

of the State of Washington, protesting against change in the present system of public-land surveys—to the Committee on the Public Lands.

Also, a memorial (No. 6) of the legislature of the State of Washington, setting forth the need of the removal of the log jams that impede navigation in the Skagit River, in that State, and asking an appropriation therefor—to the Committee on Rivers and Harbors.

By Mr. HARRIS: Concurrent resolution (No. 20) of the Kansas legislature, asking that the Fort Hays Military Reservation be donated to the State of Kansas for certain purposes—to the Committee on Military Affairs.

By Mr. HUDSON: A joint resolution of the State legislature of Kansas, asking Congress for the donation of the Fort Hays Military Reservation—to the Committee on the Public Lands.

By Mr. BRODERICK: A memorial of the legislature of the State of Kansas in favor of donating the Fort Hays Military Reservation to said State for a western branch of the State Agricultural College, for a western branch of the Kansas State Normal Institute, and for a public park—to the Committee on the Public Lands.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. HARE: A bill (H. R. 8945) for the relief of Anderson H. Ash—to the Committee on Claims.

By Mr. JOHNSON of Ohio: A bill (H. R. 8946) to increase the pension of the widow of the late Rene E. de Russy, colonel of Corps of Engineers and brevet brigadier-general United States Army—to the Committee on Pensions.

By Mr. WHEELER of Alabama: A bill (H. R. 8947) for the relief of the estate of Eliza J. Rudder, late of Jackson County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 8948) for the relief of the estate of Gabriel M. Smith, late of Jackson County, Ala.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Papers to accompany House bill 8749—to the Committee on the District of Columbia.

By Mr. CATCHINGS: Memorials from the citizens of Greenwood and Belzonia, Miss., urging a compensating bounty to the sugar producers of the United States for the year 1894—to the Committee on Ways and Means.

By Mr. COUSINS: Petition of Division 58, Order of Railway Conductors, of Cedar Rapids, Iowa, favoring House bill 8556—to the Committee on Labor.

By Mr. DURBOROW: Petition of the Shipmasters' Association of the Great Lakes, to establish branch hydrographic offices at the principal lake ports—to the Committee on Naval Affairs.

By Mr. HARMER: Resolution adopted at a meeting of 286 citizens of Philadelphia, Pa., in favor of maintaining civil and religious liberty by absolute separation of church and state, and in favor of an amendment to the Constitution of the United States against the use of the property or credit of the United States or any State, or any money raised by taxation, for maintaining any institution wholly or in part under sectarian or ecclesiastical control—to the Committee on the Judiciary.

By Mr. HICKS: Resolution and petition of 101 citizens of Hollidaysburg, Pa., 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, petition and resolution of the Manufacturers' Club of Philadelphia, Pa., relating to our present situation as a people and directing Congress to the cause of same and praying for relief—to the Committee on Ways and Means.

By Mr. LOUDENSLAGER: Resolutions of citizens of Pitman, Cherry Landing, and Port Norris, N. J., against granting the right of franchise to persons not citizens of the United States—to the Committee on the Judiciary.

Also, resolutions of citizens of Leesburg, Port Norris, Pitman, and Camden, N. J., against appropriating public money and in favor of a law prohibiting an establishment of religion—to the Committee on the Judiciary.

By Mr. PAGE: Petition of B. W. Foster and 164 soldiers of Rhode Island, asking for legislation by Congress to prevent the taking away of pensions from soldiers who are members of the State Home in Rhode Island by State officials—to the Committee on Military Affairs.

By Mr. CHARLES W. STONE: Resolutions of a meeting of citizens of Pleasantville, Pa., in favor of an amendment to the Constitution of the United States prohibiting any legislation for sectarian purposes, or appropriations—to the Committee on the Judiciary.

Also, resolutions of a meeting of citizens of Pleasantville, Pa., in favor of an amendment to the Constitution of the United States 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.

By Mr. WHEELER of Alabama: Petition of Tom M. Edwards and other letter carriers for pay due for overtime in carrying mail at Birmingham, Ala.—to the Committee on Appropriations.

Also, petition of Robert Kent, of Lawrence County, Ala., for \$1,167.50 worth of property taken by United States Army—to the Committee on War Claims.

By Mr. WRIGHT: Petition of C. B. Prescott and 31 others, of Holyoke, Mass., in favor of a compensating bounty to the sugar producers of the United States for the year 1894—to the Committee on Ways and Means.

SENATE.

MONDAY, February 25, 1895.

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

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. CHANDLER, and by unanimous consent, the reading of the Journal of the proceedings of Saturday last was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 1314) for the relief of Mathew S. Priest.

The message also announced that the House had passed the following joint resolutions:

A joint resolution (S. R. 109) to fill the vacancies in the Board of Regents of the Smithsonian Institution;

A 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.; and

A 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.

The message further communicated to the Senate the resolutions of the House of Representatives commemorative of the life and character of the Hon. Zebulon B. Vance, late a Senator from the State of North Carolina.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of sundry citizens of Oklahoma Territory, remonstrating against the adoption of the so-called MARTIN "sooner" amendment to the pending sundry civil appropriation bill; which was ordered to lie on the table.

Mr. LODGE presented the petition of Francis H. Appleton and 31 other citizens of Boston, Mass., praying for the passage of House bill No. 8135, to promote the efficiency of the militia; which was referred to the Committee on Military Affairs.

Mr. QUAY presented petitions of 130 citizens of Jeannette, of 74 citizens of Gordon, of 60 citizens of Adams, of 63 citizens of Cambridgeboro, of 40 citizens of Fredonia, of 70 citizens of Princeton, of 117 citizens of Taylor, of 286 citizens of Philadelphia, and of 60 citizens of Pulaski, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which were referred to the Committee on the Judiciary.

He also presented petitions of 60 citizens of Adams, of 130 citizens of Jeannette, of 63 citizens of Cambridgeboro, of 40 citizens of Fredonia, of 74 citizens of Gordon, of 100 citizens of Volant, and of 60 citizens of Pulaski, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States prohibiting the appropriation of moneys for sectarian institutions; which were referred to the Committee on the Judiciary.

AMENDMENT OF REVENUE ACT.

Mr. VOORHEES. I present a communication from the Secretary of the Treasury, transmitting certain suggestions for amendments to the present tariff law. I move that the communication be printed in the RECORD and as a document, and that it be referred to the Committee on Finance, so that it will be before us at our regular meeting to-morrow.

The communication was referred to the Committee on Finance, ordered to be printed as a document and to be printed in the RECORD, as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 23, 1895.

SIR: I have the honor to inclose herewith certain suggestions for amendments to the present tariff law. These amendments are designed to make more clear the intention of Congress, and to lessen the chances of litigation, by removing the ambiguity now existing in the various paragraphs herein-after enumerated.

Most of these suggestions originate with General Appraiser Sharretts, a few having been added by this Department, and all are transmitted for the consideration of your committee.

The paragraphs of the act of August 28, 1894, sought to be amended by the suggestions referred to, are as follows: 44, 48, *76, 88, 93, 124, 210, *217, 218, 234, 245, 263, 265, 266, 268, 270, 308, 321, 323, 333, 361, *401, 410, 431, 443, *467, *481, *542, 585.

The suggestions emanating from this Department are marked with an asterisk.

Respectfully, yours,

J. G. CARLISLE, Secretary.

Hon. D. W. VOORHEES,
Chairman Finance Committee, United States Senate.

REPORTS OF COMMITTEES.

Mr. ALLEN, from the Committee on Public Lands, to whom was referred the bill (S. 1432) to open to settlement and provide for the disposal of the public lands of Fort McPherson Military Reservation, in the State of Nebraska, and for other purposes, reported it with amendments.

He also, from the same committee, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FRYE, from the Committee on Foreign Relations, to whom was referred the bill (H. R. 5580) to protect the insignia and the name of the Red Cross, reported it with amendments.

Mr. MITCHELL of Oregon, from the Committee on Claims, to whom was referred an amendment submitted by Mr. QUAY on the 22d instant, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. BATE, from the Committee on Military Affairs, to whom was referred an amendment submitted by Mr. PETTIGREW on the 19th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

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

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

- A bill (S. 377) for the relief of Robert C. Murphy;
- A bill (H. R. 561) for the relief of John and Sarah Griffin; and
- A bill (H. R. 526) for the relief of Joseph Haxthausen.

Mr. VILAS, from the Committee on Public Lands, to whom was referred the bill (S. 2767) to quiet title to certain lands in persons who purchased the same in good faith, without notice, and for a valuable consideration, and to enable the Government to issue patents on such lands, reported it without amendment.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (S. 2802) to approve a compromise and settlement between the United States and the State of Arkansas, reported it with an amendment.

Mr. PEPPER, from the Committee on Claims, to whom was referred the bill (S. 2756) for the relief of Oliver M. Blair, administrator of Thomas P. Blair, deceased, reported it without amendment, and submitted a report thereon.

Mr. BRICE. I am directed by the Committee on Interstate Commerce to report back without recommendation the bill (S. 1344) to secure aerial navigation. I also submit a written report in connection therewith, which I ask may be printed.

The VICE-PRESIDENT. The bill will be placed on the Calendar. The report will be printed under the rule.

AMENDMENTS TO APPROPRIATION BILLS.

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

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

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

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

LIEUT. F. C. ROCKENBACH.

Mr. DANIEL introduced a joint resolution (S. R. 140) authorizing Second Lieut. F. C. Rockenbach, of the Tenth Cavalry, United States Army, to accept the position of commandant of cadets at the Virginia Military Academy, at Lexington, Va.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BATE subsequently reported the joint resolution without amendment from the Committee on Military Affairs, and it was placed on the Calendar.

LIEUT. COL. J. MADISON CUTTS.

Mr. GALLINGER. Mr. President, I rise to make a request to which I trust the Senator from Missouri [Mr. COCKRELL], a member of the Committee on Military Affairs, will give attention.

On the 26th day of January I asked unanimous consent to call from the Calendar the bill (S. 399) for the relief of Bvt. Lieut. Col. J. Madison Cutts. There was no objection, the bill was passed, and went to the other House. Since that time, in a very irregular and, as I think, improper way a so-called minority report, seriously reflecting upon the military record of the claimant, was injected into the RECORD before the majority report had been made to the House. I understand that the bill has since then been reported favorably by the House committee, but the only chance to get action upon it will be under a suspension of the rules.

I now wish to ask, in justice to myself, in justice to the Senate, as well as in justice to this soldier, the privilege of having printed in the RECORD the report of the Senate Committee on Military Affairs, which report adopts the report of General BLACK, of the House of Representatives, and also an argument in behalf of the bill, which contains certain official documents relating to the case.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The report referred to is as follows:

Mr. PALMER, from the Committee on Military Affairs, submitted the following report, to accompany bill S. 399:

The Committee on Military Affairs, to which was referred the bill (S. 399) for the relief of Bvt. Lieut. Col. J. Madison Cutts, have had the same under consideration, and beg leave to report that the committee have considered the bill and recommend its passage.

The military history of this officer is voluminous. Without repeating the facts, the committee beg leave to refer to a report made by the Military Committee of the House of Representatives in connection with the House bill No. 2556, which is adopted, and presents a very clear and succinct statement of the facts which entitle this officer to the favorable consideration of the Senate.

Mr. BLACK of Illinois, from the Committee on Military Affairs, submitted the following report, to accompany bill H. R. 2556:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2556) for the relief of Bvt. Lieut. Col. J. Madison Cutts, submit the following report:

This bill has now for the third time, in a third successive Congress, received the careful and thorough consideration of the House Committee on Military Affairs.

The committee adopt the report of the committee of the Fifty-second Congress, which also includes that of the Fifty-first Congress, as follows:

[House Report No. 2118, Fifty-second Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 2120) for the relief of Bvt. Lieut. Col. J. Madison Cutts, submit the following report:

An examination of the evidence accompanying this report shows that many of the most distinguished soldiers, living and dead, have with a great unanimity described his services as imbued with patriotic ardor of a high order, varied, faithful, unwearied, valuable, arduous, and often hazardous, and so distinguished as to be the recipient of a triple medal of honor from the Congress of the United States.

The commendations come from the brigade, division, and corps commanders of the Ninth Army Corps, on the staff of which he served as aid-de-camp, judge-advocate, and frequently assistant adjutant-general.

They are confirmed by his brigade, division, and corps commanders of the Fifth Army Corps, in which he served as acting field officer, second in command, and in command of his regiment. They are repeated from personal knowledge by commanders of other corps and by distinguished staff officers of the Army of the Potomac, on the staff of which army he himself served as aid-de-camp and judge-advocate. They come from soldiers who have served with great distinction as chiefs of the general staff corps of the Army, as adjutant, inspector, quartermaster, and commissary generals of the Army of the United States; and the entire record of this soldier has been carefully reviewed by distinguished commanders of Western armies, by Major-General Rosecrans, who commanded the Army of the Cumberland, and by Major-General Schofield, now commanding the Army, and who was Secretary of War at the date of this officer's resignation, and was and now is officially familiar with all attending circumstances connected therewith.

It has been made perfectly evident to the committee that the officer's career in the line, field, and staff of the Army was of great distinction and that his services were of a high order of merit and usefulness, and were eminent, brilliant, and worthy the highest consideration—eminent and worthy of the highest consideration in the belief of General Getty and General Schriver, and meritorious, gallant, and brilliant in the belief of General Rosecrans. The committee have therefore felt compelled to give the bill far more than usual consideration—careful, thorough, and even prolonged investigation.

The committee adopt the unanimous report made in the Fifty-first Congress upon a similar bill which passed the House of Representatives by the recognition of the Speaker unanimously and without objection on February 26, 1891.

[House Report No. 3343, Fifty-first Congress, second session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 7490) for the relief of Bvt. Lieut. Col. J. Madison Cutts, respectfully report as follows:

We find from the evidence, and careful examination of his record, as certified by the War Department, that this soldier, then a young lawyer, was one of the earliest of those who patriotically enlisted for the defense of the Union.

After serving as a private soldier in the First Rhode Island Volunteers (three months' service) he was commissioned by President Lincoln, at the request of Hon. Stephen A. Douglas, made shortly before his death, as captain of the Eleventh United States Infantry.

After organizing as mustering and disbursing officer Rhode Island troops, cavalry, artillery, and infantry, he was ordered to report for duty on the staff of Major-General Burnside, and served on that general's staff as aid-de-camp, judge-advocate, and in other staff capacities in his successive com-

mands of the Department of North Carolina, the Ninth Army Corps, the right wing of the Army of the Potomac, the Army of the Potomac, and the Department of the Ohio. During that period he was present in the battles of South Mountain, Antietam, and Fredericksburg, in which his services were of a very high order of distinction.

He thereafter served with his regiment at the Mine Run campaign of General Meade and in the many battles of General Grant's campaign of the Wilderness, and was acting field officer, and thereafter commanded his regiment at General Grant's headquarters, City Point, Va., and at General Meade's headquarters, and in the battle of Fort Steadman, Va. His final service was in Louisiana, as commander of the post at Shreveport, La., with subposts at Marshall and Jefferson, Tex.

His services as a soldier were very varied, arduous, unremitted, often extremely hazardous, and involving great responsibilities, and he was at all times noted for ability and fidelity to duty and for conspicuous and distinguished acts of gallantry on many battlefields until, after rallying his regiment, which had been broken by a decimating artillery fire in front of Petersburg, Va., June 18, 1864, he himself fell, as was at that time supposed, mortally wounded, while advancing in front of his regiment in the line of battle which he had reformed.

He then incurred a disability, in the performance of a specific act of great gallantry, sufficient to have entitled him to be at once retired as captain. A little more than two years afterwards he could have been retired under the act of Congress of July 26, 1866, with the rank of his command when wounded—that of a field officer.

Although often urged and advised to avail himself of the provisions of that act, he had no desire to become a charge upon the country he had helped to save, and remained in the service, although seriously disabled, hoping still to be of service to his country.

He resigned June 19, 1868, under circumstances of great personal distress, and after having been tried by a court-martial on two sets of charges, which seem to have originated largely from personal difficulties with one of his officers.

At the time of his resignation Colonel Cutts believed that the court-martial had sentenced him to dismissal, but was entirely ignorant of the fact that the court had unanimously recommended, not mitigation or leniency, but the entire and absolute remission of the sentence, thus, while rendering a technical or pro forma judgment, themselves declaring that in view of all the circumstances the accused was not strictly amenable to their sentence.

This fact, by reason of his resignation, was not known to Colonel Cutts until May, 1890, and has only lately been officially certified by the Secretary of War to your committee.

His career since his resignation has been one of long-continued useful and honorable effort in civil and professional life. The committee believe it highly to his honor that, after marrying and having 11 children, 7 of whom are now living, he has forborne to press his claim and appeal for relief until no longer able, by reason of disability, the result of his wounds and exposures in the service, to bear the cares, anxieties, and wants of his large family.

In view of his long-continued and distinguished services, entitling him in a marked degree to the gratitude of his country, the committee recommend that he be honorably restored to the status he held when wounded, and accordingly report favorably the bill for his retirement in the Army with the rank of captain.

In justice to the soldier, and in support of their action, your committee append the statements of the many distinguished soldiers, living and dead, who were his friends, immediate associates, and comrades in arms.

APPENDIX.

Captain Cutts rendered efficient services as mustering and disbursing officer in organizing Rhode Island troops, for which he was personally thanked by the governor of that State.

Maj. Gen. William Sprague, late governor of Rhode Island, writes: "COLONEL: Say from me that your early action, the earliest who stirred, becoming the forlorn hope, against the organized South, entitles you to great consideration. More than that, your more than interested relations South would have restrained you had you not been more than ordinarily imbued with patriotic ardor. Besides, were you not the brother-in-law of Stephen A. Douglas? Your services were of a high order here, and I unite fully with all who certify to your services, with equally praiseworthy ones under my official eye."

The statements of Maj. Gens. Samuel D. Sturgis, J. D. Cox, John F. Hartman, Hugh Ewing, Henry J. Hunt, and William B. Franklin fully cover the period of his staff services.

Says General Sturgis: "I was well acquainted with Colonel Cutts during the campaign in Maryland in 1862, and can not speak in terms too high of the valuable, arduous, and often hazardous services which he rendered at the battles of South Mountain and Antietam. My personal acquaintance with Colonel Cutts included also his services at the battle of Fredericksburg, Va., in the fall of 1862, where his services were well understood by the army corps (Ninth) to which we both belonged.

"I believe it may be safely said of Colonel Cutts that there are few officers of his rank and opportunities who have done so much and received so little in return."

Writes Gen. J. D. Cox: "I take pleasure in stating that during the years 1862 and 1863 I was well acquainted with the military standing of Col. (then Captain) J. Madison Cutts, who was then serving on the staff of Major-General Burnside, commanding the right wing of the Army of the Potomac. This brought me in constant intercourse with the gentlemen of General Burnside's staff, and I know that Captain Cutts was among the most energetic, brave, and intelligent of the officers in that service. He sought active field service as acting aid, and was found wherever severe duty was to be done."

Says General Hunt: "I knew and esteemed Colonel Cutts during the late war, whilst he was serving on the staff of General Burnside, commanding the Army of the Potomac, my own headquarters being with those of General Burnside.

"He bore the character of an active, intelligent, and efficient officer, not only during that time but in the previous campaign in Maryland, when General McClellan commanded that Army.

"After he joined his regiment I did not personally see so much of him, but his services were always well spoken of until he was disabled by a severe wound received in one of the assaults on Petersburg in June, 1864."

Writes General Hartman: "I was well acquainted with Col. J. M. Cutts during his services with the Army of the Potomac and up to the time of his disabling wound in front of Petersburg, June, 1864.

"He was distinguished for bravery and unswerving fidelity to duty, and I cheerfully testify to the very high regard in which he was held by his comrades and his superior officers. On the staff of Major-General Burnside and

with his regiment he fully met every requirement of a gallant soldier and true patriot."

Says Gen. Hugh Ewing: "The troops which I commanded were led to their position in line of battle at Antietam by Colonel Cutts, and the soldierly skill, coolness, and bright courage displayed by him that day won from me the highest admiration.

"He displayed on that field the noble qualities that go to make up the brilliant soldier, and I do not recall a single other officer during the entire course of the war that so quickly and profoundly impressed me.

"What more can I say? He was a bright light on the field of battle, cheering up the duller spirits, and by such service long continued as few rendered or could render, he secured the gratitude of the soldier and earned the lasting gratitude of the Republic."

Writes General Franklin:

"I well remember the fact that you were with me at the first battle of Fredericksburg, December 13, 1862, as a member of the staff of General Burnside, the commanding general, I being at the time the commander of the Left Grand Division. The service that you then rendered was brave, able, and efficient, and deserved honorable recognition by the authorities, although I have never heard that you received it. As our paths led in different directions after that time, I can not speak positively of your service afterwards; but I know that it was honorable and distinguished, and that you were severely wounded in action, and were entitled to have been placed on the retired list had you applied to be so placed. I do not think that under the circumstances you ought to be considered as having lost your right to such a position now, and sincerely hope that you will be successful in your efforts to have your merits recognized by the action of Congress, for which you ask."

Says Maj. Gen. Rufus Ingalls, chief quartermaster of the armies operating against Richmond:

"This certifies that I have personally known Col. J. Madison Cutts, captain, Eleventh Infantry, for years, running back before he entered the Army. I saw much of him while he served in the Army of the Potomac on General Burnside's staff, and with his regiment. I saw him at City Point when dangerously wounded in battle on the 18th of June, 1864, and sent him to Washington for treatment. He is a man of fine education, and had a robust constitution before his hard and dangerous service, but is now enfeebled from the effects of this service and wounds. As a soldier he stood high with all who served with him. No one questioned his ability, patriotism, and bravery. He served faithfully, and is deserving of his country now in his day of need."

In the early days of his recovery, while still confined to his bed, Captain Cutts was cheered and strengthened by a letter written by General Griffin, his division commander, to Mrs. Griffin, and by her brought to him to read.

Writes General Griffin: "I asked General Ayres to-day how Captain Cutts was getting, and he replied he understood he was out of danger, and added he had made his mark as a gallant officer in this campaign.

"I doubt whether any officer of the regulars has been so specially gallant and attentive to duty as Captain Cutts, and it was a subject of universal remark before he was wounded or thought he was going to die; still, it would not have surprised any one who had known his father."

Writes General Ayres, his brigade commander:

"My knowledge of Colonel Cutts dates back to his army service. He joined my command in 1864, and was with it in that long series of battles commencing with the Wilderness, through that, Spotsylvania Court-House, the North Anna, Cold Harbor, and the crossing of the James, to the front of Petersburg, when, in the assault on that place, June 18, he was severely wounded and carried from the field.

"His good conduct was marked in all those battles, and in some of the severest his gallantry was conspicuous. He was a soldier who deserves well of his country."

And again, in a separate paper, General Ayres, writing from personal knowledge, as an eyewitness of the circumstances under which Colonel Cutts was wounded, says:

"I have the honor to state, from personal knowledge, that Bvt. Lieut. Col. J. Madison Cutts, late captain, Eleventh Infantry, was second in command of his regiment (and acting field officer) on the 18th of June, 1864.

"In the engagement in front of Petersburg, Va., on that day a spherical case shot burst in front of the regiment, killing 7 men and wounding 23 others. Of course, confusion in the regiment followed. Colonel Cutts stepped to the front and straightened out the line. While doing so he was severely wounded and carried from the field. His conduct was, as on former occasions, conspicuous and gallant."

It now remains to refer to the statement of that most distinguished and skillful surgeon, Dr. Basil Norris, United States Army, who attended Colonel Cutts while wounded. He writes:

"Capt. J. M. Cutts, Eleventh United States Infantry, was wounded on the 18th of June, 1864, in front of Petersburg, Va., while acting as field officer, and, as I have been informed, advancing in line of battle in front of his regiment.

"He was conveyed to Washington, where he arrived June 20, 1864, and placed under my treatment, and continued under my care until September following. His wound was a gunshot wound (rifle ball) of left side. The ball entered between the eighth and ninth ribs on a line below the axilla, fractured the ninth rib, penetrated the lung, and made its exit between the ninth and tenth ribs at a point about 1 inch from the spinal column.

"Captain Cutts was brevetted lieutenant-colonel for gallant and distinguished services in that campaign of the Army of the Potomac, having previously rendered conspicuous services in the preceding campaigns of the same army.

"His wound created a permanent disability, which then, and ever since, would have entitled him, had he requested while in the service, to be placed on the retired list.

"He never made such application, but before his wounds were entirely healed rejoined his regiment and sought opportunities for further service and distinction.

"He resigned in 1868, and now, with a large family, after a long interval of honorable exertion, he finds himself no longer able to contend against his increasing disabilities incurred in the line of duty and in battle.

"Informed, as I am, that Colonel Cutts will apply to Congress to be placed on the retired list of the Army, I would respectfully say that such recognition of his services and sufferings would only be in accordance with the custom of service in the Regular Army in like cases, and that I believe he abundantly merits such consideration."

Colonel Cutts was twice brevetted for gallant and distinguished services. He was recommended for the colonelcy of one of the regiments of General Hancock's veteran corps. Although strongly commended by his brigade, division, corps, and army commanders, Generals Ayres, Griffin, Warren, and Meade, and although his detail was requested by General Hancock in person, it was declined and refused by the Secretary of War, because he decided that the veteran corps was designed to bring back into the service those that were out of it, and he therefore would not order the detail of an officer already in the Army.

The indorsement of that distinguished soldier, Maj. Gen. G. K. Warren, the commander of the Fifth Army Corps, with reference to Captain Cutts's pro-

motion to the colonelcy of a veteran corps regiment, followed the recommendations of his brigade and division commanders, Generals Ayres and Griffin, and was as follows:

"HEADQUARTERS FIFTH ARMY CORPS, August 24, 1864.

"I could add nothing to the recommendations above, which I fully indorse. I hope such faithful service and suffering will not go unrewarded."

Writes Maj. Gen. Edward Ferrero:

"It affords me great pleasure to recommend Col. J. M. Cutts, having known him personally while connected with the Ninth Army Corps. A brave and accomplished officer, whose faithful services during the late war entitle him to the kind consideration of his fellow-men in general. I sincerely hope that his wishes to be retired will meet with the approval of the Senate and House."

Writes Maj. Gen. and ex-President R. B. Hayes:

"During the Antietam campaign I served in the same corps with Colonel Cutts, and have sufficient information of his services throughout the war to be well assured that it was of decided merit.

