

the Lava Beds, California, January 17, 1873, and at the Clearwater, Idaho, July 11 and 12, 1877.

Capt. John Morrison Hamilton, Fifth Cavalry (now major, First Cavalry), for gallant service in action January 16, 1873, against Tonto Apache Indians in the foothills of the Tortilla Mountains, Arizona, in connection with gallant conduct in the closing campaign against those Indians.

First Lieut. Melville Carey Wilkinson, Third Infantry, brevet captain, United States Army (now captain, Third Infantry), for gallant service in action against Indians at the Clearwater, Idaho, July 11 and 12, 1877, and at Kamiah, Idaho, July 13, 1877.

Capt. Edward Miles Heyl, Ninth Cavalry (late colonel, inspector-general, since deceased), for gallant service in action against Indians at the Rio Pecos, Texas, June 7, 1869, the Salt Fork of the Brazos River, Texas, September 16, 1869, and at the South Fork of the Llano River, Texas, November 24, 1869, in which last-named action he was severely wounded.

*To be captain by brevet.*

First Lieut. George William Baird, Fifth Infantry (now major, paymaster), for gallant service in action against Indians at Red River, Texas, August 30, 1874, and at Bear Paw Mountain, Montana, September 30, 1877, in which last-named action he was severely wounded.

First Lieut. Edward Mortimer Hayes, Fifth Cavalry (now major, Seventh Cavalry), for gallant service in action against Indians at Beaver Creek, Kans., October 25 and 26, 1868.

First Lieut. William Richardson Hall, assistant surgeon (now major, surgeon), for gallant service in action against Indians in attending to his professional duties under fire at the Clearwater, Idaho, July 11 and 12, 1877.

First Lieut. Frederick Henry Ernst Ebstein, Twenty-first Infantry (now captain, Twenty-first Infantry), for gallant service in action against Indians at Cottonwood Ranch, Idaho, July 4, 1877; Camas Meadows, Idaho, August 20, 1877, and at the Umatilla Agency, Oreg., July 13, 1878.

First Lieut. Wilber Elliott Wilder, Fourth Cavalry (now captain, Fourth Cavalry), for gallant service in action against Indians, inclusive of the rescue while under heavy fire of an enlisted man who was severely wounded at Horse-Shoe Canyon, New Mexico, April 23, 1882.

*To be first lieutenant by brevet.*

Second Lieut. William Curtis Forbush, Fifth Cavalry (now captain, Fifth Cavalry), for gallant service in action against Indians at Beaver Creek, Kans., October 25 and 26, 1868.

Second Lieut. Robert Powell Page Wainwright, First Cavalry (now captain, First Cavalry), for gallant service in action against Indians at the Umatilla Agency, Oreg., July 13, 1878.

Second Lieut. Guy Howard, Twelfth Infantry (now captain, assistant quartermaster), for gallant service in action against Indians at Camas Meadows, Idaho, August 20, 1877.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 23, 1895.*

##### CONSUL.

William Crichton, of West Virginia, to be secretary of legation of the United States at Brazil.

##### REGISTER OF THE LAND OFFICE.

Thomas A. Dunlavy, of Fisher, Minn., to be register of the land office at Crookston, Minn.

##### POSTMASTERS.

Richard Gleason, to be postmaster at Antwerp, in the county of Jefferson and State of New York.

James S. Kissane, to be postmaster at Chateaugay, in the county of Franklin and State of New York.

John H. Mealey, to be postmaster at Greenwich, in the county of Washington and State of New York.

Jacob M. Winder, to be postmaster at Bristol, in the county of Bucks and State of Pennsylvania.

*Executive nominations confirmed by the Senate February 25, 1895.*

##### PROMOTION IN THE NAVY.

Assistant Engineer John C. Leonard, to be a passed assistant engineer in the Navy.

##### APPOINTMENTS IN THE NAVY.

Assistant Engineer John T. Myers, to be a second lieutenant in the Marine Corps.

Second Lieut. Walter Ball, United States Marine Corps, to be an assistant engineer in the Navy.

##### CONSULS.

Samuel W. Thome, of Pennsylvania, to be consul of the United States at Asuncion, Paraguay.

William W. Masterson, of Kentucky, to be consul of the United States at Aden, Arabia.

Fred. Ellison, of Indiana, to be consul of the United States at Belize, British Honduras.

##### POSTMASTERS.

Louis A. Dickinson, to be postmaster at Fremont, in the county of Sandusky and State of Ohio.

Solomon S. Metzger, to be postmaster at Bedford, in the county of Bedford and State of Pennsylvania.

F. J. Smedley, to be postmaster at North East, in the county of Erie and State of Pennsylvania.

Samuel E. Fleming, to be postmaster at Huntingdon, in the county of Huntingdon and State of Pennsylvania.

F. G. Edmiston, to be postmaster at Crockett, in the county of Houston and State of Texas.

James F. Charlesworth, to be postmaster at St. Clairsville, in the county of Belmont and State of Ohio.

John H. Hicock, to be postmaster at Flint, in the county of Genesee and State of Michigan.

James R. Holcombe, to be postmaster at Gothenburg, in the county of Dawson and State of Nebraska.

John E. Kelly, to be postmaster at Dundee, in the county of Kane and State of Illinois.

Arthur L. Morse, to be postmaster at Atkinson, in the county of Holt and State of Nebraska.

Sallie Howard, to be postmaster at Tuskegee, in the county of Macon and State of Alabama.

Charles G. Kress, to be postmaster at Lewiston, in the county of Nez Perces and State of Idaho.

Mary F. Holland, to be postmaster at Friend, in the county of Saline and State of Nebraska.

Martin J. Conley, to be postmaster at Warren, in the county of Bristol and State of Rhode Island.

George W. Marshall, to be postmaster at Swampscott, in the county of Essex and State of Massachusetts.

George E. Bryant, to be postmaster at Baldwinville, in the county of Worcester and State of Massachusetts.

Houston D. McCabe, to be postmaster at St. Johns, Michigan.

#### HOUSE OF REPRESENTATIVES.

MONDAY, February 25, 1895.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of Saturday was read and approved.

##### VETO MESSAGE—SOCIETY OF AMERICAN FLORISTS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Agriculture, and ordered to be printed:

*To the House of Representatives:*

I return herewith without approval House bill No. 5740, entitled "An act incorporating the Society of American Florists."

No sufficient reason is apparent for the incorporation of this organization under Federal laws. There is not the least difficulty in the way of the accomplishment under State laws by the incorporators named in the bill of every purpose which can legitimately belong to their corporate existence. The creation of such a corporation by a special act of Congress establishes a vexatious and troublesome precedent.

There appears to be no limit in the bill to the value of the real and personal property which the proposed corporation may hold if acquired by donation or bequest. The limit of \$50,000 applies only to property acquired by purchase.

A conclusive objection to the bill is found in the fact that it fails to carry out the purposes and objects of those interested in its passage. The promoters of the bill are florists who undoubtedly seek to advance floriculture. The declared object of the proposed incorporation is, however, stated in the bill to be "the elevation and advancement of horticulture in all its branches, to increase and diffuse the knowledge thereof, and for kindred purposes in the interest of horticulture."

It is entirely clear that the interests of florists would be badly served by a corporation confined to the furtherance of garden culture.

GROVER CLEVELAND.

##### EXECUTIVE MANSION, February 23, 1895.

##### VETO MESSAGE—OKLAHOMA AND PACIFIC RAILWAY COMPANY.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Indian Affairs, and ordered to be printed:

*To the House of Representatives:*

I return herewith without approval House bill No. 8165, entitled "An act authorizing the Kansas City, Oklahoma and Pacific Railway Company to construct and operate a railway through Indian reservations in the Indian Territory and the Territories of Oklahoma and New Mexico, and for other purposes."

This bill contains concessions more comprehensive and sweeping than any ever presented for my approval, and it seems to me the rights and interests of the Indians and the Government are the least protected.

The route apparently desired, though passing through or into one State and three Territories, is described as indefinitely as possible, and does not seem to be subject to the approval in its entirety of the Secretary of the Interior or any other governmental agency having relation to the interest involved.

There is no provision for obtaining the consent of the Indians through whose territory and reservations the railroad may be located.

Though it is proposed to build the railroad through Territories having local courts convenient to their inhabitants, all controversies that may arise out of the location and building of the road are by the provisions of the bill to be passed upon by the United States circuit and district courts for the district of Kansas, "and such other courts as may be authorized by Congress."

The bill provides that "the civil jurisdiction of said courts is hereby extended within the limits of said Indian reservations without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act." This provision permits the subordination of the jurisdiction of Indian courts, which we are bound by treaty to protect, to the "provisions of this act" and to the interests and preferences of the railroad company for whose benefit the bill under consideration is intended.

A plan of appraisal is provided for in the bill in case an agreement can not be reached as to the amount of compensation to be paid for the taking of lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes, or by allotment or agreement with the Indians. It is, however, further provided that in case either party is dissatisfied with the award of the referees to be appointed an appeal may be taken to the district court held at Wichita, Kans., no matter where on the proposed route of the road the controversy may originate. If upon the hearing of said appeal the judgment of the court shall be for the same sum as the award of the referees, the costs shall be adjudged against the appellant, and if said judgment shall be for a smaller sum the cost shall be adjudged against the party claiming damages. It does not seem to me that the interests of an Indian occupant or allottee is properly regarded when he is obliged, if dissatisfied with an award for the taking of his land, to go to the district court of Kansas for redress, at the risk of incurring costs and expenses that may not only exceed the award originally made to him, but leave him in debt.

It is probable that there are other valid objections to this bill. I have only attempted to suggest enough to justify my action in disapproving it.

In constructing legislation of this description it should not be forgotten that the rights and interests of the Indians are important in every view and should be scrupulously protected.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 23, 1895.

VETO MESSAGE—HIRAM R. RHEA.

The SPEAKER also laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

I return herewith without approval House bill No. 4658, entitled "An act granting a pension to Hiram R. Rhea and repealing an act approved March 3, 1871."

The person named in the title of this bill was pensioned under the provisions of a private act passed March 3, 1871. In 1892 a letter from the Commissioner of Pensions was presented to Congress exhibiting facts which established in a most satisfactory manner that the claim for pension allowed by said special act was a barefaced and impudent fraud, supported by deliberate perjury. This letter appears to be the moving cause of the passage of the bill now before me. Payment of pension under the fraudulent act has been suspended since January 28, 1893, and since that time no information has been received from the fraudulent pensioner.

The circumstances developed called for the repeal of the law of 1871 placing him upon the pension roll. This is accomplished in the second section of the bill under consideration, which section I would be glad to approve. This repeal, however, is accompanied by a provision in the first section of the bill directing the Secretary of the Interior to place upon the pension roll this identical fraudulent pensioner under a certificate numbered precisely the same as that heretofore issued to him "at a rate proportionate to the degree of disability from such gunshot wounds as may be shown to the satisfaction of said Secretary to have been received at the hands of Confederate soldiers or sympathizers while said Rhea was attempting to cooperate with the Union forces," etc.

Inasmuch as the letter of the Commissioner of Pensions to which reference has been made, and which forms part of the committee's report on this bill is the basis of this repealing provision, and inasmuch as this letter furnishes evidence that the pensioner was, when injured, a very disreputable member of a band of armed rebels and was wounded by Union soldiers, I can not understand why the same bill, which for this reason purges the pension rolls of his name, should in the same breath undo this work and direct his name to be rewritten on the rolls.

If the facts before Congress justify the repeal of the law under which this man fraudulently received a pension for nearly twenty-two years they certainly do not justify the provision directing his name to be put on the rolls again with a view to further examination of his case or for any other purpose.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 23, 1895.

Mr. MARTIN of Indiana. Mr. Speaker, I ask consent that that message, with the accompanying papers, be allowed to remain on the table for the present.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 8479) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes; in which the concurrence of the House was requested.

WITHERBY & GAFFNEY.

The SPEAKER laid before the House the bill (H. R. 4507) for the relief of Witherby & Gaffney, with a Senate amendment.

The Senate amendment was read.

Mr. CHICKERING. Mr. Speaker, I move that the House concur in the amendment of the Senate with the following additional amendments, which I ask the Clerk to report.

The Clerk read as follows:

In line 30, after the word "aforesaid," insert the following: "Provided, That in no event shall an amount exceeding \$5,414.28 be allowed against the Government."

In line 35, after the word "appropriated," insert the following: "Not exceeding \$5,414.28."

The amendments to the amendment were agreed to.

The amendment of the Senate as amended was agreed to.

On motion of Mr. CHICKERING, a motion to reconsider the last vote was laid on the table.

SENATE RESOLUTIONS REFERRED.

The SPEAKER laid before the House the following joint reso-

lutions of the Senate; which were severally read a first and second time, ordered to be printed, and referred to the committees named below:

Joint resolution (S. R. 133) directing the Secretary of War to make an examination of the bridge to be constructed over the Delaware River, between the States of New Jersey and Pennsylvania—to the Committee on Interstate and Foreign Commerce.

Joint resolution (S. R. 134) calling on the President to take such measures as he may deem necessary to consummate the agreement between the Governments of Spain and the United States for the relief of Antonio Maximo Mora, a naturalized citizen of the United States—to the Committee on Foreign Affairs.

DONATION OF CANNON TO CITY OF BURLINGTON, VT.

The SPEAKER laid before the House the joint resolution (S. R. 138) authorizing the Secretary of the Navy to deliver unserviceable or condemned cannon to the mayor of Burlington, Vt., to be used in decorating Battery Park.

Mr. POWERS. Mr. Speaker, I ask for the present consideration of this joint resolution.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to the mayor of the city of Burlington, Vt., four pieces of unserviceable or condemned cannon and one hundred cannon balls, for use in decorating Battery Park, in said city, where soldiers and sailors of the war of 1812 were buried: Provided, That the same can be spared without detriment to the service, and that no expense is thereby incurred by the Government.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

The joint resolution was ordered to a third reading; and being read a third time, was agreed to.

On motion of Mr. POWERS, a motion to reconsider the last vote was laid on the table.

RETURN OF A JOINT RESOLUTION TO THE SENATE.

The SPEAKER laid before the House the following Senate resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the engrossed joint resolution (H. Res. 277) in reference to the free zone along the northern frontier of Mexico and adjacent to the United States.

The SPEAKER. Without objection, this request of the Senate will be complied with, and the bill will be returned to the Senate in accordance with the request.

There was no objection.

ROBERT BRIGHAM.

Mr. SIBLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7000) for the relief of Robert Brigham, late postmaster at Franklin, Pa.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Robert Brigham, late postmaster at Franklin, Pa., the sum of \$2,666.93, out of any money in the Treasury not otherwise appropriated, the same being amount lost through the failure of Venango National Bank, where such money was deposited by order of the Postmaster-General.

Mr. SAYERS. I should like to have some explanation of this bill. We want to know when this loss occurred.

The SPEAKER. Without objection, the gentleman can make a short explanation.

Mr. SIBLEY. Mr. Speaker, Mr. Robert Brigham was appointed postmaster by President Lincoln, at a time when the post-office at Franklin was a fourth-class post-office. Inside of a very few months, on account of the discovery and development of the petroleum fields of that Commonwealth, this post-office became the second or third office in the amount of business transacted in the State of Pennsylvania. Mr. Brigham, at his own expense, fitted up the office and put in boxes. At that time Mr. C. B. Culver, of the firm of Culver, Penn & Co., was a Representative in Congress. Another banker, Mr. Blakeley, was the bondsman of Mr. Brigham. Mr. Culver secured an order or presented an order to Mr. Brigham from the Postmaster-General, which Major McDOWELL, a member of the present House from Pennsylvania, who was at that time a clerk in the office, saw and read, directing him to transfer his account from the bank of Mr. Blakeley, who was his bondsman, to the bank of Mr. Culver. Very soon thereafter Mr. Culver failed, the national bank failed, and Mr. Brigham lost his money. A fire which occurred afterwards destroyed all the fixtures that he had put in at his own expense. Mr. Brigham's bill was originally for \$7,000.

Mr. McDOWELL, Mr. STONE, and myself agreed, all being residents of the town, that the money he had deposited under the order of the Postmaster-General should be paid to him and that we would unite in asking the House to reimburse him. This bill passed the Senate, but it failed to obtain consideration in the House. It has been before Congress for twenty years. It is another "Denman" case. This is a very small portion of the amount of money he lost. He went in there in affluent circumstances and was almost pauperized.

Mr. SAYERS. Has the bill been reported by a committee of the House?

Mr. SIBLEY. It has been very fully examined by the subcommittee, and also reported on favorably by the full Committee of Claims. The gentleman from Kansas [Mr. HUDSON] was in charge of it; and it has also been examined by the gentleman from Tennessee [Mr. COX]. I regret exceedingly that Mr. McDOWELL is not in his place this morning. He has been here every morning for a week for the purpose of explaining this bill to members of the House should it be called up, he having been chief clerk in the office at the time and being familiar with all the circumstances, as is also Governor STONE, who represents the district in which this claimant lives.

Mr. SAYERS. Mr. Speaker, I will have to object to the consideration of that bill.

The SPEAKER. Objection is made.

BYRON COTTON.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8813) to increase the pension of Byron Cotton.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is directed and empowered to place upon the pension roll the name of Byron Cotton, late of Company A, Twenty-fourth Iowa Infantry Volunteers, at the rate of \$72 a month in lieu of the pension he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "of," strike out the words "seventy-two" and insert the words "thirty-six;" so as to read, "at the rate of \$36 per month."

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

Mr. JONES. Mr. Speaker, I would like to ask if this bill has been considered in the Committee of the Whole at a Friday night session?

Mr. LACEY. They called the roll on last Friday night and came within one of my name. It has not been considered in Committee of the Whole.

Mr. JONES. I will have to object.

Mr. LACEY. I move to suspend the rules and pass the bill.

The SPEAKER. The Chair can not recognize the gentleman for that purpose. It is not in order to-day, anyway.

JAMES PHELAN.

Mr. GRIFFIN of Michigan. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6870) for the relief of James Phelan, internal-revenue collector at Detroit, Mich.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James Phelan, United States collector of internal revenue at Detroit, Mich., out of any moneys in the Treasury not otherwise appropriated, the sum of \$900.05, the amount stolen from the vault in the internal-revenue office on the night of April 13, 1894.

Mr. SAYERS. I would like to have an explanation of that bill.

Mr. GRIFFIN of Michigan. I ask that the report be read.

The report (by Mr. RICHARDS) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 6870) for the relief of James Phelan, respectfully report:

James Phelan was appointed collector of internal revenue for the first district of Michigan and assumed possession of the office the 1st of December, 1893. The evidence in the case consists of the testimony of the collector, his immediate predecessor in office, the chief deputy collector, a deputy collector, and the cashier, the three latter of whom had for a number of years held the position under the former incumbent, and also two detectives and other persons, and clearly shows the following facts:

The internal-revenue office is and has been for some years located on the second floor of the Tribune building, Detroit, in which a night watchman was employed. During the night of the 13th of April, 1894, the internal-revenue office was broken into by burglars and \$900.05 was stolen from the vault, entrance having been made through a window of an office of a cotenant occupying the rear part of the first floor of the same building.

Upon discovery of the burglary on the morning of the 14th of April the police authorities were summoned and a thorough investigation made. It was found that the door leading from the hall into the office had been forced open; that a piece of the door casing had been cut away large enough to permit the entrance of an instrument that was used in forcing the door; holes had been drilled through the handles and combinations of the outer and inner doors of the vault.

Some years prior the depository banks of Detroit closed at 4 o'clock in the afternoon, and very little, if any, money remained in the vault in the collector's office overnight. In more recent years the depository banks have closed at 3 o'clock, while the regulations of the Commissioner of Internal Revenue require the collector to keep his office open for the transaction of business until 4 o'clock. During these latter years arrangements have been made with the leading tobacco and cigar manufacturers and brewers to make their purchases of stamps early in the day, but the testimony of Mr. Wheeler, chief deputy collector, and Cook, a deputy collector, both of whom have been in the office for several years, shows that it had been the invariable rule not to refuse the sale of stamps up to 4 o'clock, and that the money received from taxpayers between 3 and 4 o'clock, as well as that received by mail between those hours, was deposited in the vault for safe-keeping, and treated as part of the collections of the following day and so afterwards deposited. The testimony of Leadley, the cashier, shows that on the 13th of April the sums received between these hours by him aggregated the precise sum stolen, and a detailed statement of the items and from whom they were received is given. These sums were placed by him in the vault about 4.10 p. m. on the 13th day of April last, and the inner and outer doors of the vault were then carefully and securely locked.

The committee find that no negligence or lack of care is attributable to the collector or his office force or agents; that the loss to the Government was promptly made good by the collector on the morning of the 14th of April, and

recommend the passage of the bill which is introduced to reimburse the collector for the amount thus paid by him.

The SPEAKER. Is there objection to the request of the gentleman from Michigan? [After a pause.] The Chair hears none.

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

MICHAEL RYAN.

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 8391) for the relief of Michael Ryan.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to revoke the order dishonorably discharging Private Michael Ryan, Company I, Fifth Regiment United States Infantry, on September 20, 1865, and to issue to him an honorable discharge from the military service of the United States as of that date.

Mr. FLETCHER. I ask that the report be read.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. SAYERS and Mr. WELLS. Let the report be read.

The report (by Mr. CURTIS of New York) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 8391) for the relief of Michael Ryan, have had the same under consideration, and recommend that the bill do pass.

This soldier served the United States Army from 1857 to 1865. The facts in this case are fully set forth in a letter directed to Hon. LOREN FLETCHER, a member of this Congress, from Hon. William Lochren, Commissioner of Pensions, concerning Senate bill 2510, identical with the House bill, which letter is herewith appended and made a part of this report. The committee have examined the proceedings of the court-martial which tried Private Ryan, and to which reference is made in the aforesaid letter, and find that the facts as proven at the trial are correctly set forth by the Commissioner of Pensions.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS.

Washington, February 7, 1895.

MY DEAR SIR: I am quite desirous, as I have stated to you, for the passage of the bill (S. 2510) for the relief of Michael Ryan, late private Company I, Fifth Regiment United States Infantry. It will be an act of justice to a deserving soldier and good citizen of our State, and constituent of your own, with whom you have, as I believe, some personal acquaintance.

Michael Ryan, when a youth and before the late war, enlisted in that company and regiment. At the end of his first term of service, September 20, 1862, he at once reenlisted for another term of three years, and served faithfully and with credit through the entire war. In the summer of 1865 the regiment was sent to New Mexico, and while stationed at Fort Sumner, near the end of his second term of enlistment, he was one night included in a detail to guard artillery upon the parade ground. Where the detail was formed some old arms were piled, among which he observed an old Colt's revolver, which he picked up and put in his blouse pocket.

The act was noticed by a noncommissioned officer, who, finding that he had put the revolver in his pocket, arrested him and preferred a charge against him of theft of property of the United States. Upon this charge he was tried by court-martial, convened August 17, 1865, and found guilty, notwithstanding his statement that he took up the pistol with the intention of keeping it during that night on guard, and notwithstanding the fact that the first lieutenant of his company testified, "I have known Private Ryan since some time in July, 1863, and have always considered him a very good soldier; never have known him to be accused of theft until the present occasion." He was sentenced to be kept at hard labor in charge of the guard for the remainder of his term of enlistment, and to be then dishonorably discharged, with forfeiture of all pay and allowances, except the just dues to the laundress and sutler. This sentence was approved September 2, 1865, eighteen days before the expiration of his second term of enlistment.

Mr. Ryan has related the matter to me several times, and I have examined the original record of the court-martial in the office of the Judge-Advocate-General, and have a copy of the same, kindly furnished me by that officer, which I will transmit if desired. But there is no question as to the simple facts as I have briefly stated them. The only matter in doubt is the intent with which he picked up the old revolver and put it in his pocket, when going out at night on guard, whether from curiosity to examine and return it in the morning, or to keep it. Had he been at that place—not going on guard—and picked it up and examined it from curiosity and laid it down, nothing wrong could be charged. It was not an infantry arm with which he was familiar, and he might have had some curiosity to examine it. Going out on guard for the night, whence he would return to the same place, his statement is by no means incredible—that he took it with him intending to return it.

But even if at the end of two terms of faithful service, including the whole period of the war, on seeing this old pistol he formed the purpose of taking it as a souvenir of his service, it seems to me a venial offense, no more than numberless good soldiers did, and that the sentence of dishonorable discharge, in view of his military service and good character as a soldier, was cruel and undeserved. The other parts of the sentence were much more than adequate punishment.

Mr. Ryan has been my neighbor ever since the war. He is an honest, respectable man, who has the warm regard of all who know him. For nearly twenty years he has been a member of our city police, and I know that all of our citizens who have had anything to do with our municipal government would commend him in the highest terms.

As age is approaching and children and grandchildren are growing up about him, he feels keenly the disgrace and, as he thinks, injustice of resting under the stain of a dishonorable discharge from his military service, so long extended and creditably performed. If I can interest you in this matter, so as to secure what I think is but tardy justice, I shall be extremely gratified.

Very sincerely, yours,

WM. LOCHREN.

Hon. LOREN FLETCHER,  
House of Representatives.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota? [After a pause.] The Chair hears none.

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

MATHEW S. PRIEST.

The SPEAKER. The gentleman from Ohio [Mr. PEARSON] has a matter which went over by consent last Friday. The Clerk

will again report the bill. Objection was made and it went over subject to be called up again.

The Clerk read as follows:

A bill (H. R. 1314) for the relief of Mathew S. Priest.

*Be it enacted, etc.*, That the sum of \$600 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to compensate Mathew S. Priest for services rendered by him for the Government of the United States from the 16th day of March to the 27th day of August, 1863, as engineer of the steamers *Silver Wave* and *Moderator*, in passing the batteries of Vicksburg, Warrenton, and Grand Gulf, and for repairing steamers.

SEC. 2. That the sum hereby appropriated is made immediately available.

The Senate amendments were read, as follows:

In line 3 strike out "six hundred" and insert "three hundred and seventy-five." In line 8 strike out "twenty-seventh" and insert "seventeenth." Strike out section 2.

Mr. REED. I would like to know what this is all about. The only word I could hear, and I listened carefully, was "available," which makes me think it had some reference to the Treasury of the United States. [Laughter.]

