be deemed a dealer in "futures."

The fifth, sixth, seventh, eighth, ninth, and tenth sections provide for the enforcement of these provisions. I shall not stop to read them, but I will incorporate them in my remarks. You can find nowhere in any revenue legislation provisions more inquisitorial, more far-reaching, and more destructive of the liberty of the individual citizen.

The sections are as follows:

SEC. 5. That every person, association, copartnership, or corporation engaged in, or proposing to engage in, the business of dealer in "options" or of dealer in "futures" as hereinbefore defined shall, before commencing such business or making any such "options" or "futures" contract or agreement, or any transfer or assignment of any such contract or agreement, make application in writing to the collector of internal revenue for the district in which he or any of them proposes to engage in such business

or make such contract or agreement, or make a transfer or an assignment of any such contract or agreement, setting forth the name of such person, association, copartnership, or corporation, place of residence of the applicant, the business to be engaged in, where such business is to be carried on, and, in case of an association, copartnership, or corporation, the names and places of residence of the several persons constituting such association, copartnership, or corporation, and shall thereupon pay to such collector, as a license fee for conducting such business, the sum, aforesaid, of \$1,000, and shall also execute and deliver to such collector a bond in the penal sum of \$40,000, with two or more sureties satisfactory to said collector, conditioned that the obligor therein shall pay, or cause to be paid, the tax or taxes as herein provided, and for the full and faithful compliance, by such obligor, with all the requirements of this act; and thereupon the collector shall issue to such applicant a certificate, in such form as the Commissioner of Internal Revenue shall prescribe, that such applicant is authorized, for the period of one year from the date of such certificate and within such district, to be dealer in "options" and "futures" and to make, within such district, "options" and "futures" contracts or agreements, as hereinbefore defined, and transfers and assignments of such contracts and agreements, and for the period specified in such certificate the party to whom it is issued may conduct and transact the business of dealer as aforesaid. Such certificate may be renewed annually upon compliance with the provisions of this act: *Provided, however,* That so long as any tax provided in this act shall remain due and unpaid, the person, association, copartnership, or corporation from which such tax shall be due shall not, during the time such tax remains due and unpaid, conduct or transact the business of a dealer in "options," or conduct or transact the business of a dealer in "futures," and every person, association, copartnership, or corporation making, transferring, or assigning any such "option" or "futures" contract or agreement while any tax herein provided shall remain due from such party shall be subject to the fines and penalties hereinafter provided.

SEC. 6. That it shall be the duty of the collector of internal revenue to keep in his office a book in which shall be registered a copy of each and every application made to him under the foregoing sections, and a statement in connection therewith as to whether a certificate has been issued thereon, and for what period, which book or register shall be a public record and be subject to the inspection of any and all persons.

SEC. 7. That every "options" or "futures" contract or agreement, as hereinbefore defined, and all transfers or assignments thereof, shall be in writing and signed in duplicate by the parties thereto, and every such "options" contract shall state in explicit terms the time when the right or privilege of delivering the article or articles therein named shall expire; and every such "futures" contract shall state in explicit terms the day upon which or the last day of the period within which the article or articles therein contracted or agreed to be sold shall be delivered; and any such contract or agreement not including such statement, and not so made and signed, shall, as between the parties thereto and their respective assigns, be absolutely void.

SEC. 8. That it shall be the duty of every person, association, copartnership, or corporation conducting or transacting the business of a dealer in "options" or "futures," as defined by this act, and they are hereby required, to keep a book in which shall be recorded, on the day of its execution, the date of each and every "options" or "futures" contract or agreement made or entered into, or which may be transferred or assigned, by such person, association, copartnership, or corporation in their own behalf, or in behalf of another or others, and setting forth the name and place of business of the person, association, copartnership, or corporation in whose behalf, as vendor, such contract or agreement shall have been made, the name and place of business of the party or parties, as vendee, with whom such contract or agreement shall have been made, the kind and amount of the article or articles which are the subject of, embraced in, or covered by each such contract or agreement, the time when the right or privilege of delivering such article or articles as are the subject of, embraced in, or covered by any "options" contract or agreement shall expire, and the time when or the designated period within which delivery shall be made of the article or articles which are the subject of, embraced in, or covered by any "futures" contract or agreement; and on making a transfer or assignment of any "options" or "futures" contract or agreement, shall, in addition to the facts or items above mentioned, also record in such book the names and places of residence or business of the assignor and assignee and the date of such transfer or assignment; and such book shall at all times be subject to inspection by the collector, deputy collector, and inspector of internal revenue, or any duly authorized agent of the Internal Revenue Department, who may make memoranda or transcripts therefrom.

SEC. 9. That it shall be the duty of every person, association, copartnership, or corporation, and they are hereby required, on the Tuesday of the week next succeeding the date of the certificate issued to them, as hereinbefore provided, and on the Tuesday of each and every week thereafter, to make to the collector of internal revenue for the district in which any "options" or "futures" contract or agreement shall have been made, transferred, or assigned, by such person, association, copartnership, or corporation, full and complete return and report, under oath, and in such form as the Commissioner of Internal Revenue shall prescribe, of any and all such contracts or agreements made or entered into or transferred or assigned by such person, association, copartnership, or corporation during the preceding week, together with a statement of the articles embraced in or covered by each such contract or agreement, and the amounts, respectively, of each such article, and the name or names of the party or parties with whom each such contract or agreement, and any transfer or assignment of any such contract or agreement shall have been made, and at the same time the party whose duty it shall be to make such return or report shall pay to such collector, upon and for each such contract or agreement which such party shall have so made as vendor, and upon and for each and every transfer or assignment of any such contract or agreement which such party shall have made as transferee or assignor, the amount of tax as specified in section 4 of this act, of 5 cents per pound on each and every pound of cotton, hops, and of pork, lard, bacon, or other edible product of swine, of 20 cents per bushel on each and every bushel of any of the other articles mentioned in section 3 of this act which are the subject of, embraced in, or covered by such contracts or agreements, or any of them, for which sums said collector shall give his receipts to the party so paying. And such collector shall, upon the making of such return or report, enter in a book to be kept for that purpose the date of each such "options" or "futures" contract or agreement, or transfer or assignment thereof, included in such return or report, the name, residence, and place of business of each party thereto, and whether they appear as vendor or vendee, the kind and amount of each article which is the subject of, embraced in, or covered by such contracts or agreements, the amount of tax charged and collected thereon, and the date upon which such "options" or "futures" contract or agreement shall by its express terms expire or mature; which book or register shall be a public record, subject to the inspection of any and all persons. That the person, association, copartnership, or corporation making or entering into any "options" or "futures" contract or agreement, as defined in this act, or making any transfer or assignment of any such contract or agreement, either in their own behalf or in behalf of another or others, shall, upon filing with the collector of internal revenue



the return or report aforesaid, in addition to the taxes hereinbefore provided, pay to such collector the sum of \$2 as a registry fee for each and every such "options" or "futures" contract or agreement so made, transferred, or assigned and included in such return or report, and it shall be the duty of the collector of internal revenue, on the first secular day of each calendar month, to make a report to the Commissioner of Internal Revenue setting forth the number of "options" and "futures" contracts and agreements, as shown by such book, which had not expired or matured on the last day of the preceding month, the kind and the amount of the articles which are the subject of, embraced in, or covered by such contracts or agreements, and the amount of taxes levied thereon; and a copy of such report shall be kept in the office of the collector of internal revenue and be subject to the inspection of any and all persons.

SEC. 10. That every person, association, copartnership, or corporation, who shall in their own behalf or in behalf of any other person, association, copartnership, or corporation, make or enter into, as vendor, any "options" or "futures" contract or agreement as defined by this act, or make any transfer or assignment of any such contract or agreement, without having a certificate of authority from the collector of internal revenue, as hereinbefore provided, and covering the time at which such contract or agreement, or such transfer or assignment shall be made, or who shall fail or refuse to keep any book or make any record, return, or report hereinbefore required, or in lieu of any record, return, or report hereinbefore required shall make a false, fraudulent, or partial record, return, or report, or shall make or enter into any "options" or "futures" contract or agreement, or make any transfer or assignment of such, in form or manner other than as prescribed by this act, or shall fail or refuse to pay any of the taxes required by this act to be paid, or shall in any other respect violate any of the provisions of this act, shall, besides being liable for the amount of the tax or taxes prescribed in this act, for each and every such offense pay a fine of not less than \$1,000 nor more than \$20,000, or be imprisoned not less than six months nor more than ten years, or be subject to both such fine and imprisonment.

SEC. 11. That neither the payment of the taxes hereinbefore provided nor the certificate issued by the collector of internal revenue under this act shall be held to exempt any person, association, copartnership, or corporation from any penalty or punishment now or hereafter provided by the laws of any State or Territory for making, transferring, or assigning contracts or agreements such as are hereinbefore defined as "options" or "futures" contracts or agreements, or in any manner to authorize the making, transferring, or assigning of such contracts or agreements within any State, Territory, or locality contrary to the laws of such State, Territory, or locality; nor shall the payment of the taxes imposed by this act be held to prohibit any State, Territory, or municipality from placing a tax or duty on the same trade, transaction, or business for State, Territorial, municipal, or other purposes.

The twelfth section, which the Senator from Minnesota has moved this morning to strike out, imposed a license upon every man doing the business which the proposed statute itself declared to be lawful. In other words, it brought every citizen making a contract for future delivery not embraced in the provisions of the proposed statute under the reach and grasp of the officers of the Government. The twelfth section is as follows:

SEC. 12. That every person, association, copartnership, or corporation who shall make any contract or agreement for the sale of any of the articles mentioned in section 3 of this act and requiring the delivery of such article subsequent to the date on which such contract or agreement is made, and who, at the time of making thereof, is the owner and entitled to the possession of the article or articles which are the subject of, embraced in, or covered by such contract or agreement, or has theretofore acquired by purchase, and, at the time of making such contract or agreement, is entitled to the right to the future possession of such article or articles under and by virtue of a contract or agreement for the sale and future delivery thereof previously made by the owner thereof, shall, before making any such contract or agreement, or any transfer or assignment of any such contract or agreement, apply in writing to the collector of internal revenue for the district in which such person, association, copartnership, or corporation shall reside or have a place of business, setting forth the same facts as mentioned and required in the application referred to and provided for in section 5 of this act, and shall thereupon pay to such collector the sum of \$2 as a license fee for making, transferring, or assigning or for conducting the business of making, transferring, and assigning such contracts or agreements, and thereupon the collector shall issue to such applicant a certificate, in such form as the Commissioner of Internal Revenue shall prescribe, that such applicant is authorized, for the period of one year from the date of such certificate, to make, transfer, and assign contracts or agreements for the sale and subsequent delivery of any of the articles mentioned in section 3 of this act, of which such licensee at the time of making any such contract or agreement is the owner, or is then entitled to the future possession of under and by virtue of a contract or agreement for the sale and future delivery of such article or articles previously made by the owner thereof. And any person, association, copartnership, or corporation who shall make, transfer, or assign any such contract or agreement without having paid the license fee herein required and without having a certificate from the collector of internal revenue authorizing the making, transferring, and assigning of such contracts and agreements, shall be subject to and be required to pay a fine of not less than \$1,000 nor more than \$5,000. Such certificate may be renewed annually on compliance with the provisions of this section. And such licensee shall keep a book in which shall be entered the date of, the names and places of residence or business of the parties to, the kind and amount of the articles the subject of, embraced in, or covered by any contracts or agreements for sale and future delivery which may be made, transferred, or assigned by such licensee under authority of the certificate provided for in this section, and the time at which delivery thereof is to be made; and in case of the transfer or assignment of contracts or agreements for sale and future delivery of any of said articles previously made by the owner thereof, or made by a party who has theretofore acquired by purchase and at the time of making such transfer or assignment is entitled to the right of the future possession of such article or articles under and by virtue of a contract or agreement for the sale and future delivery thereof, previously made by the owner thereof, the names and places of business or residence of transferor and transferee or of the assignor and assignee; which book shall at all times be subject to inspection by the collector or deputy collector of internal revenue, or by any duly authorized agent of the Internal Revenue Department. Such licensee shall also make on Tuesday of each and every week, to the collector of internal revenue by whom the certificate herein provided for may have been issued, a weekly report of all such contracts or agreements or transfers or assignments thereof that shall have been made by such licensee during the previous week, which report shall contain all the facts and items hereinbefore required to be entered in the book to be kept by such licensee; and such report shall be entered by said collector in a book to be kept by him in his office for that purpose. And any such licensee who shall fail or refuse to keep the book and enter therein the fact and items as

by this section required, or shall fail or refuse to submit such book to the inspection of the collector, deputy collector, or duly authorized agent of the Internal Revenue Department, or who shall fail or refuse to make report to the collector of internal revenue as by this section required, shall for each and every such failure or refusal be required to pay to such collector a fine of not less than \$100 nor more than \$5,000. And it shall be the duty of the collector of internal revenue to keep in his office a book in which shall be registered a copy of each and every application made to him under this section, and a statement in connection therewith as to whether a certificate has been issued and for what period, which book or register shall be a public record and be subject to the inspection of any and all persons.

The thirteenth section provides inquisitorial means of visitation and search, and examination of books. It provides that the internal-revenue collector shall have the power, whenever he suspects that a business man is violating this statute, to demand an examination of his business and an inspection of his books for the purpose of satisfying himself that the law is being carried out.

I call the attention of Senators to the fact that the thirteenth section is as broad as any man's right to sell any property for future delivery, whether or not that property is brought within the grasp of futures and options as defined in the bill.

Now, the distinguished Senator this morning does what? On a motion made to strike out the twelfth and thirteenth sections he says he will agree that the twelfth section shall be stricken out, but he objects to the thirteenth section being stricken out. He strikes out the only possible reason for the powers of search and visitation found in the thirteenth section. He strikes out the license provided in the twelfth section by which alone the thirteenth section could be justified, and he keeps vested in the officers of the Government the arbitrary powers created by the thirteenth section, and which the bill itself admits are to be exercised against a man pursuing an avocation which the bill itself recognizes as legal and thus should be removed from inquisition.

The following sections of the bill are full of other penalties. Let us stop for a moment and ask ourselves the question, what the bill does?

Mr. President, there can not be any question that the contract which the bill strikes at in its second section is a lawful contract. That is removed beyond the domain of controversy. The question whether contracts for future delivery are valid contracts has been before every court in this land. It has been to the Supreme Court of the United States; it has been to the courts of last resort of almost every State in this Union, and it has been crystallized in a body of jurisprudence now passed beyond question that it is absolutely as lawful for a man to sell for future delivery as it is to sell for present delivery; that there is no earthly difference between the two; that they are both valid contracts protected by the law, enforced by the courts, provided only what? Provided only that either of the parties to the contract has an honest intention to deliver.

The purpose, then, of this bill is to strike down contracts which can be validly entered into, protected by the judgments of the courts of last resort of all this Union. I challenge any Senator upon this floor to produce a single modern authority which does not recognize that the right to make these contracts under the dominion and jurisdiction of the State courts is as absolutely sacred and as well protected by the aegis of the State law as his right to hold his home, or any other right that he has within the dominion of the State.

This, then, is a proposition that the Federal Government—and, Mr. President, I hate to reargue this question with the eloquent and able, vigorous and incisive, argument and denunciation of the Senator from Missouri [Mr. VEST] on yesterday ringing in my ears—this, then, is a bill licensing the Federal Government to step over the State line and destroy any contract made within a State between citizens of the State which the Federal Government may choose to destroy. That is the power which this bill asserts. If it does not assert that power it does not assert any power.

Is it denied that these are valid contracts? Is it denied that they are contracts made under the State law and under protection of the State courts? Is it denied that this bill strikes at contracts between citizens of the State and a res or a thing within that State? That being the case, I ask Senators, mindful of their great oath to support the Constitution of the United States, where within the four walls of that Constitution can they find a pretext for this great usurpation of authority? If the theory which this bill propounds is true every vestige of State autonomy has been wiped off, and to-day, instead of having a government of limited and restricted powers, each government moving by the force of constitutional gravity in its own orbit, we stand the most unlimited and arbitrary government on the face of God's earth.

Now, how will Senators justify this measure? I put it to every Senator, does this power exist in the Federal Government? I challenge any Senator to say that he believes the power exists in the Federal Government to go into a State and destroy con-



tracts made between citizens of the State protected by State laws, contracts outside of the domain of Federal jurisdiction. Can the Federal Government regulate marriage; can it regulate divorce; can it determine the title to property; can it pass upon the tenure by will; can it usurp all the functions reserved to the States as a necessary part of the existence of the State governments? If it can not do these things, by what mandate of authority can this proposed law be put upon the statute books?

Ah, but I am told that this is a taxing law; that it is an exercise of the taxing power. It is a tax that does not tax. I call attention to this distinction. On the very face of the bill not even a pretext of taxation can be found. By the very terms of the bill no tax can result from its provisions. The only section in the bill which could possibly lead to the collection of a tax and give even a semblance of constitutionality to the bill was the twelfth section, which imposed the \$2 license upon a lawful business; and the Senator from Minnesota proposes to take that out.

Now, then, the question results and comes down to this, and we must meet it. Can the Federal Government by the abuse of the taxing power abrogate and destroy every limitation found in the Constitution and every reservation in favor of the States? That is the question. It can not be evaded.

Ah, but it is said this is an exercise of the taxing power, and although it is an exercise of the taxing power which does not tax to produce revenue, we will declare in this bill that we propose to tax for revenue, although we do not propose to do so. If we do violate the Constitution in doing this, when it goes to the court of last resort it will not be able to decipher the false purpose of the bill and will therefore hold the bill not to be unconstitutional. Why will the court hold it not to be unconstitutional? Not because it is not unconstitutional, but because we have breathed into this law a living lie, because we will have declared that our purpose is to tax for revenue, when every line and letter of the bill says the bill is not an exercise of the taxing power at all, but an attempt to destroy the very framework of the Constitution by going into the States and doing that which the Federal Government confessedly has no power to do.

Mr. President, some question was raised yesterday as to the power of the court to reach this bill. That question does not concern me when I exercise my right to vote upon this floor. If it be true that under the Constitution there has been lodged in the Senate a power by a declaration of purpose to prevent unconstitutional enactments from being reached by the courts, then the necessary effect of the Constitution is to have made this Senate the court of last resort, and we stand here now called upon, with the great responsibility which rests upon us, not to say what a tribunal would say if the power had been lodged with it but to say what this great tribunal should say in the face of this patent and glaring and flagrantly unconstitutional act.

But I do not follow and agree with the admissions on this subject made by the distinguished Senator from Missouri yesterday. I do not agree to them because I believe the premise upon which they are founded is destructive of this Government. The glory and the ornament of our system which distinguishes it from every other government on the face of the earth is that there is a great and mighty power hovering over the Constitution of the land to which has been delegated the awful responsibility of restraining all the coordinate departments of the Government within the walls of that great fabric which our fathers builded for our protection and our immunity forever.

It is perfectly true that in two or three cases the Supreme Court of the United States have said that where on the face of a statute there was the exercise of taxation, as the statute on its face was a taxing statute, the court would not destroy the face of the statute by wiping out the taxing provision in the statute with the sponge of the motives which may have actuated the members who passed it. Is that the case here? Where the face of the statute shows no tax, where the face of the statute itself eliminates all human possibility of the exercise of the taxing power for revenue, then I say the mission of jurisdiction is given to the courts of this land to brush that statute away for its flagrant and open violation of the Constitution. Is this not necessarily true?

Now, let us reason out the consequences, if it be not true. If this be not true, then the beautiful system by which, as I said just now, all the departments of the Government move in a common orbit, vanishes out of the sidereal universe of government and passes into confusion and chaos. The precedents are against it. The power which the Supreme Court of the United States exercises in the review of statutes is like unto the power exercised by the supreme courts of all the States. The books are full of cases in the State courts drawing the distinction which I have made. In the Topeka case it is drawn in plain words by the Supreme Court of the United States. There a Government appropriated a sum of money, declaring it to be for a public purpose. The case went to the Supreme Court of the

United States, and it said your motive and your purpose can not be inquired into. That is removed beyond the domain of controversy or question. But where you have called the statute one thing and the very terms of the statutes indicate another thing, and that other thing is outside of the powers of Government, then it is not a statute at all, but it is a violation of authority and we strike it from the statute books.

That in my opinion is what should be the fate of this measure. The only semblance of authority within the Constitution, as I have said, was the twelfth section, which put a license of \$2 upon a business admittedly lawful, which the Senator from Minnesota proposes this morning to strike out. Climbing up this lofty tree under which he thinks all the great commerce of this country is to find shade and shelter, and under which I think death and destruction like a upas is to come, he saws himself down by cutting off the only possibility of constitutionality which was in the bill.

What does the Senator from Minnesota say? I wish to call attention to it. Of course everything I say with the greatest respect and kindness to him. I suppose when he made the argument which I shall quote in a few moments he thought it would rally all the Senators on the other side of the Chamber and make them feel that they could not question the constitutionality of this bill without questioning the constitutionality of that system of taxation which they have espoused almost from the foundation of the Government, and which they espouse now to an extreme degree, how extreme I will not comment upon, because I do not propose to enter into that question. What does the distinguished Senator urge? He says:

One thing is perfectly clear to me, that if this bill is unconstitutional, for the reason that we have no right to use the taxing power, except for the purpose of raising revenue, than there has never been a Republican protective tariff but that has been in violation of the Constitution. A duty may be so high, placed with a view of protecting some production for the purpose of increasing or regulating its market value, and not absolutely prohibitory, yet so long as it was not laid for the purpose of raising revenue, it would still be obnoxious to this construction of the Constitution. But there are numerous cases where this duty is absolutely prohibitory, and so intended, and so made for the express purpose of suppressing the importation of articles that come in competition with those produced in this country.

The purpose of this argument is this: This bill, which destroys all the rights of the States and acts internally upon the people of the State and on contracts protected by State laws, must be valid, and you must hold it so or you must declare that the whole policy of the Republican party is and has been wrong.

Mr. President, in my judgment that is absolutely and fundamentally a fallacy. It overlooks the clear distinction between the nature of the power lodged in the Federal Government for the purpose of imposts and the nature of the taxing power lodged in the Federal Government for the purpose of internal taxation. When the Federal Government deals with imposts the Constitution has vested in it the power which would be vested in any government in that regard.

No power as to imposts was reserved in the States by the Federal Constitution. All the lawful powers of government which could be exercised in that particular passed into the life and being of the Federal Government by the lodgment in that Government of the power to levy imposts—imposts deal externally, beyond our borders. Beyond those borders the power of the Federal Government was restricted and restrained by no limitation resulting from a reservation in the Constitution.

Mr. President, in my judgment if complaint is made of impost tax by the Federal Government levied not for the purpose of revenue, but for protection or prohibition the complaint is not that the Federal Government violates the Constitution or the limitations of the Constitution, because as to that all authority is granted by the Constitution. When I say this I mean no limitation by the Constitution by express provision of the Constitution. The complaint of undue or prohibitory external imposts is not that the Constitution has been violated.

No, but that there has been a violation of the great fundamental and elementary principle of all government, which underlies all constitutions, which affect this Government and every government, and which would affect the most unlimited government in the world. These principles are that government is created with limitations flowing from the nature of its being, which teach that no government shall use its power for the benefit of the few to the detriment of the many. Therefore, all the arguments which have been made on the subject of the abuse of the impost power in the Federal Government are arguments addressing themselves not to the limit of delegation under the Constitution as to imposts, but to the want of power arising from the very nature of government itself.

In other words, I contend that where power to destroy exists the use of a wrong instrumentality to do the destruction, may be the abuse of an instrumentality but not an abuse of power, because the power to destroy is vested. But where the power to destroy does not exist, the use of an instrumentality to destroy that which there is no power to destroy is not alone an abuse of the



instrumentality but an usurpation of power itself. Now, the usurpation of power by Congress not vested by the Constitution in Congress is unconstitutional. This being true, it follows that if the usurpation is clear on the face of the act, if the act itself shows the usurpation, the power exists in the Supreme Court of the United States to prevent the usurpation.

The distinguished Senator made two quotations on this subject. Both of them draw this distinction in the broadest way. One quotation is from Judge Cooley, and the other is from Judge Story. Both of them call attention to the fact that when it concerns import tax the question is as to the fairness and the rightness, if I may use the word, and not as to the question of constitutional power:

Indeed, in some cases where impost duties are laid, revenue is no part whatever of the motive for imposing a particular duty, but it is made so high that it is expected to preclude all importation, and therefore produce no revenue. A person objecting to the duty may complain that it violates the true principles of government, but he would hardly venture to attack it as being so distinctly beyond the constitutional power of Congress that in the courts it might be assailed as wanting in legal validity. He may question its policy, but he can not well question its constitutionality.

#### Says Justice Story:

It is often applied as a virtual prohibition upon the importation of particular articles for the encouragement and protection of domestic products and industry.

These are the doctrines, Mr. President, which have been applied by this Government, standing with its face looking beyond our borders at the millions lying beyond. But when turned inward we behold the system of States with all the great rights reserved to them by the Constitution. We see them with their police power, and their legal autonomy, and their right of contract, and their right of property, and everything that has been preserved to us by the Constitution. These rights and their recognition and preservation have given us a hundred or more years of being, and without them war and tumult and misery and suffering would come. The rudiment of all these rights is found in the principle that every power not delegated under the Constitution to the Federal Government is reserved to the States. Yes, the distinguished Senator in looking at this bill puts on his marine glasses, and turning to the American people proposes to put upon the great sisterhood of States the shackles of the foreign jurisdiction. He does this, although his bill deals not with that which is foreign, but with all those great rights of local self-government which are ours, ours to-day and to-morrow and forever.

I doubt very much whether this argument will reach the distinguished Senator from Minnesota, because in the course of his able speech he says:

The Constitution, which at its adoption was supposed to have in view some reference, at least, to the "general welfare" of the people, is now almost invariably invoked by constitutional pugilists to resist all reforms and all attempts directed against wrong and abuse.

I can well imagine that the distinguished Senator must have been in the frame of mind which this language indicates, when his hand could have the strength to write or his mind the power to conceive that there exists in the Federal Government any power to go into your State, sir [pointing to the Senator from Missouri], or the State of Maine, or any other State in this Union and destroy by a surreptitious attempt to pervert the taxing power, the rights of the citizens of the States to contract among themselves.

I know, therefore, that the frame of mind I am in and the frame of mind of the distinguished Senator is in are so wide apart, that we move in such different conceptions of the respective relations of these Governments to each other, that I am afraid I will never be able to reach him by argument.

Mr. President, I think we ought to be entitled to discuss this measure without sneer, without gibe, without reaching out the hand to stir up—I was going to say the smoldering ashes of past conflicts; but thank God even the ashes of that conflict have passed away; I know the American people have forgotten it, except for the lessons which it has taught us all, that within the walls of the Constitution and by adherence and respect for it, united in a common brotherhood lie alone our future hope of happiness and protection.

The distinguished Senator says:

It is seriously to be regretted that some of our "constitutional friends" did not regard this sacred instrument with as much reverence and stand ready to guard it with the same pathetic solicitude in a time not very remote as they do at present.

Thus the discussion of this anti-option bill is to revive the feelings of the war, and sneer and gibe are cast at this side of the Chamber because there are those here who adhere now to those great principles of constitutional government which they think involve the very structure of the Constitution. The germs of the fierce civil war through which we passed were sown at the birth of our institutions. Both sides in that awful conflict were true to the Constitution as they understood it.

Mr. President, the men who took part in the war on the South-

ern side were not like the Senator from Minnesota, careless of constitutional obligations. Whatever may be the conception as to the mistake of their opinions—and we all concede that the mighty arbitrament of war has decided they were wrong—no one in this day or any day hereafter, whatever may be the censure which he puts upon the judgment of the Southern people, questions the sincerity of their convictions or their great purpose to adhere to the Constitution as they understood it. Their blood sealed their fidelity to their duty as they conceived it. I have seen somewhere a thought of the great war governor of Massachusetts, saying that whatever might be the judgment of history upon the wisdom of the Southern people, history would hold that, mistaken as they were, they were heroes because of their devotion to their constitutional mistake.

I believe now, sir, that as time goes by the world will see their magnificent heroism more and more, and that the vision of the Southern poet will be fulfilled:

In seeds of laurel in the earth,  
The blossom of their fame is blown;  
And somewhere, waiting for its birth,  
The shaft is in the stone.

But, Mr. President, the view of the Constitution which the other side upholds is, I suggest, a reflection on that magnificent and gallant body of men who formed the Union hosts of this country. What did they fight for? What did they die for? For what was their blood poured out in priceless currents? If we believe the consequences of the argument of the distinguished Senator from Minnesota, it was poured out in order that we might have no Government, no States, no autonomy, and that our Constitution might be destroyed.

I should rather not pass the judgment upon those gallant men which the argument of the Senator from Minnesota does. I should rather rely upon the judgment of the immortal Lincoln who said at Gettysburg, in that speech which will carry his fame down to the uttermost end of time: "They died in order that this Government might live?" Live how? Live, as the argument of the Senator from Minnesota would hold, without restriction and without restraint of any kind, with the States destroyed, with all rights gone, with a mighty despotism built up, and that despotism all the more flagrant and all the more outrageous because it would depend solely upon popular clamor or popular whim as to the existence or nonexistence of an evil?

Mr. President, there can not be any doubt as to the unconstitutionality of this measure. The distinguished Senator from Oregon [Mr. MITCHELL] yesterday asked upon this floor my very polished and eloquent friend, the Senator from Virginia [Mr. DANIEL], whether he thought the courts would declare this bill unconstitutional. I should like to ask the Senator from Oregon a question, through the Chair now, if he will permit me, and that question is this: Does the Senator from Oregon think this bill has for its object the lawful and legitimate exercise of the taxing power?

Mr. MITCHELL. I am bound to take the bill for what it purports to be. I have seen no reason to inquire of those gentlemen who introduced the bill, or of the committee that reported it, whether there is anything about it that does not appear on the face of the bill; and I have no doubt the Supreme Court of the United States will hold the very same view if it should ever become a law and go before that tribunal for construction.

Mr. WHITE. Will the Senator vote for a provision declaring that this bill has for its object the destruction and prevention within the States of the things contemplated as declared by the Senator from Minnesota?

Mr. MITCHELL. No, sir.

Mr. WHITE. Will the Senator's vote, "yea" or "nay," on this bill, be controlled by the fact that it will accomplish that purpose?

Mr. MITCHELL. At present, Mr. President, I do not exactly see that I am on the witness stand to be catechised.

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

Mr. President, I put these questions because when the Senator asked the question on yesterday, to me they indicated a depth of political degeneration—of course I do not say this with reference to the learned Senator of Oregon—but I mean of political degeneration of opinion abstractly which can be successfully defended nowhere.

Who shall say that if this bill is not really a revenue bill and we declare it to be so we will not be concealing our purpose and expressing a fraudulent purpose?

There has been some question raised about the case of Veazie vs. Fenno, as bearing upon this issue. It is said, Why, did you not impose a tax of 10 per cent upon State banks upon their circulation, and did not the Supreme Court declare that valid? That case is cited as authority now. It is always the way. It has been that way since the foundation of the Government. If ever a decision is made in any way looking toward the destruction of the lawful powers of the States, arguments have always



come up to pervert, to extend, to vitiate, and to amplify in order that there may be authority for a stretch of power and thus take some further liberty from the people. Now, what was the *Veazie vs. Fenno* case?

I know nothing which can throw more light upon a case than the brief of counsel. In the discussion of that case there was no statement by counsel that the question involved was the perversion of the taxing power. The attack made upon the statute was this: That this statute was unconstitutional because it taxed a State corporation.

When that went to the court what did it say? The Constitution has lodged in Congress the power to regulate currency. In the exercise of that power Congress has authority to wipe out a State corporation by taxation. True the court, *arguendo*, said that it was either a tax or a prohibition. If a prohibition, the constitutional authority lying back of the statute was found—where? In the clause delegating to Congress the power to regulate the currency. If a tax, it was not illegal, because Congress had the power to use the taxing power to prohibit that which it had the right to prohibit under another provision of the Constitution.

The case does not cover the question now here. It does not intimate the power to surreptitiously use the taxing power which is here presented. It is true the court, *arguendo* by the Chief Justice, made use of expressions which may be misconstrued and which are now used to support the contention that Congress has, by pretending to tax, the power to destroy every limitation found in the Constitution. This case does not so decide. It seems to me that ends this contention.

This brings me to the oleomargarine bill. This was the situation at that time and I call attention to it: The statute as originally introduced contained a prohibitive tax. Although there was an enormous pressure for its passage, some of the gentlemen who were called upon to support it and whose constitutional stomachs were not so weakened and enfeebled could not digest it. What did they do? They reduced the tax down within a revenue-producing capacity. That statute recognized the distinction which I made just now between the power of the Government to exercise internal and external taxes, the difference between imposts and internal taxation, since, although in that act they made the impost tax absolutely prohibitive, they reduced the internal to a revenue basis on its face in order to make it constitutional.

This, then, was a case where motive might deprive the court of the power to examine into the constitutionality of the statute because on the face of the statute it was the exercise of a revenue power. I admit that.

Mr. MITCHELL. Does the Senator think that a reduction of the tax in this case to such a figure that it would admittedly be the means of raising revenue, and under which parties engaged in these transactions would go on, would render this bill constitutional?

Mr. WHITE. Does the Senator mean leaving in the \$2 tax?

Mr. MITCHELL. No, sir. The point is this: Suppose the tax

were reduced to a revenue basis so that the tax would be paid, in which event it would clearly be a revenue bill according to the ideas of the Senator from Louisiana.

Mr. WHITE. Oh, I must beg the Senator's pardon. The Senator must understand the distinction. I am speaking now of the power of the court on the face of the bill. The bill might, on its face, be a revenue bill, and might to me be constitutional. But in the exercise of my function here I would not vote for any bill if it raised a fraudulent revenue, provided I thought it was intended to prohibit.

Mr. MITCHELL. I understood the Senator to say that because the tax was reduced so that it was for revenue on its face that enabled the court to declare that it was constitutional.

Mr. WHITE. I say that would have enabled the court, and it enabled the President to not veto it, because, Mr. President, it is perfectly self-evident when a bill, which is a revenue bill, comes to me for consideration, as to whether I will vote for it or not, it may be to me—if I may be allowed to use the word, a philosophical word—subjectively unconstitutional, not unconstitutional *per se*, and I may not vote for it as constitutional, because I know that although it is a revenue bill, there is a purpose of destruction and prohibition contained in it. But when it comes to the court, the court can only look at it objectively. The court must look at its provisions, and if on its face it is a revenue bill, if on its face it be for the purpose of raising revenue, the court will say that it can not consider the motive, but must decree its enforcement.

Yet where on its very face it is not a revenue bill, then even objectively to a court it is unconstitutional, and the court, in my judgment, doing its great duty, will stamp upon it the brand of unconstitutionality. I think the distinction is very clearly drawn in the message of Mr. Cleveland in which he announced his signature to the oleomargarine bill:

It has been urged as an objection to this measure that while purporting to be legislation for revenue, its real purpose is to destroy, by the use of the taxing power, one industry of our people for the protection and benefit of another.

If entitled to indulge in such a suspicion as a basis of official action in this case—

Now, here are the two cases, one "if entitled to indulge in such a suspicion," and what?

and if entirely satisfied that the consequences indicated would ensue, I should doubtless feel constrained to interpose Executive dissent.

That is the illustration. That is the object lesson, for objectively when this statute came to him within its four walls there was a revenue created, and he, in the exercise of his executive power and executive prerogative, did not come down and go into the hearts of men and do that thing which God alone can do, search out the understandings of men and know their wicked purposes. He took the object as it came to him and passed upon it as such, but he was careful to say in this message that if that bill had not presented that aspect to him, he would have been constrained to exercise the executive veto.

I hold in my hand, which I will print as a part of my remarks, the revenue collected from the oleomargarine tax.

Statement showing total receipts from all oleomargarine sources for each fiscal year from November 1, 1886, the date the oleomargarine law took effect, to June 30, 1891, inclusive.

Oleomargarine.	Eight months ended June 30, 1887.	Fiscal year ended June 30, 1888.	Fiscal year ended June 30, 1889.	Fiscal year ended June 30, 1890.	Fiscal year ended June 30, 1891.	Aggregate receipts.
Oleomargarine, domestic and imported.....	\$435,924.04	\$653,355.10	\$677,302.40	\$619,205.72	\$871,488.44	.....
Manufacturers of oleomargarine (special tax).....	31,700.00	17,150.00	12,400.00	11,700.00	6,950.00	.....
Retail dealers in oleomargarine (special tax).....	154,924.00	123,258.54	130,631.51	100,068.00	146,233.70	.....
Wholesale dealers in oleomargarine (special tax).....	101,400.00	70,376.24	73,914.00	55,318.00	53,192.00	.....
Total.....	723,948.04	864,139.88	894,247.91	786,281.72	1,077,924.14	\$4,316,551.09

The aggregate receipts have been \$4,346,000, and the revenue has been increasing day by day and year by year. Will anybody say that that statute is on all fours with this? Will anybody hold that a bill which has raised more than four millions of revenue and where the revenue has been accumulating year by year is like unto a bill which within its necessary intentment and on the very face of the statute not only is not intended to raise revenue, but on the contrary can not under its terms raise a dollar of revenue?