"I am confident that he deserves the relief that Congress is asked to afford, and I trust sincerely that it will be granted."

Testifies Brig. Gen. David B. McKibben:

"It affords me great pleasure to add my testimony to your gallantry on the field of battle and to your high soldierly character when we served together in the Army of the Potomac. The records of the War Department show this. All your brother officers were witnesses of it. Such being the case, a generous country will not refuse its aid, only asked for when broken down by wounds and disease incurred battling for its existence.

"I sincerely wish you success, and I have not the slightest doubt you will achieve it. No one has a better claim and few as richly deserve of their country."

Writes Maj. Gen. Orlando B. Willcox, now governor of Soldiers' Home:

"I have read the abstract of your service in the Army with great interest, and cheerfully add my testimony to the mass of evidence to your distinguished services during our acquaintance in the war of the rebellion.

"I remember your activity and great usefulness in the fights at South Mountain and Antietam, particularly where, as aid-de-camp to General Burnside, you contributed so much to success, and I may safely say that no staff officer habitually exposed himself to danger in carrying orders and gaining intelligence more than yourself.

"In my humble judgment you are richly deserving retirement, with the rank of captain at least."

Testifies Maj. Gen. George W. Getty:

"I fully concur in all that has been said in your behalf.

"During the Maryland campaign, which resulted in the battles of South Mountain and Antietam, I was the chief of artillery of the right wing of the Army of the Potomac. You rendered most efficient aid to me in selecting positions for the artillery, and subsequently in conducting the batteries to the positions selected.

"In the Virginia campaign, under Major-General Burnside, your services were active and dangerous in carrying orders and gaining intelligence of the movements of General Lee's army. No staff officer on General Burnside's staff rendered more efficient or valuable services than yourself.

"Your services during the war were eminent and honorable, deserving the highest consideration.

"I do most sincerely hope that Congress, as a simple act of justice, will grant the relief you ask."

Since the above report was made much valuable and additional evidence has been laid before the Fifty-second Congress. This evidence is all embraced in its proper connections in the argument made before the committee. The entire argument which has so fully satisfied and convinced the committee has elicited evidences of equal approbation and conviction from the most distinguished sources, from some of which we quote:

WASHINGTON, January 21, 1892.

DEAR COLONEL CUTTS: I have received your letter of this date, and have no hesitation in stating with pleasure that the argument in support of the Congressional bill for your relief is candid, soldier-like, fair, just, and honorable. I can not doubt that it will convince all who may be called on to act in the case, and I trust that they will meet the wishes of yourself and the friends who desire the success which you richly deserve.

Truly, your friend,

ED. SCHRIVER,
Inspector-General U. S. A., Retired.

GRAND RAPIDS, MICH., May 25, 1892.

DEAR COLONEL: I have read your argument, and you make a very able one. The report of the committee in the Fifty-first Congress speaks for itself. You deserve to succeed.

Yours, truly,

B. M. CUTCHEON,
Chairman Military Committee,
House of Representatives, Fifty-first Congress.

Col. J. MADISON CUTTS.

[From Maj. Gen. Amos Beckwith, Commissary-General United States Army, retired, president of the New Orleans court-martial.]

DEAR COLONEL: I have read over your argument in the matter of the bill for your relief. I can not see wherein you can better the presentation of the case. I hope the committee may take a sensible and favorable view of your case, and make such a recommendation as will carry the bill through.

PRESIDENT'S ROOM, BROWN UNIVERSITY,
Providence, R. I., May 21, 1892.

MY DEAR COLONEL CUTTS: I do not see but that you have prepared your argument with admirable candor, taste, and force. I can not but hope and think that you will win. So hope all your friends here.

Yours,

E. BENJ. ANDREWS.

[From ex-President R. B. Hayes.]

SPIEGEL GROVE, Fremont, Ohio, May 13, 1892.

MY DEAR COLONEL: I have read with interest your full and convincing argument in behalf of relief by act of Congress. It will, I trust, persuade the authorities to grant what you ask. Nothing can give full compensation for what you have suffered, but the honorable military record you have fairly won can and should be restored to you.

Sincerely,

RUTHERFORD B. HAYES.

[From Maj. Gen. Rufus Ingalls, Quartermaster-General United States Army, retired.]

NEW YORK CITY, June 3, 1892.

MY DEAR MADISON: I have read your argument very carefully and see nothing to add to it.

The fact is, your record is perfectly glorious, and I trust Congress will so

decide promptly. At this late day, after having suffered so much through flagrant injustice, nothing can possibly be too good for you.

Very sincerely,

RUFUS INGALLS.

[From Gen. Edwin S. Osborne, chairman of the Subcommittee House Committee on Military Affairs, which unanimously reported the bill in the Fifty-first Congress.]

MY DEAR COLONEL: I became much interested in your case early in the Fifty-first Congress, and was sadly disappointed that the case was so long delayed in the Senate as to prevent justice being rendered in some slight degree to you by that Congress.

I have read the brief of your argument with much satisfaction and sincerely hope the deserved result for good so long delayed may be shortly reached, and the great injury done you after these long years of sorrow and suffering may be forgotten and that your future may be rich with many blessings.

Your services to the country on the battlefield were grand and glorious and you deserve that reward your splendid efforts demand.

The circumstances surrounding your resignation from the Army were fully understood by the Military Committee of the Fifty-first Congress, and it never was regarded in the slightest degree as an objection to granting the relief you so justly are entitled to receive.

Congress should restore to you all the rights and honors you certainly were entitled to before these sad experiences, though bad men overtook your career, and surely the wounds that carried you down on that hard day, 18th June, 1864, in the front at Petersburg, should not be forgotten.

You deserve well of your country, and it will be small return for periled life to give you the brevet rank of brigadier-general and place you upon the retired list as captain.

I sincerely trust that justice may be permitted for yourself and your children.

I am, dear colonel, with kind regards, your obedient servant,

EDWIN S. OSBORNE.

[From Major-General Commanding the Army.]

HEADQUARTERS OF THE ARMY,
Washington, D. C., February 20, 1892.

MY DEAR COLONEL: I am sure the steps you have taken will secure to you a case fair and deliberate consideration, and I doubt not ultimate success.

Yours, very truly,

J. M. SCHOFIELD.

EXECUTIVE OFFICE,
Lansing, Mich., May 25, 1892.

MY DEAR COLONEL: Yours of 22d with inclosed "argument" received. I hope the bill for your relief will become a law. The argument seems conclusive that the act would be only justice to you.

I am, very truly, yours,

EDWIN B. WINANS.

Col. J. MADISON CUTTS,
Washington, D. C.

The committee have fully considered the courts-martial records and all the circumstances of great distress, anxiety, misapprehension, and entire misunderstanding which led to and attended this officer's resignation from the service after the machinery of courts-martial had been put in motion by bad and malicious men for their own purposes of revenge totally disconnected from the good of the service, and during the exciting period of reconstruction, when this officer at a culminating period of honorable usefulness was faithfully and intelligently exercising all his powers and facilities for the welfare and best interests of his country in an important and difficult command with the most beneficent results.

The committee concur fully with the surviving members of the New Orleans court-martial, which, at the time, unknown to this officer, unanimously recommended not mitigation, but the entire, absolute, and unequalled remission of their gravest sentence, as now expressed by Maj. Gen. Beckwith, the president of that court, that "this most valuable officer should be restored to the service, where he rightfully belongs," and only regret that, in accordance with all the recent precedents in cases of retirement, this can only be done by placing him on the retired list with the rank of captain, that being his actual rank at the date of his resignation, to date from the passage of this act, and without back pay, although in 1866, under then existing law, and two years before his resignation, he had the undoubted right to be retired as field officer, the rank of his command when wounded.

The Committee of the Fifty-third Congress do not consider it necessary to republish the argument of the case which was made an appendix to the report of the committee of the Fifty-second House, but they do desire to comment upon this case as being a precedent of great value, going very far to affirm and establish fundamental principles of importance to the Army and Navy in the administration of military justice.

It is much to the honor of this soldier that, during a long life since his resignation in 1868, his career has been one of active usefulness and honorable distinction in civil life; that he has never despaired of the justice of his country, and through a long contest, which almost invariably attends Congressional legislation, covering a large field of inquiry, he has borne himself gallantly, at all times displaying a chivalric spirit, the same courage and fortitude which he exhibited on many battlefields, and always insisting upon the most severe and critical examination of his entire record as a soldier, and finally has obtained the concurring judgment, with but few intervening days, in the same month and year of the Committees on Military Affairs in both Houses of Congress, which both he and his many friends throughout the entire country may well be justified in believing to be a final and conclusive judgment.

It is a clear violation of the laws, usages, and customs governing armies to continue an officer in the discharge of important duties and hold over his head any charge, and a still greater violation to make the prosecution of that charge depend upon his acceptance or nonacceptance of any conditions whatever.

Where an officer of tried ability, experience, and distinction exercises his best judgment in the performance of his duties a very careful inquiry should be made before subjecting him to the odium of a court-martial arising out of that performance of duty, or upon facts incidentally or accidentally connected.

The objects sought by the Articles of War, by the discipline, rules, and customs of the service, and of trials by courts-martial, are not to gratify private and personal resentments, or to accomplish private ends, but to maintain and secure, by the proper punishment of offenses and delinquencies, the dignity, order, good conduct, character, reputation, and discipline of the Army. The ends of justice should, therefore, never be perverted, or its administration strained, by the admixture of private animosities or personal resentments.

Where a court-martial, after a long and harassing trial, unanimously recommends, not mitigation or clemency, but the absolute and unqualified re-

mission of an entire sentence, thus conclusively demonstrating that in view of all the circumstances the accused is not a proper subject for punishment. He should not for a moment be kept in ignorance of that judgment of his peers, since it is clear that no reviewing authority would ever disregard such a recommendation.

Experience in this and other cases has shown that in the hurry, agitation and confusion of times of war or of civil excitements injustice is often done not always apparent on the face of the record, or the usual summary announcements of general courts-martial orders, and that a very careful inquiry into motives and circumstances by a proper board or otherwise is often necessary in order that justice shall be secured to deserving soldiers.

The truth of these propositions has been fully demonstrated in this case. The publication of the entire record of this soldier by the House Committee on Military Affairs, Fifty-second Congress, having enabled him to obtain the judgments of many of the most distinguished officers, both upon the active and retired list of the Army, from some of whom we quote—preceding them with a semi-judicial opinion of the chief justice of the great State of Ohio—and it is here to be noted that each has given his separate opinion in varying language unknown to the other, and yet with entire general concurrence, thus constituting a board of review of the highest character.

SUPREME COURT OF OHIO, CONSULTATION ROOM,
Columbus February 10, 1894.

MY DEAR MADISON: I have received your very kind letter of the 8th instant. It is to be earnestly wished by every lover of justice and every admirer of noble and patriotic service for our country in its darkest hour that this Congress will not end without passing the bill pending for your relief. It is not necessary to repeat what I have several times written you, that upon careful review of the evidence at the courts-martial in your case, and with reliable information as to the causes that unjustly inspired the proceedings, you should, in my opinion, have all and more than you ask at the hands of Congress.

I am gratified by your kind expressions in reference to myself. It is true you left the profession of the law, of which you would have become an ornament had you continued in the struggle (which is the lot of all who woo the jealous mistress), yet no one can find fault with your having made the sacrifice for the sake of your country.

With my best wishes, and I will say prayers, for your success in the matter which must now fill so large a space in your mind and heart and soul, I am, ever and sincerely,
Your friend,

F. J. DICKMAN.

Bvt. Maj. Gen. August V. Kautz, brigadier-general, United States Army, retired, a very high authority on the laws, usages, and customs which govern the Army, responded as follows:

TACOMA, WASH., February 4, 1893.

DEAR SIR: Not until now have I been able to read the reports of House Military Committee of the Fifty-second Congress, which enables me to answer the interrogatories of your letter of the 30th of December, 1892.

The customs and usages of the service were violated in allowing you to be continued in the performance of important duties after an alleged offense for which you were subsequently tried, as shown in the proceedings of the Cincinnati court-martial of 1863 in your case.

The Braman court-martial case does not show any treatment of enlisted men by you that could not reasonably have been excused by the circumstances and the practice of the service at that time.

The Peterson court-martial and the recommendation of the members show that they regarded you as a gallant and chivalrous officer, seeking to protect the country under your command against what you had reason to believe the dishonest schemes of Peterson.

I concur fully in the findings of the committees, and do not see how Congress can justly fail, except by default, to grant your petition. Trusting that when I shall have the opportunity of meeting you in person you will be in the enjoyment of your just dues, with your name again upon the Army list, I am,
Yours, very respectfully,

AUGUST V. KAUTZ,
Brig. Gen. Retired, Bvt. Maj. Gen. U. S. A.

Maj. Gen. Amos Beckwith, who was president of the New Orleans court-martial which tried both the Peterson and the Braman cases, with the full printed records before him, responds:

ST. LOUIS, MO., January 4, 1894.

MY DEAR COLONEL CUTTS: You are fortunately favored with a committee of able, historic men who are perfectly familiar with military affairs and acquainted with the customs and courtesies of the military service. They will at once perceive that injustice was done you in concealing or withholding from you the nature of the sentence of the New Orleans court.

I vividly recall all the incidents of this court-martial and recognize the recommendation of the court. In fact, it was written by myself.

Surely the time is at hand when you will secure your restoration so long delayed, so justly due.

Your obedient servant,

AMOS BECKWITH,
Brevet Major-General, United States Army.

General Otis, lately appointed brigadier-general United States Army, writes:

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Vancouver Barracks, Wash., February 26, 1894.

MY DEAR COLONEL: I have carefully read the report which you sent me. I do not know anything of the great majority of facts presented and discussed, and have now ascertained them for the first time, but concerning you I know this much:

I became acquainted with you at the Cambridge Law School in 1859 and 1860. You were a very close student, and established a reputation for application and ability. I next saw you in the Wilderness on the 7th of May, 1864, when you were with your regiment, and from that date to the 18th day of June, when you were severely wounded in front of Petersburg, Va., I saw you very frequently, as I was continuously an active member of the brigade in which you were serving.

On June 18 I commanded that brigade, and recollect most distinctly the circumstances under which you received your wound.

In that terrible campaign, from May 5 until Petersburg was reached, you bore yourself most gallantly and won the admiration and respect of all with whom you were associated. For your services in that campaign alone your country is greatly indebted, and I shall be very glad to see you suitably rewarded.

Very truly, yours,

E. S. OTIS,
Brigadier-General, United States Army.

WASHINGTON, D. C., December 27, 1893.

DEAR COLONEL: I regard the report of the Military Committee as a thorough vindication of your record as a soldier and of your claim to the gratitude of your country.

With the compliments of the season, I am,
Yours, truly,

E. A. CARR,
Brigadier-General, U. S. Army, Retired Brevet Major-General.

GOVERNOR'S OFFICE, UNITED STATES SOLDIERS' HOME,
Washington, D. C., December 30, 1893.

DEAR COLONEL: I have carefully read your papers submitted to the Military Committee of the House of Representatives and regard the argument as most convincing. The recommendation of the six officers, all of high character, members of the court, could not possibly have been disregarded by any reviewing authority, and will, I trust, be equally respected by our Senate and House of Representatives.

Very respectfully,

D. S. STANLEY,
Brigadier-General, Retired, Brevet Major-General.

HEADQUARTERS DEPARTMENT OF THE EAST,
Governors Island, N. Y., January 17, 1894.

MY DEAR COLONEL: Surely the country can afford to remember the grand stand and solid work of the "Little Giant" and not less your own phenomenal gallantry and self-denying service.

Very truly, yours,

O. O. HOWARD,
Major-General, United States Army.

From Maj. Gen. Alex. S. Webb, ex-chief of staff, Army of the Potomac, and now president of the College of the City of New York:

OYSTER BAY, LONG ISLAND, N. Y., October 11, 1893.

MY DEAR COLONEL: I was in agony when your letter and report of Committee on Military Affairs came to me here. I have an attack of my old enemy.

Your vindication is complete. Of course, I read every word, and will read more.

I remain, truly yours,

ALEX. S. WEBB.

From Bvt. Maj. Gen. D. H. Rucker, ex-Quartermaster-General United States Army, brigadier-general retired:

WASHINGTON, February 3, 1894.

DEAR COLONEL: I have received and read the report of the Military Committee, House of Representatives, sent me with your note of the 31st January last.

Your very distinguished services in the Army during the war of the rebellion are very clearly and forcibly set forth therein and should, I think, be convincing to all impartial readers.

I hope that your brilliant career as an officer during the war may receive consideration and that you may be successful in your effort to be placed on the retired list of the Army.

Truly, yours,

D. H. RUCKER.

Maj. Gen. Fitz-John Porter responds:

119 WEST FORTY-SEVENTH STREET,
New York, December 24, 1893.

DEAR COLONEL: I have read with pleasure and interest the report of the House committee on your appeal, which you have kindly sent me.

I am sorry your bill did not pass and become law when first before Congress, but I do not doubt it will pass in your present appeal.

Wishing you relief, comfort, and happiness, and the same to your family, believe me,
Yours, truly,

F. J. PORTER.

Colonel Cutts, writing to Lieut. Col. John B. Parke, asking if he remembered delivering to him in person the order to advance on June 18, 1864, received the following reply:

COLUMBUS BARRACKS, OHIO,
DEPOT GENERAL RECRUITING SERVICE,
UNITED STATES ARMY,
December 26, 1893.

MY DEAR COLONEL: Your favor of December 21, 1893, at hand with inclosed report. I can not recollect about my giving you the orders on the field on the 18th of June, 1864, but I will state that from the time we crossed the Rapidan River up to the time you were wounded I saw you in command of your regiment, the Eleventh Infantry, and knew personally that you were always in the front. In several of the battles of the Wilderness and on the first day's fighting at that place you had charge of the skirmish line, I being on it, and held it all day long.

Hoping you may be successful, I remain,
Very truly, yours,

JOHN B. PARKE,
Lieutenant-Colonel, Second Infantry, Commanding Depot.

From Rear-Admiral Daniel Ammen, United States Navy (retired):

AMMENDALE, MD., November 19, 1893.

MY DEAR COLONEL: Your note of the 14th came duly to hand and later the Congressional report was received, which I have examined with interest.

I am quite sure that an examination of the abundant testimony covering every part of your army career entitles you to the consideration of your claims in an eminent degree, and I shall hope to see your wishes fulfilled.

Very truly, yours,

DAN'L AMMEN.

From Gen. L. A. Grant, ex-Assistant Secretary of War:

WASHINGTON, D. C., January 16, 1894.

MY DEAR COLONEL: I have yours of yesterday, and have read with interest the report of the committee of the House, Fifty-second Congress, first session.

There seems to me but one conclusion. Your record and the great value of your military services are fully established, and you deserve well of your country.

Very truly, yours,

L. A. GRANT.

The committee report the bill back without amendment and recommend its passage.

IN THE MATTER OF THE BILL FOR THE RELIEF OF CAPT. AND BVT. LIEUT. COL. J. MADISON CUTTS.

Argument submitted to the Committee on Military Affairs, House of Representatives, Fifty-second Congress, April 25, 1892.

Mr. Chairman and gentlemen of the committee, on the 6th of December, 1890, I was for the first and only time able to obtain an adequate hearing upon the bill then pending in the Fifty-first Congress for my relief.

On that day I was heard in person before a subcommittee of five members of the House Committee on Military Affairs, consisting of General Osborne, of Pennsylvania; Mr. Spooner, of Rhode Island; Mr. Lansing, of New York; General Spinola, of New York, and Mr. Lanham, of Texas. This subcommittee unanimously reported favorably. Mr. Spooner, of Rhode Island, was directed to prepare the report, which, after being read, considered in detail, and amended in the full committee, was unanimously presented to the House on the 23d day of December, 1890, and the bill thereafter, February 26, 1891, as unanimously passed the House, too late in the session, the last of that Congress, to permit my obtaining the final and concurring action of the Senate.

A petition signed by the governors of Indiana, Rhode Island, Ohio, Illinois, Michigan, Maine, Massachusetts, New Hampshire, and Vermont, and by ex-President Rutherford B. Hayes, Maj. Gen. Daniel Butterfield, Orlando B. Willcox, W. S. Rosecrans, and Capt. John Palmer, commander-in-chief Grand Army of the Republic, has been presented to the Fifty-second Congress praying the passage of the bill to retire me as captain and for such future recognition by brevet rank of my services in the line, field, and staff of the Army "as may in your judgment give fitting expression to the gratitude of the nation."

A bill differing in some particulars from that passed by the House, Fifty-first Congress, is now before you.

I am thus compelled to renew the argument previously made, with some additions rendered necessary by very important additional evidence, by the fact that since the expiration of the Fifty-first Congress I have for the first time been able to fully examine certain courts-martial records, and have very recently been furnished with officially certified copies which I cheerfully and most gladly hold at the service of the committee.

I here beg each member of the committee to read carefully the report made in the last House, more especially because it fully sets forth the evidence upon which the committee acted, which, together with a large amount of most important additional evidence since received, I shall have occasion to refer to in this argument. I shall thus, to a very great extent, be saved the necessity of detail and a discussion which must, of inevitable necessity, be of considerable length on account of its absolutely necessary proofs and illustrations, will yet be made as short as possible.

Mr. Chairman, before the battle of Fredericksburg I had earned in the Ninth Army Corps and the Army of the Potomac an honorable reputation, which, if it was not distinguished as that of a soldier without fear or reproach, was certainly that of an officer whose patriotism was above suspicion, and whose devotion to duty was "constant and unwearied," to use the language of General Burnside.

During the battle of Fredericksburg, after exhausting my own horses I procured a fresh mount from Gen. Rufus Ingalls to carry a communication to General Franklin. Returning, horse and rider jaded and worn, I had occasion to speak a few words of censure to certain junior officers of General Burnside's staff, and riding past them, reported to that general, then holding a council of war, upon the condition and position of General Franklin's forces, the "Left Grand Division of the Army of the Potomac."

When I concluded, and, with diagram of General Franklin's line of battle in my hand, made by myself on the battlefield, had answered a few questions, General Burnside said to me, with great warmth and earnestness, thrice repeating himself, "Thank you, captain! Thank you, captain! Thank you, captain!"

I left the council room, and going downstairs I spoke to another member of the staff about the matter which had elicited my censure, which he said he also had observed, but yielding to his earnest and almost pathetic appeal, I determined to keep silent. I have kept silent ever since.

From that time, while there was distance and reserve, there were no personal quarrels; but I had incurred the hostility and concealed or suppressed enmity of certain officers, junior to myself, almost at the very moment of time when I had rendered services which had earned me the thrice-repeated thanks of the general commanding the Army of the Potomac, and as a consequence the gratitude of my country. (See the evidence of General Franklin, hereafter quoted.)

Under then existing law I was entitled to have been made major and judge-advocate of the Army, but, although I continuously performed the duties of judge-advocate, I did not receive the appointment, promotion, pay, and rank of a major of cavalry, to which I was then entitled by long previous services.

Between the battle of Fredericksburg and the "mud march" the chief of staff came to me and directed me to prepare, quietly and unobserved, to accompany the general commanding. I did so, and we proceeded, unattended even by our orderlies, to meet President Lincoln at Belle Plain. The President did not come. We met General Halleck in his stead.

Returning, riding late at night, our conversation came to be directed to the matter of my appointment as judge-advocate, and General Burnside said to me, "Captain, I have as much confidence in you as in any member of my staff, and I do not know but that I have more. I can at any time have you made major and judge-advocate, but I am seeking to give you much higher promotion."

Shortly afterwards a very important court-martial was convened in Washington, and I was detailed as its judge-advocate. General Burnside was a little later relieved from command of the Army of the Potomac. I joined him as he passed through Washington, and proceeded with him to Cincinnati, Ohio, where I was at once assigned to duty as judge-advocate of the Department of the Ohio, embracing the five great States of Ohio, Indiana, Illinois, Michigan, and Kentucky, still only with my rank as captain, General Burnside again assuring me "that he was seeking to give me much higher promotion, if circumstances developed as he expected, and that he had already had some conversation with the Secretary of War upon the subject."

I may here be permitted to state that although I knew I was the only officer of General Burnside's personal staff whom General Hooker would gladly have retained, and had at this time close and very intimate friendship with many of the most cultivated and distinguished officers of the Army of the Potomac, which it grieved me to sever, I yet chose to remain loyal to my chief and to continue attached to his fortunes, while he himself was suffering from severe criticisms, disappointments, and vexation of spirit.

I here quote the following letter, filed in evidence, from Gen. Joseph Dickinson, the most intimate friend of General Hooker, his assistant adjutant throughout the whole of his career and his chief of staff on the field of Chancellorsville.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., April 27, 1891.

MY DEAR COLONEL: I sincerely regret that the bill for your retirement, which passed the House in so honorable and gratifying a manner, failed to be reached for the final action of the Senate.

I have read the report of the House committee with pleasure and interest, and I am sure that no one who served with you would question the justice of its conclusions.

I knew you well during the South Mountain, Antietam, and Fredericksburg campaigns and battles. Your valuable services, which then earned you a distinguished reputation as a soldier, were afterwards supplemented by equally conspicuous services in the campaign of the Wilderness.

No one at all familiar with the history of the Army of the Potomac would hesitate to accept as conclusive the testimony of the many distinguished officers whose statements in your behalf are set forth in the report of your committee.

It was always a matter of surprise to me that you were not commissioned as major and judge-advocate of the Army of the Potomac in 1862. Had you been so appointed, under the law authorizing a judge-advocate for each separate army, you would have belonged permanently to that army, and of course, unless otherwise ordered by the War Department, would have remained behind with General Hooker when General Burnside was relieved.

Had you, even as it was, requested to have been transferred to General Hooker's staff, I have every reason to believe that your wish would have been gratified, and that General Hooker would have made you his judge-advocate.

I know that he would have been glad to have retained you in the Army of the Potomac, and on his staff, because of your experience and reputation as an officer and many warm and mutual friendships and soldierly ties which commended you to his esteem as they then did and always will to mine.

I hope you will not relax your efforts, which I trust will soon be crowned with deserved success.

Very truly and sincerely, your friend,

JOS. DICKINSON.

I now beg leave to invite the most careful attention and rigid scrutiny of the facts now to be recited and a close observance and comparison of dates.

April 13, 1863, General Burnside issued his celebrated General Orders, No. 38, at Cincinnati, headquarters Department of the Ohio.