The SPEAKER. The Clerk will report the bill as it will read when amended.

The Clerk read as follows:

*Be it enacted, etc.*, That the sum of \$375 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to compensate Mathew S. Priest for services rendered by him for the Government of the United States from the 16th day of March to the 17th day of August, 1863, as engineer of the steamers *Silver Wave* and *Moderator*, in passing the batteries of Vicksburg, Warrenton, and Grand Gulf, and for repairing steamers.

Mr. REED. I hope somebody will explain the bill. I understand there is \$300 and some "silverware" and a couple of steamboats involved. That is about all I could get out of the reading.

Mr. PEARSON. Mr. Speaker, the beneficiary of this bill was a private soldier in the Thirteenth Ohio Volunteer Infantry, and was one of a detachment made by order of General Grant to do special service on board of the steamers *Silver Wave* and *Moderator* in running by the forts at Vicksburg and Grand Gulf. He served in such detachment as an engineer from March, 1863, until September, 1863, as shown by the affidavits of four of his comrades and one officer, and the records of the War Department. The men and officers engaged in this service were authorized by special order from General Grant to be paid by the Quartermaster-General's Department. An order was made to pay these men for this duty, as appears by the records of the War Department. The records also show that the others were paid, and that this man never has been paid. A bill passed at the last session of this House giving him \$600, and was sent to Senate and was there amended giving him \$375; and I move that we agree to the Senate amendment.

Mr. REED. Why was he not paid?

Mr. PEARSON. I do not know why, but it turns out that he never was paid. He has been knocking at the doors of Congress for quite a long while, but he never has been paid. I move that the House concur in the Senate amendments.

The motion was agreed to.

On motion of Mr. PEARSON, a motion to reconsider the vote by which the Senate amendments were concurred in was laid on the table.

#### BRIDGE ACROSS THE ILLINOIS RIVER AT HENNEPIN.

Mr. HENDERSON of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of House bill No. 8882 to authorize the construction of a bridge across the Illinois River at or near the town of Hennepin.

The bill was read. The amendments recommended by the Committee on Interstate and Foreign Commerce were concurred in.

The bill as amended 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. HENDERSON of Illinois, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### REGENTS OF THE SMITHSONIAN INSTITUTION.

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent for the consideration of the joint resolution (S. R. 109) to fill vacancies in the Board of Regents of the Smithsonian Institution.

The joint resolution was read, as follows:

*Resolved by the Senate and House of Representatives, etc.*, That the vacancy in the Board of Regents of the Smithsonian Institution other than members of Congress, caused by the death of James C. Welling, of the city of Washington, be filled by the appointment of Gardiner G. Hubbard, a citizen of Washington, of the District of Columbia.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BARTLETT, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

ALEXANDER M. LAUGHLIN.

Mr. FUNK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8884) granting a pension to Alexander M. Laughlin.

The bill was read, 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, subject to the provisions and limitations of the pension laws, the name of Alexander M. Laughlin, who was a private in the company of Capt. George B. Willis, Fortieth Regiment, Fourth Brigade, First Division of the Illinois State Militia, and who served as such in the Indian war of 1832, known as the Black Hawk war, and pay to him a pension at the rate of \$8 per month.

Mr. JONES. Mr. Speaker, I hope the report in that case will be read.

The report (by Mr. MOSES) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8884) granting pension to Alexander M. Laughlin, have considered the same and respectfully report as follows:

The claimant was a private in Capt. George B. Willis's company, Fortieth Regiment, Fourth Brigade, First Division of Illinois Volunteers, in the Black Hawk war. The rolls of the company, which are on file with your committee, fail to show the exact date of his enlistment, but this presumably took place on May 21, 1832, as nearly all of the other members of the company enlisted on that day. He was mustered out with the company on June 18, 1832.

Although, as stated above, the exact date of enlistment is not shown by the rolls, it is fair to presume that, like the majority of the company, he served twenty-nine days, just one day short of the time required to give title to pension under the Indian war act of July 27, 1892.

Mr. Laughlin is now 79 years old and in straitened circumstances and unable to do anything toward earning a support.

The passage of the bill is respectfully recommended, with an amendment fixing the rate of pension at \$12 per month so as to conform to the provisions of an act passed by the House at this session and now on Senate Calendar.

The amendment recommended by the committee in the last paragraph of the report was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

DR. SAMUEL D. GROSS.

Mr. CLARKE of Alabama. Mr. Speaker, I ask unanimous consent for the consideration of the joint resolution (S. R. 117) granting permission for the erection of a bronze statue in Washington, D. C., in honor of the late Prof. Samuel D. Gross, M. D., LL. D., D. C. L.

The joint resolution was read, as follows:

Joint resolution granting permission for the erection of a bronze statue in Washington, D. C., in honor of the late Prof. Samuel D. Gross, M. D., LL. D., D. C. L.

Whereas the physicians and surgeons of the United States of America have raised a fund for the erection of a bronze statue to the memory of Samuel D. Gross, M. D., LL. D., D. C. L., late professor of surgery in the Jefferson Medical College of Philadelphia, whose labors in the cause of his profession as surgeon and as author have caused his name to be respected in the civilized world as one of the benefactors of his race and have added luster to the entire medical profession of the United States: Therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That permission be, and the same is hereby, granted to the American Surgical Association and the Alumni Association of the Jefferson Medical College to erect said statue in such place in the city of Washington, D. C., as shall be designated by the Superintendent of Public Buildings and Grounds. And the sum of \$1,500, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of a pedestal upon which to place the said statue.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

There was no objection.

The joint resolution was ordered to a third reading; and it was accordingly read the third time.

Mr. HITT. Can the gentleman state where this statue is to be placed?

Mr. CLARKE of Alabama. That is to be under the direction of the Superintendent of Public Buildings and Grounds.

Mr. HITT. But where is the statue going to be put?

Mr. CLARKE of Alabama. I do not know.

Mr. HITT. That is a pretty serious question, but I will not object.

The joint resolution was passed.

On motion of Mr. CLARKE of Alabama, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, 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. 8388) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1896, and for other purposes.

The message also 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 House to the bill (S. 444) making the surveyor of the District of Columbia a salaried officer, and to provide for more efficient service in the surveyor's office.

#### ORDER OF BUSINESS.

Mr. BRECKINRIDGE. Mr. Speaker, I ask for the regular order.

## INDIAN APPROPRIATION BILL.

The SPEAKER. Pending the demand for the regular order the Chair lays before the House the Indian appropriation bill.

Mr. HOLMAN. Mr. Speaker, there is a considerable number of amendments made by the Senate, and as it is quite late in the session I ask unanimous consent that the amendments of the Senate be nonconcurrent in and a conference asked for.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. DANIELS. Mr. Speaker, there is one provision that has been added by the Senate which, it strikes me, should receive the attention of the House. It is in reference to the Indian lands in western New York. I should like to have an opportunity of presenting that matter to the House.

The SPEAKER. The gentleman from New York objects to the unanimous consent asked for, that the amendments of the Senate be nonconcurrent in.

Mr. DANIELS. No, Mr. Speaker, I do not object to the nonconcurrent, but I desire to move to reject one of the Senate amendments.

The SPEAKER. The request of the gentleman from Indiana is that all the Senate amendments be nonconcurrent in.

Mr. DANIELS. Very well.

The SPEAKER. Is there objection to the request of the gentleman from Indiana, that the House nonconcur in the amendments of the Senate, and ask for a conference?

There was no objection, and it was so ordered.

The SPEAKER appointed as conferees on the part of the House Mr. HOLMAN, Mr. ALLEN, and Mr. PICKLER.

## ORDER OF BUSINESS.

Mr. BRECKINRIDGE. Mr. Speaker, this is the day set apart under the rule for business reported from the Committee on the District of Columbia; but by agreement with the chairman of that committee, I will ask that, if it is agreeable to the House, next Thursday be substituted.

Mr. DINGLEY. Mr. Speaker, before that consent is given I should like to hear from the chairman of the Committee on Appropriations as to the propriety of setting apart Thursday for this business, in view of the condition of the appropriation bills.

Mr. SAYERS. I have no objection to setting apart Thursday for the business of the Committee on the District of Columbia, provided that it shall not conflict with the consideration of any general appropriation bill.

Mr. DINGLEY. Let that reservation be made.

Mr. HEARD. Mr. Speaker, if I may be indulged a moment, I will say that the considerations which moved me to make the agreement with the gentleman from Kentucky are, first, the importance of getting the deficiency bill to the Senate as soon as possible; and, secondly, the fact that on Tuesday night the Senate is to devote a session to the consideration of bills on its Calendar with the understanding that the time will be given largely to bills relating to the District of Columbia. On Wednesday our committee holds its regular weekly meeting, and we shall then have an opportunity to consider the work done by the Senate on Tuesday night and to bring it before the House for consideration on Thursday.

The SPEAKER. Is there objection to the request that Thursday next be set apart for the consideration of the business of the District of Columbia, subject to general appropriation bills?

Mr. BYNUM. Mr. Speaker, I think it should be subject to all privileged legislation. Otherwise I must object.

I do not believe in setting apart a day for the exclusive use of the Committee of the District of Columbia at this late state of the session when important matters of public legislation may need to be considered.

Mr. McMILLIN. I suggest to the gentleman who is in charge of the District business, and also to the gentleman from Kentucky [Mr. BRECKINRIDGE], that we might set apart to-morrow for District business. I realize the force of what the gentleman from Indiana [Mr. BYNUM] suggests, that on Thursday next we may have great exigencies upon us.

Mr. HEARD. I will repeat to my friend from Tennessee what I have just stated to the House, that to-morrow will not suit our committee nearly so well as Thursday next, for the reason that we want an opportunity to consider on Wednesday the District business which may be done by the Senate to-morrow night.

Mr. McMILLIN. I am not going to object; I simply suggest that I always notice that the last three days of the session are very important; and the House will need the time much worse on Thursday for general business than to-morrow.

Mr. HEARD. To-morrow at 2 o'clock is set apart for eulogies.

Mr. McMILLIN. Then, say Wednesday.

Mr. HEARD. If Wednesday be fixed we shall not have an opportunity to consider in committee on Wednesday the work done by the Senate to-morrow night.

Mr. McMILLIN. I am only making these suggestions for the benefit of the gentleman himself, because if the experience of the

past may be used in judging of the future, the last three days of the session can not be occupied by anything except the public business.

Mr. HEARD. Of course we are willing to trust the matter to the action and disposition of the House at the time, as we do now.

The SPEAKER. The Chair understands that if this change be made, the District business will be considered on Thursday next, subject to the same rules as on Monday. Privileged matters, of course, may come in.

Mr. SAYERS. I suggest that possibly an appropriation bill might be returned to the House from the Senate on that day, and before we could get it into conference it might be necessary to have some discussion and action in the House. Therefore, I prefer that the conditions of this order if made should be broader than merely to provide that conference reports may be considered.

The SPEAKER. The Chair thinks there can be no trouble in the matter. During the last six days of the session a motion to suspend the rules is always in order, and that motion could be invoked, with the concurrence of the Chair, to insure the consideration of appropriation bills and the sending them to conference.

Mr. SAYERS. I submit to the better judgment of the Chair.

The SPEAKER. Is there objection, then, to assigning Thursday next instead of to-day for District business, subject to the same conditions that the rules prescribe for Monday, and subject also to conference reports and privileged matters?

A MEMBER. The District business will be on the same footing then as to-day.

The SPEAKER. On the same footing.

Mr. DINGLEY. Before this order is made it is well we should bear in mind that we are coming very near to the end of the session, and by Thursday next certain appropriation bills will be returned to the House with Senate amendments. Now, I wish it to be understood that such bills may be brought before the House, even though they may not have reached the stage of conference, for the purpose of concurring or nonconcurring in Senate amendments.

The SPEAKER. The Chair understands that this order if made will be subject to appropriation bills.

Mr. DINGLEY. That is satisfactory.

The SPEAKER. That is understood.

Mr. HEARD. It is.

Mr. RYAN. I desire to object unless to-morrow be set apart for the consideration of bills reported by the Committee on Labor.

Subsequently—

Mr. RYAN withdrew his objection.

The SPEAKER. Is there further objection to substituting Thursday for to-day, under the limitations stated, for District business, subject to appropriation bills and privileged matters? The Chair hears none.

## PACIFIC RAILROADS.

Mr. SNODGRASS, by unanimous consent, submitted, with the draft of a proposed bill, the views of a minority of the Committee on the Pacific Railroads upon the bill (H. R. 8943) reported by Mr. REILLY; which were ordered to be printed.

## ORDER OF BUSINESS.

Mr. BRECKINRIDGE. I ask unanimous consent that the call of committees may be dispensed with for to-day and that gentlemen having reports to make may be permitted to file them with the Clerk.

There was no objection.

## REPORTS OF COMMITTEES.

The following reports of committees were handed in at the Clerk's desk, referred to their appropriate Calendars, and otherwise disposed of as indicated below:

## APPOINTMENT OF COMMISSION TO MAKE SURVEY OF SHIP CANAL.

Mr. RYAN, from the Committee on Railways and Canals, reported back favorably with amendments joint resolution (H. Res. 271) for the appointment of a commission to make survey of a ship canal from the southern shore of Lake Michigan to the waters of the Wabash River; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

## CONGRESSIONAL PARTICIPATION IN THE DEDICATION OF CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK.

Mr. WHEELER of Alabama, from the joint committee to prepare and report upon a plan for participating in the dedication of the Chickamauga and Chattanooga National Military Park, reported a resolution providing for Congressional participation in the dedication of said park; 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.

## MEDICAL CORPS OF THE NAVY.

Mr. MEYER, from the Committee on Naval Affairs, reported adversely upon certain petitions relating to the Medical Corps of

the Navy; which were laid on the table, and the report ordered to be printed.

## DEFICIENCY BILL.

On motion of Mr. BRECKINRIDGE, the House resolved itself into Committee of the Whole on the state of the Union (Mr. TARSNEY in the chair) and resumed the consideration of the bill (H. R. 8892) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1895, and for prior years, and for other purposes.

The CHAIRMAN. When the committee rose on Saturday last the reading of the bill had been concluded; but several matters had been reserved subject to points of order.

Mr. CANNON of Illinois. I wish to put an inquiry to the gentleman from Kentucky [Mr. BRECKINRIDGE]. It is now 12 o'clock, the House is full, and there are a great many matters of detail, but of no great public interest, which will occupy some time in connection with this bill. Is it the disposition of the gentleman to wait until late in the day to move the amendment in regard to the Bering Sea award?

Mr. BRECKINRIDGE. I thought of calling that up as soon as these questions of order are disposed of.

Mr. LIVINGSTON. Mr. Chairman, in a letter of June 12, 1894, from the Auditor of the Treasury, which I sent to the desk the other day to be read, there appears this clause:

There can be no question as to the legality of these claims, based as they are upon the orders of the Postmaster-General, issued under authority vested in him by the terms of the contract, and in view of the fact that the Supreme Court—

I ask the special attention of the Chairman to this—

has decided that the suspension of contracts for service in the Confederate States carries with it a month's extra pay, as if the service were discontinued. (Wallace, 8, page 38.)

I desire to read that decision.

But first I want to read that clause in the contract which is the basis of the claim:

It is hereby stipulated and agreed, among other things, that the Postmaster-General may discontinue or curtail the service, in whole or in part, in order to place on the route a greater degree of service, or whenever the public service requires such discontinuance or curtailment or from any other cause, he allowing one month's extra pay on account of service dispensed with.

Now, with reference to that provision the Supreme Court have rendered a decision, which is quoted in 8 Wallace, page 38, from which I read the following words:

Contractors for carrying the mail in Southern States are entitled to one month's pay, in pursuance of their contracts, and on the Postmaster-General ordering the service to be discontinued in consequence of the civil war.

There is a direct ruling of the Supreme Court.

Again, Mr. Chairman, in House Executive Document No. 153, the Secretary of the Treasury, through the Auditor, reports these four identical claims that are included in the amendment under the law to the House. These claims are reported under the act of 1874, and I desire to read a clause from that act:

That the Secretary of the Treasury shall, at the commencement of each session of Congress, report the amount due each claimant, where claims have been allowed in whole or in part, to the Speaker of the House of Representatives and the Presiding Officer of the Senate, who shall lay the same before their respective Houses for consideration; and hereafter all estimates of appropriations, and estimates of deficiencies in appropriations, intended for the consideration and seeking the action of any of the committees of Congress, shall be transmitted to Congress through the Secretary of the Treasury and in no other manner, and the said Secretary shall first cause the same to be properly classified, compiled, indexed, and printed, under the supervision of the chief of the division of warrants, estimates, and appropriations of his Department.

That was the act of 1874. Now, the act of 1878 repealed one clause of the act of 1874, which required all these sums of money, after a lapse of three years, to be covered back into the Treasury; but the act of 1878, under which these claims are certified by the Auditor to the House, reads this way (Revised Statutes of 1877 and 1879, page 130):

That so much of section 5 of the act approved June 20, 1874, as directs the Secretary of the Treasury at the beginning of each session to report to Congress, with his annual estimates, any balances of appropriations for specific objects affected by said section, that may need to be reappropriated, be and the same is hereby, repealed; and it shall be the duty of the several accounting officers of the Treasury to continue to receive, examine, and consider—

What—

the justice and validity of all claims under the appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of the act of 1874. And the Secretary of the Treasury shall report the amount due each claimant at the commencement of each session to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration: *Provided*, That nothing in this act shall be construed to authorize reexamination and payment of any claim or account which has been once examined and rejected.

Now, Mr. Chairman, there are two claims in this class, based on the same law, based on the same contract with the Postmaster-General, covered by the same Supreme Court decision, that have been paid by the direct action of this House. I refer to the claim of John D. Adams, private act October 8, 1888 (see Revised Statutes, volume 25, page 1124), and that of Mr. Kendee (see act of February 20, 1891, Revised Statutes, volume 26, page 1364).

Now, I think I have done my duty when I have shown the Chair that the law of 1874 and the law of 1878 specifically required provision to be made for such claims; and in view of the fact that the Supreme Court have decided in the most emphatic manner that such contractors are entitled to this payment, and after the Auditor has sent the four accounts, certified to this House over his signature, I think I have covered the ground and shown that this amendment comes strictly within the rules and is not subject to the objection raised. How can the point of order be raised against the amendment when it is in accordance with the law, and in accordance with the decision of the Supreme Court? I submit, Mr. Chairman, the matter to your discretion and judgment.

The CHAIRMAN. Before the gentleman closes, the Chair would like to know whether it is claimed that in any appropriation bill heretofore passed these items were provided for or their payment directed?

Mr. LIVINGSTON. Now, Mr. Chairman, in making a statement in answer to that question, I hope my friend [Mr. DINGLEY], if I make a mistake, will correct me for he is thoroughly conversant with the facts. My understanding is that these claims have been presented to the Committee on Appropriations—these four claims that I now present to the House.

Mr. DINGLEY. Has any one of them ever been allowed by the Committee on Appropriations and placed in a deficiency bill?

Mr. LIVINGSTON. No, sir.

Mr. DINGLEY. Have they not been presented as private claims and sent to the Committee on Claims and reported to the House and passed?

Mr. LIVINGSTON. I do not know that these four claims have ever been before this House at all. I think my friend and colleague on the committee, the gentleman from Maine [Mr. DINGLEY], can answer that question.

Mr. DINGLEY. I think two of these claims were presented as private bills and referred to the Committee on Claims, and the bill subsequently passed.

The CHAIRMAN. It is absolutely impossible for the Chair to hear one word of what gentlemen are saying.

Mr. LIVINGSTON. I ask that the Sergeant-at-Arms be requested to stop conversation in the rear of the Hall.

The CHAIRMAN. The Sergeant-at-Arms will exercise his authority to preserve order in the Hall of the House.

Mr. LIVINGSTON. I stated that two of these claims had been presented as private bills, and passed upon by Congress. I gave the Chair the dates of the acts; but the four bills that were presented in this amendment have never been before Congress.

Mr. DOCKERY. I think one of them has.

Mr. LIVINGSTON. My colleague [Mr. DOCKERY] thinks that one of them has. To my knowledge they have not been. It must have been prior to my connection with the House of Representatives.

But, Mr. Chairman, they have never been in an appropriation bill. They have never been passed upon; they have never come outside of the Committee on Appropriations. I want to say, Mr. Chairman, that I think I have submitted all the facts touching the question of the point of order, under Rule XXI. If my colleague on the committee, who has made the point of order, intends to spring any new point on me, after covering this question of law, why, I hope he will be candid enough to say so, and give me an opportunity to reply.

Mr. DOCKERY. I shall "spring" all the points I have to "spring" at this time.

Mr. Chairman, an amendment to a deficiency bill to be in order must comply with these conditions: It must be a deficiency under a statute which authorized the amount to be paid, but which has not been paid because of the inadequacy of the appropriation. Now, let me illustrate. The law gives to the Postmaster-General express authority to pay so much per car for the transportation of mails. It authorizes him to contract and pay that liability; but the appropriation for the liability may not be adequate. There may be an inadequacy of appropriation, and in such a case a deficiency item for that service would be in order on this bill. Now, what is this case before us? I do not recall the exact terms of the amendment, and I will call for its reading again.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read, as follows:

On page 48, after line 8, insert:

"To pay the claims of Charles Morgan, C. B. Payne, and the Southern Steamship Company, audited and reported to the Forty-sixth Congress; the claims of Charles Morgan and M. C. Mordecai, audited and reported to the Forty-eighth Congress; being for allowance for one month's extra pay as United States mail contractors, \$17,510.83, or so much thereof as may be necessary."

Mr. DOCKERY. One of these claims, if not all of them, was transmitted to the Forty-seventh Congress at its first session in House Executive Document No. 26, in compliance with section 4 of the act of June 14, 1878, and two of the claims, it seems from the reading of the amendment, were reported to the Forty-eighth

Congress under the same act. Now, what is that act? That act provides—

That it shall be the duty of the several accounting officers of the Treasury to continue to receive, examine, and consider the justice and validity of all claims under appropriations, the balances of which have been stated or carried to the surplus fund under the provisions of said section, that may be brought before them in five years, and the Secretary of the Treasury shall report the amount due each claimant at the commencement of each session to the Speaker of the House of Representatives—

For what purpose?—

who shall lay the same before Congress for consideration.

That is the language of the statute. Now, then, a claim audited under that section comes to Congress for consideration. How? If it is a claim under the Bowman Act it is referred, under the rules, to the Committee on War Claims. If it is any other kind of an audited claim for which no appropriation has been made it is referred to the appropriate committee.

Congress considers each claim under the rules of the House. Claims that appear on a deficiency bill must be claims authorized by law and authorized to be paid, but which can not be paid because of insufficient appropriations.

Now, this particular claim of M. C. Mordecai is very familiar to gentlemen who have served here for a number of years. It was presented in the Fiftieth Congress, when I was presiding over the Committee of the Whole as Chairman on the deficiency bill. After examination there, in which the statute of June 14, 1878, had been cited, after the order of the Postmaster-General had been read, I decided:

The Chair is not without doubt about this, but, in view of the hasty examination he has been permitted to make, and in light of the discussion, sustains the point of order.

The claim on that occasion was presented by the gentleman from South Carolina, Mr. Dibble. At the second session of the same Congress, when the present Speaker of the House was presiding in the Committee of the Whole as Chairman, the claim was presented by the gentleman from Maryland, Mr. RAYNER, and the present Speaker, then Chairman of the Committee of the Whole, after hearing the discussion, made this decision:

The Chair will be compelled to hold, unless the gentleman can cite some statute law authorizing the expenditure, that the point of order is well taken.

Mr. RAYNER. The only law I can cite, Mr. Chairman, is the action on this claim by the Court of Claims—

By the way, let me say this claim was sent to the Court of Claims, and the decision of that court was that it was barred by the statutes of limitation.

The only law I can cite, Mr. Chairman, is the action on this claim by the Court of Claims, to which I have called attention—the allowance of the Auditor of the Treasury of the claim—

The fact which has been emphasized by the gentleman from Georgia—

and the statement on the part of the Postmaster-General that the claim should be paid.

Both of which facts have just been emphasized and called to the attention of the House by the gentleman from Georgia.

Now, then, after further discussion, the Speaker, then Chairman of the Committee of the Whole, again states:

The Chair does not understand that because a claim is just and has been allowed by the Department, it is therefore necessarily authorized by law. The Chair understands the rule to mean that on a general appropriation bill no amendment shall be in order except, in the language of the rule, for expenditures "previously authorized by law." The attention of the Chair has not been called to any law authorizing this expenditure, and he therefore sustains the point of order.

Again, this claim was presented in the Fifty-first Congress. No point of order, it appears, was raised against it—I refer to the Mordecai claim; but, on a vote in the Committee of the Whole, it was rejected, I believe, by yeas 77, nays 51. So that this claim, Mr. Chairman, has "bobbed up serenely" almost every Congress during the last ten years. Now, I do not know that I desire to add anything, Mr. Chairman. There is another phase of the question, but I will forbear until the Chair has decided, inasmuch as that trenches on the merits of the question.

Mr. LIVINGSTON. Now, Mr. Chairman, in reply to the gentleman just a moment. I will admit everything the gentleman has said. He says that the Chairman of the Committee of the Whole sustained the point of order because Mr. RAYNER, in the one case, and some other gentleman in another case, failed to bring the attention of the Chairman of the Committee of the Whole to any law authorizing the payment.

Now, Mr. Chairman, I have done that this morning; done it abundantly, as the Chairman well knows. I have shown not only the contract between the Postmaster-General and these parties, but I have shown that the act of 1874 authorized it. I have shown that the amended act of 1878 authorized it; and I have shown that the Auditor, under the act of 1878, has again sent the accounts to this House.

And now, Mr. Chairman, about a different matter; and I ask the attention of the Chair just for a moment as to what was done by the Committee on Appropriations in these four claims. The gentleman in charge of the bill [Mr. BRECKINRIDGE] will corrob-

orate me in what I am about to say. The subcommittee intended to take up these claims in the subcommittee. It was before us on the table to be disposed of; but in adjourning on the morning we finished the bill, in the hurry, the appropriation for the Nashville centennial having absorbed all the time, we both forgot it; and it was merely an oversight and not intentional. Had it not been for that fact, had we not forgot it on the morning when the bill was considered, we would have disposed of it in the subcommittee either one way or the other. It was before the committee, Mr. Chairman. It was sent there by the Speaker of the House. The gentleman has referred to but one claim, the Mordecai claim. If the Chair thinks the Mordecai claim ought to be ruled out I am willing that it should go out; but I do not want the other three ruled out because of any decision the Chair may make on the Mordecai claim.