There are gentlemen upon this floor, my peers in everything, my peers in heart, and my superiors in head, who have said to me that they could not see the distinction between those two statutes.

Mr. MITCHELL. Will the Senator allow me?

Mr. WHITE. Certainly, with pleasure.

Mr. MITCHELL. I understand the Senator concedes that that bill was constitutional.

Mr. WHITE. As regards the President, when it came to him.

Mr. MITCHELL. Just as well as when it was before the Senate.

Mr. WHITE. I never conceded that; on the contrary, I disclaimed it.

Mr. MITCHELL. But as it came to the President?

Mr. WHITE. I say that it was constitutional, objectively, when it went to the President. It was unconstitutional, subjectively, as it was passed upon by the Senate. That is what I say, and my words can not be distorted. If the difference between object and subject do not present themselves to the Senator's mind, if the darkness of night and the light of day do not penetrate his mind, I must ask for some greater power of explanation than I have.

Mr. MITCHELL. My perceptions may be somewhat obtuse, so far as that is concerned, but I wish to understand the Senator if it does take a long time to get at precisely what he is driving at. I confess I am a little confused, although I am very much interested in his very able and interesting argument.



The Senator concedes that the oleomargarine bill after it came from the President was a constitutional act; that act was constitutional because not only on its face but the very purpose of it, considered from every and any standpoint, was to raise revenue, as I understand the Senator.

Suppose the tax provided for in the pending bill was reduced to 5 cents, instead of being at \$2; suppose the tax were reduced to a sum where all would admit that revenue would be raised to a point where under the law parties would go on and make these contracts and pay the tax. Now, the Senator will admit so far as that particular aspect of the case is concerned, it would be a proper exercise of the taxing power.

Mr. WHITE. I beg the Senator's pardon—

Mr. MITCHELL. One moment. So far as that particular aspect of the case is concerned, I suppose the Senator will concede that that would be a proper exercise of the taxing power; but whether the object to which it is applied is a proper one is perhaps a different question. The object to which the tax was applied in the oleomargarine act was a representation of butter, but in this case it is proposed to be applied to certain contracts.

Now, I understand, the Senator's first objection to this bill is that it contemplates invoking the taxing power when the real purpose is not to raise revenue, but to crush out certain things. I understand that is the first objection of the Senator. But suppose that was avoided in the way I have suggested, then is the other and the only objection that the Senator has to this bill, that it interferes with what he regards as valid contracts between parties in a State? Is that it?

Mr. WHITE. Mr. President, I have endeavored to make myself reasonably clear. What I say is this, that if a bill actually raises revenue and is presented to my mind, in the exercise of my duty, under my oath of office here, I have two questions to ask myself: Is this a bill raising revenue? That is the first question. If I determine that question in the affirmative, the lamp of my duty might lead my mind towards supporting that bill, but it could not carry me to that point unless another question were also answered, and that conveys the entire answer to the Senator's question. Is it an honest exercise of the taxing power, or is it a dishonest scheme to raise revenue and accomplish another purpose? If my mind, in the exercise of my duty here, found that either of these things existed, then, although it was a bill raising revenue, I would not vote for a dishonest bill raising revenue.

Mr. MITCHELL. But suppose there is no objection so far as that aspect is concerned, then I want to get the other objection.

Mr. WHITE. If I were the Executive or a judge and the bill came to me, then having passed out of this sphere and into another sphere where motives could not enter, I should say the sole question presented to me was, does it raise revenue on its face, and, if so, I would hold it constitutional.

Mr. HIGGINS. Will the Senator yield to me for a question?

Mr. WHITE. Certainly.

Mr. HIGGINS. I should like to ask the Senator from Louisiana whether he considers that the power of the President to veto a bill which has passed the two Houses of Congress is confined in his opinion to its unconstitutionality, or whether he has not just as much power as the House of Representatives or the Senate to consider the motives which may be behind the bill?

Mr. WHITE. I beg the Senator's pardon. I did not quite catch his last sentence.

Mr. HIGGINS. I will again state my question. I ask whether the Senator considers that in vetoing a bill the President has no power to do it on any other ground than that it is unconstitutional in his opinion, or whether he has not the power to go behind the motive as much as a member of either House of Congress?

Mr. WHITE. I hope that when the mantle of the Presidency falls upon the distinguished Senator from Delaware he will decide that question for himself. I shall not enter into that discussion now.

Mr. HIGGINS. The Senator has assumed that such a bill as the oleomargarine bill could be signed by the President, and was signed by President Cleveland, within his power and competency, on the ground that President Cleveland could not go behind the motive of the bill or to the motive of the bill?

Mr. WHITE. The Senator from Delaware falls into an error. I have said nothing of the kind. I read the declaration of the President, and I said whether he was right or whether he was wrong—and only God himself is always right—in the exercise of his authority and of his power, under his mission and mandate under the Constitution, within those limitations that he thought he should exercise in the discharge of the duties of his great office he signed the bill for the reasons given by him, and I am not here in the discussion of the present subterfugeous and cheating system of taxation to be led astray into a discussion of the power of the President in the exercise of his veto.

Mr. SANDERS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Louisiana yield to the Senator from Montana?

Mr. WHITE. I would rather not yield further, if the Senator will pardon me. I am heated, and I have got an extended argument to make. If the Senator will just allow me to proceed with my argument I shall be obliged to him. I do not intend to be discourteous to him.

The VICE-PRESIDENT. The Senator from Louisiana declines to yield.

Mr. WASHBURN. Will the Senator allow me?

Mr. WHITE. I will yield to the Senator in charge of the bill.

Mr. WASHBURN. In the article of Judge Cooley in the Atlantic Monthly for April, he takes the ground squarely and unqualifiedly that the taxing power of the Government could be invoked to destroy lotteries, not for the raising of revenue but for the absolute destruction of lotteries in the country, and he claims that that is the only way that it can be permanently accomplished. Now, let me ask if there is any distinction between the position taken in regard to lotteries and the suppression of a very much graver character of gambling than selling lottery tickets?

Mr. WHITE. In the comment I made upon the excerpts from Judge Cooley, to which the distinguished Senator referred, I confined myself solely to the quotation made, and I read that quotation. That quotation refers to imposts, and therefore I discussed the particular question. I can not discuss here all the opinions of Judge Cooley in a magazine article, upon every conceivable question, but I may say to the distinguished Senator, in answer to the question which he puts me, that there has been no man in these United States more unalterably opposed to the extension of the Louisiana lottery than I. When my people were clamoring for its suppression and crowding upon me petition after petition to introduce a bill suppressing the Louisiana lottery by the exercise of the power of Federal taxation, I said to them, "Great as is this evil, there is an evil yet greater, and that is the disruption and the destruction of all the great principles of our Government by calling upon the Federal Government to do an illegal, and unconstitutional thing."

Mr. WASHBURN. The Senator has not answered the question which I proposed, which was whether there is any distinction, whether if we have the power to suppress the Louisiana lottery, or any other lottery, by invoking the taxing power, we have not the same power to invoke it to suppress gambling in food products?

Mr. WHITE. I will discuss that question when I come to it. I have already said that I declined to introduce a bill taxing the Louisiana lottery by the Federal Government because I thought it violated the Federal Constitution. That is an answer to the Senator's question.

Mr. President, I have reviewed the proposed statute from its constitutional point of view, but I wish to approach it from another point of view; and in looking at it in this way I entirely put by the constitutional question, I eliminate that entirely from what I have to say. I am supposing now that this proposed statute is within the walls of the Constitution. What then? Should we look only at constitutional questions? If the distinguished Senator were to introduce a bill to-morrow, taking the property of the Senator from Missouri and giving it to the Senator from Georgia, and it were within the Constitution to do so, would I vote for it because it was constitutional?

There are great principles which underlie constitutions and which should control all legislation. There are great elementary conceptions of government, of English-speaking government, born coeval with our race, and which have made our race the dominating race of the world. We should follow them. Every elementary principle known to English-speaking legislation is violated in this bill in every line and every page of it.

Let me see if that is true. What does the bill say? The bill defines options. The bill defines futures. Is the definition general in both cases? It is. Now, if the proposed statute stopped there and contained its penalties, then every human being and every contract for options and futures wherever our administration extended would be brought within the provisions of a general statute. Does this bill do that? No; it is discriminating from one end to the other; it is flagrantly and openly discriminating.

After defining options and futures, then the bill goes on to say, not that all contracts of that kind within this broad land shall come within the reach of this general statute; no, but it picks out particular things and particular subjects-matter to make them alone the subjects of the general law, which, if it has any foundation in public necessity or public right, should operate over a sway as broad as our jurisdiction.

Now, to what is the bill applied? Let me read. I have it here,



and I will stop a moment and read it. Just think of it! Here are these contracts, and here are these general definitions. What does it, the bill, say?

That the articles to which the foregoing sections relate are raw or unmanufactured cotton, hops, wheat, corn, oats, rye, barley, pork, lard, and bacon.

And there it stops. Of all the vast objects of contract in this land, it makes a general definition, and then singles these out alone to cover them by the provisions of the statute. Is there a Senator who does not admit that from the day of Magna Charta down, the first and the elementary principle laid down by English-speaking people is that general laws should operate generally and that no discrimination should be exercised? The distinguished Senator from Mississippi [Mr. GEORGE] helped to frame a constitution in his State recently. I venture to say that in the exercise of the power vested in the Legislature of the State of Mississippi, this discriminating clause would be stricken with constitutional paralysis, because it was not a general law.

There is not a modern State constitution in this Union which has not put its anathema on discrimination. How then is this bill justified? I do not know. By what rule has it been written? What has been the prescience which has looked over all this land and picked out these particular objects to make them alone the subject-matter of this discriminating law?

Mr. President, be the clamor what it may, I know my people well, and I should not be afraid to go with my vote before them with this third section in my hand and invoke their ordinary sense of common American fair play and feel absolutely confident of their denunciation of this attempt to discriminate in favor of one product as against another product.

How is this justified? I have heard some talk about agricultural products. My mail has been burdened every day for a month almost with some circular gotten up by some committee somewhere. The Senator says that this bill is in the interest of the farmers, that the farmers are scattered, that they are not organized and can not protect their rights, and therefore they must be looked after. My mail has been burdened with private letters, telegrams, circulars, newspapers, pamphlets in favor of the bill which has engendered in my mind a deep-seated alarm that there is a mighty conspiracy against the consumers of the country and in favor of certain favored persons, and I think I can demonstrate such to be the fact before I take my seat.

Now, take food products. Does this bill embrace food products? Is cotton a food product? How does cotton get into a food-product bill? Where are butter and cheese and cattle and all the thousand other food products which are left out of this bill, which is called a food-product bill? You have in the bill things which are not food products, and you have not food products in, and yet it is said a great clamor comes up for this bill from the American people because it is a bill to protect food products. If we are going to protect food products let us protect them; do not let us discriminate.

Mr. WASHBURN. Cotton is an agricultural product.

Mr. WHITE. I am coming to agriculture. The trouble is that this bill is so incongruous that I defy any Senator to take a single heading and classify under it the arbitrary selection of subjects which are brought within its provisions. I shall not forget agriculture. Here are agricultural products. Is butter in the bill? Is cheese in the bill? Is hemp in the bill? Are cattle in the bill? Are horses in the bill? Are mules in the bill? Are sheep in the bill? Is wool in the bill? Only, Mr. President, in so far as the bill pulls the wool over our eyes on the agricultural question.

Mr. WASHBURN. If the Senator will allow me, they are not in the bill for the reason that they are not bet on in the gambling resorts of this country. That is the reason they are not in the bill.

Mr. WHITE. I am coming to that. That is a confession of the discrimination, of the favoritism by which the items have been arbitrarily selected. If the gambling spirit is what the Senator thinks, then this bill is going to close the exchanges to these products and open the bucket shops and gambling saloons all over the country to the products which he discriminates against. Then we must write in the title of this bill "An act passed by the Congress of the United States to stimulate gambling in the agricultural products, and to encourage the opening of bucket shops by forbidding gambling in a few products and licensing as to all the others."

But, Mr. President, what a proposition, that these things are picked out for anathema and denunciation because they are dealt in on boards of trade! God of mercy, in this age of the world are we to shut our eyes to every teaching of the English-speaking race? Are we to confess that we are more ignorant than were our forefathers two hundred years ago.

Why, sir, what is the history of English commerce? What has enabled it to carry on its wings the light of civilization and religion and truth all over this world? What has done it, sir,

but the organized energies of the great commercial bodies of the world, speaking through their chambers of commerce and their boards of trade? The very structure of our Government, almost the very fiber of this Government, was evolved in that country which preserved its liberties by the efforts of its great bodies of merchants assembled together for the purpose of trading. The very essence of trade is liberty itself; intercourse engenders the immortal spirit of liberty from the very fact that men gather together in the interest of commerce, which needs the wings of liberty and of peace to spread itself in enlightening and improving the world.

Let us see what the argument of the Senator would lead us to. What are these boards of trade? They are merely the aggregation of merchants who meet in a room to collect the information necessary to enable every man to trade on an equal footing. The telegraph, the reports of all kinds, the bulletin board, everything open; so, if I may be pardoned in the use of such a slang expression, there is a fair and square deal, and the man who buys and the man who sells, all possessing the information which is garnered all over the whole world, deal on an equal footing.

Mr. President, boards of trade are true evolutions of that doctrine of equality which has dominated the world, the equality and liberty of man. The poor man with small capital who goes into the great chambers of commerce and the boards of trade with all the information exposed to his view, needs to protect himself from being gouged and destroyed only the light of the reason which God has given him. It is putting him on an equality with the rich. The purpose of this bill, then, is to strike down all the trading which can be done at an equal advantage, and to stimulate the trading where the small man will be at the mercy of the big man. Its purpose, then, is to allow trading where all the protections which modern society and modern commerce have evolved will be destroyed.

Mr. GRAY. Will the Senator from Louisiana yield to me a moment?

The VICE-PRESIDENT. Does the Senator from Louisiana yield to the Senator from Delaware?

Mr. WHITE. With pleasure.

Mr. GRAY. The hour of 5 o'clock has arrived, and I perceive that the Senator is tired. I move that the Senate adjourn.

Mr. PLATT. I should like to get action on a small bill.

Mr. WASHBURN. I hope the Senator from Delaware will not press his motion. We have only spent two hours to day in this discussion.

Mr. GRAY. I only press it because the Senator from Louisiana [Mr. WHITE] tells me he is suffering with an affection of the throat and is feeling very much fatigued.

The VICE-PRESIDENT. Does the Senator from Delaware withdraw the motion?

Mr. PLATT. Mr. President—

Mr. GRAY. I yield to the Senator from Connecticut [Mr. PLATT], if I may have unanimous consent that it does not take the floor away from the Senator from Louisiana [Mr. WHITE] for to-morrow morning.

The VICE-PRESIDENT. The Senator from Connecticut is recognized.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief 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 amendment of the Senate to the bill (H. R. 6091) to amend "An act to authorize the construction of a bridge across the Tennessee River at or near Knoxville, Tenn.," approved August 9, 1888.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 8122) to prohibit the use of "one-horse" cars within the limits of the city of Washington after the 1st day of January, 1893, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEARD, Mr. COBB of Alabama, and Mr. POST managers at the conference on the part of the House.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 5941) to build a bridge across the Tennessee River between a point in Whitesburg Precinct, in Madison County, in the State of Alabama;

A bill (H. R. 5997) to amend section 2 of an act approved May 14, 1880, being "An act for the relief of settlers on public lands;" and

A bill (H. R. 7720) to authorize the construction of a bridge across the Savannah River.

The message also announced that the House had passed the following bills:

A bill (S. 620) to amend an act entitled "An act to promote



the administration of justice in the Army," approved October 1, 1890;

A bill (S. 710) providing for the relief of William G. Spencer, of Maryland, late captain Seventeenth Infantry, United States Army;

A bill (S. 898) to furnish the Gettysburg Battlefield Memorial Association, at Gettysburg, Pa., with specimens of arms, accoutrements, and so forth, used by the armies in the battle of Gettysburg, for exhibition and preservation at the Gettysburg Museum;

A bill (S. 1039) to define the grade of certain medical officers of the Army, and for other purposes;

A bill (S. 1040) authorizing the Secretary of War to lease public property in certain cases;

A bill (S. 1230) amending the act of October 1, 1890, entitled "An act to provide for the examination of certain officers of the Army and to regulate promotions therein;"

A bill (S. 1722) to provide for the examination and promotion of enlisted men of the Army to the grade of second lieutenant; and

A bill (S. 3154) to amend section 9 of the act for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico, passed March 2, 1889.

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

A bill (S. 621) to provide for the collection, custody, and arrangement of the military records of the American Revolution and the war of 1812; and

A bill (S. 2470) to amend the Articles of War, 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. 8579) to amend an act entitled "An act to incorporate the Brightwood Railway Company of the District of Columbia;"

A bill (S. 1775) to fix the compensation of keepers and crews of life-saving stations;

A bill (S. 1793) to legalize the deed and other records of the Office of Indian Affairs, and to provide and authorize the use of a seal by said office;

A bill (S. 2968) to provide for a May term of the district court of the United States for the eastern district of South Carolina; and

A bill (S. 3011) to amend "An act to define the jurisdiction of the police court of the District of Columbia," approved March 3, 1891.

#### SALE OF INTOXICANTS IN THE INDIAN COUNTRY.

Mr. PLATT. I desire to have reconsidered the vote by which, on yesterday, the Senate disagreed to the amendment of the House to Senate bill 1988, and after such vote shall have been reconsidered I shall ask the Senate to concur in the amendment of the House.

The VICE-PRESIDENT. The bill referred to by the Senator from Connecticut will be reported by its title.

The CHIEF CLERK. A bill (S. 1988) to amend sections 2133, 2140, and 2141 of the Revised Statutes, touching the sale of intoxicants in the Indian country, and for other purposes.

The VICE-PRESIDENT. The question is on the motion of the Senator from Connecticut that the Senate reconsider the vote by which it disagreed to the amendment of the House to the bill the title of which has just been reported.

Mr. WASHBURN. If the Senator from Delaware [Mr. GRAY] will withdraw his motion, I wish to make a motion.

The VICE-PRESIDENT. The Senator from Connecticut [Mr. PLATT] has been recognized by the Chair. The question is on the motion made by the Senator from Connecticut that the Senate reconsider the vote disagreeing to the amendment made by the House of Representatives to the bill the title of which has just been read.

The motion to reconsider was agreed to.

Mr. PLATT. I now move that the Senate concur in the House amendment to the bill.

The VICE-PRESIDENT. The question is on concurring in the amendment of the House of Representatives to the bill.

Mr. PLATT. Let the amendment be read.

The VICE-PRESIDENT. The amendment of the House of Representatives will be read.

The CHIEF CLERK. The amendment of the House of Representatives is to strike out all after the first section, and add to section 1 the following:

All complaints for the arrest of any person or persons made for violation of any of the provisions of this act shall be made in the county where the

offense shall have been committed, or if committed upon or within any reservation not included in any county, then in any county adjoining such reservation, and, if in the Indian Territory, before the United States court commissioner or commissioner of the circuit court of the United States residing nearest the place where the offense was committed who is not for any reason disqualified; but in all cases such arrests shall be made before any United States court commissioner residing in such adjoining county, or before any magistrate or judicial officer authorized by the laws of the State in which such reservation is located to issue warrants for the arrest and examination of offenders by section 1014 of the Revised Statutes of the United States. And all persons so arrested shall, unless discharged upon examination, be held to answer and stand trial before the court of the United States having jurisdiction of the offense.

The VICE-PRESIDENT. The question is on the motion of the Senator from Connecticut that the Senate concur in the amendment of the House of Representatives to the bill.

The motion was agreed to.

#### ORDER OF BUSINESS.

Mr. GRAY. I believe my motion to adjourn is before the Senate?

Mr. BERRY. Mr. President—

Mr. GRAY. I yield to the Senator from Arkansas [Mr. BERRY].

Mr. BERRY. I ask leave to call up a bill which will take but a minute.

Mr. CULLOM. I ask the attention of the Senate. I think we might spend an hour very profitably by going to the Calendar and disposing of bills on the Calendar which came from the House of Representatives to which there is no objection.

Mr. HARRIS. I suggest to the Senator from Illinois that the standing order is that when we go to the Calendar we consider House bills in their order; but I have no objection to the bill of the Senator from Arkansas.

Mr. BERRY. I hope the Senate will allow me to have this bill considered and passed. It is a House bill.

Mr. HARRIS. I think we had better go through the Calendar of House bills favorably reported.

Mr. CULLOM. That is exactly what I want to do. I think we might spend an hour or two very profitably in that way.

Mr. HARRIS. I think so, too, if the Senator from Delaware [Mr. GRAY] will withdraw his motion.

Mr. BERRY. I hope the Senator will let me get this bill passed.

Mr. COCKRELL. Let them all be passed.

Mr. GRAY. I withdraw my motion to adjourn with the understanding that the Calendar be proceeded with.

Mr. CULLOM. The Senator from Louisiana [Mr. WHITE] will be entitled to the floor on the antioption bill when it is resumed. I do not desire to take it from him for the purpose of making this motion, if it is understood that that shall be its effect.

Mr. GRAY. I withdraw my motion to adjourn, with the understanding that some business on the Calendar is to be transacted.

Mr. CULLOM. That is all right. I am much obliged to the Senator.

Mr. BERRY. I ask unanimous consent—

Mr. COCKRELL. I think we ought to go on with the Calendar. I gave notice the other day that I should oppose any departure from the understanding.

Mr. BERRY. The Senator has a perfect right to object.

Mr. CULLOM. I ask the Senate to proceed to the consideration of House bills under Rule VIII.

Mr. WASHBURN. I move that when the Senate adjourn to-day, it adjourn to meet to-morrow at 11 o'clock a. m.

The VICE-PRESIDENT. The question is on the motion made by the Senator from Minnesota, that when the Senate adjourn to-day it be to meet to-morrow morning at 11 o'clock. [Putting the question.] The yeas seem to have it.

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

Mr. HARRIS. I hope the Senator will withdraw that motion to a later hour, because a yeas-and-nays vote may stop other proceedings.

The VICE-PRESIDENT. Is the demand for the yeas and nays seconded?

Mr. MORGAN. I should like to say to the Senator from Minnesota that very important committee meetings have been appointed for 11 o'clock to-morrow, without any expectation of a change in the hour of meeting.

Mr. WASHBURN. If that is the case, I will withdraw the motion.

The VICE-PRESIDENT. The motion is withdrawn.

Mr. CULLOM. I hope we shall now proceed to the consideration of cases on the Calendar to which there is no objection.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House insisted upon its amendment to the bill (S. 1498) for the establishment of additional aids to navigation in Tampa Bay, Florida, disagreed to



by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MALLORY, Mr. O'NEILL of Missouri, and Mr. LIND managers at the conference on the part of the House.

The message also announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 3850) for the relief of the heirs and legal representatives of certain soldiers;

A bill (H. R. 7172) to authorize the Secretary of War to appoint a board of review in certain cases;

A bill (H. R. 9022) to provide for the examination of certain officers of the Marine Corps, and to regulate promotions therein;

A bill (H. R. 9324) to enforce reciprocal commercial relations between the United States and Canada, and for other purposes;

A joint resolution (H. Res. 80) authorizing the acceptance of medals presented to the officers and crew of the United States steamship Baltimore by the King of Sweden; and

A joint resolution (H. Res. 142) extending the time for the construction of a hotel on the Government reservation at Fort Monroe, Va.

Mr. PADDOCK submitted the following report:

#### REMOVAL OF PENSION DISABILITY.

The committee of conference of the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 2137) to amend an act amending the pension law so to remove the disability of those who, having participated in the rebellion, have since its termination enlisted in the Army of the United States and become disabled, approved March 3, 1877, having met, after full and free conference have failed to come to an agreement, and ask for a further conference.

A. S. PADDOCK,  
GEO. L. SHOUP,  
D. TURPIE,

*Managers on the part of the Senate.*

A. N. MARTIN,  
W. H. HARRIES,  
JOHN L. JOLLEY,

*Managers on the part of the House.*

Mr. PADDOCK. I move that the conference report be adopted, and that the Senate accede to the request of the House of Representatives for a further conference.

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. PADDOCK, Mr. SHOUP, and Mr. TURPIE were appointed.

#### HOUSE BILLS REFERRED.

The bill (H. R. 9022) to provide for the examination of certain officers of the Marine Corps and to regulate promotion therein, was read twice by its title and referred to the Committee on Naval Affairs.

The joint resolution (H. Res. 80) authorizing the acceptance of medals presented to the officers and crew of the United States steamship Baltimore by the King of Sweden was read twice by its title, and referred to the Committee on Foreign Relations.

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

A bill (H. R. 3850) for the relief of the heirs and legal representatives of certain soldiers;

A bill (H. R. 7172) to authorize the Secretary of War to appoint a board of review in certain cases; and

A joint resolution (H. Res. 142) extending the time for the construction of a hotel on the Government reservation at Fort-tress Monroe, Va.

#### RECIPROCAL COMMERCIAL RELATIONS WITH CANADA.

The bill (H. R. 9324) to enforce reciprocal commercial relations between the United States and Canada, and for other purposes, was read twice by its title.

Mr. FRYE. I ask that that bill may take the place of Order of Business 884, Senate bill 3310, to secure certain reciprocal advantages to citizens, ports, and vessels of the United States. It is almost identical with the bill reported from the Committee on Foreign Relations now on the Calendar.

The VICE-PRESIDENT. The request of the Senator from Maine will be agreed to in the absence of objection.

#### ADDITIONAL REPORTS OF COMMITTEES.

Mr. HAWLEY, from the Committee on Military Affairs, submitted a report to accompany the bill (S. 3406) to accept a bequest made by Gen. George W. Cullum for the erection of a memorial hall at West Point, N. Y., and to carry the terms and conditions of the same into execution, heretofore reported by him.

He also, from the same committee, to whom the subject was referred, reported a joint resolution (S. R. 103) relating to bequests made by the late Gen. Cullum; which was read twice by its title.

He also, from the same committee, to whom was referred the

bill (S. 3446) to remove the charge of desertion from the military record of Peter Buckley, reported it with an amendment, and submitted a report thereon.

#### CONSIDERATION OF HOUSE BILLS ON THE CALENDAR.

Mr. CULLOM. I hope we shall proceed to the Calendar on House bills unobjected, beginning where we left off yesterday.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the antioption bill so called will be laid aside temporarily. The first House bill on the Calendar will be stated.

GEORGE W. BARR.

The bill (H. R. 4113) to grant an honorable discharge to George W. Barr from the Army was considered as in Committee of the Whole.

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

That the President of the United States be, and hereby is, authorized to revoke and set aside Special Orders No. 45, War Department, Adjutant General's Office, Washington, January 23, 1863, so far as the same directed the dismissal, by direction of the President, from the service of the United States, for incompetency, Surg. G. W. Barr, Sixty-fourth Regiment New York Volunteers, and to accept the resignation of said Surg. G. W. Barr, tendered on July 10, 1862, as of the said date of January 23, 1863, and to cause to be issued to said Barr a certificate of such acceptance and honorable discharge: *Provided*, That this act shall not be held to confer any right to any pay, bounty, or other pecuniary emoluments, or to remove any existing bar to the same.

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.

#### STATEMENTS OF FOREIGN CORPORATIONS IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 6793) to provide for semiannual statements by foreign corporations doing business in the District of Columbia was announced as the next House bill on the Calendar.

Mr. COCKRELL. Let that be passed over.

The VICE-PRESIDENT. The bill will be passed over.

Mr. HANSBROUGH subsequently said: I should like to inquire what has become of Order of Business No. 927?

Mr. COCKRELL. That was passed over without objection for the present. I asked that it might be passed over.

Mr. HANSBROUGH. It is House bill 6793.

Mr. COCKRELL. I understand it perfectly. I have requested that it be passed over for a short time.

Mr. HANSBROUGH. I did not hear the Senator.

JANE A. WARD.

The bill (H. R. 712) granting a pension to Jane A. Ward, widow of D. A. Ward, was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Jane A. Ward, widow of D. A. Ward, late captain of Company F, Fourteenth Wisconsin Volunteers, in the war of the rebellion, and subsequently a captain in the Twenty-fifth Regiment of United States Infantry, and mustered out under the act of 1871, and to pay her a pension of \$12 per month, instead of \$8, which she is now receiving.

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

R. A. SPAULDING.

The bill (H. R. 2503) for the relief of R. A. Spaulding, administrator of the estate of Solomon Blue, deceased, was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments, in line 4, to strike out the name "R. A. Spaulding" and insert "James B. Blue;" in line 5, after the word "administrator," to insert "*de bonis non*;" in line 6, after the word "six," to strike out "thousand and fifty" and insert "hundred and seventy-two;" in line 7, after the word "dollars," to insert "and 50 cents, in full satisfaction of the claim;" in line 8, "after the word "taken," to strike out "and used;" and in line 9, after the words "sixty-four," to insert "from the late Solomon Blue, deceased;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James B. Blue, administrator *de bonis non* of the estate of Solomon Blue, deceased, the sum of \$672.50, in full satisfaction of the claim for cattle taken by the Army of the United States, August, 1864, from the late Solomon Blue, deceased.

The amendments were agreed to.

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

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

The bill was read the third time, and passed.

The title of the bill was amended so as to read: "A bill for the



relief of James B. Blue, administrator *de bonis non* of the estate of Solomon Blue, deceased."

#### BEQUEST OF GEN. CULLUM.

Mr. HAWLEY. I ask unanimous consent to take up Order of Business 939, to accept the bequest of Gen. Cullum.

Mr. COCKRELL. Let us proceed a little while longer with the unobjected House cases. We shall be through with them in a few minutes.

Mr. HAWLEY. If I thought there could be a chance for that I should be content to wait.

Mr. COCKRELL. If we yield to one Senator there will be a dozen others to ask for the same thing.

Mr. HAWLEY. Very well. In the mean time if the Senator will look at the title of the bill I shall be glad. It has got to be passed in a certain time to be of any value.

#### D. P. ABBOTT AND OTHERS.

The bill (H. R. 4270) for the relief of D. P. Abbott, A. S. Keeves, and T. E. Smith was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to D. P. Abbott, A. S. Keeves, and T. E. Smith \$4,728.80, to reimburse them for that amount paid by them into the Treasury of the United States as the sureties of J. G. Walker, deputy collector of internal revenue for the sixth Missouri district under Charles E. Hasbrook, late collector of that district, being the face value of certain internal-revenue stamps in the possession and custody of J. E. Walker as deputy collector, which were, on or about the 25th of September, 1888, stolen from him by burglarious entrance into his office, without any fault or neglect on his part.

Mr. CHANDLER. I wish to ask what is the amount appropriated in that bill?

The VICE-PRESIDENT. Four thousand seven hundred and twenty-eight dollars and eighty cents.

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

#### JAMES M. THOMPSON.

The bill (H. R. 1777) to remove the charge of desertion from the record of James M. Thompson 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.

#### MICHAEL KEEFE, DECEASED.

The bill (H. R. 1084) to remove the charge of desertion now standing against Michael Keefe, deceased, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 7, after the word "date," to strike out "at the time of the discharge of said regiment," and insert "September 28, 1864, on account of being disabled for further military service;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing against Michael Keefe, deceased, late of Company B, Eighth Regiment Connecticut Volunteers, and to grant an honorable discharge to date, September 28, 1864, on account of being disabled for further military service.

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 a third time, and passed.

Mr. HAWLEY. I ask the Senator from Missouri [Mr. COCKRELL] if an amendment to this bill is really indispensable?

Mr. COCKRELL. Yes, I think so. The bill will get through.

Mr. HAWLEY. It is a House bill, and if it is passed with an amendment, there will be danger of its being lost.

Mr. COCKRELL. That is all true, but it is not worth while to give a man a year's pay to which he is not entitled.

Mr. HAWLEY. I do not ask that.

Mr. COCKRELL. I move that the Senate insist upon its amendment, and ask for a conference with the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. HAWLEY, Mr. MANDERSON, and Mr. COCKRELL were appointed.

#### JOSEPH WACKERLEY.

The bill (H. R. 4833) to correct the military record of Joseph Wackerley was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment in line 6, after the word "by," to strike out the words "causing the charge of desertion to be removed therefrom," and insert:

Removing therefrom the charges of desertion, and substituting therefor "Captured at Shiloh, Tenn., April 6, 1862, paroled at Montgomery, Ala., May 22, 1862, and declared exchanged on September 21, 1862, by General Orders 147,

Adjutant-General's Office, of 1862; and never having rejoined his company remained absent without leave until October 16, 1863, when he enlisted in Company H, Twelfth Regiment Ohio Cavalry Volunteers, for three years, and was mustered out with his company and honorably discharged on November 14, 1865, at Nashville, Tenn."

So as to read:

That the Secretary of War be, and he is hereby, authorized and directed to correct and amend the record of Joseph Wackerley, late a private in Company K, Twenty-fourth Regiment Ohio Infantry, by removing therefrom the charges of desertion, etc.

Mr. COCKRELL. In line 8, the word "therefore" should be "therefor." I move that amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended 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.

Mr. COCKRELL. I move that the Senate insist upon its amendment and ask for a conference with the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. HAWLEY, Mr. MANDERSON, and Mr. COCKRELL were appointed.

#### DE LOSS CRAMER.

The bill (H. R. 793) to amend the military record of De Loss Cramer 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.

#### MARY NORTH.

The bill (H. R. 8868) granting increase of pension to Mary North, a widow of a soldier of war of 1812, and who is 100 years old, was considered as in Committee of the Whole. It proposes to pay a pension of \$25 per month to Mary North, of Coweta County, Ga., who is 100 years old, in lieu of the pension she now receives as widow of a soldier of war of 1812.

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

#### BENJAMIN CHURCHILL.

The bill (H. R. 4378) granting a pension to Benjamin Churchill was considered as in Committee of the Whole. It proposes to place on the pension roll, at \$30 per month, the name of Benjamin Churchill, late a private in Capt. E. Wheeler's company, New York Militia, in the war of 1812, the soldier being now nearly 100 years old, to be in lieu of the pension now drawn by him under certificate No. 22009.

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

#### AARON J. OLIVER.

The bill (H. R. 2049) for the relief of Aaron J. Oliver was considered as in Committee of the Whole. It proposes to amend the records of the War Department in such manner as to relieve from the charge of dishonorable discharge the name of Aaron J. Oliver, formerly a member of Company E, Ninety-first Regiment New York Volunteers.

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

#### CUSTOMS PRIVILEGES TO PORT OF DUNKIRK, N. Y.

The bill (H. R. 8124) to extend the privileges of the transportation of dutiable merchandise without appraisement to the port of Dunkirk, N. Y., 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.

#### HEIR OF HUGH WORTHINGTON.

The bill (H. R. 4827) to confer jurisdiction on the Court of Claims to hear and determine the claim of the heir of Hugh Worthington for his interest in the steamer Eastport was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments in section 1, line 5, after the word "law," to strike out the words "and equity;" and in line 14, after the word "just," to strike out "and equitable;" so as to make the section read:

That full jurisdiction is hereby conferred upon the Court of Claims to hear and determine what are the just rights in law of the said Sarah A. Oakes, as heir of Hugh Worthington, deceased, and that from any judgment so entered by said Court of Claims either party may appeal to the Supreme Court of the United States, for compensation for the value of said Worthington's interest in said steamer Eastport. That upon proper petition being presented by said Sarah A. Oakes, her heirs, executors, or administrators, to said court, said court is authorized and directed to inquire into the merits of said claim, and if on a full hearing the court shall find that said claim is just, the court shall enter judgment in favor of the claimant as if against the United States for whatever sum shall be found to be due.

The amendments were agreed to.



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

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

The bill was read the third time, and passed.

The VICE-PRESIDENT. The amendments to the preamble will now be stated.

The CHIEF CLERK. In line 1 of the first clause of the preamble, after the word "whereas," the committee proposes to insert the words "it is claimed;" and in line 1 of the second clause of the preamble, after the word "whereas," to insert "it is claimed;" so as to make the preamble read:

Whereas it is claimed the steamer Eastport was taken by the United States A. D. 1862, and converted into a gunboat; and

Whereas it is claimed at the time of such taking one Hugh Worthington, then of Metropolis, Massac County, Ill., but since deceased, was the owner of three-fifths interest in said steamer, and no compensation has been paid to said Hugh Worthington or his heirs; and

Whereas his daughter, Mrs. Sarah A. Oakes, of Metropolis, Ill., claims that Hugh Worthington was a loyal citizen, that she is his only heir at law, and is justly entitled to receive from the United States compensation for the value of her father's interest in said steamer.