As judge-advocate of the department, it became my duty to take cognizance of all arrests made under this order, to prepare the cases for trial, and to see that courts-martial and military commissions were duly organized for that purpose.

Dissenting from General Burnside, both as to the necessity and legality of that order, I determined by the careful and judicious selection of cases which most pressing demanded trial, and by promptly dismissing such as were not sustained by evidence, to avoid any flagrant violation of the laws and Constitution of my country.

A court-martial and military commission were immediately organized at Cincinnati. By this court and commission 10 cases selected by me with great care and a most painful sense of responsibility were tried previous to the arrest and trial of Mr. Vallandigham.

On the night of the 4th of May, 1863, Mr. Vallandigham was arrested. His arrest was made without my knowledge that it was intended, and I knew nothing about it until the next morning, when Burnside, before either of us had risen from our beds, sent for me and, placing a copy of a newspaper containing a report of Vallandigham's speech in my hands, directed me to draw up the charges against him and prepare for his immediate trial. I pronounced the arrest illegal and advised against the trial on the ground that it would create needless excitement and ill feeling in the department, and be productive of great injury to the cause and service of the Government. He angrily said that he would be responsible for the policy, and that as long as I was his judge-advocate it was my duty to do what he ordered me to do. I obeyed orders. As a soldier I could not have done otherwise.

The trial commenced May 6, and on its conclusion I hurried to Washington to attend my father in his last illness. Returning I renewed my opposition and continued my protests against Order No. 38.

On the 16th day of June, 1863, after some discussion between us, again terminating quite angrily on his part and on mine, concluding with a request that he would allow me to prepare an order embodying my views, to which he assented, I submitted a general order and urged its adoption and immediate publication in lieu of General Orders No. 38. His reply was that he would not issue it, as he was expecting a reply from the President relative to his request to be allowed to declare martial law throughout the department, which, if acquiesced in, no such order as mine would be necessary.

It will at once be observed by every lawyer, jurist, and statesman that he here admitted the justice, legality, and constitutionality of my contention, which all along had been that General Order No. 38 was in effect a declaration of martial law, which he had no right to declare and which was not authorized by the condition either of the Department or the country, and that no commanding general had the right to declare martial law except under overpowering necessity and in the immediate scene of operating and contending forces and warfare.

President Lincoln never gave General Burnside his consent to a declaration of martial law, and I have reason to believe and to know that he and his Secretary of War concurred with me in their beliefs.

On the 20th day of June I again urged the immediate publication of the order I had prepared. General Burnside's answer again was that he was still waiting the President's reply. After that time I had little personal or official communication with General Burnside.

Now, during all this time, from the date of his assumption of command to June 23, 1863, I had no knowledge of any storm brewing about my head. Not a single word from any human being, or the slightest intimation from any source, had reached me that any charge involving any scandal was being held over me for punishment.

If anything had occurred to the great scandal and injury of the service, and this took place April 10, 1863, certainly between April 10 and June 23, more than two entire months having elapsed, during all of which time I was in the continuous performance of the most responsible, arduous, and exacting duties, it must have become publicly known, or else the inevitable conclusion is that there was no great public scandal.

Something certainly did occur on the 18th day of June, and on the 21st and 22d, as fully set forth in General Orders, No. 333, War Department, Adjutant-General's Office, October 8, 1863.

That occurrence was simply this: That one of the officers whom I had reported at Fredericksburg grossly insulted me by occupying my desk officially assigned to me for my official use, and receiving a sharp reply from me to a remark made by him, challenged me to fight a duel.

I declined for the reason that I did not consider him a foeman worthy of my steel, for reasons which abundantly appeared in the course of my trial, and, above all, that I did not consider in any event that a proper method of displaying courage, and did not intend, as the officer of the staff charged with the duty of enforcing military law, propose myself to violate the Articles of War with deliberate intent.

It was then, and only then, when the sender of the challenge, the bearer, and myself were all three placed in arrest, that an occurrence which had happened on April 10, 1863, was for the first time brought to my attention with official emphasis, when a copy of the charges was handed to me.

This occurrence was unearthed by malice, and although the head and front of my offending was as I pleaded it, and was so found by the court, it was used, or attempted to be used, in the most cruel and treacherous manner for

my destruction, and I became then and for a long time afterwards an almost infinite sufferer.

The court having no mercy for me leniently, complacently, if not complacently themselves, proceeded in the most flagrant manner to violate one of the Articles of War, and in open defiance of its mandatory and peremptory direction, found the sender of the challenge "guilty," and yet only sentenced him to be reprimanded, while the article of war, without leaving the slightest discretion, absolutely prescribes only one punishment, that of dismissal, and then, continuing, found the bearer of the challenge "not guilty," a result which clearly could have been reached only after some adroit subterfuge on his part, while they singled me out as the only victim and sacrifice.

The President, as soon as the cases could receive his attention, promptly restored me to duty, and practically reversed the judgment of the court by dismissing the sender of the challenge from the service. I to receive a reprimand.

When I afterwards saw the President he treated me with the greatest kindness and the most marked consideration, and did administer to me a mild reprimand. He advised me to forget the incident and not permit it to affect my future career, and concluded by saying: "I have done worse things myself, but nobody was ever mean enough to tell about them." It is here to be said that the offense was one known as the "concupiscence of the eyes." I had in a moment of temptation simply sought to look upon a person of the opposite sex when I should not have done so, and there was no further sin, and absolutely no aggravation and no scandal.

Mr. Chairman, the President restored me to duty for gallant conduct in battle.

Did the record of my services at that time and up to that date justify this action? Should it not have shielded me from the gross wrong and injustice done me and the ingratitude of Burnside? Let us examine that record with the assistance of General Burnside himself.

Says General Burnside in his report of the operations of the "right wing, Army of the Potomac, September 7-19, 1862:"

"To Brigadier-Generals Cox, Wilcox, and Sturgis: I desire to express my obligations for the prompt and efficient manner in which all my orders were executed."

Again—
"The battery commanders are deserving of special mention for the efficient service rendered by them during the day. I beg to call attention of the general commanding to the valuable services rendered by Lieutenant-Colonel Getty, chief of artillery, who posted the batteries.

"To my personal staff I am under renewed obligations for their constant and unwearied efforts and their faithfulness and courage exhibited in the various duties required of them. They are as follows:

"J. M. CUTTS,
"Captain, Aide-de-Camp."

It thus becomes immediately important to know what Generals Cox, Wilcox, Sturgis, Getty, Ewing, and Hartranft, all of whom were under fire with Captain Cutts, thought of his services at South Mountain and Antietam, and I may here also properly include their testimony and that of other distinguished soldiers as to the battle of Fredericksburg, all of which is quoted in the House report.

Writes Maj. Gen. J. D. Cox, who, after the death of General Reno at South Mountain, commanded the Ninth Army Corps at Antietam:

"I take pleasure in stating that during the years 1862 and 1863 I was well acquainted with the military standing of Col. (then Capt.) J. Madison Cutts, who was then serving on the staff of Major-General Burnside, commanding the right wing of the Army of the Potomac. This brought me in constant intercourse with the gentlemen of General Burnside's staff, and I know that Captain Cutts was among the most energetic, brave, and intelligent of the officers in that service. He sought active field service as acting aid, and was found wherever severe duty was to be done."

Writes Maj. Gen. Orlando B. Willcox, now governor of the Soldiers' Home, and brigadier-general, United States Army, retired:

"I have read the abstract of your service in the Army with great interest, and cheerfully add my testimony to the mass of evidence to your distinguished services during our acquaintance in the war of the rebellion.

"I remember your activity and great usefulness in the fights at South Mountain and Antietam, particularly here, as aid-de-camp to General Burnside, you contributed so much to success, and I may safely say that no staff officer habitually exposed himself to danger in carrying orders and gaining intelligence more than yourself.

"In my humble judgment you are richly deserving retirement, with the rank of captain, at least."

Says Major-General Sturgis, who commanded a division of the Ninth Army Corps at South Mountain and Antietam, and afterwards the corps:

"I was well acquainted with Colonel Cutts during the campaign in Maryland in 1862, and can not speak in terms too high of the valuable, arduous, and often hazardous services which he rendered at the battles of South Mountain and Antietam. My personal acquaintance with Colonel Cutts included also his services at the battle of Fredericksburg, Va., in the fall of 1862, where his services were well understood by the Army Corps (Ninth) to which we both belonged.

"I believe it may be safely said of Colonel Cutts that there are few officers of his rank and opportunities who have done so much and received so little in return."

Testifies Maj. Gen. George W. Getty, now colonel, United States Army, retired:

"I fully concur in all that has been said in your behalf.

"During the Maryland campaign, which resulted in the battles of South Mountain and Antietam, I was the chief of artillery of the right wing of the Army of the Potomac. You rendered most efficient aid to me in selecting positions for the artillery, and subsequently in conducting the batteries to the positions selected.

"In the Virginia campaign under Major-General Burnside your services were active and dangerous in carrying orders and gaining intelligence of the movements of General Lee's army. No staff officer on General Burnside's staff rendered more efficient or valuable services than yourself.

"Your services during the war were eminent and honorable, deserving the highest consideration.

"I do most sincerely hope that Congress, as a simple act of justice, will grant the relief you ask."

Writes Major-General Hartranft, who commanded a division of the Ninth Corps and the corps itself, and was afterwards governor of Pennsylvania:

"I was well acquainted with Col. J. M. Cutts during his services with the Army of the Potomac and up to the time of his disabling wound in front of Petersburg, June, 1864.

"He was distinguished for bravery and unswerving fidelity to duty, and I cheerfully testify to the very high regard in which he was held by his comrades and his superior officers. On the staff of Major-General Burnside and with his regiment he fully met every requirement of a gallant soldier and true patriot."

Hon. Whitelaw Reid, ex-United States minister to France, in his history of "Ohio in the War; Her Statesmen, Her Generals, and Her Soldiers," in his sketch of Maj. Gen. Hugh Ewing, a brother-in-law of General Sherman, says:

"At the battle of Antietam he commanded a brigade at the extreme left, which, according to General Burnside's report, after General Rodman had been driven back, 'by a change of front to rear on his right flank saved the left from being driven completely in.' In General Cox's order issued after this battle Colonel Ewing was favorably mentioned 'for energy and skillful bravery.'"

Certainly what General Ewing says of Captain Cutts, and with especial reference to his services on this same battlefield, is entitled to great weight with Congress and the country.

Says Gen. Hugh Ewing:
"The troops which I commanded were led to their position in line of battle at Antietam by Colonel Cutts, and the soldierly skill, coolness, and bright courage displayed by him that day won from me the highest admiration.

"He displayed on that field the noble qualities that go to make up the brilliant soldier, and I do not recall a single other officer during the entire course of the war that so quickly and profoundly impressed me.

"What more can I say? He was a bright light on the field of battle, cheering up the duller spirits, and by such service long continued as few rendered or could render, he secured the gratitude of the soldier and earned the lasting gratitude of the Republic."

Writes another of Ohio's distinguished soldiers and one of the most distinguished citizens of the Republic, Maj. Gen. and Ex-President R. B. Hayes:

"During the Antietam campaign I served in the same corps with Colonel Cutts and have sufficient information of his services throughout the war to be well assured that it was of decided merit.

"I am confident that he deserves the relief that Congress is asked to afford, and I trust sincerely that it will be granted."

Writes Maj. Gen. Edward Ferrero, of New York, who commanded a brigade and a division of the Ninth Corps:

"It affords me great pleasure to recommend Col. J. M. Cutts, having known him personally while connected with the Ninth Army Corps. A brave and accomplished officer, whose faithful services during the late war entitle him to the kind consideration of his fellow-men in general. I sincerely hope that his wishes to be retired will meet with the approval of the Senate and House."

Says Major-General Hunt, chief artillery, Army of the Potomac:
"I knew Colonel Cutts during the late war, whilst he was serving on the staff of General Burnside, commanding the Army of the Potomac, my own headquarters being with those of General Burnside.

"He bore the character of an active, intelligent, and efficient officer, not only during that time, but in the previous campaign in Maryland, when General McClellan commanded that army.

"After he joined his regiment I did not personally see so much of him, but his services were always well spoken of until he was disabled by a severe wound received in one of the assaults on Petersburg in June, 1864."

Testifies Maj. Gen. William B. Franklin:

"I will remember the fact that you were with me at the first battle of Fredericksburg, December 13, 1862, as a member of the staff of General Burnside, the commanding general, I being at the time the commander of the left grand division. The service that you then rendered was brave, able, and efficient, and deserved honorable recognition by the authorities, although I have never heard that you received it. As our paths led in different directions after that time, I can not speak positively of your service afterwards; but I know that it was honorable and distinguished, and that you were severely wounded in action and were entitled to have been placed on the retired list had you applied to be so placed. I do not think that, under the circumstances, you ought to be considered as having lost your right to such a position now, and I sincerely hope that you will be successful in your efforts to have your merits recognized by the action of Congress, for which you ask."

Says Maj. Gen. Rufus Ingalls, chief quartermaster of the armies operating against Richmond:

"This certifies that I have personally known Col. J. Madison Cutts, captain Eleventh Infantry, for years, running back before he entered the Army. I saw much of him while he served in the Army of the Potomac on General Burnside's staff, and with his regiment. I saw him at City Point when dangerously wounded in battle on the 18th of June, 1864, and sent him to Washington for treatment. He is a man of fine education, and had a robust constitution before his hard and dangerous service, but is now enfeebled from the effects of this service and wounds. As a soldier he stood high with all who served with him. No one questioned his ability, patriotism, and bravery. He served faithfully, and is deserving of his country now in his day of need."

I can not close the testimony on this part of my case without quoting the evidence of one to whose magnificent and inspiring elan, while he was the youthful war governor of Rhode Island, that State and the entire country owes a debt of gratitude which can not be obscured or obliterated by his own subsequent misfortunes, or entirely forgotten until ingratitude ceases to be the basest of crimes.

Maj. Gen. William Sprague, late governor of Rhode Island, writes:

"COLONEL: Say from me that your early action, the earliest you stirred, becoming the forlorn hope, against the organized South, entitle you to great consideration. More than that, your more than interested relations South would have restrained you had you not been more than ordinarily imbued with patriotic ardor. Besides, were you not the brother-in-law of Stephen A. Douglas? Your services were of a high order here, and I unite fully with all who certify to your services, with equally praiseworthy ones under my official eye.

Mr. Chairman, may I not reasonably expect your prompt and unanimous decision that the facts in my case abundantly authorize the President to restore me to duty?

Immediately an equally important question arises. Was the President's action justified by the results? Gentlemen of the committee, it is of a strange order of Divine Providence that while on the 18th day of June, 1863, one Captain Button picked a quarrel with me which led to his own final discomfiture, while it returned to his regiment, with a sad and sorrowing countenance and almost a broken heart, one who before that time had been a "happy warrior," the man of sorrows, precisely to a day, one year afterwards, on the 18th day of June, 1864, fell, as was supposed, mortally wounded, a universally acknowledged "hero of the Republic." All this not great for a day and heroic for an hour, but after the most conspicuous and distinguished services in a long series of battles, and in the very act of tendering specific, conspicuous, distinguished, and successful services of that kind which are the pride and glory of a soldier, and are in all nations recognized by the highest and noblest rewards and praises.

Is not this absolutely true? See the evidence of my brigade and division commanders, quoted in the report as follows:

"In the early days of his recovery, while still confined to his bed, Captain

Cutts was cheered and strengthened by a letter written by General Griffin, his division commander, to Mrs. Griffin, and by her brought to him to read.

"Writes General Griffin:

"I asked General Ayres to-day how Captain Cutts was getting, and he replied he understood he was out of danger, and added he had made his mark as a gallant officer this campaign.

"I doubt whether any officer of the regulars has been so specially gallant and attentive to duty as Captain Cutts, and it was a subject of universal remark before he was wounded or thought he was going to die; still, it would not have surprised anyone who had known his father."

"Writes General Ayres, his brigade commander:

"My knowledge of Colonel Cutts dates back to his army service. He joined my command in 1864 and was with it in that long series of battles commencing with the Wilderness, through that, Spottsylvania Court-House, the North Anna, Cold Harbor, and the crossing of the James, to the front of Petersburg, when, in the assault on that place, June 18, he was severely wounded and carried from the field.

"His good conduct was marked in all those battles, and in some of the severest his gallantry was conspicuous. He was a soldier who deserves well of his country."

"And again, in a separate paper, General Ayres, writing from personal knowledge, as an eyewitness of the circumstances under which Colonel Cutts was wounded, says:

"I have the honor to state from personal knowledge that Bvt. Lieut. Col. J. Madison Cutts, late captain Eleventh Infantry, was second in command of his regiment (and acting field officer) on the 18th of June, 1864.

"In the engagement in front of Petersburg, Va., on that day, a spherical case shot burst in front of the regiment, killing seven men and wounding 23 others. Of course, confusion in the regiment followed. Colonel Cutts stepped to the front and straightened out the line. While doing so he was severely wounded and carried from the field. His conduct was as on former occasions, conspicuous and gallant."

"Have I not conclusively shown, Mr. Chairman, that however distinguished a soldier I may have been in the Ninth Army Corps, I was even more distinguished in the celebrated Fifth Corps, Army of the Potomac?"

"The House report, Fifty-first Congress, covering this period of my services, the Wilderness campaign of 1864, includes the following facts and evidence:

"Colonel Cutts was twice brevetted for gallant and distinguished services. He was recommended for the colonelcy of one of the regiments of General Hancock's Veteran Corps. Although strongly commended by his brigade, division, corps, and army commanders, Generals Ayres, Griffin, Warren, and Meade, and although his detail was requested by General Hancock in person, it was declined and refused by the Secretary of War, because he decided that the veteran corps was designed to bring back into the service those that were out of it, and he therefore would not order the detail of an officer already in the Army."

"The indorsement of that distinguished soldier, Maj. Gen. G. K. Warren, the commander of the Fifth Army Corps, with reference to Captain Cutts's promotion to the colonelcy of a veteran corps regiment, followed the recommendations of his brigade and division commanders, Generals Ayres and Griffin, and was as follows:

"HEADQUARTERS FIFTH ARMY CORPS, August 24, 1864.

"I could add nothing to the recommendations above, which I fully indorse, I hope such faithful service and suffering will not go unrewarded."

"I here quote the evidence of a dearly beloved comrade and friend, who fought side by side with me in the Wilderness campaign, both of us captains and exercising the same commands as acting field officers.

Testifies Brig. Gen. David B. McKibben:

"It affords me great pleasure to add my testimony to your gallantry on the field of battle and to your high soldierly character when we served together in the Army of the Potomac. The records of the War Department show this. All your brother officers were witnesses of it. Such being the case, a generous country will not refuse its aid, only asked for when broken down by wounds and disease incurred battling for its existence.

"I sincerely wish you success, and I have not the slightest doubt you will achieve it. No one has a better claim and few as richly deserve of their country."

"With equal pleasure and pride I here refer to the following testimony of another gallant and distinguished commander of the Fifth Army Corps, who was General Hooker's chief of staff at Chancellorsville, remained with General Meade as his chief of staff at Gettysburg, and is now the president of the Society of the Army of the Potomac. He writes as follows:

"616 FIFTH AVENUE, NEW YORK, April 18, 1891.

"MY DEAR COLONEL: I regret to learn that Congress did not pass the bill putting you on the retired list as captain. I hope it will yet be done. I recall your presence with the Army of the Potomac, and your coming to me with orders from General Burnside while I commanded the Fifth Corps in the battle of Fredericksburg, and your self-possession and courage under a terrible fire at the time I was with General Humphreys during the attack of his division. I recall also your activity in a general way during the war, and I hope that you deserve this consideration and justly should have it.

"I hope another Congress will give it you.

"I am, very truly, yours,

"DANIEL BUTTERFIELD."

It was only after hearing of my services in the Fifth Corps, and knowing that I had received two brevets, that, possibly realizing the great wrong that had been done a most loyal and devoted staff officer, General Burnside wrote me the following letter:

PROVIDENCE, R. I., February 15, 1865.

COLONEL: Allow me to congratulate you upon the honorable mention made of your services during the late campaign in Virginia. Notwithstanding the course pursued by me, I have always felt the greatest interest in your success and welfare. I congratulate you upon the reward given for your distinguished services.

A. E. BURNSIDE, Major-General.

Bvt. Lieut. Col. J. M. CUTTS.

Certainly, Mr. Chairman, that court-martial record is entirely disposed of now and forever. Surely that man does not live, citizen or soldier, so ungenerous and unjust as to say or intimate that it can in any possible way be for a moment held or entertained as an objection to my being placed on the retired list of the Army by a tardy act of justice on the part of the Congress of the United States.

And now, Mr. Chairman, having incontestably, and I trust gallantly, won this portion of the battlefield, I mass all my forces and direct all my guns in another direction.

Upon the arrival of my regiment, the Twentieth United States Infantry, from Richmond, Va., at New Orleans, La., in January, 1867, I expected, as the senior captain, to be stationed at the regimental headquarters, Baton Rouge, La. Lieutenant-Colonel Watkins came to me and informed me that he had been requested by General Sheridan to select his most experienced officer to send to Shreveport with three companies, and that the general had told him that section of country was in a very bad condition and that the services of a

competent officer were much needed, and that as I had the largest and most varied experience of any captain of the regiment, especially so as a staff and administrative officer, he had been compelled to designate me.

Suppressing my disappointment, I went cheerfully forward to the duty assigned me, and, having first personally superintended the dispatch of the other companies to their posts, I, with three companies, the last to leave the levee, departed, via the Mississippi and Red rivers, for Shreveport, La.

The Eightieth United States Colored Infantry was then garrisoning that portion of Louisiana and neighboring parts of Texas. Its term of service had expired and the regiment was awaiting muster out. All discipline had either relaxed, had never existed, or been entirely abandoned, and the complaints of the communities of Shreveport, La., Marshall and Jefferson, Tex., and surrounding country were universal. The disorganized colored troops were subjects of alarm and discontent, and they left behind them, both officers and men, a very bad and odious reputation.

As soon as possible, by calling in their detachments and relieving them at Marshall and Jefferson, Tex., and wherever else was necessary, with troops of my own command, I sent them down to New Orleans to be mustered out.

Immediately I gave the closest attention to the discipline of my own command, and gave strict and peremptory orders that the men should be kept in their camps until their posts were thoroughly policed, reconstructed where necessary, and put in perfect condition. I was determined that none of the odium attached to the colored troops should ever by reflection soil the honor of my command.

When they came to observe the marked contrast, kindly and friendly relations with the people were soon established, their confidence and respect gained, quiet and good order restored, and my command accomplished its mission.

Those who are familiar with the early period of reconstruction will at once perceive that I had no time for idleness and dissipation, and that as the officers under my command, even my post adjutant and quartermaster, were absolutely without experience of the kind required, every detail of command demanded and received my most constant personal attention and supervision.

I took an active and studious interest in all questions affecting the welfare of that people and came into relations of friendship with all their leading citizens, who soon began to look upon me as a friend and adviser.

I do not believe that any commanding officer or any body of troops in any part of the South during the entire period of reconstruction ever possessed in a higher degree the respect and confidence of the people among whom they were stationed. It is a source of calm content and happiness for me to know that in every just and honorable sense I justified the confidence reposed in me, as both implied and expressed by my selection for the command, which, if not the largest, was certainly the most difficult and the most important in the Fifth Military District, and by reason of its great distance from department headquarters and the want of rapid and reliable means of communication—there were no railroads and the telegraph was irregular—was, in fact, an entirely independent and isolated command, imposing upon me the greatest care, diligence, watchfulness, and frequently the gravest responsibilities.

The limits of this argument will not permit me to include here abundant contemporaneous public and official documentary and other proofs and illustrations. It is enough to say that I was soon called to put the reconstruction laws in operation. Under them I was compelled to exercise important powers, and was responsible for the peace and good government of that section of country, of which I was in substance military governor.

The present useful and distinguished member of Congress from the Shreveport (La.) district, now chairman of the Committee on Rivers and Harbors, was then a young student at Alexandria, La. In November, 1890, I inclosed him a copy of so much of this argument I then had prepared for the House committee as contained the statements just made as to the character and results of my command in Louisiana and Texas, requesting that he would make careful inquiry and make such indorsement as he saw fit upon the paper. He returned it to me with the following indorsement:

"SHREVEPORT, LA., November 12, 1890.

"I was not living in Shreveport during the time J. Madison Cutts was commanding of the post there in the year 1867; but inquiry among substantial citizens who were resident there at the time enables me to say that his within statement is substantially correct. I am informed that his official conduct was marked by fairness, justice, and moderation."

"N. C. BLANCHARD,

"M. C., Fourth Louisiana District."

I have since had an opportunity to send the same statement, with Mr. BLANCHARD'S indorsement, to a distinguished citizen who was a citizen of Shreveport and residing there while I was in command, but who now is the managing editor of the Galveston and Dallas (Tex.) News. His indorsement is as follows:

"GALVESTON, TEX., June 4, 1891.

"I take pleasure in indorsing the within. I was a resident of Shreveport during the period named, and can personally testify to the splendid conduct of J. Madison Cutts in coming to the relief of the people of my section of country during the troublous times of the reconstruction period.

"R. G. LOWE,

"Managing Editor Galveston News."

How, then, Mr. Chairman, did it happen that on the 17th day of July, 1867 I was placed in arrest, relieved from arrest September 4, 1867, but thereafter suspended from command, and in January until near the end of May, 1868, was under trial before the same court-martial at New Orleans on two sets of charges, and afterwards, in great distress and in entire ignorance of the final action of the court, resigned from the service June 19, 1868?

Was it wholly or in part my own fault, or was there malice and bad blood, misconception, misrepresentation, and misunderstanding of facts on the part of others, and hasty and ill-advised action?

In the last days of June, 1867, in compliance with regulations, I inspected my entire command—the posts of Shreveport, La., Marshall and Jefferson, Tex. I had also to investigate and report upon the local administration of justice and trials by jury in Jefferson, Tex., and neighboring parts of Texas.

While I was at Jefferson the deputy collector of United States internal revenue informed me that he had been approached by a man named Peterson, who had proposed that he should unite with him in defrauding the revenues of the Government. He told me that said Peterson had assured him it was a safe transaction; that he was intimate with General Mower, and that all the officers of the Army and internal-revenue officers, including E. A. Rollins, then Commissioner of Internal Revenue, from Shreveport to Washington, were connected and associated with him.