Mr. BRECKINRIDGE. Mr. Chairman, I understand that the conference committee on the District of Columbia appropriation bill is ready to report, and I therefore move that the committee rise for the purpose of having that report submitted to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. TARNSEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8892 and had come to no resolution thereon.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. WILLIAMS of Illinois. Mr. Speaker, I desire to call up the conference report on the District of Columbia appropriation bill.

The SPEAKER. The Clerk will read the statement and that will probably be sufficient.

[For text of conference report see proceedings of Senate.]

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8888) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year 1896, and for other purposes, submit the following written statement in explanation of the effect of the action recommended on each of the amendments of the Senate in the accompanying conference report, namely:

On amendment numbered 1: Appropriates for two assistant secretaries to the Commissioners, at \$1,000 each, as proposed by the Senate instead of one, at \$1,000, as proposed by the House.

On amendments numbered 2 and 3: Appropriates for one laborer, at \$365 per annum, as proposed by the Senate, instead of at \$314, as proposed by the House.

On amendments numbered 4 and 5: Appropriates for one additional assistant inspector of buildings, at \$1,000, instead of two, as proposed by the Senate.

On amendments numbered 6, 7, and 8: Appropriates for an additional clerk, at \$1,400, and for a messenger and driver for the board of assistant assessors, at \$600, in the assessor's office, as proposed by the Senate.

On amendments numbered 9 and 10: Strikes out the provision for a deputy collector of taxes, at \$2,000, proposed by the Senate.

On amendment numbered 11: Strikes out the provision proposed by the Senate for a deputy coroner, at \$1,400 per annum.

On amendments numbered 12, 13, and 14: Appropriates \$75 additional for hire of laborers for cleaning markets, as proposed by the Senate.

On amendments numbered 15, 16, and 17: Increases the salary of the assistant superintendent of parking from \$700 to \$900, as proposed by the Senate, and strikes out the provision proposed by the Senate for an assistant superintendent of sewers at \$1,500.

On amendment numbered 18: Authorizes the Commissioners to grant thirty days' leave of absence to not exceeding 30 regular employees, paid out of general appropriations, as proposed by the Senate.

On amendment numbered 19: Appropriates \$600, as proposed by the Senate, for horse feed and shoeing for the board of assistant assessors.

On amendments numbered 20, 21, and 22: Appropriates \$1,000 as proposed by the House, instead of \$300 as proposed by the Senate, for general expenses of the coroner's office.

On amendment numbered 23: Reduces the penalty on delinquent taxes from 2 per cent per month to 1 per cent per month, as proposed by the Senate.

On amendment numbered 24: Appropriates \$2,500, instead of \$1,270 as proposed by the House and \$4,250 as proposed by the Senate, for special repairs to market houses.

On amendments numbered 25, 26, and 27: Appropriates \$12,500, instead of \$6,000 as proposed by the House and \$25,000 as proposed by the Senate, for preparing the plan for the extension of a permanent system of highways, with authority to pay so much of the sum appropriated as may be necessary, instead of \$10,000 as proposed by the Senate, to Frederick Law Olmsted or other eminent landscape architect, for the preparation of plans in part for said work.

On amendments numbered 28, 29, and 30: Appropriates \$150,000 as proposed by the House, instead of \$175,000 as proposed by the Senate, for assessment and permit work, with authority to use not exceeding \$14,000 for widening the roadway of G street N. W. from Tenth street to Fourteenth street.

On amendments numbered 31, 32, 33, 34, 35, 36, and 37: Appropriates \$142,000, instead of \$100,000 as proposed by the House and \$160,000 as proposed by the Senate, for work on streets and avenues, and \$2,500, as proposed by the Senate, for paving Eleventh street between East Capitol street and Massachusetts avenue.

On amendment numbered 38: Makes the appropriations for streets and avenues, and for construction of county roads, immediately available.

On amendments numbered 39, 40, 41, and 42: Appropriates \$40,000 as proposed by the House, instead of \$65,000 as proposed by the Senate, for relief sewers and replacing obstructed sewers; \$10,000, instead of \$34,000 as proposed by the House and \$20,536 as proposed by the Senate, for suburban sewers; \$30,000, instead of \$37,382 as proposed by the Senate, for the Brookland sewer; \$10,000 for the Kenesaw avenue sewer; \$40,000, instead of \$75,000 as proposed by the Senate, for the Rock Creek and B street intercepting sewer; and authorizes contracts to be made for the construction of the Eckington Valley, Brookland, Kenesaw avenue, and Rock Creek and B street intercepting sewers, as proposed by the Senate.

On amendment numbered 43: Authorizes the authorities to omit the circle

hitherto required to be located at or near Morris street, as proposed by the Senate.

On amendments numbered 44, 45, 46, 47, 48, 49, 50, 51, 52, and 53, relating to the construction of county roads: Appropriates \$18,000 as proposed by the Senate, instead of \$8,000 as proposed by the House, for paving First street extended; \$5,000 as proposed by the Senate, for grading and regulating Sherman avenue; \$3,000, instead of \$12,000 as proposed by the Senate, for grading and regulating Kenesaw avenue; \$6,000, instead of \$10,000 as proposed by the Senate, to extend Thirty-seventh street between Back street and Tennallytown road; \$6,000, instead of \$12,000 as proposed by the Senate, for paving Florida avenue, and \$5,000 for paving Twenty-second street from Massachusetts avenue to R street; strikes out the appropriations of \$9,000 proposed by the Senate for grading and regulating Pennsylvania avenue extended, and \$5,000 for paving Michigan avenue; and authorizes, as proposed by the Senate, the use of \$9,000, heretofore appropriated, for grading and graveling Albemarle street, to be used on such portions of said street, and of Thirty-eighth street, as have been or may be dedicated to the District of Columbia.

On amendments numbered 54 and 55: Appropriates \$146,000, instead of \$139,000 as proposed by the House and \$150,000 as proposed by the Senate, for sprinkling, sweeping, and cleaning streets and alleys, and strikes out the provision proposed by the Senate, limiting the amount to be expended on suburban streets to \$1,000.

On amendment numbered 56: Appropriates \$19,000, instead of \$15,000 as proposed by the House and \$23,000 as proposed by the Senate, for the parking commission.

On amendment numbered 57: Appropriates \$142,000 as proposed by the Senate, instead of \$145,000 as proposed by the House, for gas lighting, and limits the price per street lamp to \$20.50 as proposed by the Senate, instead of to \$20 as proposed by the House.

On amendment numbered 58: Appropriates \$47,000 as proposed by the Senate, instead of \$54,000 as proposed by the House, for electric lighting, and limits the price per light per night to 40 cents as proposed by the Senate, instead of 38 cents as proposed by the House.

On amendment numbered 59: Strikes out the appropriation of \$25,000, proposed by the Senate, for a new harbor boat.

On amendments numbered 60 and 61: Appropriates \$10,000, as proposed by the House instead of \$11,500 as proposed by the Senate, for construction and repair of bridges.

On amendment numbered 62: Appropriates \$3,500, as proposed by the Senate, for a survey, plan, and estimate of cost for the construction of a bridge from the foot of South Capitol street across the Eastern Branch of the Potomac River.

On amendments numbered 63 and 64: Requires that the work of the improvement of the receiving reservoir of the Washington Aqueduct shall be done and completed under Col. George H. Elliot notwithstanding his retirement, as proposed by the Senate, and makes the appropriation for clearing out the conduit immediately available.

On amendment numbered 65: Provides for raising the height of the dam at Great Falls, as proposed by the House, and authorizes the use of \$25,000 of the appropriation for increasing the water supply for testing the tunnel conduit, as proposed by the Senate, and provides, as proposed by the Senate, for the preparation of a plan to be submitted to Congress upon the feasibility and propriety of completing the tunnel conduit as now projected, and the new reservoir.

On amendments numbered 66 and 67: Appropriates \$900, as proposed by the Senate, for a janitor for the Miner School building.

On amendments numbered 68 and 69: Appropriates \$2,500, as proposed by the Senate, for rent of additional accommodations for schools, and makes a verbal correction in the text of the bill.

On amendments numbered 70, 71, 72, 73, 74, 75, 76, 77, 78, and 79: Appropriates \$88,500 for eight additional new school buildings, instead of \$216,000 for ten additional new school buildings, as proposed by the Senate.

On amendment numbered 80: Strikes out the provision proposed by the Senate, making immediately available appropriations for new school buildings.

On amendment numbered 81: Strikes out the appropriation of \$1,000 proposed by the Senate, for expense of a special examination and report upon the present school system of the District.

On amendments numbered 82, 83, 84, 85, 86, 87, 88, 89, and 90, relating to the Metropolitan police: Authorizes, as proposed by the Senate, an additional lieutenant at \$1,500, six additional privates at \$900 each, and four additional privates at \$1,080 each; fixes the compensation of the van driver, ambulance driver, and drivers of patrol wagons at \$480 each, instead of \$600 each, as proposed by the Senate, and the salaries of two assistant ambulance drivers at \$480 each, instead of \$500 each, as proposed by the Senate.

On amendments numbered 91, 92, 93, and 94: Appropriates \$2,080, as proposed by the House instead of \$2,280 as proposed by the Senate, for rent of police headquarters, and \$2,200, as proposed by the Senate for fuel for the police department, instead of \$1,900 as proposed by the House.

On amendments numbered 95, 96, 97, 98, 99, and 100: Makes the appropriations for additional fire-engine buildings and fire apparatus immediately available, as proposed by the Senate, and appropriates \$25,000, as proposed by the Senate, for a new site, building, and furniture for a truck house in the vicinity of New Jersey avenue, M and N streets northwest, and authorizes the use of an unexpended balance of \$2,500 for an engine house in Northeast Washington, to be used in inclosing, grading, and paving lot of the chemical engine house in Mount Pleasant.

On amendments numbered 101 and 102: Appropriates \$600 each for three telephone operators, as proposed by the House, instead of at \$720, as proposed by the Senate.

On amendments numbered 103 and 104: Strikes out authority proposed by the Senate to purchase telephones, and appropriates \$11,000, instead of \$9,000 as proposed by the House and \$15,000 as proposed by the Senate, for general supplies for telegraph and telephone service.

On amendments numbered 105 and 106: Appropriates \$7,000, instead of \$5,000 as proposed by the House and \$10,000 as proposed by the Senate, for extension of the police-patrol and fire-alarm telegraph service to the suburbs.

On amendments numbered 107 and 108: Strikes out the appropriation of \$600 for an assistant chemist in the health department, proposed by the Senate.

On amendments numbered 109, 110, 111, 112, and 113: Makes the text of the appropriation for the collection and removal of garbage as proposed by the Senate, except that the Commissioners are authorized to make new contracts on and after the passage of the act, and that in the discretion of the Commissioners the appropriations made by the act may be available for the purposes of paying for the increased service until new contracts shall be entered into and the contractors are ready to execute the same.

On amendments numbered 117 and 118: Appropriates \$6,000 as proposed by the Senate, instead of \$5,000 as proposed by the House, for witness fees in the police court.

On amendments numbered 119, 120, and 121: Appropriates \$4,000, instead of \$3,000 as proposed by the House and \$6,000 as proposed by the Senate, to pay William Stone Abert for services in compiling the District laws and preparing same for publication, and provides for the distribution of said compilation as proposed by the Senate.

On amendment numbered 122: Appropriates \$8,000, instead of \$5,000 as proposed by the House and \$15,000 as proposed by the Senate, for the emergency fund.

On amendment numbered 123: Appropriates \$40,000, instead of \$35,000 as proposed by the House and \$45,000 as proposed by the Senate, for support of convicts.

On amendments numbered 124 and 125: Provides that the appropriations for employees of the court-house of the District and the warden of the jail shall be expended under the direction of the Attorney-General.

On amendments numbered 126 and 127: Makes a verbal correction in the text of the bill, and appropriates \$15,000 as proposed by the Senate, instead of \$12,000 as proposed by the House, for the Central Dispensary and Emergency Hospital.

On amendments numbered 128 and 129: Appropriates \$30,000, as proposed by the House, for the Columbia Hospital for Women, instead of \$22,000 as proposed by the Senate, and \$5,000, as proposed by the Senate, for heating apparatus and furnishing the new building for the hospital.

On amendment numbered 130: Appropriates \$8,500, instead of \$8,000 as proposed by the House and \$9,000 as proposed by the Senate, for the Homeopathic Hospital.

On amendments numbered 131 and 132: Appropriates \$16,000, instead of \$15,000 as proposed by the House and \$17,000 as proposed by the Senate, for salaries of employees of the Women's Hospital and Asylum.

On amendment numbered 133: Appropriates \$1,000, as proposed by the Senate, for the Young Women's Christian Home.

On amendments numbered 134 and 135: Appropriates \$9,900, as proposed by the House, for the Industrial Home School, instead of \$13,400 as proposed by the Senate, and strikes out the provision proposed by the Senate changing the corporate character of said institution.

On amendment numbered 136: Appropriates for salary of agent of the Board of Children's Guardians \$1,600, instead of \$1,500 as proposed by the House and \$1,800 as proposed by the Senate.

On amendments numbered 137, 138, and 139: Appropriates for salary of superintendent of the water department at \$1,800, instead of \$1,600 as proposed by the House and \$2,000 as proposed by the Senate, and strikes out the increase proposed by the Senate of \$300 in the salary of the timekeeper.

The committee of conference have been unable to agree on the following amendments of the Senate, namely:

On amendment numbered 91, authorizing the application, annually, of \$4,000 to the police relief fund and \$2,500 to the firemen's relief fund out of the receipts from fines in the police court.

On amendment numbered 114, striking out the appropriation of \$4,000 proposed by the House to prevent the spread of scarlet fever and diphtheria, and on amendment numbered 115, appropriating \$30,000 for the above object and also for the propagation of diphtheria antitoxine and the establishment of a bacteriological laboratory and a disinfecting service.

On amendment numbered 118, appropriating \$30,000 for the erection and equipment of a smallpox hospital.

The Senate, by its amendments, added \$750,344 to the bill. Of this sum the conference committee recommend that the Senate recede from \$365,808, and that the House agree to \$383,536, leaving \$46,000 involved in the amendments upon which the conferees have been unable to agree.

J. R. WILLIAMS,  
ALEX. M. DOCKERY,  
D. B. HENDERSON,

Managers on the part of the House.

The SPEAKER. This is a partial agreement.

Mr. WILLIAMS of Illinois. Mr. Speaker, I move the adoption of the report.

The conference report was adopted.

On motion of Mr. WILLIAMS of Illinois, a motion to reconsider the vote by which the conference report was adopted was laid on the table.

The SPEAKER. The Clerk will now report the amendments that are still in controversy between the two Houses.

The Senate amendments numbered 91, 114, 115, and 116 were read.

On motion of Mr. WILLIAMS of Illinois, the House insisted upon the amendments severally, and agreed to a conference on the disagreeing votes of the two Houses.

The SPEAKER appointed as conferees on the part of the House Mr. WILLIAMS of Illinois, Mr. DOCKERY, and Mr. HENDERSON of Iowa.

SURVEYOR OF THE DISTRICT OF COLUMBIA.

Mr. COBB of Alabama. Mr. Speaker, I desire to present a conference report.

The report was read.

[For conference report see Senate proceedings.]

The SPEAKER. The statement of the House conferees will be read.

The Clerk read as follows:

STATEMENT.

The only change in the bill as it passed the House is an increase of \$1,200 in expenses for the surveyor's office. The House appropriated \$4,000, the conferees agree to \$5,200.

Also, to add to House amendment to section 5 the words, "and no plat or survey of land shall be recorded in the office of the surveyor of the District of Columbia except it be certified to as correct by the surveyor of said District." The Senate agrees to all other House amendments.

J. E. COBB,  
G. W. COOPER,  
J. A. T. HULL,

Conferees on part of the House.

The conference report was adopted.

On motion of Mr. COBB of Alabama, a motion to reconsider the vote by which the conference report was adopted was laid on the table.

GENERAL DEFICIENCY BILL.

Mr. BRECKINRIDGE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for further consideration of the general deficiency bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. TARSNEY in the chair.

The CHAIRMAN. The Chair is ready to rule upon the pending point of order. It is conceded that all the items in the pending amendment are kindred in character, growing out of the same or like transactions, and standing upon an equal footing. The parties named in this amendment were contractors with the Government for carrying the mails at the breaking out of the late civil war. Prior to that time a statute existed which authorized the Postmaster-General to suspend contracts for carrying the mails, and providing that upon such suspension the contractors should be entitled to one month's extra pay. The contracts with the claimants in this case were suspended by the Postmaster-General, and the claim arises in each case for the extra month's pay resulting from such suspension.

In 1874 a statute was enacted directly bearing upon these matters, providing for their examination by the Treasury Department and for their being reported to Congress for consideration. A statute similar in its provisions was enacted in 1878. If this was a bill providing directly for the relief of these claimants, and not a proposition to amend an appropriation bill, the Chair would then, as a member of the House, have to consider the merits and justice of the claims; but the only question for the Chair to consider now is the question whether this is the proper remedy for the claimants to seek.

In view of the fact that this proceeding is not new; in view of what is conceded here, that one at least of these claims has been presented on former occasions for the consideration of the House under conditions exactly similar to those under which the amendment is now presented—that is, offered as amendment to a general deficiency bill and the point of order raised that it was not germane to such a bill; in view of the fact that at the first session of the Fiftieth Congress, when the claim was first presented, these points were elaborately argued, and the gentleman then presiding over the Committee of the Whole, the gentleman from Missouri [Mr. DOCKERY], having carefully reviewed the authorities and arguments, held that the amendment was not in order; in view of the fact that at the next session, the last session of the Fiftieth Congress, the same claim appeared again, was again offered as an amendment to the general deficiency bill, the point of order was again raised against it that it was not germane to that bill, and the then occupant of the chair, the present Speaker of this House, concurred in the ruling previously made by the gentleman from Missouri, holding that the matter was not germane and was not in order upon a general deficiency bill; in view of these facts, and in view of the further fact that no precedent has been cited contrary to these, the present occupant of the chair would not feel warranted, no matter what his own personal conviction might be, in disturbing this line of unbroken precedents; and he therefore sustains the point of order.

Mr. BRECKINRIDGE. I now call for the reading of the next amendment; that in relation to the Bering Sea awards.

The Clerk read as follows:

After line 9, on page 2, insert:  
"Bering Sea damages: For the payment to the Government of Great Britain under the agreement reached by exchange of notes of August 21, 1894, in full satisfaction of all demands for damages against the United States growing out of the controversy between the two Governments as to the fur seals in Bering Sea under the award and findings of the Tribunal of Arbitration at Paris, \$425,000."

The CHAIRMAN. The present occupant of the chair was not presiding at the time this matter was brought up on Saturday, and will be glad to know whether there is a point of order pending.

Mr. BRECKINRIDGE. There is not. Mr. Chairman, when general debate on this bill was dispensed with there was an agreement between the gentleman from Illinois [Mr. CANNON] and myself, assented to by the Committee of the Whole, that when one or two particular questions should be reached time should be given for discussion in the nature of general debate. I now ask the gentleman from Illinois whether we can agree to dispose of this question with half an hour's debate on each side.

Mr. CANNON of Illinois. After consultation with my associates I find I can not agree to less than an hour on each side.

Mr. BRECKINRIDGE. Very well.

Mr. DINGLEY. It is very likely I shall desire to occupy ten or fifteen minutes.

Mr. CANNON of Illinois. My colleague on the committee had not notified me of his desire for time. I may be able to yield him a part of the hour which will, I presume, be under my control; and perhaps the gentleman from Kentucky, after consultation, will be willing to yield him a part of his time.

Mr. BRECKINRIDGE. I suggest that the gentleman from Illinois give the gentleman from Maine five minutes of his time and I give him five minutes of mine.

Mr. CANNON of Illinois. I shall give him what I can, but I should like to have it understood that if necessary the gentleman from Maine may have ten minutes outside of the two hours.

Mr. BRECKINRIDGE. Very well. Mr. Chairman, we have

agreed, if the Committee of the Whole will sustain the agreement, that there be an hour for debate on each side of this question, the gentleman from Illinois controlling one side and I the other, with the understanding that if the gentleman from Maine should need ten minutes in addition to the time which may be yielded him by the gentleman from Illinois and myself, he shall be allowed ten minutes in addition to the two hours.

Mr. SPRINGER. Which side is the gentleman from Maine on?

Mr. BRECKINRIDGE. I hope he is on my side; but I do not know. He generally wants to be on the right side.

Mr. MCCREARY of Kentucky. Does the gentleman from Maine desire to advocate or oppose the amendment?

Mr. DINGLEY. I desire to submit some views touching the general question, without perhaps expressing any particular opinion as to what should be done in this exigency.

The CHAIRMAN. The gentleman from Kentucky asks that the general debate on this question be limited to two hours, one hour to be controlled by himself, the other by the gentleman from Illinois, and that the gentleman from Maine have ten minutes additional if he desires. Is there objection?

There was no objection.

Mr. BRECKINRIDGE. Mr. Chairman, I shall be glad to have the attention of the committee in this matter, for it is a matter of importance, and whatever the committee decides to-day will probably be final, for if the House refuses to accept this amendment it is probable that the President will at once proceed to agree to a settlement by a mixed commission. Its history is this: As the result of the dispute about the fur seals in the Bering Sea an arbitration was entered into with the Kingdom of Great Britain, an arbitration which submitted to the decision of the arbitrators five questions. I ask the Clerk to read the questions which were submitted.

The Clerk read as follows:

#### ARTICLE VI.

In deciding the matters submitted to the arbitrators, it is agreed that the following five points shall be submitted to them, in order that their award shall embrace a distinct decision upon each of said five points, to-wit:

1. What exclusive jurisdiction in the sea now known as the Bering Sea, and what exclusive rights in the seal fisheries therein, did Russia assert and exercise prior and up to the time of the cession of Alaska to the United States?

2. How far were these claims of jurisdiction as to seal fisheries recognized and conceded by Great Britain?

3. Was the body of water now known as the Bering Sea included in the phrase "Pacific Ocean" as used in the treaty of 1825 between Great Britain and Russia; and what rights, if any, in the Bering Sea were held and exclusively exercised by Russia after said treaty?

4. Did not all the rights of Russia as to jurisdiction, and as to the seal fisheries in Bering Sea east of the water boundary, in the treaty between the United States and Russia of the 30th March, 1867, pass unimpaired to the United States under that treaty?

5. Has the United States any right, and if so, what right of protection or property in the fur seals frequenting the islands of the United States in Bering Sea when such seals are found outside the ordinary 3-mile limit?

Mr. BRECKINRIDGE. Every one of those points was decided against the United States, and each of them except one was decided by the unanimous vote of the arbitrators, except one of our arbitrators, Hon. Mr. MORGAN, Senator from Alabama, and on that single proposition our representatives were alone. Under that decision the right of Great Britain to damages was settled. There is no question, therefore, that we are to pay something. It has been adjudicated that we are to pay damages. The simple question is now as to the assessment of those damages. The arbitrators went, under the convention, one step further and decided as a matter of fact that 18 ships had been seized or warned out of the Bering Sea by American ships, and that these 18 ships sailed under British flags. It was left open to us to litigate the question, if we chose to do so, as to whether some of those vessels were owned by American citizens. In that state of the case the British minister filed claims to the amount of \$542,000. After negotiation the Government of the United States entered into an agreement with Great Britain to pay \$425,000 in full satisfaction. This amendment proposes to confirm that agreement and to pay that sum of money.

It is objected that this is a larger sum than ought to be paid, because a certain amount of these damages are consequential damages—are for the estimated catch of seals subsequent to the time of the seizure. And it is alleged that for such damages, consequential damages, it was settled by the Alabama award we are not responsible. But, Mr. Chairman, there is no analogy between the facts on which the Alabama award was based and the Bering Sea award. Here the United States seized men, lawfully engaged in a legitimate business, imprisoning many of them and destroying their property. In the other case the Government of Great Britain, by negligence or otherwise, allowed certain armed cruisers, hostile to the United States, to escape from their ports. In the one case it was a direct act of the Government; in the other an indirect act. And there is a marked difference between these alleged consequential damages and those claimed before the Geneva Tribunal.

But in the particular case before us we agreed to a rule of damages, and that was the rule we agreed upon.

Mr. HEPBURN. May I ask the gentleman who made that agreement?

Mr. BRECKINRIDGE. Which agreement?

Mr. HEPBURN. The agreement to which you have just referred.

Mr. BRECKINRIDGE. To pay \$425,000?

Mr. HEPBURN. Yes. You say that according to a rule of damages; and that this is the rule agreed upon. Now, who made that agreement?

Mr. BRECKINRIDGE. That was made by the Government of the United States under Mr. Harrison's Administration in the convention—

Mr. HEPBURN. But what particular officer?

Mr. BRECKINRIDGE. Mr. Blaine, then Secretary of State, in a convention agreed with Sir Julian Pauncefote.

Mr. CANNON of Illinois. As this is the gist of the controversy, is the gentleman from Kentucky prepared to furnish to the committee any provision of such agreement or any authority by which we have settled the rule for the estimation of such damages? In other words, where does the gentleman ascertain that the arbitrators had the authority to settle the damages?

Mr. BRECKINRIDGE. I am totally unable to hear the gentleman from Illinois.

Mr. CANNON of Illinois. The gentleman stated that the United States Government had agreed to the rule, or the principle, by which the damages should be settled. Now, I ask him where he gets that authority?

Mr. BRECKINRIDGE. From the convention signed by James G. Blaine on the 18th day of April, 1892, on the part of the United States Government, and Sir Julian Pauncefote, on the part of the British Government, the fifth article of which I will have inserted in my remarks; but you can turn to it on page 10 of the proclamation issued by Mr. Harrison and signed by Benjamin Harrison as Chief Executive of the United States on the 9th day of May, 1892.