The amendment was agreed to.

Mr. CULLOM. Now, I desire to correct next to the last word in the second clause of the preamble. The word "hers" should be "heirs."

The amendment was agreed to.

The preamble as amended was agreed to.

Mr. CULLOM. I move that the Senate insist on its amendments and ask for a conference with the House of Representatives.

The motion was agreed to.

By unanimous consent the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. VILAS, Mr. SANDERS, and Mr. DANIEL were appointed.

#### JULIUS C. ZANONE.

The bill (H. R. 2100) for the relief of Julius C. Zanone, only heir of John B. Janone, late of Mound City, in Pulaski County, Ill., deceased, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Julius C. Zanone, only heir of John B. Zanone, deceased, late of Mound City, in the county of Pulaski and State of Illinois, \$4,525, as and for the rental value of certain buildings in Mound City, Ill., from April 20, 1864, to April 30, 1869, the buildings having been used and occupied by the United States Government as a marine barracks, etc.

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

#### PAYMENT OF DISTRICT CERTIFICATE OF INDEBTEDNESS.

The bill (H. R. 6891) authorizing the payment of a certificate of indebtedness of the District of Columbia, No. 4987, was considered as in Committee of the Whole. It appropriates \$107, one-half out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia, for the redemption, with interest, of a certificate of indebtedness numbered 4987, issued by authority of section 7 of the Legislative Assembly of the District of Columbia, approved June 26, 1873, dated July 1, 1873.

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

#### HOURS OF LABOR ON PUBLIC WORKS.

The bill (H. R. 8537) relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia was announced as next in order.

Mr. HARRIS. Let that go over for the present, without losing its place on the Calendar.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

#### CHARITY W. CLARK.

The bill (H. R. 3718) granting a pension to Charity W. Clark, mother of Edmond M. Clark, formerly of Company M, Seventeenth Pennsylvania Cavalry, was considered as in Committee of the Whole. It proposes to place upon the pension rolls the name of Charity W. Clark, mother of the late Edmond M. Clark, of Company M, Seventeenth 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.

#### ELIZABETH MOHAN.

The bill (H. R. 888) granting a pension to Elizabeth Mohan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Mohan, the idiotic daughter of Thomas Mohan, deceased, private in Company I, of the Second Colorado Cavalry, and to pay her legally ap-

pointed guardian during her disability a pension under the limitations of the act of June 27, 1890.

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

#### JOHN C. FORD.

The bill (H. R. 4022) granting an increase of pension to John C. Ford was considered as in Committee of the Whole. It proposes to increase the pension of John C. Ford, late a captain of Company H, Twenty-first Regiment Veteran Reserve Corps, so as to include a pension for such disabilities as may be shown to have been incurred in line of duty while acting as a scout and messenger between the dates of September 20, 1861, and December 14, 1863.

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

#### ELIZABETH BOWDEN.

The bill (H. R. 5829) granting a pension to Elizabeth Bowden was considered as in the Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment after the word "at," in line 6, to strike out "and after;" 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 of the United States the name of Elizabeth Bowden, late a nurse and superintendent of nurses, to be paid a pension 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 a third time, and passed.

#### JULIA BODLEY.

The bill (H. R. 3905) granting a pension to Julia Bodley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julia Bodley, widow of James C. Bodley, late major of the Eighty-eighth Regiment Indiana 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.

#### MARTHA A. BEERBOWER.

The bill (H. R. 5477) to pension Martha A. Beerbower was considered as in Committee of the Whole. It proposes to restore to the pension roll the name of Martha A. Beerbower, of West Virginia, widow of Jesse Beerbower, assistant surgeon of Third Potomac Home Brigade, in the late war.

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

#### JOSEPH J. GRANBERRY.

The bill (H. R. 9332) granting a pension to Joseph J. Granberry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph J. Granberry, a soldier of the Indian war of 1836, 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.

#### FRANCES B. WILSON.

The bill (H. R. 8618) granting a pension to Frances B. Wilson was considered as in Committee of the Whole. It proposes to place on the pension rolls the name of Frances B. Wilson, who was the widow of Ross Wilson, private in Company F, Forty-ninth Regiment Ohio Volunteer Infantry.

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

#### LOUISA B. SHARP.

The bill (H. R. 6563) granting a pension to Louisa B. Sharp was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louisa B. Sharp, widow of John B. Sharp, first lieutenant in Company F, Eighteenth Regiment Missouri 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.

#### HENRY MERRITT.

The bill (H. R. 7117) granting an increase of pension to Henry Merritt was considered as in Committee of the Whole. It proposes to place upon the pension roll at \$25 per month, in lieu of the pension which he now receives, the name of Henry Merritt, late a private of the Second Ohio Regiment in the war with Mexico.

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

#### THOMAS THOMPSON.

The bill (H. R. 7042) granting a pension to Thomas Thompson



was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Thompson, dependent and crippled son of Cornelius Thompson, late a private in Company D, One hundred and ninety-second Ohio Volunteer Infantry.

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

SUSAN LOMASNEY.

The bill (H. R. 8398) for the relief of Susan Lomasney was considered as in Committee of the Whole. It proposes to place the name of Susan Lomasney, widow of William M. Lomasney, alias Mackey, Company H, One hundred and seventy-ninth New York Infantry, upon the pension rolls.

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

MRS. SOPHIA BRUNER HINELINE.

The bill (H. R. 1350) granting a pension to Mrs. Sophia Bruner Hineline was considered as in Committee of the Whole. It proposes to place on the pension rolls the name of Sophia Bruner Hineline, late widow of David Bruner, late a private in Company B, Seventy-second Ohio Volunteer Infantry.

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

CECILIA WHITE.

The bill (H. R. 3821) granting a pension to Cecilia White was considered as in Committee of the Whole. It proposes to place the name of Cecilia White, of Burlington, Iowa, on the pension roll, and to pay her a pension of \$12 per month for her services as a nurse during the civil war.

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

MARTHA J. GRIFFITH.

The bill (H. R. 6752) granting a pension to Martha J. Griffith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha J. Griffith, widow of Moses Griffith, late of Company A, Twentieth 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.

JEREMIAH WHITE.

The bill (H. R. 7434) for the relief of Jeremiah White, Osage City, Kans., was considered as in Committee of the Whole. It proposes to place upon the pension roll Jeremiah White, late private of Capt. Hare Fellow's company, Second Regiment Illinois Mounted Volunteers, Black Hawk war, 1831, and to pay him a pension of \$18 per month in lieu of the pension of \$6 per month which he is now receiving.

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

DENISON AND NORTHERN RAILWAY COMPANY.

The bill (H. R. 7684) to authorize the Denison and Northern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, 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.

WILLIAM COLVILL.

The bill (H. R. 6562) granting a pension to William Colvill, of Minnesota, was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of William Colvill, late colonel of the First Regiment of Minnesota Infantry and brevet brigadier-general of volunteers, at \$50 per month, in lieu of the pension now allowed him.

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

MRS. MARGARET BRACKETT.

The bill (H. R. 9018) granting a pension to Mrs. Margaret Brackett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mrs. Margaret Brackett, widow of Dr. James W. Brackett, late surgeon of the Ninth Regiment Illinois Volunteers, at \$12 per month from and after the passage of the bill.

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

Mr. PLATT. Should not the language of the bill be "from and after the passage of this act"? The words "from and after the passage of this bill" would not look well in a law.

Mr. COCKRELL. It does not make any difference.

Mr. PLATT. I will not propose any amendment, as it might defeat the bill.

The bill was passed.

JOHN D. PRATOR.

The bill (H. R. 4034) to increase the pension of John D. Prator was considered as in Committee of the Whole. It proposes to increase the pension of John D. Prator, of Magnolia, Ark., who served in Capt. Allen's company from the State of Georgia, Indian war, 1836, to \$15 per month.

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

NANCY CAMPBELL.

The bill (H. R. 3203) granting a pension to Nancy Campbell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nancy Campbell, of Magnolia, Columbia County, Ark., widow of Archibald Campbell, late a private of James Blakeney's company, Hardee's battalion, South Carolina Militia, Florida war, 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.

ANNA TORRENCE.

The bill (H. R. 4946) to grant a pension to Anna Torrence was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Anna Torrence, of Roanoke, Ind., formerly widow of Elijah Groves, deceased, late a private in Company F, One hundredth Regiment of Indiana Volunteers in the 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.

LOUIS BADGER.

The bill (H. R. 6302) to increase the pension of Louis Badger, late of the Fourth Indiana Cavalry, was considered as in Committee of the Whole. It proposes to place on the pension rolls the name of Louis Badger, late of the Fourth Indiana Cavalry, at \$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.

COMMITTEE ON TERRITORIES.

Mr. PLATT. May I have unanimous consent to interrupt the order to offer a resolution for reference to the Committee to Audit and Control the Contingent Expenses of the Senate?

The VICE-PRESIDENT. The resolution will be received and read, in the absence of objection.

The Chief Clerk read the resolution, as follows:

*Resolved*, That the Committee on Territories, or any subcommittee thereof appointed for the purpose, are hereby authorized during the recess of Congress to visit the Territories of New Mexico, Arizona, Utah, and Oklahoma for the purpose of obtaining information with regard to the resources, population, and condition of said Territories, and as to the propriety of the admission of the same as States, and that the expenses of said committee be paid out of the contingent fund of the Senate.

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

REUBEN RIGGS.

The bill (H. R. 5518) to pension Reuben Riggs was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Reuben Riggs, of Locust Bayou, Calhoun County, Ark., who served as a private in Capt. McDavid's Company H, Snodgrass's Regiment, North Alabama Mounted Volunteers, Florida war, 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.

LOUIS HENINGER.

The bill (H. R. 1002) granting a pension to Louis Heninger, of St. Louis, Mo., was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louis Heninger, without regard to rank, at a rate proportionate to the degree of his disability from shell wound of the knee.

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

CYNTHIA E. BRINNEMAN.

The bill (H. R. 4945) to restore Cynthia E. Brinneman, formerly Tate, to the pension roll was considered as in Committee of the Whole. It proposes to restore to the pension roll the name of Cynthia E. Brinneman, formerly Tate, of Montpelier, Ind., former widow of John Tate, deceased, late a private in Company A, Forty-seventh Regiment of Indiana Volunteers, in the war of the rebellion, on whose account she was pensioned, 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.

IMPROVEMENT OF OUTER BAR OF BRUNSWICK, GA.

The bill (H. R. 9581) to provide for the improvement of the outer bar of Brunswick, Ga., was announced as next in order.



Mr. CHANDLER. I ask that that bill may go over.

Mr. COLQUITT. I hope the Senator will not interpose an objection.

Mr. CHANDLER. The chairman of the Committee on Commerce is not here. I see, however, the Senator from Georgia is present, and I withdraw the objection.

Mr. GORDON. There is not a particle of objection to the bill. There is not a dollar appropriated by it.

Mr. CULLOM. There must be an appropriation if anything is done. I prefer that the bill should not be considered to-night.

Mr. HARRIS. Let the bill go over without prejudice.

Mr. CULLOM. Yes, I do not want to prejudice it. I have not had time to read the bill.

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

#### PENSIONS TO SURVIVORS OF INDIAN WARS.

The bill (H. R. 7296) granting pensions to survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war, was announced as next in order.

Mr. HAWLEY. The member of the Pension Committee who reported that bill is not here.

Mr. COCKRELL. This bill is reported without amendment. We had it up and discussed it some time ago, when it was re-committed to the Committee on Pensions, and was reported without amendment.

Mr. HAWLEY. If the Senator has examined the bill I am satisfied.

Mr. COCKRELL. It has been considered, and I think it is all right.

Mr. PADDOCK. I wish to say for the Committee on Pensions that the bill as it now stands, stripped of all amendments, was the unanimous report of the committee. It now stands as it was passed by the House of Representatives.

In this connection I desire to say that the Senator from Florida [Mr. PASCO], who is not here now, desired to offer an amendment to the bill, which of course was not agreed to by the committee, to change the date from "1842" to "1858." Personally I have no objection to it.

Mr. ALLISON. Let the bill go over.

The VICE-PRESIDENT. The bill will be passed over.

The bill (H. R. 6142) for the relief of J. D. King was announced as next in order.

Mr. HARRIS. What has become of House bill 7296?

The VICE-PRESIDENT. It has gone over without prejudice.

Mr. COCKRELL. It is a very small matter. There are only a few of those old men left. We had the whole question up heretofore, and discussed it. The bill was then re-committed to the Committee on Pensions, and the committee reported unanimously against placing any amendments upon it. We do not want to add any amendments including the late Indian wars, certainly.

Mr. ALLISON. I only made the suggestion in view of what was said by the Senator from Nebraska [Mr. PADDOCK], that the Senator from Florida [Mr. PASCO] desired to offer an amendment.

Mr. PADDOCK. I only state the fact that the Senator from Florida desired to change the date in the bill.

Mr. COCKRELL. Let us take it the way it is now. It includes enough.

Mr. CHANDLER. I think we had better give the Senator from Florida a fair opportunity. He is not here.

Mr. HARRIS. Has not the Senator from Florida a fair opportunity now? The Senate is in session, and he has been here all day, or up to a very late time.

Mr. PADDOCK. I do not mean the senior Senator from Florida [Mr. CALL], but the junior Senator [Mr. PASCO].

Mr. HARRIS. Oh, yes.

Mr. PADDOCK. I do not think the Senator to whom I refer would like to have this bill postponed indefinitely by reason of his absence.

Mr. COCKRELL. If it is not considered now, it will amount to an indefinite postponement.

Mr. PADDOCK. I do not know of any reason why the amendment should not be made.

Mr. CHANDLER. If any Senator will say that the Senator from Florida would not want to delay the bill in order to move the amendment which has been referred to, I shall not object to the bill.

Mr. COCKRELL. I hope the Senator will not object. The Senator from Florida ought to be here, knowing the bill was going to be called up.

Mr. CHANDLER. It seems to me the bill had better go over.

The VICE-PRESIDENT. The bill will be passed over.

Mr. HARRIS. I move that the Senate adjourn.

Mr. HAWLEY. No, no.

Mr. HARRIS. Why not?

Mr. HAWLEY. Because there is a bill I want considered.

Mr. HARRIS. I withdraw the motion.

Mr. HAWLEY. I have been promised a chance for the consideration of a Senate bill when we get through with the House bills.

J. D. KING.

The bill (H. R. 6142) for the relief of J. D. King was considered as in Committee of the Whole. It proposes to pay J. D. King, post-office inspector, out of the appropriation for mail depredations and post-office inspectors, \$81, that amount having been advanced by him from his private funds to witnesses in the case of the United States vs. John Hanna, charged with robbing the mails, and for which amount Inspector King has not been reimbursed.

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

#### BEQUEST OF GEN. GEORGE W. CULLUM.

Mr. HAWLEY. I now ask the consideration of the bill (S. 3406) to accept a bequest made by Gen. George W. Cullum for the erection of a memorial hall at West Point, N. Y., and to carry the terms and conditions of the same into execution. It is a matter which ought to be acted upon promptly.

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 be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

#### PENSIONS TO SURVIVORS OF INDIAN WARS.

Mr. COCKRELL. I now ask that the bill granting pensions to the survivors of the Indian wars may be taken up. The Senator from New Hampshire [Mr. CHANDLER] withdraws his objection.

Mr. CHANDLER. I withdraw my objection to the bill to pension the survivors of the Black Hawk and other wars.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7296) granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war.

Mr. ALLISON. Let the bill be read.

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

The Chief Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers of the military and naval service of the United States, who served for thirty days in the Black Hawk war, the Creek war, the Cherokee disturbances, or the Florida war with the Seminole Indians, embracing a period from 1832 to 1842, inclusive, and were honorably discharged, and such other officers, soldiers, and sailors as may have been personally named in any resolution of Congress, for any specific service in said Indian wars, although their term of service may have been less than thirty days, and the surviving widows of such officers and enlisted men: *Provided*, That such widows have not remarried: *Provided further*, That this act shall not apply to any person not a citizen of the United States.

SEC. 2. That pensions under this act shall be at the rate of \$8 per month, and payable from and after the passage of this act, for and during the natural lives of the persons entitled thereto.

SEC. 3. That before the name of any person shall be placed on the pension roll under this act, proof shall be made, under such rules and regulations as the Secretary of the Interior may prescribe, of the right of the applicant to a pension; and any person who shall falsely and corruptly take any oath required under this act shall be deemed guilty of perjury; and the Secretary of the Interior shall cause to be stricken from the pension roll the name of any person whenever it shall be made to appear by proof satisfactory to him that such name was put upon such roll through false and fraudulent representations, and that such person is not entitled to a pension under this act. The loss of the certificate of discharge shall not deprive any person of the benefits of this act, but other evidence of service performed and of an honorable discharge may be deemed sufficient.

SEC. 4. That this act shall not apply to any person who is receiving a pension at the rate of \$8 per month or more, nor to any person receiving a pension of less than \$8 per month, except for the difference between the pension now received (if less than \$8 per month) and \$8 per month.

SEC. 5. That the pension laws now in force, which are not inconsistent or in conflict with this act, are hereby made a part of this act, so far as they may be applicable thereto.

SEC. 6. That section 4716 of the Revised Statutes is hereby repealed so far as the same relates to this act or to pensioners under this act.

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

#### PUBLIC BUILDING AT EAST ST. LOUIS, ILL.

Mr. CULLOM. I ask for the present consideration of Order of Business 978, being Senate bill 3301.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3301) for the erection of a public building at the city of East St. Louis, Ill.

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



## PUYALLUP INDIAN RESERVATION LANDS.

Mr. ALLEN. I give notice that at the conclusion of the routine business to-morrow morning I shall call up Order of Business 666, being the bill (S. 3056) giving consent of Congress to the removal by the Legislature of the State of Washington of the restrictions upon the power of alienation of a portion of the lands in the Puyallup Indian Reservation, upon certain conditions therein contained, which is pending and undisposed of.

## IMMIGRATION AND CONTRACT LABOR LAWS.

Mr. CHANDLER. I desire to ask unanimous consent that the bill (S. 3240) to facilitate the enforcement of the immigration and contract labor laws of the United States may be taken up and made the unfinished business for to-morrow afternoon at 2 o'clock.

Mr. COCKRELL. We can not do that. I hope the Senator will not make that request.

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

Mr. SAWYER. I hope the Senator will withdraw that motion. It is desirable that an executive session should be held this evening.

Mr. QUAY. I withdraw the motion.

## IMPROVEMENT OF OUTER BAR AT BRUNSWICK, GA.

Mr. CULLOM. I made an objection awhile ago to a bill in which the Senators from Georgia are interested. I now withdraw the objection.

Mr. GORDON. I hope my friend from New Hampshire [Mr. CHANDLER] will permit the bill to provide for the improvement of the outer bar of Brunswick, Ga., to be considered and passed. It was passed over without prejudice a few moments ago.

Mr. CULLOM. I withdraw my objection to it.

Mr. GORDON. I ask unanimous consent for the present consideration of the bill, which was passed over without prejudice.

Mr. CHANDLER. I withdrew my objection. Some other Senator raised the objection to which the Senator from Georgia refers.

Mr. HARRIS. The Senator from Illinois [Mr. CULLOM] made the objection, but he has since withdrawn it.

Mr. CHANDLER. I had withdrawn my objection before.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill (H. R. 9581) to provide for the improvement of the outer bar of Brunswick, Ga.

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

## EXECUTIVE SESSION.

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

The VICE-PRESIDENT. Before putting the question on the motion of the Senator from Wisconsin, the Chair will lay before the Senate the unfinished business, the title of which will be stated.

The CHIEF CLERK. A bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such persons engaged in selling certain products to obtain license, and for other purposes.

The VICE-PRESIDENT. The question is on the motion of the Senator from Wisconsin [Mr. SAWYER] 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 four minutes spent in executive session the doors were reopened, and (at 6 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Friday, July 22, 1892, at 12 o'clock m.

## NOMINATIONS.

*Executive nominations received by the Senate July 21, 1892.*

## ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

Andrew J. White, of New York, to be envoy extraordinary and minister plenipotentiary of the United States to Russia, vice Charles Emory Smith, resigned.

A. Loudon Snowden, of Pennsylvania, now envoy extraordinary and minister plenipotentiary of the United States to Greece, Roumania, and Serbia, to be envoy extraordinary and minister plenipotentiary to Spain, vice E. Burd Grubb, resigned.

Truxtun Beale, of California, now minister resident and consul-general of the United States to Persia, to be envoy extraordinary and minister plenipotentiary to Greece, Roumania, and Serbia, vice A. Loudon Snowden, nominated to be envoy extraordinary and minister plenipotentiary to Spain.

## CONSULS.

Carl Bailey Hurst, of the District of Columbia, to be consul of the United States at Catania, vice Charles Heath, recalled.

John A. Barnes, of Illinois, to be consul of the United States at Chemnitz, vice Henry F. Merritt, recalled.

Cyrus W. Field, of New York, to be consul of the United States at Brunswick, vice L. Austin Spalding, recalled.

Charles August Vortriede, of Ohio, to be consul of the United States at Horgen, vice Lyell T. Adams, deceased.

Darley R. Brush, of South Dakota, to be consul of the United States at Messina, vice William Brush, resigned.

## POSTMASTERS.

James T. Penn, to be postmaster at Harrison, in the county of Boone and State of Arkansas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1892.

Stephen R. Choate, to be postmaster at Newark, in the county of Newcastle and State of Delaware, in the place of Samuel B. Herdman, whose commission expires August 14, 1892.

John Wesley Lee, to be postmaster at Towson, in the county of Baltimore and State of Maryland, in the place of Samuel J. Robinson, whose commission expires July 21, 1892.

Lewis D. Mitchell, to be postmaster at Ontonagon, in the county of Ontonagon and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1892.

William L. Robson, to be postmaster at Williamston, in the county of Ingham and State of Michigan, in the place of Miss Mary S. Thompson, removed.

Sakris Silvola, to be postmaster at Calumet, in the county of Houghton and State of Michigan, in the place of Paul W. Grieron, whose commission expired April 5, 1892.

Will A. Sessions, to be postmaster at Friars Point, in the county of Coahoma and State of Mississippi, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1892.

John P. Bray, to be postmaster at Grand Forks, in the county of Grand Forks and State of North Dakota, in the place of Daniel P. McLaurin, whose commission expired May 10, 1892.

Jabez Wright, to be postmaster at Huron, in the county of Erie and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1892.

David B. Howerton, to be postmaster at Hallettsville, in the county of Lavaca and State of Texas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1892.

James D. Fayman, to be postmaster at Shepherdstown, in the county of Jefferson and State of West Virginia, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1892.

James F. Steinbeck, to be postmaster at Lake City, in the county of Hinsdale and State of Colorado, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1892.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate July 21, 1892.*

## CONSUL-GENERAL.

Aulick Palmer, of the District of Columbia, now consul of the United States at Dresden, to be consul-general of the United States at that place.

## SUPERVISING INSPECTOR OF STEAM VESSELS.

John Birmingham, of California, to be supervising inspector of steam vessels for the first district.

## APPOINTMENTS IN THE ARMY.

Rev. Charles W. Freeland, of Virginia, to be post chaplain.

Rev. Joseph E. Irish, of Wisconsin, to be post chaplain.

## PROMOTIONS IN THE ARMY.

*Infantry arm.*

Capt. Charles C. Hood, Twenty-fourth Infantry, to be major.

First Lieut. Hobart K. Bailey, Fifth Infantry, to be captain.

First Lieut. Charles J. Crane, Twenty-fourth Infantry, to be captain.

Second Lieut. Harry Freeland, Third Infantry, to be first lieutenant.

Second Lieut. Frank G. Kalk, Third Infantry, to be first lieutenant.

Second Lieut. David J. Baker, junior, Twelfth Infantry, to be first lieutenant.

## POSTMASTERS.

Sakris Sivola, to be postmaster at Calumet, Mich.

John P. Bray, to be postmaster at Grand Forks, S. Dak.



## HOUSE OF REPRESENTATIVES.

THURSDAY, July 21, 1892.

The House met at 11 o'clock a. m. Prayer by Rev. J. H. CUTHBERT, D. D.

The Journal of the proceedings of yesterday was read and approved.

## SETTLERS ON PUBLIC LANDS.

The SPEAKER laid before the House the bill (H. R. 5997) to amend section 2 of an act approved May 14, 1880, being "An act for the relief of settlers on public lands," with an amendment of the Senate.

Mr. MCRAE. I move that the House concur in the Senate amendment.

The Senate amendment was reported.

Mr. BURROWS. I understand this bill does not carry an appropriation.

Mr. MCRAE. No, it does not.

The amendment of the Senate was concurred in.

On motion of Mr. MCRAE, a motion to reconsider the last vote was laid on the table.

## BRIDGE ACROSS THE TENNESSEE RIVER, IN ALABAMA.

The SPEAKER laid before the House the bill (H. R. 5941) to build a bridge across the Tennessee River between a point in Whitesburg, in Madison County, and Morgan County, in the State of Alabama, with Senate amendments.

The SPEAKER. This is a House bill with Senate amendments, carrying no appropriation. It is in order to dispose of it. The Clerk will report the amendments.

The Senate amendments were read.

Mr. MALLORY. Mr. Speaker, I move that the House concur in the Senate amendments.

The amendments of the Senate were concurred in.

On motion of Mr. MALLORY a motion to reconsider the last vote was laid on the table.

## BRIDGE ACROSS THE SAVANNAH RIVER.

The SPEAKER laid before the House the bill (H. R. 7720) to authorize the construction of a bridge across the Savannah River.

The SPEAKER. This is a House bill with Senate amendments. The Clerk will report the amendments.

The amendments of the Senate were read.

Mr. LESTER of Georgia. I move that the House concur in the Senate amendments.

The Senate amendments were concurred in.

## ONE-HORSE CARS, WASHINGTON, D. C.

The SPEAKER laid before the House the bill (H. R. 8122) to prohibit the use of "one-horse cars" within the limits of the city of Washington, after the 1st day of January, 1893, and for other purposes, with Senate amendments.

The amendments of the Senate were read.

Mr. HEARD. I will say that the action of the Senate agrees with what the House committee desires, but the gentleman who offered that amendment in the House is not now in his seat, and I therefore move that the House nonconcur and that the bill be sent to conference, in order that he may have an opportunity of presenting his views when the bill comes back to the House on the report of the conference committee.

The SPEAKER. Do the Senate request a conference.

Mr. HEARD. Yes.

The SPEAKER. The gentleman from Missouri [Mr. HEARD] moves that the House nonconcur in the Senate amendments and agree to the conference asked for.

The motion was agreed to.

The SPEAKER subsequently appointed as conferees on the part of the House Mr. HEARD, Mr. COBB of Alabama, and Mr. POST.

## SATURDAY HALF HOLIDAY FOR BANKS, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill (S. 3418) making Saturday a half holiday for banking and trust company purposes in the District of Columbia.

Mr. HEARD. I desire to ask unanimous consent that that bill be considered now. I will state that it simply proposes to authorize the banks of this city to give to their clerks the half of Saturday as a holiday. The only provision which affects the general public is that paper which would mature on Saturday and be received by the city banks after 12 o'clock and before the usual hour for closing will mature on the following Monday. That is the whole purport of the bill.

The SPEAKER. The Clerk will report the bill.

The bill was read at length.

Mr. LIVINGSTON. Mr. Speaker, I want to ask the gentleman from Missouri why that clause as to the half holiday is inserted?

Mr. HEARD. I can state it briefly to my friend. The object is simply, as I stated before, to enable the banks of this city to give a half holiday on Saturday to their clerks. They can not do it without the benefit of the provision in this bill that provides that paper which will mature on Saturday and not received before 12 o'clock will not go to protest that day, and shall not be invalidated if presented on the following Monday.

Mr. TAYLOR of Illinois. But no paper matures on Saturday afternoon. It all matures in the morning.

Mr. HEARD. Without that provision, paper that matured on Saturday and not received before noon would be payable on that day, and would have to be presented, etc., that afternoon.

Mr. TAYLOR of Illinois. But not a dollar of it matures in the afternoon. It all matures in the morning.

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

Mr. GOODNIGHT. I object.

## REFERENCE OF SENATE BILLS.

The SPEAKER also laid before the House bills of the Senate of the following titles, which were severally referred as indicated, namely:

The bill (S. 3115) for the relief of Clement Reeves—to the Committee on Claims;

The bill (S. 1292) to remit penalties on the light-house steamer Pansy—to the Committee on Claims; and

The bill (S. 1696) to further provide for the disposal of certain public lands in the State of Alabama—to the Committee on the Public Lands.

## CITIZENS' BANK OF LOUISIANA.

The SPEAKER also laid before the House the bill (S. 145) to authorize the Court of Claims to hear and determine the claim of the Citizens' Bank of Louisiana, etc.

Mr. BOATNER. Mr. Speaker, I ask unanimous consent that this bill be allowed to lie on the table for the present.

The SPEAKER. The Chair will state that he hopes before the end of the session these bills will be disposed of in some way which have accumulated on the table.

Mr. BOATNER. This bill, I will state, has been considered by the committee of the House, or a similar House bill, and favorably reported.

The SPEAKER. In the absence of objection the bill will lie on the table for the present.

There was no objection.

## RECOMMITMENT OF A BILL.

The SPEAKER. The Committee on Interstate and Foreign Commerce ask that the bill (S. 744) concerning the regulation of steam vessels, which has been heretofore reported by the committee, be recommitted, so as to make some alteration in the report.

There was no objection, and it was so ordered.

## WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. MARTIN to withdraw the evidence filed in each of the following cases, there being no report made on either of the bills, viz: H. R. 6967, to pension Harriet M. Scott; H. R. 5180, to pension E. F. Grogan; H. R. 7730, to pension Barbara Kaag; H. R. 7347, to pension Mary Vansant; H. R. 7346, to pension Mary E. Eader; H. R. 7712, to pension Jane Howard; H. R. 7483, to pension Araminta Kidder; H. R. 6331, to pension Fannie T. Hazen; H. R. 8250, to pension Annie C. Brackett, and H. R. 5771, to pension Mary N. Hadley.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CLARK of Wyoming for one week, on account of the death of a relative; and to Mr. DUNPHY indefinitely, on account of sickness.

## ORDER OF BUSINESS.

Mr. COMPTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5034) authorizing the refunding of duty on a clock and chime of bells for St. Timothy's Church at Catonsville, Baltimore County, Md.

The SPEAKER. The bill will be read, subject to objection.

The bill was read at length.

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

Mr. SIMPSON. I object.

## WRECK UNITED STATES REVENUE CUTTER GALLATIN.

Mr. O'NEIL of Massachusetts. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2001) for the relief of the sufferers by the wreck of the United States revenue cutter Gallatin, off the coast of Massachusetts.

The SPEAKER. The bill will be read subject to objection.

The bill was read at length.

Mr. SIMPSON. Mr. Speaker, I call for the regular order.

The SPEAKER. The demand for the regular order is equiv-



alent to an objection. The regular order is the call of committees for reports.

#### CIRCUIT AND DISTRICT COURTS OF KENTUCKY.

Mr. POWERS, from the Committee on the Judiciary, reported back the bill (H. R. 9564) to regulate the terms of the circuit and district courts of the United States in the District of Kentucky, and for other purposes; which was referred to the House Calendar.

Mr. GOODNIGHT. Mr. Speaker, in connection with that report from the Committee on the Judiciary, I wish to state that I have the consent of the committee to file the minority views. I desire that the time be extended for that purpose.

The SPEAKER. In the absence of objection the minority will have leave to file its views hereafter, to be printed with the report of the committee.

There was no objection.

Mr. McCREARY. I would like to ask my colleague from Kentucky how much time he would want to prepare the views of the minority? It is an important matter, and I would like to have it taken up for consideration as soon as possible.

Mr. GOODNIGHT. I am not able to state how long I may require.

Mr. McCREARY. I would not like to have this matter delayed during the whole of the session.

The SPEAKER. The Chair will state that the mere granting leave to the minority to file its views would not prevent action on the report of the committee if the House desired to take it.

#### INVESTIGATION ALLEGED ABUSES, UNITED STATES COURTS.

Mr. WOLVERTON. Mr. Speaker, I desire to submit a report from the Committee on the Judiciary under the resolution of February 1, authorizing an investigation into certain alleged abuses connected with the United States courts. I also present with the report four bills which have been recommended by the committee under that resolution.

The SPEAKER. The Clerk will report the title of the resolution reported by the gentleman from Pennsylvania.

The Clerk read as follows:

Investigation into alleged illegal abuses of certain officials connected with United States courts in certain localities and abuses of judicial processes.

The SPEAKER. The report will be printed and laid over for the present.

#### OFFENSES AGAINST UNITED STATES.

Mr. WOLVERTON, from the Committee on the Judiciary, reported a bill (H. R. 9610) to amend section 1014 of the Revised Statutes of the United States, relating to offenders against the United States; which was read twice, and referred to the House Calendar.

#### COMMISSIONERS' FEES.

Mr. WOLVERTON, from the Committee on the Judiciary, also reported a bill (H. R. 9611) to amend section 847 of the Revised Statutes of the United States, relating to commissioners' fees; which was read twice, and referred to the House Calendar.

#### SEMIANNUAL RETURNS OF FEES, ETC.

Mr. WOLVERTON, from the Committee on the Judiciary, reported a bill (H. R. 9612) to amend section 833 of the Revised Statutes of the United States, relating to semiannual returns of fees by district attorneys, marshals, and clerks; which was read twice, and referred to the House Calendar.

#### FEES OF CLERKS, UNITED STATES COURTS.

Mr. WOLVERTON, from the Committee on the Judiciary, also reported a bill (H. R. 9613) to amend section 828 of the Revised Statutes of the United States, relating to clerks' fees; which was read twice, and referred to the House Calendar.

#### MATERIAL AND LABOR FOR PUBLIC WORKS.

Mr. BYNUM, from the Committee on the Judiciary, reported back with amendment the bill (H. R. 9490) for the protection of persons furnishing material and labor for the construction of public works; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

#### DUTIABLE GOODS—DULUTH, MINN.

Mr. LIND, from the Committee on Interstate and Foreign Commerce, reported back with amendment the bill (S. 3188) to extend to Duluth, Minn., the privileges of the first section of an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1888; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

#### CONTRACTS OF COMMON CARRIERS.

Mr. LIND also, from the Committee on Interstate and Foreign Commerce, reported back favorably the bill (H. R. 9176) relating to contracts of common carriers and to certain obligations, duties, and rates in connection with the carriage of property; which

was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

#### PRICE OF LANDS ENTERED UNDER THE DESERT-LAND LAWS.

Mr. TOWNSEND, from the Committee on Public Lands, reported back favorably the bill (S. 2092) to fix the price of lands entered under the desert-land laws; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### FLORIDA LAND PATENTS.

Mr. AMERMAN, from the Committee on Public Lands, reported back favorably the bill (S. 2420) to require patents to be issued to lands under the act entitled "An act to provide for the armed occupation and settlement of the unsettled part of the peninsula of Florida," approved August 4, 1842; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

#### PUBLIC BUILDING, HENDERSON, KY.

Mr. MCKAIG, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 5763) to provide for the purchase of a site, and the erection of a public building thereon, at Henderson, in the State of Kentucky; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

#### INTERNATIONAL ARBITRATION CONGRESS.

Mr. HOOKER, of Mississippi, from the Committee on Foreign Affairs, reported back as a substitute for House joint resolution No. 139, a joint resolution (H. Res. 157) to provide for the calling of an international arbitration congress; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

#### REGULATION OF STEAM VESSELS.

Mr. PATTERSON of Tennessee, from the Committee on Interstate and Foreign Commerce, reported back with amendment the bill (S. 744) to amend "An act to amend section 4400 of Title LII of the Revised Statutes of the United States, concerning the regulation of steam vessels," approved August 7, 1882; and also to amend section 4414, Title LII, of the Revised Statutes, "Regulation of steam vessels;" which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

#### BANKRUPTCY.

Mr. BUCHANAN of Virginia. I desire to file the views of a minority of the Committee on the Judiciary on the bill (H. R. 9348) to establish a uniform system of bankruptcy.

The SPEAKER. The views of the minority of the Committee on the Judiciary as presented by the gentleman from Virginia [Mr. BUCHANAN] will be printed.

#### DEPARTMENTAL LEAVES OF ABSENCE.

Mr. FITHIAN. I rise to a privileged question, and move that the Committee on Expenditures in the Treasury Department be discharged from the further consideration of the resolution which I send to the desk.