Satisfied of the character and personal integrity of Captain Fowler, who was my informant, I assured him that nothing of the kind could be attempted, still less accomplished, within the limits of my command, and I immediately took the responsibility of arresting the said Peterson, and directed that he should be sent by the earliest boat to New Orleans under guard. It must be here noted that I had no commissioned officer who could be spared to send with him.

There was a delay in Peterson's departure, otherwise I would have had no further personal connection with him. During this delay I completed my inspection at Jefferson, which involved some important matters of detail connected with the health and comfort of the troops. I also met Judge Mabry and the leading members of the bar, and thoroughly investigated the administration of local justice and the jury question, then agitating the State of Texas, and was ready to return to Shreveport immediately.

I had not expected to be on the same boat with Peterson. But it so happened. The departure of the boat was delayed by a storm, during which time many of the lawyers and other citizens I had met were on the boat, and some of them had come down in compliment to me to see me off.

I had not intended to hold any intercourse whatever with Peterson. I considered that for the time I was entirely off duty. I had just completed a most laborious amount of duty. It was shown on my trial that during the whole time I had refused the social courtesies usually implied among gentlemen in a drink; had been a guest at a dinner party, drinking with the hostess only one glass of champagne, remarking at the time that I supposed I could do so, as I had performed all my duties and was "off duty." On the boat during the storm, with the gentlemen who were detained aboard, I indulged in the social intercourse common and almost universal in that country, and drank whisky, almost the only obtainable drink, with some of the gentlemen I had met.

When he saw I was somewhat affected with liquor, Petersen seized an early opportunity and made a most offensive allusion to the fact that I had once been court-martialed at Cincinnati, and he threatened that when he arrived at New Orleans he would be released, and would have me put in arrest, and that his arrest would cost me my shoulder straps, which he would capture.

This assault upon my character as a man and my honor as a soldier violently angered me, and I treated him in the manner about as found by the subsequent court-martial, but not as he himself alleged when he arrived at New Orleans, as will most clearly be seen by considering and examining the findings of that court.

When the boat arrived the next day at Shreveport I was entirely free from the influence of liquor, took the prisoner out to my headquarters, regretted that under violent provocation I had in anyway misused him. He apologized for his own insolence to me and expressed himself gratified with his subsequent treatment. But I did not release him from arrest, but sent him, under guard, to New Orleans. It is almost morally certain that had he been released he would never have preferred charges of any description against me.

Upon his arrival in New Orleans he was at once released, and I was soon afterwards placed in arrest. The record of the subsequent court-martial shows that I then entertained a very firm and decided opinion as to what I judged a very summary proceeding, and that opinion was soon afterwards expressed officially in very emphatic language, which I then believed to be true and do now believe to be true, but which was not intended to be disrespectful to my district commander, and which the court found contained no "false accusations."

I beg leave here to refer to my "inspection report" and accompanying letter of advice, dated June 30, 1867, and also to a report made by me, dated July 5, 1867, upon the administration of justice and the jury system as containing conclusive evidence of the large amount of important service and duty I was then at that very instant of time performing with the greatest and most conscientious fidelity to duty. These papers can be furnished if desired from the War Department, "Records of discontinued commands."

In my letter of advice transmitting my inspection report for the month of June, 1867, I was able with the strictest and most honorable regard for exactness to speak of my command as follows:

"With the exceptions indicated the arms, accouterments, clothing, camp and garrison equipage of the entire command are in the most perfect condition.

"In conclusion I have the honor to report that the conduct of the troops has been excellent. There have been no enlisted men in confinement at either of the above posts for a long time. The objects for which they have been stationed in this country have been so fully attained as to induce me to recommend them to the commendation of the commanding general.

"The registration has been conducted with entire success. All classes of citizens have been secure in their lives and property to an extent heretofore unheard of in this portion of the country. Such rare and occasional outrages as anyway come within the power of the military forces of the country to prevent or punish have been promptly met, acted upon, and reported from these headquarters, and the action taken approved.

"Though unable entirely to control sentiments or opinions, no unlawful acts have been permitted to go unnoticed, and the influence of this command has been exerted to promote good feeling, to accelerate an improved and improving tone of political sentiment, and to illustrate by character, conduct, example, and act that the power of the Government is not to be used for oppression, nor for malice, nor for revenge, either public or private, but for the peace, harmony, and happiness of the entire country."

How, Mr. Chairman, were results so useful and honorable achieved? I can not give a better answer than by quoting what were uniformly my instructions to the officers under my command as addressed in writing to the commanding officer of the post at Jefferson, Tex., June 1, 1867:

"It is much to be desired that you should cultivate the acquaintance of the most prominent and able citizens, bring the evils complained of to their attention, and induce them to use their utmost exertions to correct them.

"I need not repeat my verbal instructions to keep your command at all times in a high state of discipline and efficiency. I mainly rely upon the moral effects which would thence result to restrain evil-disposed persons from the commission of acts which endanger the welfare of the country, and to induce a favorable and satisfactory condition of public sentiment throughout the limits of your post."

About this time, Mr. Chairman, June 21, 1867, there was published in the Shreveport and New Orleans papers a card of thanks from the officers and passengers of the steamer *Live Oak* addressed to me, for my successful aid in rescuing that steamer and her cargo from destruction. The editor of the *Cado Gazette* in publishing the card commented upon it editorially as follows:

"We publish in another column a card from the officers of the steamer *Live Oak*, and also one from the passengers, tendering their thanks to Colonel Cutts, commanding at Shreveport, for his prompt, honorable, and kind action in relieving that steamer from her perilous position on the 20th instant.

"Such officers as Colonel Cutts sent among the people of the South will do more for reconstruction and good will than all other measures combined."

Mr. Chairman, I am here compelled to refer to other incidents of my career which were made subject-matter of court-martial before the same court-martial which tried the Peterson charges.

In Shreveport, La., from February to July, 1867, I was an excessively overworked man. I had been severely wounded, and no doubt ought to have gone on the retired list, as I was advised at the time, and as I could have done any time after I was wounded, June, 1864, and after the passage of the act of July 26, 1866, with the rank of a field officer, that having been the rank of command when wounded. I was in 1867 in an unhealthy, malarial country, unaccustomed to its climatic influences, and was often subject to great debility. My wound was through the left lung. I was advised to have recourse to stimu-

lants, but abstained as bravely as I could. Sometimes I drank whisky and quinine.

This was the universal habit and custom of the people there. No man who does that either from choice or a supposed or real necessity can safely say that he may not at some unguarded moment do so to excess, with results largely dependent upon his physical condition.

Arriving at Shreveport in January, it was not until March 1, 1867, that I could realize the results of constant and incessant labors, not unmixed with care, and permit myself to seek any relaxation. February 27, in my ambulance, I went with Rev. Father Pierre to make his annual visit to his most remote parishioners. The distance was great, the weather bad, and the roads very rough, and I returned March 1 thoroughly exhausted and worn out. This journey was not entirely one of relaxation. I desired to familiarize myself with the people and country I was then practically governing, and whose happiness and welfare often depended largely upon my action.

On the night of March 1, 1867, after I had in person attended tattoo roll call, and my entire command was asleep, I not having previously touched a single drop of liquor, after conversing for some time with Dr. Brayman, I asked him for a stimulant to enable me to sleep soundly and recuperate. He gave me some whisky, and I afterwards drank a great deal more. His quarters were next my own. Two hours after I had retired and was sleeping profoundly a fire broke out in his quarters. He thought it necessary to drag me out of my quarters, and thus I was made to appear in my night shirt, and did all I could under the circumstances. There were no ladies in the command, not a woman in camp. It was shown in evidence that I ought not to have been disturbed.

The next morning I placed Dr. Brayman in arrest. The fire had occurred in his quarters. Here he himself was the only witness. But I believed it to have been the result of his own carelessness, against which I and others had previously and repeatedly cautioned him. I soon afterwards released him from arrest.

Near my camp "over and under the hill" was a rude shanty inhabited by colored women of bad repute, relics of the Eightieth United States Colored Infantry. I had strictly, under penalty of severe punishment, forbidden the soldiers of my command to go there.

On the 8th of March, 1867, some of these women, stripped almost entirely naked, came running to my camp saying that some of my soldiers had destroyed or were destroying their shanty and were maltreating them. A guard was sent out to arrest the offenders, and Corporal Garland and Private Wright were arrested and brought before me. Both were drunk, violent, unruly, noisy, disrespectful, and insubordinate. Incensed beyond measure, I tore off the corporal's chevrons and reduced him to the ranks, and struck and knocked him down, and as they continued ungovernable I directed them to be bucked and gagged, and afterwards that water be thrown over them. Although I had often known such punishment inflicted in much less severe cases, this was the first and only time I had ever inflicted it in any command of mine.

It was proved on my trial that I immediately ordered the entire command to be paraded to witness the punishment of these men; that I appeared before the company and explained, and stated the gravity of their disgraceful offense, stating that it was the first and only time in my life when I had been sufficiently incensed to strike an enlisted man, and I hoped it would be the last.

This incident saved my command from utter demoralization, insubordination, and disgrace. No officer or soldier of my command ever for a moment thought that I had inflicted cruel, unusual, or unnecessary punishment, or bore myself otherwise than became a brave, determined, and fearless officer.

In striking the corporal I broke the metacarpal bone of the third finger of my right hand, which was immediately set by Dr. Brayman.

Dr. Brayman continued at the post and a member of my mess until nearly the end of the month, when he resigned. He preferred no charges against me while in the service, and never intimated such intention, and left the post on the most friendly terms, expressing to myself and to others the kindest regards and the highest respect for me, amounting to fulsome praise and admiration. He returned to Massachusetts and after a long interval of time wrote me for a certificate which would enable him to recover from the Government the value of a box of medical instruments, his own private property, lost in the fire of March 1.

I refused the certificate, still continuing of the belief that the fire had been the result of his own carelessness. This was the belief of the command. My knowledge of the man was such that I did not even reply to his letter requesting the certificate. With my belief I could not honorably have given it, and he knew it.

He thereafter took a long time to shape his ends and develop his malicious purposes, and on the 10th day of July, 1867, wrote from Brighton, Mass., a most infamous and abusive letter to the Hon. Charles Sumner, which on that day he duly swore to and executed in the form of an affidavit before a justice of the peace. This letter was received by Senator Sumner and referred by him to the War Department on or about July 15, 1867. The affidavit contained charges against me growing out of the fire of March 1, and my punishment of the enlisted men March 8, 1867. He in addition denounced my loyalty and called me "an unmitigated scoundrel."

Thus Dr. Brayman had allowed more than four full months to elapse before he carried his unfriendly purpose into effect and before he realized that his sense of duty required him to do so. The dates also suggest the certainty beyond mere probability that, hearing I was in arrest on other grounds and on Peterson's account, the courage of his convictions became strengthened, and he determined that his opportunity to do me evil had arrived.

I was tried on the charges thus originated, but it is morally and absolutely certain that had I granted the certificate in question, thus furnishing hush money, these charges would never have been preferred. No one who reads the certified copy of the record in that court-martial can arrive at any other conclusion.

For the findings and sentence of the court-martial on the Braman charges reference is made to General Order No. 23, Fifth Military district, New Orleans, La., May 3, 1868.

The limits of an argument before Congress will not permit me to enter into elaborate detailed discussion of the Peterson and Brayman charges, and my trial upon them. Both are matters of record and must speak for themselves, subject at all times to a proper and just review of both facts and law.

I must, however, be permitted to declare my firm belief that an analysis or even cursory reading of both sets of charges and specifications and findings, aided by the full records and the evidence, will show that while they had color of fact and of truth sufficient to enable any evil disposed or vicious man, guided by ill will or personal animosity, to make me the subject of a court-martial, they were much and grossly exaggerated under the influence of deliberate premeditated malice and bad blood. I go further and say that this was evidently the opinion uppermost and dominant in the minds and belief of the members of that court-martial, although, unhappily, I did not know this to be true at the time, and only knew it long years afterwards, when in May, 1890, I learned of the unanimous recommendation of the court in the Peterson case, and received very recently the statements of the surviving members of the court, which will soon be quoted in evidence. As a complete and conclusive demonstration of the truth of this contention, let us consider for a moment the first of the Peterson charges:

"Conduct unbecoming an officer and a gentleman."

To this charge there were eight specifications, all of them loaded down with venom of the most poisonous description. The court found me—
Of the first specification: "Guilty, except the words without sufficient authority, unlawfully, and willfully."

Of the second specification: "Not guilty."
Of the third specification: "Guilty" with exception.
Of the fourth specification: "Not guilty."
Of the fifth specification: "Not guilty."
Of the sixth specification: "Guilty, in part."
Of the seventh specification: "Not guilty."
Of the eighth specification: "Not guilty."

Thus, the court found that I did arrest Peterson with sufficient authority and lawfully. They could not possibly have attached any criminality to that act, but must, on the contrary, have sustained me.

The court absolutely acquitted me of all the averments of fact contained in five specifications and did not sustain a single one of the eight specifications entire and without any important exceptions, and, as a consequence, did not find me guilty of the charge, but guilty of a minor charge.

Was there no self-evident exaggeration and malice here? There can be but one possible answer.

Could the court have failed to believe that there was malice, exaggeration, and absolute unmitigated falsehood? The findings conclusively answer—they must have so believed, and could not by any possibility have believed otherwise. Above all, their unanimous recommendation, not for clemency or mitigation of their sentence, but its absolute and entire remission shows that in view of all the circumstances as shown in evidence they sustained my character and reputation as an officer and did not consider me a proper subject for punishment. Had I known this at the time, I would to-day have been a full colonel in the Army high up on the list or else long since on the retired list.

Mr. Chairman, as illustrative of the vast difference between Colonel Cutts and Dr. Brayman, which I trust has already been made sufficiently apparent, I here quote a letter of the Rev. Father Pierre, a pious, self-sacrificing Catholic priest, who afterwards died at his post of duty attending the sick in a yellow fever scourge. It was with him that I made the journey in February, 1867. This letter is quoted from the record of my trial.

SHREVEPORT, January 2, 1868.

MY DEAR COLONEL: In answer to your request to me to inform you what was my opinion as to the relations existing between Dr. Brayman and yourself, so far as my intercourse with both was concerned, it affords me great pleasure to be able to assure you that the forenamed gentleman spoke always of you in the highest possible terms, such as "I am proud of my colonel; he is a very clever man;" also, "I believe he is an honor to the United States Army," and the like.

This has been his uniform language to me previous to his leaving your post, and this a few days before his departure. Besides, as you well remember, I have been frequently at your quarters, where you also invited him and always showed him great kindness.

I conclude, my dear colonel, by wishing you a prompt return to Shreveport, where the community will welcome you warmly and affectionately, because by your uniform conduct whilst in our midst you have always conducted yourself as a gentleman and true soldier should.

Come back soon, therefore, to the many friends you leave behind, in the number of whom I hope you will permit me to subscribe myself affectionately and respectfully, yours,

I. PIERRE, P.

Mr. Chairman, as demonstrating wherein Colonel Cutts differed from Peterson, it may be said:

1. That the one was a distinguished officer who arrested the other for a contemplated and well-planned conspiracy and an attempt to defraud the Government of the United States, and had previously been engaged in the cotton frauds and spoliations.

2. That my subordinate officers, other civilian officers of the Government, and the people of that entire country approved the arrest; that the then United States district attorney at New Orleans and many distinguished lawyers not only justified the arrest but believed I would have culpably failed in my duty had I not made it.

3. That Gen. Lorenzo Thomas, the Adjutant-General of the Army, a soldier of three wars and of great experience, believed from inquiry made on the spot that I had acted wisely, and telegraphed to General Sheridan as follows:

SHREVEPORT, LA., August 8, 1867.

Maj. Gen. P. H. SHERIDAN,
Commanding Fifth Military District, New Orleans, La.:

Please relieve Colonel Cutts from arrest and reinstate him in his command. He is a capable and good officer who, if he is in error at all, has had in view only the best interests of the Government. Order him to New Orleans to communicate in person with you. You will be perfectly satisfied with his explanation.

L. THOMAS,
Adjutant-General United States Army.

4. Col. D. B. CULBERSON, a distinguished lawyer of Texas, now chairman of the Judiciary Committee, House of Representatives, testified as follows on the trial of Colonel Cutts:

Q. (By defense.) State to the court the reputation of one B. H. Peterson in that community (Jefferson, Tex.), and what your means of knowledge are.

A. His general character is bad. I do not know him personally, but I have personal knowledge of his operations and transactions in eastern Texas since the surrender of the Confederate army.

Q. (By defense.) Is your knowledge of his reputation derived from your knowledge of his transactions?

A. It is, mainly.

Q. (By defense.) What was the nature of the transactions you refer to?

A. The transactions I have referred to arose mainly from cotton operations in that country by which he had caused cotton to be seized as Government cotton on fabricated claims, and then in some instances he would have the cotton released on payment to him of a sum of money charged as fees. In other cases he would buy the cotton thus embarrassed at prices far below its value. He would frequently receive cotton for securing military orders for the seizure of cotton for certain parties claiming it for other parties.

Q. (By defense.) Have you any personal knowledge of cases where the proof was clear that he so operated?

A. Yes, sir.

Q. Did you have any professional connection as counsel in any way in matters connected with his arrest by Colonel Cutts in June, 1867?

A. I did after his arrest, but not before.

Q. (By defense.) Have you formed any opinion as to the legality or necessity of his arrest by Colonel Cutts? If so, state that opinion.

A. I think, under the circumstances, the arrest was necessary. I could not speak as to the legality, as opinions differ.

Q. (By defense.) Did the circumstances authorize an arrest to be held for further examination?

A. I think they did.

Q. (By defense.) Have you any knowledge that at the time of Peterson's

arrest he was actually engaged in a fraud upon the revenue of the Government?

The witness declined to answer this question, as the information communicated to him came from clients.

The accused declined to press the question, as matter of courtesy, the witness having pleaded this privilege.

Mr. Chairman, for all of the above distinct and clear affirmations reference is made to the full court-martial record.

Mr. Chairman, the result of the Peterson charges was never made known to me, and I never had the slightest knowledge of the findings of the court until long afterward, as is hereinafter stated. Of course silence or nonpromulgation of the findings and sentence led me to infer that the sentence was dismissal, and that the record had gone to Washington for the final action of the President. In that event I did not dream, because of the action of the court in the Braman case, that they had made any recommendation.

I arrived at Baton Rouge worn out by a very long and protracted trial, preceded by a long suspension from command, all together inflicting upon me great distress and anxiety, which had lasted from July, 1867, to nearly the end of May, 1868, all of which was punishment a thousandfold too great for the unhappy and entirely accidental circumstances which had given Brayman and Peterson opportunities to have me court-martialed and to take cowardly advantage of me. In addition, I had passed through a season of overflow and of yellow fever at Shreveport, and my strength and health were greatly impaired.

Dr. Brayman had been reappointed, and, doubtless never expecting to meet me again, was at Baton Rouge on duty at the headquarters of my regiment. His presence almost maddened me. Sickness, excessive heat, great physical and mental prostration led me for one entire day of my life to drink to the greatest possible excess. I was also under the influence of large doses of quinine. I absolutely for one day lost and forgot myself—lost all self-control and was crazed beyond the control of others.

It was thus that on the 25th day of May, 1868, I became amenable to charges which were preferred against me on the following day by General Sykes. As soon as I was informed or was able to understand what had happened I made every possible apology for what had occurred in an hour and day of entire oblivion and frenzy. Except temporary frenzy or insanity, there was no defense. I resigned, and my resignation was accepted to date June 19, 1868.

Shortly after I resigned and after I had left the post the same Dr. Brayman, as if to indulge in some natural propensity, wrote a letter, which seemed to be his favorite method to accomplish the ruin of others, impugning the character for honesty of Second Lieut. William McGee, Twentieth Infantry, then serving at Baton Rouge. Lieutenant McGee was known as the "drummer boy of Chickamauga." He had been appointed as a protégé of Gen. George H. Thomas and Governor Marcus L. Ward, of New Jersey, and wore a medal of honor from the Congress for leading a charge while a drummer at the battle of Chickamauga. McGee went to Brayman's quarters much as I did, but with a far different result. He confronted him and upbraided him. Pistols were drawn, and Brayman was killed.

Of the dead I shall say no more.

Mr. Chairman, until April, 1890, when I had the opportunity to examine the War Department return, dated March 26, 1890, to the call for information in the matter of the bill for my retirement, I never knew what the findings of the court-martial in the Peterson charges were. The War Department return made no mention whatever of any recommendation by the court; a most essential and important omission.

It was not until Saturday, May 24, 1890, that having occasion to deliver in person a communication to the Secretary of State, being in the War Department building, I thought I would go and examine the full records of the New Orleans courts-martial. This I was not permitted to do, but I asked a few questions, to answer which the chief clerk of the acting Judge-Advocate-General sent for the records themselves.

Moved by some instinct, which must have been a heavenly inspiration, not expecting an affirmative reply, because I had always thought that the sentence in the Brayman case was not justified, but was cruelly wrong, I said to him, "Please look at the end of the record in the Peterson case and see if there was any recommendation by the court." He did so, and said to me, "Yes; there is."

My surprise could not have been greater if a shell had exploded in the room. For the moment I was overcome.

I was then shown the recommendation. It reads as follows:

"The undersigned recommend the remission of the sentence.
"AMOS BECKWITH,
"Brevet Major-General, U. S. A.
"W. W. LOWE,
"Major, Sixth Cavalry, Brevet Brigadier-General.
"W. M. GRAHAM,
"Captain, First Artillery, Brevet Brigadier-General.
"A. D. NELSON,
"Major, First Infantry, Brevet Colonel.
"W. T. GENTRY,
"Captain, Seventeenth Infantry, Brevet Colonel, U. S. A.
"A. E. HOOKER,
"Captain, Ninth United States Cavalry."

This recommendation was subsequently certified by the Secretary of War to the House committee, and was unanimous.

Thus, after twenty-two long years of some fortitude and honorable efforts in civil life, I for the first time and only by accident learned that my brother officers, gallant and distinguished soldiers, representing all arms of the service, had nobly stood by my side, while I, in sorrow and bitterness, had supposed that they had abandoned me, they, on the contrary, deciding that while they gave a technical or pro-forma verdict, the meaning of which is perfectly well understood throughout the entire Army and Navy of the United States, they were of opinion that I was not a fit or deserving subject for punishment, and had recommended not the merciful and lenient mitigation but the absolute and unqualified remission of their entire sentence.

Had I possessed the slightest intimation of this action of the court, what occurred May 25, 1868, would not have happened, and most clearly I would not have resigned. It certainly was a very great calamity and a great pity that I had not the slightest intimation from any source of this action of the court. My resignation was tendered under an entire misapprehension and under circumstances of the greatest distress. Is there, gentlemen of the committee, anything in my entire record which any patriotic, noble-minded, or gallant citizen or soldier or which my entire and now happily reunited country needs to remember against me? On which stands the balance in a just, honorable, and equitable account?

I have submitted my entire case with full detail, as embraced in this entire argument, to my former regimental commander, who was General Wool's assistant adjutant-general in Mexico, captain of artillery, adjutant-general under Governor Seymour of the State of New York, then lieutenant-colonel of my regiment, and later General McDowell's chief of staff and Inspector-General of the Army, and received from him the following reply:

WASHINGTON, September 12, 1891.

DEAR COLONEL CUTTS: I lose no time in acknowledging receipt of your polite letter with inclosed report in your case of the Committee on Military Affairs of the House of Representatives.

I need not assure you that the contents of both are very gratifying to me as the testimonials of distinguished brother officers named in the report, deserved as they are, must be to you.

I think you are justly entitled to a brevet for your eminent services in the Maryland and Virginia campaigns in 1862, and trust that the authorities, even at this late day, may recognize your right thereto.

Not doubting that the bill passed by the House of Representatives for your restoration will be favorably acted on by the Senate, and thus restore to you a commission relinquished long since through a misapprehension, I remain, with best wishes for your success,
Most truly, your friend,

ED. SCHRIVER,

I have made the same submission of all the questions involved in my case to General Rosecrans, reading to him nearly the whole of my argument and large portions of the court-martial records, and the following is his reply:

WASHINGTON, D. C., November 3, 1891.

MY DEAR COLONEL: You very kindly handed me a copy of the report in your case (H. R. Report No. 3343, Fifty-first Congress, second session, accompanying H. R. 7490) made by the Committee on Military Affairs of the House of Representatives, requesting that having exercised high command I would give the impression made by the recital of facts therein set forth concerning your behavior and services in the late war.

I have carefully read the report. I concur in the conclusion therein reached.

Your record of meritorious, gallant, and brilliant services on staff, in line, and on numerous battlefields, attested by wounds sustained, by medals received, and by a cloud of gallant Union generals, living and dead, would outweigh numerous mistakes, any one of them greater than those embodied in the allegations before the Burnside or the New Orleans courts-martial.

President Lincoln's action on the Burnside court-martial sentence, restoring you to duty, showed that, in his judgment, at most you had done nothing to stain a soldier's honor.

The unanimous recommendation of the New Orleans court-martial amply testifies to its judgment that the combined circumstances called for an absolute remission of the entire sentence.

Trusting that Congress may do you justice, I remain,
Your friend,

W. S. ROSECRANS.

Mr. Chairman, the delay in the final passage of a bill for my relief has given me an opportunity to demonstrate conclusively that in this argument I have done no violence to the actual disposition and intentions of the New Orleans courts-martial.

I communicated with the president of the court-martial asking him to give me any information in his power. In reply, he chose to take official action and inclosed me the following paper, which embraces the testimony of all the members of that court-martial who are now living:

HEADQUARTERS FIFTH UNITED STATES ARTILLERY,
Presidio of San Francisco, Cal., August 6, 1891.

To whom it may concern:

I take pleasure in commending the petition of Col. Madison Cutts to the favorable consideration of the proper authorities.

I was a member of the court-martial which tried Colonel Cutts some twenty-three years since, and my recollection of the case is that while the court felt that an example was necessary in the proper performance of their duties, yet they were also sufficiently impressed with the conviction that there existed extenuating circumstances in the case to prompt the members to a unanimous recommendation to clemency.

I, for one, should be glad to learn that Colonel Cutts is to derive some benefit from that recommendation, even though it be at this late day.
Respectfully submitted,

WM. M. GRAHAM,
Colonel Fifth Artillery, Brevet Brigadier General, U. S. A.,
Commanding Regiment.