Mr. HITT (to Mr. CANNON of Illinois). The fifth article of the *modus vivendi*.

Mr. BRECKINRIDGE. By which the rule laid down for the assessment of damages pending the arbitration was the estimated value of the catch between what was really caught and what was afterwards to be determined upon as a proper catch under the agreement to prevent the destruction of the seals. But I will print the article with my remarks.

The article is as follows:

If the result of the arbitration be to affirm the right of British sealers to take seals in Bering Sea within the bounds claimed by the United States, under its purchase from Russia, then compensation shall be made by the United States to Great Britain (for the use of her subjects) for abstaining from the exercise of that right during the pendency of the arbitration upon the basis of such a regulated and limited catch or catches as in the opinion of the arbitrators might have been taken without an undue diminution of the seal herds; and, on the other hand, if the result of the arbitration shall be to deny the right of British sealers to take seals within the said waters, then compensation shall be made by Great Britain to the United States (for itself, its citizens, and lessees) for this agreement to limit the island catch to 7,500 a season, upon the basis of the difference between this number and such larger catch as in the opinion of the arbitrators might have been taken without an undue diminution of the seal herds.

The amount awarded, if any, in either case shall be such as under all the circumstances is just and equitable, and shall be promptly paid.

Mr. CANNON of Illinois. But what I want to get at now is the actual difference between us on this question.

I will ask the gentleman from Kentucky if he has had his attention called to page 162 of Senate Document No. 67, third session of the Fifty-third Congress, in which it was expressly agreed between those representing the British Government and the American Government—

Mr. BRECKINRIDGE. I was coming to that.

Mr. CANNON of Illinois. That there was no claim for damages under the *modus vivendi*.

Mr. BRECKINRIDGE. I am coming to that, and if I do not make the statement fully and accurately before I conclude I hope I will be corrected by my colleague [Mr. CANNON of Illinois], or the gentleman from Maine [Mr. DINGLEY], or the gentleman from Illinois [Mr. HITT].

Under that agreement either party had the right to offer proof both as to damages prior to the date of the convention and damages committed pending the arbitration. This provision now before us applies to the second class; that is to say, to damages committed pending the arbitration.

By agreement between the agent of the United States, Mr. Foster, and the representatives of Great Britain, the claim for damages pending the arbitration was withdrawn, and no award was made on that account. But either party had the right to have the arbitrators settle questions of fact as to matters prior to the arbitration; and they had to settle as a matter of fact the seizure of some twenty vessels for which claims were alleged.

Mr. HITT. The actual number of vessels is eighteen. There

were twenty claims, it is true, but there were two vessels for which claim was made twice.

Mr. BRECKINRIDGE. However, the list is given.

Mr. HITT. That is correct; twenty claims, but two being claims for the same vessels, so that there are really only eighteen.

Mr. MCCREARY of Kentucky. That is correct.

Mr. BRECKINRIDGE. These vessels sailed under the British flag and were seized outside of the 3-mile limit, which covered the jurisdiction of the American Government. It was, however, expressly understood that the citizenship of the owners of the vessels and the actual damage done should be left open for litigation and settlement between the two contracting powers. So that the only question left by the arbitrators is the assessment of damages.

I believe that I have stated the general case exactly. If not I will gladly be corrected. The British minister filed claims amounting to \$542,000, reserving the privilege of filing additional claims, and proposed to have them settled by a convention of arbitrators. Of these claims, it is alleged that a certain amount, somewhat in doubt, but I believe somewhere about \$300,000, was for what is called consequential damages.

Upon none of these claims has interest been added. So that we were in this condition: There was a judgment against us, with nothing left but the assessment of damages. There were claims of \$542,000, with interest from 1886 and various other dates, up to 1889. I believe none later than 1890, so that the average time would be about the beginning of January, 1888, and the right to file additional claims of any amount.

Among these claims were many for false imprisonment and these are still open to additional claims. The sum that was agreed upon is \$425,000. If we admit that this \$300,000 is a disputed claim, and that there are no new claims to be added, it would stand that we owe about \$227,000, practically undisputed, on which we have to calculate interest at seven years at 4 or 6 per cent; and when to the amount so found we add the half of the amount in dispute, it makes it, either at 4 or at 6 per cent, a larger sum than the sum agreed upon.

If judgment is obtained against us, under what seems to me to be a rule we can not well escape, it will be, with interest, over three-quarters of a million dollars, for if we admitted through Mr. Blaine that it is a proper rule by which damages should be assessed, a rule that we then admitted, and, representing a great Government desiring to do justice and not to higggle upon small matters, I do not see now how we can raise that question over again. We admitted, through the Secretary of State and the President of the United States, that this was the rule when we had a chance to win. It will hardly be becoming in us, now that we have lost, to say that was not the proper rule; that "it was a good rule when we thought we were going to win and you were to pay us money, but it is a bad rule when we have lost and we are to pay you the money."

This will be a humiliating position in which to put our Government, and for one I will not assume the responsibility of putting my country in such a position, nor will I be a party thereto. Let others do this if they so please, and to have such judgment made by arbitrators, and having arbitrators, will cost us not less than \$150,000, perhaps more, in addition. This Paris arbitration cost us \$224,000, and when we add the items together, the claims that are beyond doubt just against us, a fair compromise as to the part that is in dispute, the interest on the debts due, the expense of the arbitration, we shall get off by this payment by a very much smaller sum than in any other way. And, in addition to that, we settle at once a matter that is a sore.

It seems to me that it is not a bad bargain. And upon broader grounds, when we come to settle what we owe, when the money is to go to persons who have been wronged by us—because, whatever the law may be in our judgment, we have submitted it to the arbitrament of this tribunal and that question has been decided, that we have wronged these people—it does not become us to whine about it. It does not become us to go down to the tavern and denounce the judge, as litigants sometimes do who lose and have no appeal. Our duty and our pleasure ought to be in a spirit of international courtesy and general fairness, having reached a conclusion that is not in itself a very bad one, to settle this matter and wipe it off the books and remove it as a matter of disagreement between Great Britain and this nation. That seems to me to be the best solution of the question.

I reserve the balance of my time.

Mr. CANNON of Illinois. I should be glad to be reminded by the Chair when I have occupied fifteen minutes.

As to \$425,000, the amount sought to be appropriated for the payment of damages in the amendment under an agreement between our Secretary of State and the British Government, I am not concerned for the amount involved, unless its payment reverses a principle that has been established heretofore. But, recollecting the proximity of the magnificent territory known as British America and Canada and her coast line, and that great

commercial nation, Great Britain, and our growing population and commerce—recollecting all this, it becomes important in the payment of damages, whether the amount be \$1 or \$425,000 or \$4,000,000, to inquire as to the basis upon which we pay such damages.

We can get along if we vote the money out of the Treasury after having been overreached as to the amount of damages; but we can not get along if we, upon a record submitted to the House and Senate by the State Department, pay the damages contrary to the well-settled principles of international law in the assessment of damages.

All understand that a treaty was made submitting questions of difference between Great Britain and the United States touching the Bering Sea to arbitration. The arbitrators met at Paris, fully considered the question, and, as the gentleman from Kentucky says, found substantially every point that was submitted against the United States. Well, that is pretty nearly true, so that I will not stop to criticise.

The question of the assessment of damages, or of the citizenship of the claimants, was not submitted under the treaty nor determined in the award. It is so expressly stated. I hold in my hand Senate Executive Document transmitted by the Secretary of State February 11, 1895, which contains matters necessary to enable the House to understand the facts touching our liability for damages in the premises.

Now, here is what the arbitrators said, nothing more and nothing less, touching damages—well, I thought I could turn to the exact words.

Mr. HITT. I have the exact words. (Reading):

1. That the several searches and seizures, whether of ships or goods, and the several arrests of masters and crews, respectively mentioned in the schedule to the British case, pages 1 to 60, inclusive, were made by the authority of the United States Government. The questions as to the value of the said vessels or their contents, or either of them and the question as to whether the vessels mentioned in the schedule to the British case, or any of them, were wholly or in part the actual property of citizens of the United States, have been withdrawn from and have not been considered by the tribunal.

That is the tribunal.

Mr. CANNON of Illinois. Yes.

Mr. HITT (reading):

It being understood that it is open to the United States to raise these questions or any of them, if they think fit, in any future negotiations as to the liability of the United States Government to pay the amounts mentioned in the schedule to the British case.

Mr. CANNON of Illinois. That is the extract, and I thank the gentleman for reading it.

Now, then, the only matters that were found in that award were that there were 18 vessels that the United States seized or warned out of Bering Sea, and that the claim was that they were owned by British subjects. The seizure and warning out were acknowledged; the damages and the citizenship were contested and in no way settled. That is all there is of it. Ah, but says the gentleman from Kentucky, there was an agreement by the modus of 1892 that made us liable for speculative damages. I call attention to this same executive document, on page 162, by which it appears that before the tribunal Sir Charles Russell upon the one hand and Mr. Phelps upon the other agreed that all questions of damages under the modus of 1892 were mutually waived and that was solemnly entered of record.

I will not take time to read it. I can see that the gentleman from Kentucky, in the hasty reading of this large document, did not notice the mutual waiver of the two Governments. Now, that is all I want to say about that.

What are the facts? Just a minute. I find in this document, House Executive Document No. 132, third session Fifty-third Congress (and it is also in the Senate document), a statement given of the claims that I have been talking about. The larger part of the damages claimed is for "expected catch," "estimated catch," of seals and all that kind of thing. Damages that are speculative, uncertain—how much? I have the statement here, which was carefully prepared from all the documents. The British claims amount to \$542,000; speculative damages, \$283,000, leaving the only damages claimed we are subject to pay, \$258,000, provided we concede that every vessel was owned by British subjects.

Mr. DALZELL. How much is that?

Mr. CANNON of Illinois. Two hundred and fifty-eight thousand. I hold in my hand a copy of the Geneva award made after the close of our civil war, when we made our treaty with Great Britain. We submitted there certain questions touching the matters of difference between the two countries, including the amount of damages sustained by the United States. Gentlemen recollect about it. Let me read an extract from the award:

And whereas prospective damages can not properly be made subject of compensation, inasmuch as they depend in their nature upon future and uncertain contingencies, the tribunal is unanimously of opinion that there is no ground for awarding to the United States any sum by way of indemnity under this head.

We grumbled, but we did not get the damages, notwithstanding that the prospective damages, if allowed, would have amounted

to many millions of dollars; but the principle of law was settled against us. We submitted. Now we have to pay damages for seizing British sealing vessels in Bering Sea. We can not be called upon to pay prospective damages.

Mr. HOOKER of Mississippi. Will the gentleman state, for the information of the House, the exact amount of the actual damages found by the arbitrators, and the amount of the speculative damages?

Mr. CANNON of Illinois. Not a cent. That never was submitted to them. The only question that was submitted to them—and it so stated time and time again—was this: Did the United States seize or exclude those 18 vessels? That is all. After we were cast in this arbitration the British minister appealed to our Secretary of State for the appointment of a commission to settle the damages, and our Secretary of State, so far as appears upon the face of the documents, promptly said: "I will give you \$425,000, subject to appropriation by Congress;" and, Mr. Chairman, if I did not fear that it would offend the fine sense of diplomatic propriety of the distinguished chairman of the Committee on Foreign Affairs, I would say that the British minister and the British Government jumped at the proposition like a duck for a June bug. [Laughter.]

Mr. SAYERS. Will the gentleman tell the committee whether he favors this appropriation, or is opposed to it?

Mr. CANNON of Illinois. I am against it. I do not want to pay one dollar or one cent of it until the amount of actual (not prospective) damages is ascertained.

Mr. MCCREARY of Kentucky. I understand the gentleman to say that he is opposed to paying \$425,000, or one dollar of it?

Mr. CANNON of Illinois. Yes; I am at this time.

Mr. MCCREARY of Kentucky. Then I desire to ask the gentleman how we are to get around paying damages under the treaty and agreement by which we submitted certain questions to arbitration?

Mr. CANNON of Illinois. Oh, Mr. Chairman, see how plain a story shall put that question down.

Mr. MCCREARY of Kentucky. I would like to have an answer to it.

Mr. CANNON of Illinois. I will answer you, and it will take but a minute to do it. There is no admission anywhere by the United States Government that any single one of these 18 vessels was owned by British subjects. On the contrary, our agent, Mr. Foster, when the award was transmitted to the Secretary of State, transmitted a letter (to be found on page 164 of the Senate executive document) setting out the facts.

What were the facts? That there was proof in the counter case, taken by our district attorney and otherwise, and especially in executive documents, that the great majority of these vessels were owned by American citizens and not by British subjects. I have the counter case here, but I will not take time to read it. I will say, however, that the most that can be fairly conceded, as to the amount of damages we should pay, as we can gather from the imperfect evidence, would be \$81,000, and if we add interest, it would amount only to \$103,000, and it is not at all certain that claimants are entitled to that much.

It took a searching resolution from the Senate before we could get these papers, and now that we have them why is it, I ask, that Mr. Foster's statement of facts was not considered by the Secretary of State? Why is it that the counterclaim and the award which set out the facts touching the findings were ignored?

Mr. TERRY. Did the arbitrators award any damages at all against the United States?

Mr. CANNON of Illinois. Not a cent. They had no power to do it. Ah, but says the gentleman from Kentucky—and he is forced to that position—they were entitled to damages under the agreement of 1892. That is not correct. I have already called attention to that point.

Mr. COX. As I understand, the questions as to damages were expressly reserved, and afterwards the negotiations resulted in a liability on the part of the United States to pay \$425,000.

Mr. CANNON of Illinois. That is Secretary Gresham's agreement with Great Britain, subject to appropriation by Congress; but there is no treaty, there is no law, there is no agreement, there is nothing that legally or morally binds the United States to pay one cent of those prospective damages.

Mr. DOLLIVER. How did the Secretary compute the actual damages?

Mr. CANNON of Illinois. How did he compute them? On that he is silent as the grave. He said to Great Britain, "I will give you a lump sum," and that lump sum, as I have shown and can show, is substantially \$200,000 more than they were entitled to recover unless we should concede them speculative damages, saying nothing about the open question as to the ownership of the vessels. Now, the largest claimant is a man named Cooper, who lives on the Pacific Coast, a blacksmith, I believe, a brother-in-law of Warren, an American citizen, who had these vessels. He gave a man named Boscovits a mortgage on them. Boscovits

claims to be an American citizen. Cooper comes in and swears that he bought the whole outfit for \$1, and says that he has no interest in it and does not know what it is all about; that he paid no attention to it. Cooper is a British subject, and I say that in my judgment we can not afford to make this appropriation and establish this precedent.

Mr. COX. How is the amount of \$425,000 arrived at?

Mr. CANNON of Illinois. In the claim for these 18 vessels the damages are put at \$542,000. The United States admitted, and that was all there was power to admit under the submission, that those vessels were either seized or warned out.

Now, the damage claimed, the great majority of it "estimated catch" and purely speculative, amounts to more than the other damages, and the Secretary of State agrees, subject to appropriation by Congress, to pay this lump sum of \$425,000.

Mr. COX. Now, there is the point. Where is the basis of his agreement?

Mr. CANNON of Illinois. Oh, my dear friend, "ask me something easy." When you come to hunt for a basis for the policy touching our foreign affairs you must find some more industrious man than I am or those I know of. I do not believe the Secretary of State himself can answer your question. [Laughter.] That is all I desire to say at present.

Mr. BRECKINRIDGE. I yield five minutes to the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER of Mississippi. Mr. Chairman, I have listened to the arguments made in opposition to the recommendation of the Secretary of State that this appropriation of \$425,000 be inserted in this bill as settlement of the matters in controversy which were considered by the arbitrators appointed on the part of the Government of the United States and the arbitrators on the part of the British Government. They found that there had been as many as 18 vessels seized in the Bering Sea, outside of the 3-mile limit, in which the jurisdiction of the United States attached; and they found further that the claim which had been set up at one time by our then Secretary of State that the Bering Sea was a mare clausum, as it is termed in the law, and that when the purchase was made by the United States of this territory containing the seals and the adjacent waters it embraced this sea—it found that that claim was not well founded.

We had an arbitration, the arbitrators being appointed on the one side by the President of the United States, under the advice of the then Secretary of State, the late distinguished James G. Blaine, and on the other side by the home Government of Great Britain. The question was submitted to them whether or not there had been any damages committed by the United States upon the vessels and property of citizens of Great Britain. The arbitrators found the fact—and it is conceded by the gentleman from Illinois [Mr. CANNON], and will not be denied by anybody, because the reports to this House and the Senate establish it beyond question—that under the instructions from our Government our cruisers seized in the Bering Sea 18 vessels, of all which the captains and crews were claimed to be British subjects. It is true that while the arbitration was going on it was agreed between the arbitrators negotiating for both the Government of the United States and the Government of Great Britain that they would leave out of consideration the question of the value of the contents of the vessels and the question of the value of the catch which they were prevented from making.

Now, it was claimed by the British Government that these vessels and their contents were worth \$542,000, leaving out what is called consequential damages and speculative damages, amounting to nearly \$300,000 more, which it was agreed between the arbitrators should not be considered, they confining themselves to the ascertainment of the facts as to how many vessels were captured or warned out of the Bering Sea and the question what was the value of those vessels and what was their ownership.

Mr. TERRY. What became of the vessels?

Mr. HOOKER of Mississippi. They were captured or warned out.

Mr. TERRY. Were they turned over to their owners afterwards?

Mr. BRECKINRIDGE. Some were seized and some were simply warned out.

Mr. TERRY. Were any finally retained by the United States?

Mr. HITT. A part of them were taken into Pitcairn and condemned under admiralty proceedings.

Mr. HOOKER of Mississippi. Yes; a part of them were condemned in the admiralty courts; those that were warned off, as a matter of course, simply obeyed the warning and ceased their depredations.

Now, the difference between the Alabama case alluded to by the gentleman from Illinois and this case is that the Alabama tribunal considered with reference to matters that had already been accomplished, which were, as the French say, un fait accompli. The thing was settled up, as to that.

[Here the hammer fell.]

Mr. BRECKINRIDGE. I yield to the gentleman two minutes more.

Mr. HOOKER of Mississippi. The tribunal said with reference to that, "We will ascertain what were the actual damages, but we will not go into the question of speculative damages." Now, the difference between the Alabama case and this case in that respect is that these vessels were equipped in Canadian waters and were sent to the Bering Sea to prosecute the seizure of the seals. A large expense had been incurred by the owners of the vessels in equipping them, fitting them up, and sailing them to the Bering Sea. It was a question, therefore, as to what amount of damages was sustained by these people who were then prosecuting what was conceded by both parties to the arbitration to be a lawful act; and if it was a lawful act the necessary consequence was that the Government of the United States was responsible for whatever damages accrued.

Now, it is conceded that if you should establish another commission—the former commission having cost the United States, as I am reminded by my friend from Kentucky, \$240,000—if you propose now the appointment of another commission under the agreement that the question of damages and the question of ownership shall be considered, and if that commission should consider alone the question of the actual value of the vessels condemned by the admiralty courts and the actual injuries sustained by the captains and crews of those vessels, many of whom were imprisoned by the decrees of the courts of the United States and suffered imprisonment for a long while—if all these questions are to be considered, it is not improbable that the damages will amount to a million dollars.

I ask, then, has not the present Secretary of State, Mr. Gresham, acted wisely and well, considering the extent of the findings of the arbitrators and the admitted liability of the United States for the damages, that after this consideration he could succeed in having accepted \$425,000 to cover the whole claim rather than again to open up the enormous expense involved in the proceedings of a commission, with the possible result of a largely increased award against the Government of the United States, and especially in view of the fact that we admit for damages the United States Government is liable?

[Here the hammer fell.]

Mr. CANNON of Illinois. I yield ten minutes to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON of Iowa. Mr. Chairman, let us distinctly understand what the claim is that is involved in this discussion. The first claim put in by the British Government, representing these shipowners, was for the sum of \$439,171. Subsequently they filed an amended claim bringing the amount up to \$542,169.26. The Secretary of State, not having any hint or request from the British Government, made a proposition to settle the question of damages by the payment of \$425,000, and that, too, in face of the fact that the original treaty provided a way for arriving at the damages, if any, which the Government of the United States would be liable for. Ignoring that treaty providing for such a commission, this proposition to pay \$425,000 was made by the representative of our Government to the British Government, and we were not allowed to sleep over night before it was accepted, and the United States Government was congratulated on the prompt settlement of the matter.

Mr. Chairman, one of the very best equipped men in regard to foreign questions in this or perhaps in any other country is the Hon. John W. Foster, who was our attorney or counsel in connection with this Bering Sea matter. After the action of the commission at Paris he felt it to be his duty to write to his Government and say that of the \$439,171 claimed by the British Government there was \$357,353 wholly without any basis of right or any legal claim against the Federal Government, leaving only open to discussion, on the claim presented by the British Government itself, the sum of \$81,818; and yet, in the face of this declaration by a representative of our Government, our chosen counsel, and one whom foreign governments send for to shed the light of his large knowledge of international law on their diplomatic questions, the sum of \$425,000 is coolly offered to the British Government in settlement of the claim.

One thing must not be forgotten in this connection. No United States citizen is entitled to one dollar of damages; but yet Mr. Foster tells his Government, in the discharge of his duty, that 10 of the ships for which damages are claimed were owned in whole or in part, and mostly in whole, by citizens of the United States sailing under the British flag and engaged in this sealing business.

For one, Mr. Chairman, I want a commission to probe this whole question to the bottom before we dump half a million dollars, most of it to go into the pockets of citizens of our own country sneaking under the British flag to raid the Bering Sea.

But let us look for a moment at the nature of their prospective claims. This is a most extraordinary collection. Here is a vessel, for instance, claimed to be worth \$4,000 under the British statement, where the claim for prospective damages, that is the catch

of seals that they hoped to have obtained if they had been allowed to toy with the seal, is \$16,667. A mighty good investment for a \$4,000 vessel to bring such wonderful dividends in its operation in a very short period. Here is another ship worth \$6,000, and put in for prospective damages for seals they hoped to catch at the same sum, \$16,667. Another, again for \$4,000, claiming the same amount. And here is one ship, the *Sayward*, puts in a nice little claim for attorney's fees and court expenses of \$62,847.12. And so on. Here is another vessel estimated to be worth \$8,000, and they claim over \$17,000 prospective damages; another worth \$12,000, where they claim \$24,750; another one worth \$7,000, for which they ask \$15,000, and so on to the end of the list.

Now, this is not a matter to turn on the mere question of dollars and cents. We are not in such a hurry in these times of a depressed Treasury as to justify us in dumping a half million dollars into British pockets and to certain American citizens sailing under the British flag, especially in view of the fact that we have thousands of our own American citizens whose claims have been pending in the Departments for years, many in judgment, which have not been paid, and who have been knocking at the doors of Congress for long and weary years to get their pay. I say in such a condition we ought not to be in any such hurry to dump this \$425,000 into the coffers of Great Britain, especially when we have high authority for the statement that the claims, the bulk of them, are unwarranted and unjust. In the Geneva award the rule was adjudicated against us, but Great Britain now wants to turn the rule that we could not get the benefit of into her own favor, and we are asked to take a run and jump over a ten-rail stake-and-rider fence to pay this amount at the first summons from them!

Let us have the commission provided for in the treaty. Let us probe this matter to the bottom, and if we have any English-Americans trying to filch money out of our pockets by way of England, let us put them on the rack and find out where they belong. [Applause.] I can not comprehend the reason for this haste. Why, the Treasury must be more plethoric than is shown by any glowing statement that has yet been made in respect to it. They do not know what to do with the money when they are thus anxious to benefit Great Britain and sneaking Americans.

Now, I have kindly feelings toward Great Britain, and yet I am not so hopelessly in love with her that I will forget my first duty to my own fireside in this country. She always looks out for number one, and she knows how to do it, too, but, for God's sake, let us teach the British lion that the American eagle knows something, too, and is not in a hurry to vacate her perch where she belongs.

Not one good argument has been offered in committee by the State Department or on the floor of this House why we should not follow the course indicated in the treaty and have a commission to thoroughly probe and test these questions. That is all that I have time to say, for I want my friend from Illinois [Mr. HITT], who is still more familiar with this question, to have time to speak upon this important matter.

Mr. CANNON of Illinois. I hope the gentleman from Kentucky will occupy some time now. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] has twenty-five minutes remaining.

Mr. BRECKINRIDGE. I yield ten minutes to the gentleman from Kentucky [Mr. MCCREARY].

Mr. MCCREARY of Kentucky. Mr. Chairman, in the brief time allowed me I can not discuss this important amendment as fully as I desire. The amendment is very important. It provides for the payment to the Government of Great Britain, according to the agreement reached by the exchange of notes of August 21, 1894, in full satisfaction of all demands for damages against the United States growing out of the controversy between the two Governments as to the fur seals in Bering Sea under the award and findings of the Tribunal of Arbitration at Paris, \$425,000.

We are confronted with two propositions. We must accept one or the other, under a treaty obligation. We have either to agree to pay the lump sum of \$425,000, the amount agreed upon by Sir Julian Pauncefote, the British ambassador, and the honorable Secretary of State, Mr. Gresham, or refer the matters in dispute to a joint commission.

I have no hesitation in saying at the outstart that I am in favor of paying the sum of \$425,000. I regret that we have been placed in an attitude where we have to pay this amount; but the gentlemen on the other side of this House can not claim that we caused the existing situation. It grows out of the arbitration agreed to by the last Republican Administration—Mr. Blaine on one side and the British ambassador on the other. Now, let us look briefly at the situation. In 1867 the United States Government acquired the Territory of Alaska by paying the sum of \$7,200,000. When we acquired Alaska we acquired also the Pribilof Islands, called St. Paul and St. George, where were seal rookeries. In 1870, a little over two years after we acquired Alaska, we leased our property for a large amount of money; so that from 1870 down to 1890 we realized nearly one-half the amount paid for Alaska.