The Clerk read as follows:

*Resolved*, That the Secretary of the Treasury be, and he is hereby, requested to furnish to the House the correspondence of all chiefs of bureaus of that Department and chiefs of divisions of the Secretary's office, requesting authority to leave the Departments on official business; also the responses of the Secretary of the Treasury to such requests; that the same be accompanied by the vouchers showing the various items of expenditure, if any, of the employees who were given authority to leave the Departments on alleged official business. This correspondence to include all requests and authorizations from January 1, 1892, to the present date.

The motion of Mr. FITHIAN to discharge the Committee on Expenditures in the Treasury Department from the further consideration of the resolution was agreed to, and the resolution was adopted.

On motion of Mr. FITHIAN, a motion to reconsider the last vote was laid on the table.

#### PENSIONS.

Mr. MARTIN. I send to the desk a conference report.

The Clerk 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. 2137) to amend an act entitled "An act to remove the disability of those who, having participated in the rebellion, have since its termination enlisted in the Army of the United States and become disabled," approved March 3, 1877, having met, after full and free conference have failed to come to an agreement, and ask a further conference.

A. N. MARTIN,

W. H. HARRIES,

JOHN L. JOLLEY,

*Managers on the part of the House.*

A. S. PADDOCK,

GEORGE L. SHOUP,

*Managers on the part of the Senate.*

Mr. MARTIN. I move that the House further insist on its amendment and ask for another conference.



The motion was agreed to.

The SPEAKER announced as conferees on the part of the House in the further conference Mr. MARTIN, Mr. HARRIES, and Mr. JOLLEY.

#### UNIFORM GRADING OF WHEAT, ETC.

The SPEAKER. The regular order having been demanded, the call of committees under the order adopted by the House yesterday will be resumed. The Committee on Agriculture, which was called yesterday, had fifteen minutes of its hour remaining at the adjournment. Tellers had been ordered on a motion to lay on the table the bill called up by the gentleman from Missouri [Mr. HATCH], being a bill (S. 797) to provide for fixing a uniform system of classification and grading of wheat, corn, oats, barley, and rye, and for other purposes. The gentleman from Missouri [Mr. HATCH] and the gentleman from New York [Mr. WARNER] will please take their places as tellers.

The House divided; and tellers reported—ayes 7, noes 121.

Mr. WARNER. No quorum, Mr. Speaker.

The SPEAKER. The gentleman from New York makes the point of no quorum. The time for consideration of this bill, under the rule, has expired.

Mr. HATCH. I make the point of order that as the House is dividing the hour does not expire.

The SPEAKER. The Chair had announced the result, and that was a dissolution or termination of the division—ayes 7, noes 121. That, the Chair thinks, relieves the tellers.

Mr. HATCH. Well, but, Mr. Speaker, I do not ask to be relieved. I would stay here and do my duty all day. [Laughter.]

The SPEAKER. The Chair will state the practice has always been to have some indulgence, and as long as there seemed to be gentlemen passing between the tellers, and no gentleman asked for the announcement, the Chair continued the indulgence; but there must be some limit to it.

Mr. HATCH. Does not the same rule attach to a vote by tellers under this rule as if there were a call of the roll?

The SPEAKER. The Chair is not aware of any decision to that effect.

Mr. HATCH. I am under the impression that it has been so held.

The SPEAKER. The Chair is not aware of any decision to that effect.

Mr. HATCH. The House is voting.

The SPEAKER. The hour assigned to the Committee on Agriculture has expired.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MOORE, indefinitely, on account of sickness in his family.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had insisted upon its amendments to the bill (H. R. 9284) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1892, and for prior years, and for other purposes, asked for a conference with the House on the bill and amendments, and had appointed Mr. HALE, Mr. ALLISON, and Mr. COCKRELL as the conferees on the part of the Senate.

It also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1988) to amend sections 2139, 2140, and 2141 of the Revised Statutes, touching the sale of intoxicants in the Indian country, and for other purposes, asked a conference with the House on the bill and amendments, and had appointed Mr. PLATT, Mr. MITCHELL, and Mr. PUGH as the conferees on the part of the Senate.

It also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1111) to amend the act of Congress approved March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," asked a conference with the House on the bill and amendments, and had appointed Mr. MITCHELL, Mr. PLATT, and Mr. PUGH as the conferees on the part of the Senate.

#### ENROLLED BILLS SIGNED.

Mr. WARWICK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (S. 1793) to legalize the deed and other records of the Office of Indian Affairs, and to provide and authorize the use of a seal by said office;

A bill (S. 1775) to fix the compensation of keepers and crews of life-saving stations;

A bill (S. 3011) to amend "An act to define the jurisdiction of the police court of the District of Columbia," approved March 3, 1891;

A bill (S. 2968) to provide for a May term of the district court of the United States for the eastern district of South Carolina; and

A bill (H. R. 8579) to amend an act entitled "An act to incorporate the Brightwood Railway Company of the District of Columbia."

#### SUITS AGAINST THE UNITED STATES.

Mr. RAY. Mr. Speaker, I rise to a privileged motion. The bill (S. 1111) to amend the act of Congress approved March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," passed the House with an amendment. The Senate disagrees to the amendment, and asks for a conference. I move, Mr. Speaker, that the House insist upon its amendment, and agree to the conference requested.

The SPEAKER. The Chair will state to the House that this is a Senate bill which the House amended. The Senate disagrees to the House amendment, and asks for a conference on the disagreeing votes of the two Houses. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 1111) to amend the act of Congress approved March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States."

The SPEAKER. The gentleman from New York moves, and it is a privileged motion under the status of the bill, that the House further insist upon its amendment, and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER. The Chair will announce as conferees on the part of the House, Mr. CULBERSON, Mr. GOODNIGHT, and Mr. RAY.

#### DISCRIMINATION IN CANAL TOLLS.

The SPEAKER. The Chair calls the Committee on Foreign Affairs.

Mr. BLOUNT. Mr. Speaker, I call up the bill (H. R. 9324) to enforce reciprocal commercial relations between the United States and Canada, and for other purposes.

The bill was read, as follows:

*Be it enacted, etc.,* That, with a view of securing reciprocal advantages for the citizens, ports, and vessels of the United States, on and after the 1st day of August, 1892, whenever and so often as the President shall be satisfied that the passage through any canal or lock connected with the navigation of the St. Lawrence River, the Great Lakes, or the water ways connecting the same, of any vessels of the United States, or of cargoes or passengers in transit to any port of the United States, is prohibited or is made difficult or burdensome by the imposition of tolls or otherwise which, in view of the free passage through the St. Marys Falls Canal, now permitted to vessels of all nations, he shall deem to be reciprocally unjust and unreasonable, he shall have the power, and it shall be his duty, to suspend, by proclamation to that effect, for such time and to such extent (including absolute prohibition) as he shall deem just, the right of free passage through the St. Marys Falls Canal, so far as it relates to vessels owned by the subjects of the government so discriminating against the citizens, ports or vessels of the United States, or to any cargoes, portions of cargoes, or passengers in transit to the ports of the government making such discrimination, whether carried in vessels of the United States or of other nations.

In such case and during such suspension tolls shall be levied, collected, and paid as follows, to wit: Upon freight of whatever kind or description, not to exceed \$2 per ton; upon passengers, not to exceed \$5 each, as shall be from time to time determined by the President: *Provided*, That no tolls shall be charged or collected upon freight or passengers carried to and landed at Ogdensburg, or any port west of Ogdensburg, and south of a line drawn from the northern boundary of the State of New York through the St. Lawrence River, the Great Lakes, and their connecting channels to the northern boundary of the State of Minnesota.

SEC. 2. All tolls so charged shall be collected under such regulations as shall be prescribed by the Secretary of the Treasury, who may require the master of each vessel to furnish a sworn statement of the amount and kind of cargo and the number of passengers carried and the destination of the same, and such proof of the actual delivery of such cargo or passengers at some port or place within the limits above named as he shall deem satisfactory; and until such proof is furnished such freight and passengers may be considered to have been landed at some port or place outside of those limits, and the amount of tolls which would have accrued if they had been so delivered shall constitute a lien, which may be enforced against the vessel in default wherever and whenever found in the waters of the United States.

Mr. BLOUNT. Mr. Speaker, article 27 of the treaty of Washington, concluded May 8, 1871, provides:

The Government of her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion; and the Government of the United States engages that the subjects of Her Britannic Majesty shall enjoy the use of the St. Clair Flats canal on terms of equality with the inhabitants of the United States, and further engages to urge upon the State governments to secure to the subjects of Her Britannic Majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the high contracting parties on terms of equality with the inhabitants of the United States.

The President of the United States has in two messages during this session of Congress called the attention of the Congress of the United States to the condition of the rights of American citizens in the use of the Welland, St. Lawrence, and other Canadian canals. The twenty-seventh article of this treaty was intended to give our own citizens the same right to use these canals that was accorded to the citizens of Canada. It was in contem-



plation at the time of its ratification that the people of Canada should have from their territory north of the Great Lakes the right to transport their merchandise of various sorts through Lakes Superior, Huron, Michigan, Erie, and Ontario into Canada, east into the Atlantic Ocean, and into the marts of the world. Except by a concession on the part of the United States of the right to pass the St. Clair Flats Canal and of the right to pass the Sault St. Marie Canal, subsequently acquired by the Government of the United States, it would have been impossible for her to have carried by that route—this deep-water route—her products.

She was enabled, through it, to have an interchange of products either way; and what was the consideration to the people of the United States? That the great Northwest should be allowed to transport through these lakes, through the Welland and St. Lawrence Canals, and through Canada, and to her own ports on the Ontario, her own products. That was the intent on the part of the Government of the United States and of the high contracting parties. It turned out, however, that the Canadian Government, with a view of affecting advantageously the interests of the St. Lawrence Canal, provides a rebate of 18 cents on such articles as shall pass the Welland Canal and the St. Lawrence Canal to Montreal. It has left there the duties at 2 cents per ton. This was not accorded to American vessels passing through the Welland Canal and landing at ports on the Ontario and at other ports.

By an order in council it was provided that where there was a transshipment at the Welland Canal or at Kingston, this rebate should obtain notwithstanding the transshipment. By virtue of the operation of that order of council all transshipments on the American side, even where the vessels went through the St. Lawrence canals, were deprived of the benefit of the rebate. It was claimed on the part of the Canadian Government that as the rebate applied to "vessels" and our vessels were covered by its terms provided their cargoes took the lines indicated by the order, there was absolute equality; but the language of the treaty shows that it had relation not to vessels but to citizens.

It was intended for the benefit of the consumers in our own country; it was intended to give advantages to our ports; it was intended to give advantages to our transportation companies. The Canadians have sought, by this technical construction, to evade the spirit of the treaty. The proposition in the pending bill is to allow the President of the United States to prescribe tolls to be levied at the St. Mary's Canal on products passing through there, and also to provide that those tolls shall not operate against American vessels plying to ports within our own territory.

The object is to apply to Canadian citizens using that canal a rule similar to that which the Canadians apply to American citizens using their canals. It is expected that in this way we shall secure a recognition of our rights under the treaty. It is believed that the result of this course on the part of our Government will be to put an end to the delay and evasion which have characterized the negotiations of the Canadian commissioners with our State Department upon this subject, and to compel on the part of Canada a recognition of our rights under the treaty.

Mr. LIND. Will the gentleman permit me to ask him a question for information?

Mr. BLOUNT. Certainly.

Mr. LIND. Referring to the article of the treaty of Washington (article 27, I believe), of which the gentleman has spoken, is it not a fact that on the part of the United States it makes a positive engagement that the Canadians shall have the free use of our canals, while on the part of the British Government there is simply a promise to urge upon the Government of Canada to secure like rights to citizens of the United States?

Mr. BLOUNT. In answer to that, Mr. Speaker—

Mr. LIND. The gentleman will please permit me to proceed a little further, to show the object of my inquiry. If the treaty is as I have suggested, and if we should pass this law, could it, under any circumstances, be construed as an abrogation of the treaty or of those provisions of the treaty on the part of the United States? I ask the question for information.

Mr. BLOUNT. Mr. Speaker, the nature of the relation of the Canadian Government to the British Government made it necessary for the language of the treaty to take that form. That was well understood.

Mr. HITT. The gentleman [Mr. LIND] will remember that there is no pledge whatever in the treaty as to the St. Marys Canal. It is only as to the St. Clair Canal.

Mr. BLOUNT. I repeat, Mr. Speaker, that the relation of the Canadian Government to the British Government made it necessary for the language of the treaty to take that form, but it was well understood that this concession made by the United States to the citizens of Canada was brought about by the inducement that like privileges were to be secured to our citizens. That was the only consideration for the concession which we

made and therefore for us, in a great interest like that which is here involved, to consent to be taken advantage of by a technicality, is hardly to be regarded as reasonable.

Mr. LIND. The gentleman does me injustice. I simply asked the question for information. I desire to know whether in the opinion of the gentleman from Georgia, such being the condition of our compact, the passage of this bill, which is or perhaps may be technically a violation of that engagement, could be regarded as an abrogation of the treaty on our part?

Mr. BLOUNT. I can not say, Mr. Speaker, I have no authority to speak on that subject. I am not inclined to think, however, that it would be so regarded. I do not think it is so regarded at the State Department.

Mr. LIND. If it should have that effect it would be a very serious thing.

Mr. BUCHANAN of New Jersey. We have a very serious thing to meet.

Mr. BLOUNT. It might, but as the gentleman from New Jersey suggests, we have a very serious thing to meet. The idea that all those Great Lakes should be open to the Canadian trade while our own is excluded from it is not to be entertained.

Mr. LIND. But the gentleman will recollect that under the provisions of that treaty we received the free and equal use of the St. Lawrence River in perpetuity, which is more valuable perhaps than any other mentioned in the treaty.

Mr. BLOUNT. I do not think that that is of so much importance if we are to be cut off from these canal privileges.

Mr. LIND. So far as the Welland and some of the other canals are concerned we can make canals of our own, but we can not make another St. Lawrence River.

Mr. BLOUNT. The gentleman will pardon me, I can not yield further. The President of the United States, interpreting this treaty, says:

The treaty runs to secure to the citizens of the United States the use of the Welland, St. Lawrence and other canals in the Dominion on terms of equality with the inhabitants of the Dominion. It was intended—

Says he—

to give to consumers in the United States, to our own people engaged in railroad transportation, and to those exporting from our ports, equal terms in passing their merchandise through these canals.

If this is a correct interpretation, and I believe it is, why should we submit to a ruinous and wrongful interpretation? The suggestion comes, "We might abrogate this treaty." Is that the way for this great Government to meet this issue in the protection of the treaty rights of its citizens? No, sir; it should stand manfully and heroically for their rights, and meet whatever emergencies may arise as they arise.

This bill provides simply for the application of the rule laid down by the Canadian authorities in reference to their own merchandise—nothing more, nothing less. Let them conform to the terms of the treaty, and the President has no power. But we have had first one evasion and then another; we have had delays and misunderstandings. But no Canadian is harmed thereby.

Mr. Speaker, I yield ten minutes to my colleague on the committee, the gentleman from Illinois [Mr. HITT].

Mr. HITT. Mr. Speaker, this bill is one which deeply concerns our people in the Northwest and the North and the exporting cities of the East. It is intended to prevent the continuance of a gross injustice, to redress by retaliation a great wrong to the grain interest, to secure a treaty right to which we are entitled, and for which we have paid and are paying. Our people send their vast crops to the East by lake and by canal and by concurrent railroads for export. These crops pass in almost immeasurable volume by water during the season of water navigation. The passage from Lake Erie to Lake Ontario is by the Welland Canal. By our treaty with Great Britain the words of which have just been read to the House, we are entitled to "the use of that canal on terms of equality with the inhabitants of the Dominion of Canada." For that we pay a good price.

The privilege by the twenty-seventh article of the treaty of 1871 is reciprocal. We give in return for equality in the Welland and St. Lawrence Canals, the use of those great canals at St. Marys, connecting Lake Superior with Lake Huron, and St. Clair Flats, connecting Huron with Lake Erie, upon which this Government has lavished its money at the rate of millions per annum. In consideration of this, we are entitled to equality in the use of the Welland Canal, if we pay the same tolls as the Canadians; while they steam or sail through the great American canals absolutely free of all tolls. In the sundry civil bill now in conference there is a provision for the expenditure of more than a hundred thousand dollars for this St. Marys Canal. Every year great sums are appropriated for the St. Marys Canal, and the others through which we allow the long lines of Canadian vessels to pass free. Twice I have voted for a million dollars in a single year.

We keep faith; but while we do this, how is it upon that Welland Canal, upon which we are entitled to equality of treatment? Every ton of cargo that passes through the Welland Canal to an



American port for export is, in fact, charged exactly ten times the toll that is exacted upon the cargo that is to be exported from a Canadian port. That is the interpretation which a Canadian ministry gives to the words of a treaty so simple that a child could not mistake its meaning.

Uncover all the masks of words and equivocations in this voluminous diplomatic correspondence and there stands out the bald fact that American trade is subjected to just ten times the burden to which Canadian trade is subjected in passing through the Welland Canal. Twenty cents a ton is levied upon all; and when the cargo has passed through, if it goes to an American port, nothing is heard of this toll; but if it goes to a Canadian port for export, 18 cents is handed back. In this adroit, indirect way, for every \$5,000 paid on cargoes going to Canadian ports \$50,000 is exacted from the grain-raisers and shippers of our country.

This burden is laid on the commerce of the North and Northwest, and the citizens of the ports of the United States entitled to enjoy this export trade, and by treaty to equality in the use of the Welland Canal. More than that, the Welland Canal being deeper than the St. Lawrence canals, and vessels passing through being compelled to reship their cargoes into smaller boats before they go from Lake Ontario into the St. Lawrence canals when they go to Montreal, they are not allowed to transship on the American side without loss of rebate, even though the cargoes are to go to Montreal, a Canadian port. This is to strike at the business of Oswego and Ogdensburg on the American side of Lake Ontario and drive business across to Kingston.

Since this bill was introduced, since the strong hand of Congress is about to be stretched out in answer to the call of the President in his message, the press dispatches announce that the Canadian Government, by order in council, will strike the word "Canadian" from the recent order, so that the world is given to understand, and undoubtedly it was hoped that members of Congress unfamiliar with the question might think, that we were again placed in possession of our just rights of equality, at least as to transshipping cargoes. But it is an evasion, and is meant to throw dust in our eyes. The word "Canadian" is stricken out of the paragraph of the order in council which provides that "the right to this rebate shall extend to cargoes re-shipped at Port Dalhousie (which is on the Canadian side) and also to shipments of the above-named products (grain, etc.) made from any Canadian Lake Ontario port."

The word "Canadian" is stricken out, says the telegram, but you will note that the word "shipments" not "transshipments" is carefully introduced just before the word "Canadian;" so that when their officials come to construe the language it applies only to original shipments of cargoes emanating from that small district around Oswego, in New York, which any one might wish to send to Europe by way of Montreal. But no grain is sent that way, and this pretended correction is utterly sterile of meaning or relief to the Northwest, which demands the freedom of the Welland Canal on terms of equality with Canadians. If by a rebate of 18 cents out of 20 in the tolls, they go through for one-tenth of what we have to pay, then we ask for this bill under which the President will compel them to pay a heavy toll for going through the Sault St. Mary Canal connecting Lake Superior eastward \$2 a ton and \$5 a passenger, or not more than that, till this wrong is corrected.

Mr. TURNER. Will the gentleman yield for an inquiry? I have no doubt he is familiar with the course of this diplomatic correspondence to which he has referred. I would like to ask him whether he despairs of a fair settlement of this dispute through diplomatic channels?

Mr. HITT. I will answer the gentleman by saying that I believe it to be utterly hopeless. The persistent determination of the Canadian ministry has kept it up for years in spite of all protest.

Mr. TURNER. But if the gentleman will pardon me a moment, is there not hope of inducing the Canadian authorities to adjust this matter to suit the interests of our commerce?

Mr. HITT. None whatever. By the testimony of the late Secretary of State, by the statement of the gentleman who is today Secretary of State, in the conference held as late as February last when this matter was presented with great force by the then Secretary, Mr. Blaine, there was a distinct understanding by both these gentlemen that the Canadian representatives present engaged to repeal and abandon the 18-cent drawback or rebate. But they went home, and instead of correcting the injustice, they reissued the order on the 4th of April last in the harshest and most unjust terms; and when, on their return here in June, their attention was called to it, they said that they had not promised to rescind the order or abandon the order in council, but to consider our complaint, and regretted exceedingly that their words were not properly understood. What can be expected from negotiation beginning in such fashion as that?

Mr. TURNER. Then, on that view of the matter, will the gen-

tleman permit me to ask him whether it would not be better to do this by direct action of Congress in a statute providing the specific remedy, rather than to devolve these retaliatory and extraordinary powers on the President?

Mr. HITT. This grain rebate, I will state to the gentleman, is not the only vexation of which we have cause to complain. There is a long series of acts by which we have suffered, which it would be long to specify, too long for a law in detail, and against which we desire to have a preventive power in the hands of the President in this specific and precise measure of retaliation. The action of Congress I regard as essential to confer this power and at once bring those ministers to terms who will argue, evade, and delay for years in negotiation, just as they have done and are doing.

Mr. TURNER. But what I object to is the enlargement in this manner of the Executive authority.

Mr. HITT. There must be a discretionary power somewhere to deal with a question of this character, as any one must feel who knows how we have been treated heretofore. Can we forget how that hostile ministry, seeking to foment irritation between Canadians and our people, treated our fishermen in a way that Secretary Manning called inhuman and brutal; how they interrupted Bayard when he was about to settle the Bering Sea dispute, and encouraged a predatory warfare on our seals; how they have nullified our interstate-commerce law; how they impose discriminating fees on our vessels, and even refuse to allow us to go to the relief of our vessels wrecked in their waters?

Let me add another item for example, Mr. Speaker, right in this connection. It is not alone grain that is affected by this order of the Canadian Government, but take coal. Now, as a matter of fact, owing to the way the coal trade runs on the North, almost all of the coal going up through the Welland Canal is shipped from American ports, and all that comes down is in Canadian vessels. The tariff on coal going up is 20 cents and on the other or Canadian, going down, is 10 cents per ton. The order was issued April 11, 1890, by the Canadian Government, reducing the toll on coal passing down the canal from 20 to 10 cents per ton, but leaving the full toll of 20 cents on coal bound up.

Now, see the result. During the season of 1890 there were 22,781 tons of coal, paying but 10 cents per ton, carried down the canal in Canadian vessels, and only 615 tons were carried down in American vessels. On the other hand, of the coal carried up the canal and compelled to pay 20 cents a ton, 116,616 tons were carried between ports of the United States, 17,280 from a United States to a Canadian port, and only 80 tons between Canadian ports. Note how ingeniously the up and down tolls are adjusted to make the Americans pay almost all the tolls, when by the treaty they are entitled to "equality with the inhabitants of the Dominion." They do this while using scot free our canals, costing over fifteen millions, which we support, not by tolls, but by direct appropriations from the Treasury of the American people.

The indirect effect is as bad as the direct action. By this prohibitive toll (with rebate to themselves) they obstruct the canal to us when the Northwest most needs it. In this way we are deprived of the seven railroads running south from Lake Ontario to carry our grain to the seaports, for we can not reach Lake Ontario. Last fall, just at the closing of the season of navigation, there were one hundred and ten vessels containing 13,000,000 bushels of wheat lying in the outer harbor of Buffalo on Lake Erie in danger of being frozen up for the winter in a dangerous position, because the terminal facilities of Buffalo could not unload this grain promptly. If we had had the use of the Welland Canal, to which we are entitled, this grain could have been quickly taken down to Lake Ontario, where there are seven railroads and a branch of the Erie Canal and abundant terminal facilities of Oswego and other ports.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. BLOUNT. Mr. Speaker, I wish to add but a word.

Mr. DINGLEY. Will the gentleman from Georgia yield to me for two minutes to make a suggestion in connection with this matter?

Mr. BLOUNT. I have so many matters, Mr. Speaker, to bring before the House this morning from the committee that I hope the gentleman will pardon me for not yielding any more time.

Mr. DINGLEY. I should like to occupy the floor for only two minutes.

Mr. BLOUNT. Of course I will yield to my friend from Maine if he desires it, but I hope we may proceed with this bill, as I wish to call up other matters of importance.

Mr. DINGLEY. I will not press the request, as I am in favor of the bill.

Mr. BLOUNT. I wish to add only a word to what has been said by the gentleman from Illinois, and will then ask the previous question.

So far as increasing the Executive power is concerned, to which reference has been made by my colleague from Georgia [Mr.



TURNER], it is a matter of absolute necessity to confer this power in the present instance on the Executive, for the reason that at one time this question assumes one phase and at a different time quite another.

For instance, at one time rebate is confined to vessels and cargoes passing from the Welland Canal through the St. Lawrence Canal. Then further negotiation is had, and that order is modified so that it will be confined to articles exported abroad, passing through these same canals, and various questions are continually occurring which require modifications as the matter progresses. The power of the President is limited just the moment the concessions or the equality sought for under the construction of this treaty, as stated here and as claimed by the Cleveland Administration and this Administration, is assented to.

Now I ask the previous question on the passage of the bill.

Mr. TURNER. If my colleague will pardon me a suggestion before demanding the previous question.

Mr. BLOUNT. Certainly.

Mr. TURNER. The language empowering the President to inflict retaliatory measures on the Canadian commerce is expressed precisely in the words of the reciprocity clause of the McKinley act, to which we have all objected.

Mr. BLOUNT. But the trouble is that the reciprocity is only on one side, and we want our share. If it were an original matter it would be different.

I ask the previous question.

The previous question was ordered, under the operation of which the bill was ordered to a third reading; and being read the third time, was passed.

On motion of Mr. BLOUNT, a motion to reconsider the last vote was laid on the table.

#### RUSSIAN HEBREWS.

Mr. MCCREARY. Mr. Speaker, I desire to call up House resolution No. 8, expressing sympathy with the Russian Hebrews in their distress.

Mr. O'NEILL of Missouri. If the gentleman will permit me, I wish to present a conference report.

The SPEAKER. If the gentleman will withhold his conference report until the end of the hour, it can then be presented. The gentleman from Kentucky calls up the resolution which the Clerk will report.

The Clerk read as follows:

*Resolved, etc.* That the American people, through their Senators and Representatives in Congress assembled, do hereby express sympathy for the Russian Hebrews in their present distressed condition, and the hope that the Government of Russia, a power with which the United States has always been on terms of amity and good will, will mitigate as far as possible the severity of the decrees lately issued respecting them.

The amendments reported by the committee were as follows:

In line 9, after the word "the," insert the words "laws and;" and in the same line, after word "decrees," strike out the word "lately;" Also add to the resolution the words "and the President is requested to use his good offices to induce the Government of Russia to mitigate the said laws and decrees."

Mr. BUCHANAN of New Jersey. I wish to ask the gentleman from Kentucky whether this sympathy is to be sent in a Government vessel?

Mr. MCCREARY. Mr. Speaker, it is alleged that about five million persons in Russia known as Israelites or Jews are at present subjected to persecution, banished in some instances from their homes on trivial pretexts, without opportunity to sell their property, and have been driven into exile in strange lands destitute and penniless.

While it is not the policy of our Government to interfere in the affairs of other nations it is believed to be proper for the American people, through their Senators and Representatives in Congress assembled, to express sympathy for the Russian Hebrews in their present distressed condition, and the hope that the Government of Russia, a power with which the United States has always been on terms of amity and good will, will mitigate, as far as possible, the severity of the laws and decrees issued respecting them, and request the President to use his good offices to induce the Government of Russia to mitigate the said laws and decrees.

That is all there is in this resolution, and I hope it will be passed.

Mr. PAYNE. Will the gentleman allow me to ask him a question.

Mr. MCCREARY. Yes.

Mr. PAYNE. Will this sympathy incur any charge on the Treasury of the United States?

Mr. MCCREARY. No, sir.

Mr. TAYLOR of Illinois. No, our friends on the other side would be opposed to it if it did. They were opposed to a resolution offered early in the session which proposed to give substantial relief.

Mr. MCCREARY. I have stated all that the resolution contains, and I ask for a vote, if no gentleman desires to speak.

The SPEAKER. The question is on the amendments.

The amendments were agreed to.

The resolution as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time.

Mr. BUTLER. I would like to ask a question. I can not understand anything about what is the necessity or common sense of our interfering in this matter.

Mr. MCCREARY. Mr. Speaker, I would say to the gentleman from Iowa that many petitions signed by a number of persons have been sent to the House of Representatives on the subject of the distress and suffering which now exists in Russia, among persons called Israelites or Jews, and that the Committee on Foreign Affairs, after considering all the petitions and several resolutions, agreed to report this joint resolution. This does not interfere in any respect with the friendly relations which exist between the United States and Russia.

Mr. TAYLOR of Illinois. I would like to ask the gentleman a question. I will ask if he intends to call up—

Mr. BUTLER. I believe I have the floor.

The SPEAKER. To whom does the gentleman from Kentucky yield?

Mr. MCCREARY. I do not yield the floor. I have answered the question of the gentleman from Iowa, and if he desires to ask another I will allow him time to do so.

Mr. BUTLER. The gentleman from Kentucky did yield the floor, and went on with the bill. I asked him a question and received no information, and during my time I now ask him a question.

Mr. MCCREARY. Mr. Speaker, I have not yielded the floor.

Mr. BUTLER. I demand the floor.

The SPEAKER. The gentleman from Kentucky asked for a vote. A vote was taken on the amendments and on the third reading, and when that stage was reached, when the question was, shall the bill pass, the gentleman from Iowa arose—

Mr. MCCREARY. And asked a question.

The SPEAKER. Yes.

Mr. MCCREARY. But not for a speech.

The SPEAKER. There has been no demand for the previous question. There is nothing to cut off debate.

Mr. MCCREARY. I retain the floor.

Mr. BUTLER. The gentleman from Kentucky can not retain the floor.

The SPEAKER. The gentleman from Iowa [Mr. BUTLER] will proceed. The House will please be in order.

Mr. BUTLER. Mr. Speaker, I can see nothing in this at all, except a resolution of sympathy, and I can not conceive why it is introduced unless it is simply to make some political capital or buncombe. Russia can attend to her own legislation and we can attend to ours, and I do not believe it is the proper business of this Congress to try to interfere with any other nation. I wish to say this much, and gentlemen can do as they please.

Mr. MCCREARY. I move the previous question.

Mr. TAYLOR of Illinois. I desire to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. TAYLOR of Illinois. I simply desire to ask if the gentleman intends to follow this up by calling up a resolution offered early in the session which carried some substantial sympathy, in the shape of \$100,000?

Mr. MCCREARY. I do not know anything about the resolution to which the gentleman refers.

Mr. TAYLOR of Illinois. It was before the House early in the session.

Mr. MCCREARY. I do not expect to call up that resolution. I move the previous question.

Mr. COOMBS. I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman from Kentucky yield? [After a pause.] The gentleman from Kentucky demands the previous question.

The question was taken on ordering the previous question; and the Speaker announced that the ayes seemed to have it.

Mr. LIND. Division.

The House divided; and there were—ayes 74, noes 8.

Mr. LIND and Mr. BUTLER. No quorum.

The SPEAKER. The Chair will appoint as tellers the gentleman from Kentucky [Mr. MCCREARY] and the gentleman from Minnesota [Mr. LIND].

The House again divided; and during the division

Mr. LIND said: I withdraw the call for a quorum.

Mr. BUTLER. Mr. Speaker, I made the point of no quorum also, and I will insist upon it.

The SPEAKER. The gentleman from Kentucky [Mr. MCCREARY] and the gentleman from Iowa [Mr. BUTLER] will act as tellers. The gentleman from Iowa states he also made the point of no quorum, and that he does not withdraw it.



The House again divided.  
Mr. BURROWS (during the count). Mr. Speaker, would it be in order while the tellers are making this count to have read the views of the minority on this resolution, protesting against its passage?

The SPEAKER. Not during a division.

The count was concluded; and tellers reported—ayes 143, noes 2.

Mr. MCCREARY. Mr. Speaker, I ask that the vote be announced.

The SPEAKER. On this question the ayes are 143, noes 2.

Mr. BUTLER. I continue the point of no quorum.

The SPEAKER. The gentleman makes the point of no quorum, and the hour has expired.

BRIDGE ACROSS TENNESSEE RIVER NEAR KNOXVILLE, TENN.

Mr. O'NEILL of Missouri. Mr. Speaker, I submit a conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6091) to amend "an act to authorize the construction of a bridge across the Tennessee River at or near Knoxville, Tenn., approved August 9, 1888," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

JOHN J. O'NEILL,  
S. R. MALLORY,  
JOHN LIND,

Managers on the part of the House.

WM. B. BATE,  
G. G. VEST,  
WM. P. FRYE,

Managers on the part of the Senate.

The statement was read, as follows:

The House bill in this case (H. R. 6091) extends the time "for the commencement and completion" of the bridge across the Tennessee River, at or near Knoxville, Tenn., authorized by an act approved August 9, 1888, two years.

The special effect of the Senate amendment will be to extend the time for the commencement of said bridge one year from the passage of the act, and the time for the completion of said bridge three years from the passage of the act.

Another effect of it will be to make the recitals of the act more explicit and definite, and to cause the method of those recitals to conform in larger measure than it does in the House bill with the practice in such cases.

The report of the committee of conference was agreed to.

On motion of Mr. O'NEILL of Missouri, a motion to reconsider the vote by which the conference report was passed was laid on the table.

#### ALLEGED READING RAILROAD COMBINE.

Mr. WISE. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. WISE. I ask unanimous consent to reconsider the vote by which the resolution was adopted yesterday for an investigation of the Reading Railroad combination, so that I can insert an amendment.

The SPEAKER. The gentleman better not move to reconsider the vote, because that will bring up the whole matter.

Mr. WISE. I ask unanimous consent that the word "or" in the fifteenth line of the resolution be changed to "and;" so that it will read "clerk and stenographer."

The SPEAKER. On yesterday a resolution was adopted in relation to an investigation of a railroad combination. The resolution directed the Committee on Interstate and Foreign Commerce to investigate what is commonly known as the Reading combination. In the fifteenth line the committee is authorized to employ "a clerk or stenographer," and the committee desire and did desire, but omitted to do so, to amend by striking out "or" and to insert "and," so as to make it read "a clerk and stenographer."

Mr. DINGLEY. That is, they want one more officer.

Mr. WISE. The committee want permission to employ one, if necessary.

The SPEAKER. The committee asks unanimous consent to strike out "or" and insert "and."

Mr. REED. Does that increase the expenditures?

Mr. WISE. The whole expenditure is limited under the terms of the resolution; limiting the amount of money that it can expend.

Mr. REED. This makes it a little more unlimited in its distribution.

The SPEAKER. It may make it a little more diffuse.

Mr. HENDERSON of Iowa. And it may create a deficiency.

Mr. BUCHANAN of New Jersey. This ought to be allowed. This is one of the most gigantic Democratic combines in the country.

Mr. DOCKERY. Mr. Speaker, I would like the gentleman to explain the necessity for this. I was recently engaged in an investigation involving nearly 700 printed pages, and we only had use for a stenographer who was also clerk. But I suggest to the gentleman that it seems to me that a stenographer would answer the purposes of this committee.

Mr. SIMPSON. And he can be clerk, too.

Mr. WISE. I withdraw the request, Mr. Speaker, if there is to be any debate.

Mr. DOCKERY. I am not objecting.

The SPEAKER. The gentleman withdraws his request. The Committee on Military Affairs is called.

#### PROMOTION OF ENLISTED MEN OF THE ARMY.

Mr. OUTHWAITE. Mr. Speaker, I call up for consideration the bill (S. 1722) to provide for the examination and promotion of enlisted men of the Army to the grade of second lieutenant.

The bill was read, as follows:

*Be it enacted, etc.,* That the President be, and he is hereby, authorized to prescribe a system of examination of enlisted men of the Army, by such boards as may be established by him, to determine their fitness for promotion to the grade of second lieutenant: *Provided*, That all unmarried soldiers under 30 years of age, who are citizens of the United States, are physically sound, who have served honorably not less than two years in the Army, and who have borne a good moral character before and after enlistment, may compete for promotion under any system authorized by this act.

SEC. 2. That the members and recorder of such boards as may be established by the President, under the provisions of the preceding section, shall be sworn in every case to discharge their duties honestly and faithfully; and the boards may examine witnesses, and take depositions, for which purpose they shall have such powers of a court of inquiry as may be necessary.

SEC. 3. That the vacancies in the grade of second lieutenant heretofore filled by the promotion of meritorious noncommissioned officers of the Army, under the provisions of section 3 of the act approved June 18, 1878, shall be filled by the appointment of competitors favorably recommended under this act, in the order of merit established by the final examination. Each man who passes the final examination shall receive a certificate of eligibility, setting forth the subjects in which he is proficient and the special grounds upon which the recommendation is based: *Provided*, That not more than two examinations shall be accorded to the same competitor.