[Indorsement.]

I was president of the court-martial within referred to before which Colonel Cutts was tried. In passing the sentence upon this officer, it certainly was not the intention of the court to throw him out of the service, and hence the unanimous recommendation of the court that the sentence imposed be remitted. If Colonel Cutts had not sent in his resignation, he would now be in the service, and I sincerely hope that such action may be taken as will restore this most valuable officer of the service where he rightly belongs.

A. BECKWITH,
Colonel and Brevet Major-General, United States Army, Retired.

Mr. Chairman, I have also submitted my entire case to the General Commanding the Army, who was Secretary of War at the date of my resignation, and had full and perfect knowledge, officially, of all the facts. He has with great cordiality authorized me to quote the following letters, which explain themselves, addressed to me during the pendency of this bill, and he has further authorized and almost directed me to say to the committee from him, that in awarding me the medal of honor he himself first made a personal and thorough examination of my entire record as a soldier.

WASHINGTON, D. C., March 17, 1890.

MY DEAR COLONEL: I have read the record of your military services and the recommendations of the many distinguished officers under whom you served, and I sincerely hope Congress will give you the place on the retired list which you have so well merited. Your honest struggle to support yourself and your family in civil life increases your title to this consideration.
Very truly, yours,

J. M. SCHOFIELD.

HEADQUARTERS OF THE ARMY,
Washington, April 29, 1891.

MY DEAR COLONEL: In reply to your letter of yesterday I take pleasure in informing you that the medal of honor was awarded you very promptly after the receipt of your last communication on the subject, and the medal is now in the hands of the engraver, and will be sent to you as soon as the suitable engraving is placed upon it.

Doubtless you ought to have been informed of the action of the War Department when it was taken, but I suppose, to save clerical labor, the habit is to send the medal with the information that it has been granted.

Regretting that you have been kept in any suspense in this regard, and hoping that the medal when it comes will serve all the desires of your heart in that respect,

I am, sincerely, your friend,

J. M. SCHOFIELD.

Col. J. MADISON CUTTS.

Mr. Chairman, the Congress of the United States, by an act approved July 12, 1862, authorized the President of the United States to cause "medals of honor" to be prepared with suitable emblematic devices, and to direct that the same be presented in the name of Congress to such noncommissioned officers and privates as "shall most distinguish themselves by their gallantry in action, and other soldierlike qualities, during the present insurrection."

By an act approved March 3, 1863, this law was extended so as to include commissioned officers.

The Confederate States passed a similar law October 13, 1862, and a General Order No. 131, adjutant and inspector general's office, Richmond, Va., dated October 3, 1863, directed:

(1) That the names of all those who have been or may hereafter be reported as worthy of this distinction be inscribed in a roll of honor to be preserved in the adjutant and inspector general's office, for reference in all future time for those who have deserved well of their country as having best displayed their courage and devotion on the field of battle.

(2) That the roll of honor, so far as now made up, be appended to this order and read at the head of every regiment in the service of the Confederate States, at the first dress parade after its receipt, and be published in at least one newspaper in each State.

Gentlemen of the committee: The medal awarded me was not for a single occasion; it is a triple medal of honor, and is inscribed as follows:

"The Congress to Capt. James M. Cutts, Eleventh Infantry, for gallantry at Wilderness, Spottsylvania, and Petersburg, 1864."

I had previously during the war received the brevet of major and lieutenant-colonel for gallant and distinguished services. The medal of honor adds far more than a third brevet, and is regarded among all soldiers as outranking any brevet or any number of brevets. Need I say that highly as I value it I shall even more dearly prize it if by your unanimous action on the bill before you you confirm my title to the thanks and gratitude of my country.

Mr. Chairman, the committee of the last House found that I fell June 18, 1864, in front of Petersburg, supposed to be mortally wounded, while advancing in front of my regiment in the line of battle which I had reformed, and they added:

"He then incurred a disability, in the performance of a specific act of great gallantry, sufficient to have entitled him to be at once retired as captain. A little more than two years afterwards he could have been retired under the act of Congress of July 26, 1866, with the rank of his command when wounded, that of a field officer."

"Although often urged and advised to avail himself of the provisions of that act, he had no desire to become a charge upon the country he had helped to save, and remained in the service, although seriously disabled, hoping still to be of service to his country."

I am now drawing a pension for total disability, which in the case of a captain is \$20 per month. I here quote the evidence of that most distinguished and skillful surgeon, Dr. Basil Norris, United States Army, who attended me while wounded, and to whose constant care and attention at my home in Washington, after my wounds had been pronounced by surgeons in the field fatal, I owe my recovery. He conclusively establishes the fact that I had the legal right to be retired long before the date of the New Orleans courts-martial—while in the service and long before I resigned.

He testifies as follows:

"Capt. J. M. Cutts, Eleventh United States Infantry, was wounded on the 18th of June, 1864, in front of Petersburg, Va., while acting as field officer, and, as I have been informed, advancing in line of battle in front of his regiment."

"He was conveyed to Washington, where he arrived June 20, 1864, and placed under my treatment, and continued under my care until September following. His wound was a gunshot wound (rifle ball) of left side. The ball entered between the eighth and ninth ribs on a line below the axilla, fractured the ninth rib, penetrated the lung, and made its exit between the ninth and tenth ribs at a point about 1 inch from the spinal column."

"Captain Cutts was brevetted lieutenant-colonel for gallant and distinguished services in that campaign of the Army of the Potomac, having previously rendered conspicuous services in the preceding campaigns of the same army."

"His wound created a permanent disability, which then, and ever since, would have entitled him, had he requested while in the service, to be placed on the retired list."

"He never made such application, but before his wounds were entirely healed rejoined his regiment and sought opportunities for further service and distinction."

"He resigned in 1868, and now, with a large family, after a long interval of honorable exertion, he finds himself no longer able to contend against his increasing disabilities incurred in the line of duty and in battle."

"Informed, as I am, that Colonel Cutts will apply to Congress to be placed on the retired list of the Army, I would respectfully say that such recognition of his services and sufferings would only be in accordance with the custom of service in the Regular Army in like cases, and that I believe he abundantly merits such consideration."

The committee say of me in their report:

"His career since his resignation has been one of long-continued, useful, and honorable effort in civil and professional life. The committee believe it highly to his honor that after marrying and having eleven children, seven of whom are now living, he has foreborne to press his claim and appeal for relief, until no longer able by reason of disability, the result of his wounds and exposures in the service, to bear the cares, anxieties, and wants of his large family."

"In view of his long-continued and distinguished services, entitling him in a marked degree to the gratitude of his country, the committee recommend that he be honorably restored to the status he held when wounded, and accordingly report favorably the bill for his retirement in the Army, with the rank of captain."

The number of my children, by the birth of a son March 5, 1892, is now eight.

Mr. Chairman, the retirement of an officer of the Regular Army for wounds, disabilities, or length of service is simply a form of pension which is one of the legal conditions or elements of his service in the Army, and Congress, if it deems me worthy of retirement, can hardly decide to restore me to the status I held when I resigned without duly considering the arrears, if any such can properly be granted to me. The bill is subject to amendment in this or any other particular. Strongly opposed, as I have always been until necessity came upon me, to any thought of asking of my country pecuniary compensation for disabilities contracted in its service, I do so now only because my dearest friends have insisted that in the interest of my wife and very large number of children it is my duty to present the question for your consideration.

Mr. Chairman, I have strictly endeavored to confine myself in my argument to the recital of facts, which I have endeavored to accompany with proper and, as I trust and believe, unimpeachable, unanswerable, and conclusive evidence.

In passing upon the bill before you it is within your power to decide that the general tenor of my existence, both in the Army and in civil life, shall be weighed and considered, and thus weighed is found to be patriotic, self-sacrificing, and full of honorable efforts. You can decide without doing violence to truth and justice, and on the weight of overwhelming evidence, that my services to my country were conspicuous, long-continued, and distinguished, rising fully to the dignity and very high honor of entitling me to the gratitude of the nation.

It will not strain your authority to decide that a debt of national gratitude is not obliterated or forgotten because the benefactor meets with disaster or

misfortune, with sickness and sorrow, still less when he falls a victim and a sacrifice to malice.

You can forever silence the tongue of slander, confuse and confound assassins of character, while, in great degree, near the close of his life, restoring to a soldier his peace of mind and happiness, giving back to him his sword and his commission, surrendered only under circumstances of great distress and under an entire and most cruel misapprehension, and enabling him, by granting the relief he asks, to respond to the cares and still remaining duties of life, which now, by reason of honorable wounds received in battle, creating a total disability, overtax his strength and powers of endurance.

Measuring sedately every word I say, I deliberately declare that if after my death any surviving friend, taking note of my departure, shall wish to be my eulogist, let him not say only that I earned the gratitude of my country on many battlefields, but let him examine the full official records of my New Orleans courts-martial and find, as he inevitably must, that in the stormy, exciting, and perilous days of reconstruction I was a conscientious soldier, devoted to the fullest and most faithful performance of every duty, and that I consulted fearlessly and with singleness of aim the honor, welfare, and best interests of my entire country; and let him add that I was not a professional but a citizen soldier, who, on more than one important occasion, brought to the service of his country the learning and attainments of a lawyer who always sought to be a wise counselor and an earnest advocate.

Gentlemen of the committee, take the case and upon full consideration, make such a decision as your consciences shall approve and dictate. Pass the bill entire as it has been introduced, or amend it as your sense of honor and justice shall dictate, but halt nor hesitate short of full justice, and do not deny to me an honorable measure of fame resting on its only true and enduring foundations thereof—conscientious adherence at all times and in all places to what I believed to be right and self-sacrificing devotion to the best interests of my country, so far as God gave me the power to judge correctly, and a patriotic love of my entire country.

Respectfully submitted.

J. MADISON CUTTS.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 23d instant approved and signed the act (S. 2783) to postpone the enforcement of the act of August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea."

SUNDRY CIVIL APPROPRIATION BILL.

Mr. COCKRELL. I ask the Senate to proceed to the consideration of the sundry civil appropriation bill. I desire to state that we have now on the Calendar—

Mr. HOAR. Let the assent be first obtained.

Mr. COCKRELL. Very well.

The VICE-PRESIDENT. The Chair was about submitting to the Senate the request. Is there objection to the request of the Senator from Missouri?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8518) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. COCKRELL. I ask that the amendments of the Committee on Appropriations may be considered and acted upon as they are reached in the reading of the bill, and that after the reading is concluded other amendments may be considered.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. COCKRELL. I wish to state to the Senate that we have upon the Calendar the sundry civil appropriation bill and the legislative, executive, and judicial appropriation bill. The naval appropriation bill will be reported to-morrow or next day. The general deficiency appropriation bill has not yet passed the other House, but it will probably be here to-day. We shall have all these bills before the Senate for disposition just as rapidly as the Senate can dispose of them. Now, this is a long bill, with a good many amendments and other provisions that will be debated, and I hope it will be the pleasure of the Senate at about 6 o'clock this evening to take a recess until 8 o'clock, and then meet and continue in session until 10 or 11 o'clock.

Mr. HALE. Can not the Senator get an agreement now that that shall be done?

Mr. COCKRELL. I ask unanimous consent, then, that at 6 o'clock this evening we shall take a recess until 8 o'clock, and then that we continue in session until 10 or 11 o'clock.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Missouri?

Mr. CHANDLER. I do not object, but I give notice that this evening I shall object to the consideration of anything except the appropriation bill.

Mr. COCKRELL. That will be the specific measure to be considered, as a matter of course. I shall not give way to anything else.

Mr. CHANDLER. With that understanding, I make no objection.

Mr. MANDERSON. I think the request ought to be delayed until there is a full attendance of the Senate. We have a very slim number here.

Mr. HALE. But they ought to be here.

Mr. MANDERSON. We have consented to take up the appropriation bill, ignoring morning business, and this is a bill so important that it ought not to be disposed of—

Mr. HALE. I hope the Senator will not object.

Mr. MANDERSON. Let the request be made later in the day, when more Senators are here. I do not think it is exactly fair to what is practically a majority of the Senate that a consent agreement should be now made. There may be others who will desire to interpose an objection or to make a compromise. Let the request be delayed until later.

The VICE-PRESIDENT. There is objection to the request of the Senator from Missouri.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GORMAN. I ask that the sundry civil appropriation bill be temporarily laid aside and that the Senate take up the conference report on 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 VICE-PRESIDENT. Is there objection? The Chair hears none. The conference report will be read.

Mr. GORMAN. The conference report has been read, or at least printed in the RECORD. I suggest that it is not necessary to read it. I will explain what it contains.

Mr. SHERMAN. I should like to have an explanation made by the Senator from Maryland, so that we may understand what the report contains.

Mr. GORMAN. I will make an explanation of the report.

The conferees have agreed on all the items of the bill in disagreement between the two Houses except four amendments of the Senate, to which I shall presently call attention. The principal amendments receded from by the Senate conferees are the following:

Extension of highways.....	\$12,500.00
Work on streets as per schedule.....	18,000.00
Assessment and permit work.....	25,000.00
Sewers.....	78,118.00
County roads.....	30,000.00
Sweeping streets.....	4,000.00
Parking commission.....	4,000.00
Harbor boat.....	25,000.00
School buildings.....	127,500.00
Telegraph and telephone service.....	7,360.00
Emergency fund.....	7,000.00
Support of convicts.....	5,000.00
Charities.....	8,000.00
Miscellaneous amounts.....	14,330.00

Total receded from by Senate conferees..... 365,808.00

Amount appropriated by the bill as it passed the House of Representatives.....	5,392,107.25
Increase by Senate, net.....	741,144.00

Amount as passed by the Senate.....	6,133,251.25
The House conferees agree to Senate increases to the amount of.....	338,536.00

Total of bill as agreed to..... 5,790,643.25

Senate conferees recede from.....	365,808.00
Amounts disagreed to and still open.....	46,000.00
Amount of estimates for 1896.....	7,217,934.25
Amount of law for 1895.....	5,545,678.57

Mr. SHERMAN. What I want to know is what has been done with the smallpox-hospital provision.

Mr. GORMAN. I will come to that in a moment. That is one of the items that is disagreed to. The first of the four disagreements on which the conferees have been unable to agree is the amendment providing \$8,500 for the police and firemen's relief fund. This is objected to by the conferees on the part of the House as being an innovation, notwithstanding the fact that since 1861 this relief fund has been granted by act of Congress and provision made for its payment, fixing the amount which shall be given to each of the disabled firemen and their wives and minor children in the case of death. It is an appropriation that has been constantly made, or a fund that has been created.

It has been depleted only because of the immense increase in the number of policemen and firemen in the District. It is a provision such as is made in every city of 100,000 inhabitants in the United States. The amount here provided is much smaller than in cities of 100,000, and is nearly one-half less than in Baltimore, Philadelphia, and other great cities that compare with Washington. Yet it is objected to on the other side upon the mistaken idea that it is a civil pension fund, when there is absolutely nothing in the idea.

I do not want to detain the Senate, but I could give a list of all the cities that pay such a fund. The practice is universal, and the amendment ought to be adhered to. It is a matter that does not affect the Treasury of the United States a penny. The fund, as we inserted the provision in the bill, comes from the fines imposed in the police court, collected from the vicious, and the bad, and the unfortunate, if you please, and not a dollar of it comes out of the Treasury. As Congress, in legislating upon this matter, is practically the common council of the city, the Senate conferees can not understand how there can be an objection from any quarter when the authorities of the District have all agreed to it, so far as we know, and are very anxious to have it sustained.

In the matter of the enforcement of the scarlet-fever act and the

purchase of antitoxine an amendment was inserted in the Senate, which was discussed here very thoroughly, making provision for some place where the clothing could be fumigated and provided for without destroying the effects of the poor people who happen to have one of these contagious diseases. As I stated to the Senate before, this city is absolutely without facilities for that purpose. The authorities were compelled, during the terrible scourge that swept over this city, instead of destroying the infected clothing, etc., to take it to the steam heating establishments that are used for cleaning carpets and practically confiscate a room, hoping to relieve it afterwards by some process, and yet run the danger of having the disease spread all over the city. Yet the other House refuses to make the moderate appropriation of \$8,000 for such a place and for machinery for that purpose.

Connected with this was the provision for antitoxine, a matter that has been discussed in the Senate. Its use has become general, and it is now recognized as a specific against many contagious diseases, some carrying it so far as to make it a specific even against smallpox itself as being better than vaccination. Yet while the whole amount is to come out of the revenues of the District, and not a dollar out of the Treasury, that amendment is objected to; and with it a provision which the Senate inserted prohibiting any hospital for infectious diseases within 300 feet of other property or other houses. The House conferees object to that also.

Mr. HARRIS. What is the amount of the appropriation for antitoxine?

Mr. SHERMAN. I ask the Senator whether the 300-foot provision has been retained?

Mr. GORMAN. No; that is all in the amendment that is left pending. It has not been retained. It is objected to by the House conferees. It is one and the same amendment, and is still open for further conference. The Senate conferees insisted upon retaining it in the bill. In answer to the Senator from Tennessee I will state that \$20,000 is the amount.

Another provision in disagreement is the appropriation for a smallpox hospital. Congress required the District Commissioners to locate and fix a hospital for smallpox patients. We have a shed which is a disgrace to humanity down here on the east of the jail on a lot of 50 or 60 acres, out of the way of everybody. There it is now, with the jail and the workhouse on one end of the lot.

By the amendment adopted in the Senate we appropriated \$25,000 to erect a sufficient hospital there with four wards, and on the plans and estimate of Dr. Billings, who is an authority upon this subject, and also upon the estimate of the very intelligent young gentleman who is now the health officer of the District and has gone into the matter very thoroughly. We considered it absolutely necessary in every respect that a building should be erected. Men of prominence in the last six months have been confined in that building, which was not fit to be inhabited by anybody, particularly when suffering with such a disease, with no facilities to keep the patients, some of whom escaped and spread the disease elsewhere. Yet it is said that we shall not have a place here to confine smallpox patients, but that they had better be put out in tents; that they had better be sent across into Virginia or Maryland.

The Senate conferees have told the conferees on the other side that under no circumstances would we recede from either of these amendments without a vote of this body, and I trust the Senate will be as unanimous now as it was two weeks ago in insisting upon that provision. If the Treasury of the United States is in such a condition that we can not make the paltry appropriation of \$40,000 or \$50,000 in a case of this sort, while it would be unjust to the District of Columbia, I have no doubt it would agree that every dollar of the amount should come from the District treasury, although that burden ought not to be imposed upon it. The Senate conferees would not recede without a direct vote of the Senate and fail to have provision made in the cases I have named.

Those are the principal items in the bill which are not agreed to. The Senator from Tennessee, I think, asked me a day or two since, when the bill was up, as to the construction of the waterworks, which is an important matter. The Senate conferees have agreed to make the appropriation as provided for in the bill as it came from the House for the immediate construction of the dam at the Great Falls, raising it 1 or 2 feet, the work to be done under the officer in charge of the waterworks, with General Casey assigned as consulting engineer. The reason for that was explained to the Senate. Both General Casey and Colonel Elliot, who are familiar with this matter, will retire within a short time.

General Casey is more familiar with it probably than any other man who lives to-day. His experience has been from the day of General Meigs down to the present, and we have associated him as the consulting engineer. To get the water from the reservoirs in Georgetown, to ascertain whether the tunnel can not be used, and whether the reservoir at the Soldiers' Home can be used with

the dam in its present condition, we have made provision for a thorough inspection by these officers, Colonel Casey being the consulting engineer, and they are to report to Congress, together with a report as to what, if anything, is necessary to strengthen the conduit from the Great Falls to Georgetown. They are to report to Congress whether, in their opinion, the tunnel from Georgetown over to the Soldiers' Home can be utilized, and what is the most feasible and the best way to bring an additional supply of water into the city.

Mr. HARRIS. The provision does not, then, provide for the adoption of mains or other methods of conducting the water to the reservoir at the Soldiers' Home?

Mr. GORMAN. It requires them, in the event they find the tunnel can not be utilized within a reasonable cost, to report how many mains, if any, are required, and what character of mains; but they are only to report to Congress.

Mr. HARRIS. I will state the object of my inquiry. I think we ought to utilize that reservoir and conduct the water there by some method. If the tunnel can not be used some other method, it seems to me, is absolutely necessary to reach that point.

Mr. GORMAN. We think this provision is ample, and will give Congress all the facts to act upon at the next session.

There is one other matter to which I desire to call the attention of the Senate. It is the public schools in the District of Columbia. The conferees have stricken out \$127,500 of the amount appropriated by the Senate. One hundred thousand dollars of that amount is the business high school. The other reductions, amounting to only \$27,500, are in the appropriations for the common schools, but the provisions have been so adjusted as to provide for every school building that the Senate voted for, reducing the cost in three or four cases, and leaving out only the appropriation for the repair of the Wallach School building east of the Capitol. As the bill stands, agreed to by the conference, appropriations are made for every primary school the Senate voted for, leaving out the business high school.

I trust that the report may be adopted, and that the Senate will further insist upon the amendments disagreed to by the House conferees.

Mr. SHERMAN. Mr. President, I do not intend to oppose the motion of the Senator from Maryland, but I wish to express a strong conviction I have, which I have been forming now for ten or twelve years after a close and careful watch, I may say, of the course of appropriations for the District of Columbia.

I think it is abnormal and indefensible to refer the appropriations for the District of Columbia to the Committee on Appropriations of this body, not that I have any complaint to make of the members of that committee, because they are among the ablest members of this body, and endeavor to do their duty according to the lights they have, as well as they can, but it is ridiculous to suppose that the Committee on Appropriations, charged with all the expenses of a Government like ours, \$400,000,000 a year, can be considered as the best committee to act upon the affairs of the District of Columbia. We have a committee on the District of Columbia composed of able and experienced Senators, many of them especially interested in the District of Columbia, living near by, as the Senator from Maryland [Mr. GIBSON] and the Senator from Virginia [Mr. HUNTON], and the Senators most interested in the affairs of the District being on that committee.

These appropriations ought to be passed upon by the committee that is in touch with the people, whom the people could approach. Many leading citizens of Washington who know that I feel a deep interest in the growth and progress of this city, have often spoken to me about this matter. Their communication is entirely with the Committee on the District of Columbia; they are familiar with the members of that committee; they go to that committee freely and make their complaints, either of want of appropriations, neglect to care for their interests, or on any other matter connected with the District of Columbia.

I hope that at the next session of Congress, without any division whatever, without any contest, the appropriation bill for the District of Columbia will be referred to that committee. I wish to say, with no disparagement to the honorable Senator from Maryland or the members of the Committee on Appropriations, that they have enough to do, and more than enough to do, without being burdened with a purely local matter, which affects the interests of the people in this District, who are in constant communication with the Committee on the District of Columbia, and have no opportunity practically to approach the Committee on Appropriations except at a time when that committee is necessarily crowded with much more important bills than the bill making appropriations for the District of Columbia. Compared with the great appropriation bills that are provided for by the Committee on Appropriations, the appropriations for the District of Columbia are less than 1 per cent of the amount, and yet the people of this District are deeply interested in those appropriations. Suppose that a legislature not at all connected with the subject should undertake to prescribe how much money should be ex-

pended at the State capital for a road or a highway or anything else.

It is impossible for the Committee on Appropriations to give the attention in detail that is required for such a bill. I trust that at the next session of Congress, without any disparagement at all to the Committee on Appropriations, the District of Columbia appropriation bill will be referred to the District Committee, so that the people of the District can go to those they are accustomed to deal with and talk to and confer with them about the affairs of the District of Columbia.

I have been a close watcher, an interested watcher, I may say, in the course of the appropriations for this District. I do think that it would be an act of wisdom on the part of the Committee on Appropriations to say that they are not possessed of the local information to deal with this bill, and that it should properly be referred to the committee that is especially charged with the very subjects-matter embraced in the bill.

This is all I wish to say. I do not care to interfere with the recommendation of our conferees. I could not understand all the details given by the Senator from Maryland, but it was because the Senate was a little noisy. However, I am perfectly willing to take their recommendations in regard to what should be done with this bill. I should like to know from the Senator, however, distinctly, whether it is proposed to locate any of the hospitals up near Seventh street on the road north. What provision is made on that subject?

Mr. GORMAN. The District Commissioners, by authority of law, as the Senator understands, purchased a lot to erect a hospital for contagious diseases north of the Capitol, near Seventh street.

Mr. SHERMAN. Do they propose to erect a hospital there for such diseases?

Mr. GORMAN. That unquestionably was the intention of the Commissioners. The Senate put in a provision making an appropriation for a hospital for smallpox down near the jail, east of the Capitol, and also inserted a provision requiring that no hospital for other contagious diseases should be within 300 feet of any other house. That whole matter is still in conference. We could not come to an agreement with the House conferees.

Mr. SHERMAN. I will express the hope that the Senator from Maryland and our other conferees will refuse definitely to locate any kind of a hospital that would injuriously affect the Garfield Hospital, or affect the immediate neighborhood where the hospital is proposed to be located. I believe it was a hasty, ill-considered, almost covert movement to buy a lot in a particular place there, knowing that all the people living in that region are very much opposed to it. Many of them have come to me about it. I trust that that will be remedied. If such a building is necessary, let it be located in some part of the city that is not so rapidly growing. The great body of the population of Washington is now extending north, occupying in part the very region that has been selected. The great population of the city will necessarily extend northward, and not so much eastward or southward. The whole tendency is toward the northwest, and therefore no hospital that would prevent the growth of that portion of the city ought to be allowed in that region.

Mr. GALLINGER. Mr. President, I listened with great interest to the statement made by the distinguished Senator from Maryland regarding the differences between the two Houses on certain very important matters embraced in the District of Columbia appropriation bill. I rise simply for the purpose of saying that I trust the Senate will unanimously stand by their committee in a demand, so far as a demand can be made, to have these items remain in the bill.

For one I am very strongly in favor of the so-called pension fund for the police department. I shall not stop to argue it. I believe that it is but just, right, and proper, and that it would be a very great hardship to these men, whose lives are exposed every hour of every day, to have the beneficent provision that they have heretofore enjoyed taken from them.