In 1886 Canadian intrusion began, and from 1886 it grew worse, and thousands of seals were slaughtered illegally and without authority. It was believed to be proper, in the Administration of Mr. Harrison, that these questions should be submitted to arbitration, and a treaty was made providing for arbitration. The arbitrators were two gentlemen appointed by the President of the United States, two appointed by Her Britannic Majesty, one by the President of the French Republic, one by the King of Italy, and one by the King of Sweden and Norway. The arbitrators were in session for months, and five important points were submitted to them, on each of which they rendered a distinct decision, and each decision was against the United States. As the gentleman from Maine [Mr. DINGLEY] well said, the Paris arbitration was a flat failure, so far as the United States were concerned. I now read from the award of the Paris Tribunal of Arbitration to show why damages are claimed against the United States:

And whereas by article 8 of the said treaty, after reciting that the high contracting parties had found themselves unable to agree upon a reference which should include the question of the liability of each for the injuries alleged to have been sustained by the other, or by its citizens, in connection with the claims presented and urged by it, and that "they were solicitous that this subordinate question should not interrupt or longer delay the submission and determination of the main questions," the high contracting parties agreed that "either of them might submit to the arbitrators any question of fact involved in said claims and ask for a finding thereon, the question of the liability of either Government upon the facts found to be the subject of further negotiation."

It has been ascertained, according to the report of the Secretary of State, which I now have before me, and which he furnishes this House, with a memorandum of additions and amendments made since the original presentation of the list of British claims for compensation for the seizure of British sealing vessels in the Bering Sea, that 18 British vessels were seized. The whole amount of the claim, as set forth in this report, is \$542,169.26. But after negotiations between Sir Julian Pauncefote and the Secretary of State it was agreed that Great Britain should receive \$425,000 in full satisfaction of all demands for damages against the United States growing out of the controversy between the two Governments as to fur seals in Bering Sea under the award and findings of the Paris Tribunal.

So that now we must determine whether we will send this to a joint commission or whether we will pay this lump sum, as it is called, of \$425,000. Mr. Chairman, we all know the history of joint commissions. When these matters are referred to a joint commission the commissioners will have to be appointed and paid a large annual salary; witnesses will have to be summoned; lengthy investigations will be made; the United States will have to be represented by attorneys, and, in my opinion, if a joint commission is appointed to adjust and settle the damages the amount paid by the United States will be nearer \$800,000 than \$425,000.

Mr. BRECKINRIDGE. Perhaps a million.

Mr. MCCREARY of Kentucky. My friend on my right says perhaps a million, and I agree with him. The arbitrators in Paris refused to specify how much should be paid by the United States, but declare that the amount of money must be settled by mutual agreement between the United States and Great Britain, or by the decision of a joint commission.

Mr. Chairman, if there is a joint commission there will be claims for the seizure of 18 British sealing schooners in the open waters of Bering Sea and the confiscation of their cargoes of seal skins.

There will be claims of many British sealing schooners which were warned out of Bering Sea as soon as our cruisers could get there and do so after the publication of the first *modus vivendi*, of June 15, 1891.

There will be claims also of officers and crews who were captured with their vessels in 1886 and 1887 and sent to Sitka.

These last-named claims were not considered by the British ambassador and the Secretary of State in the settlement agreed upon by them, and they will be shut out if Congress will accept the recommendation of the President and Secretary of State, and settle all demands for damages by appropriating \$425,000.

I believe the members of this House who have examined this important amendment to the general deficiency bill now under consideration and the reasons which have caused it to be offered will agree with me that it is to the interest of our Government to ratify the settlement which has been made and pay \$425,000 to the British Government. There should be immediate action. There should be no postponement until next session, as has been suggested. Promptness in the payment of the claims as agreed to will be in the line of economy, justice, and honor.

[Here the hammer fell.]

Mr. CANNON of Illinois. I yield twenty minutes to my colleague [Mr. HITT].

Mr. HITT. Mr. Chairman, the appropriation asked for here, of \$425,000 for damages to British subjects who were prevented from catching seals in Bering Sea, to be paid to Great Britain, and by that Government to be paid over to claimants, is in part for grossly exaggerated claims, in part for a mass of fiction, pure fiction of imaginary seal catches added to these exaggerated

claims, and in part for outright frauds, pretended claims of British subjects, but really belonging to American citizens, who should be punished for violating their country's laws, not paid. That is in brief the nature of these claims. The whole amount of the claims added together is \$542,000. The President has proposed to pay \$425,000 to settle them in a lump sum, without examination. That would give every claimant four-fifths of all his claim—a vast sum to pay for fictions and frauds! The men who were conducting these Bering Sea seal-fishing ventures, instead of being, as both gentlemen who have advocated this amendment have stated, "engaged in a lawful occupation" were, in fact, as to more than half these claims, American citizens unlawfully engaged in transgressing an act of Congress which prohibited sealing in Bering Sea—a law absolutely binding upon them. We may be liable for actual damages to a British subject since the decision of the Paris Tribunal of Arbitration that we have no jurisdiction outside of the 3-mile limit, if we seize or warn him off from sealing there; but not so with Americans, for they are subject to our law, and we had a law forbidding sealing in those waters. Instead of being entitled to money they should have been arrested and fined. They are only entitled to punishment. They should go, not to the Treasury, but to jail.

What are these claims? There were 18 ships went to catch seals in Bering Sea, which it is agreed on both sides were seized or warned off by the United States cruisers. They are all claimed to have been owned by British subjects. Claims for two other ships have been added since, making 20 in all. As a matter of truth, 10 of these ships were owned by Americans. The real owners knew if they sent those ships into Bering Sea it was a violation of the laws of Congress forbidding seal fishing there, and these laws were the laws of their country, from whose penalties they could not escape if known. So these owners put forward Canadians, British subjects, to conduct the work. How did they do it? Take one, the first one, Boscowitz. A man named Joseph Boscowitz, a rich man, an American citizen, as he stated to our Consul Myers at Victoria and Mr. T. T. Williams in San Francisco, made a partnership with a Captain Warren, a British subject, who was skilled in this business or craft, and lent him money to pay for his half of the vessels and ventures. So that Warren, who had no capital, was only nominally interested as half owner. The loans were secured to Boscowitz by mortgage on the vessels.

He lent Warren money at such a high rate of interest that it took all the profits, leaving Warren nothing for the work. Then Warren became insolvent and Boscowitz closed down on him with his mortgages. But Boscowitz did not want the ships back in his own name. What then happened? They got a blacksmith named Thomas H. Cooper, a British subject living in San Francisco, a brother-in-law of Warren, to go up to Victoria, and when the sheriff sold off the whole fleet on the mortgages this blacksmith bought it all in for \$1, and immediately executed mortgages on the ships at high figures to Boscowitz, and he has thus been the real owner. Boscowitz and Warren were there when this man Cooper bought the ships. The man did not even know the number or names of the ships when he gave his testimony.

He testified that he did not pay the dollar, but told Warren to pay it for him; and he signed all the papers and mortgages presented to him by Boscowitz.

Now, then, this man, Thomas H. Cooper, appears among the claimants as an injured British subject, demanding \$225,000 damages for the seizure of these ships which really belonged to Boscowitz. That is the way our Government is proposed to be plundered for a law-breaking American citizen. When you vote this and it is handed over to Sir Julian Pauncefote, whose action is purely ministerial and functional, is it to go, to the amount of four-fifths of \$225,000, to Thomas H. Cooper, the British subject who served as the man of straw in this fraud, and who testifies that he has no interest whatever in it?

He appears in the list as the claimant for and owner of the *Grace*, for which \$38,142.57 is claimed; the *Anna Beck*, a steamer schooner, for which the claim is \$27,863.04; the *Dolphin*, \$40,201.50, and the *Sayward*, \$118,957.12. There is a marvel, that little ship *Sayward*, with its wonderful bill—a soaring stretch of imagination distancing all rivalry. She was registered by the owners at the customs office in Victoria as having not quite 60 tons. At \$59.72 valuation per ton her actual value was \$3,647.50. On that narrow basis this vast inflation of all sorts of multiplied and fictitious items is piled up into a claim for \$118,000, apparently to go to Thomas H. Cooper, who swears that he had nothing to do with it at all, except to lend his name to this American Boscowitz in order to carry on a fraud, violate our laws, and deplete our Treasury by a claim sent around in this way through the British Government.

Mr. COX. Have you that testimony?

Mr. HITT. I have Mr. Cooper's evidence here. Do you want to hear it?

Mr. COX. I would like to hear it.

Mr. HITT. It is long, and I will not read all of it.

My name is Thomas Cooper; age, 56; residence, northeast corner of Laurel and Sacramento streets, San Francisco; occupation, blacksmith; resident of San Francisco thirty-three years.

Q. Are you an American citizen?

A. No, sir.

Q. You have been the owner of several vessels which have been engaged in sealing?

A. Yes, sir; they are in my name, I presume.

Q. What were the vessels of which you were the owner?

A. To tell you the truth I know very little about them. They were sold at sheriff's sale up there and I bought them for \$1. I was advised to do so by Captain Warren.

Q. Up where?

A. Up in Victoria.

Q. What were the names of the vessels?

A. I really could not tell. There was the *Sayward*, and one was called the *Thornton*.

[Laughter.]

The man did not know the names of his own vessels!

Mr. MCCREARY of Kentucky. What is the gentleman reading from?

Mr. HITT. I am reading from the Counter case of the United States, page 321 of the proceedings before the Tribunal of Arbitration at Paris.

Q. Can you give the names of the other vessels?

A. I can not give the names.

Q. Would you know them if they were repeated to you?

A. Yes, sir; I would—know—some—of them.

[Laughter.]

This is the claimant for \$225,000! He thinks he would know the names of some of his vessels. [Laughter.]

Q. The *Anna Beck*?

A. Yes, sir.

Q. The *Dolphin*?

A. Yes, sir.

Q. The *Grace* or *Gracey*?

A. Yes, sir; I think so.

[Laughter.]

That was the best knowledge that this British subject, whose property has suffered such injury at our hands, had of his two hundred and twenty-five thousand dollar fleet!

Q. Will you state how you came to purchase these vessels?

A. By the advice of my brother-in-law, Captain Warren. He was to manage them. He had my power of attorney to manage them, and he knows all about them.

Q. And you paid \$1 for them?

A. No, sir; I paid \$1 for the whole lot.

Q. For the whole lot?

A. I think so.

Mr. HUDSON. Was this man a British subject?

Mr. HITT. He was a British subject. That is why they were put in his name, in order to facilitate this fraud.

Q. How many vessels did you purchase for \$1?

A. I can not tell you; I bought them all.

[Laughter.]

This man bought a fleet, and did not even know the number of vessels in it! Just before that he was asked:

Q. When you made the purchase they were sold under the mortgage?

A. I believe so.

Q. Who held the mortgage?

A. A man by the name of Boscowitz.

This man Boscowitz was an American citizen. All of the witnesses testify that he is a well-known American citizen.

He is the real owner of the vessels.

Q. Did you buy these vessels for yourself?

A. I was advised to buy them by Captain Warren and he was to manage them, and I have paid very little attention to them.

Q. Did you pay the dollar?

A. Yes, sir; I authorized him to do it. I was not there.

[Laughter.]

Q. Subsequent to the purchase of these vessels did Boscowitz hold a mortgage on them?

A. I believe so.

Q. For the full value?

A. I could not tell you that. I really do not know whether it was a dollar or a million dollars.

[Laughter.]

Q. Did you give the mortgage to him?

A. I believe I renewed the mortgage. I know I signed a lot of papers. I was so little interested that I do not know what I signed exactly. They were both there, and they told me it was a matter of form and I would not be troubled any more.

Q. You did just as they directed you to do?

A. Exactly.

Q. You had no interest in them whatever?

A. No, sir; none.

Q. You have no interest in the vessels now?

A. No, sir.

Q. None at all?

A. Only they are in my name, and I was told to keep them in my name.

Q. You have never paid any money for the management of those vessels?

A. No, sir.

Q. Did you ever receive any remuneration from the earnings of those vessels?

A. No, sir.

Q. Have you ever been called upon to advance any money?

A. No, sir.

Q. And do you now claim any interest in those vessels?

A. No, sir.

Q. Who was the holder of the mortgage?

A. It must have been Boscowitz.

Q. Was there any arrangement that you know of between Mr. Warren and Mr. Boscowitz as to these vessels?

A. I do not know the least thing about it in that respect. I simply signed the papers.

Q. Do you know anything about a claim being put in for you against the Government of the United States?

A. No, sir.

Mr. COX. How did those vessels happen to be sold at sheriff's sale?

Mr. HITT. I have explained that. Boscowitz went into a pretended partnership with Warren, who had no money. He lent Warren the money to take his share in the partnership, and charged him such high interest that Warren became insolvent and was sold out. Then, when Warren was sold out, this man Cooper was brought on to buy the vessels in, and after he bought them in he mortgaged them for more than they were worth to Boscowitz, who thus held them still.

Mr. COX. Is this man Cooper a claimant?

Mr. HITT. He is the claimant. He is the British lion that is roaring at us—this man who paid \$1 for a fleet of vessels, or rather let someone else pay it for him. [Laughter.] Now, Mr. Chairman, this affidavit is long, and I can not read it all; but I have read enough to show its character. This British subject told the truth right through. He admitted that he was a mere man of straw, and that Boscowitz, who is an American citizen, owned the whole fleet, had been operating the vessels all summer, and had taken him into the business in order that he might with impunity violate our laws, escape punishment, and lay the foundation for a fraudulent claim, which he hoped to get through the State Department, though probably at the time he did not think that it would ever come for criticism before Congress.

Mr. HUNTER. Who were the commission that allowed this claim?

Mr. HITT. It never has been allowed.

Mr. HUNTER. Who audited it?

Mr. HITT. It never has been audited. It has simply been presented with others to our Government. These claims were presented before the Paris Tribunal but no action taken, withdrawn, and last summer presented to our Government here, in all \$542,000. The President directed the Secretary of State to offer a lump sum of \$425,000, or four-fifths of all claimed. The lump sum is so near the whole amount of this exorbitant claim that the State Department seems to have been making a desperate effort to maintain the parity between claims and payments. [Laughter.]

The whole amount claimed is \$542,000, of which, according to the best information and according to the testimony, Americans are the real parties in interest for \$360,000. I ask gentlemen to bear in mind those figures. I repeat it, the testimony which has been printed in the appendix to the counter case of the United States, and will be found in the printed papers which were before the Paris Tribunal of Arbitration, shows that of the \$542,000 Americans have \$360,000. A. J. Bechtel was the real owner of the big claim for the *Carolina*, \$24,313, and the two claims for the *Pathfinder*, for which claim was made in the name of Munsio & Carne, amounting altogether to \$55,000. He is an American citizen, residing in San Francisco. Then there is A. Frank, who was a partner of Gutman, and his claim was put in Gutman's name; but Gutman has been long dead, and A. Frank really owns it. Their relations were like those of Boscowitz and Warren, which I have just explained. The same game was played in this case as in the others.

Mr. TAYLOR of Indiana. When was the arbitration authorized?

Mr. HITT. There has been no arbitration on this matter; this is simply a claim which has been presented. The *Black Diamond* was a similar case—a claim in the name of Gutman, a British subject, but A. Frank is the real party in interest. Then comes his claim for the *Alfred Adams*, \$20,433. That ship comes in again as the *Lily* under an alias like a thief and makes a second claim for \$17,185. That makes over \$55,000 for Frank. Foot them all up and they make \$360,000 which will go to American citizens out of \$542,000. If this passes they will all get from the State Department, through the British Government, their ratio or four-fifths of their claims. That would leave \$182,000 claimed by persons who have not been shown thus far to be other than British claimants.

Now, as to the character of these claims, what are they? The great mass is substantially made up of claims for seal skins that they did not catch, for earnings they did not earn, for probable or estimated catch. I mentioned that ship *Sayward*, her true value, \$2,647.50; probable catch, \$19,250, and then a long list of swelling details and enormous sums for this little tub, making a claim of \$118,957.12. "But one-half pennyworth of bread to this intolerable deal of sack." [Laughter.]

Mr. COX. Has the gentleman made an analysis showing what portion of the claims under this bill are the claims of American citizens assuming to sail as British subjects?

Mr. HITT. This bill does not distinguish them. But if \$425,000 is paid they will all receive their proportion pro rata. The

proportion of the Americans would be as 360 to 542, and the proportion of the British would be as 182 to 542.

But the claim itself is bad, is exaggerated, is inflated with elements that ought to be wholly rejected. It is wrong; it is rotten.

Mr. TAYLOR of Indiana. All of it?

Mr. HITT. No; there is a just claim at bottom for the real values actually lost by genuine British claimants. I will state the facts fairly. Estimated or prospective earnings ought not to be paid. Over twenty years ago we tried to establish such a claim against the British in the Alabama claims dispute for our ships destroyed. We were beaten and the law was settled. A claim for probable earnings and all that class of speculative damages was argued on our behalf at great length before the Geneva Tribunal, which decided the Alabama claims; and the general doctrine of international law which had been declared in our Supreme Court by Justice Story long before was then announced to the whole world by the highest tribunal of international law that ever sat—a court of nations. And they decided against us. They declared that though a ship was burned to the water's edge just as she was starting upon a whaling cruise the owners should receive nothing but the value of the ship, not the value of the catch—not a cent for that.

The impressive words of that decision have already been read in this debate, but they are so weighty and so brief that I may be allowed to read them once more. They are found in the last edition of Wheaton, they are found in every work on international law published since 1872, as the doctrine which by the consensus of mankind is now the rule of right, of public law, and international justice. I will not read the words of Justice Story and of Sedgwick's Measure of Damages, and will read only the language of the august Geneva Tribunal when they decided against us at the time we made a claim similar to that made here by the British:

Whereas prospective earnings can not properly be made the subject of compensation inasmuch as they depend in their nature upon future and uncertain contingencies, the tribunal is unanimously of opinion that there is no ground for awarding to the United States any sum by way of indemnity under this head.

That referred to vessels destroyed by corsairs—British ships—during our war.

The parallel with the present case is complete. It is England that here presents the claim, as it was the United States that presented the case there. The uncertainty of a voyage in the cloudy and perilous seas of the boisterous Northwest is full as great as in a whaling cruise. But the principle is settled. Such claims are wholly inadmissible, and that is all there is of it.

Now, what do you suppose is the proportion of these estimated catch items in the claims? My colleague [Mr. CANNON] stated it in general terms. I have the accurate amounts here. Out of the \$439,161.48 of claims filed first at Paris, and set out fully in the large blue book printed by the British Government, \$357,353 is for "estimated catch"—that is, for the catch which they did not catch! Adding all the claims that have been brought in since, making up the \$542,000 of present claims, I find it is \$377,000 that is estimated catch. This is more than three-fourths of the whole. The claim of ships for what they did not catch is three times as great as for all loss actually suffered, taking their losses at their own extravagant figures. Take the \$377,000 claimed for estimated catch out of the \$542,000, and there is but \$165,000 of damages for real losses to British and pretended British claims, and those losses are greatly exaggerated.

Mr. BRECKINRIDGE. I think the gentleman is mistaken in stating the amount.

Mr. HITT. I am pretty certain I am not mistaken. I have the book before me.

Mr. BRECKINRIDGE. I have examined it carefully.

Mr. HITT. On page 162 of the President's answer to the Senate of February 11, being Executive Document No. 67, there is the computation as reported by the agent of the United States to the Secretary of State, and I have read the figures from that very careful report of ex-Secretary Foster.

Mr. BRECKINRIDGE. But I think if the gentleman will examine the documents on which the claims are based, he will find the amount is \$300,000 instead of \$377,000.

Mr. HITT. The documents, if carefully examined, read the same way with the same result. What we have before us in Executive Document 132 is a reprint, as is most of Executive Document 67, of documents submitted to the Arbitration Tribunal.

Mr. BRECKINRIDGE. I will not interrupt the gentleman further.

Mr. HITT. I do not think there can be a variation as to the facts there. I am satisfied that the amount I have stated is correct.

I do not know that it would be well to go through all the details of these claims. The time, in fact, would not permit it. But the claims are remarkable, also, in ingenious exaggeration of detailed losses. Ships worth two or three thousand dollars each

have appended to them for attorneys' and counsel fees an item of \$1,250. They must be high-priced lawyers out there, charging such sums as that in the case of a tub; though it certainly, Mr. Chairman, required a good deal of skill to have made up the claims in this shape.

Then, again, vessels worth three to five thousand dollars are put down at \$6,000, \$10,000, or \$12,000 for the ships themselves, besides all the other items which are equally inflated. On page 338 of the counter case of the United States are some interesting examples. The *Carolena*, value claimed for the ship proper, \$4,000; real value, \$1,905.06. The *Thornton*, value claimed, \$6,000; tonnage claimed, 78 tons; actual registered tons shown at the custom-house at Victoria, 29.36; real value, \$2,258.37. The *Onward*, value claimed, \$4,000; real value, \$1,497.76. *W. P. Sayward*, tons claimed, 135½; actual registered tons, 59.79; value claimed, \$6,000; real value, \$2,647.50. The *Grace*, tons claimed, 182; value claimed, \$12,000; actual tons registered, 76.87; real value, \$5,068.03. The *Dolphin*, tons claimed, 174; tons actually registered, 60.10; value claimed, \$12,000; real value, \$4,144.49. The *Ada*, value claimed, \$7,000; real value, \$3,401.05.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON of Illinois. I yield the remainder of the time to which I am entitled, five minutes, to the gentleman from Illinois.

Mr. HITT. I shall hurry through, Mr. Chairman, and be as brief as possible in my remarks.

The point claimed by the gentleman from Kentucky, who opened this debate, that under the *modus vivendi* agreed upon between the two Governments in 1892, we were bound for these claims for estimated catch is a mistake. A *modus vivendi*, as gentlemen know, is simply a provisional agreement. It was then agreed, by article 5, in view of the Arbitration Tribunal, which was soon to meet at Paris, that if the decision as to our jurisdiction over Bering Sea went in our favor and against the British Government, they should pay us the difference between 7,500 seals per annum, to which we were to restrict our killing on the Pribilof Islands, and the catch we might have taken without undue diminution of the seal herds had it not been for this outside sealing. Our ordinary killing before the slaughter by the Canadian poachers had been 100,000 annually.

By that temporary arrangement, if the decision turned out to be that we had a right to the seals to the exclusion of others in Bering Sea, the British were to pay for the difference between the 7,500 and what we might have taken in the regular sealing season if there had been no disturbance by pelagic sealing. On the other hand, if the decision of the tribunal was against us, and affirmed the right of British sealers to take seals in Bering Sea, we were to pay for the difference in the catch actually made and the catch that might have been made without undue diminution of the herds; to pay Great Britain for abstaining from the exercise of that right during the pendency of arbitration, upon the basis of such a regulated or limited catch or catches as in the opinion of the arbitrators might have been taken without an undue diminution of the seal herds.

It was an agreement, almost in the shape of a bet, made between the two Governments as to the result of the Arbitration Tribunal. But before the decision came on, and while the tribunal was sitting, both sides agreed to abandon this agreement and contingent for estimated-catch claim; and on the 31st of May Sir Charles Russell rose and announced that Great Britain would not ask the tribunal for any finding for damages upon and under article 5 of the convention or *modus vivendi* of April 18, 1892; and Mr. Edward J. Phelps, on the part of the American Government, rose and said that the United States Government would not on its behalf ask the tribunal for any finding for damages upon and under article 5 of the convention or *modus vivendi* of April 18, 1892.

That is the article with the speculative damages in it for the winning side; something nearly in the nature of a bet between the parties as to the result of the decision of the tribunal. That is set forth fully on pages 162 and 163 of the Senate Executive Document No. 67 to which I have referred, where Sir Charles Russell announces:

Although I think it might be argued that this tribunal is required by Article V to give damages—

And I hope the gentleman when he comes to close this discussion will reply to—

on the basis of a limited catch or catches—

That is this very thing—

which might have been taken in Bering Sea—in all the circumstances of the case Great Britain does not desire to press that view upon the tribunal, and therefore, will ask for no finding for damages upon and under that fifth article of the *modus vivendi*. Both the United States and Great Britain have abandoned any claim for damages under that head.

That answers all the gentleman has said as to our being bound by the *modus vivendi*. The value of the ships in this list is greatly exaggerated, as I have stated.

When a ship was caught it was taken to Sitka. There it was

appraised, and in every case except two the owners declared that the appraised value was exorbitant and they would not give bond for the amount. I have here the letter of Mr. Bayard to Mr. West, the British minister, in reference to that matter, notifying him September 27, 1888, that these men would not give bond because the ships *Grace*, *Dolphin*, *Anna Beck*, and *Ada* were appraised beyond their value. And yet that appraisement was far below, in some cases, one-third of what they claim now.

Again, they charge double for the price of guns, small boats, rifles, etc. Here is the testimony of experts upon that point, showing that there is exaggeration everywhere. For supplies 100 per cent excess has been charged in many cases, and wherever the details are given the prices are shown to be exaggerated. As far as the Americans are concerned, to whom a part of this award would go, instead of receiving payment they ought to be punished for their action. It is all a fraud as to them. And yet in the face of these facts this amount has been offered by the State Department. But, Mr. Chairman, we are not to be frightened by the threats of the expense of a commission to settle this if we do not make this appropriation, and the cost of lawyers and the presentation of more claims.

We are not now in the position of a nervous State Department. The pretense that we had better accept this than run the risk of having the amount greatly enlarged has no weight, for the reason that no more claims can be presented now. That is plain from the words of the British ambassador. Let me read to you. When these claims were presented, June 7, 1894, to the State Department, Sir Julian Pauncefote said this included all British claims for compensation for the seizure of British sealing vessels in Bering Sea:

I have now the honor to transmit herewith, by direction of Her Majesty's secretary of state for foreign affairs, a complete list and summary of those claims, together with memoranda of the additions and amendments made since their original presentation. The whole of the claims, excepting that of the *Henrietta* and that of the *Black Diamond* (1886), were laid before the Tribunal of Arbitration.

Do not say now that a commission appointed would have to face a million dollars of new claims. The word of an honorable minister is there, and he is acting in a disinterested ministerial capacity.

One single word as to the expense of that commission. This last commission was the most splendid in its appointments and the longest in its existence, and the most elaborate and dignified that ever sat, and they did not consume the amount appropriated for them by more than \$35,000, and the Department had to divide it up among their pets who were there arguing the case. Only \$194,223 was really spent and the rest was given away to the amount of \$30,000, and even then the heart of the Washington lobby was made sick by having over \$5,000 of that appropriation turned back into the Treasury, unable to be expended.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRECKINRIDGE. I yield to the gentleman two minutes.