SEC. 4. That all rights and privileges arising from a certificate of eligibility may be vacated by a sentence of a court-martial, but no soldier, while holding the privileges of a certificate, shall be brought before a garrison or regimental court-martial or summary court.

SEC. 5. That sections 3 and 4 of the act approved June 18, 1878, providing for the promotion of meritorious noncommissioned officers, be, and the same are hereby, repealed.

Mr. OUTHWAITE. Unless some explanation is desired, I ask for the previous question. It is simply a bill providing that enlisted men may be examined for promotion to the grade of second lieutenant.

Mr. DOCKERY. Does it involve any charge upon the Treasury?

Mr. OUTHWAITE. It involves no additional expenditure, and no increase in the Army.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. BERGEN. I desire to ask a question.

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

Mr. BERGEN. I desire to ask a question of the gentleman in charge of the bill. Does this do away with the seniority rank that now prevails?

Mr. OUTHWAITE. Not at all. It is simply to permit enlisted men to have an opportunity to receive a commission as second lieutenant.

Mr. WHEELER of Alabama. It simply broadens the selection that heretofore has been made upon the recommendation of the captain of the company to which the enlisted man belongs.

The question was taken, and the bill was passed.

On motion of Mr. OUTHWAITE, a motion to reconsider the vote by which the bill was passed, was laid on the table.

#### MILITARY RECORDS, WARS OF REVOLUTION AND 1812.

Mr. OUTHWAITE. Mr. Speaker, I call up the bill (S. 621) to provide for the collection, custody, and arrangement of the military records of the American Revolution and the war of 1812.

The bill was read, as follows:

Whereas the military records of the American Revolution and of the war of 1812 are now preserved in different Executive Departments of the Government and are not easily accessible; and

Whereas it is important that they should be collected in one Department, where they could be easily consulted and properly indexed and arranged for use: Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the military records of the American Revolution and of the war of 1812, now preserved in the several Executive Departments, be transferred to the War Department, to be preserved in the Record and Pension Division of that Department, and that they shall be properly indexed and arranged for use.

Mr. DOCKERY. Mr. Speaker, I wish to ask the gentleman whether this bill involves any appropriation?

Mr. OUTHWAITE. It does not. When I call up any bill that does, I will direct attention to it.

The amendment recommended by the Committee on Military Affairs was agreed to, as follows.

Line 5, strike out "several Executive" and insert "Treasury and Interior."

The bill as amended was ordered to a third reading, and it was accordingly read the third time and passed.

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

The latter motion was agreed to.



## EXAMINATION AND PROMOTION OF ARMY OFFICERS.

Mr. OUTHWAITE. Mr. Speaker, I call up the bill (S. 1230) amending the act of October 1, 1890, entitled "An act to provide for the examination of certain officers of the Army and to regulate promotions therein."

The bill was read, as follows:

*Be it enacted, etc.,* That section 3 of the act of October 1, 1890, entitled "An act to provide for the examination of certain officers of the Army and to regulate promotions therein," is hereby amended by adding thereto the following: *And provided further,* That officers entitled by this section to examination by a board composed entirely of officers who were appointed from civil life, or who were officers of volunteers only during the war, may, by written waiver filed with the War Department, relinquish such right, in which case the examination of such officers shall be conducted by boards composed as shall be directed by the Secretary of War.

SEC. 2. That the examination of officers of the Corps of Engineers and Ordnance Department who were officers or enlisted men in the regular or volunteer service, either in the Army, Navy, or the Marine Corps, during the war of the rebellion, shall be conducted by boards composed in the same manner as for the examination of other officers of their respective corps and department; and the examinations shall embrace the same subjects prescribed for all other officers of similar grades in the Corps of Engineers and Ordnance Department, respectively.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

## ADMINISTRATION OF JUSTICE IN THE ARMY.

Mr. OUTHWAITE. Mr. Speaker, I call up the bill (S. 620) to amend an act entitled "An act to promote the administration of justice in the Army," approved October 1, 1891.

The bill was read, as follows:

*Be it enacted, etc.,* That the act entitled "An act to promote the administration of justice in the Army," approved October 1, 1890, be, and the same is hereby, amended by adding thereto the following section:

"SEC. 3. That the commanding officers authorized to approve the sentences of summary courts shall have the power to remit or mitigate the same."

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

## AUTHORIZING THE SECRETARY OF WAR TO LEASE PUBLIC PROPERTY.

Mr. OUTHWAITE. Mr. Speaker, I call up the bill (S. 1040) authorizing the Secretary of War to lease public property in certain cases.

The bill was read, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That authority be, and is hereby, given to the Secretary of War, when in his discretion it will be for the public good, to lease, for a period not exceeding five years and revocable at any time, such property of the United States under his control as may not for the time be required for public use and for the leasing of which there is no authority under existing law, and such leases shall be reported annually to Congress: *Provided,* That nothing in this act contained shall be held to apply to mineral or phosphate lands.

Mr. OUTHWAITE. This bill is intended to cover rights of way through military reservations. It gives to the Secretary of War the same power that the Secretary of the Treasury now has to make revocable leases whenever, in the judgment of the Secretary of War, the public good will be promoted thereby, and for a period not exceeding five years. It is intended to obviate the necessity for the numerous special bills that are brought in here to authorize such leases.

Mr. SIMPSON. Does the bill fix the length of time for which the Secretary shall have power to give these leases?

Mr. OUTHWAITE. Not exceeding five years; and they are to be revocable within that time if there is a change of administration, or if, for good reason, the Secretary thinks they should be revoked.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

## GRADE OF CERTAIN MEDICAL OFFICERS OF THE ARMY.

Mr. OUTHWAITE. Mr. Speaker, I call up the bill (S. 1039) to define the grade of certain medical officers of the Army, and for other purposes.

The bill was read, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from the passage of this act the grade of certain medical officers of the Army below that of Surgeon-General shall be as follows: Those holding the rank of colonel, assistant surgeon-generals; those holding the rank of lieutenant-colonel, deputy surgeon-general.

SEC. 2. That before receiving the rank of captain of cavalry assistant surgeons shall be examined, under the provisions of an act approved October

1, 1890, entitled "An act to provide for the examination of certain officers of the Army and to regulate promotions therein."

SEC. 3. That medical officers of the Army may be assigned by the Secretary of War to such duties as the interests of the service may demand.

SEC. 4. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. HENDERSON of Iowa. Mr. Speaker, I wish the gentleman would explain this bill and tell us wherein it changes the present system.

Mr. OUTHWAITE. The report sets forth the nature of this bill.

Mr. HENDERSON of Iowa. I thought the gentleman might save time by making an explanation.

Mr. OUTHWAITE. Well, the bill makes no actual change in the rank of pay. It simply defines the regular status of the officers and permits their assignment by the Secretary of War to such duties as he, in the exercise of his judgment, may deem for the best interests of the service. Under the present system these positions, unless specially excepted, must be filled by the President and in certain cases men may be promoted to branches of the service when they do not desire the promotion and are entirely unfit for the service. For instance, a man may be promoted to be purveyor, when he has no desire and no qualifications for that position. This would authorize the Secretary of War to assign him to some other duty which he deemed better for the service.

Mr. HENDERSON of Iowa. Does the bill have the approval of the War Department?

Mr. OUTHWAITE. Yes. The approval is in these words:

WAR DEPARTMENT,  
Washington, January 20, 1892.

SIR: I return herewith Senate bill 1039, "To define the grade of certain medical officers of the Army, and for other purposes," which was left at the Department on the 15th instant by Senator PROCTOR, of your committee, and beg to invite your attention to the inclosed report of the Surgeon-General of the Army, dated the 16th instant, thereon, which is concurred in.

Very respectfully,

S. B. ELKINS, Secretary of War.

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,  
House of Representatives.

Then follows the report of the Surgeon-General. In fact, it was at the instance of the Surgeon-General that this bill was reported.

The bill was ordered to a third reading, and it was accordingly read the third time, and passed.

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

The latter motion was agreed to.

## RELIEF OF SOLDIERS OF MEXICAN AND CIVIL WAR.

Mr. OUTHWAITE. I call up the bill (S. 3154) to amend section 9 of the act for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico, passed March 2, 1889.

The bill was read, as follows:

*Be it enacted, etc.,* That section 9 of the act for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico, passed March 2, A. D. 1889, be, and the same is hereby, so amended as to extend the time for the limitation of the operation of said section for the period of two years from the 1st of July, 1892.

Mr. HENDERSON of Iowa. Will the gentleman explain what this bill covers?

Mr. OUTHWAITE. It covers cases of what may be called technical desertion in the Mexican war and the late war. Upon the making of certain proof showing that the desertion was nothing more than a technical desertion, the Secretary of War was authorized by the act to which the bill is an amendment to issue a discharge. That act expired by limitation on the first of the present month. This bill proposes to extend the act for two years. There are instances in which widows of soldiers of the Mexican war and widows of soldiers of the late war discover when applying for pensions that this technical charge of desertion stands against their former husbands. This bill simply extends the time within which such applications for discharge may be made.

Mr. HENDERSON of Iowa. The bill does not contain any new provisions?

Mr. OUTHWAITE. It simply extends for two years the former act.

Mr. HOUK of Ohio. Will the extension of that act have the effect of reviving the provisions which have expired?

Mr. OUTHWAITE. I understand that it will.

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

On motion of Mr. OUTHWAITE, a motion to reconsider the last vote was laid on the table.

## ARTICLES OF WAR.

Mr. OUTHWAITE. I call up the bill (S. 2470) to amend the Articles of War, and for other purposes.



The bill was read, as follows:

*Be it enacted, etc.,* That articles 17, 84, 104, and 110, of section 1342 of the Revised Statutes of the United States, be, and the same are hereby, amended to read as follows:

"ART. 17. Any soldier who sells or through neglect losses or spoils his horse, arms, clothing, or accoutrements shall be punished as a court-martial may adjudge, subject to such limitation as may be prescribed by the President by virtue of the power vested in him."

"ART. 84. The judge-advocate shall administer to each member of the court, before they proceed upon any trial the following oath, which shall also be taken by all members of regimental and garrison courts-martial: 'You, A B, do swear that you will well and truly try and determine, according to evidence, the matter now before you, between the United States of America and the prisoner to be tried, and that you will duly administer justice, without partiality, favor, or affection, according to the provisions of the rules and articles for the government of the armies of the United States, and if any doubt should arise, not explained by said articles, then according to your conscience, the best of your understanding, and the custom of war in like cases; and you do further swear that you will not divulge the sentence of the court until it shall be published by the proper authority, except to the judge-advocate; neither will you disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in a due course of law. So help you God.'"

"ART. 88. That a general court-martial shall have the power to punish summarily for contempt of its authority such acts as would be punishable summarily by the highest civil court of criminal jurisdiction of the State, Territory, or district in which the court-martial may sit if committed in contempt of its authority: *Provided*, That the punishment for contempt of court by a civilian shall not exceed confinement for three months, or fine of \$100 and confinement until paid."

"ART. 104. No sentence of a court-martial shall be carried into execution until the same shall have been approved by the officer ordering the court, or by the officer commanding for the time being."

"ART. 110. No sentence adjudged by a field officer, detailed to try soldiers of his regiment, shall be carried into execution until the same shall have been approved by the brigade commander, or, in case there be no brigade commander, by the commanding officer of the post or camp."

SEC. 2. That whenever a court-martial shall sit in closed session the judge-advocate shall withdraw, and when his legal advice or his assistance in referring to recorded evidence is required it shall be obtained in open court.

SEC. 3. That fraudulent enlistment, and the receipt of any pay or allowance thereunder, is hereby declared a military offense and made punishable by court-martial, under the sixty-second article of war.

SEC. 4. That judge-advocates of departments and of courts-martial, and the trial officers of summary courts, are hereby authorized to administer oaths for the purposes of the administration of military justice, and for other purposes of military administration.

SEC. 5. That the commanding officers authorized to approve the sentences of summary courts shall have the power to remit or mitigate the same.

SEC. 6. That this act shall take effect sixty days after its passage.

Mr. OUTHWAITE. There is an amendment reported by the committee.

The amendment was read, as follows:

Strike out the proposed "article 88," beginning on line 32, page 2, and ending with line 40, page 3.

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. OUTHWAITE, a motion to reconsider the last vote was laid on the table.

#### MILITARY BOARD OF REVIEW.

Mr. OUTHWAITE. I call up the bill (H. R. 7172) to authorize the Secretary of War to appoint a board of review in certain cases.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of War is hereby authorized to appoint a board of review, to consist of three members and a recorder, from officers of the Army on the active or retired list, to review the proceedings, findings, and sentence of any court-martial for the trial of a commissioned officer or enlisted man, either of the regular Army or volunteer forces, where the accused has been dishonorably discharged from the military service of the United States, or to review the proceedings, findings, and decision of a retiring board, when an officer has been wholly retired from the Army.

SEC. 2. That the said board of review shall have jurisdiction of all such cases as shall be ordered before it by the Secretary of War, and its members shall serve without compensation except such as they are now receiving, and may be relieved from time to time as the exigencies of the service may require: *Provided*, That when officers of the retired list serve upon such board they shall receive the same pay as officers of their grade upon the active list.

SEC. 3. That it shall be lawful for said board of review to hear and consider any additional evidence in each case as may properly be brought before it, under such rules and regulations as may be established by the Secretary of War, and it is hereby authorized to subpoena witnesses and to administer oaths when necessary; and the proceedings and findings, with the recommendations of said board, shall be forwarded to the Secretary of War for his consideration and action: *Provided*, That the Government shall be put to no expense on account of witnesses summoned on the part of the applicant.

SEC. 4. That the board shall have the power to compel the attendance of witnesses, and to make them testify, and punish for contempt.

SEC. 5. That the recorder shall act as judge-advocate and be empowered to introduce witnesses to contradict the evidence of the applicant.

SEC. 6. That in case of disagreement of the board the views may be expressed in both majority and minority reports.

SEC. 7. That in all cases where the relief prayed for is recommended by the said board of review, in whole or in part, and approved by the Secretary of War, it shall be his duty to refer to Congress, for such action as it may deem proper, the findings of the board of review, together with the evidence upon which the findings are based, and he shall also report to Congress what action by Congress is deemed by him as necessary in order that justice may be done in the case: *Provided*, That no right to any pay or allowances shall accrue or be revived from such amendment of the records in any case.

Mr. SIMPSON. Does not the proviso of section 2 of this bill provide really for an increase of expenditure?

Mr. OUTHWAITE. Not at all. The retired officers who may serve on a board of this kind will receive nothing additional while so serving.

Mr. SIMPSON. I probably misunderstood the section as read; but I thought it provided that retired officers serving upon a board of this kind shall receive the same pay as if upon the active list. I would like to hear the second section read again.

Mr. OUTHWAITE. There may be a provision of that kind. It was not in when the bill left the committee as I remember it. I will yield to the gentleman from Alabama [Mr. WHEELER] for an explanation.

Mr. SIMPSON. Let the section be read.

The Clerk again read section 2.

Mr. WHEELER of Alabama. I hope the gentleman will not object. These boards may be composed of officers on the active list or the retired list; but it will very seldom happen that retired officers will be called upon to act in this way. This proviso was put in upon the recommendation of the Secretary of War and the commanding general.

Mr. SIMPSON. As I interpret the section, any retired officer acting on a board of review will receive the same pay as if he were in active service.

Mr. OUTHWAITE. The gentleman is correct in that. When I answered the gentleman before, I did not know that this provision had been inserted. I did not hear the reading by the Clerk distinctly on his former reading.

Mr. SIMPSON. That would involve an increase of expenditure; and therefore I shall be compelled to make a point of order that the bill must receive its first consideration in Committee of the Whole.

Mr. WHEELER of Alabama. Well, we will strike out that provision.

Mr. SIMPSON. Then I will not make objection.

The SPEAKER. The gentleman from Alabama, as the Chair understands, moves to strike out the proviso of section 2. In the absence of objection, that amendment will be adopted.

There was no objection.

Mr. WHEELER of Alabama. I move further to amend by inserting after the word "discharged," in line 9, of section 1, the words "or cashiered."

Mr. HENDERSON of Iowa. I do not know that I understood fully the provisions of this bill as read. In what cases does it contemplate a report to Congress before final action?

Mr. WHEELER of Alabama. At any time when the Secretary of War, after examining a case, thinks it of enough importance, he will order a board of review, which will report to him; and if the report is favorable, the Secretary will lay it before Congress.

Mr. HENDERSON of Iowa. This board of review will sit upon the action of the retiring board?

Mr. WHEELER of Alabama. Oh, no.

Mr. HENDERSON of Iowa. It sits upon the proceedings of two boards?

Mr. WHEELER of Alabama. It simply sits upon such cases as the Secretary of War or the President may order it to sit upon.

Mr. HENDERSON of Iowa. Then does the Secretary of War review the work of the Board of Review?

Mr. WHEELER of Alabama. The Secretary of War must approve the proceedings of the Board if in his judgment the proceedings should be approved, and then it becomes his duty to send the proceedings to Congress.

Mr. HENDERSON of Iowa. But the proceedings have to be approved by the Secretary of War before they become operative?

Mr. WHEELER of Alabama. Yes, sir. The bill provides that after approval by the Secretary of War he shall transmit the proceedings to Congress.

Mr. OUTHWAITE. And they must be passed on by Congress.

Mr. WHEELER of Alabama. This bill is designed to prevent the injustice which has occurred by parties coming here with *ex parte* cases for action.

Mr. HENDERSON of Iowa. But it is in the discretion of the Secretary of War to send the matter to Congress?

Mr. WHEELER of Alabama. Yes. He is only authorized to send the case to Congress after he has approved the proceedings of the Board.

Mr. HENDERSON of Iowa. And the other party can not appeal?

Mr. WHEELER of Alabama. No, sir. The other party can appeal the same as he can appeal to Congress now. It is not in our power to prevent an appeal to Congress by either petition or by bill. This bill does not impair any right.

I ask for a vote upon the amendment.

The SPEAKER. The Clerk will again report the amendment of the gentleman from Alabama.

The amendment was again read and agreed to.

The bill as amended was ordered to a third reading; and being read the third time, was passed.



On motion of Mr. OUTHWAITE, a motion to reconsider the last vote was laid on the table.

#### HEIRS AND LEGAL REPRESENTATIVES OF CERTAIN SOLDIERS.

Mr. OUTHWAITE. I call up for consideration the bill (H. R. 3850) for the relief of the heirs and legal representatives of certain soldiers.

The bill was read, as follows:

*Be it enacted, etc.,* That whenever the records of the War Department shall show that any soldier who was duly and properly in the service of the United States during the war of the rebellion was captured by the enemy, missing in action, or sent to a Confederate prison or hospital, such record, when sustained by proof satisfactory to the Secretary of War that said soldier has not, since the making of said record been heard from, shall be taken as *prima facie* evidence that said soldier was killed or died during the war while in the performance of his duty as a soldier.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. OUTHWAITE, a motion to reconsider the last vote was laid on the table.

#### GETTYSBURG BATTLEFIELD MEMORIAL ASSOCIATION.

Mr. OUTHWAITE. I now call up for consideration the bill (S. 898) to furnish the Gettysburg Battlefield Memorial Association, at Gettysburg, Pa., with specimens of arms, accouterments, etc., used by the armies in the battle of Gettysburg, for exhibition and preservation at the Gettysburg museum.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of War is hereby authorized and directed to deliver to the Gettysburg Battlefield Memorial Association, at Gettysburg, Pa., specimens of the arms, equipments, projectiles, uniforms, and other material of war used by the armies in that battle (so far as may be practicable), for the purpose of exhibiting and preserving them for historical purposes in the museum at the house used by Major-General Meade for headquarters, now owned by said association, or at such other place as the directors of the association may deem proper. And that the transportation to Gettysburg be furnished by the Quartermaster's Department of the United States from the appropriation for the transportation of army supplies.

Mr. OUTHWAITE. I stated, Mr. Speaker, that I would call the attention of the House to any of these bills which involved an appropriation. This bill involves a small appropriation, the amount necessary to properly carry out the object of the bill; that is to say, the amount required to transport these articles from here to Gettysburg. It is designed to furnish the Battlefield Memorial Association with specimens of the arms, accouterments, etc., which were used by the Army at the battle of Gettysburg; and the only appropriation is the necessary expense of the Quartermaster's Department to transport these articles from Washington to Gettysburg.

Mr. DICKERY. Can the gentleman state how much it will involve?

Mr. OUTHWAITE. Only a very small amount; I do not know exactly.

Mr. HENDERSON of Iowa. This does not deplete the Treasury of the samples of these arms and equipments?

Mr. OUTHWAITE. No; sir. They are not to be supplied unless there is a surplus in the Department, and these can be spared without depleting the supply there.

Mr. SIMPSON. This association, as I understand it, is not under the supervision of the Government, but is a private corporation?

Mr. OUTHWAITE. I am not positive as to that.

Mr. HENDERSON of Iowa. It is a private corporation undoubtedly.

Mr. ROCKWELL. It has a sort of *quasi* connection with the Government. It bought the land from the Government, but is a private corporation.

Mr. SIMPSON. I understand it is proposed by this bill for the Government to pay the cost of transportation of these articles, which are for the benefit and use of a private corporation.

Mr. OUTHWAITE. That would be the case if it was a distinctly private corporation. But this is for the benefit of all people who visit that historic field. The whole battlefield has been to a certain degree under the supervision of the Government. Besides that, the expenditure will be but a very small amount, ranging probably between seventy-five and one hundred dollars. Certainly not more than that.

Mr. SIMPSON. The amount is small, it is true. But I think we are establishing a bad precedent to take funds out of the public Treasury for the benefit of a private corporation.

Mr. OUTHWAITE. It is not for the benefit of a private corporation, but to preserve on the battlefield for years and perhaps centuries to come samples of the implements, arms, and accouterments used by the forces engaged in that battle. It is not for pecuniary gain in any sense of the word.

I yield two minutes to the gentleman from Alabama [Mr. OATES].

Mr. OATES. Mr. Speaker, as a participant in that great battle on the losing side, I am heartily in favor of the passage of this bill. The preservation of these memorials of that great

conflict will prove of much interest to people in the future. Two or three years ago when I visited the battlefield of Waterloo, there was nothing which so much interested me as the collection of the arms and equipments of warfare which had been preserved there and which had been used in that historic struggle. It is a proper place for the preservation of such articles. For all people in the future who visit this battlefield will be glad to learn all they can concerning the weapons and equipments used by the participants in that fight.

I can see no objection to the bill. On the contrary, I think it a proper one and hope it will pass.

Mr. OUTHWAITE. I demand the previous question on the third reading of the bill.

The previous question was ordered, under the operation of which the bill was ordered to a third reading, and being read the third time, was passed.

On motion of Mr. OUTHWAITE, a motion to reconsider the last vote was laid on the table.

#### HOTEL ON GOVERNMENT RESERVATION, FORTRESS MONROE, VA.

Mr. OUTHWAITE. I call up the resolution (H. Res. 142) extending the time for the construction of a hotel on the Government reservation at Fortress Monroe, Va.

The resolution was read, as follows:

*Resolved,* That the time for the construction of a hotel upon the Government reservation at Fortress Monroe, Va., as provided in the act of Congress approved July 2, 1890, be, and the same is hereby, extended for one year from and after the passage of this act.

The resolution was ordered to be engrossed and read a third time, and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. OUTHWAITE, a motion to reconsider the last vote was laid on the table.

#### MASTER OF THE SWORD, UNITED STATES MILITARY ACADEMY.

Mr. OUTHWAITE. Mr. Speaker, I call up the bill (H. R. 5448) to fix the rank of the master of the sword at the United States Military Academy.

The bill was read, as follows:

*Be it enacted, etc.,* That from and after the passage of this act the master of the sword at the United States Military Academy shall have the rank and receive the pay and emoluments of a first lieutenant of infantry.

Mr. OUTHWAITE. Mr. Speaker, this bill is not to create a new office, but is to give a new title to an office now in existence. As I understand, it does not increase the pay of the officer, and does not increase the expense to the Government. It is for the purpose of giving this officer a military standing in a military school, where all the other instructors who have to deal directly with the physical direction and training of the youth have military titles. Now unless some gentleman desires to debate the bill, I will ask for a vote.

Mr. SIMPSON. I would like to ask the gentleman from Ohio if he has positive knowledge that the bill does not increase the pay of this master of the sword?

Mr. OUTHWAITE. The pay of this officer is now the pay of a first lieutenant.

Mr. SIMPSON. And what does this increase it to?

Mr. OUTHWAITE. It does not increase it at all.

Mr. HULL. This is recommended by the superintendent and all the officers of the Academy.

Mr. SIMPSON. Then this simply gives him his rank as a lieutenant?

Mr. OUTHWAITE. Simply gives him that rank. He has probably more supervision over the youth there with regard to their physical culture than either their drillmaster or other officers.

Mr. BAILEY. Will the gentleman permit me to ask him a question?

Mr. OUTHWAITE. Yes.

Mr. BAILEY. Will not this officer, after serving a certain time and attaining a certain age, be entitled to retirement?

Mr. OUTHWAITE. Yes, he will be entitled to retirement and to receive the pay of a retired officer of the rank of a first lieutenant, after serving until he is 64 years of age. He is now about 36, I think.

Mr. BAILEY. Then, Mr. Speaker, it occurs to me that if it makes no other change, it does entitle this beneficiary to retirement at a certain age?

Mr. OUTHWAITE. Yes.

Mr. BAILEY. On that ground it is objectionable to me.

Mr. HENDERSON of Iowa. I have never had the good fortune to be on the committee to visit the West Point Military Academy, and I am not familiar with this office of master of the sword. It sounds so much like a Knight of Pythias performance that I should like to have it explained a little, so that we may know what we are voting for.

Mr. OUTHWAITE. I will permit the gentleman from Alabama [Mr. WHEELER] to explain it.

Mr. WHEELER of Alabama. The master of the sword at the



Military Academy at West Point teaches fencing, and is also at the head of the school of gymnastics, which has done a great deal to improve the physical condition of the cadets. This bill is recommended by the officers. It is believed that all the professors should have a military rank, in order to maintain the respect which it is essential for professors to receive, in order to attain the best ends possible. It has always been considered that in military affairs like this it is essential that the officers should wear uniforms and should have a certain rank in order to give them the standing which their military rank does give them with the students.

Mr. HENDERSON of Iowa. Is this master of the sword a graduate of West Point?

Mr. WHEELER of Alabama. No, he is not.

Mr. HENDERSON of Iowa. Then he is a man picked up from civil life?

Mr. WHEELER of Alabama. He was, but he is a very superior instructor.

Mr. HENDERSON of Iowa. It is an attempt, then, to slip in another officer.

Mr. OUTHWAITE. How do you mean? I do not like that expression.

Mr. WHEELER of Alabama. He has been there a long time.

Mr. SIMPSON. I understand that in the opinion of the committee the adding of this title—

Mr. WHEELER of Alabama. Will add to his efficiency.

Mr. SIMPSON. Will add to his efficiency and give dignity and tone to this professor, so as to inspire the students with awe?

Mr. OUTHWAITE. He ought to have as much tone as the average member of Congress. [Laughter.] He needs as much, and perhaps more.

Mr. SIMPSON. And also when he gets too old to serve as master of the sword, as he will in course of time, that he will be put on the retired list and receive the pay of a retired officer. Now, I ask the gentleman in all fairness, is not that the object of this bill?

Mr. OUTHWAITE. No, I do not think it is the object of the bill.

Mr. WHEELER of Alabama. It is recommended by the officers of the Academy and by the Secretary of War.

Mr. MITCHELL. I think if the report were read it would fully explain this matter.

Mr. BOWERS. Thirty years in the future is a long time, and it will be that long before he is old enough for retirement, I understand.

Mr. HENDERSON of Iowa. Does the Secretary of War recommend it?

Mr. WHEELER of Alabama. The bill is recommended by the officers of the Academy, and all others who have jurisdiction.

Mr. OUTHWAITE. I ask the previous question on the bill.

The question being taken on the demand for the previous question, the Speaker announced that the ayes seemed to have it.

On a division (demanded by Mr. BAILEY) there were—ayes 74, noes 7.

Mr. BAILEY. No quorum.

Mr. OUTHWAITE. Mr. Speaker, if the question of no quorum is to be made, I ask leave to withdraw this bill.

The SPEAKER. The gentleman from Ohio withdraws the bill.

Mr. OUTHWAITE. Mr. Speaker, I call up for consideration the bill (S. 710) providing for the relief of William C. Spencer, of Maryland, late captain Seventeenth Infantry, United States Army.

The bill was read, as follows:

*Be it enacted, etc.,* That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint William C. Spencer, late a captain in the Seventeenth Infantry, United States Army, a captain in the Army, and when so appointed to place him on the unlimited list of retired officers of the Army, with rank and pay from the date of his appointment and retirement under the provisions of this act.

Mr. SIMPSON. I think that certainly increases expenditures.

Mr. WHEELER of Alabama. It is essentially to do justice though, I submit to the gentleman.

Mr. OUTHWAITE. I yield two minutes to the gentleman from Maryland [Mr. PAGE] to explain the bill.

Mr. REILLY. Mr. Speaker, is it in order to call for the reading of the report in this case?

The SPEAKER. It would not be except as a part of the debate, and the gentleman from Maryland has the floor.

Mr. PAGE of Maryland. Mr. Speaker, this bill is for the relief of William C. Spencer, of Maryland, who entered the Army in 1855, and served until some time during the war. His career in the Army was especially a meritorious one, and he received the favorable commendation of Lieut. Gen. Scott, Maj. Gen. T. W. Sherman, Gen. Barry, Gen. Davis, and quite a number of other officers. I will not state here the special circumstances

under which he received these commendations, because it would take up my time. I will, however, state that during the war he rendered services in the peninsular campaign for which he received commendation from his superior officer.

In July, 1862, in consequence of some intemperate language he used, on account of the arrest of his uncle, Judge Carmichael upon the bench, he was ordered under arrest, from which he was discharged by President Lincoln when he found out what were the exact circumstances in the case. Notwithstanding the rules of the Army required that he should be entitled to a court-martial within thirty days, after repeated efforts he failed to secure his trial. During the period he was under arrest he was directed to take charge of his command. He did so and went into one of the battles of the peninsular campaign, where he served with great distinction and was commended by his superior officer. Not getting the trial he was entitled to he resigned his commission.

In 1890, at the suggestion of Gen. Schofield, who was at the head of the Army at the time, a board sat upon his case, and they found that at the period of his resignation Capt. Spencer was entitled to be retired on account of physical incapacity. Now he comes to the Congress of the United States (the Senate having already passed the bill) and asks to be restored to his position as captain and to be placed upon the retired list on account of the incapacity which entitled him to that position when he resigned. I think, Mr. Speaker, this is a meritorious case. It is the case of an officer who distinguished himself in the Army and who resigned under circumstances where he could hardly be blamed.

He was at that time entitled to go upon the retired list, and now, under these circumstances, when he is old and feeble, he comes and asks us to pass this bill.

[Here the hammer fell.]

The SPEAKER. The time of the gentleman has expired.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. OUTHWAITE, a motion to reconsider the vote by which the bill was passed was laid on the table.

LIEUT. COL. MICHAEL P. SMALL.

Mr. OUTHWAITE. I now call up the bill (H. R. 2076) for the relief of Lieut. Col. Michael P. Small, assistant commissary-general of subsistence, United States Army.

The bill was read, as follows:

*Be it enacted, etc.,* That there be paid to Lieut. Col. Michael P. Small, an assistant commissary-general of subsistence in the United States Army, out of any money in the Treasury not otherwise appropriated, the sum of \$3,783.87, being the amount of Government funds stolen or embezzled from him without his default, at Chicago, Ill., in the years 1879 and 1880, and which was restored by him out of private funds.

Mr. DOCKERY. I ask for the reading of the report in this case.

Mr. OUTHWAITE. As the gentleman from Missouri desires the reading of the report, perhaps the gentleman from New York [Mr. ROCKWELL], who is familiar with the facts, can explain the case to the gentleman in a few minutes.

Mr. ROCKWELL. Mr. Speaker, Lieut. Col. Small, now Col. Small, commissary-general at New York, was in 1879 and 1880 acting as commissary-general in the city of Chicago. When he went there he found a man who was a very competent clerk and who had been in charge under his predecessor, and employed in the commissary headquarters two or three years. He retained him in his employment. During the time he remained in his employment this clerk embezzled by changing the books.

The facts stated in the report, briefly, are these: This clerk, Davidson, while acting as confidential clerk of the major, in whose employ he had been in the same capacity for ten years, with the aid of a confederate in the office, who had been the trusted clerk of the present commissary-general when he was acting as purchasing commissary at Chicago, managed to interpolate in a genuine voucher a false entry of a purchase of 7,200 5-pound packages of dried apples, for the purpose of covering up petty larcenies, which amounted to the value of the apples—say \$3,600. This voucher was transmitted to Washington, but there was no such entry on the retained copy held by the major.

You see, with a false voucher in that way, how easy it was for him to embezzle the amount. It was not discovered until an inquiry was made from Washington, when the matter was investigated and the embezzlement discovered. This clerk and his confederate were arrested, tried, convicted of robbery, and sentenced to the penitentiary; and it seemed to the committee, after a very careful and thorough examination, that no laches could be attached to this commissary-general. The bill has been favorably reported in three successive Congresses.

Mr. SIMPSON. Mr. Speaker, I make the point of order that the bill increases expenditures, and should be considered in Committee of the Whole.

The SPEAKER. The Chair will state to the gentleman from Kansas that the point of order comes too late under the rules. The Chair will call the attention of the gentleman to the rule.



"All motions or propositions involving a tax or charge upon the people," etc., "should have their first consideration in the Committee of the Whole, and the point of order under this rule shall be made at any time before the consideration of the bill has been commenced." So that the point of order made by the gentleman came too late, in this case.

Mr. DOCKERY. Mr. Speaker, I will ask the gentleman whether this bill was reported from the Committee on Military Affairs?

Mr. OUTHWAITE. It was.

Mr. DOCKERY. I desire to call the attention of the chairman of that committee to clause 4 of Rule XXI, which provides that—

Mr. WHEELER of Alabama. The point is made too late.

Mr. DOCKERY:

No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following-named committees, viz: to the Committee on Invalid Pensions, to the Committee on Pensions, to the Committee on Claims, to the Committee on War Claims, to the Committee on Private Land Claims, and to the Committee on Accounts.

Mr. WHEELER of Alabama. This bill having been referred and acted upon, that settles the matter.

Mr. OUTHWAITE. Similar claims to this have been referred to the Committee on Military Affairs repeatedly. This pertains directly to the administration of the military department. I ask the previous question.

Mr. DOCKERY. Mr. Speaker, I desire to know whether it would be in order to make the point of order against the report at this time?

Mr. WHEELER of Alabama. Too late! [Laughter.]

The SPEAKER. The Chair thinks it would not be in order now. There is a method under the rules for correcting an erroneous report. It can be done on motion of the committee claiming jurisdiction, or on motion of the committee renouncing jurisdiction, or by unanimous consent. The gentleman from Ohio [Mr. OUTHWAITE] demands the previous question on the engrossment and third reading of this bill.

The question was taken on ordering the previous question, and there were—ayes 28, noes 7.

Mr. SIMPSON. No quorum has voted.

Mr. WHEELER of Alabama. I hope the gentleman will not insist upon that point.

Mr. OUTHWAITE. Mr. Speaker, I ask leave to withdraw the bill, as the committee has but five minutes left.

The SPEAKER. The committee has only two minutes left.

Mr. OUTHWAITE. I supposed we had five. I call up the bill (S. 1496) for the relief of Gen. Napoleon J. T. Dana.

The bill was read, as follows:

*Be it enacted, etc.,* That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Gen. Napoleon J. T. Dana, late assistant quartermaster of the United States Army, to the position of assistant quartermaster, with the rank of captain of cavalry, and to place him on the retired list of the Army with that rank and pay, the retired list being thereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That from and after the passage of this act no pension shall be paid to the said Napoleon J. T. Dana.

Mr. HULL. Let the report be read.

The Clerk proceeded to read the report.

During the reading the hour expired, and the Speaker called the Committee on Naval Affairs.

#### EXAMINATION AND PROMOTION OF OFFICERS OF THE MARINE CORPS.

Mr. HERBERT. Mr. Speaker, I call up the bill (H. R. 9022) to provide for the examination of certain officers of the Marine Corps, and to regulate promotion therein.

The bill was read, as follows:

*Be it enacted, etc.,* That hereafter promotions to every grade of commissioned officers in the Marine Corps below the grade of commandant shall be made in the same manner and under the same conditions as now are or may hereafter be prescribed, in pursuance of law, for commissioned officers of the Army: *Provided*, That examining boards which may be organized under the provisions of this act to determine the fitness of officers of the Marine Corps for promotion shall in all cases consist of not less than five officers, three of whom shall, if practicable, be officers of the Marine Corps, senior to the officer to be examined, and two of whom shall be medical officers of the Navy: *Provided further*, That when not practicable to detail officers of the Marine Corps as members of such examining boards, officers of the line in the Navy shall be so detailed.