Mr. President, regarding these hospitals, I have been interested in and sometimes disgusted with the discussions which have taken place in Congress concerning the location of a hospital for the treatment of epidemic diseases. First, we had a controversy here over the bill establishing a hospital for the treatment of epidemic diseases, and then immediately the contest as regarded its location commenced all over the District. The people in one section and the people in another section were unwilling that the hospital should be located anywhere near property that they own. I have listened to the Senator from Ohio [Mr. SHERMAN] this morning, who told us that the hospital ought not to be located in a certain portion of the city. It reminds me, Mr. President, of Artemus Ward. He was willing that the boil should be on the other fellow. [Laughter.] He did not want it on himself. So, in reference to this matter the inhabitants of one section of the District are very willing that this hospital shall be located in some other section, and the inhabitants of that section want it located somewhere else.

I trust that the provision in the bill for this hospital will be re-

tained, and that a hospital may be located in some place without any particular reference to the preferences or advantages which may accrue to any individual citizen of the District.

In my opinion, having some knowledge on this matter, it is absurd to say that such a hospital should be 400 feet on all sides from any private property. It would take several acres of land to surround that building. I have not made the calculation, but I venture to say that I am correct when I say that several acres of land will be required for the building if there is an open space of 400 feet on each of its four sides.

I hope the Senate conferees will insist on keeping the provision in the bill for a smallpox hospital. It is a shame and a disgrace, Mr. President, to this great city that we have not to-day a proper place where smallpox patients can be treated. I know of no other city in the American Union—I doubt if there is another city in the civilized world—of the wealth, culture, and population of the city of Washington, which has not better facilities for the treatment of smallpox patients than we have in the capital city of this great nation.

As to the matter of antitoxine, I made some good-natured observations concerning it when the matter was up the other day. I have my own opinions about it. They are purely speculative, and I did not insist they were well founded; but as a medical man I ventured to suggest some doubts as to the efficacy of this mode of treatment of diphtheria. Since that time I have been discussed somewhat in the medical journals and in the great newspapers of the country, and I have received a large number of letters from physicians and others concerning the matter. There is an honest difference of opinion on this subject; medical journals are divided in opinion; the newspapers are divided; the physicians are divided; and the people are divided. The newspapers, however, did me a great injustice when they telegraphed all over this country that I opposed that appropriation. I did nothing of the kind. I said I would vote for it and I did vote for it. There is a very small part of the appropriation to be used for the propagation of antitoxine, and, as the Senator from Maryland [Mr. GORMAN] has well said, that appropriation contemplates the establishment of a disinfecting plant, and it contemplates other things which relate to the health of the citizens of the District of Columbia.

I trust our conferees will do all they can to keep that provision in the bill and to keep every provision in the bill which relates to the welfare, the health, and the protection of the lives of the men, women, and children in the District of Columbia. I hope there will be a unanimous vote by the Senate, and that our conferees will not yield those points unless they are absolutely compelled to do so.

Mr. PEPPER. I wish to call the attention of the Senator from Maryland to amendments numbered 85, 87, and 89. I ask the Senator and the Senate to except from this report those three proposed amendments. I shall occupy the time very briefly in regard to those amendments.

In the Senate, after a very laborious effort, we succeeded in having the wages of the van drivers and ambulance drivers in the District of Columbia increased to at least the fair living wages of \$600 a year. That is lower than any other city in the country pays for similar work, so far as I have been able to ascertain. I had a list of such wages paid in a large number of cities, but I have it not here now. Attention was called to it during our discussion in the Senate. The conference committee have agreed to reduce \$600 a year to \$480 in each of those separate amendments. I ask, without saying a word further, that when the Senate comes to vote upon it these three amendments may be excepted when we request a conference, and that they be restored, if possible.

Mr. HARRIS. Mr. President, from the standpoint of chairman of the Committee on the District of Columbia, in which position I have given somewhat careful attention to District affairs, I desire so say that the managers of the conference on the part of the Senate upon this bill have been extremely liberal in the concessions which they have made to the other branch of Congress. They have been somewhat more liberal than my sense of duty would have permitted me to have been if I had been upon that conference.

In respect to the open questions—and I shall not go into details with regard to them—I do not see how it is possible for the managers of the conference on the part of the Senate to make concessions in respect to any one of the points that are still in controversy between the two Houses, and I hope the Senate will, by unanimous vote, further insist upon those amendments, and I hope that the managers of the conference on the part of the Senate will carry out the will of the Senate so expressed.

I shall not consume further time.

Mr. ALLISON. Mr. President, the committee of conference on the part of the Senate in dealing with the District appropriation bill may have been, as the Senator from Tennessee states, more liberal in their concessions made to the House conferees than they ought to have been, but no one knows better than the Senator from

Tennessee that in dealing with items in an appropriation bill it is necessary to make concessions, and to make such concessions as will secure in the end the passage of the bill.

Mr. HARRIS. If the Senator will allow me, it is due to myself to say that I in no sense intended to censure the committee. For the very reasons which the Senator states, I know we have to give and take. I did not intend any uncharitable or unkind criticisms, but I did intend to emphasize an honest opinion which I entertain.

Mr. ALLISON. I know that the Senate Committee on Appropriations made considerable additions to this bill as it came to us from the other House, making them in the belief that the expenditures proposed by us were necessary expenditures in this District.

I would say to the Senator from Ohio [Mr. SHERMAN], who has taken this occasion to impliedly censure the Committee on Appropriations for its want of knowledge and for its want of consideration of these bills, that I think, so far as the Committee on Appropriations is concerned, it has given in the past, and especially has it given to this bill, the utmost possible care as to the items in the bill for the protection of the District and commensurate with the growth of the District.

We must bear in mind here that one-half of the amount to be expended under all these appropriations is taken from the Treasury of the United States, and that it is a matter of interest, not locally alone, but of interest to all the people of the United States, that all these appropriations should be considered in the light of the fact that we pay one-half of the expenditures of the District. I have not criticised, and I do not now criticise, that adjustment. It is an adjustment which has prevailed for a great many years; and while I perhaps will admit that the Committee on Appropriations, in dealing with these bills, does not deal with them in a local sense, it does not deal with them according to the wishes of this individual or that individual who may have property in this District to be benefited by special local improvements.

We deal with those questions in a larger and better sense, for the protection not only of those who have special property here, but we deal with them in the sense of promoting the interests of the people who dwell in this District by and large, whether they own property or do not own property. So, while I may agree with the Senator when we come to again consider the question of who shall have charge of these appropriations, I shall not intrude upon the pressing hours now before us, in view of the closing days of the session, to discuss the question of the competency or incompetency of the Committee on Appropriations.

Mr. CHANDLER. I desire to ask the Senator from Maryland whether, as to the items upon which the conference committee have agreed, there has been incorporated any new legislation not connected directly and necessarily with the legislation about which the Houses differ.

Mr. GORMAN. Not a single word or line has been added to the bill by the conference report. We have changed, as a matter of course, as I explained to the Senate, the phraseology in relation to some of the questions which have been dealt with, but no new items have been inserted.

Mr. CHANDLER. Mr. President, I am very glad to learn that fact. When the income-tax-return bill was before the Senate, I discovered, or thought I discovered, that an item had been introduced into the conference report which had no relation whatever to any matter of difference between the two Houses. I was told by the Senator from Missouri [Mr. VEST] that what I stated was not true, and by the Senator from Iowa [Mr. ALLISON], in somewhat gentler phrase, that I was mistaken. I have made careful investigation of the history of that subject, and am prepared to show at some length that what I stated was exactly and literally correct and that it was the Senator from Missouri and the Senator from Iowa who were mistaken, and not I. I shall not, however, detain the Senate to enter upon that discussion at this time, because I wish to expedite the public business. I shall endeavor to do so, if time affords, when some other conference report is before the Senate.

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

The report was concurred in.

Mr. GORMAN. Let it be included in the motion that the Senate further insists on its amendments disagreed to by the House of Representatives, and asks for a further conference.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

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

Mr. QUAY. Mr. President, I desire to present some morning business.

Mr. PLATT. Regular order, Mr. President.

The VICE-PRESIDENT. The regular order is the sundry civil appropriation bill.

SURVEYOR OF DISTRICT OF COLUMBIA.

Mr. PROCTOR. I ask to withdraw a conference report on 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, for the sake of correcting a clerical error. Reference was made to line 4 of one of the amendments, which should have been line 6. I submit the report with the error corrected, and move its adoption.

The VICE-PRESIDENT. The report will be read.

The report was read, as follows:

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, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

In line 5 of section 1, page 1, after the words "shall be," insert "appointed by the Commissioners of the District of Columbia for a term of four years, unless sooner removed for cause, and shall be;" and the Senate agree to the same.

In line 6 of section 1, page 1, after the word "the" where it first occurs in said line, insert "said;" and the Senate agree to the same.

In lines 6 and 7 of section 1, page 1, strike out "of the District of Columbia;" and the Senate agree to the same.

In line 4 of section 3, page 2, after the words "per annum," insert "and such employees as may in the judgment of the Commissioners of the District of Columbia be required for the surveyor's office and operations, at an aggregate expense of not exceeding \$4,000 in any one year." Amend the proposed amendment by striking out "\$4,000" and insert "\$5,200" in lieu thereof; and the Senate agree to the same.

In section 3, page 2, strike out all after the words "per annum," in line 4, down to and including line 13; and the Senate agree to the same.

In line 3 of section 4, page 2, strike out the word "cities" and insert in lieu thereof the word "city;" and the Senate agree to the same.

In line 4 of section 4, page 2, strike out the words "and Georgetown;" and the Senate agree to the same.

In line 5 of section 4, page 2, strike out "cities" and insert in lieu thereof the word "city;" and the Senate agree to the same.

In line 11 of section 5, page 3, after the word "Columbia," insert "and all records, plats, plans, and other papers or documents now existing or hereafter made or secured by the office of the said surveyor shall be delivered by each surveyor to his successor in office." Amend by inserting after the word "office," "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 the said District;" and the Senate agree to the same.

In section 8, page 3, strike out all after the word "laws," in line 1, down to and including line 4, and insert in lieu thereof the following: "Inconsistent with the provisions of this act are hereby repealed;" and the Senate agree to the same.

REDFIELD PROCTOR,
CHAS. J. FAULKNER,
H. C. HANSBROUGH,
Managers on the part of the Senate.

J. E. COBB,
G. W. COOPER,
J. A. T. HULL,
Managers on the part of the House.

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

The report was concurred in.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8518) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 2, after line 5, to insert:

For the public building at Charleston, S. C.: For completion of building, \$40,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 7, to insert:

In order to provide accommodations for the Government officials in the city of Chicago now occupying the present building, during the erection of the proposed new building, the Secretary of the Treasury is hereby authorized to accept for use temporarily any site that may be offered for such use free of cost and rent and to erect thereon a temporary building, and the sum of \$200,000 is hereby appropriated, to be immediately available, of which amount the sum of \$27,000, or so much thereof as may be necessary, may be used for the rental of buildings for one year; said temporary building to be so erected shall be removed by the Government when said new building is completed and ready for use.

The amendment was agreed to.

The next amendment was, on page 2, after line 20, to insert:

In pursuance of the act of Congress entitled "An act to provide for the erection of a Government building at Chicago, Ill.," approved February 11, 1895, the sum of \$400,000 is hereby appropriated for the commencement and continuation of the building, of which amount the sum of \$30,000 is hereby authorized to be expended by the Secretary of the Treasury to employ temporarily draftsmen and skilled service, which may be necessary in the preparation of plans and specifications for the said building, this amount to be exclusive of any moneys that he may be authorized to expend for the services of engineers, draftsmen, and other persons employed in the preparation of plans and specifications for any other public buildings.

The amendment was agreed to.

The next amendment was, on page 3, after line 10, to insert:

For the public building at Fort Dodge, Iowa: For completion of three additional rooms in said building and placing additional dormers in the roof, \$1,500, in addition to the balance of the appropriation now available.

The amendment was agreed to.

The next amendment was, on page 4, after line 8, to insert:

For court-house and post-office at Meridian, Miss.: The Secretary of the Treasury is hereby authorized, if in his discretion he thinks it to the public interest to do so, to exchange the site formerly purchased for said building and now owned by the United States for another and more suitable site: *Provided*, That the exchange can be effected without cost to the United States.

The amendment was agreed to.

The next amendment was, on page 5, after line 23, to insert:

For public building at Richmond, Ky.: For an additional amount for the completion of building, \$25,000.

The amendment was agreed to.

The next amendment was, on page 6, line 3, after the word "dollars," to strike out:

Provided, That before any work is done upon this building or contract let therefor, a board of three engineer officers of the Army shall be detailed by the Secretary of War to carefully examine the nature of the subsoil and bed of foundation of the site that has been purchased for such building at San Francisco, and whether the character of the same is proper for said building, and report to the Secretary of the Treasury on or before the 1st day of July, 1895, the results of their examination, together with an estimate of what will be the cost of making a foundation for said building, and if, in their opinion, the construction of said building should be proceeded with on said site. The Secretary of the Treasury is hereby authorized to proceed with the construction of the building, and to enter into contracts for any part or the whole thereof, within the limit of cost fixed by law; the expenses of the board, and of their investigations, not to exceed \$3,000, to be paid out of the appropriations made for the erection of said building.

And insert:

Provided, That before any work is done upon this building or contract let therefor, the Secretary of the Treasury shall cause to be carefully examined the nature of the subsoil and bed of foundation of the site that has been purchased for such building at San Francisco, and whether the character of the same is proper for said building, before the 1st day of July, 1895, and what will be the cost of making a foundation for said building, and whether the construction of said building should be proceeded with on said site; and the Secretary of War, upon the request of the Secretary of the Treasury, may detail one or more engineer officers of the Army to make such examination. If the Secretary of the Treasury shall determine that said building should be erected on said site, he is hereby authorized to proceed with the construction of the building, and to enter into contracts for any part or the whole thereof, within the limit of cost fixed by law; the expenses of such examination and investigation, not to exceed \$3,000, to be paid out of the appropriations made for the erection of said building."

Mr. PERKINS. Before this amendment is adopted I ask the Committee on Appropriations to make it mandatory upon the Secretary of the Treasury to have detailed engineer officers of the Army for the purpose of making the examination. Therefore, I move, in line 6, to strike out the words "may detail one or more," and insert in lieu thereof "shall detail three engineer officers."

Mr. COCKRELL. I hope the Senator will not insist upon all of them being army officers. Let it be mandatory upon the Secretary of War, and not a request, that he shall detail one or more. He may not want so many.

Mr. PERKINS. The reason I desire to have the detail made from the Corps of Army Engineers is that the Secretary of the Treasury has already detailed two special agents to make an examination of this lot. It is presumable that they were appointed by reason of their political qualifications, rather than of their scientific knowledge of the proper foundation upon which a public building of the Government should be erected. Therefore, to save the President from the importunities of those who desire to make a pleasure trip to the Pacific Coast, I desire that the army officers who are there now, located in San Francisco, who have the confidence of the Government, the confidence of the people, and all who have business with them, be detailed for this purpose. I am satisfied to reduce the number to one or two if the Committee on Appropriations insist upon it, but it will be more satisfactory to our people to name three, and we have half a dozen or more army officers of the Engineer Corps stationed there. I hope the committee will accept the amendment.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The amendment will be stated.

The SECRETARY. In line 6, on page 2, it is proposed to strike out "may" and insert "shall," and in the same line to strike out the words "one or more" and insert "three."

Mr. COCKRELL. Say "two or more."

Mr. PERKINS. "Two or more." I will accept that.

The PRESIDING OFFICER. The amendment will be again stated.

The SECRETARY. In line 6, of the committee's amendment, it is proposed to strike out before the word "detail" the word "may" and insert "shall," and in the same line after the word "detail" to strike out "one" and insert "two;" so as to read:

And the Secretary of War, upon the request of the Secretary of the Treasury, shall detail two or more engineer officers of the Army to make such examination.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, beginning at the top of page 8, to strike out:

The engineer officer of the Army or Navy detailed to act as superintendent of the State, War, and Navy building shall also be superintendent of the said post-office building in the city of Washington, when completed, under the direction of the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, who are hereby constituted a commission for the purposes of the care and supervision of said building; said officer shall have charge of said building and of all the engines, machinery, water supply, heating, lighting, and ventilating apparatus, all elevators and fixtures therein, and all necessary repairs and alterations thereof, as well as the direction and control of such force of engineers, watchmen, laborers, and others as may be engaged about the building or the apparatus under his supervision; of the cleaning of the corridors and water-closets, of the approaches, sidewalks, lawns, courtyards, and areas of the building, and of all rooms in the subbasement which contain the boilers and other machinery, or so much of said rooms as may be indispensable to the proper performance of his duties as herein provided; and the said superintendent, before the completion of said building, shall submit estimates in detail for the salaries of all necessary employees and other expenses for maintaining said building.

The commission herein created for the care and supervision of said building shall, before the completion thereof, determine and report to Congress, first, what space therein shall be used by the Washington City post-office, and what bureaus and offices of their respective Departments occupying rented buildings shall be moved into and accommodated in said building, and what space shall be allotted to each; second, what bureaus and offices of their respective Departments occupying public buildings shall be removed, because of overcrowding or otherwise, into said building.

The amendment was agreed to.

The next amendment was, on page 9, after line 10, to insert:

To enable the Secretary of the Treasury to repair the roof of the governor's building in Alaska, \$500.

The amendment was agreed to.

The next amendment was, on page 9, after line 13, to insert:

To enable the Secretary of the Treasury to select, designate, and procure, by purchase or otherwise, suitable sites, and to commence the construction of public buildings thereon, in the city of Cheyenne, the capital of Wyoming; in Boise City, the capital of Idaho; in the city of Helena, the capital of Montana, and in the city of Annapolis, the capital of Maryland, \$75,000. Each of said sites shall contain at least 16,000 square feet of ground, and shall leave an open space around the building to be erected thereon, including streets and alleys, of at least 40 feet; neither of said sites shall cost in excess of \$20,000; and neither of said buildings, each of which shall be fireproof, shall cost, including the site, in excess of \$120,000.

Mr. KYLE. I should like to know whether the amendment referring to public buildings in four Northwestern States has been approved by some committee of the Senate. May I ask the Senator from Wyoming?

Mr. CAREY. The amendment has been reported favorably, with the exception of Annapolis. I do not know whether there has been a favorable report in that case, but as to the others the proposition has not only been reported favorably, but bills for that purpose have passed the Senate.

Mr. KYLE. There is only one question in regard to the amendment. It provides for the purchase of a site for a building in each of those Western towns at a cost not to exceed \$20,000. I know the matter has been under consideration; we have talked about a public building in my own city, and the committee thought it was nothing more than fair and right that the town should contribute the ground for the building. The ground is worth nothing, so to speak, in those Western towns. A whole square can be obtained for a couple hundred dollars. In most places they are willing to give the ground. Here \$20,000 is proposed to be appropriated for the site.

Mr. CAREY. It says neither of the sites shall cost in excess of \$20,000. It is supposed that it will cost about \$15,000 to get a suitable site in the capital city of my own State.

Mr. HALE. Does the Senator from South Dakota, in the statement he has made, refer to a site for a building at the capital of his State?

Mr. KYLE. I venture to say that in the capital of my State a site would be given for a public building, if they could have one to-day.

Mr. HALE. This provision merely carries out the rule that has been adopted heretofore, to give a public building to the capital of each State. These four cities are capitals of different States.

Mr. KYLE. I understand that, but the ground is not very valuable in those western towns.

Mr. CAREY. The amendment does not compel the payment of \$20,000 for the site. That is the maximum amount.

Mr. BLANCHARD. As a member of the Committee on Public Buildings and Grounds I wish to say that favorable action by that committee was taken on bills relating to the construction of public buildings at the three places first named, but I have no recollection of any action having been taken on a bill or an amendment proposing a public building at Annapolis, Md. I desire to ask the chairman of the Committee on Appropriations if a bill for the erection of a public building there has previously passed Congress or has an amendment proposing such a building been considered by the Committee on Public Buildings and Grounds of the Senate.

Mr. COCKRELL. Not so far as I remember.

Mr. BLANCHARD. I see the Senator from Maryland [Mr. GORMAN] is now present, and I will ask him.

I will state to the Senator from Maryland that the Senator from

South Dakota [Mr. KYLE] called attention to the amendment beginning on line 14 of page 9 of the bill, relating to the acquisition of sites for public buildings at the capital of Wyoming, the capital of Idaho, the capital of Montana, and the capital of Maryland. He asked if any previous action had been taken by the Committee on Public Buildings and Grounds relating to the construction of public buildings at those several places. I stated, as a member of the Committee on Public Buildings and Grounds, that I recollected that action had been taken with reference to the first three, but I did not recollect that action had been taken in reference to the construction of a public building at Annapolis. Thereupon I asked the chairman of the Committee on Appropriations if a bill had ever passed Congress authorizing the construction of a public building at Annapolis, and he said he knew of none. Is it a fact that a bill has or has not passed?

Mr. GORMAN. Yes, such a bill has been passed, but not at this session. I think the Senate has twice passed a bill for a public building at the capital of Maryland. I wish to say a few words to the Senator from Louisiana, if he will permit me to interrupt him, on this point.

Mr. BLANCHARD. Certainly.

Mr. GORMAN. For the second time a provision has come into an appropriation bill for a public building in the capital of the State of Maryland. At the last session of Congress a similar provision was inserted in an appropriation bill in the Senate. Maryland is the only State of the original thirteen States in which there is no public building for post-office and other purposes. We have adopted a rule of providing public buildings for capital cities, and it has been done in every State in the Union except the ones stated in the bill. I therefore inserted Annapolis. That is all there is of it.

Mr. BLANCHARD. I understand it is a fact—I ask the Senator from Maryland whether it is or not—that no bill has passed Congress authorizing the erection of a public building at Annapolis, in Maryland.

Mr. GORMAN. Not at the present session.

Mr. BLANCHARD. I ask the Senator if any bill has been passed by Congress at any time authorizing the construction of a public building at Annapolis?

Mr. GORMAN. Yes; twice.

Mr. VEST. We reported the bill. I think it was in the last session or the session before that. I wish to say to the Senator from Louisiana—

Mr. BLANCHARD. Just allow me a moment. Was that bill passed?

Mr. VEST. Not at the present session.

Mr. BLANCHARD. I mean at the last session.

Mr. VEST. Either the last session or the session previous to that.

Mr. BLANCHARD. Is the appropriation for that building placed in the pending bill pursuant to that authorization?

Mr. VEST. Not that I know of.

Mr. GORMAN. No, sir.

Mr. VEST. It does not come from the Committee on Public Buildings and Grounds, but I wish to say to the Senator from Louisiana that the rule adopted by the Committee on Public Buildings and Grounds, which was the rule when I went upon the committee sixteen years ago, was that every State in the Union should have at its capital a Federal building. Maryland is to-day the only one of the States, I think, that has not either a public building or legislation looking to that result.

Mr. BLANCHARD. That may be, and I am not challenging the policy of the erection of public buildings at State capitals. But I find here an appropriation for a public building at Annapolis, Md., which has not heretofore been authorized by act of Congress, or by act of the Senate, or one of its committees. That appears to be the fact.

My desire was merely to call attention to it because if there is any feature of new legislation or general legislation in the bill the proposition now under discussion is one. It is not my purpose to object to it at all, but to call the attention of the Senate to the fact. I wish merely to emphasize the fact now, because as we proceed in the consideration of the pending bill it may become pertinent.

Mr. GORMAN. All of these four States of the Union are on identically the same footing. There is no law providing for the construction of any one of these buildings, and Annapolis has been put in only because of the rule that has been adopted, to give each one of the States a public building. I state frankly to the Senate that there is no law authorizing it, and if the Senator from Louisiana, under the circumstances, desires to strike out Annapolis, I shall be very glad to have it stricken out. Indeed, upon second thought, I will do now as I did at the last session of Congress, I will ask the chairman of the Committee on Appropriations to modify the amendment by striking out Annapolis.

Mr. BLANCHARD. I do not desire to strike it out and have made no such motion or suggestion.

Mr. CALL. I object.

Mr. GORMAN. No, sir. I ask that it be done.

Mr. CALL. I object.

Mr. COCKRELL. I move to strike out the words "and in the city of Annapolis, Md."

Mr. WOLCOTT. I ask the Senator from Maryland why he asks for the withdrawal of an amendment which seems to be a very worthy one.

Mr. GORMAN. I prefer that the matter should come up on its own merits hereafter. I desire it in that way. I trust Annapolis will be stricken out.

Mr. DUBOIS. I wish it distinctly understood that so far as the Western States are concerned, they have no desire to have the Senator from Maryland strike out Annapolis.

Mr. COCKRELL. That is understood perfectly.

Mr. GORMAN. I trust it will be done, nevertheless.

Mr. ALLEN. I hope the Senator from Maryland will not do that.

Mr. GORMAN. I ask the Senate to strike out the provision as to Annapolis.

The PRESIDING OFFICER. The amendment of the Senator from Missouri [Mr. COCKRELL] to the committee amendment will be stated.

The SECRETARY. On page 9, line 19, after the word "Montana," it is proposed to strike out "and in the city of Annapolis, the capital of Maryland."

Mr. MORRILL rose.

Mr. COCKRELL. I insist that those words shall go out. The Senator from Maryland wishes it, and it is right.

Mr. MORRILL. I believe Annapolis is the only capital city of any State that has not a public building in it. I hope, therefore, that the amendment to the amendment will not be submitted to by the Senate, and that they will retain in the bill the provision as to Annapolis.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on agreeing to the amendment of the Senator from Missouri to the amendment of the committee.

Mr. GORMAN. I trust the Senate will gratify me in this matter. There is a reason why I desire to have Annapolis stricken out at this time. There is a different reason which applies to this case and does not apply to the others. It occurred to me only this moment.

Mr. CHANDLER. I wish to call attention to the fact that there is a great Naval Academy in Annapolis, a great Government institution. Annapolis is not only the capital of the State, but it is the headquarters of one of the great military schools in this country, and it is preeminently fit and proper that that city should have a public building. I do not know what reason the Senator from Maryland has—

Mr. GORMAN. I will state the reason frankly. I trust the Senate will gratify me in this matter. I only remembered the reason just now. It had entirely escaped me.

Six years ago we passed a separate bill providing for the construction of a public building at Annapolis, and it received a pocket veto by the President of the United States. I do not care now, upon reflection, to have this appropriation go into an appropriation bill. I therefore ask the Senate to strike it out.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. COCKRELL. After the word "Montana," in line 19, I move to strike out "seventy-five" and insert "fifty-six;" so as to read "\$56,000."

The amendment to the amendment was agreed to.

Mr. KYLE. Following the word "dollars," in line 20, I move to insert:

And in the city of Pierre, the capital of South Dakota: *Provided*, That the said site shall not cost more than \$5,000.