Mr. HITT. From some familiarity with the State Department and its surroundings in the past, I know that Washington is a place where claims breed like microbes. They are worse than bacilli in their facility of multiplication, and claims commissions have been microbe killers. When I was connected with that Department there was a commission appointed which had presented to it \$370,000,000—think of that vast sum—of Mexican claims. That commission rejected, extinguished, and wiped out 97½ per cent of that sum; and if we call a commission here, as was proposed by Sir Julian Pauncefote, and name respectable, able men, one from each side and the third chosen by them, to go to San Francisco, where the real claims are, they will ferret them out at a cost of perhaps \$15,000, and we will then probably pay about \$50,000, which is about what is due. [Applause.]

The CHAIRMAN. The gentleman from Maine [Mr. DINGLEY] is recognized for ten minutes.

Mr. DINGLEY. Mr. Chairman, it must be confessed that the present situation in which we have been placed by the Bering Sea award is an extremely disagreeable one. It is, it seems to me, a choice between two admitted evils. We have been brought to this situation by the facts which have been so well stated by the gentleman from Illinois [Mr. HITT]. We seized in Bering Sea in the seasons of 1886, 1887, 1889, and 1890 eighteen pelagic sealers flying the British flag, with ostensible Canadian ownership. We seized these vessels on the contention that Bering Sea was *mare clausum* and not an open sea, and on the further contention that the seals which were accustomed to herd upon the seal islands during each season were the property of the United States. In consequence of these contentions we submitted to arbitration by a body known as the Paris Tribunal all of the questions involved; first, as to whether or not Bering Sea was an open sea and the seals herding upon the seal islands were the property of the United States, with the provision also that in case of these questions being adjudicated in either direction, then the victorious side might present to this tribunal any facts bearing on the seizures, have

them reported upon, the liability, in view of those facts, to be determined by subsequent negotiations.

The tribunal, sitting at Paris in the spring and summer of 1893, determined the two substantial questions against us. First, they determined that Bering Sea was an open sea, and that the United States had no jurisdiction beyond 3 miles from the coast line. Secondly, they decided that the seals herding on the seal islands were not the property of the United States. The two substantial contentions on which the United States rested its claim were therefore decided against this Government.

The tribunal then proceeded to hear and report certain facts that were presented, these facts being that certain vessels floating the British flag, and claiming Canadian ownership, had been seized by the United States, 18 in number. There were really 21 seizures, but 18 different vessels. The only fact that was determined by this tribunal was that these vessels were seized in the open sea. The necessary inference from the facts, although not specifically determined by the tribunal, is that the United States is responsible in damages for the seizure of these vessels.

The tribunal expressly stated that it left open entirely the question as to ownership of these vessels, leaving that to be considered by subsequent negotiations. They of course did not determine as to the liability of our Government for the seizure of these 18 vessels, beyond what could be shown to have British ownership. So far as there was American ownership there was no liability resting against this Government.

Now, that was the state of facts presented to the State Department when it took up this case. After considering it they found that there had been presented claims as damages by the Canadians bills for \$542,000, without including interest. This, however, did not include all the damages that may be presented, for there remain the claims of 30 persons arrested or detained by the officers of our Government in the course of these seizures. But in these claims for damages there is found a claim for \$375,000 or thereabouts for the expected catch, not actual catch that had taken place at the time of the seizures, but prospective catches, estimated catches, and those estimated catches figure to the extent of \$375,000, leaving about \$175,000 as actual claimed damages.

Now, I believe with my friend from Illinois [Mr. HITT] that this claim for prospective damages ought to have no standing in any tribunal that may adjudicate this case, but I will not say surely that it will not have a standing in the commission that will be formed to adjudicate this matter. I remember that we had the Halifax Tribunal, where we submitted the question of damages to a commission, one member of which was chosen by ourselves, one by the British Government, and the third, the umpire, to be chosen precisely as the umpire of the prospective commission in this case is to be nominated, from one of the foreign Governments, making him practically the commissioner who decides the damages in these claims.

Now, in the case of the Halifax award we all believed that there never would be a cent of damages awarded against us. But the Belgian umpire made an award of \$5,000,000 against the United States, and we were obliged to pay it.

Mr. BRECKINRIDGE. Does the gentleman remember how much of it was consequential damages?

Mr. DINGLEY. Nearly all of it; the prospective value of the inshore fisheries.

Mr. BRECKINRIDGE. I wanted to bring that out, and intended to do so in my closing argument.

Mr. DINGLEY. We have felt outraged about that award ever since.

Mr. CANNON of Illinois. Will the gentleman permit me to make a single suggestion?

Mr. DINGLEY. Yes, sir.

Mr. CANNON of Illinois. It is that this sum of money can not be appropriated except by Congress; and I do not believe the American Congress will ever make an appropriation for the payment of speculative damages.

Mr. DINGLEY. Well, Mr. Chairman, that may be. We did make an appropriation of \$5,000,000 to pay the Halifax award when the verdict went against us.

What troubles me in this case is the fact that we have to choose between two admitted evils. Now, I have no doubt at all that the award of \$425,000 is an excessive one.

Mr. HITT. There is no parallel between this and the Halifax award, as it was subsequently proved that the speculative damages as awarded were all obtained through perjury.

Mr. DINGLEY. I agree with you entirely in this matter. Now, what I wanted to call the attention of the committee to was that it is a choice between two evils. I admit that \$425,000 is three times the actual damages sustained by those pelagic sealers; and I think, too, with the gentleman from Illinois, that it will be found, if the facts can be brought out, that more than three-fourths of the ownership of the vessels flying the British flag would prove to be American. I believe the offer made by the Sec-

retary of State is excessive. I believe that a much smaller sum would have been accepted to close up the matter. But yet I am brought face to face with this alternative, and that is the alternative of the submission of this question to another umpire, who will be chosen by a foreign Government; and what will come out of that alternative I am unable to say.

Mr. BRECKINRIDGE. Mr. Chairman, what the gentleman from Maine has said covers so much of what I intended to say in closing the argument that I do not know that it is necessary to add anything. We are presented with the alternative, as he has suggested, that we have to pay something. It is a pure question of what we shall pay and how we shall pay. The gentleman from Illinois is entirely correct in saying that claims are bred and grow rapidly and to great strength and size whenever we have a foreign dispute. We see it here. They have grown, and will grow enormously if we put them off, and give full opportunity and unlimited temptation.

I confess, Mr. Chairman, that I do not look with any degree of alarm upon what seems to grieve the hearts of the gentlemen from Illinois and the gentleman from Iowa [Mr. HENDERSON], that some of this money may go into the pockets of American citizens. As between American citizens and Englishmen, if somebody has to get it, I would stand by with some pious resignation and see it go into the pockets of an American rather than into the pockets of an Englishman. When this appropriation is voted down it will only give better opportunity for an illegal Canadian claimant to go before a commission and, on testimony taken at a long distance from here, obtain claims which he can not obtain if this sum of money is given. This \$425,000 puts a stop to any further perjury or inflation of claims, and of course is obnoxious to those who hope for fees, salaries, commissions, and illegitimate claims. Unintentionally the gentlemen are making these improper gains possible.

Mr. LIVINGSTON. Will the gentleman yield to me for a question?

Mr. BRECKINRIDGE. Certainly.

Mr. LIVINGSTON. If this \$425,000 is not accepted by the present Congress and arbitration is had to settle it, would not another Congress have supervision of whatever settlement is had? Therefore we have nothing to risk.

Mr. BRECKINRIDGE. Your question is based on the hypothesis that the Congress of the United States will refuse to pay an award of a legally constituted tribunal. If ever under an international agreement we agree to pay a certain amount, God forbid that the Congress of the United States, in the presence of the world, shall refuse to make that payment and be delinquent at the international bar of public honesty and universal integrity. I do not believe that it will ever come to that. It never has yet. We have paid all the judgments obtained at international courts, and I believe always will. It is purely a question of how much we shall pay and how it shall be ascertained.

My friend from Illinois [Mr. HITT] is, as a rule, extremely accurate, but his inaccuracy in this instance shows how in the heat of debate men make statements that they can not stand to. He says that it seems as if most of these claimants charge for legal services \$1,250. Now, if he had examined he would have found that there are but three who claim \$1,250, while there are nine who put up with \$250. That is but a fair specimen of how the gentleman has allowed himself in the heat of debate to make statements about figures. If he will take the record and go over it he will find that the whole amount of consequential damages is \$300,000 and not \$377,000. It is true that there is a statement of Mr. Foster which seems to confirm that, but when the gentleman adds up these claims he will find that they amount to only \$300,000.

Mr. HITT. I stated that there were so many cases where the claim was \$1,250 that the aggregate of the legal expenses mounted up to a great deal more than that. There are several at \$850, some at \$1,250, and in one case I understand the amount was \$10,000.

Mr. McCREARY of Kentucky. That may be, but my friend said they were all put at \$1,250.

Mr. HITT. Sir Julian Pauncefote expressly states that the claims filed are a complete list and summary of all the claims for the seizure of British sailing vessels in Bering Sea.

Mr. BRECKINRIDGE. But he expressly states that if they are not settled and a convention is called he shall be at liberty to file other claims.

Mr. HITT. No; he says that this shall in no way prejudice the claimants by limiting them to \$442,000, but he does not say that other claims may come in.

Mr. BRECKINRIDGE. How can you keep claimants out? Let me put one case to the gentleman. We imprisoned certain sailors who were engaged in a lawful pursuit, as decided by the Paris Tribunal, one of whom died from the effects of being imprisoned in a jail on the western coast. No claim has yet been put in by his heirs, but does not the gentleman think that unless we make this settlement there will be a claim, and a just one, for that man's death? It has been decided that his vessel was on the

high seas, that he was engaged in a lawful business, and that the United States unlawfully arrested, detained, and immured him in prison, from the effects of which imprisonment he died.

Mr. HITT. The answer is that if a commission were called, according to Sir Julian's letter it would be limited to these claims, and they are all the claims. As to the claim which the gentleman suggests, it could be presented to the State Department at any time, under the international law, as such claims are presented from all foreign countries.

Mr. BRECKINRIDGE. It would be presented to any commission that might be appointed and we would be obliged to pay whatever they found due.

Mr. HITT. It could not go to the commission.

Mr. BRECKINRIDGE. It would undoubtedly go to the commission. The gentleman is wholly mistaken. The facts are, Mr. Chairman, that this is a most unfortunate fiasco, a most unhappy chapter in our diplomacy. The agent of the United States (Mr. Foster) and the Secretary of State (Mr. Blaine) believed that Bering Sea was a mare clausum, and they put us before a tribunal resting our claim upon that ground. It was decided against us, and so decided that the only open question is as to the amount of damages. We lost all before that tribunal, and in an attempt by that means to save the seals we are going to lose the seals, which are in process of rapid destruction, which perhaps can hardly be arrested; and now the question, as my friend from Maine [Mr. DINGLEY] puts it, is whether it is better to end this bad bargain, to shut up this book of unfortunate diplomacy, to close this chapter of international failure, by a payment less than the amount claimed and less than the amount that will be proven.

Let us, Mr. Chairman, get rid of this thorn under our thumb which makes us uncomfortable, and settle this question between us and Great Britain, and then reopen, with Great Britain and the other nations, the question of better regulations to save the remaining seals. The question, I say, is whether we shall keep the case open for more claimants to come in, tempt them to perjury, have the expense of a commission, and pay in the end more than a million or a million and a half of dollars, simply for the pleasure of shaking our fist in the face of Great Britain and having, perhaps, a partisan triumph, and, in the end, come to the conclusion that we have been unwise in rejecting this proposition.

That is the simple question which is submitted to Congress today. It is not a question whether we ought to have paid this amount or not, or whether we ought to have gone into that arbitration or not, nor whether all those claims are honest. There may be dishonest claims involved, in which there may be perjury. Let us turn over to the British Government the duty of purging them; the honest claims will, beyond doubt, swallow the whole of this appropriation. The gentleman from Illinois [Mr. HITT] has read from the case presented by us to the arbitrators. We had the right to have that tribunal pass on the facts. If our agent was so sure we were strong on the proof taken why did he not ask judgment on the facts and relieve us of further expense and annoyance on those claims? Why force us to another and expensive trial if the case was made up for us? No, Mr. Chairman, the evidence read, selected with skill, dislocated from its connection, unexplained and uncontradicted here by the other testimony, may seem to make out a case; but when those claims are heard on all the testimony by a joint commission the result will be wholly different from that predicted, and we must "pay the piper."

These ships sailed under the British flag; they were unlawfully seized by us; the burden is on us to overthrow the presumption arising from British registry, sailing from British ports, supplied in British markets, and sailing under the British flag. I predict that this will never be accomplished. As to the criticism of the gentleman from Illinois [Mr. CANNON] upon the foreign policy of this Administration it does not need any answer. This is not our foreign policy. We are paying a debt which you gentlemen gave us as a part of our inheritance, and we are paying it, not as Democrats, but as Americans. You made this treaty; under it this liability was incurred. In this matter of foreign policy we have no apology to make.

Mr. DINGLEY. Why does the gentleman say that this is an inheritance from a Republican Administration, when he knows that it commenced under the first Cleveland Administration?

Mr. BRECKINRIDGE. Undoubtedly, under Mr. Cleveland we followed the old rule of holding that sea as ours. We claimed that we had purchased it from Russia, and that it was our sea. That had been the ground and the policy under Mr. Seward and other Republican statesmen, and we followed it; because, however we may divide upon internal questions as Democrats and as Republicans, when it comes to international matters, when we have to go out upon the sea and to deal with foreign nations, we ought all to be Americans. Therefore when we came under the Administration of Mr. Cleveland we followed what had always been the policy.

But Canada had claimed certain rights in the East. You gentlemen of New England had fixed upon the policy of America, that we should deny those claims by adherence to the 3-mile limit. Canada said, "If that is good law for the East it is good law for the West; if it is good law for the fish that are to be caught out of Canadian waters in the East, it is good law for seals to be caught out of the Bering sea in the West." They fitted out their vessels in order to take those seals under our law, fixed by New England as the policy of America for the eastern fisheries.

Mr. Bayard opened a negotiation for a *modus vivendi* under which the seals might be saved. It was, however, upon the distinct understanding that the Bering Sea was not a *mare clausum*. Mr. Bayard was too good an international lawyer, he understood the law too well, to make that claim. It was upon other grounds. It was an admission, by the very act of asking for this *modus vivendi* that we had not this right. Mr. Bayard's policy was reversed. The State Department said: "It is our *mare clausum*; we bought it from Russia. We will hold it as such, and we will arbitrate upon that ground." We did arbitrate under the lead of Mr. Foster—the nominal lead of Mr. Blaine, the real lead, I suppose, of Mr. Foster. We arbitrated upon that ground and lost. We are now met with the consequences of that arbitration. Is it not better for us to pay up like men?

I will not criticize our costs in that unfortunate experiment, nor point out what might justify censure. The arbitrators selected—Justice Harlan and Senator MORGAN—were able and learned jurists; our counsel were among the most eminent and accomplished lawyers in America; and so far as arbitrators and counsel are concerned I have no word save of respect and esteem, as to all engaged, respectful silence. Let us complete that incident in our diplomatic history and put it behind us. On the uppermost shelves, where they can not hereafter be reached, let us place the many printed volumes, the vast mass of useless matter submitted as "our case," and open the way for other labor.

Now, one other matter—this matter of consequential damages. Let us be just to ourselves. Let us not higggle with these matters. Mr. Blaine and Sir Julian Pauncefote laid down this rule when we thought we were going to win. Mr. Blaine thought we were going to win; he laid down the rule in article 5 of the *modus vivendi*, that this should be the rule of damages. I have had that article read in the course of my previous remarks. I merely repeat that this is the rule laid down in article 5 of the convention agreed upon on the 18th of April, 1892, and approved by the United States, through its President (Mr. Harrison) and its Secretary of State (Mr. Blaine).

Mr. HITT. But subsequently withdrawn.

Mr. BRECKINRIDGE. Withdrawn, as I have explained. But is America going to stand at the bar of the world and say, "It was a good rule when we thought we would win; but now we have lost, and because we technically made that withdrawal we now insist that it ought never to have been admitted?"

Mr. HITT. Will the gentleman allow me a moment?

Mr. BRECKINRIDGE. Certainly.

Mr. HITT. Both parties, knowing that it was an exception to international law, made that risky engagement. Both, fearing the decision, withdrew. Both knew it was a departure from international law.

Mr. BRECKINRIDGE. I am not in possession of the motives, but I do not believe that the Government of the United States and the Government of Great Britain were two petty gamblers, sitting down at a little game of "craps," trying to see which might get the better of the other upon the mere turn of loaded dice. I do not believe that, and I will not legislate upon that hypothesis. I legislate upon the hypothesis that these two contracting parties, one representing the Government of the United States and the other Great Britain, thought it was a fair criterion, and I affirm their judgment was correct.

Here were men putting their little venture into a vessel costing from six to seven thousand dollars, going out upon the high seas with the right to catch those seals, where the nominal capital was comparatively nothing, but where the real capital was their sweat, their risk, their danger, their skill, their time. The little vessel cost but from \$3,000 to \$7,000; but the men risked the storms of the ocean; they risked their lives. The true capital was the heart and brain and chance that they put into their work. And when they were seized and put in Alaskan prisons without right and without justice, what better criterion of damage than that which they might have caught and which everybody else did catch during that year? Why did not Mr. Blaine and Sir Julian Pauncefote come to an honest and just measure of damage when they agreed upon that? In my judgment there is no arbitrator who will not decide that this is in this case the fair measure of damages.

These are not remote damages. There is a vast difference—I speak to lawyers—between remote damages and consequential damages. There are innumerable cases where consequential damages are given where they are the immediate and not the remote

consequences of the act. I do believe that the Halifax award will be followed when these are proven by honest testimony, and that these questions will be decided in favor of those men who risked their lives upon those seas. Mr. Blaine and Mr. Harrison and Sir Julian Pauncefote will be good authority to justify such decision.

My judgment, after going over this case, is that \$300,000 is all that may be called consequential damages. Two hundred and forty-two thousand dollars will be given beyond the possibility of a doubt. These claims have been running an average of seven years, for which we must pay interest to the claimants. Allowing 6 per cent interest, it makes \$345,000; at 4 per cent interest it makes \$309,000.

Now we are in a dispute over a sum of \$300,000, and want to settle it. What is the best compromise that such a nation as ours can ask under those circumstances? Evidently the best way is to divide it in two, take one-half. Adding the one-half of this sum to what it was admitted we were obligated for, it will make a sum larger than the \$425,000. So that we save money by that process. Admitting we could get everything we claim, admitting that the gentleman from Illinois is right, what then? We have this sum of \$242,000, seven years' interest at 4 per cent and two years' interest during the arbitration, and \$150,000 added for the expenses of arbitration, and by that we are out of pocket \$50,000 more than if we pay the lump sum of \$425,000 suggested. So in any aspect of the case, as far as money is concerned, we have made by this settlement. I append a little calculation under several hypotheses.

Mr. Chairman, a scene occurred in Parliament the other night when the under secretary of state was asked a question about this arbitration. He said that the President of the United States had asked Congress to appropriate the sum necessary to pay it; that the Secretary of State had sent a message to Congress; and when asked if the award would be paid, the under secretary said he had no doubt in the world that the Congress of the United States would appropriate a sum sufficient to pay a debt acknowledged to be due by its own Administration, its President and Secretary of State.

I sincerely trust when Parliament meets again that that statement will not have to be taken back. I sincerely hope that it will never be said of us, as it is of men who are sometimes posted up at clubs, that "they are delinquents;" and that we will not stand before the world as men and as a nation who do not keep faith; as a nation that does not follow the dictates of fair dealing when we refer our controversies to arbitrament and lose. I do not ask this appropriation because a Democratic President approved the agreement and asks it—though this would be a powerful motive—but it is not that he is my President. Though he is my President, he is the President of the United States.

So far as foreign matters are concerned, he is the nation's President. I am free to confess, and I speak now as a Democrat and a partisan, that when I was elected to this Congress, and the President was elected, as a Democrat, I held it to be a joint commission with which we were both intrusted on behalf of the people. I held it as though my name had been written in a joint commission, and that we were joined to take charge—I mean the Senate and House and the Executive—of the affairs of the nation, and believed it to be my duty, in conjunction with all other Democrats, to do the very best I could for the glory, for the advancement, and for the honor of our common country. And so far as I am concerned, Mr. Chairman, without criticism and without censure as to others, whenever I could with a good conscience I have upheld the arm of the Chief Magistrate of the nation, and when I could not agree with his views I have only voted my own conscience, not contemning his view with abuse, not weakening him in the minds of the people, or attempting to make his policy unpopular in the minds of those who are to aid in the work.

For four years he is President. He and we are charged with the august responsibility of Government; upon the President rests the burden of affirmative action; to us is committed the duty of legislation. This requires wisdom, confidence, mutual aid, mutual concessions. We can not govern to suit every one of us. We must find some common ground on which to stand—some line of policy to be pursued; and he who will not yield something, who will not follow, can only excite and destroy. I thank God that I am not responsible for any divisions. A loyal Democrat, true to my convictions, yet anxious to accord with the official head, the chosen leader of my party, I to-day and always, when possible, sustain him and his Administration.

And looking back now on a Congressional career about to close, I think I can say truthfully that I have never criticised a public officer against me in politics when I could commend him. I have never belittled an Administration I could uphold; and as to foreign affairs so far as possible I have tried to remember, as I do to-day, that on the floor of the House of Representatives, representing the entire imperial Republic of America, I say as to all other countries I am not a Democrat, but an American and a patriot; and that is the view I hope to-day this House will take of the question now before us. [Applause.]

Amount claimed .....	\$542,164
Put at 6 per cent for seven years .....	227,708
Deduct .....	709,872
	425,000
	844,872
Amount claimed .....	542,164
At 4 per cent .....	151,805
Deduct .....	693,969
	425,000
	268,969
Amount claimed .....	542,164
It is claimed that in these claims are consequential damages .....	300,000
Leaving the claim .....	242,164
Add 6 per cent .....	139,000
	345,000
Add one-half of amount disputed, without interest .....	150,000
	495,000
Bare claim .....	242,164
If interest is computed at 4 per cent .....	67,023
	309,187
Add one-half of amount in dispute .....	150,000
	459,187
Deduct .....	425,000
	34,984
If interest on the one-half in dispute is added at 4 per cent .....	42,000
	501,964
	425,000
	76,964
Deduct .....	495,000
	425,000
	70,000
If, however, we win before the tribunal to be appointed, and we pay only 4 per cent, then the items would be:	
Admitted claims .....	\$242,000
Interest at 4 per cent .....	67,000
Expense of arbitration .....	309,000
Interest accruing pending settlement for two years .....	150,000
	19,380
Deduct settlement .....	478,380
	425,000
Saved .....	53,380

I call for the vote.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. PLATT, one of its clerks, 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. 8272) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1896.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 8479) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CALL, Mr. COCKRELL, and Mr. TELLER as the conferees on the part of the Senate.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the amendments of the Senate to the bill (H. R. 4507) for the relief of Witherby & Gaffney.

#### GENERAL DEFICIENCY APPROPRIATION BILL.

The committee again resumed its session, Mr. TRACEY in the Chair.

The CHAIRMAN. The question is on the amendment of the gentleman from Kentucky, which has been read.

The question was taken; and on a division there were—ayes 41, noes 53.

Mr. BRECKINRIDGE. I raise the point of no quorum simply to get tellers.

The CHAIRMAN appointed Mr. BRECKINRIDGE and Mr. CANNON of Illinois as tellers.

The committee again divided; and the tellers reported—ayes 92, noes 85.

Mr. CANNON of Illinois. What is the total?

The CHAIRMAN. One hundred and seventy-seven.

Mr. CANNON of Illinois. That is not a quorum. It would save a call of the roll, perhaps, if we can knock this out here.

The CHAIRMAN. The tellers will resume the count.

The count having been completed, the tellers reported—ayes 94, noes 86.

So the amendment was adopted.

Mr. CANNON of Illinois. By the indulgence of the gentleman from Kentucky I want to state that I will ask, if I can get one-fifth of the members to join me, a yea-and-nay vote in the House on this amendment.

Mr. BRECKINRIDGE. So far as I am concerned I will gladly vote to give the gentleman the yeas and nays, and hope the House will agree to it. This is too important a matter to refuse.

The CHAIRMAN. The Clerk will report the next amendment, offered by the gentleman from Indiana [Mr. BYNUM].

The Clerk read as follows:

On page 48, line 12, insert:  
"That the Speaker of the House of Representatives is hereby directed to certify, and the Sergeant-at-Arms to pay to Representatives the amounts respectively deducted and withheld from the monthly payments of salary on account of absence."

Mr. BYNUM. I withdraw that amendment.

The CHAIRMAN. The Clerk will report the next amendment offered by the gentleman from Missouri [Mr. O'NEILL].

The Clerk read as follows:

On page 58, after line 4, insert:  
"To pay Bater Martin \$77.80, the amount allowed by the Third Auditor of the Treasury Department under the act of July 4, 1864."

Mr. SAYERS. While I regard the point of order as good on this amendment, and I do not wish its adoption to be considered as a precedent, yet in view of the circumstances of the case I will withdraw the point of order. I have a fondness for the Irish, and inasmuch as we have an Irishman as chairman, and as the mover and the beneficiary of the amendment are Irishmen, I withdraw the point of order, but for no other reason. [Laughter.]

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment offered by the gentleman from Connecticut [Mr. RUSSELL].

The Clerk read as follows:

On page 58, after line 17, insert the following:  
"For payment on account of transportation of the Army for 1881 and prior years the following numbered Treasury settlements, heretofore allowed and certified by the proper accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund, and enumerated and described in Executive Documents Nos. 55 and 153, Forty-eighth Congress, first and second sessions, and House Miscellaneous Document No. 56, Fifty-third Congress, third session, viz: Nos. 174, 161, 176, 381, 162, 210, 333, 332, 543, 544, 701, 711, 805, 944, 1206, 1536, 1538, 1715, 939, amounting to the sum of \$37,313.44."

Mr. BRECKINRIDGE. I reserve the point of order against that amendment.