Mr. SIMPSON. Mr. Speaker, I would like to have the report read.

Mr. HERBERT. I can state the substance of the bill.

The SPEAKER. The report can only be read as a part of the debate, in the time of any gentleman who has the floor. The reading of the report can not be demanded as a matter of right.

Mr. HERBERT. Mr. Speaker, this bill carries no appropriation. In the Army, in order that an officer may be promoted, there must be an examination as to his physical, professional, and moral qualifications. The same rule prevails as to promotions in the Navy. There is no existing provision of law with

reference to the Marine Corps for preventing the promotion of unfit officers. No examination is provided at present, and this bill simply provides for an examination in the Marine Corps, upon the same plan that is pursued in the Army and in the Navy. If this statement is satisfactory I will now ask for the previous question.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

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

#### PENSACOLA TERMINAL COMPANY.

Mr. HERBERT. I call up the bill (H. R. 9023) to grant the right of way to the Pensacola Terminal Company through the lands of the naval reservation near Pensacola.

The bill was read, as follows:

*Be it enacted, etc.,* That a right of way shall be, and is hereby, granted to the Pensacola Terminal Company, a railroad corporation, incorporated under the laws of Florida, through the lands of the United States near Pensacola, in said State of Florida, known as the navy reservation; that said right of way shall be not more than 100 feet in width, and located, at the expense of said railroad company, through said naval reservation, and to the satisfaction of the Secretary of the Navy, to be evidenced by his written consent and approval. That said railroad corporation, on a written notification by the Secretary of the Navy of his assent and approval to and of the route to be followed, shall construct, maintain, and operate, at its own expense, a line of railway on said route from Pensacola to Warrington, on said naval reservation.

SEC. 2. That the Secretary of the Navy shall be, and he is hereby, empowered and directed to allow the use by said railroad company for the accommodation of its freight and passenger traffic of so much of the water front of said naval reservation lying outside and east of the present navy-yard inclosure, not exceeding 200 feet front on the bay by 500 feet in depth, as in the judgment of the Secretary of the Navy is necessary for the purposes of a depot and terminal facilities for said railroad company. The Secretary of the Navy is also hereby authorized to permit said railroad company to construct a wharf on the east side of the present navy-yard inclosure, connecting its depot with the channel of the bay, said wharf not to exceed 50 feet in width. The value of the use of any land now occupied by or in possession by inclosure of any person that shall be appropriated for the use of said railroad company, under the powers granted to it by this act, shall be appraised by a board of six residents of said naval reservation, appointed by the commandant of the navy-yard, and the amount so appraised shall be paid by said railroad company before it shall have the right to enter upon or use such land. The Secretary of the Navy may, at any time when he shall deem it necessary to the public good, cause to be removed or destroyed all or any of the structures hereby permitted, without subjecting the Government to any claim for damages. Said railroad company shall not erect or allow the use of any buildings or structures on said naval reservation without the consent of the Secretary of the Navy.

SEC. 3. That all rights of way and privileges hereby granted shall become null and void unless said railroad company shall construct and operate its line of railway through said reservation within one year from the time said Secretary of the Navy has, in writing, notified said company of his assent to and approval of its route through said reservation, and its failure so to do shall be a forfeiture of this franchise.

Mr. SIMPSON. I rise to a parliamentary inquiry: Ought not a bill which appropriates public lands to be considered in Committee of the Whole?

The SPEAKER *pro tempore* (Mr. DOCKERY). Does the gentleman make that point?

Mr. HERBERT. Let me make a statement.

Mr. SIMPSON. Reserving the point of order, I have no objection to hearing the gentleman's statement.

Mr. HERBERT. This bill does not provide for the appropriation of any money; it simply gives a railroad company the right of way through the naval reservation at Pensacola, so as to enable it to reach deep water. The bill as originally introduced proposed to confer upon this company a great many other rights, which the committee did not think it would be proper to grant. We submitted the measure to the Secretary of War, and in this form it has his approval. We have put upon it all the limitations necessary, as we believe, to protect properly the rights of the Government. All that the bill proposes to grant is a right of way.

Mr. SIMPSON. The Government now has at Pensacola a very large navy-yard, which was built, as I understand, at an expense of some \$5,000,000. In my opinion, this navy-yard should be put to some practical use. If we need a navy-yard at all, I do not see why the navy-yard at Pensacola should not be utilized. But now this committee comes in with a bill proposing to run a railroad through that navy-yard, destroying, I presume, a number of buildings—

Mr. HERBERT. No, the gentleman is mistaken. It is not proposed that this road shall go through the navy-yard at all; it will not touch the navy-yard. The naval reservation includes a number of acres—40 or 50, possibly a hundred—which are not a part of the navy-yard. On the grounds of the reservation adjacent to the navy-yard a number of persons have been allowed to settle, so that there has grown up the little town of Warrington.

Those people who have occupied the ground upon sufferance have been permitted to erect structures, which have been there



for a good many years. The bill provides that as a matter of equity and justice, if the right of way condemned for the railroad company should go over or through the ground occupied by any of these settlers, they shall receive a fair and equitable consideration. This railroad does not touch the navy-yard at all. The gentleman is mistaken on that point.

Mr. SIMPSON. Then it is proposed to clear away or destroy buildings which have been erected by these squatters or settlers on that reservation?

Mr. HERBERT. That is to be done only upon paying those persons a fair equivalent. The people of that little town of Warrington are anxious to have this railroad there, as a matter of course.

Mr. SIMPSON. May I ask the gentleman whether a commission is to be appointed to assess the value of those buildings?

Mr. HERBERT. Yes, sir; that is provided for in the bill. The bill provides for a board, consisting of six residents of the reservation, who are to be appointed by the commandant of the navy-yard. The bill is perfectly fair to those settlers and to the Government.

The bill also provides that if any structures are erected by the railroad company, the Secretary of the Navy, whenever he may think it necessary, shall be empowered to order their removal. The rights of the Government and the rights of the settlers are protected, and there can be no objection to the bill.

Mr. SIMPSON. As I understand, this commission is to assess the value of the land. Will this railroad corporation pay for the land?

Mr. HERBERT. They will pay the value of the use of the land.

Mr. SIMPSON. They will only pay for the use of it.

Mr. HERBERT. They will pay these parties the value of the use of the land, which means the value of their improvements. They will not pay the Government anything.

Mr. SIMPSON. Then they practically get possession of the land for nothing, paying only for the use of it?

Mr. HERBERT. They do not pay the Government anything for the right of way. I do not know that the Government has ever charged any railroad company for the right of way over public lands.

Mr. WHEELER of Alabama. There is a general statute providing that railroad corporations may go over any public land.

The SPEAKER *pro tempore*. Does the gentleman from Kansas insist on his point of order?

Mr. SIMPSON. No, sir; I withdraw it.

Mr. HERBERT. I ask for the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. HERBERT, a motion to reconsider the last vote was laid on the table.

#### MEDALS TO OFFICERS AND CREW OF STEAMSHIP BALTIMORE.

Mr. HERBERT. I call up joint resolution (H. Res. 80) authorizing the acceptance of medals presented to the officers and crew of the United States steamship Baltimore by the King of Sweden.

The joint resolution was read, as follows:

*Resolved by the Senate and House of Representatives, etc., That the Department of State is authorized and directed to deliver to the officers and crew of the United States steamship Baltimore three hundred and fifty-four medals presented for them by the King of Sweden to commemorate services rendered by them in transporting the remains of John Ericsson to Sweden.*

Mr. HERBERT. The United States steamer Baltimore was detailed for the purpose of carrying the remains of the celebrated inventor John Ericsson to his home in Sweden for interment, where they were received with great pomp and ceremony by thousands of his countrymen. The King of Sweden desires to make a present to the officers and crew of the steamship Baltimore of three hundred and fifty-four medals to commemorate the event and the services rendered on that occasion. This resolution provides for the acceptance of these medals. I ask a vote.

The resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HERBERT, a motion to reconsider the last vote was laid on the table.

#### ENGINEER CORPS, NAVY.

Mr. HERBERT. I now call up the Senate bill 139, terminating the reduction in the numbers of the Engineer Corps of the Navy.

The bill was read, as follows:

*Be it enacted, etc., That the reduction in the numbers of the Engineer Corps of the Navy provided for in the act approved August 5, 1882, shall be considered as having ceased on the 30th day of June, 1891.*

Sec. 2. That any and all acts or parts of acts inconsistent with this act are hereby repealed.

Mr. HENDERSON of Iowa. Let us have the report on that bill read.

Mr. HERBERT. This bill, I will state, does involve a small

appropriation. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

Mr. WATSON. I reserve the point of order—

Mr. BURROWS. I make the point of order that this bill must have its first consideration in Committee of the Whole.

Mr. HERBERT. I admit it must go to the Committee of the Whole if the point is made; but I have asked that it be considered in the House as in Committee of the Whole.

Mr. BURROWS. I have no objection to its being considered in the House in that manner.

Mr. WATSON. I renew the point of order.

The SPEAKER *pro tempore*. The Chair sustains the point of order of the gentleman from Georgia.

Mr. HERBERT. Then I move that the House resolve itself into Committee of the Whole House on the state of the Union to consider the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. MCCREARY in the chair.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 139) terminating the reduction in the numbers of the Engineer Corps of the Navy.

The bill was again read.

Mr. HERBERT. I hope gentlemen will give me their attention while I explain briefly the purpose of this enactment.

Mr. HENDERSON of Iowa. Before the gentleman from Alabama proceeds I should like to hear the report in that case read.

Mr. HERBERT. Very well, let the report be read.

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

The Committee on Naval Affairs, to whom was referred the bill (S. 139) terminating the reduction in the number of the Engineer Corps of the Navy, submit the following report:

A bill (H. R. 378) identical in terms with this was considered by the committee and is now on the Calendar of the House.

Your committee adopt said report and earnestly urge the passage of the Senate bill.

[House Report No. 440, Fifty-second Congress, first session.]

The Committee on Naval Affairs, to whom was referred the bill (H. R. 378) terminating the reduction in the Engineer Corps of the Navy, respectfully report:

This bill asks simply that the number of officers now in the Engineer Corps of the Navy be retained, without any further reduction by the operation of an act of Congress dated August 5, 1882, and in view of the fact that the numbers of that corps are far below what is required for efficiency, it is earnestly recommended that the bill be passed at once.

The honorable the Secretary of the Navy says in his annual report for 1890 that "At present there are not enough engineer officers in the Navy for ordinary working purposes, and if no additional ships were building an enlargement of the corps would be necessary," which statement is emphasized again in the Secretary's report for 1891. Legislation is now pending providing for an increase of the Engineer Corps in accordance with the above-quoted recommendation of the Secretary of the Navy, but to prevent the corps being reduced below its present membership in the meantime this bill is submitted for the action of Congress.

Mr. HERBERT. If gentlemen who are interested in the passage of this bill will give me their attention for a few minutes, I will endeavor to explain the reasons which are urged for its passage. Some bill like this is necessary to the efficiency of the Navy as it stands to-day.

In 1882 a law was passed reducing the number of officers in the Navy, both of the line and staff. The reduction in the number of line officers has been completed, and of the staff officers as well, except as to the engineers. There were, at the time the bill of 1882 was passed, two hundred and ninety-three engineers in the Navy. The reduction has gone on gradually from the date of the passage of that act down to the present time, according to the terms of that law, by virtue of which only one vacancy has been filled, where two vacancies had occurred. The reduction in the engineer force has continued until on the 1st of July, 1891, the period referred to in this bill, and the total number of engineers has been reduced to one hundred and ninety-one; and since then it has been still further reduced so that the number is now but one hundred and eighty-six. The Navy, as at present constituted, needs more engineers than this.

Mr. WATSON. Let me ask the gentleman, as an ordinary thing, how many engineers are required for each vessel?

Mr. HERBERT. It depends altogether on the size of the vessel; from two to six or seven as the case may be.

Mr. WATSON. How many vessels have we of such size as to require the larger number?

Mr. HERBERT. The larger vessels ought to have as many as six or eight engineers.

Mr. WATSON. My question is how many vessels have we that require that number?

Mr. HERBERT. We have altogether probably ten or twelve of that class. Here is a list which I will give to the gentleman of the number of engineer officers required for sea duty on the 1st of January, 1892.



Mr. WATSON. I understand the gentleman to say that we have ten or twelve of these larger vessels?

Mr. HERBERT. Yes, about that number.

Mr. WATSON. That would be about fifty or sixty engineers required?

Mr. HERBERT. For those vessels.

Mr. WATSON. Now, about the balance.

Mr. HERBERT. I can answer the gentleman better by reading to him this estimate of the number of engineer officers required for sea duty after January 1, 1892. That puts it at one hundred and seventy-six that are required from that time, after the 1st of January, and that is before these new vessels come in. During the coming fiscal year we shall have six or eight more new vessels commissioned. Now, that these engineers are needed, there can be no possible doubt, if we are to be believed the statement of the Secretary of the Navy quoted in this report.

He says:

At present there are not enough engineer officers in the Navy for ordinary working purposes, and if no additional ships were building an enlargement of the corps would be necessary.

Now, I know that some gentleman here—and perhaps the gentleman speaking to me is one of them—are opposed to a navy, or to any navy of any consequence whatever.

Mr. WATSON. The gentleman is mistaken in stating that quite so strongly.

Mr. HERBERT. Perhaps I stated it too strongly; but whatever may be the gentleman's opposition, when Congress has decided upon and is now keeping up a navy, which is one arm of the Government, I know that the gentleman does not desire to cripple that arm of the Government.

To refuse to pass this bill, if we believe the statement of the Secretary of the Navy and the statement of these engineer officers who have come before us—and I know that their statements are true—is absolutely to cripple the Navy of the United States. Let me state to the gentleman further, that in the new ships that are building a great many engineers are needed for the purpose of inspecting the steel. Every piece of steel that goes into a new vessel is inspected. Every piece of steel that goes into any one of the numerous engines of a new vessel is inspected, and they must be inspected by these engineer officers. There were on duty at the time that this table, which I hold in my hand, was made up, inspecting machinery for new vessels, 29 engineers. There are really not enough to perform this duty. This bill only provides for an increase of 5; that is, it stops the reduction at 191, where it was on the 1st of July last.

I will state that the Secretary recommended a bill which made a much larger increase in the number of engineers, and that bill is pending now before the committee, and it has been most earnestly urged; but the committee, in the interest of economy, refused to consent to that bill. We have not reported it. We have believed that we could get along for the present with the number provided in this bill, 191, which will be an increase of only 5.

Mr. CAMPBELL. Has not Chief Engineer Melville recommended the same?

Mr. HERBERT. O, yes; Chief Engineer Melville and all the other officers connected with the Department have made the same recommendation.

Mr. HENDERSON of Iowa. I would like to ask the gentleman from Alabama whether this bill affects the relative or actual rank in any way of the engineers of the Navy.

Mr. HERBERT. It does not affect the rank and it does not affect the pay.

Mr. HENDERSON of Iowa. Does it affect the command?

Mr. HERBERT. It does not affect their command. It simply affects the number. That is all. The law of 1882 provided that this reduction should continue to go on until the number was brought down to 170. We find now that in the condition of the Navy at present 170 engineers are not enough, that there are 191 absolutely required.

Mr. HENDERSON of Iowa. You have a bill before your committee which changes the powers and duties of engineers, have you not?

Mr. HERBERT. Yes.

Mr. HENDERSON of Iowa. I wanted to see whether this is the same bill.

Mr. HERBERT. This is not the same bill. I will state to the gentleman that so far as that bill is concerned, my individual opinion is against it. We have not reported that bill, and will not do so at this session.

Mr. HENDERSON of Iowa. This does not give an engineer command of the ship in certain emergencies?

Mr. HERBERT. It does not. It does nothing of the kind. It does not change the powers and duties of the engineers, but simply stops the decrease at 191, whereas it was otherwise to go on until the number was reduced to 170. The 186 now in the

Navy are not sufficient, and I am satisfied that no gentleman who listens to me really desires to cripple the Navy as decided upon by Congress. We have it, and whether gentlemen are opposed to a navy or not, it is an existing fact, and I think gentlemen will not permit their opposition to a navy to go so far as to cripple the Navy which has been authorized by law.

Mr. WATSON. I will ask as the gentleman whether he has examined into the case himself, and whether he is satisfied that 186 engineers are not sufficient?

Mr. HERBERT. I have done so, and I am thoroughly satisfied that the number is insufficient?

Mr. WATSON. You have come to that conclusion outside of the recommendation of the Secretary?

Mr. HERBERT. Yes, entirely outside of his recommendation. I want to say to the gentleman further, that I do not agree that as many are necessary as the Secretary of the Navy has recommended, and certainly not as many as the Chief of Engineers has recommended, but this number I believe is absolutely essential.

Mr. SIMPSON. Has the gentleman from Alabama any knowledge of how many engineers are unemployed at present?

Mr. HERBERT. There are none. Here is the table. "Sick, on leave, or waiting orders," there were at the time this was made, out of that 171, 8. That was a very small number sick and waiting orders. There are none employed on special duty to-day, except those employed on the special duty of inspecting steel and steel machinery. I ask that the bill be laid aside to be favorably reported to the House.

Mr. DINGLEY. As I understand, in 1882, if the gentleman will permit me, we passed an act providing for the gradual reduction of the number of engineers, and at that time we had nothing but wooden vessels.

Mr. HERBERT. Yes, sir.

Mr. DINGLEY (continuing). And did not need the engineers.

Mr. HERBERT. That is true.

Mr. DINGLEY. Since that time we have commenced to build a steel navy and have a large number already completed, or soon to be, and this reduction has gone on until we have not enough engineers to supply these new vessels; and this bill provides for a small increase to furnish officers for these vessels.

Mr. HERBERT. Yes, sir.

Mr. COBB of Missouri. Mr. Chairman, I want to offer an amendment to this bill.

The Clerk read as follows:

After line 7, in section 1, add the following:

"Provided, That the officers of the engineer corps of the navy shall receive the same pay as the line officers of the same relative rank."

Mr. HERBERT. I make the point of order that that is not germane.

Mr. DINGLEY. Mr. Chairman, I hope the gentleman from Missouri will withdraw that, because it may jeopardize the passage of a bill that is absolutely necessary. This bill must pass in order to use the steel vessels now completed.

Mr. COBB of Missouri. I withdraw my amendment.

Mr. HENDERSON of Iowa. What is the objection to the amendment?

The bill was ordered to be laid aside with a favorable recommendation.

Mr. HERBERT. Mr. Chairman, I now call up the bill H. R.—

The CHAIRMAN. The Chair is informed that the House resolved itself into Committee of the Whole for a special purpose.

Mr. HERBERT. I believe that was the formal motion. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DOCKERY having resumed the chair as Speaker *pro tempore*, Mr. MCCREARY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 139), and had directed him to report the same to the House with a favorable recommendation.

Mr. HERBERT. I move the previous question on the third reading of the bill.

Mr. HENDERSON of Iowa. Before that is put, I desire to ask the gentleman, if this bill passes, how much of an increase it will make?

Mr. HERBERT. It makes an increase of 5 officers—5 engineers. They will be appointed at the foot of the list as assistant engineers. The pay, according to my recollection, is \$1,600 a year. I will not say that I am correct about that, but it is about that.

The SPEAKER *pro tempore*. The gentleman from Alabama demands the previous question on the engrossment and third reading of the bill.

The previous question was ordered.

The SPEAKER *pro tempore*. The question is on the third reading of the bill.



The question was taken; and the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. SIMPSON. I demand a division.

The House divided; and there were—ayes 65, noes 3.

Mr. SIMPSON. Mr. Speaker, there is no quorum.

Mr. HERBERT. How much time have I left? I hope the Chair did not count the time occupied in receiving the message from the President.

The SPEAKER *pro tempore*. The Chair deducted the time occupied in receiving the message from the President.

Mr. HERBERT. How much time have I?

The SPEAKER *pro tempore*. The gentleman has twenty-six minutes.

Mr. DINGLEY. We might as well have the yeas and nays.

The SPEAKER *pro tempore*. Then the Chair will appoint as tellers the gentleman from Alabama [Mr. HERBERT] and the gentleman from Kansas [Mr. SIMPSON].

Mr. HERBERT. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 131, nays 42, not voting 155; as follows:

## YEAS—131.

Amerman,	Curtis,	Hopkins, Ill.	Raines,
Atkinson,	Cutting,	Hull,	Reilly,
Bankhead,	Daizell,	Johnson, N. Dak.	Reynolds,
Barwig,	Daniell,	Jolley,	Robinson, Pa.
Bentley,	De Forest,	Lagan,	Scott,
Bergen,	Dingley,	Lanham,	Seull,
Bingham,	Doan,	Lawson, Va.	Shively,
Bowers,	Dolliver,	Layton,	Shonk,
Branch,	Donovan,	Lester, Va.	Smith,
Brickner,	English,	Little,	Sperry,
Brosius,	Enochs,	Long,	Stephenson,
Brunner,	Fellows,	Lynch,	Steward, Ill.
Buchanan, N. J.	Forman,	Mallory,	Stewart, Tex.
Bullock,	Forney,	Mansur,	Stone, C. W.
Busey,	Fowler,	Martin,	Stone, W. A.
Byrns,	Geissenhainer,	McAleer,	Stout,
Cadmus,	Greenleaf,	McClellan,	Tarsney,
Caldwell,	Griswold,	McCreary,	Taylor, Ill.
Caminetti,	Grout,	McKalg,	Taylor, V. A.
Campbell,	Hallowell,	Montgomery,	Tillman,
Caruth,	Harmer,	Mitchler,	Townsend,
Castle,	Harries,	O'Neill, Mass.	Tracey,
Cheatham,	Haugen,	O'Neill, Mo.	Turpin,
Clancy,	Hayes, Iowa	O'Neill, Pa.	Van Horn,
Cobb, Ala.	Haynes, Ohio	Outhwaite,	Walker,
Coburn,	Heard,	Page, Md.	Warner,
Compton,	Henderson, N. C.	Parrett,	Weadock,
Coolidge,	Henderson, Ill.	Patterson, Tenn.	Wheeler, Ala.
Coombs,	Herbert,	Payne,	Williams, N. C.
Covert,	Hermann,	Paynter,	Wilson, Wash.
Crawford,	Hitt,	Perkins,	Wolverton,
Crosby,	Hooker, Miss.	Post,	Wright,
Cummings,	Hooker, N. Y.	Powers,	

## NAYS—42.

Bailey,	Clover,	Grady,	Patton,
Beltzhoover,	Cooper,	Holman,	Pierce,
Blount,	Cowles,	Johnstone, S. C.	Sayers,
Bowman,	De Armond,	Jones,	Seerley,
Bretz,	Dickerson,	Kendall,	Simpson,
Brookshire,	Dockery,	Kyle,	Terry,
Bunn,	Dungan,	Lane,	Turner,
Butler,	Ellis,	McKeighan,	Watson,
Bynum,	Enloe,	McRae,	Williams, Ill.
Capehart,	Everett,	Moses,	
Cafe,	Goodnight,	Pattison, Ohio	

## NOT VOTING—155.

Abbott,	Craig, Pa.	Lawson, Ga.	Rife,
Alderson,	Crain, Tex.	Lester, Ga.	Robertson, La.
Alexander,	Culberson,	Lewis,	Rockwell,
Allen,	Davis,	Lind,	Rusk,
Andrew,	Dixon,	Livingston,	Russell,
Arnold,	Dunphy,	Lockwood,	Sanford,
Babbitt,	Durbin,	Lodge,	Shell,
Bacon,	Edmunds,	Loud,	Snodgrass,
Baker,	Elliott,	Magner,	Snow,
Bartine,	Epes,	McDonald,	Springer,
Beaman,	Fitch,	McGann,	Stahneck,
Belden,	Fithian,	McKinney,	Stevens,
Belknap,	Flick,	McMillin,	Stockdale,
Blanchard,	Funston,	Meredith,	Stone, Ky.
Bland,	Fyan,	Meyer,	Storer,
Boatner,	Gantz,	Miller,	Stump,
Boutelle,	Geary,	Milliken,	Sweet,
Brawley,	Gillespie,	Mitchell,	Taylor, Tenn.
Breckinridge, Ark.	Gorman,	Moore,	Taylor, E. B.
Breckinridge, Ky.	Hall,	Morse,	Taylor, J. D.
Broderick,	Halvorson,	Newberry,	Tucker,
Brown,	Hamilton,	Norton,	Wadsworth,
Bryan,	Hare,	Oates,	Warwick,
Buchanan, Va.	Harter,	O'Donnell,	Washington,
Bunting,	Hatch,	O'Ferrall,	Waugh,
Burrows,	Hemphill,	Otis,	Wever,
Bushnell,	Henderson, Iowa	Owens,	Wheeler, Mich.
Cable,	Hoar,	Page, R. I.	White,
Catchings,	Hopkins, Pa.	Pearson,	Whiting,
Causey,	Houk, Ohio	Peel,	Wilke,
Chapin,	Houk, Tenn.	Pendleton,	Willcox,
Chapman,	Huff,	Pickler,	Williams, Mass.
Clark, Wyo.	Johnson, Ind.	Price,	Wilson, Ky.
Clarke, Ala.	Johnson, Ohio	Quackenbush,	Wilson, Mo.
Cobb, Mo.	Kem,	Randall,	Wilson, W. Va.
Cockran,	Ketcham,	Ray,	Winn,
Cogswell,	Kilgore,	Rayner,	Wise,
Cox, N. Y.	Kribbs,	Reed,	Youmans,
Cox, Tenn.	Lapham,	Richardson,	

The following pairs were announced:

Until further notice:

Mr. DUNPHY with Mr. RANDALL.  
 Mr. ANDREW with Mr. LODGE.  
 Mr. HEMPHILL with Mr. MORSE.  
 Mr. GANTZ with Mr. HOPKINS of Pennsylvania.  
 Mr. MCKINNEY with Mr. STORER.  
 Mr. NORTON with Mr. BELKNAP.  
 Mr. STONE of Kentucky with Mr. WALKER.  
 Mr. RICHARDSON with Mr. JOSEPH D. TAYLOR.  
 Mr. COX of Tennessee with Mr. LOUD.  
 Mr. CRAIG of Pennsylvania with Mr. PICKLER.  
 Mr. ALLEN with Mr. WILSON of Kentucky.  
 Mr. HERBERT with Mr. BOUTELLE.  
 Mr. STOCKDALE with Mr. BRODERICK.  
 Mr. GEARY with Mr. SANFORD.  
 Mr. GORMAN with Mr. O'DONNELL.  
 Mr. WILSON of Missouri with Mr. HUFF.  
 Mr. ARNOLD with Mr. WEVER.  
 Mr. ABBOTT with Mr. BELDEN.  
 Mr. O'NEIL of Massachusetts with Mr. COGSWELL.  
 Mr. ROBERTSON of Louisiana with Mr. BARTINE.  
 Mr. FITCH with Mr. BINGHAM.  
 Mr. BLAND with Mr. BOWERS.  
 Mr. MOORE with Mr. CLARK of Wyoming.  
 For this day:  
 Mr. McMILLIN with Mr. BURROWS.  
 Mr. CRAIN of Texas with Mr. RIFE.  
 Mr. BACON with Mr. EZRA B. TAYLOR.  
 Mr. TUCKER with Mr. FUNSTON.  
 Mr. CLARKE of Alabama with Mr. TAYLOR of Tennessee.  
 Mr. O'FERRALL with Mr. KETCHAM.  
 Mr. FITHIAN with Mr. SWEET, on this vote.  
 Mr. WATSON. Mr. Speaker, I ask for a recapitulation of the vote.

Mr. LAWSON of Georgia. Mr. Speaker, I desire to vote.

The SPEAKER *pro tempore*. Was the gentleman in the Hall of the House and failed to hear his name called?

Mr. LAWSON of Georgia. I was in the folding-room attending to some business.

The SPEAKER *pro tempore*. Under the rule, the Chair can not entertain the request.

The vote was recapitulated.

Mr. BURROWS. Mr. Speaker, is there a quorum voting?

The SPEAKER. There is.

Mr. BURROWS. Then I withdraw my vote.

The SPEAKER. On this question the yeas are 131, the nays are 42; the ayes have it, and the bill is ordered to be read a third time, but the hour has expired.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to report of the committee of conference, had further insisted upon its amendments numbered 18, 44, 78, 109, and 110 to the bill (H. R. 9284) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1892, and for prior years, and for other purposes, disagreed to by the House of Representatives, asked a further conference with the House, and had appointed Mr. HALE, Mr. ALLISON, and Mr. COCKRELL as the conferees on the part of the Senate.

It also announced that the Senate had passed without amendment a bill and joint resolutions of the following titles:

Joint resolution (H. Res. 102) requesting the loan of certain articles for the World's Columbian Exposition;

Joint resolution (H. Res. 105) authorizing the Secretary of the Interior to prepare and send to the World's Columbian Exposition models, drawings, etc., prepared or invented by women;

Joint resolution (H. Res. 155) to authorize and direct the Secretary of State to affix the great seal of the United States to a certain document therein stated; and

A bill (H. R. 2370) for the relief of Nathaniel Lang.

It also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1498) for the establishment of additional aids to navigation in Tampa Bay, Florida, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAWYER, Mr. WASHBURN, and Mr. CALL as the conferees on the part of the Senate.

It also announced that the Senate had passed without amendment the following concurrent resolutions:

Resolved by the House of Representatives (the Senate concurring), That the sanction of Congress is hereby given to the acceptance by the President of the United States, from James D. McBride, for preservation in the archives of the Executive Department, of one copy of the "State Edition" of a memorial entitled "The Administration of the United States Government," also, of one copy of the document entitled "The Administration of the United States Government at the beginning of the four hundredth anniversary of the discovery of America."



Also:

*Resolved, by the House of Representatives (the Senate concurring), That there be printed 5,000 copies of the proceedings attendant upon the formal presentation of the monument at Yorktown, Va.; of which 1,000 copies shall be for the Senate, 2,000 copies for the House, and 2,000 copies, each bound in full leather, to be forwarded by the Department of State to the French Government for distribution among the descendants of our French allies participating in the operations which resulted in the surrender of the forces of Lord Cornwallis at that point.*

It also announced that the Senate had passed the following resolution:

*Resolved, That the Senate recede from its disagreement to the amendments of the House of Representatives to the bill (S. 1111) to amend the act of Congress approved March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," and agree to the same.*

It also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 1295) to authorize the construction of jetties, piers, and breakwaters at private expense in the Gulf of Mexico, at the mouth of Ropes Pass, in the State of Texas.

A further message from the Senate, by Mr. McCook, its Secretary, announced that the Senate 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. 6091) to amend "An act to authorize the construction of a bridge across the Tennessee River at or near Knoxville, Tenn.," approved August 9, 1898.

It also announced that the Senate had passed with amendments the bill (H. R. 9172) to incorporate the Washington and Great Falls Electric Railway Company, asked a conference with the House on the bill and amendments, and had appointed Mr. McMILLAN, Mr. PERKINS, and Mr. HARRIS as the conferees on the part of the Senate.

It also announced that the Senate had passed the following resolution:

*Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 1988) to amend sections 2139, 2140, and 2141 of the Revised Statutes touching the sale of intoxicants in the Indian country, and for other purposes.*

#### MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States, by Mr. PRUDEN, one of his secretaries, was communicated to the House, who also informed the House that the President had approved and signed a bill (H. R. 8153) providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court.

#### INTOXICATING LIQUORS IN INDIAN TERRITORY.

The SPEAKER laid before the House a resolution from the Senate, which was read, as follows:

*Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 1988) to amend sections 2139, 2140, and 2141 of the Revised Statutes touching the sale of intoxicants in the Indian country, and for other purposes.*

The SPEAKER. Without objection the request of the Senate will be complied with, and this bill will be returned to that body. There was no objection, and it was ordered accordingly.

#### GENERAL DEFICIENCY BILL.

Mr. SAYERS. Mr. Speaker, I rise to present a privileged report, the conference report on the general deficiency bill, to which I invite the attention of the House. I ask that the statement of the House conferees be first read.

The statement was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9234) making appropriations to supply deficiencies in the appropriations for the fiscal year 1892 and prior years, submit the following written statement in explanation of the action agreed upon and submitted in the accompanying conference report, namely:

On amendments numbered 1 and 2, relating to the State Department, appropriates, as proposed by the Senate, \$4,000 for payment to the heirs of Alexander Clark, late minister and consul-general to Liberia, and strikes out \$200 proposed by the Senate for payment to George C. Tanner, late consul at Verriers and Liege, for rent paid by him.

On amendment numbered 3: Appropriates for salary of a superintendent in the office of the Comptroller of the Currency, \$200, as proposed by the Senate, to correct a clerical error made in the legislative act for 1892.

On amendment numbered 4: Authorizes, as proposed by the Senate, a credit to Lieut. W. P. Day in the sum of \$200.45, expended by him on account of the sinking of the Coast Survey steamer McArthur.

On amendment numbered 5: Strikes out appropriation of \$500 proposed by the Senate to pay customs duties on account of the National Museum.

On amendment numbered 6: Appropriates, as proposed by the Senate, \$100 for payment to N. H. Trotter for paintings on account of the National Museum.

On amendment numbered 7: Restores to the bill the provision proposed to be stricken out by the Senate, requiring the rental of the custom-house and post-office building in Milwaukee to be paid from the proceeds of the sale of said building.

On amendment numbered 8: Appropriates \$1,200, as proposed by the Senate, on account of the public building at Dayton, Ohio.

On amendment numbered 9: Restores to the bill the provision stricken out by the Senate for the improvement of the public building at Macon, Ga.

On amendments numbered 10 and 11: Restores to the bill the provision proposed to be stricken out by the Senate for the completion of the fish stations at Green Lake and Craigs Brook, Maine, and increases the amount

from \$7,850 to \$8,000, and appropriates \$400 for a report as to the advisability of establishing a fish station in Wyoming.

On amendment numbered 12: Strikes out the appropriation of \$7,500 proposed by the Senate for the expenses of offices of shipping commissioners.

On amendment numbered 13: Strikes out the appropriation proposed by the Senate of \$19,682.19 to pay the claim of Silas Q. Howe, surviving partner of W. T. Pate & Co.

On amendment numbered 14: Appropriates, as proposed by the Senate, \$5,000 for contingent expenses of the Independent Treasury.

On amendment numbered 15: Appropriates \$15,000, as proposed by the Senate, for transportation of silver coin.

On amendment numbered 16: Appropriates \$75, as proposed by the Senate, to pay George S. Prindle for legal services in connection with the Light-House Service.

On amendment numbered 17: Strikes out appropriation of \$80.84 proposed by the Senate for the relief of John Monks & Son.

On amendments numbered 19, 20, 21, 22, 23, 24, 25, 26, and 27, relating to the District of Columbia: Strikes out the appropriation of \$4,500 proposed by the Senate for five garbage inspectors; appropriates \$4,000, as proposed by the Senate, for sprinkling and sweeping streets; \$2,300, as proposed by the Senate, for permanent fixtures for the high-school building on Capitol Hill; strikes out appropriation of \$1,275 proposed by the Senate for the Washington Asylum; increases the amount proposed by the House for the expenses of the militia, \$75, and the amount for the support of convicts, \$90.11; and requires, as proposed by the Senate, that the Metropolitan Railway Company shall repair the bridge across Rock Creek at P street, in the District of Columbia, at a cost not exceeding \$15,000.

On amendment numbered 28: Strikes out appropriation of \$293.53 to reimburse the crew of the Mississippi River Commission Steamer Patrol for losses of clothing occasioned by the sinking of that vessel.

On amendment numbered 29: Appropriates \$548.40, as proposed by the Senate, for commutation of quarters to the Marine Corps.

On amendment numbered 30: Strikes out the appropriation proposed by the Senate of \$111.60 to reimburse Charles C. Carpenter for pilotage charges paid by him.

On amendment numbered 31: Appropriates \$1,000, as proposed by the Senate, to pay Joseph Fernandez, a British subject, for loss and injuries caused by a shot fired from the United States Steamer Galena.

On amendment numbered 32: Appropriates \$295.35, as proposed by the Senate, to pay balance due on account of the Pension Office building.

On amendment numbered 33: Appropriates \$5,280 to pay the custodians of certain military reservations and the ruins of Casa Grande during the fiscal years 1891 and 1892.

On amendment numbered 34: Restores the appropriation of \$8,500 proposed to be stricken out by the Senate for expenses on account of locating town-site entries in Oklahoma.

On amendment numbered 35: Appropriates \$149, as proposed by the Senate, on account of the Pine Ridge Commission.