Mr. COCKRELL. I should like to ask the Senator from South Dakota whether there is a public building in Pierre?

Mr. KYLE. No. There are there a United States land office, a United States court, and a post-office and there is no public building.

Mr. COCKRELL. Is there no public building of any kind there?

Mr. KYLE. No, sir.

Mr. COCKRELL. I am very much astonished that the Senator from South Dakota has not brought the matter to the attention of the Senate before.

Mr. KYLE. I had a bill up last year, and it passed the Senate; but it was not acted upon by the other House.

Mr. COCKRELL. It was stated here that those three States were the only Western States that did not have a public building at the capital.

Mr. KYLE. That is not true. North Dakota has no public building at its capital, either. I am willing to have the amendment adopted with the proviso which I have stated:

Provided, That the said site shall not cost more than \$5,000.

I am sure that in South Dakota, and I think in North Dakota, a site can be obtained for \$5,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota [Mr. KYLE] to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. WILSON of Washington. I should like to offer an amendment. On page 9, line 19, after the word "Montana," I move to insert "and in the city of Olympia, the capital of Washington, \$20,000."

Mr. COCKRELL. Is there no public building at Olympia?

Mr. WILSON of Washington. I will state that there is no public building at Olympia. My colleague [Mr. SQUIRE] has offered an amendment for a public building at Olympia, but he is unavoidably detained from the Chamber. We have a United States land office, a surveyor-general's office there—

Mr. COCKRELL. Is a United States court held there?

Mr. WILSON of Washington. No United States court is held there.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington [Mr. WILSON] to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. KYLE. I now move, in line 24, page 9, to strike out the word "twenty" and insert "five;" so as to read:

And neither of said sites shall cost in excess of \$5,000.

I wish to emphasize the remark I made a moment ago as to these Western towns, the capitals of the States included, that land there is very cheap indeed. I know that in almost all our towns the people are willing to donate land in order to get a public building. I submit that in almost every case a site can be procured for \$5,000, if the Government is compelled to pay for it at all. Therefore I do not wish to have a statute enacted providing that the site shall not cost in excess of \$20,000, because, of course, the property owners will charge all they can get.

Mr. BLANCHARD. I do not think the amendment of the Senator from South Dakota ought to be adopted. The question of the cost of sites for the proposed public buildings at the capitals of these Western States was fully discussed and considered by the Committee on Public Buildings and Grounds of the Senate. I thought then \$20,000 was a large sum, but it was stated that at some of those places an eligible site could not likely be obtained for a less sum.

The Senate will observe that the language of the amendment does not require, of course, that the sum of \$20,000 shall be paid for each of the sites, but merely mentions the sum of \$20,000 as the maximum limit of cost of the site. If the amendment proposed by the Senator from South Dakota be adopted, I fear it will have the effect of preventing the early commencement of the public buildings at those Western capitals, because difficulty may be encountered in securing eligible sites at some of those places for the sum of \$5,000.

Mr. KYLE. Will the Senator from Louisiana allow me at this point? Does the Senator from Louisiana know the value of land in some of these Western towns?

Mr. BLANCHARD. I do not. I have never visited those cities.

Mr. KYLE. I will say to the Senator from Louisiana that between now and Saturday night I think I can get a pocketful of deeds for sites free of charge.

Mr. BLANCHARD. That may be, and it will be all the more to the advantage of the Government if that be done. But it is likely the Senator from South Dakota is mistaken. I have secured appropriations for several public buildings in Louisiana, and know that in country towns the same rule obtains that prevails in the larger cities when the acquisition of a site is sought for the erection of a public building. Whenever the Government wants a piece of property for Government purposes that property at once is worth one-third more than private individuals can purchase it for, and as a rule the Government is compelled to pay more than the actual cash value of ground it needs for its purposes. I believe that public buildings should be erected in those Western capitals, and I believe that if the Senate adopts the amendment limiting the cost of the sites to the small sum of \$5,000 it will have the effect of preventing the acquisition in the early future of eligible sites for the public buildings. I venture the prediction that if the amendment be adopted the acquisition of some of the sites will be suspended waiting further legislation by Congress enlarging the limit.

I think the question which the Senator from South Dakota put to me in reference to the cost of land in those Western capitals can be better answered by the gentlemen who represent those States upon the floor of the Senate.

Mr. CAREY. I think the difficulty in this case with reference to sites is that neither the Senator from South Dakota [Mr. KYLE] nor the Senator from Louisiana [Mr. BLANCHARD] have read the amendment. It provides for the purchase of the sites and the commencement of the construction of buildings. It was not expected that in Boise City a site would cost \$20,000, nor was it expected

that a site in the capital city of my State would cost \$20,000. We expected to have a little left with which to commence the construction of the building. It is the old story with reference to this amendment. The Committee on Public Buildings and Grounds agreed that these three States which had not within their boundaries a public building over which the flag of the United States floated each day should have a public building. The rule they laid down only applied to the States of Wyoming, Montana, and Idaho. The State of Washington has a public building. The State of South Dakota has a public building, and the State of North Dakota has a public building, but here are three new States which have no public buildings. It so happens that the principal cities in those new States were the capital cities. The Committee on Appropriations found that they had a precedent for originating on an appropriation bill legislation for public buildings for capital cities, and in that way I suppose Annapolis was placed in the amendment. But Annapolis has been ruled out because there has been no report made in its favor.

I say to the Senators from the other States that if their amendments remain on the bill they will prevent three sister States, young States, which have not public buildings, from obtaining public buildings at the present session of Congress. I know that that is true, because I was assured by the Committee on Appropriations of the other House of Congress at the last session that if the amendment for the three new States was placed upon the pending bill at this session it would be permitted to remain. Such a provision was on the bill at the last session, but it was stricken out. We all, in those Western States, have some pride about public buildings. My young State has erected a capital building, and has paid for it. It cost about a half million dollars. They have done their part. The city of Cheyenne is the principal town in that State, and the receipts of the post-office and the rents that are paid out by the Government justify the construction of a public building there. Senators from other States may weigh the bill down so that we will not obtain our public building. I ask them in this case to be a little considerate of us, as South Dakota and the State of Washington have both been supplied with creditable public buildings.

Mr. WOLCOTT. May I ask the Senator from Wyoming a question before he sits down, referring to a suggestion made by the Senator from Louisiana, that as soon as there was talk of the construction of a public building the price of real estate appreciated in the place where the land was to be bought? The proposed appropriation is only \$56,000 for the purchase of the land and the commencement of the construction of three public buildings. I ask the Senator if it is not a fact that in the case of every public building that has ever been constructed in the West, three-fourths, or four-fifths, or nine-tenths of the value of the land is not invariably raised by private subscription? Is it not a fact that the Government gets the land for its public buildings usually at from 10 to 15 cents on the dollar of its value?

Mr. CAREY. The question of the Senator from Colorado can be answered only one way. If this provision passes without an appropriation for the purchase of a site in my own town, I know that one man by the name of J. M. CAREY will have to contribute two or three thousand dollars. We can not obtain a suitable site for less than fifteen or twenty thousand dollars.

Mr. BLANCHARD. The amendment of the Senator from South Dakota is to reduce the maximum limit of cost of the sites from \$20,000 to \$5,000. I oppose the amendment on the ground that the maximum limit of cost, \$20,000, should be left as it is, in order to give the Secretary of the Treasury more latitude in the way of securing an eligible site.

I ask the Senator from Wyoming if, in his opinion, it will be possible in the capital city of his State to secure for \$5,000 an eligible site for the public building which has been authorized there.

Mr. CAREY. It will not be possible.

Mr. BLANCHARD. I will state further, if the Senator from Wyoming will allow me, that the amendment does limit the cost of the site to \$20,000, and—

Mr. CAREY. I will tell the Senator from Louisiana why that limitation was put in the amendment. It was to prevent one town from getting all the money.

Mr. BLANCHARD. I am a member of the Committee on Public Buildings and Grounds, and I know why it was put in. I was merely defending the action of the committee in recommending that the cost of the sites shall not exceed \$20,000. I am opposing now, in the interest of the construction of these buildings and in the interest of the Government, the reduction of that amount to \$5,000.

Mr. DUBOIS. Mr. President, it is a well-recognized precedent; it has been recognized ever since I have been here, at any rate, in late years, that when any Senators, by careful attention to the interests of their constituency, have gone to the proper committee and procured a favorable recommendation of a bill, when any other Senator desired similar legislation and attempted to ingraft it on that bill he went to the Senators who had done the work and

asked them if it would jeopardize the passage of their bill, and if they said it would, I have never known an instance when a Senator did not decline to put his amendment on their bill.

I take no credit to myself for having these three Western States put in the bill. The chief credit is due to the Senator from Wyoming [Mr. CAREY]. He has worked steadily for two or three years for this legislation. The Senator from Montana [Mr. POWER] has also been earnest and constant in his endeavors to secure these public buildings. At the last session of Congress we received from the Committee on Public Buildings and Grounds a favorable report for three buildings. We had it put in the appropriation bill at the last session. It was weighted down with other measures and beaten. At the present session we have not only secured the favorable report of the Committee on Public Buildings and Grounds, but have passed through the Senate a bill for the erection of public buildings in these three Western States.

Neither one of the gentlemen now offering amendments has been before the Committee on Public Buildings and Grounds or before the Committee on Appropriations. They have done no work at all; and now after ours is almost completed they ask that their States be admitted, knowing full well, as they ought to know, that it defeats us.

There are several reasons why we should have public buildings. There is not one in our States. We have at these capitals the United States court, the United States land offices, the surveyor-general's office, marshal's office, district attorney's office, and the offices of the collector of internal revenue and Weather Bureau, besides the post-office. There is not a public building in the State, and it would be a saving to the Government in the matter of rental to erect these. I think it is unfair, now, after we have done this work, after we have gone to the Committee on Appropriations and convinced them that \$20,000 was not too much and that these buildings ought to be put in our capital towns, that Senators who know nothing about it, who have paid no attention to it, should come in here and antagonize not only our appropriation of \$20,000, but ask that they themselves be taken care of, when they have done nothing whatever in regard to it.

Mr. KYLE. The Senator from Idaho is mistaken in that statement. I wish to say that we have done just about as much work as the Senator from Idaho or the Senator from Montana. For the past five years I have been endeavoring to get a public building at the capital of my own State, and I have had it reported on favorably by the Committee on Public Buildings and Grounds. The bill has passed the Senate heretofore, but it failed to get through the other House. The Senator is mistaken when he says we have not worked. I know the Senator from Idaho has worked to get his measure through. We have also worked to get ours through; and it is just as deserving in our State as in the other States.

Mr. DUBOIS. Has the Senator been before the Committee on Appropriations and labored with them in regard to his State?

Mr. KYLE. I have got in a good deal of work before the Committee on Appropriations, but I am sorry to say that I have not been as successful as some members from the Northwest.

The PRESIDING OFFICER. The question is on the amendment of the Senator from South Dakota [Mr. KYLE] to strike out "twenty," before "thousand," and insert "five," in line 24.

The amendment to the amendment was rejected.

Mr. HANSBROUGH. I move to insert after the word "Wyoming," in line 17, page 9, the words:

In the city of Bismarck, the capital of North Dakota.

I will state in this connection that the city of Bismarck contains between five and six thousand population. Besides being the capital of the State, there are located there a United States land office and the United States Weather Bureau. A term of the United States court is held there once or twice a year. I will state further that a bill has passed the Senate on two occasions locating a public building at the city of Bismarck, but it has failed to pass the other body. For that reason I offer the amendment.

Mr. KYLE. Will the Senator from North Dakota allow as a modification of his amendment the addition of the following proviso?

Provided, That the cost of the site shall not exceed \$5,000.

Mr. HANSBROUGH. I could not hear the Senator.

Mr. KYLE. In my amendment making provision for South Dakota there was the proviso, "*Provided, That said site shall not cost to exceed \$5,000.*" Will the Senator allow such a modification of his amendment in reference to North Dakota?

Mr. HANSBROUGH. I think a site suitable for the location of a public building can not be had in the city of Bismarck for \$5,000.

Mr. KYLE. I wish merely to state that I know the city of Bismarck; I know the State of North Dakota; and I know that a suitable site can be had there for \$5,000.

Mr. HANSBROUGH. Then if that is the case the Senator knows more about my own State than I do. I do not believe he knows it.

Mr. VEST. Mr. President, I am astonished at these amendments, and for the reason which I must state frankly. The matter of public buildings at the capitals of these new States was fully considered by the Committee on Public Buildings and Grounds. As a matter of course those of us who did not reside in those States and did not represent them deferred largely to the Senators from those States, respectively. The amendments adopted this morning on the report of the Committee on Appropriations represent the result of the deliberations of the Committee on Public Buildings and Grounds. That committee heard each of the Senators who chose to appear there and incorporated in their recommendation to the Committee on Appropriations the provisions that come from that committee to the Senate.

I am not a member of the Committee on Appropriations but I want to state distinctly, as my opinion, to the Senators from the Northwestern States that in loading on these additional amendments they will defeat all the appropriation. That will be the end of it. If they choose to take that risk let them try it.

Mr. DUBOIS. I wish to ask the Senator from Missouri what we can do about it?

Mr. VEST. I do not know what the Senator can do. As chairman of the Committee on Public Buildings and Grounds I did what I conceived to be my duty in the matter. I have no explanation or apologies to make, but I want the Senators to understand now that putting on this accumulation of appropriations will result in increasing the appropriations for public buildings to such an extent that none of those States will get the appropriations to which I think they are entitled.

Mr. WILSON of Washington. Mr. President, replying to the Senator from Idaho [Mr. DUBOIS], I think he will do me the justice to remember that I had no opportunity in this body to present the claim of the capital of the State I in part represent for a public building at that place. My colleague, the senior Senator, presented an amendment looking to an appropriation for a public building at that place, and I had intended to leave the matter entirely with him. I regret that a sense of duty, after the distinguished Senator from South Dakota had called up an amendment for Bismarck and had it passed, constrained me, in the unavoidable absence of the senior Senator from Washington, to offer an amendment for an appropriation at the capital of the State of Washington.

I desire also to state that in the last Congress an amendment was placed on the sundry civil appropriation bill not only for the three sites appropriated for in this bill, but for the city of Spokane, in the State of Washington. This amendment is the same except that one of the large cities in my State was stricken out. We have at Spokane a United States court and land office, and the postal receipts are greater than the receipts of all the Presidential post-offices of the State of Wyoming. In Seattle we have over \$100,000 of postal receipts, and there is no public building either at that place or in the city of Tacoma.

However, if it is going to embarrass the Senator from Idaho and the Senator from Wyoming, and if my friend, the Senator from South Dakota, is willing to withdraw the amendment for an appropriation looking to the purchase of a site in Bismarck, I shall be only too glad myself to withdraw the amendment looking to an appropriation for a public building at Olympia. I do not wish at this early stage to do anything that will embarrass the Senators from those States.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from North Dakota to the amendment of the Committee on Appropriations.

Mr. HANSBROUGH. In view of the fact that the Senators from Wyoming and Idaho have, as I know, labored long and arduously in favor of the establishment of a public building in their States, and in view of the further fact that there is a public building located in the State of North Dakota and that they have none in their States, if the Senator from South Dakota [Mr. KYLE] will withdraw his amendment I will agree to withdraw mine.

Mr. KYLE. My amendment is in the bill. It was voted on and adopted with a provision that the site shall not cost over \$5,000, which is embraced in none of the other amendments. Therefore I think I am entitled to have my amendment retained.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Dakota to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 10, after line 2, to insert:

That permission be, and the same is hereby, granted to the mayor and city council of Baltimore to erect on the lot or parcel of ground in the city of Baltimore described as follows: Beginning for the same on the corner formed by the intersection of the west side of North street and the south side of Lexington street and running thence south, binding on the west side of North street 112 feet; thence west parallel with the south side of Lexington street

70 feet; thence north parallel with the west side of North street 112 feet to the south side of Lexington street, and thence east, binding thereon 70 feet, to the place of beginning, a two-story brick building, to be used by the State of Maryland for the purpose of holding therein the sessions of the State courts within said city, for a period not to exceed five years from the time said building shall be begun, and that during said period concurrent jurisdiction, so far as the same may be necessary, be, and the same is hereby, ceded to the State of Maryland for said purpose, so that the sessions of the said courts in said building, upon said lot, may be during said period fully legalized: *Provided, however,* That the mayor and city council of Baltimore will enter into a contract with the United States of America, to be approved by the Secretary of the Treasury before the erection of said building shall be begun, that within three months after the expiration of the said period of five years the said building shall be entirely torn down and the materials thereof removed, and the said lot restored to the same condition in which it now is, and in default thereof that the said building may be removed and the lot restored to its present condition by the United States at the expense of the municipality of Baltimore.

The amendment was agreed to.

Mr. MANDERSON. I offer at this time an amendment to come in at the end of the amendment first agreed to. While it is true that it is not an amendment to a committee amendment, I think perhaps the Senator in charge of the bill will be glad to have it made at this time rather than later.

The PRESIDING OFFICER. The amendment will be stated.
The SECRETARY. Insert after line 7, page 11:

To enable the Secretary of the Treasury to select, designate, and procure, by purchase or otherwise, a suitable site and commence the construction of a public building provided by law to be erected at South Omaha, in the State of Nebraska, the sum of \$250,000; and if the said site shall be obtained by purchase, the cost thereof shall not exceed the sum of \$10,000.

Mr. MANDERSON. I will state that this amendment is to carry out a provision of existing law, the bill providing for the erection of a public building at South Omaha having passed both Houses and been approved by the President.

Mr. COCKRELL. What was the limit in the law?

Mr. MANDERSON. One hundred thousand dollars.

Mr. COCKRELL. Had not the Senator better authorize a contract?

Mr. MANDERSON. Contracting for the whole amount?

Mr. COCKRELL. I suggest that that is a better way.

Mr. MANDERSON. I will withdraw the amendment for the present.

Mr. COCKRELL. Let it read "And the Secretary is authorized to contract for the completion of the building within the limits prescribed by the law."

Mr. MANDERSON. I will so modify the amendment and present it again.

The PRESIDING OFFICER. The amendment is withdrawn.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain 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, further insisted upon its disagreement to the amendments of the Senate numbered 91, 114, 115, and 116, upon which the committee were unable to agree; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAMS of Illinois, Mr. DOCKERY and Mr. HENDERSON of Iowa managers at the conference on the part of the House.

The message also returned to the Senate, in compliance with its request, the joint resolution (H. Res. 277) in reference to the free zone along the northern frontier of Mexico and adjacent to the United States.

MEXICAN FREE ZONE.

Mr. HARRIS. May I be indulged a second to ask the Chair to lay before the Senate a joint resolution which has been returned by the House of Representatives in reference to the free zone along the northern frontier of Mexico. I simply desire to have it referred to the Committee on Finance, which meets to-morrow.

The PRESIDING OFFICER. The Chair lays before the Senate a joint resolution returned by the House of Representatives in compliance with the request of the Senate, the title of which will be stated.

The SECRETARY. A joint resolution (H. Res. 277) in reference to the free zone along the northern frontier of Mexico and adjacent to the United States.

Mr. HARRIS. I ask the Senate to reconsider the vote by which that joint resolution was passed, and the vote by which it was ordered to a third reading, and that it be referred to the Committee on Finance.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Tennessee? The Chair hears none, and it is so ordered.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8518) making appropriations for sundry

civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes.

The reading of the bill was resumed. The next amendment of Committee on Appropriations was, on page 11, after line 7, to insert:

For the purchase of all the right, title, and interest of Harriet Stanwood Blaine to the premises in the city of Washington, D. C., known and described as lot numbered 9, and the north 24 feet 6 inches front of lot numbered 8 by the full depth of said lot in square numbered 221, said premises being hereby appropriated for the use of the United States, the sum of \$150,000; which sum shall be paid by the Secretary of the Treasury to Harriet Stanwood Blaine, her legal representatives or assigns, upon the execution and delivery by her of a proper deed to be approved by the Attorney-General conveying her title to said lot, subject to a ninety-nine-year lease thereof executed by her to one Paul D. Connor, to the United States. And the Secretary of the Treasury is hereby authorized to acquire by purchase or condemnation the interest of said lessee, his legal representatives and assigns, in said premises; and in the event that no agreement can be made with the said lessee as to the compensation to be paid him, the Attorney-General, on behalf of the United States, or the lessee, his legal representatives and assigns, may, within three months, commence a proceeding by petition in the supreme court of the District of Columbia, and have the amount of the compensation which the United States shall pay said lessee fixed and determined; and the Secretary of the Treasury shall pay the amount agreed upon by said Secretary, or the amount so fixed and ascertained by the supreme court of the District of Columbia, as compensation for the interest of said lessee, out of any moneys not otherwise appropriated.

Mr. GEORGE. My attention has been called to the peculiar wording of this amendment. It seems to establish a new rule for the acquisition of property by the United States. It only provides for a quitclaim title to this property by Mrs. Blaine. I would take it that the Congress of the United States desire, when they make a purchase of property, to have a perfect and complete title to that property. With a view of carrying out that idea, I propose an amendment to the amendment of the committee. I move to strike out in line 8 all after the words "for the purchase of" and line 9 and line 10; so as to read:

For the purchase of lot No. 9, and the north 24 feet 6 inches front of lot No. 8, by the full depth of said lot, in square No. 221, in the city of Washington, said premises being hereby appropriated for the use of the United States, the sum of \$150,000; which sum shall be paid by the Secretary of the Treasury to Harriet Stanwood Blaine, her legal representatives or assigns, upon the execution and delivery by her of a proper deed to be approved by the Attorney-General.

I also move to insert in lieu of the word "her" in line 19, the words "a complete and perfect title;" so that the provision as I propose to amend it shall provide for the purchase of this land at the sum of \$150,000 upon Mrs. Blaine executing a deed to be approved by the Attorney-General conveying a complete and perfect title to the United States instead of merely conveying her title, whatever it may be.

Mr. MILLS. Suppose she refuses to make a deed, then what? I ask my friend from Mississippi to answer that question.

The PRESIDING OFFICER. The amendment of the Senator from Mississippi to the amendment of the committee will be read.

The SECRETARY. In line 8, page 11, after the words "purchase of," strike out "all the right, title, and interest of Harriet Stanwood Blaine to the premises in the city of Washington, D. C., known and described as;" after the word "twenty-one," in line 13, insert "in the city of Washington;" after the word "conveying" in line 19, strike out the word "her" and insert the words "a complete and perfect title;" so as to read:

For the purchase of lot numbered 9, and the north 24 feet 6 inches front of lot numbered 8 by the full depth of said lot in square numbered 221, in the city of Washington, said premises being hereby appropriated for the use of the United States, the sum of \$150,000; which sum shall be paid by the Secretary of the Treasury to Harriet Stanwood Blaine, her legal representatives or assigns, upon the execution and delivery by her of a proper deed, to be approved by the Attorney-General, conveying a complete and perfect title to said lot, subject to a ninety-nine-year lease thereof executed by her to one Paul D. Connor, to the United States.

Mr. MILLS. I asked the Senator from Mississippi a question which I should like for him to answer. Suppose Mrs. Blaine refuses to deliver the deed, then what are we to do about acquiring title to the lot?

Mr. GEORGE. There is no provision in the amendment as prepared by the Committee on Appropriations for a condemnation of the property, and therefore I have made no provision on that subject. I have endeavored merely to perfect that part of the amendment which referred to a voluntary sale by Mrs. Blaine.

Mr. GRAY. In answer to the Senator from Texas I will state that it would be very easy to amend the clause beginning in line 24. It reads:

And in the event that no agreement can be made with the said lessee as to the compensation—

Then proceedings in condemnation shall take place. Let it read:

And in the event that no agreement can be made with the said Harriet Stanwood Blaine or the said lessee.

Mr. GEORGE. That amendment does not affect the amendment which I have offered.

Mr. ALLEN. I wish to call the attention of the Senator from Mississippi to the language in line 13, "upon the execution and delivery by her." It should read "by her or them."

Mr. GEORGE. I think the words "or them" should be added.

Mr. GRAY. That phrase ought to be inserted.

Mr. ALLEN. Then I suggest that the words "or them" be added.

The PRESIDING OFFICER. The amendment submitted by the Senator from Mississippi to the amendment of the committee will be modified by the insertion of the words "or them" after the word "her," in line 18.

Mr. PALMER. Mr. President, I would not think of interesting myself in this amendment if it were not that some constituents of mine are interested in the lessee. They do not want to have the lessee part with the lease, and in representing them I oppose the amendment. We are all familiar with the present condition of that property, and know that it has been leased by its present owner for the term of ninety-nine years. The lessee is about to erect a theater upon it, and he does not want to part with his right to do so. However, I would not have opposed the amendment even for that reason if I could see any possible necessity for the acquisition of this property.

So far as I know there is no public necessity for its acquisition. I have heard it said that it is not desirable to erect a theater so near the Executive Mansion and so near the Department of Justice. I am not able to appreciate the force of that sort of reasoning. The distance from the Executive Mansion is very considerable, and the Department of Justice, I think, would be benefited by a slight infusion of mirth and good feeling. That Department is the temporary official home of old lawyers, who might as well be allowed to amuse themselves as anybody else.

I repeat, seriously, what is the public necessity for securing this property? If it is intended as a mere extension of Lafayette Park it is unnecessary; and the sort of sentimentality that would protect the Executive Mansion from proximity to a theater or would protect the Department of Justice from the contagion of a theater has no force in my mind.

I am not sufficiently acquainted with the rules of this body to know whether the amendment is in order or not. I raise the point of order against this amendment.

Mr. GRAY. Mr. President, as I had the honor of introducing this amendment and having it referred to the Committee on Public Buildings and Grounds, by which committee it was reported favorably and referred to the Committee on Appropriations, and now appears upon the report of that committee in the bill as a committee amendment, it is proper that I should say a single word.

I do not think that anyone who has taken the pains within the last two weeks to walk around that vicinage and observe the relative position of the buildings now owned and occupied for the purposes of the United States Government and a public park can adduce a single argument or reason for the passage of this amendment.