Mr. RUSSELL of Connecticut. That is an amendment I introduced, and the point of order is reserved. I now ask permission to withdraw the amendment.

The CHAIRMAN. The amendment will be withdrawn, and the Clerk will report the next pending amendment.

The Clerk read as follows:

On page 58, between lines 21 and 22, insert:  
"For barracks and quarters, \$39,590.62."

Mr. BAKER of New Hampshire. I will withdraw that amendment.

Mr. BRECKINRIDGE. I wish to offer an amendment to come in at the end of the bill.

The Clerk read as follows:

That the proceeds of sales of the property of the United States, made by the International Boundary Commission, provided for by the convention of July 29, 1882, and the convention of February 18, 1889, between the United States and Mexico, shall revert to the appropriations for the execution of the engagements of said conventions, and be applied to the purposes for which said appropriations were made, and shall not be covered into the Treasury as miscellaneous receipts, as provided for by sections 3617 and 3618 of the Revised Statutes.

Mr. BRECKINRIDGE. I desire to print in the RECORD certain letters from the Treasury Department and from the State Department, showing the necessity for this amendment. It involves no new appropriation.

The CHAIRMAN. In the absence of objection, the letters will be printed in the RECORD.

There was no objection.

The letters are as follows:

TREASURY DEPARTMENT,  
OFFICE OF COMPTROLLER OF THE TREASURY,  
Washington, D. C., January 31, 1894.

SIR: I have to inform you that I have directed the Auditor for the State and other Departments to state and settle an account with you under the fund "proceeds of sales of United States property," and to charge you with the sum of \$2,521.05, being the amount received by you from the sale of United States property, and credited by you to the Government in your account for disbursements made under the appropriation "International boundary survey, United States and Mexico," from February 1 to November 30, 1893.

You were informed by the First Comptroller of the Treasury on August 28, 1894, that the proper disposition to be made of this item would be a subject for consideration in the next adjustment of your accounts. I have carefully read your communication of September 17, 1894, and examined the law bearing upon this subject. The parts of the sections of the Revised Statutes referred to and quoted by you are as follows:

3618. "All proceeds of sales of old material, condemned stores, supplies, or

other public property of any kind, except the proceeds of \* \* \* sales of materials, stores, or supplies to any exploring or surveying expedition authorized by law, shall be deposited and covered into the Treasury \* \* \* 3692. "All moneys received from \* \* \* sales of materials, stores, or supplies to any exploring or surveying expedition authorized by law, shall respectively revert to that appropriation out of which they were originally expended, and shall be applied to the purposes for which they were appropriated by law."

The meaning of these sections is to my mind quite clear, and while they direct that all moneys received from sales of United States property sold to any exploring or surveying expedition authorized by law shall revert to that appropriation out of which they were originally expended, they can not be construed to mean that all moneys received from sales of United States property sold by any exploring or surveying expedition shall pursue the same course. It therefore follows that any moneys received by you from the sales of United States property sold to other than exploring or surveying expeditions authorized by law must be deposited by you into the Treasury, in order that they may be disposed of in pursuance of section 3618, Revised Statutes.

In conclusion I will state that any evidence in your possession tending to show that the moneys received by you from the sales of United States property credited in your accounts were sold by you to any exploring or surveying expedition authorized by law should be transmitted to the Auditor for the State and other Departments, in order that you may be credited on account of the sales of United States property and charged on account of the appropriation "International boundary survey, United States and Mexico."

Respectfully, yours,

R. B. BOWLER, Comptroller.

Lieut. Col. J. W. BARLOW, U. S. A.,  
Special Disbursing Officer, care of the Department of State,  
Washington, D. C.

TREASURY DEPARTMENT,  
OFFICE OF COMPTROLLER OF THE TREASURY,  
Washington, D. C., February 15, 1895.

SIR: Referring to the accounts of Lieutenant-Colonel Barlow, about which I had some conversation with you this morning, I inclose a copy of a letter recently written by me to him in regard to sales of property used by the Mexican Boundary Commission in the prosecution of its work. Under a misapprehension of the law he has used the money derived from such sales for the purposes of the survey, in lieu of covering the same into the Treasury, as required by the strict letter of sections 3617 and 3618 of the Revised Statutes.

It appears that unless the proceeds of such sales can be used a deficiency appropriation will be required, and that unless made at present serious delay will occur in the final settlement of Colonel Barlow's accounts. It seems proper, under the circumstances, that the proceeds of sales should be credited to the appropriation, but the accounting officers find themselves without authority of law to do so. I therefore have drawn a clause to be inserted in the deficiency appropriation act which will accomplish the purpose. I heartily recommend its adoption.

Respectfully, yours,

R. B. BOWLER, Comptroller.

Hon. J. E. WASHINGTON,  
House of Representatives.

DEPARTMENT OF STATE, Washington, February 20, 1895.

SIR: The inclosed copy of a letter addressed to me by Lieut. Col. J. W. Barlow, United States Army, the United States representative on the United States and Mexican International Boundary Commission, in relation to the disapproval by the Comptroller of his account for sales of property purchased under the appropriation for that survey, is sent to you for your information in connection with an amendment to the deficiency bill, which, as I informally learn, Mr. Bowler has requested you to advocate, authorizing the reversion of the proceeds of such sales to the original appropriation.

Seeing no reason to question the correctness of the Comptroller's decision in view of sections 3619, 3672, and 3692 of the Revised Statutes, yet regarding Colonel Barlow's course as in the interest of the public service and in the direction of the intent of the appropriation in question, I have the honor to request that you will support the proposed amendment, in order that, by relieving the Boundary Commission of the statutory obligation to turn into the Treasury the proceeds of past and future sales of property, the work of the Commission may be completed within the limits of the appropriation already made.

Colonel Barlow represents, as you will observe, that if the amounts realized as above are not to be available for the purposes of the Commission, an additional appropriation by this Congress will be essential in order to carry on the work.

I have the honor to be, sir, your obedient servant,

W. Q. GRESHAM.

[Inclosure.]

From Lieut. Col. J. W. Barlow, San Diego, February 11, 1895.

Hon. JOSEPH E. WASHINGTON,  
House of Representatives.

DEPARTMENT OF STATE,  
INTERNATIONAL BOUNDARY COMMISSION,  
UNITED STATES AND MEXICO,  
San Diego, Cal., February 11, 1895.

SIR: I have the honor to state that, in a communication just received from the honorable the Comptroller of the Treasury, I am informed that an item of \$2,521.05, received from sales of property pertaining to the appropriation for the international boundary survey, must be covered into the Treasury.

This decision is directly the reverse of what I have conceived to be the meaning of the Revised Statutes on this subject, and if sustained and applied to the other sales of property pertaining to this survey it will result in compelling me to turn in a sum considerably greater than the balance now remaining from the present appropriation.

When all liabilities are paid this balance will be about \$5,000, an amount which, if available, would carry on the map construction next fall until a further appropriation could be obtained.

In view of the Comptroller's decision it would now appear to be expedient, in fact imperative, that an appropriation be obtained before the close of the present session of Congress to provide for the necessary expenditures which must occur before the next Congress can act in the premises. I would therefore respectfully and urgently request that an amendment be added to one of the appropriation bills to provide for the completion of the maps of the international boundary survey between the United States and Mexico. This appropriation is specially urgent, as an agreement has been made with the Mexican commissioners to have the Joint Commission assemble in Washington in October next to carry forward the work of the Commission.

It is suggested that the sum of \$10,000 be asked for, a part of which may perhaps be available for publication of the report.

Very respectfully, your obedient servant,

J. W. BARLOW,  
Lieutenant-Colonel of Engineers, Commissioner.

Hon. W. Q. GRESHAM, Secretary of State.

The amendment offered by Mr. BRECKINRIDGE was agreed to. And then, on motion of Mr. BRECKINRIDGE, the committee rose; and the Speaker having resumed the chair, Mr. TARSNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8892) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1895, and for prior years, and for other purposes, and had directed him to report the same to the House with sundry amendments, and with the recommendation that as amended the bill do pass.

Mr. BRECKINRIDGE. I ask for the previous question on the amendments and the bill to its passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any of the amendments?

Mr. BRECKINRIDGE. I ask for a separate vote on the amendment giving a month's compensation to the officers of the House and Senate and the amendments thereto, and I ask a separate vote upon the amendment to appropriate \$425,000 to carry out the Bering Sea arbitration.

The SPEAKER. Is any other separate vote demanded? If not, the question will be upon agreeing to the amendments in gross, with the exceptions indicated.

The amendments, with the exceptions indicated, were agreed to.

The SPEAKER. The Clerk will report the first amendment on which a separate vote is demanded.

The Clerk read as follows:

On page 2, after line 9, insert the following:

"Bering Sea damages: For the payment to the Government of Great Britain, under the agreement reached by exchange of notes of August 21, 1894, in full satisfaction of all demands for damages against the United States growing out of the controversy between the two Governments as to the fur seals in the Bering Sea under the award and findings of the tribunal of arbitration at Paris, \$425,000."

The SPEAKER. The question is upon agreeing to this amendment.

The question being taken, the Speaker announced that the ayes seemed to have it.

Mr. CANNON of Illinois. Division.

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

The yeas and nays were ordered.

The SPEAKER appointed as tellers Mr. BRECKINRIDGE and Mr. CANNON of Illinois.

The question was taken; and there were—yeas 112, nays 143, answered "present" 5, not voting 89; as follows:

YEAS—112.

Alexander,	Cornish,	Henderson, N. C.	Pendleton, W. Va.
Allen,	Crain,	Henry,	Pigott,
Baldwin,	De Forest,	Ikirt,	Price,
Bankhead,	Denson,	Kem,	Reilly,
Barnes,	Dinsmore,	Kilgore,	Richardson, Mich.
Barwig,	Donovan,	Lapham,	Robertson, La.
Beckner,	Dunn,	Layton,	Russell, Ga.
Bell, Tex.	Dunphy,	Lynch,	Sayers,
Beltzhoover,	Durborow,	Maguire,	Simpson,
Black,	English, Cal.	Mallory,	Sorg,
Bland,	English, N. J.	Martin, Ind.	Sperry,
Boatner,	Epes,	McCreary, Ky.	Springer,
Branch,	Erdman,	McCulloch,	Stallings,
Breckinridge,	Everett,	McEttrick,	Talbott, Md.
Bretz,	Forman,	McKaig,	Tarsney,
Brown,	Geissenhainer,	McKeighan,	Tracey,
Bryan,	Goldzier,	Milliken,	Tucker,
Bynum,	Graham,	Money,	Turner, Ga.
Cabaniss,	Gresham,	Montgomery,	Turpin,
Caminetti,	Griffin, Mich.	Morgan,	Tyler,
Caruth,	Haines,	Neill,	Washington,
Catchings,	Hall, Mo.	O'Neill, Mo.	Weadock,
Causey,	Hammond,	Outhwaite,	Wever,
Clarke, Ala.	Harris,	Paschal,	Wheeler, Ala.
Cobb, Ala.	Harrison,	Patterson,	Whiting,
Cobb, Mo.	Hatch,	Pearson,	Williams, Miss.
Cooper, Fla.	Hayes,	Pence,	Wilson, W. Va.
Cooper, Ind.	Heard,	Pendleton, Tex.	Wise.

NAYS—143.

Abbott,	Brookshire,	Cox,	Geary,
Adams, Pa.	Brosius,	Crawford,	Gillett, Mass.
Aldrich,	Bundy,	Curtis, Kans.	Grady,
Arnold,	Campbell,	Curtis, N. Y.	Griffin, Wis.
Avery,	Cannon, Cal.	Dalzell,	Groat,
Baker, Kans.	Cannon, Ill.	Davis,	Grow,
Baker, N. H.	Caphart,	De Armond,	Hager,
Bartholdt,	Chickering,	Dockery,	Hainer, Nebr.
Bartlett,	Childs,	Dolliver,	Hare,
Belden,	Clark, Mo.	Doolittle,	Harmer,
Blair,	Cockrell,	Draper,	Hartman,
Boen,	Coffeen, Wyo.	Edmunds,	Haugen,
Boutelle,	Coffin, Md.	Ellis, Ore.	Heiner, Pa.
Bowers, Cal.	Cooper, Tex.	Fletcher,	Henderson, Ill.
Broderick,	Cooper, Wis.	Funk,	Henderson, Iowa
Bromwell,	Cousins,	Fyan,	Hepburn,

Hermann,	Linton,	Moses,	Stone, Ky.
Hicks,	Little,	Mutchler,	Storer,
Hitt,	Livingston,	Page,	Strait,
Hooker, N. Y.	Loud,	Payne,	Strong,
Hopkins, Ill.	Loudenslager,	Perkins,	Talbert, S. C.
Hopkins, Pa.	Lucas,	Phillips,	Tate,
Hudson,	Maddox,	Powers,	Tawney,
Hulick,	Magner,	Quigg,	Taylor, Ind.
Hull,	Mahon,	Randall,	Thomas,
Hunter,	Marsh,	Ray,	Updegraff,
Johnson, N. Dak.	McCall,	Reyburn,	Van Voorhis, Ohio
Jones,	McCleary, Minn.	Ritchie,	Wanger,
Jorden,	McDearmon,	Robbins,	Warner,
Kiefer,	McDowell,	Russell, Conn.	Wangh,
Kribbs,	McNagy,	Shell,	Wells,
Kyle,	Meiklejohn,	Snodgrass,	Williams, Ill.
Lacey,	Mercer,	Stone, C. W.	Wolverton,
Lane,	Moon,	Stephenson,	Woomer,
Lefever,	Moore,	Stone, W. A.	Wright.
Lester,	Morse,		

ANSWERED "PRESENT"—5.

Bailey,	Gardner,	Richardson, Tenn.	Terry.
Daniels,			

NOT VOTING—89.

Adams, Ky.	Enloe,	Marvin, N. Y.	Settle,
Aitken,	Fielder,	McAleer,	Sherman,
Alderson,	Fithian,	McDannold,	Sibley,
Apsley,	Gear,	McGann,	Sickles,
Babcock,	Gillet, N. Y.	McLaurin,	Sipe,
Bell, Colo.	Goodnight,	McMillin,	Smith,
Berry,	Gorman,	McRae,	Stevens,
Bingham,	Grosvenor,	Meredith,	Stockdale,
Bower, N. C.	Hall, Minn.	Meyer,	Straus,
Brickner,	Harter,	Murray,	Swanson,
Bunn,	Hendrix,	Newlands,	Sweet,
Burnes,	Hines,	Northway,	Taylor, Tenn.
Cadmus,	Holman,	Ogden,	Turner, Va.
Clancy,	Hooker, Miss.	O'Neil, Mass.	Van Voorhis, N. Y.
Cockran,	Houk,	Pickler,	Wadsworth,
Cogswell,	Hutcheson,	Rayner,	Walker,
Conn.	Izlar,	Reed,	Wheeler, Ill.
Coombs,	Johnson, Ind.	Richards,	White,
Covert,	Johnson, Ohio	Robinson, Pa.	Wilson, Ohio
Culberson,	Latimer,	Rusk,	Woodard.
Davey,	Lawson,	Ryan,	
Dingley,	Lockwood,	Schermerhorn,	
Ellis, Ky.	Marshall,	Scranton,	

So the amendment was rejected.

Mr. GROSVENOR. Mr. Speaker, I am paired with the gentleman from Mississippi [Mr. HOOKER]. If he were present he would vote "yea;" I should vote "nay."

The following pairs were announced:

Until further notice:

Mr. O'NEIL of Massachusetts with Mr. COGSWELL.

Mr. MCRAE with Mr. GEAR.

Mr. HUTCHESON with Mr. DRAPER.

Mr. WOODARD with Mr. TAYLOR of Tennessee.

For this day:

Mr. COVERT with Mr. HOUK.

Mr. ENLOE with Mr. HEINER of Pennsylvania.

Mr. RAYNER with Mr. SWEET.

Mr. MCDANNOLD with Mr. JOHNSON of Indiana.

Mr. BURNES with Mr. WHEELER of Illinois.

Mr. CADMUS with Mr. VAN VOORHIS of Ohio.

Mr. RUSK with Mr. SHERMAN.

Mr. COOPER of Indiana with Mr. SMITH of Illinois.

Mr. HARTER with Mr. SCRANTON.

Mr. SICKLES with Mr. BABCOCK.

On this question:

Mr. HOOKER of Mississippi with Mr. GROSVENOR.

Mr. ALDERSON with Mr. DINGLEY.

On this vote:

Mr. BERRY with Mr. BINGHAM.

Mr. McMILLIN with Mr. REED.

The result of the vote was then announced as above recorded.

[Applause on the Republican side.]

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of February, 1895, including the Capitol Police and Official Reporters of the Senate and House, and including the clerks to members of the House of Representatives now in Congress, to be certified to by the members as now prescribed by law, for extra services during the Fifty-third Congress, a sum equal to one month's pay, at the compensation then paid them, the same to be immediately available.

Mr. BRECKINRIDGE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRECKINRIDGE. Is that amendment divisible?

The SPEAKER. It is not, having been reported as one amendment.

Mr. SAYERS. I demand the yeas and nays on that.

Mr. BRECKINRIDGE. I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Chair will appoint as tellers the gentleman from Kentucky, Mr. BRECKINRIDGE, and the gentleman from New York, Mr. TRACEY.

Mr. HERMANN. I ask that the amendment be again read; there is so much confusion we could not hear it.

The SPEAKER. The Clerk will again report the amendment. The amendment was again read.

The question was taken; and there were—yeas 143, nays 111, answered "present" 1, not voting 94; as follows:

YEAS—143.

Adams, Pa.	De Forest,	Hopkins, Pa.	Quigg,
Aldrich,	Dolliver,	Hull,	Randall,
Alexander,	Donovan,	Ikirt,	Reilly,
Avery,	Doolittle,	Johnson, N. Dak.	Reyburn,
Baker, N. H.	Draper,	Jorden,	Richards,
Bartholdt,	Durborow,	Kiefer,	Robertson, La.
Bartlett,	Edmunds,	Lapham,	Robinson, Pa.
Barwig,	English, Cal.	Layton,	Russell, Conn.
Belden,	English, N. J.	Lefever,	Russell, Ga.
Beltzhoover,	Epes,	Linton,	Ryan,
Blair,	Forman,	Livingston,	Schermerhorn,
Boatner,	Funk,	Loudenslager,	Shell,
Bowers, Cal.	Gardner,	Lucas,	Somers,
Broderick,	Geary,	Mahon,	Sorg,
Bromwell,	Geissenhainer,	Marsh,	Sperry,
Bundy,	Gillett, Mass.	Martin, Ind.	Springer,
Caminetti,	Griffin, Mich.	McCall,	Stephenson,
Campbell,	Griffin, Wis.	McCleary, Minn.	Stevens,
Caruth,	Grosvenor,	McDowell,	Stone, C. W.
Causey,	Grout,	McGann,	Stone, W. A.
Chickering,	Grow,	McNagny,	Stone, Ky.
Clarke, Ala.	Hager,	Melkielejohn,	Storer,
Cobb, Mo.	Hainer,	Meyer,	Strong,
Coffin, Md.	Haines,	Milliken,	Tawney,
Cooper, Fla.	Hall, Mo.	Money,	Thomas,
Cooper, Ind.	Hare,	Moon,	Tracey,
Cooper, Tex.	Harmer,	Morgan,	Turner, Va.
Cornish,	Harris,	Morse,	Turpin,
Cousins,	Hartman,	Mutchler,	Updegraff,
Cox,	Hatch,	Outhwaite,	Van Voorhis, Ohio
Crain,	Hayes,	Paschal,	Wanger,
Curtis, Kans.	Henry,	Pendleton, W. Va.	Waugh,
Curtis, N. Y.	Hepburn,	Phillips,	Wever,
Dalzell,	Hermann,	Pigott,	Williams, Miss.
Daniels,	Hicks,	Powers,	Wise.
Davey,	Hooker, N. Y.		

NAYS—111.

Allen,	Davis,	Lane,	Perkins,
Arnold,	De Armond,	Latimer,	Reed,
Bailey,	Dinsmore,	Lawson,	Richardson, Tenn.
Bankhead,	Dockery,	Lester,	Ritchie,
Barnes,	Dunn,	Little,	Robbins,
Beckner,	Dumphy,	Lockwood,	Sayers,
Bell, Tex.	Ellis, Oreg.	Loud,	Snodgrass,
Black,	Erdman,	Lynch,	Stallings,
Bland,	Everett,	Maddox,	Strait,
Boen,	Fyan,	Mallory,	Swanson,
Branch,	Goldzier,	McCreary, Ky.	Talbert, S. C.
Breckinridge,	Grady,	McCulloch,	Tarsney,
Bretz,	Gresham,	McDearmon,	Tate,
Brookshire,	Hammond,	McEttrick,	Taylor, Ind.
Brown,	Harrison,	McKaig,	Terry,
Bryan,	Haugen,	McLaurin,	Tucker,
Bynum,	Henderson, N. C.	McMillin,	Turner, Ga.
Cabaniss,	Hitt,	Montgomery,	Tyler,
Cannon, Cal.	Hopkins, Ill.	Moore,	Warner,
Cannon, Ill.	Hudson,	Moses,	Washington,
Capehart,	Hunter,	Neill,	Wells,
Catchings,	Izlar,	O'Neil, Mass.	Wheeler, Ala.
Clark, Mo.	Jones,	O'Neil, Mo.	Whiting,
Cobb, Ala.	Kem,	Patterson,	Williams, Ill.
Cockrell,	Kilgore,	Pearson,	Wilson, W. Va.
Coffeen, Wyo.	Kribbs,	Pence,	Woomer,
Cooper, Wis.	Kyle,	Pendleton, Tex.	Wright.
Crawford,	Lacey,		

ANSWERED "PRESENT"—1.

Childs.

NOT VOTING—94.

Abbott,	Culberson,	Hulick,	Scranton,
Adams, Ky.	Denson,	Hutcheson,	Settle,
Aitken,	Dingley,	Johnson, Ind.	Sherman,
Alderson,	Ellis, Ky.	Johnson, Ohio	Sibley,
Apsley,	Enloe,	Magner,	Sickles,
Babcock,	Fielder,	Maguire,	Simpson,
Baker, Kans.	Fithian,	Marshall,	Sipe,
Baldwin,	Fletcher,	Marvin, N. Y.	Smith,
Bell, Colo.	Gear,	McAleer,	Stockdale,
Berry,	Gillet, N. Y.	McDanold,	Sweet,
Bingham,	Goodnight,	McKeighan,	Talbot, Md.
Boutelle,	Gorman,	McRae,	Taylor, Tenn.
Bower, N. C.	Graham,	Meredith,	Van Voorhis, N. Y.
Brickner,	Hall, Minn.	Murray,	Wadsworth,
Brosius,	Harter,	Newlands,	Walker,
Bunn,	Heard,	Northway,	Wadcock,
Burnes,	Heiner,	Ogden,	Wheeler, Ill.
Cadmus,	Henderson, Ill.	Payne,	White,
Clancy,	Henderson, Iowa	Pickler,	Wilson, Ohio
Cockran,	Headrix,	Prioe,	Wolverton,
Cogswell,	Hines,	Ray,	Woodard.
Conn,	Holman,	Rayner,	
Coombs,	Hooker, Miss.	Richardson, Mich.	
Covert,	Houk,	Rusk,	

So the amendment was agreed to.  
 Mr. SPRINGER. I would like to have my name called.  
 Mr. McMILLIN. Let us have a recapitulation of the vote.  
 The SPEAKER. The vote will be recapitulated.  
 Mr. TARSNEY. I ask for order.  
 The SPEAKER. The Chair is endeavoring to secure order.  
 Mr. TARSNEY. I rise to a point of order. I desire to inquire if it is in order to proceed with all the employees and brevet employees of this House surrounding the Clerk's desk.

The vote was recapitulated.  
 Mr. COX. I desire to change my vote from nay to yea, for the purpose of moving a reconsideration of that vote. [Cries of "Oh!"]

Mr. COOPER of Indiana. Mr. Speaker, while I am paired with the gentleman from Illinois, Mr. SMITH, the understanding was that I should vote if I desired to do so.

Mr. BROSIUS. Mr. Speaker, how am I recorded?  
 The SPEAKER. The gentleman is recorded in the affirmative.  
 Mr. BROSIUS. I did not vote. I am paired with the gentleman from South Dakota [Mr. PICKLER]. If he were here, he would vote "yea;" I would vote "nay."

Mr. BOWERS of California. Mr. Speaker, the gentleman from Ohio, Mr. NORTHWAY, is confined to his room, sick, and I ask that he be excused.

There was no objection, and it was so ordered.  
 Mr. TAYLOR of Indiana. Mr. Speaker, I would like to have my colleague, Mr. HOLMAN, excused. He is detained from the House on account of sickness. If he were present he would vote "nay."

Mr. MEYER. My colleague, Mr. OGDEN, is confined to his room, on account of sickness, and I ask that he be excused.  
 There was no objection, and it was so ordered.

Mr. WEADOCK. Mr. Speaker, I desire to withdraw my vote. I was paired with my colleague, Mr. GORMAN. If he were present, he would vote "yea;" I should vote "nay."

The following additional pairs were announced:  
 For the rest of the day:  
 Mr. GRAHAM with Mr. AITKEN.  
 Mr. CULBERSON with Mr. DINGLEY.  
 Mr. BERRY with Mr. HENDERSON of Iowa.  
 Mr. ALDERSON with Mr. SCRANTON.  
 Mr. TALBOTT of Maryland with Mr. WHITE.  
 Mr. HOLMAN with Mr. NORTHWAY.  
 On this question:  
 Mr. BROSIUS with Mr. PICKLER.

The result of the vote was then announced as above recorded.  
 Mr. COX. I move to reconsider the vote by which the amendment was agreed to.

Mr. HAYES. I move to lay that motion on the table, Mr. Speaker.

The SPEAKER. The question will be taken on the motion to lay the motion to reconsider on the table.

Mr. COX. On that I demand the yeas and nays.  
 The yeas and nays were ordered.

The SPEAKER. The Chair will appoint as tellers the gentleman from Iowa, Mr. HAYES, and the gentleman from Tennessee, Mr. COX.