On amendment numbered 36: Restores the appropriation of \$2,000 proposed to be stricken out by the Senate to pay John R. Gilman balance due on account of building on the San Carlos Reservation.

On amendment numbered 37: Strikes out provision proposed by the Senate, to allow an account of \$101 to the Board of Indian Commissioners on account of inspection of Indian schools in Alaska.

On amendments numbered 38 and 39: Restores to the bill the appropriation of \$660,000, proposed by the House, for expenses of the Eleventh Census.

On amendments numbered 40 and 41: Strikes out the increase proposed by the Senate of \$110,000 in the appropriations for compensation to postmasters on account of the fiscal years 1890 and 1891.

On amendment numbered 42: Appropriates, as proposed by the Senate, \$9,356.37 to pay amount due Luke Voorhees on a mail contract in Dakota.

On amendment numbered 43: Strikes out appropriation of \$3,869.94, proposed by the Senate, to reimburse the late postmaster at Leadville, Colo., for expenses on account of rent.

On amendments numbered 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, and 57, relating to expenses of the United States courts: Increases, as proposed by the Senate, the amount for United States marshals for 1892, \$38,500; appropriates \$35 for fees of deputy marshals at Congressional elections in 1892; increases the amount, as proposed by the Senate, for special compensation to district attorneys for 1892, \$1,041.70, and the amount for special assistant attorneys for 1892, \$2,000; strikes out the appropriation proposed by the Senate of \$2,200 for special counsel for the Mission Indians; increases the amount for fees of clerks for 1891, as proposed by the Senate, \$211.05; strikes out the proposed increase by the Senate of \$30,000 for fees of commissioners for 1892, and increases the amount for 1890, as proposed by the Senate, \$903.05; increases the amount for support of prisoners, as proposed by the Senate, for 1890, \$7; increases the amount for rent and incidental expenses in Alaska, for 1892, as proposed by the Senate, \$175.50; appropriates, as proposed by the Senate, for defending suits in claims against the United States, for 1892, \$1,321.80, and \$4,965.05 to pay the Sun Publishing Company, of Denver, Colo., on account of advertising for the Court of Private Land Claims.

On amendments numbered 58, 59, 60, and 61: Relating to claims for services of deputy marshals in Oklahoma: appropriates for the payment of such claims \$30,000 instead of \$15,000, as proposed by the House, and \$34,000, as proposed by the Senate; confines their allowances to services rendered between April 22, 1889, and May 24, 1890, and provides that in no case shall there be allowed exceeding \$4 per day for services and \$2 per day for expenses.

On amendment numbered 62: Appropriates \$1,000, as proposed by the Senate, for expenses of an apportionment of the Territory of Oklahoma into legislative districts.

On amendment numbered 63: Strikes out appropriation of \$692.55, proposed by the Senate, for the relief of George T. Larkin, late deputy marshal in Tennessee.

On amendment numbered 64: Strikes out appropriation of \$800, proposed by the Senate, for the relief of Allen R. English, of Arizona.

On amendments numbered 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, and 77: Makes appropriations, as proposed by the Senate, to supply certain deficiencies in appropriations for the Senate, except that the item of \$21,600 to pay clerks to Senators and session committee clerks during the recess of the Fifty-first Congress, and \$2,585 to give an extra month's pay to certain employes are stricken out.

On amendments numbered 79 and 80: Appropriates \$12,800 for expenses on account of contested-election cases in the House, instead of \$1,000, as proposed by the Senate, and makes a verbal correction in the text of the bill.

On amendment numbered 81: Strikes out the appropriation of \$1,333.33 proposed by the Senate for payment to the estate of John C. Rives.

On amendment numbered 82: Strikes out appropriation of \$50,000 proposed by the Senate for preparation of statistics relating to the colored people of the United States.

On amendments numbered 83 and 84: Appropriates, as proposed by the Senate, \$2,292.10 for certain additional judgments of the United States Courts.

On amendment numbered 85: Strikes out appropriation of \$11,000 proposed by the Senate to pay the legal representatives of James W. Schaumburg.



On amendments numbered 86 and 87: Appropriates, as proposed by the Senate, \$899,821.09 for certain additional judgments of the Court of Claims certified to Congress since the passage of the bill by the House.

On amendment numbered 88: Strikes out provision proposed by the House prohibiting sea pay to naval officers while serving on receiving, training, and practice ships.

On amendment numbered 89: Strikes out appropriation of \$156 proposed by the Senate for relief of sufferers by wreck of the Huron.

On amendments numbered 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, and 108: Appropriates, as proposed by the Senate, \$93,607.74 to pay certain audited claims which were certified to Congress after the passage of the bill by the House.

The committee of conference have been unable to agree upon the following amendments, namely:

On amendment numbered 18: Making an indefinite appropriation to pay certain amounts claimed by the Pacific railroads.

On amendment numbered 44: To pay the Assistant Attorney-General in charge of Indian depredation claims \$2,521 for back salary.

On amendment numbered 78: Appropriating \$5,000 to pay to the widows and legal representatives of deceased members of the House.

On amendment numbered 109: Appropriating \$737,785.06 to pay French spoliation claims; and

On amendment numbered 110: Appropriating \$478,252.62 for payment of judgments in Indian depredation cases.

The Senate by its amendments added to the bill the sum of \$2,083,627.18. By the action of the conference the Senate recedes from \$291,205.98 and the House agrees to \$569,262.52. The amendments upon which the conferees have been unable to agree involve the specific sum of \$1,222,558.68, and it is agreed that \$660,000 for the Eleventh Census, \$7,850 for fish hatcheries in Maine, instead of being transferred to the sundry civil bill, together with \$8,500 for expenses of town-site entries in Oklahoma, and \$2,000 to pay balance due John R. Gilman for erection of buildings on San Carlos Indian Reservation shall be restored to the bill.

JOSEPH D. SAYERS,

W. S. HOLMAN,

N. DINGLEY, JR.,

*Managers on the part of the House.*

Mr. SAYERS. Now, Mr. Speaker, I ask unanimous consent that the conference report be printed in the RECORD. There was no objection, and it was so ordered.

[For report, see Senate proceedings.]

Mr. SAYERS. Mr. Speaker, I will call the attention of the House very briefly to the status of the general deficiency bill. The Senate additions to the bill amounted to \$2,083,276.18, from which the Senate has receded to the extent of \$291,205.98. The House agrees to \$569,262.52 of the amount, leaving for further adjustment \$1,222,558.68.

As to the amount of the amendments by the Senate to which the House agrees, \$569,262.52, the larger portion of it is made up of audited claims which were transmitted to the Senate after the bill had passed the House.

Mr. DINGLEY. Nearly all of it consists of audited claims and judgments of the Court of Claims.

Mr. SAYERS. Yes. The Senate, when considering the deficiency bill struck out the items amounting to \$660,000 for the census and placed similar provisions on the sundry civil bill. It now recedes from its action and agrees that the appropriation may go upon the deficiency bill as made by the House. The only question between the conferees was as to which bill should carry the appropriation.

Mr. DINGLEY. Agrees that it shall remain in the bill with an amendment stating that it is to be expended all in the year 1893.

Mr. SAYERS. Yes. The Senate also struck out the provision for the payment of certain officials in the Territory of Oklahoma, amounting to about \$8,500. The conferees on the part of the Senate receded from that amendment and agreed to the provision in the bill as it passed the House.

The Senate also struck out the appropriation for the payment of the Gilmore claim, amounting to \$2,000. That item was added to the deficiency bill by the House. The appropriation for the fish hatchery in Maine, \$7,850, was also taken by the Senate from the deficiency bill and transferred to the sundry civil, but the conferees of the Senate agreed that it should remain in the deficiency bill. The amount involved in the amendments not agreed to—

Mr. DINGLEY. Before the gentleman passes to that, will he not make some statement with reference to the general legislation for Oklahoma, which is contained in the bill?

Mr. SAYERS. Certainly; in reference to the legislation regarding the Territory of Oklahoma, I will state that the Senate put an amendment upon the bill involving new legislation, but after consulting with the House Committee on Territories, and also with gentlemen representing the Senate Committee on Territories, a provision was substituted for the Senate amendment providing for the calling of a Legislature, but prohibiting the Legislature to be called from considering any provision looking to a change of the location of the capital of the Territory.

This legislation was absolutely necessary on account of the adjournment of the Legislature of the Territory without making any provision whatever for holding an election. It therefore becomes necessary for Congress to enact the legislation which appears upon the general deficiency bill.

Mr. DINGLEY. This legislation is recommended unanimously by the Committees on Territories of both bodies.

Mr. SAYERS. There is no objection whatever to it by any one so far as I am advised. It meets with the entire approbation of all the parties interested both in the House and in the Senate.

In regard to the amendments which have not been agreed to and which are yet in controversy, the first is amendment No. 18, an appropriation of about \$500,000 for the Pacific railroads; the second is amendment No. 44, providing for paying to an Assistant Attorney-General the difference between the salary which under the law he was entitled to receive when appointed and that which he is to have from the beginning of the present fiscal year. In other words, it is for back salary.

Mr. ROCKWELL. May I state to the gentleman that a provision on that subject was agreed to by the conference committee on the Indian appropriation bill, and \$2,500 was appropriated for the additional salary?

Mr. SAYERS. That is so; but he seems not to be satisfied with that, and now desires the increased salary to run from the time of his appointment, to which the House conferees would not agree.

The third disagreement is upon amendment No. 109, which makes provision for the payment of certain French spoliation claims, amounting to \$737,785.06. The fourth disagreement is upon amendment No. 110, which provides for the payment of certain Indian depredation judgments, amounting to \$478,252.62. So that four of the amendments still in controversy between the Senate and the House cover the sum of about \$1,723,558.68.

Mr. DINGLEY. But that amount is almost entirely covered by the three items—French spoliation claims, Indian depredation claims, and the Pacific railroad appropriation.

Mr. LANHAM. In regard to the proposed appropriation for payment of judgments of the Court of Claims with reference to Indian depredation claims, what is the difficulty on that proposition?

Mr. SAYERS. The disagreement arises from the fact that the majority of the House conferees were opposed to the payment of the French spoliation claims; and it was agreed between the conferees of the two Houses that these two amendments should come back to the House together for further action.

Mr. LANHAM. There is no real substantial objection then to the payment of the judgments for those Indian depredation claims, is there?

Mr. SAYERS. I can not speak as to that. We have really not considered them.

Mr. LANHAM. The Indian depredation claims have simply been lumped with the spoliation claims.

Mr. SAYERS. It was understood that the two matters should go together.

There is another item to which I wish to call attention, and that is the provision with reference to payments to the widows and legal representatives of deceased members. The House will remember that upon a point of order raised, I believe, by the gentleman from Iowa [Mr. BUTLER] the appropriation reported to the House upon this bill for the payment of certain amounts to the widows and legal representatives of deceased members was stricken from the bill.

The Senate, however, placed upon the bill an amendment which enabled the conferees to act upon the subject; that is to say, there is a Senate amendment providing for the payment of \$5,000 to the widows and legal representatives of deceased members of Congress. In considering the matter, the House conferees thought it best that there should be no agreement as to that amendment, because if any appropriation should be made, \$5,000 would be manifestly too little; and, as it would be a mere gratuity, it would be the better plan to bring the amendment back to the House and take its judgment as to the amount, if anything, which should be allowed.

With this explanation, if no gentleman desires to ask anything further—

Mr. HERMANN. Just one question. With regard to the Assistant Attorney-General, for whom, I believe, \$2,500 was asked as back compensation, I will ask the gentleman whether the amount of labor devolving upon this officer was properly represented to the committee?

Mr. SAYERS. There is no question as to the amount of labor performed by that gentleman; but I believe it to be a correct principle of administration, that no officer should be allowed back pay; in other words, if one accepts an office, knowing what his salary is to be, Congress should not make an appropriation for a greater salary for his past services than the office carried at the time of his appointment.

Mr. HERMANN. I think, however, the gentleman will find the facts to bear me out in saying that the duties of this office were far greater and the labor more extensive than the officer anticipated when he entered the service.



Mr. SAYERS. That may be so.

Mr. WEADOCK. The gentleman from Texas stated the amount of the French spoliation claims as a lump sum. Does not the amendment of the Senate appropriate a particular amount to be paid to each claimant named, the amount being that which has been adjudged in favor of the claimant by the Court of Claims?

Mr. SAYERS. Certainly. I only gave the total of the appropriations contained in the different items.

Mr. WEADOCK. But each of these claims has been adjudicated in the Court of Claims, and the liability, so far as that court could establish it, has been fixed in each case. What reason is there why these claims ought not to be paid?

Mr. DINGLEY. Each case is mentioned specifically in the Senate amendment.

Mr. TOWNSEND. If I understood correctly the statement of the gentleman from Texas, there is no serious objection to the provision for the payment of the Indian depredation claims, but that matter has merely been held up in connection with the French spoliation claims. If that be so, what objection is there on the part of the conference committee of the House to agree to the Senate amendment with reference to the payment of these Indian depredation claims?

Mr. SAYERS. I will state to the gentleman that it is my purpose to ask unanimous consent that this report shall lie over until to-morrow, say until half past 12 o'clock, when the House can consider the amendments of the Senate that are still in controversy.

Mr. LANHAM. I think that ought to be done.

Mr. ROCKWELL. Before the gentleman from Texas moves a postponement of this matter I wish to ask him if it is not competent and proper under the law to pay these judgments rendered against certain Indian tribes for depredation claims, first out of the funds in the Department belonging to the Indian tribes against which the judgments were rendered and to whom they are chargeable, without the necessity of an appropriation from the Treasury?

Mr. SAYERS. That is my recollection; but it is a matter that can be discussed to-morrow. I prefer not to express an opinion now, although I believe the law so provides.

Mr. HERMANN. I would say that it is so provided.

Mr. ROCKWELL. Then it is not necessary to appropriate for all of these claims out of the Treasury, because the accounting officers are by law authorized to make the appropriation for the payment from the Indian funds.

Mr. DINGLEY. But the Senate amendment provides for the payment of the whole of these claims out of the Treasury.

Mr. ROCKWELL. Why should the Government pay the claims when the Indians have the funds to their credit?

Mr. SMITH of Arizona. They will take it back out of the Indian funds.

Mr. MANSUR. I wish to ask the gentleman from Texas a question in regard to the French spoliation claims.

Mr. SAYERS. Certainly.

Mr. MANSUR. The gentleman has said that the majority of the conference committee of the House was opposed to the Senate amendment with reference to these French spoliation claims. Is it not true, as a matter of fact, that a majority of your committee is in favor of the claims?

Mr. SAYERS. I can not answer the gentleman as to that.

Mr. MANSUR. I will state to the gentleman that eight out of fifteen are for the claims, so friends on the committee have informed me.

Mr. DOCKERY. Well, I hope the majority of the House is not for them.

Mr. SAYERS. I will say to the gentleman from Missouri that not one of the French spoliation claims, which the Senate has put upon this bill, has been before the Committee on Appropriations of the House during the present Congress. They have all been sent to the Committee on Claims.

Mr. MANSUR. Let me state to the gentleman that they have been before the Committee on Claims, and the Committee on Claims recommended their payment and asked to be discharged from their further consideration and referred the report to you, which report is still on file. We paid \$1,304,000 of them last year and here is a provision for the payment of some seven hundred thousand additional, three-fourths of which, at least, are from the South.

Mr. SAYERS. That question, of course, will come up to-morrow, when consideration of the amendment is had.

Mr. HERMANN. I had intended moving that the House recede from the two amendments, number 110 with reference to Indian depredation claims, and 44 with reference to the back pay for the Assistant Attorney-General.

Mr. SAYERS. I would be glad if the gentleman will withhold his motion until to-morrow.

Mr. DINGLEY. It would not be in order until after the conference report was adopted.

Mr. HERMANN. I was going to state that in view of the gentleman's suggestion I would defer submitting the motion until to-morrow.

Mr. SAYERS. Now, Mr. Speaker, I ask for the adoption of the report.

The SPEAKER. The report, the Chair will state, is a partial agreement—an agreement except as to five items.

Mr. SMITH of Arizona. Before that motion is submitted, Mr. Speaker, I would like to make an inquiry about a matter in which the gentleman from Texas knows I am interested.

Mr. SAYERS. I take great pleasure in telling the gentleman from Arizona that I believe I know what is in his mind and I think he is provided for. [Laughter.]

Mr. SMITH of Arizona. But there are two matters in my mind.

The SPEAKER. The question is on agreeing to the report. The report was adopted.

On motion of Mr. SAYERS, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The remaining amendments are now before the House.

Mr. SAYERS. Mr. Speaker, the gentleman from Arizona says that I misled him in the answer I gave him a few moments ago, and I ask unanimous consent that the House reconsider the vote by which the conference report was adopted, so as to permit me to answer his question.

The SPEAKER. That would require unanimous consent.

Mr. SAYERS. I ask unanimous consent.

There being no objection, the vote was reconsidered.

Mr. SMITH of Arizona. What I wish to ask about is this: The Senate committee placed on the bill an item of some \$800 to pay for the defense of certain Indians, by Mr. English, of Arizona.

Mr. SAYERS. I thought the gentleman referred to the other matter.

Mr. SMITH of Arizona. I saw that the other was all right. Now, I ask whether the House conferees agreed to that amendment of the Senate or struck it out?

Mr. SAYERS. We did not agree to it.

Mr. SMITH of Arizona. Then the House conferees objected to this item?

Mr. SAYERS. They did.

Mr. SMITH of Arizona. Do you know that in the California case, of exactly a similar character, provision is made in this bill?

Mr. SAYERS. I think not. My recollection is that it is not.

Mr. SMITH of Arizona. I was under the impression that it was.

Mr. DINGLEY. My recollection is that it is not provided for.

Mr. SAYERS. My recollection is that they were both stricken out.

Mr. SMITH of Arizona. The reason I asked the question before the adoption of the report was that I would like to submit to the House that one item, because it is a matter that I do not believe ought to be passed over and permitted to become a claim against the Government, which we all know may stand here for twenty years without adjudication. Here was a man who, under the appointment of a court, defended several of these Apache Indians in four or five cases. The gentleman from Texas remembers about that perhaps better than I do.

Mr. SAYERS. I remember the facts.

Mr. SMITH of Arizona. And that defense was carried on away from his home by special appointment of the court. The court certifies that it was proper. Now, you all understand that these Indians are mere wards of the Government, without any protection whatever except what the Federal courts afford them, and the Federal courts appoint attorneys in other cases and those attorneys are paid.

Mr. DINGLEY. On the point as to what was done in the California case the Senate receded.

Mr. SMITH of Arizona. From both?

Mr. DINGLEY. Yes.

Mr. SAYERS. In reply to the gentleman from Arizona, I will say that the claim of which he speaks is not audited. It is simply a claim resulting from the appointment of an attorney by the court to defend certain Indians. The House conferees did not believe that it should be allowed upon the bill.

In many, if not all, of the States attorneys are very often appointed by the courts to defend indigent persons, and they give their services without pay. The House conferees regarded the claims resulting from that class of services, and thought that if it could be considered a claim against the Government at all, it was not such a one as would justify the Committee on Appropriations in putting it upon a deficiency bill.



Mr. SMITH of Arizona. Was it not recommended by the Attorney-General?

Mr. SAYERS. Yes; but it is not an audited claim.

Mr. SMITH of Arizona. It can never be audited in the strict sense in which you speak, but it is a matter of simple justice. In these indigent cases to which you refer the circumstances are different. This is a Federal matter, where a ward of the Government is concerned, with no defense in the world except by appointment, and with the right on the part of an attorney to refuse. This defense was made under appointment of the court, and a very moderate bill was put in, and it meets with the approval of the Attorney-General.

Now, if this man is to be relegated to the collection of a claim before this House we all know how difficult that will be. We all know that we each of us have fifty such cases which never will pass this House. It is simply keeping a man out of the money who needs it. These services were well performed and the payment of the bill is recommended by the court that appointed him and by the Department of Justice.

Mr. SAYERS. I ask for a vote upon the adoption of the report.

Mr. McKAIG. I would like to ask the gentleman a question.

Mr. SAYERS. Certainly.

Mr. McKAIG. I would like to ask what was done with the claim of the estate of John C. Rives.

Mr. SAYERS. It was rejected. Mr. Speaker, I now ask for a vote upon the adoption of the conference report.

Mr. SMITH of Arizona. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SMITH of Arizona. Have I the right at this time to ask a separate vote of instruction to the conferees upon this item of \$800 that I have been speaking about?

The SPEAKER. The Chair will state to the gentleman from Arizona that this is a report of a partial agreement, and that report can not be amended.

Mr. DINGLEY. It can only be agreed to or rejected as a whole.

The SPEAKER. It can only be agreed to or rejected. If it is not agreed to, the whole matter is open. If it is agreed to, the matters covered by it are concluded, and it would leave open only the five remaining amendments which are not agreed upon by the conferees.

Mr. SAYERS. I demand the previous question.

The previous question was ordered.

The conference report was agreed to.

On motion of Mr. SAYERS, a motion to reconsider the last vote was laid on the table.

The SPEAKER. There are five amendments remaining.

Mr. SAYERS. Mr. Speaker, I desire to give notice that at half past 12 o'clock to-morrow I shall ask the House to consider these amendments. I further ask permission to publish them in the RECORD.

The SPEAKER. Without objection the five amendments to which the conferees of the two Houses have been unable to agree will be published in the RECORD so that gentlemen may see them. [After a pause.] The Chair hears none, and that order will be made.

The amendments are as follows:

(18) 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 Nos. 71 and 122, and Senate Executive Documents Nos. 132 and 135, Fifty-first Congress, second session; House Executive Documents Nos. 144, 174, and 394, and Senate Executive Documents Nos. 210 and 211, Fifty-first Congress, first session; House Executive Documents Nos. 167 and 171, Fifty-first Congress, second session; and House Executive Documents Nos. 94, 192, 199, 205, 216, and 258, and Senate Executive Documents Nos. 123 and 140, Fifty-second Congress, first 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.

(44) To pay the Assistant Attorney-General in charge of Indian depredation claims an amount sufficient to make his compensation from the date of his qualification to the end of the fiscal year 1892 the same as that paid to the other Assistant Attorneys-General in the Department of Justice, \$2,521, or so much as may be necessary.

(78) To pay to the widows and legal representatives of deceased members of the House \$5,000.

#### (109) FRENCH SPOILATION CLAIMS.

SEC. 5. To pay the findings of the Court of Claims on the following claims for indemnity for spoiliations by the French prior to July 31, 1801, under the act entitled "An act to provide for the ascertainment of claims of American

citizens for spoiliations committed by the French prior to the 31st day of July, 1801," approved January 30, 1885, namely:

On the schooner Nancy, Nathaniel Lincoln, master, namely:

Charles E. Alexander, administrator of the estate of Jonathan Merry, deceased, \$808.

On the snow Lydia, Eleazar Washburn, master, namely:

Charles E. Alexander, administrator of the estate of Jonathan Merry, deceased, \$13,204.96;

William A. Richards, administrator of the estate of William and Thomas Walter, both deceased, \$2,727.48.

On the schooner Polly, Joseph Atkins, master, namely:

Charles E. Alexander, administrator of the estate of Jonathan Merry, deceased, \$1,233.

On the ship Argo, Benjamin Randall, master, namely:

Henry J. Gardner, administrator of the estate of Matthew Cobb, deceased, \$12,000.

On schooner Ranger, Josiah Bacon, master, namely:

Abiel S. Lewis, administrator of the estate of Thomas Lewis, junior, surviving partner of Thomas Lewis & Son, \$8,480.

On the sloop Nancy, David Foster, master, namely:

George G. Sill, administrator *de bonis non* of William Coggeshall, deceased, \$851.50.

On the schooner Betsey and Nancy, Samuel Eels, master, namely:

Samuel R. Eels, administrator of the estate of Samuel Eels, deceased, \$2,504.25.

On the schooner Phoenix, James Coward, master, namely:

George F. R. Waesche, administrator *de bonis non* of the estate of George Repold, \$4,427.44;

Henry Frederick Wegner, administrator *de bonis non* of the estate of Albert Seekamp, \$4,427.44;

Charles F. Taylor, administrator *de bonis non* of the estate of Henry Schroeder, \$4,427.44. The last above three items to be subject to a deduction of the amount of insurance received, which amount shall be investigated and determined by the proper accounting officers of the Treasury Department.

On the brig Caroline, William Morton, master, namely:

Wallace T. Jones, administrator of the estate of Edward Jones, \$2,752.70.

On the schooner Phoenix, Joshua Waite, master, namely:

Henry R. Virgin, administrator of the estates of Samuel Snow, Stephen Purrrington, and John Snow, jr., \$2,126;

Henry Deering and Francis Fessenden, administrators of the estate of James Deering, \$1,373;

Henry J. Gardner, administrator of the estate of Mathew Cobb, \$2,173.

On the brig Friendship, George Hodges, master, namely:

Charles S. Nichols, administrator of the estate of Ichabod Nichols, \$13,692.27;

William S. Silsbee, administrator of the estate of Benjamin Hodges, \$14,225.04;

Thomas Kitridge, administrator of the estate of George Hodges, \$171.24.

On the brig Calliope, John Leonard, master, namely:

Reginald Pendl, administrator of the estate of John Leonard, \$26,960.

On the brig Betsey, William Witmarsh, master, namely:

Mary Souther, administratrix of the estate of Benjamin Wheeler, deceased, \$6,048.06.

On the sloop Martha, Joshua McWilliams, master, namely:

John C. Williams, administrator of the estate of Edward Dunant, deceased, \$1,390.

On the schooner Jane Thomas Atwood, master, namely:

Henry G. Dorr, administrator of the estate of Andrew C. Dorr, \$2,573.87;

Frances A. Wheelock, administratrix of the estate of William Door, \$2,573.87.

On the brig Catherine, Samuel Cazneau, master, namely:

Henry R. Perkins, administrator of the estates of Anthony Davenport and Moses Davenport, joint owners of the Catherine, \$8,535.

On the schooner Hannah, Joseph Bright, master, namely:

Abram H. Smyth, administrator of the estate of Abram Hewes, deceased, \$2,496;

Lawrence Stabler, administrator of the estate of William Hartshorn, deceased, remaining partner of the late firm of William Hartshorn & Sons, \$2,496;

On the schooner Three Friends, James Shepherd, jr., master, namely:

Gilbert C. Huntington, administrator of the estate of Alvan Fosdick, deceased, surviving partner of Fosdick & Lambert, \$13,517;

Mary Souther, administratrix of the estate of Benjamin Wheeler, deceased, \$510;

On the sloop Confidence, Francis Bradbury, master, namely:

George W. Bradbury, administrator of the estate of Charles Bradbury, in right of Francis Bradbury, his assignor, \$1,366;

George W. Bradbury, administrator of the estate of Theophilus Bradbury, \$1,366;

On the schooner Hannah, Josiah Bouton, master, namely:

George B. St. John, administrator of the estate of Eliphalet Lockwood, Buckingham Lockwood, and William Lockwood, \$4,202.09;

George B. St. John and Jarvis Kellogg, administrators of the estate of Ezekiah Selleck, \$4,202.09.

On the schooner Henry and Gustavus, John Smith, master, namely:

George G. Sill, administrator of the estate of Thomas Sanford, \$1,786.63;

Herman Whittlesey, administrator of the estate of Aaron Gaylord, \$1,786.63.

On the sloop Mary, Gilbert Totten, master, namely:

John C. Hollister, administrator of the estate of Frederick Hunt, deceased, \$2,362.34;

John C. Hollister, administrator of the estate of Thomas Rice, deceased, \$2,362.33;

John C. Hollister, administrator of the estate of Elias Shipman, deceased, \$2,362.33.

On the schooner Shepherdess, Warren Chapman, master, namely:

George G. Sill, administrator of the estate of Timothy Chapman, \$1,841.06;

Warren C. Pike, administrator of the estate of Warren Chapman, \$1,841.06.

On the ship Eliza, William Marrenner, master, namely:

Wallace T. Jones, administrator of the estate of Edward Jones, \$48,186.

On the brig Rosetta, Isaac Isaacs, master, namely:

John C. Tilgham, administrator of the estate of William Van Wyck, \$5,024.96;

Rebecca R. Thompson and Elizabeth Y. Thompson, administratrices of the estate of Joseph Young, \$5,597.45.

On the sloop Union, Seth Lincoln, master, namely:

Shearjashub Bourne, administrator of the estate of Shearjashub Bourne, \$3,250.38;

Stephen F. Peckham, administrator of the estate of Samuel Wardwell, \$3,250.38.

On the scow Charlotte, Cornelius Low, master, namely:

George Hawkins Williams, administrator of Joseph Williams, surviving partner of Williams & Low, \$3,464.

On the ship Two Sisters, John T. Hilton, master, namely:

Andrew Lacy, administrator of the estate of William Neal, deceased, \$8,448.



On the ship *Eliza*, Peter Burton, master, namely:  
Alexander Proudft, administrator of the estate of John Proudft, deceased, \$8,951.

On the brig *Venus*, John Harmon, master, namely:  
John S. Cole, administrator of the estate of John Storer, deceased, \$10,568.

On the schooner *Needham*, William Grant, master, namely:  
John C. McDonald, administrator of the estate of William McDonald, deceased, \$4,914.

On the schooner *Thankful*, William Ward, master, namely:  
Albert C. Arnold, administrator of the estate of Frederick William Geyer, deceased, \$226.80, the award in the above case having been made to Francis M. Boutwell, as administrator of the estate of John Herr, assignee in bankruptcy of said Frederick William Geyer.

On the ship *Henry*, Daniel Allin, master, namely:  
Rebecca B. Armington, administratrix of the estate of Samuel Allin, \$3,766; Elizabeth T. Pike, administratrix of the estate of Daniel Allin, deceased, \$3,766.

Samuel W. Peckham, administrator of the estate of Samuel Carlisle, surviving partner of the firm of S. and B. Carlisle, \$3,766.

On the brig *Hiram*, J. Humphreys, master, namely:  
Simon Tomlinson, administrator of Samuel Hull, \$400.

John F. Plumb, administrator of John Humphreys, \$400.

John F. Plumb, administrator of James Humphreys, \$400.

On the ship *Leeds Packet*, Richard Bunce, master, namely:  
Benjamin H. Rutledge, administrator of Adam Tunno, surviving partner of Tunno & Cox, \$21,167.80.

Gordon Gairdner, administrator of James Gairdner, surviving partner of James & Edwin Gairdner & Co., \$4,833.93.

Henry E. Young, administrator of John Turnbull, \$700.

Henry E. Young, administrator of James Carson, \$1,700.

Lucy Franklin Read McDonald, executrix of George Pollock, surviving partner of Hugh Pollock & Co., \$12,108.

On the brig *Albert*, Robert Gray, master, namely:  
Robert M. Pratt, administrator of *de bonis non* of Joseph White, deceased, \$6,265.75.

William Parker, administrator of *de bonis non* of William B. Parker, deceased, \$2,088.58.

Elizabeth R. Gardner, administratrix of *de bonis non* of Jesse Richardson, deceased, \$2,577.16.

William D. Pickman, administrator of *de bonis non* of Dudley L. Pickman, deceased, \$849.02.

Henry O., Benjamin W., and Robert Stone, executors last will, etc., Robert Stone, junior, deceased, \$4,177.16.

William A. Lander, administrator of *de bonis non* of Pickering Dodge, deceased, \$3,132.87.

Mary F. Witherby, surviving executor of Charles Cleveland, deceased, \$783.21.

Nathaniel P. Richardson, executor of Joshua Richardson, deceased, \$2,088.58.

On the brig *American*, Thomas Towe, master, namely:  
J. Hall Ware, administrator of *de bonis non* of John Hall, deceased, \$4,601.

On the schooner *Ballahoo*, Joseph Ripley, master, namely:  
James F. Breuil, administrator of Francis Breuil, deceased, \$1,568.95.

On the vessel, the snow *Boston*, Dougherty, master, namely:  
J. Bayard Henry, administrator of George Latimer, deceased, \$3,025.36.

The Real Estate Title Insurance and Trust Company of Philadelphia, administrator of *de bonis non cum testamento annexo* of James Campbell, deceased, \$3,025.36.

On the brig *Confidence*, Thomas Manning, master, namely:  
Catherine M. Singleton, administratrix of *de bonis non* of Alexander M. McKim, surviving partner of the firm of Robert McKim and Company, \$1,497.39.

On the brig *Eleanor*, James Treat, master, namely:  
George H. Williams, administrator of *de bonis non* of Samuel Williams, deceased, \$1,583.59.

Charles J. Bonaparte, administrator of *de bonis non* of Benjamin Williams, deceased, \$1,583.59.

David Stewart, administrator of Francis Jonhonet, surviving partner of Francis Jonhonet and Company, \$5,723.18.

On the schooner *Eliza*, Thomas Poulson, master, namely:  
John Mervin Carrere and David Stewart, administrators, etc., \$11,744.96.

David Stewart, administrator, etc., \$3,781.

On the vessel, snow *Fanny*, Garrett Barry, master, namely:  
Dayton S. Ward, administrator of *de bonis non* of James Barry, deceased, \$3,502.

On the sloop *Fox*, Brooks, master, namely:  
Sanford J. Horton, as administrator of the estate of William Wickham, deceased, \$1,508.33.

Melvin B. Copeland, as administrator of the estate of Nathaniel Blake, deceased, \$454.16.

George G. Sill, as administrator of the estate of William Moore, deceased, \$3,233.33.

On the schooner *Hannah*, Philip Besser, master, namely:  
Sarah J. Brown, administratrix of Isaac Collyer, deceased, for value of 164 quintals of fish, \$1,312.

Ebenezer D. Secomb, administrator of Philip Bessom, value of cargo, less the 164 quintals of fish owned by said Collyer, and less also the insurance paid thereon by William Gray, \$23,180.

On the brig *Hope*, Church, master, namely:  
John C. Parsons, as administrator of the estate of John Caldwell, deceased, \$12,412.17.

On the brig *Leonard*, William Hackett, master, namely:  
Joseph A. Titcomb, administrator of estate of John Willis, otherwise called John Wells, deceased, \$8,150.

On the schooner *Lucy*, Lewis Holmes, master, namely:  
Isaac Brewster, administrator of *de bonis non cum testamento annexo* estate of Daniel Jackson, deceased, \$3,597.

Charles G. Davis, administrator of *de bonis non* of William Davis, deceased, \$992.

On the brig *Lydia*, John Cook, master, namely:  
Charles B. Allen, administrator of *de bonis non* of Zachariah Allen, for vessel, cargo, and the freight earned, \$12,291.

On the ship *Patapco*, William Hill, master, namely:  
William Donnell, administrator of *de bonis non cum testamento annexo* of the estate of John Donnell, deceased, \$6,659.99.

George W. Brown, administrator of the estate of James A. Buchanan, deceased, \$4,600.92, being his share of vessel and freight.

Robert Carter, administrator of *de bonis non cum testamento annexo* of the estate of Samuel Smith, deceased, \$4,600.92, being his share of vessel and freight.

Esther H. Buchanan, administratrix of the estate of William B. Buchanan, who was the surviving partner of the firm of S. Smith & Buchanan, deceased, \$25,056, the value of the cargo shipped by said firm.

Cumberland D. Hollins, administrator of *de bonis non cum testamento annexo* of the estate of John Hollins, deceased, \$7,600.

Mary Ann B. Smith, administratrix of *de bonis non cum testamento annexo* of the estate of John Smith, jr., deceased, \$48,406.

On the brig *Sally*, William Hampton, master, namely:  
Alexander Proudft, administrator of *de bonis non* with the will annexed of the estate of Robert Ralston, deceased, \$5,734.

On the schooner *Thankful*, William Ward, master, namely:  
Adeline F. Alden, administratrix of James Torrey, \$1,428.40.

Adeline F. Alden, administratrix of George Torrey, \$1,428.40.

Abel H. Bellows, administrator of Thomas Geyer, \$226.80.

Stephen R. Rogers, administrator of Joseph Rogers, \$1,733.33.

On the vessel *Two Sisters*, Jacob Henery, master, namely:  
George W. Norris, administrator of John Garesche, deceased, \$2,043.80.

George W. Norris, administrator of Peter Bauduy, deceased, \$436.70.

William R. Lejee, surviving executor of Samuel Breck, jr., \$1,919.27.

On the brig *William*, Benjamin H. Rathbone, master, namely:  
Bayard Tuckerman, administrator of Walter Channing, surviving partner of Gibbs & Channing, and likewise administrator of George Gibbs, \$20,754.

On the schooner *Alert*, Jacob Olliver, master, namely:  
Franklin Leach, administrator of William Leach, \$3,577.88.

Edward I. Browne, administrator of Israel Thorndike, \$1,003.72.

On the ship *Betsey*, Josiah Obeare, master, namely:  
Horace Obeare, administrator of Josiah Obeare, \$1,705.68.

Franklin Leach, administrator of Nathan Leach, \$123.