The question was taken; and there were—yeas 145, nays 91, not voting 113; as follows:

YEAS—145.

Aldrich,	Davey,	Hopkins, Pa.	Pigott,
Alexander,	De Forest,	Hulick,	Powers,
Avery,	Dolliver,	Hull,	Randall,
Baker, Kans.	Doolittle,	Ikirt,	Ray,
Baker, N. H.	Draper,	Johnson, N. Dak.	Reilly,
Baldwin,	Dunn,	Jorden,	Reyburn,
Bartholdt,	Durborow,	Kiefer,	Richards,
Bartlett,	Edmunds,	Kribbs,	Robertson, La.
Barwig,	English, Cal.	Lapham,	Robinson, Pa.
Belden,	English, N. J.	Layton,	Russell, Conn.
Beltzhoover,	Epes,	Lefever,	Russell, Ga.
Berry,	Forman,	Linton,	Schermerhorn,
Blair,	Funk,	Livingston,	Sorg,
Boatner,	Gardner,	Loud,	Sperry,
Bowers, Cal.	Geary,	Loudenslager,	Springer,
Broderick,	Geissenhainer,	Lucas,	Stephenson,
Bromwell,	Griffin, Mich.	Lynch,	Stevens,
Bundy,	Griffin, Wis.	Mahon,	Stone, C. W.
Bynum,	Grosvenor,	Marsh,	Stone, W. A.
Campbell,	Grout,	Martin, Ind.	Stone, Ky.
Cannon, Cal.	Grow,	McCall,	Storer,
Caruth,	Hager,	McCleary, Minn.	Strong,
Causey,	Hainer, Nebr.	McCreary, Ky.	Strong,
Chickering,	Haines,	McDowell,	Tawney,
Childs,	Hare,	McGann,	Thomas,
Clarke, Ala.	Harmer,	McNagny,	Tracey,
Cobb, Mo.	Harris,	Mercer,	Turner, Va.
Cooper, Fla.	Hartman,	Milliken,	Turpin,
Cooper, Ind.	Hatch,	Money,	Updegraff,
Cooper, Tex.	Hayes,	Moore,	Van Voorhis, Ohio.
Cooper, Wis.	Henderson, Ill.	Morgan,	Wanger,
Cousins,	Henry,	Morse,	Wever,
Crain,	Hepburn,	Mutchler,	Whiting,
Curtis, Kans.	Hermann,	Outhwaite,	Williams, Miss.
Curtis, N. Y.	Hicks,	Paschal,	Wise.
Dalzell,	Hitt,	Pendleton, W. Va.	
Daniels,	Hooker, N. Y.	Phillips,	

NAYS—91.

Arnold,	Branch,	Cockrell,	Erdman,
Bailey,	Breckinridge,	Coffeen, Wyo.	Everett,
Bankhead,	Bretz,	Cox,	Fyan,
Barnes,	Brookshire,	Crawford,	Goldzier,
Beckner,	Cabaniss,	Davis,	Grady,
Bell, Tex.	Capehart,	De Armond,	Gresham,
Bland,	Catchings,	Dockery,	Hall, Mo.
Boen,	Clark, Mo.	Dunphy,	Hammond,
	Cobb, Ala.	Ellis, Oreg.	Harrison,

Haugen, Henderson, N. C. Hudson, Hunter, Izlar, Jones, Kilgore, Kyle, Lacey, Lane, Latimer, Lawson, Lester, Little,	Lockwood, Maddox, Mallory, McCulloch, McDearmon, McEtrick, McKaig, McLaurin, McMillin, Montgomery, Moore, Moses, O'Neil, Mass. Page,	Patterson, Pearson, Pence, Pendleton, Tex. Perkins, Reed, Richardson, Tenn. Ritchie, Sayers, Snodgrass, Stallings, Strait, Swanson, Talbert, S. C.	Tarsney, Tate, Taylor, Ind. Terry, Tucker, Turner, Ga. Tyler, Warner, Wells, Wheeler, Ala. Williams, Ill. Wilson, W. Va. Woomer.
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NOT VOTING—113.

Abbott, Adams, Ky. Adams, Pa. Aitken, Alderson, Allen, Apsley, Babcock, Bell, Colo. Bingham, Boutelle, Bower, N. C. Brickner, Brostus, Brown, Bryan, Bunn, Burnes, Cadmus, Caminetti, Cannon, Ill. Clancy, Cockran, Coffin, Md. Cogswell, Conn, Coombs, Cornish, Covert,	Culberson, Denson, Dingley, Dinsmore, Donovan, Ellis, Ky. Enloe, Fielder, Fithian, Fletcher, Gear, Gillet, N. Y. Gillett, Mass. Goodnight, Gorman, Graham, Hall, Minn. Harter, Heard, Heiner, Pa. Henderson, Iowa Hendrix, Hines, Holman, Hooker, Miss. Hopkins, Ill. Houk, Hutcheson, Johnson, Ind.	Johnson, Ohio Kem, Magner, Maguire, Marshall, Marvin, N. Y. McAleer, McDannold, McKeighan, McRae, Meiklejohn, Meredith, Meyer, Murray, Neill, Newlands, Northway, Ogden, O'Neil, Mo. Payne, Pickler, Price, Quigg, Rayner, Richardson, Mich. Robbins, Rusk, Ryan, Scranton,	Settle, Shell, Sherman, Sibley, Sickles, Simpson, Sipe, Smith, Somers, Stockdale, Straus, Sweet, Tabbot, Md. Taylor, Tenn. Van Voorhis, N. Y. Wadsworth, Walker, Washington, Wagh, Weadock, Wheeler, Ill. White, Wilson, Ohio Wolverton, Woodard, Wright.
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The SPEAKER. Upon this question the yeas are 145 and the nays are 91. The yeas have it, and the motion to reconsider is laid on the table. The question now is upon the engrossment and third reading of the amended bill.

The question being taken, the bill was ordered to be engrossed and read a third time.

Mr. MADDOX. Mr. Speaker, I move to recommit the bill with the instructions which I send to the desk.

The motion of Mr. MADDOX was read, as follows:

Resolved, That House bill 8892 be recommitted to the Committee on Appropriations with instructions to report the same back forthwith with all provisions for one month's extra pay for members' clerks stricken from the bill.

Mr. MADDOX. Upon that I demand the previous question.

Mr. WILLIAM A. STONE. Mr. Speaker, I make the point of order that that question has just been voted upon by the House.

The SPEAKER. Not singly. There was something else connected with it.

Mr. SPRINGER. This motion relates only to the clerks of members.

Mr. WILLIAM A. STONE. But it is practically the same question that has just been voted upon.

The SPEAKER. Not at all. This motion applies to one class of clerks, while the amendment just voted upon by the House related both to those clerks and to another class of employees.

Mr. WILLIAM A. STONE. Mr. Speaker, I find on page 313 of the Manual this:

It is not in order to move to recommit a bill with instructions to insert what the House has just voted to strike out.

Now, the converse of that ought to be true, and where the House has just refused to strike out an amendment made in Committee of the Whole and has voted to sustain it, in my judgment it would clearly be out of order to move to recommit the bill with instructions to strike that provision out.

The SPEAKER. Would the gentleman regard the amendment which has just been voted upon as identical with this? As the Chair understands it, the amendment reported from the Committee of the Whole was to pay the clerks and other employees of the House one month's extra pay, and also to pay the clerks of members one month's pay. This motion, as the Chair understands it, is to recommit the bill with instructions to strike out so much of the amendment as provides for a month's extra pay to clerks of members alone, without reference to the House employees.

Mr. WILLIAM A. STONE. Well, the greater includes the less. If such a motion as that made by the gentleman from Georgia is in order, we can never dispose of a bill.

The SPEAKER. Under the rules there can be but one motion to recommit made. The gentleman from Georgia moves to recommit the bill with instructions, and on that he demands the previous question.

Mr. BAKER of New Hampshire. Mr. Speaker, I move to amend the motion to recommit.

The SPEAKER. The previous question is demanded. The question is upon ordering the previous question.

The question being taken on ordering the previous question, the Speaker declared that the yeas seemed to have it.

Mr. MADDOX. I ask for a division.

The House divided; and there were—yeas 75, yeas 125; so the previous question was refused.

Mr. GROSVENOR. Mr. Speaker, I move to amend the motion of the gentleman from Georgia to recommit by inserting the portion of the amendment reported from the Committee of the Whole that was omitted by him.

The SPEAKER. The Clerk will report the amendment of the gentleman from Ohio.

Mr. TRACEY. I rise to a point of order. I submit that this proposition would practically require the House to vote again upon the question we have just voted on.

The SPEAKER. But if the motion to recommit is in order it is undoubtedly amendable under the rules.

Mr. McMILLIN. The Chair, then, holds that to amend it would not be putting it in a condition so that it could not be voted on.

The SPEAKER. The Chair has not reached that point. [Laughter.] The Clerk will report the proposed amendment of the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. I desire to modify my amendment by omitting the reading clerk now reading at the desk. My amendment is to strike out all of the amendment in regard to extra month's pay except that relating to the reading clerk.

The SPEAKER. The gentleman will please reduce his amendment to writing.

After a pause the amendment of Mr. GROSVENOR was read, as follows:

Amend the instructions as proposed by adding the following: "Strike out all persons, clerks, and employees to be paid extra pay, except the Capitol police."

[Laughter].

Mr. BRECKINRIDGE. On that I demand the previous question. The previous question was ordered.

The SPEAKER. The question is upon the amendment offered by the gentleman from Ohio [Mr. GROSVENOR].

The question being taken, the amendment was agreed to; there being—yeas 127, yeas 39.

The SPEAKER. The question is now upon the motion to recommit as amended.

The SPEAKER proceeded to put the question.

Mr. MADDOX (during the vote). Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. MADDOX. To demand the yeas and nays.

The SPEAKER. The House is dividing.

Mr. McMILLIN. But the gentleman has the right at any time to demand the yeas and nays.

The SPEAKER. The demand for the yeas and nays can not interrupt a division.

Mr. McMILLIN. I submit, with deference to the Chair, that the yeas and nays can be demanded at any time.

The SPEAKER. Not during a division.

The question being taken, there were—yeas 49, yeas 135.

Mr. MADDOX. I now demand the yeas and nays.

The question being taken on ordering the yeas and nays, there were—yeas 32.

The SPEAKER. Not a sufficient number, in the opinion of the Chair.

Mr. MADDOX. I ask for a count of the other side.

The question being taken, there were 167 in the negative.

Mr. WELLS. I call for tellers on ordering the yeas and nays. Tellers were not ordered, only 18 voting in favor thereof.

Mr. WELLS. I move that the House adjourn.

The SPEAKER. But the Chair must announce the result of the vote. Tellers are refused; the yeas and nays are refused; and the motion to recommit is rejected. The question is now, Shall the bill pass?

Mr. WELLS. I move that the House do now adjourn.

Mr. GROSVENOR. I hope the gentleman will not filibuster. The motion of Mr. WELLS was rejected.

Mr. WELLS. I rise to a parliamentary inquiry: Is a motion to recommit without instructions in order?

The SPEAKER. It is not. Only one motion to recommit can be made. The question is, Shall the bill pass?

The question being taken, there were—yeas 181, yeas 24.

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

The yeas and nays were not ordered.

So the bill was passed.

On motion of Mr. BRECKINRIDGE, a motion to reconsider the vote by which the bill was passed was laid on the table.

DAILY HOUR OF MEETING.

Mr. OUTHWAITE. I ask unanimous consent that the House meet at 11 o'clock every day for the rest of this session.

Mr. SAYERS. I object.

Mr. OUTHWAITE. I hope the gentleman will not object.

Mr. SAYERS. Yes, sir; I object.

Mr. OUTHWAITE. We desire to give an opportunity to the

Committee on Labor to bring their business before the House to-morrow.

Mr. SAYERS. I withdraw the objection if the gentleman will limit his motion to to-morrow.

Mr. OUTHWAITE. Very well, I ask unanimous consent that to-morrow the House meet at 11 o'clock.

There being no objection, it was ordered accordingly.

#### ORDER OF BUSINESS.

Mr. OUTHWAITE. I ask unanimous consent that the special order for eulogies at 2 o'clock to-morrow be postponed until 3 o'clock.

The SPEAKER. The Chair understands that this will be agreeable to the gentlemen from Illinois. In the absence of objection, the special order will be postponed as requested.

There was no objection, and it was ordered accordingly.

#### ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 8237) for relief of William W. Buckley, late first lieutenant One hundred and ninety-fourth Regiment Ohio Volunteers;

Joint resolution (S. R. 117) granting permission for the erection of a bronze statue in Washington, D. C., in honor of the late Prof. Samuel D. Gross, M. D., LL. D., D. C. L.;

Joint resolution (S. R. 138) authorizing the Secretary of the Navy to deliver unserviceable or condemned cannon to the mayor of Burlington, Vt., to be used in decorating Battery Park; and

Joint resolution (S. R. 109) to fill vacancies in the Board of Regents of the Smithsonian Institution.

#### POST-OFFICE APPROPRIATION BILL.

Mr. HENDERSON of North Carolina. Mr. Speaker, I desire to submit a conference report on the Post-Office appropriation bill, which is a partial agreement.

Mr. LOUD. I hope the gentleman will not present that this evening. It is not an agreement in full, and it is now nearly half past 5 o'clock.

Mr. HENDERSON of North Carolina. I only want the report adopted, and then the other may go over until to-morrow.

The SPEAKER. The Clerk will read the statement of the House conferees.

The Clerk read as follows:

#### STATEMENT.

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. 8272) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1896, submit the following written statement in explanation of the action taken by the conference:

The House agreed to the following amendments of the Senate: (1) To increase appropriations for printing slips, etc., from \$12,000 to \$15,000, and (2) to increase appropriation for railway-car service from \$3,105,000 to \$3,205,000. These increases are in accordance with the estimates. The House also agrees to an amendment striking out "Springfield" and inserting "Boston" in the clause for necessary facilities on trunk lines. This is an immaterial amendment.

The committee of conference report a disagreement in regard to the amendment of the Senate relating to the residence of postal clerks on the route to which they are assigned.

#### POST-OFFICE BILL, 1896.

Amount as passed House.....	\$89,442,997.86
Increase made by Senate.....	108,000.00
Amount as passed Senate.....	89,545,997.86
Amount as agreed to by conference.....	89,545,997.86
Amount of estimates.....	91,059,283.64
Amount of act for 1895.....	87,236,599.55

JOHN S. HENDERSON.  
EDW. J. DUNPHY.  
E. F. LOUD.

The SPEAKER. The question is on agreeing to the partial report.

The report was agreed to.

The SPEAKER. The Clerk will now report the question that is at issue between the two Houses.

The Clerk read as follows:

Amend on page 4, line 20, after the words "Postmaster-General," by inserting:

"Provided, That all clerks hereafter appointed to the Railway Mail Service, and to perform duty in railway post-offices, shall reside at some point along the route to which they are assigned; but railway clerks heretofore appointed, and now performing such duty, shall not be required to change their residence."

Mr. HENDERSON of North Carolina. The Senate ask a conference on this amendment, and my motion will be to agree to that conference. The gentleman from California, I understand, wishes to move that the House recede and agree to the amendment. I am willing to let that lie over until to-morrow morning to satisfy his convenience.

The SPEAKER. The gentleman from North Carolina moves to further insist on the disagreement to this amendment.

Mr. LOUD. I move that the House recede from its disagreement to the amendment and agree to the same. And pending that, I move that the House adjourn.

The SPEAKER. The Chair would suggest that if the House does not remain in session until a later hour it will be difficult to transact the business.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:  
To Mr. HOLMAN, for this day, on account of sickness in his family.

To Mr. NORTHWAY, indefinitely, on account of sickness.

#### DUPLICATE BILL FROM THE SENATE.

The SPEAKER also laid before the House the following resolution; which was read, considered, and adopted:

Resolved, That the Senate be requested to furnish to the House a duplicate of the bill (S. 2243) in aid of the exposition to be held under the auspices of the Baltimore Centennial Exposition, and for other purposes, the same having been lost or mislaid.

#### ORDER OF BUSINESS.

Mr. MARTIN of Indiana. Mr. Speaker, I hope the gentleman from California will withhold his motion to adjourn until I can call up the Friday night bills. It will not take over eighteen or twenty minutes to dispose of them.

Mr. HENDERSON of North Carolina. I understood the gentleman from California [Mr. LOUD] to request that this conference report be laid aside until to-morrow morning. I have no objection to that.

The SPEAKER. That will of course take time from a committee which expects to present business to-morrow. The gentleman asks consent, however, to let this conference report go over until to-morrow morning.

Mr. HENDERSON of North Carolina. And to make it a special order for 12 o'clock.

Mr. MAGUIRE. I object to that.

Mr. HENDERSON of North Carolina. Then I have no objection to going on with it and concluding it to-night. I have made the motion that we agree to the conference asked by the Senate.

The SPEAKER. The gentleman from California has made a motion which must be first disposed of.

Mr. LOUD. I move that the House now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned until to-morrow morning at 11 o'clock.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS.

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. MAHON, from the Committee on War Claims: A bill (H. R. 2325) for the relief of the estate of James S. Clark, deceased. (Report No. 1926.)

By Mr. TURPIN, from the Committee on Indian Affairs: A bill (S. 2364) for the relief of Silas P. Keller. (Report No. 1927.)

By Mr. LACEY, from the Committee on Invalid Pensions: A bill (H. R. 6356) granting a pension to George W. Johnson. (Report No. 1928.)

#### PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. HAINER of Nebraska: A bill (H. R. 8949) to establish a national university—to the Committee on Education.

By Mr. TUCKER (by request): A resolution to establish a national park at Appomattox, Va., and to appoint commissioners to locate same—to the Committee on Military Affairs.

By Mr. SMITH of Arizona: A memorial of the legislative assembly of Arizona, praying that Chalcedony Park, near Holbrook, Apache County, Ariz., be set aside and formed into a national park under care of the General Government—to the Committee on the Public Lands.

By Mr. HERMANN: A memorial of the Oregon legislature, for the improvement of Umpqua River, Oregon—to the Committee on Rivers and Harbors.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. GROUT: A bill (H. R. 8950) for the relief of Company M, Twenty-sixth Regiment New York Cavalry—to the Committee on Military Affairs.

By Mr. PASCHAL: A bill (H. R. 8951) to pension James G. Matthews, of Texas—to the Committee on 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. ALDRICH: Petition of Frances E. Willard and 79

others, of the Women's Christian Temperance Union, for the passage of House bill of January 19, 1895, for a permanent treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. BRODERICK: Memorial of Francis G. Peabody and 50 others, of Howard University, and of Frederic E. Dewhurst and 75 others, in favor of the passage of the antilobby bill now pending in the House—to the Committee on the Judiciary.

Also, resolution of Division No. 161, Order of Railway Conductors of Kansas, in favor of the Wright and Hermann labor arbitration bill—to the Committee on Labor.

By Mr. COX: Petition of J. W. Howard and other citizens of Maury County, Tenn., in regard to bounty on sugar—to the Committee on Appropriations.

By Mr. DALZELL: Resolution of American citizens of Fayette City, Pa., in favor of an amendment to the Constitution that neither Congress nor any State shall pass any law respecting an establishment of religion—to the Committee on the Judiciary.

By Mr. GROUT: Memorial of the Houston Board of Trade and the Fairbanks Company of New York, in behalf of the sugar producers of 1894 and in favor of giving them the bounty for that year—to the Committee on Ways and Means.

Also, memorial of J. B. Scully and others, of Frontier Cavalry, for unpaid portion of bounty—to the Committee on Military Affairs.

By Mr. HAYES: Petition of J. Ellen Foster and others, of the National Council of Women, asking for the passage of House resolution of January 19, 1895, for the ratification of a permanent treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. HERMANN: Petition of citizens of Woodburn and Astoria, Oreg., for a constitutional amendment prohibiting the granting of the right of franchise to persons not citizens of the United States—to the Committee on the Judiciary.

Also, resolution of the Chamber of Commerce of Portland, Oreg., favoring the Lodge bill for the reorganization of the diplomatic service—to the Committee on Foreign Affairs.

By Mr. HICKS: Petition of 40 citizens of Casselman, Pa., prohibiting any State from granting the right of franchise to any person not a citizen of the United States—to the Committee on the Judiciary.

Also, petition of 44 citizens of Pennsylvania who served in the various construction corps and on military railroads attached to the United States Army from 1861 to 1865, asking that a law be enacted to allow them the benefits of a pension, as provided in the act of June, 1890—to the Committee on Invalid Pensions.

By Mr. McCLEARY of Minnesota: Resolution of St. Paul (Minn.) Order of Railway Conductors, Division No. 40, favoring House bill 8556, providing for adjustment of differences between railways and their employees—to the Committee on Labor.

By Mr. MILLIKEN: Petition of B. L. Whitman and others, for a law to suppress lotteries—to the Committee on the Judiciary.

By Mr. PENCE: Resolution of the American Federation of Labor, in favor of the free and unlimited coinage of both silver and gold at the ratio of 16 to 1—to the Committee on Coinage, Weights, and Measures.

Also, protest against exempting mining claims from annual work—to the Committee on Mines and Mining.

Also, resolutions adopted at a meeting of 125 citizens of Denver, Colo., against granting the right of franchise to persons not citizens of the United States—to the Committee on the Judiciary.

Also, resolutions of 125 citizens of Denver, Colo., against appropriating public money and in favor of a law prohibiting an establishment of religion—to the Committee on the Judiciary.

By Mr. PICKLER: Petition of Burt Fuller and 835 others, of Sisseton, S. Dak., praying for the passage of the Pickler bill, providing for a reduction of price of Government lands to \$1.25 per acre—to the Committee on the Public Lands.

By Mr. PIGOTT: Petition of the Wine, Liquor, and Beer Dealers' Association of Ansonia, Conn., against an increase in the tax on beer—to the Committee on Ways and Means.

By Mr. REYBURN: Petition of B. F. Nickersham and others, of Philadelphia, Pa., for the passage of House resolution of January 19, 1895, for the ratification of a permanent treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. RICHARDSON of Michigan: Petition of the Grange, Cascade, Mich., for the passage of the bill to give the States authority over the sale and manufacture of imitations of butter—to the Committee on Agriculture.

By Mr. RYAN: Petition of Journeymen Bookbinders' Union, No. 4, and Columbia Union, No. 101, journeymen printers, per W. B. Hyde and B. L. Smith, chairmen of committees, in favor of the passage of House resolution 244, to revise the wages of certain Government Printing Office employees—to the Committee on Printing.

By Mr. WANGER: Preamble and resolution of meeting of citizens of Pottstown, Pa., for the passage of House bill 5246—to the Committee on the Judiciary.

## SENATE.

TUESDAY, February 26, 1895.

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

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

## THE JOURNAL AND THE RECORD.

The VICE-PRESIDENT. The Journal of yesterday's proceedings will be read by the Secretary.

Mr. GALLINGER. I ask that the reading of the Journal be dispensed with.

The VICE-PRESIDENT. Is there objection?

Mr. MANDERSON. I object.

The VICE-PRESIDENT. There is objection.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. HALE (at 11 o'clock and 10 minutes a. m.). I ask that the further reading of the Journal be dispensed with.

Mr. GALLINGER. I am constrained to object to that request.

The VICE-PRESIDENT. An objection is interposed.

The reading of the Journal was resumed and concluded.

Mr. HALE. Before the Journal is approved, I wish to call the attention of the Senate to the difference between the Journal and the RECORD. The Journal is completed, as it should be, down to the moment of adjournment, but I find on examining the RECORD that a considerable portion of the report of last evening is not included in the RECORD for the day. As every Senator knows, this, particularly in the last days of the session, is very troublesome, because we only gain the knowledge of what is done in this and in the other branch by reading the RECORD. It is the first thing that I do in the morning, so as to be apprised of what is going on.

I call the attention of the Committee on Printing to this matter. The Senator from Nebraska [Mr. MANDERSON] is, I think, the only member present. I am told that so faithful was the work of our reporters that at half past 1 the last page of the report of the proceedings was copied and completed and sent to the Printing Office.

Mr. HAWLEY. At 1.

Mr. HALE. It may have been 1 o'clock. I was told at half past 1. Either is enough to show that we might have had the RECORD. But the Printing Office, whose main business it is to report the proceedings of Congress, shut off its work, put out its lights, and declined to complete the RECORD and furnish it to us for this morning.

Mr. President, unless some note of warning and some monition is served upon the Printing Office (I hope the Committee on Printing will attend to it) we shall be in this situation all the time. We must have night sessions; we shall have to get a knowledge of the proceedings of the Senate from the RECORD the next morning, covering the day before; and if every night this office, which is our servant, the servant of Congress, shuts off work, extinguishes lights at 2 o'clock, or at any hour when copy is coming in, we shall be in the same situation as we are now.

I am aware that the fault, if there is fault, should not be attributed to our reporters, who are very constant in their work. There will be cases—I have known cases—where Congress sits all night and into the early hours of morning, when the proceedings can not be got into the RECORD; but the adjournment last night was inside of 11 o'clock, and there was no reason why we should not have had every word from the Printing Office.

Mr. MANDERSON. I simply desire to say that no one questions the capacity and the interest, day and night, of the reporting force of the Senate; and it is seldom that there is occasion to question the industry and faithfulness of those who are responsible for the conduct of the Public Printing Office. It is very exceptional that this has occurred. Usually when we sit until 12 or 1 o'clock we find in the RECORD the next morning the full account of our proceedings, or if there is delay for an hour or two, it is laid on our desks during the morning.

I have no question but that there is some good excuse for this omission. It is, as the Senator from Maine suggests, an omission that is to be regretted, because it causes embarrassment. Those of us who desired to read what was done in the later hours of last night's session found ourselves unable to get that information this morning.

Mr. HALE. A Senator tells me he was informed by the Printing Office that they would receive nothing for the RECORD after 12 o'clock.

Mr. MANDERSON. That of course should not be, and will be remedied.

Mr. HALE. The question is whether they are the masters or whether we are the masters.

The VICE-PRESIDENT. The Journal will be approved.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, requested the Senate to furnish the House with a duplicate copy of the bill (S. 2243) in aid of the exposition to be held under the auspices of the Baltimore Centennial Association, and for other purposes, the original having been lost or mislaid.