On the vessel *Fusileer*, Thomas Shaw, master, namely:  
George B. Chase, administrator of Stephen Chase, deceased, \$2,955.

Albion C. Taylor, administrator of *de bonis non* of Joseph Chase, deceased, \$2,955.

Calvin Page, administrator of Thomas Shaw, deceased, \$1,168.55.

On the ship *Jane*, John Wallace, master, namely:  
Esther S. Buchanan, administratrix, representing Smith and Buchanan, \$11,600.21.

Robert Carter Smith, administrator, representing Samuel Smith, \$6,738.21.

Cumberland D. Hollins, administrator, representing John Hollins, \$4,922.

On the ship *Reindeer*, Robert Motley, master, namely:  
Henry Deering and Francis Fessenden, administrators of James Deering, \$20,625.

On the brig *Thomas*, Mark Fernald, master, namely:  
James W. Emery, administrator of *de bonis non* of the estate of Thomas Manning, deceased, \$5,132.

On the ship *Theresa*, Philip Brum, master, namely:  
George S. Sonntag, administrator of William L. Sonntag, deceased, surviving partner of William L. Sonntag & Co., as representative of said firm, \$13,537.50.

George S. Sonntag, administrator, as representative of William L. Sonntag, one of the joint owners of the *Theresa*, \$3,284.50.

Jane J. De La Roche, administratrix of Frederick Franck De La Roche, as representative of one of the joint owners of the *Theresa*, \$3,284.50.

On the vessel *Georgia Packet*, John McKeever, master, namely:  
The Pennsylvania Insurance Company for Insurance on Lives and Granting Annuities, administrator of Thomas M. Willing, deceased, \$6,246.

Richard F. Flickwir, administrator of Richard Flower, deceased, \$1,055.

Richard F. Flickwir, administrator of John Flower, deceased, \$1,055.

Richard F. Flickwir, administrator of Reese Wall, deceased, \$1,055.

Edward S. McKeever, administrator of John McKeever, deceased, \$1,055.

On the brig *Yorick*, William Moodie, master, namely:  
George S. Sonntag, administrator of William L. Sonntag, \$7,886.50.

Jane J. De La Roche, administratrix of Frederick Franck De La Roche, \$7,886.50.

On the schooner *Betsey*, John Murphy, master, namely:  
W. Hall Harris, administrator of *de bonis non*, etc., estate of William Patterson, deceased, \$20,334.16.

On the ship *Julliana*, Thomas Hayward, master, namely:  
Thomas B. Ghequiere, administrator of the estate of Charles Ghequiere, deceased, \$3,949.16.

Jacob Bowman Sweitzer and David Stewart, administrators of John Holmes, deceased, \$12,129.16.

On the schooner *Union*, Samuel Larrabee, master, namely:  
Cornelia S. Jackson, administratrix of Levi Cutter, \$1,833.50.

Seth L. Milliken, administrator of John Milliken, \$1,833.50.

On the ship *Hitty* (or *Hetty*) Jane, Joshua Neal, master, namely:  
Augusta H. Chapman, administratrix of *de bonis non* of Peter Clarke, \$14,844.37.

John C. Howell, administrator of John Potter, \$25,254.76.

A. M. Lee, administrator of Thomas Stewart, \$6,061.93; in all, \$737,785.06.

Provided, That in all cases where the original sufferers were adjudicated bankrupts or insolvents or made voluntary assignments for the benefit of creditors, awards shall hereafter be made on behalf of the next of kin or to those entitled under the wills of the original sufferers or the wills of those who take thereunder instead of to voluntary assignees or to assignees in bankruptcy, and the awards in the cases of individual claimants herein appropriated for shall not be paid until the Court of Claims shall certify to the Secretary of the Treasury that the personal representatives on whose behalf the award is made represents the next of kin, or legatees as aforesaid, and the courts which granted the administrations, respectively, shall have certified that the legal representatives have given adequate security for the legal disbursement of the awards.

Sec. 6. For payment of judgments of the Court of Claims in Indian depredation cases, \$478,252.62, or so much thereof as may be necessary to pay and discharge such judgments as have been rendered against the United States, after the deductions required to be made under the provisions of section 6 of the act approved March 3, 1891, entitled "An act to provide for the adjustment and payment of claims arising from Indian depredations," shall have been ascertained and duly certified by the Secretary of the Interior to the Secretary of the Treasury, which certification shall be made as soon as practicable after the passage of this act, and such deductions shall be made according to the discretion of the Secretary of the Interior, having due regard to the educational and other necessary requirements of the tribe or tribes affected, and the amounts paid shall be reimbursed to the United States at such times and in such proportions as the Secretary of the Interior may decide to be for the interests of the Indian service.

ADDITIONAL AIDS TO NAVIGATION AT TAMPA BAY, FLORIDA.

Mr. MALLORY. Mr. Speaker, I rise to a privileged motion.

The Senate has nonconcurred in the amendment of the House to the bill (S. 1498) for the establishment of additional aids to navigation in Tampa Bay, Florida. I move that the House insist on its amendment, and accede to the conference requested by the Senate.

The SPEAKER. This is a Senate bill amended by the House. The Senate disagrees to the amendment of the House, and asks for a conference. The Clerk will report the title of the bill.

The Clerk read as follows:



A bill (S. 1498) for the establishment of additional aids to navigation in Tampa Bay, Florida.

The SPEAKER. The gentleman from Florida moves that the House further insist on its amendment, and agree to the conference requested.

The motion was agreed to.

The SPEAKER. The Chair will appoint as conferees on the part of the House Mr. MALLORY, Mr. O'NEILL of Missouri, and Mr. LIND.

#### BIDS ON MAIL ROUTES.

The SPEAKER. The Chair calls, in pursuance of the order heretofore made, the Committee on the Post-Office and Post-Roads.

Mr. HENDERSON of North Carolina. Mr. Speaker, I call up the bill (H. R. 6073) to authorize the Postmaster-General to provide mail service, and for other purposes.

The bill was read, as follows:

*Be it enacted, etc.,* That after providing by general advertisement for the transportation of the mails in any State or Territory as authorized by law, the Postmaster-General may secure any mail service that may become necessary before the next general advertisement for said State or Territory by posting notices, for a period of not less than ten days in the post-offices at the termini of any route to be let, and upon a bulletin board in the Post-Office Department, inviting proposals, in such form and with such guaranty as may be prescribed by the Postmaster-General, for the performance of the proposed service. The contract for such service shall be made to run to the end of the contract term under the general advertisement, shall be made with the lowest bidder whose proposal is in due form, and who, under the law, is eligible as a bidder for such postal service. Temporary service rendered necessary by reason of the failure of any bidder or contractor to perform the service awarded him under this act may be employed by the Postmaster-General without advertisement, at a rate which he may deem reasonable, at the expense of any such failing bidder or contractor.

SEC. 2. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. HENDERSON of North Carolina. Mr. Speaker, this is simply a formal matter. The single object of this bill is to authorize the Postmaster-General to let the contracts between the 1st day of February and the 1st day of July, about five months in each year, during which time under the present law it has been found impracticable to do it. I do not suppose there is any objection to the bill.

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

On motion of Mr. HENDERSON of North Carolina, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### POSTAL FRACTIONAL NOTES.

Mr. HENDERSON of North Carolina. Mr. Speaker, I call up the bill (H. R. 8606) to facilitate exchanges through the United States mail, being a substitute for the bill H. R. 313. I would like the Clerk to read the substitute reported from the committee.

The Clerk read as follows:

A bill (H. R. 8606) to facilitate exchanges through the United States mail.

*Be it enacted, etc.,* That the Postmaster-General is authorized and directed to prepare and issue postal fractional notes of fixed denominations in the sum of \$1 and such fractions thereof as may be convenient for the purposes of this act; and said postal fractional notes shall be furnished to all postmasters of the United States, in such sums as the Postmaster-General shall deem sufficient for the business of the several offices, and shall be sold at their face value.

SEC. 2. That when a postmaster issues the said postal fractional notes he shall stamp, or otherwise have indicated thereon as the Postmaster-General shall direct, the name of office and date of issue.

SEC. 3. That the said postal fractional notes shall be payable to bearer at any post-office in the United States at any time within six calendar months from the last day of the month during which the same was issued, and shall be canceled by the paying postmaster, as the Postmaster-General shall direct; and after a postal fractional note has once been paid, to whomsoever paid, the United States shall not be further liable thereon.

SEC. 4. That if any postal fractional note shall not have been redeemed within the time aforesaid the same shall be invalid, and the holder, to obtain the amount thereof, shall forward it to the Postmaster-General at Washington, D. C., together with an application in such form as the Postmaster-General shall prescribe for a duplicate thereof.

SEC. 5. That the provision of sections 3834, 4030, 4041, 4042, 4043, 4044, 4045, 4046, and 4048 of the Revised Statutes (edition of 1878), and the provisions of section 5463 of said Revised Statutes, as amended, shall be deemed and taken to be applicable to postal fractional notes as well as to money-orders and postal notes.

SEC. 6. That postmasters shall be allowed as compensation for issuing and paying postal fractional notes at their respective offices one-fourth of 1 per cent on the gross amount thereof.

SEC. 7. That the sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act.

SEC. 8. That the Postmaster-General shall prescribe all rules and regulations for putting in force the provisions of this act.

Mr. HENDERSON of North Carolina. I ask that the Clerk read the report; it is very short.

The report (by Mr. HENDERSON of North Carolina) was read, as follows:

The Committee on the Post-Office and Post-Roads, to whom was referred the bill (H. R. 313) to facilitate exchanges through the United States mail, have considered the same and respectfully recommend that the accompanying bill be adopted as a substitute therefor, and that the said bill, as amended by the substitute, do pass.

The committee beg leave to call attention to the main features of the bill. It furnishes, in compliance with an almost universal demand, a convenient

method of transmitting by mail fractional sums in place of subsidiary coin, which is not suited for such transmission and is frequently lost in the mails. Postage stamps, so frequently used, were never intended for any such purpose. The bill provides for the issue of postal fractional notes, free of cost to the people and with scarcely any expense to the Government. These postal fractional notes will be found in every post-office, and will be in universal use by the people everywhere. The people in the rural districts are in great need of the conveniences which this bill will provide.

Mr. DOCKERY. I desire to ask the gentleman from North Carolina if this bill is recommended by the Post-Office Department?

Mr. BINGHAM. Mr. Speaker, I should like some explanation of this bill. As I understand, but I may be in error, it permits the Postmaster-General to send to every post-office in the country—and there are between sixty-five thousand and seventy-five thousand—fractional currency, in denominations of a dollar or less, to be sold, with six months for redemption, at a cost to the Government, not only of the expense of issuance, but half of 1 per cent to every postmaster in the country for every note issued and paid. Under such a provision the country would be virtually flooded with fractional currency.

Mr. LIVINGSTON. Then you are a gold bug.

Mr. BINGHAM. For its issuance half of 1 per cent is paid, and that half of 1 per cent will be additional compensation to every postmaster in the country issuing these fractional currency notes. Now, I take the ground that if it is the purpose of the Government to transmit through the mails money, which should not be transmitted through the mails unless it is transmitted free, I am willing to make such revision of the money-order and registry systems as will carry free. This bill will, if passed, cause the transmission of innumerable communications containing fractional currency throughout the country, and furnish a strong inducement to every subordinate to rifle the mails. It is going to make it convenient for the people to send their money through the mail, but in order to do so it is placing temptation before 150,000 subordinates who should never be tempted.

If you are to send money through the mails make your money-order and registry systems free to the people. Then your money will be transmitted properly protected; but if you are going to make it convenient at every post-office in the country to send this fractional currency through the mails, for which you are paying half of 1 per cent, I say you are tempting this great force of subordinates and you are putting the Government to an unnecessary expense.

I should like some explanation of the bill. I should like to know the further fact, through some evidence, that this has been asked for by the people.

Mr. DOCKERY. Is the gentleman from Pennsylvania able to state whether this bill has been recommended by the Postmaster-General?

Mr. BINGHAM. I see no reference to that in the report.

Mr. BERGEN. I think the gentleman made a mistake in saying that the amount paid the postmaster is one-half of 1 per cent.

Mr. BINGHAM. It is one-fourth of 1 per cent to each postmaster at each end of the service, the one who sends and the one who receives; and that makes a half.

Mr. BERGEN. The gentleman is correct.

Mr. HENDERSON of North Carolina. Mr. Speaker, I wish to say that this bill is substantially the bill that was recommended by the convention of postmasters which met in this city last March and was presided over by the Postmaster-General. [Laughter.] The Postmaster-General transmitted a bill substantially like this to the Committee on the Post-Office and Post-Roads, and that committee has carefully considered this bill, and unanimously recommends it.

Mr. DOCKERY. Did the Postmaster-General recommend the bill in transmittal?

Mr. HENDERSON of North Carolina. He did not recommend it in so many words.

Mr. DOCKERY. Then the Postmaster-General has not recommended this bill?

Mr. HENDERSON of North Carolina. Not in specific words; but I understand he favored it, because he did not say anything about opposing it, and he presided over the convention which substantially recommended it and was understood to be in favor of it.

Mr. DICKERSON. Will the gentleman explain the purpose of the bill?

Mr. HENDERSON of North Carolina. The object of the bill is to issue postal notes of a dollar and fractions less than a dollar in such sums as the Postmaster-General may determine, to be issued to every post-office in the United States demanding it.

Now, it does seem to me that there ought not to be any objections to a bill of that sort.

Mr. SCOTT. What charge is to be made to the public?

Mr. HENDERSON of North Carolina. No charge. It is to be free to the public.



Mr. DINGLEY. Is there any appropriation in the bill for the preparation of these notes?

Mr. HENDERSON of North Carolina. The appropriation in the bill is \$10,000.

Mr. BINGHAM. That is for printing.

Mr. HENDERSON of North Carolina. For putting the bill into operation. The Postmaster-General is limited in the first place by the amount of the appropriation, and in the next place, if we believe that the Postmaster-General will do what is right about the matter, we can not believe that he will flood the country with fractional currency merely in order to put it into circulation, as the gentleman from Pennsylvania [Mr. BINGHAM] seems to intimate.

Mr. DOCKERY. But does not this bill give the right to every postmaster to issue this fractional currency?

Mr. HENDERSON of North Carolina. Not to every postmaster; but it gives the right to the Postmaster-General to issue it to every post-office upon demand.

Mr. DOCKERY. He has the right to designate the offices that are to issue it?

Mr. HENDERSON of North Carolina. These postal notes are to be issued to every post-office in the United States in such amounts as the Postmaster-General shall deem sufficient for the business needs of the several offices.

Mr. BINGHAM. This is the language of the bill: "And said postal fractional notes shall be furnished to all postmasters of the United States in such sums as the Postmaster-General shall deem sufficient for the business of the several offices, and shall be sold at their face value." Under this bill the Postmaster-General must send this currency out to all the offices. His discretion runs only to the amount he will send.

Mr. HENDERSON of North Carolina. That is true, but yet he has a discretion in regard to the amounts he shall think sufficient. Then, too, the appropriation to carry this law into effect is limited to \$10,000.

Mr. DOCKERY. If this is really in the interest of exchange between the people and calculated to subserve their convenience, it ought to be extended to every post-office, and there ought not to be any restriction as to the amount of this fractional currency to be issued.

Mr. HENDERSON of North Carolina. There is no restriction, and it is to be extended to all; but, of course, the Postmaster-General has some discretion in the matter.

Mr. DOCKERY. That is true; but his discretion, as I understand, is limited only by the amount of this appropriation?

Mr. HENDERSON of North Carolina. Oh, no; he has a discretion besides that.

Mr. WHEELER of Alabama. The Postmaster-General is not going to give any office more than what the bond will cover.

Mr. HENDERSON of North Carolina. He has a discretion in the matter independent of the limit of the appropriation. He is directed to issue the notes in such sums as he shall deem sufficient for the business needs of the several post-offices.

I will say, Mr. Speaker, that there is a universal demand for this from all parts of the country. The country people want it because they need some convenient form of exchange to send through the mails, something like fractional currency; the people in the cities, all those who deal with the country people, want it. In addition to that, all the labor associations in this country want it. The Knights of Labor have asked for it.

Mr. WHEELER of Alabama. And the farmers want it. It will be of great convenience to all people in rural districts. I trust no gentleman will oppose so beneficent a measure.

Mr. HENDERSON of North Carolina. Yes, the farmers want it. All the associations of labor including the Farmers' Alliance have asked for it, and I have never heard any objection to it from any class of people.

Mr. BINGHAM. The gentleman knows that such a thing as a postal note exists to-day for sums of \$5 and less, which can be bought for 3 cents. Now, he says that everybody wants these notes. This bill only authorizes the issue of notes for sums of \$1 and less. Now, big communities do not want very much of "1 and less."

Mr. WHEELER of Alabama. You belong to a "large city" where every postal accommodation is already provided, but this bill is for the great mass of the people in the country. These people, for want of a better method, now transmit small amounts by inclosing postage stamps, which are often injured and sometimes ruined *in transitu*. This law will give a substitute for that method.

Mr. LIVINGSTON. We are not seeking to serve big communities by this bill. That is exactly what we do not want to do. [Laughter.]

Mr. BINGHAM. Carry out the idea of your bill and you will flood the country with a fractional currency, and by putting it into your mails you will make the postal employes of the Government dishonest or tempt them to be so.

Mr. HENDERSON of North Carolina. The gentleman from Pennsylvania [Mr. BINGHAM] has said that this currency is not needed to any very great extent.

Mr. BINGHAM. It is needed to a great extent.

Mr. HENDERSON of North Carolina. Well, if it is needed to a very great extent, I want to say that the reason that there is to be no charge made for these notes is, that we desire to supply them to the people who are unable to pay large fees for postal notes.

Mr. BINGHAM. Large percentages—3 cents for sums less than \$5?

Mr. WHEELER of Alabama. How much would it be on 25 cents? Three cents on 25 cents would be 12 per cent. [Laughter.]

Mr. BINGHAM. If you want to serve the people in this way bring in a bill providing that there shall be no charge for your postal notes or your registry system, and then you will make your employes honest and will give the people all the convenience they want. Every office can register. When you send money through the mails or valuable inclosures, protect them by such regulations as will insure their safety. The mails in general transportation are not intended for money inclosures, but for written communications. When a citizen desires to send money let it be mailed by money-order or registry system, and direct that each of these services shall be free without additional expense to the sender. Then your subordinate force of employes will not be tempted and your valuables, money or other things, will be safe.

Mr. BERGEN. Mr. Speaker, I wish to say a word to the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. HENDERSON of North Carolina. I yield to the gentleman from New Jersey.

Mr. BERGEN. The gentleman [Mr. BINGHAM] suggests that we should extend our postal-note law. The postal notes are things that do not reach every post-office in the country, as it is contemplated that these proposed notes shall. This bill contemplates putting at the service of the people in the country a means by which they can send into the city, or wherever they please, any amount of money that they may desire.

I want to say further to the gentleman from Pennsylvania what he does not seem to apprehend, that this bill is demanded by the publishers and by residents in our cities as well as by the people of the country. The present system operates as a tax upon them. The only form in which they can receive remittances of small sums is by postage stamps, in disposing of which they have to suffer a discount. One object of this measure is to do away with the loss at present incurred in that manner.

Mr. BINGHAM. Allow me to say to the gentleman from New Jersey that during the twelve years I have served as a member of the Post-Office Committee, I do not recollect of five petitions coming to the committee on this subject.

Mr. BERGEN. I am not responsible for the gentleman's want of recollection.

Mr. BINGHAM. I am simply giving my experience.

Mr. HENDERSON of North Carolina. I yield three minutes to my colleague [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, the bill now under consideration was agreed upon by the committee as a substitute for a bill introduced by myself. The object is to supply persons living in the country with facilities for making exchanges through the mails. Any gentleman who will consider the matter will realize that nearly the entire body of persons composing our rural population live from 3 to 25 miles from any money-order office.

Whenever subscriptions to their papers become due or when they want to make any exchanges through the mails, they are obliged to travel from 3 to 25 miles in order to obtain money orders. They see every city furnished with money-order offices, with carriers, and with all the facilities which the Government can afford; and they feel that they alone are neglected. They come here and ask this small measure for their convenience, and it has been asked for by large organizations throughout the country, not only by farmers but by laborers.

The original bill contained a provision for the issue of these notes in denominations as large as \$3; but in the substitute that provision has been omitted. This bill will supply to the people a currency to facilitate their exchanges. It will not increase or decrease the general volume of the currency, because the very moment that a man buys any of these postal notes he deposits national-bank notes or Treasury notes in their stead, so that the general volume of the currency remains the same. This bill will supply the people of the country with facilities for buying seeds, for paying for newspapers and books, and for carrying on small exchanges through the mails. They ask and demand this measure; they need it.

Mr. MOSES. I would like to ask a question. Suppose a gentleman who is dependent for his mail facilities upon a small ru-



ral post-office wants to send 90 cents to some publisher; how does he send that money now?

Mr. SCOTT. By postage stamps.  
Several MEMBERS. And they stick.

#### ENCOURAGEMENT OF AMERICAN SHIPBUILDING.

The SPEAKER. The consideration of the pending bill will be suspended for a moment. The gentleman from Louisiana [Mr. LAGAN] desires to enter a motion to reconsider.

Mr. LAGAN. I move to reconsider the vote by which the bill (H. R. 8818, to encourage American shipbuilding was laid on the table.

The SPEAKER. The gentleman enters the motion. It can not be acted upon while another bill is before the House.

#### POSTAL FRACTIONAL NOTES.

The House resumed the consideration of the bill (H. R. 8606) to facilitate exchanges through the United States mail.

Mr. ATKINSON. I desire to offer an amendment.

The SPEAKER. The gentleman from North Carolina [Mr. HENDERSON] has the floor.

Mr. HENDERSON of North Carolina. I can not yield for an amendment. There is very little time. I demand the previous question.

Mr. ATKINSON. I would like the House to understand what my amendment is.

The SPEAKER. If the previous question should be voted down the gentleman can offer it.

Mr. DICKERSON. Is it too late to raise the point of order that this bill should be considered in Committee of the Whole?

The SPEAKER. It is too late. That point should have been raised before the House entered upon the consideration of the bill.

Mr. ATKINSON. I should like to present my amendment to the House.

The SPEAKER. The previous question is demanded, and the Chair must put that question to the House.

On ordering the previous question, there were—ayes 77, noes 9.

Mr. BINGHAM. No quorum.

The SPEAKER. The gentleman from Pennsylvania [Mr. BINGHAM] makes the point of no quorum.

Mr. HENDERSON of North Carolina. I hope the gentleman will withdraw that.

Mr. ATKINSON. If I can be allowed to put my amendment before the House, I will not ask to occupy one minute in debate.

The SPEAKER. The gentleman from Pennsylvania [Mr. BINGHAM] has made the point of no quorum.

Tellers were ordered; and Mr. BINGHAM and Mr. HENDERSON of North Carolina were appointed.

The House divided; and the tellers reported—ayes 83.

Mr. HENDERSON of North Carolina. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 151, nays 7, not voting 170; as follows:

#### YEAS—151.

Alexander,	Cowles,	Houk, Tenn.	Pearson,
Amerman,	Crawford,	Johnson, N. Dak.	Perkins,
Babbitt,	Crosby,	Johnson, Ohio	Pierce,
Bailey,	Cummings,	Johnstone, S. C.	Ray,
Bankhead,	Curtis,	Jolley,	Reilly,
Barwig,	Daniell,	Jones,	Reyburn,
Beltzhoover,	De Armond,	Kem,	Robinson, Pa.
Bentley,	De Forest,	Kribbs,	Sayers,
Bergers,	Dickerson,	Lagan,	Scott,
Bowers,	Doan,	Lane,	Seull,
Bowman,	Dockery,	Lapham,	Seerley,
Branch,	Donovan,	Lawson, Va.	Shell,
Breckinridge, Ark.	Durborow,	Lawson, Ga.	Shonk,
Brickner,	Edmunds,	Layton,	Simpson,
Broderick,	Elliott,	Lester, Va.	Sperry,
Brookshire,	Enloe,	Lester, Ga.	Stephenson,
Brunner,	Epes,	Lind,	Steward, Ill.
Bryan,	Everett,	Little,	Stewart, Tex.
Buchanan, Va.	Fithian,	Long,	Stone, C. W.
Bullock,	Forney,	Lynch,	Stout,
Bunn,	Fowler,	Mallory,	Terry,
Busey,	Goodnight,	Mansur,	Tillman,
Butler,	Grady,	Martin,	Townsend,
Byrns,	Greenleaf,	McAleer,	Tracey,
Cadmus,	Hall,	McCreary,	Turner,
Caminetti,	Hallowell,	McKaig,	Turpin,
Campbell,	Halvorson,	McKeighan,	Van Horn,
Caruth,	Hare,	McRae,	Warner,
Castle,	Harmer,	Moses,	Washington,
Cate,	Hatch,	Mutcher,	Watson,
Causey,	Hayes, Iowa	Oates,	Wheeler, Ala.
Cheatham,	Heard,	Otis,	Wheeler, Mich.
Clover,	Henderson, N. C.	Owens,	Wike,
Cobb, Ala.	Henderson, Ill.	Page, R. I.	Williams, N. C.
Compton,	Hitt,	Parrett,	Williams, Ill.
Coolidge,	Hooker, N. Y.	Pattison, Ohio	Wise,
Coombs,	Hopkins, Ill.	Patton,	Youmans.
Cooper,	Houk, Ohio	Paynter,	

#### NAYS—7.

Atkinson,	Coburn,	Haugen,	Taylor, Ill.
Bingham,	Enochs,	O'Neill, Pa.	

#### NOT VOTING—170.

Abbott,	Culberson,	Lanham,	Robertson, La.
Alderson,	Cutting,	Lewis,	Rockwell,
Allen,	Dalzell,	Livingston,	Rusk,
Andrew,	Davis,	Lockwood,	Russell,
Arnold,	Dingley,	Lodge,	Sanford,
Bacon,	Dixon,	Loud,	Shively,
Baker,	Dolliver,	Magner,	Smith,
Bartine,	Dungan,	McClellan,	Snodgrass,
Beaman,	Dunphy,	McDonald,	Snow,
Belden,	Ellis,	McGann,	Springer,
Belknap,	English,	McKinney,	Stahneck,
Blanchard,	Fellows,	McMillin,	Stevens,
Bland,	Fitch,	Meredith,	Stockdale,
Blount,	Flick,	Meyer,	Stone, W. A.
Boatner,	Forman,	Miller,	Stone, Ky.
Boutelle,	Funston,	Milliken,	Storer,
Brawley,	Fyan,	Mitchell,	Stump,
Breckinridge, Ky.	Gantz,	Montgomery,	Sweet,
Bretz,	Geary,	Moore,	Tarsney,
Brosius,	Geissenhainer,	Morse,	Taylor, Tenn.
Brown,	Gillespie,	Newberry,	Taylor, E. B.
Buchanan, N. J.	Gorman,	Norton,	Taylor, J. D.
Bunting,	Griswold,	O'Donnell,	Taylor, V. A.
Burrows,	Grout,	O'Ferrall,	Tucker,
Bushnell,	Hamilton,	O'Neil, Mass.	Wadsworth,
Bynum,	Harries,	O'Neill, Mo.	Walker,
Cable,	Harter,	Outhwaite,	Warwick,
Caldwell,	Haynes, Ohio	Page, Md.	Waugh,
Capehart,	Hemphill,	Patterson, Tenn.	Weadock,
Catchings,	Henderson, Iowa	Payne,	Wever,
Chapin,	Herbert,	Peel,	White,
Chipman,	Hermann,	Pendleton,	Whiting,
Clancy,	Hoar,	Pickler,	Willcox,
Clark, Wyo.	Holman,	Post,	Williams, Mass.
Clarke, Ala.	Hooker, Miss.	Powers,	Wilson, Ky.
Cobb, Mo.	Hopkins, Pa.	Price,	Wilson, Wash.
Cockran,	Huff,	Quackenbush,	Wilson, Mo.
Cogswell,	Hull,	Raines,	Wilson, W. Va.
Covert,	Johnson, Ind.	Randall,	Winn,
Cox, N. Y.	Kendall,	Rayner,	Wolverton,
Cox, Tenn.	Ketcham,	Reed,	Wright.
Craig, Pa.	Kilgore,	Richardson,	
Crain, Tex.	Kyle,	Rife,	

No quorum voting.

The following additional pairs were announced:

Mr. LIVINGSTON with Mr. HENDERSON of Iowa, for the rest of the day.

Mr. SHIVELY with Mr. RUSSELL, for the rest of the day.

Mr. COVERT with Mr. SWEET, for the rest of the day.

The result of the vote was then announced as above recorded. The SPEAKER *pro tempore* (Mr. DOCKERY). No quorum has voted.

Mr. LIVINGSTON. Who makes the point of no quorum?

Mr. HOOKER of Mississippi. The roll call itself discloses the fact.

The SPEAKER *pro tempore*. When the roll call shows that no quorum has voted it is the duty of the Chair to take official notice of the fact.

Mr. HENDERSON of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned.

#### REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. WILSON of Missouri, from the Committee on Pensions:

A bill (H. R. 7713) granting a pension to Benajah Morgan, late private in Capt. Burns's company, Third Regiment, Third Brigade, of Mounted Volunteers, in the Black Hawk war. (Report No. 1977.)

A bill (H. R. 9220) granting a pension to Mrs. Caroline Hardee Dyall, veteran of the Florida war, 1836. (Report No. 1978.)

A bill (H. R. 6272) to pension Susan S. Murphy. (Report No. 1979.)

A bill (H. R. 7450) granting a pension to Anderson Absher. (Report No. 1980.)

A bill (H. R. 5705) to increase the pension of Amelia Graham. (Report No. 1981.)

A bill (H. R. 6777) granting a pension to Rebecca Bridges. (Report No. 1982.)

A bill (H. R. 6717) to increase the pension of Andrew J. Aubrey. (Report No. 1983.)

By Mr. CADMUS, from the Committee on War Claims:

A bill (H. R. 2033) for the relief of Capt. Francis A. Beuter. (Report No. 1984.)

A bill (H. R. 1912) for the relief of Mrs. Jane Falls, widow of William Falls. (Report No. 1985.)

By Mr. COBB of Missouri, from the same committee: A bill (H. R. 1281) for the relief of George W. Saulpaw. (Report No. 1986.)

By Mr. HERBERT, from the Committee on Naval Affairs: A bill (S. 2267) to provide for the detail of an assistant to the



Chief of the Bureau of Navigation in the Navy Department. (Report No. 1989.)

By Mr. PAGE of Maryland, from the same committee:

A bill (S. 2266) for the relief of Louis A. Yorke. (Report No. 1990.)

A bill (S. 1999) for the relief of John G. Rose. (Report No. 1991.)

By Mr. WILSON of Missouri, from the Committee on Pensions: A bill (H. R. 2909) to increase the pension of Joseph Craig. (Report No. 1992.)

A bill (H. R. 7375) granting a pension to Mary Hollis. (Report No. 1994.)

A bill (H. R. 8230) for the relief of Louis G. Sanderson, of Craighead County, Ark. (Report No. 1995.)

A bill (H. R. 8907) to increase the pension of John Malloy. (Report No. 1996.)

A bill (H. R. 9590) granting a pension to Cornelius Day. (Report No. 1997.)

A bill (H. R. 4916) granting a pension to Thomas Tucker, Battery A, Fourth United States Artillery. (Report No. 1998.)

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 9051) granting a pension to Hester A. Robinson, and the same was referred to the Committee on Invalid Pensions.

#### BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, a bill of the following title was introduced and referred as follows:

By Mr. STEPHENSON: A bill (H. R. 9627) to amend section 133 of an act entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890—to the Committee on Ways and Means.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BRYAN: A bill (H. R. 9614) to pension John M. Lynch—to the Committee on Invalid Pensions.

By Mr. BRUNNER: A bill (H. R. 9615) granting a pension to H. J. Smith—to the Committee on Invalid Pensions.

By Mr. CAPEHART: A bill (H. R. 9616) for the relief of E. L. Neale, for the estate of W. L. Neale—to the Committee on War Claims.

Also, a bill (H. R. 9617) for the relief of Marlin Parks, late first lieutenant Eleventh West Virginia Volunteer Infantry—to the Committee on Military Affairs.

By Mr. CABLE: A bill (H. R. 9618) to grant a pension to Mary Garner, widow of James Garner—to the Committee on Pensions.

By Mr. GOODNIGHT: A bill (H. R. 9619) for the relief of Ben H. Coursey, of Sharon Grove, Ky.—to the Committee on Military Affairs.

Also, a bill (H. R. 9620) granting a pension to John P. Kinslow, of Brownsville, Ky.—to the Committee on Invalid Pensions.

By Mr. MOORE: A bill (H. R. 9621) for the relief of W. L. Springfield—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 9622) for the relief of Frederick Barnard and others—to the Committee on Claims.

By Mr. SANFORD: A bill (H. R. 9623) for the relief of Betsy Lovell—to the Committee on Invalid Pensions.

By Mr. TARSNEY: A bill (H. R. 9624) for the relief of Lewis W. Smallwood—to the Committee on Claims.

By Mr. WILLIAMS of Illinois: A bill (H. R. 9625) granting a pension to John C. Drennan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9626) granting a pension to Hudson M. Fisher—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURROWS: Resolutions of Mountain Assembly of Bay View, Mich., requesting the House of Representatives to concur in the Senate amendment closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. COBB of Missouri: Petition of Nancy A. Rous, for dependent mother's pension—to the Committee on Invalid Pensions.

By Mr. COBURN: Petition of C. H. Van Womer and others, against loaning money of the people in aid of the construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

Also, affidavits relating to House bill 9570—to the Committee on Invalid Pensions.

By Mr. COOMBS: Petition of the Alfred C. Chapin Club of Brooklyn, N. Y., requesting an inquiry in relation to the detention of Dr. Gallagher—to the Committee on Foreign Affairs.

By Mr. CURTIS: Petition of Henry B. Damon and 21 others of Adams, Jefferson County, N. Y., against the passage of any bill or resolution to close the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. GOODNIGHT: Evidence to accompany bill for the relief of John P. Kinslow, of Brownsville, Ky.—to the Committee on Invalid Pensions.

Also, petition of Ben. H. Coursey, of Sharon Grove, Ky., to accompany bill for relief—to the Committee on Military Affairs.

By Mr. MCCREARY: Petition of Richard Boyle, late sergeant of Company E, Tenth Kentucky Volunteer Infantry, asking that Congress pass a bill granting him a pension of at least \$12 per month—to the Committee on Invalid Pensions.

By Mr. MARTIN: Papers to accompany House bill 9093, granting a pension to Elvine Brown, was referred to the Committee on Invalid Pensions and re-referred by that committee to the Committee on Pensions—to the Committee on Pensions.

By Mr. MOORE: Papers in the claim of W. L. Springfield, late postmaster at Bellville, Tex., to accompany House bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Frederick Bernard and others of Texas, for relief—to the Committee on Claims.

By Mr. PATTON: Papers to accompany House bill 7051, granting a pension to Isaac W. West—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 9601, granting a pension to Mary A. McGlinn—to the Committee on Invalid Pensions.

By Mr. SHELL: Petition of citizens of Laurens, S. C., remonstrating against the passage of the Brosius lard bill, H. R. 395, and praying for the passage of the Paddock pure-food bill—to the Committee on Agriculture.

By Mr. SHIVELY: Three petitions of citizens of Indiana, as follows: One of F. J. Davis and 32 others, of La Porte County, protesting in the name of organized labor, the second of William J. Girdis and 32 others, of La Porte County, in the name of organized labor, and the third of William F. Frank and 28 others, of La Porte County, all against closing the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CHARLES W. STONE: Petition of Eldred Local Assembly, No. 3903, Knights of Labor, against any appropriation to the Columbian Exposition while the attitude of its management toward organized labor remains unchanged—to the Select Committee on the Columbian Exposition.

By Mr. WALKER (by request): Petition of George W. Caviness and 31 others, of Worcester, Mass., against the passage of any bill or resolution to close the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. F. Crooker and 4 others, of Oakdale, Worcester County, Mass., against the passage of any bill or resolution to close the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WHEELER of Alabama: Petition of John S. Tate, administrator of the estate of Sidney F. Tate, for relief—to the Committee on War Claims.

#### SENATE.

FRIDAY, July 22, 1892.

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

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

#### RECORDS OF AMERICAN REVOLUTION AND WAR OF 1812.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 621) to provide for the collection, custody, and arrangement of the military records of the American Revolution and the war of 1812, which was, on page 1, line 11, to strike out "several executive" and insert "Treasury and Interior;" so as to read:

That the military records of the American Revolution and of the war of 1812, now preserved in the Treasury and Interior Departments, be transferred, etc.

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

The motion was agreed to.

#### ARTICLES OF WAR.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2470) to