The public reasons, it seems to me, which should control the Senate in acting upon the amendment are absolutely overwhelming. Historically, that portion of this capital city has become dedicated to the uses of the Government and to those features of the capital city which most adorn and embellish it. The Executive Mansion, with its surrounding grounds; that beautiful Treasury Department, the most beautiful work of architecture in the city; right opposite, the Department of Justice, which soon must give place to a larger, a better, and a more fitting building; Lafayette Park, with all its associations of history and of sentiment, seem to have dedicated that corner, if not that entire square, to the public uses of the United States. We have recently embellished the corner of Lafayette Park, opposite the ground which is now proposed to be appropriated, with a beautiful allegorical and historical monument which all admire, and which adds to the beauty of that park.

I am not one of those, Mr. President, who are disposed to discard sentiment in dealing with the matter of building up this capital. There is sentiment connected with it, and the more sentiment which is connected with it, I think, the better for the country and the better for us who have to perform in our time legislative trusts here. It would be a desecration almost to have a building, such as is proposed to be built upon that square, erected, and that ground foreclosed for public use for all future time except at an immense outlay of money.

I do not mean to say that the mere building of a theater anywhere is a public nuisance; but it is a building which exnecessitate brings about it and in connection with it associations and matters which will be not only offensive to the tastes and to the sentiment of the people of this city and to the people of this country, but will materially interfere with the future development of the public buildings of this capital city.

Mr. President, I have no prejudices against theaters. They perform a most important function in our civilization; they contribute as much as anything not only to the gayety of nations, but to the gayety of individuals, and to the innocent mirth and enjoyment of the population of every city, and are almost a necessity; but that is not the question. If a building for a different purpose was to

be erected there, my reasons against it would be the same. They are, that if we build an expensive structure on property there to be acquired, we must in the future pay a much larger sum of money; and that it must be acquired for public uses I think will be apparent to anyone who examines it and simply looks at the surroundings of that place.

There is the Department of Justice and the Court of Claims, with all their valuable records, crowded into that inadequate building; so crowded that, I was told by one of the officers of that Department, they had been obliged to put lately 14 or 15 clerks in the law library in order to accommodate them. So that when that library is used by the Assistant Attorneys-General and the Solicitor-General they have to move around among the alcoves where the clerks are who have their desks there, and who are performing the duties they are required to perform in that Department. That is a work which in the near future must be done in order to accommodate that great Department and the Court of Claims, which must always exist, and always be an important judicial department.

Not only that—I do not know how that is—but the members of the Committee on Public Buildings and Grounds have told me that in the near future it is inevitable that a new State Department must be built. The present quarters of the State Department are needed by the War and Navy Departments, and no place, it seems to me, would be so appropriate and so convenient for the building of the State Department as right in that vicinity. I think eventually, as time goes on, that whole square will be appropriated to public uses, and it is merely a matter of business forecast to obtain the title of this property now, before a million dollars' worth of bricks and mortar have been erected upon it, for which at some day we shall have to pay.

It is a matter of clear prudence and forecast to lay our hands upon it now, doing no injustice to anybody, no injustice to the owner of the lot, and no injustice to the owners of the lease. It may be a disappointment to these worthy gentlemen not to carry out the plans they have formed, but that is no more than they must submit to, as everybody must submit to, where a public need interposes. We can not make a public necessity subordinate to the wishes of those who are interested in this theater. Because these gentlemen propose to build a temple to the muses is no reason why the public necessity should be subordinated to their purposes. It is a private interest, which must give way, as in all such cases, to a public interest, just compensation, of course, being made to them. Nothing is unsatisfied, except perhaps their wish to build in that particular place. I do not know that we have arrived at the point where any private individual, for however worthy an object, can settle down upon any portion of this city and say that this Government shall not lay its hands upon him. I have no disposition for any other reason to interfere with it, but I do not think that I or any other Senator should be prevented from performing what I consider, or he considers, to be a public duty in obtaining for this Government a most important local advantage, by the mere private interests which are sought now to be interposed.

Mr. PALMER. Mr. President—

The PRESIDING OFFICER. The Chair inquires of the Senator from Illinois if he was properly understood to make a point of order against this appropriation?

Mr. PALMER. I do make the point of order.

The PRESIDING OFFICER. The Chair will submit the point of order to the Senate, on which the Senator from Illinois is recognized.

Mr. VEST. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Missouri?

Mr. VEST. I ask pardon. I did not know the Senator from Illinois desired to take the floor.

Mr. PALMER. I yield to the Senator from Missouri.

Mr. VEST. Mr. President, I simply want to call the attention of the Senate to the very plain facts in regard to this matter, and I think it proper that I should submit what I have to say now in advance of the action of the Senate upon the point of order raised by the Senator from Illinois, because it is the experience of all of us who have served any length of time in this body that we generally declare in order what we propose to enact. It is important, therefore, that the facts should be known now.

Eleven years ago I advocated the purchase of what is known as the Blaine mansion, the historic building which is included in this amendment. We then had an option upon it for \$65,000, with a fee-simple title, clear of all incumbrances and of all doubt. I pressed this proposition upon the Committee on Public Buildings and Grounds in order that we should have a suitable location for the Supreme Court building, in connection with the Attorney-General's Office, and for a law library. We could have obtained it then at \$65,000. It is now proposed that the Government shall pay \$180,000.

This is a fair illustration of the advance of real estate in the city of Washington and what was lost to the Government by our non-action at that time. It is perfectly useless to indulge in reminiscences; I am aware of that; and it is equally as useless to say that the price now demanded for the property is too much. In my judgment that property is worth about \$100,000, and that would be a large price for it. But we have waited until complications have arisen and the property has passed into the hands of other parties. Mr. Blaine was not the owner of the property at the time of which I speak. A lessee has acquired a lease for ninety-nine years from Mrs. Blaine; he has torn down the building; and Congress is confronted with the alternative of allowing a theater to be erected there in front of Lafayette Square, in sight of the Executive Mansion, and just across the street from the Treasury building, and to the injury of all property which is already owned by the United States. The actuary's estimate of Mrs. Blaine's interest in the ninety-nine years' lease at the rental she is to receive is \$175,000—

Mr. BERRY. Will the Senator permit me to ask him a question?

Mr. VEST. Certainly.

Mr. BERRY. Does the amendment contemplate that we shall pay Mrs. Blaine \$150,000, and then pay to the lessees whatever they have paid?

Mr. VEST. Yes; it does.

Mr. BERRY. How much is that supposed to be?

Mr. VEST. Thirty thousand dollars, I understand to be what the gentleman, Mr. Connor, the ostensible party who has this lease, estimates what he has expended and what the lease would be worth to him.

Now, let us look at the proposition squarely and see what side of it we shall take. If this amendment is voted down the theater will be erected, and we shall have fronting Lafayette Square and across from the Executive Mansion an ordinary theater, with all the accompaniments of such an institution, which it is not necessary for me to name. Besides that, we shall have on the corner—I might say, of all the property we now own the best in the city of Washington, known as the old Freedman's Bureau bank building, which we purchased at \$250,000—this theater, obstructing the light to the building which must be erected there for the use of the Attorney-General's Department, for the present building is utterly unsuitable both as to size and construction; and, as a matter of course, the property there will be injured for all time to come by the erection of that theater.

My friend in front of me [Mr. MORGAN] suggests the danger from fire. As a matter of course, if we erect a public building there, the 40-foot fire limit, which we have as to all public buildings, must be preserved; but still we shall have this theater, and we know what that means. It is a question for the representatives of the people to determine as to whether a theater should be erected there in front of Lafayette Square, in that vicinity to the White House, and in immediate proximity to the property already owned by the Government, for which, as I have said, we paid \$250,000 twelve years ago, and it was the best purchase in the way of real estate that this Government has ever made.

Mr. President, I shall support the amendment, knowing that the price is too great, but it is all we can do. If we do not adopt it now that theater will be erected; and when there, and we undertake, if we ever do, to condemn that same property, we shall pay not \$180,000, but possibly \$500,000 for it. We have already delayed, and we are now paying three times as much for the property as we could have obtained it for eleven years ago. A further delay means additional expense, unless we come to the conclusion that that theater ought to be erected there and that the United States Government is not interested in preventing its erection.

For myself, I consider it an outrage, and have always thought so, that the Government should not have owned the property known as the Blaine mansion, as it squares out our holding and makes the Government property run up evenly to the alley, which separates this property from that which is immediately north of it. It ought to have been purchased years ago, and we are now obliged to pay this amount, which I consider much too large, by reason of the delay which we deliberately adopted.

The present building for the Department of Justice is inadequate, badly constructed, and must be removed. It is a mere question of time when we must utilize the property which we own there, now the most beautiful lot in the city of Washington.

Mr. HARRIS. Will this property front on Fifteen-and-a-half street, facing Lafayette Square, and then run clear back as far east as the alley owned by the Government and the vacant lot?

Mr. VEST. Yes; it runs right up to the east line. If the Government of the United States own this property we shall then have a compact and properly proportioned piece of real estate, fronting upon Pennsylvania avenue on the one side and fronting on Lafayette Square on another, running to the alley upon the east. As it is, the Blaine property comes in and cuts out one corner, I might say, of the Government holding; and upon that it is proposed to

erect this theater, with all the accompaniments of a theater, which I need not particularize.

Mr. GEORGE. Mr. President, I simply desire to make one remark, so that the Senate may understand what it is doing.

The proposition of the amendment is to pay \$150,000 for the remainder of this property after the expiration of the lease for ninety-nine years. It will be a good while before we can get any use of the property under the purchase.

Mr. PALMER. The Senator from Missouri [Mr. VEST] intimates that the question of order will be of no possible consequence, and, as I believe the opinion of a parliamentarian of his experience ought to govern my conduct, I withdraw the point of order.

The PRESIDING OFFICER. The point of order is withdrawn; and the question recurs on the amendment to the amendment submitted by the Senator from Mississippi [Mr. GEORGE].

Mr. PALMER. Mr. President, I have a protest in my hand signed by the party interested in this property, which I ask may be read at the desk.

The PRESIDING OFFICER. Without objection, the paper will be read.

Mr. MANDERSON. I have corrected the amendment I offered a moment ago, and I should like, before the vote is taken on the pending amendment, to have it acted upon.

The PRESIDING OFFICER. Does the Senator from Nebraska desire the amendment to be read now?

Mr. MANDERSON. I should like to have the amendment read now. It is to come in at the end of page 11, after line 7.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 11, after line 7, it is proposed to insert:

To enable the Secretary of the Treasury to select, designate, and procure, by purchase or otherwise, a suitable site, and commence the construction of the public building provided by law to be erected at South Omaha, in the State of Nebraska, the sum of \$25,000; and if the said site shall be obtained by purchase, the cost thereof shall not exceed the sum of \$10,000; and the Secretary of the Treasury is authorized to contract for the erection of the entire building, its cost not to exceed the sum of \$100,000.

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

The amendment was agreed to.

Mr. GEORGE. What became of the amendment I offered, Mr. President?

The PRESIDING OFFICER. It is still pending.

Mr. GEORGE. I desire—

The PRESIDING OFFICER. The Chair will suggest to the Senator from Missouri that the Senator from Illinois has asked for the reading of a document in connection with the pending amendment, which will now be read.

The Secretary read as follows:

To the Senate and House of Representatives:

I desire to enter a protest against the adoption of the item in the sundry civil appropriation bill to seize the lot known as the "Blaine" lot, which was leased by Mrs. Blaine to Paul D. Connor and subsequently assigned by Connor to me for a term of ninety-nine years at the yearly rental of \$5,000 for the first thirty-nine years and \$8,000 for each of the remaining sixty years.

Immediately upon the execution of the lease and its assignment I raised the necessary money to build an opera house and secured attractions for the next season, among others, five leading European troupes, and have expended large sums of money in prosecution of the enterprise.

I have contracted with Wood & Lovell, the most eminent theatrical architects in the world, to construct a building which shall be absolutely fireproof, and fireproof because no combustible material is to enter into its construction either upon the stage or the auditorium. A building provided with exits that will admit of the largest audience leaving inside of two minutes, a building artistic and classic in its exterior and interior, a building superior in architectural beauty to anything now on Lafayette Square, and in all probability superior to anything that will be constructed by the Government in the near future.

I respectfully protest against any legislation for the arbitrary interference with my vested rights.

First. Because there does not exist any need or demand, or any reasonable probability of any need or demand for said property for the uses of the Government.

Second. Because the condemnation will entail a very large expenditure by the Government which in the depleted condition of its Treasury would be improvident.

Third. Because the erection of the building would give employment to at least 100 men for the next nine months, with food to their families (and with the great want and poverty now existing in Washington among the laboring classes this opportunity for employment should not be taken from them), and after completion employment to at least 50 men.

Fourth. That the Government should not interfere with any legal enterprise or business, unless there is an absolute need of the property for the immediate uses and purposes of the Government.

Fifth. Because it has not been the custom or policy of the Government to acquire property for possible future needs.

Sixth. Because the building now occupied by the Department of Justice (and marked on city plat lot 4) is more than ample for its present needs and there are now a large number of rooms unused and unoccupied; and because there are vacant lots adjoining (marked on plat Nos. 5, 6, and 7) belonging to the Government, containing nearly 15,000 square feet, sufficient to erect a building upon more than double the size of the present building.

Seventh. Because there is an alleyway (shown on city plat) 25 feet wide between the present building of the Department of Justice and the Blaine lot, and because as the building proposed to be erected thereon, and for which permission has been given by the Commissioners of the District of Columbia under the authority of Congress upon plans submitted, showing the proposed

building absolutely fireproof, and far superior in this respect to the present Department of Justice building, all questions of danger to the Department of Justice building from fire are therefore eliminated.

Eighth. Because, in the preparation of the plans of the proposed building, due regard was had to the location of windows, the style and character of architecture, the avoidance of unsightly blank walls and of windows overlooking those of the Department of Justice building, everything having been duly considered and the greatest care exercised to avoid making the building objectionable in the slightest degree.

I respectfully suggest that there has been created by the action of Congress an almost universal demand for an opera-house in the city of Washington which would be artistic and modern in design, fireproof in construction, and safe in its exits, and with first-class acoustics.

I respectfully ask to be allowed to proceed in the erection of a building which, in the matter of safety, would be in advance and in elegance equal to any theater in this country; and will be so constructed that if at any time hereafter the Government should desire to acquire it there would be nothing to be done to render it available for offices except the insertion of some floors, which could be done at a moderate cost, as nothing in the building now being built would have to be eliminated except the galleries, which are so built that they can be easily detached from the outside frame of the building.

If by the action of Congress I am not allowed to build this opera house so as to enable me to carry out my contract with attractions I will be injured in credit and caused financial loss far in excess of any damages I can reasonably hope to obtain by any award of condemnation. I respectfully state that for years the Blaine property has been on the market and repeatedly offered to the Government, who as repeatedly refused to purchase it upon the ground that it had no use for it, and that not until the purpose of building this opera house was announced, and the buildings heretofore erected upon the property removed, was there any pretense that the Government wanted or needed the property. The exercise of the right of eminent domain on the part of the Government is an unwarranted interference with my rights and against which I am helpless and without adequate remedy, unless Congress protects me, as they are in duty bound to do if there is to be equality for all before the law.

I am, very respectfully,

J. W. ALBAUGH.

WASHINGTON, D. C., February 22, 1895.

Mr. PALMER. Mr. President, this statement on the part of this lessee presents all that can be said in opposition to this appropriation, and it presents it from a standpoint of an interested and at the same time a practical man.

I concede that the Federal Government has the power to deprive this man of his property and defeat his just expectations; I concede that we may anticipate a possible necessity for the acquisition of this property for public purposes; but there is no power which belongs to this Government or to a State government more subject to abuse than that of eminent domain. I conceive that unless this property, or any property which is sought to be taken for public uses, is actually demanded for public uses, to take it by the exercise of the right of eminent domain is pure despotism and has no justification.

Of course the courts and legislatures have never found a limit to the exercise of this power. It is like the police powers of the State. It does not admit of exact limitation, and the courts rarely allow the question of necessity for the property to be raised, it being in the nature of a political question. But surely the Senate will realize that unless this property is actually needed for public purposes the citizen ought not to be deprived of his property and the advantages he promises himself by his enterprise.

I have seen a plan of the proposed building, and although I am no architect myself, and am scarcely able to anticipate what the building will be from the architectural drawing, yet this will be a building of taste and beauty. I understand it will be an ornament to the city. The statement is made that that building, if it is hereafter required for public uses, can be easily converted to those uses by a slight alteration in the building itself. If the Government should hereafter be required to take the property for public uses, if it becomes necessary, it will take the property in a condition for public uses. It will not be, as I understand the statement of the protestant, to take the property and destroy it, as is often done; but it will be useful to the public. It can be converted into use for any rational and reasonable purpose by slight alteration.

Mr. President, one word in reply to the Senator from Missouri. He speaks of the acquisition of the property in the future and mentions the fact that it could have been acquired years ago for \$65,000. It was not acquired then because it was not needed, and if acquired it would not have been used probably until this day. But if you attach to it the interest on the cost you will find, as is always the case, that when a man buys that for which he has no use he makes a bad bargain, and that when an individual needs property and is able to pay for it he pays no more than it is worth. If the Government requires this property twenty years hence it will pay its value and no more.

Mr. McPHERSON. Will the Senator from Illinois please inform me as to the dimensions of the property and its frontage?

Mr. PALMER. I have not the figures before me. I have a diagram which has been printed and laid upon the table of all Senators, I presume, giving an exact description of the property, with the plan of the building proposed, and showing its relation to the adjoining property. I will say to the Senator from New Jersey that the information he seeks can be furnished very easily.

But the public necessities or wants of the public, its real wants and its imaginary wants, when presented in opposition to the

claim of a citizen, ought to be carefully and deliberately considered. I know of nothing more offensive than that a citizen who owns property which he values, or who is engaged in an enterprise, should suddenly find himself interrupted and his plans thwarted; and unless there is some clear and distinct public necessity for it it ought never to be done.

Now, what are the facts here? Senators tell us that at some time or other, under some real or imaginary conditions which may exist hereafter, the United States will need this property. It is that imaginary necessity which is asserted and opposed to the real necessities of a citizen who is about to engage in an enterprise which he supposes will result in producing profit to him. Ought that imaginary necessity to be asserted against the real necessities and real purposes and plans of a citizen? Why should it be? I do not contest the question of the price of the property to be paid to the owner of the fee. That is a matter for those who better understand the value of the property than I do. I am insisting that the lessee shall not be deprived of his rights on account of imaginary necessities, necessities that scarcely admit of definition.

The Senator from Delaware says that hereafter we will need further accommodations for the Court of Claims and the Attorney-General's Office. I understand that those wants may be distinctly met by the use of property which the Government now owns. But without regarding that I complain of the lack of exactness. I protest that this enterprising citizen who has acquired a lease to this property which has been accessible to the United States for years, and who now has a distinct plan for its use, who has made all his arrangements, who has invested large sums of money or has entered into contract which will involve large expenditures, who has a real, substantial interest—I protest that he ought not to be compelled to surrender those interests to any imaginary want of the Government. That is the question. That is when the rights of the citizen are simply sacrificed to the paramount authority of the Government. I concede the value and the importance of the right of eminent domain, but I protest that this is a tyrannical and arbitrary exercise of that power.

Mr. ALLISON. Mr. President, the amendment was sent to the Committee on Appropriations from the Committee on Public Buildings and Grounds in somewhat different form from that in which it is presented here, but in substance recommending the acquisition of the property. I differ with the Senator from Illinois [Mr. PALMER] in his suggestion that this acquisition on the part of the Government is one looking to the shadowy future as to its occupation. The circumstances that surround this property are peculiar. In the first place, the Government of the United States owns a large plot of ground on the corner of Pennsylvania avenue and Fifteen-and-a-half street or Madison place. That property was acquired some years ago by purchase. Upon it is a brick structure now occupied by the Department of Justice; but a large portion of it is vacant ground. There lies immediately north of it the tract of land involved in the proposed acquisition. Immediately north of this tract of land is an alley. So if the Government shall acquire this property it will own to the alley, which will enable it to erect such a structure as it may desire to erect and have an open space with which no one can interfere.

In the construction of public buildings we have uniformly provided that adjoining it there shall be either an open street or a vacant space of at least 40 feet, in order to minimize the danger of destruction of Government property by fire. If the property sought to be purchased or acquired shall have placed upon it a building, the effect of it practically will be to destroy 40 feet of the property which the Government now owns. So, in erecting a structure for Government uses upon property now owned by the Government we shall practically be confined to a comparatively small tract of ground. When my attention was called to the matter it seemed to me that the Government had the alternative of acquiring this property or depreciating and practically destroying the property which it now has. If the property is acquired it will be an easy thing to erect a structure upon this ground that will be of utility and advantage to the Government of the United States. That such a structure is required will appear from the fact that we are paying a rental of \$140,000 per annum for property in this city for Government uses, because of the scarcity of public buildings. That being so, I was willing and am willing to purchase this ground, although it may eventually or at this time cost a little more, perhaps considerably more, than it would have cost a year ago.

My recollection is that the Committee on Appropriations, some years ago, when it was suggested that a public building should be erected upon this ground, put a proposition in one of the appropriation bills to purchase this property for \$95,000. But it was finally struck out in conference. If we do not make this purchase now there will be a costly building erected for private uses and purposes, and properly so, and if in two or three or five years we shall desire to utilize the property we now have, it will be found that it is impossible to do so without acquiring this property.

Then we would be required to pay a very much larger sum, I am sure, than we are to be required to pay now, because then added to the value of the lessor of this property will be added the cost of the structure which is about to be erected. It seemed to me on every ground that this was a wise thing to do; and manifestly if we do it we must do it substantially in the way here proposed, because the interest of the owner of this property has been practically fixed by the rental value for ninety-nine years.

So, Mr. President, I regard it as a necessary thing for the Government at this time to utilize what we have and to save a larger sum in the future.

Mr. HALE. Mr. President, whatever the Senate does with this proposition, either voting it in or striking it entirely out, the amendment proposed by the Senator from Mississippi is not for a moment to be thought of. The owner of this property, Mrs. Blaine, is not seeking to sell it to the Government. She is not proposing to give a good guaranty warranty deed. She is proposing nothing. I do not know that the owner, Mrs. Blaine, could give a guaranty warranty deed such as the Senator from Mississippi desires that the Government shall have. She has not in any way indicated that she can.

Mr. GEORGE. If the Senator from Maine will allow me, I do not propose that she shall guarantee against the lease which she has made for ninety-nine years, but against everybody else.

Mr. HALE. I do not mean that, Mr. President. I take into account the exception that is made subject to the lease, but aside from that the owner of this property is not urging it upon the Government. She is not proposing to sell it to the Government. She is not declaring that she can give a warranty deed, a good, valid deed, such a deed as is covered by the proposition of the Senator from Mississippi. If the owner was seeking to unload upon the Government it might be proper to say that the owner should give such a deed, but the interest that the owner of this land, Mrs. Blaine, has is just as clearly definable and appraisable as a note that is offered at the bank for the regular rates of discount of a long Government bond or a long annuity.

She has a lease which she has given in which she was not called upon to give covenants for warranty, but simply a lease of the property conveying what she had in it for ninety-nine years. For thirty-nine years she gets \$5,000 per year; for the remaining sixty years she gets \$6,000 a year. When that was done as a business transaction it defined her interest in the property just as clearly as though it were an annuity. The Senator from Missouri has said that, estimated by an actuary, it amounts to more than \$150,000. The attitude of the owner is simply this—and that is why the clause was drawn, in conjunction and in consultation with her attorney, to protect her—that if the Government should decide, for the reasons given by the Senator from Missouri, the Senator from Iowa, and other Senators, to take this property, she is willing, on giving all the title she has, to take \$150,000 and give up this valuable property that she has by virtue of the lease.

Mr. GRAY. May I interrupt the Senator from Maine a moment?

Mr. HALE. Yes; I am glad to have the Senator interrupt me.

Mr. GRAY. I merely wish to remark in the line with what the Senator is saying that there is nothing in the amendment, of course, that compels the United States to consummate this purchase from Mrs. Blaine if the Attorney-General should conclude that the title was not a satisfactory one.

Mr. HALE. Of course not. Mrs. Blaine does not want to be put in the condition of condemnation, for the reason that she has a definable interest.

Mr. GRAY. I am not speaking of condemnation. I say there is nothing in the amendment of the committee to preclude the United States if perchance the title was not satisfactory to the United States.

Mr. HALE. That suggestion is pertinent, because this would happen if the amendment to the amendment carries. Mrs. Blaine says: "I do not propose to give such a title to anybody; it may be I can not do it." She declines to proceed further, and the whole proceeding fails. If Congress chooses that this whole proceeding shall fail, then the owner of the property is simply referred to the lease, a copy of which I have here, which is very clear and distinct and gives, as I have said, \$5,000 for thirty-nine years and \$6,000 for the remaining sixty years. That is all there is about it. If you put in the amendment proposed by the Senator from Mississippi the whole thing is destroyed. I would not advise the owner of this property, Mrs. Blaine, under any circumstances to give a guaranty warranty title against everything under the sun. I do not know that she can do it.

Mr. VEST. Will the Senator state whether he has any reason to think that Mrs. Blaine can not give such a deed?

Mr. HALE. I have no reason to believe that there are any incumbrances upon the property that in any way will affect any interest that takes it hereafter; and yet as a lawyer, if she were my client, I would not advise her to give to anybody any such deed. Rather than that I would fall back upon the lease, which does not

require any such guaranty and provides her with \$5,000 a year for thirty-nine years and \$6,000 a year after that time without being called upon to guarantee the title.

Mr. VEST. Does she acquire her title by devise?

Mr. HALE. She acquires it directly by devise from her late husband.

Mr. VEST. By will?

Mr. HALE. Yes, by will.

Mr. VEST. All the facts ought to go before the Senate, and I wish to state now that I was informed (I have never had occasion to examine it either as a Senator or as a lawyer) that some years ago when Mr. Blaine made this purchase there was an incumbrance upon the title. Some heir was an infant, the title in the heir had not been conveyed, and Mr. Blaine, who was then, I believe, Secretary of State, declined to pay the purchase money until that cloud was removed. I never looked into the details, as I have stated, but I heard the title had been made perfect. If his will is uncontested, as a matter of course the title of Mr. Blaine passed to his widow.

Mr. WHITE. Will the Senator from Maine allow me to ask him a question? I should like to get a little information.

Mr. HALE. Certainly.

Mr. WHITE. Does the Senator from Maine know whether the title of this property is clearly and absolutely vested in Mrs. Blaine? It appears to me that we ought to deal with this matter as we would if we were buying the property ourselves. We ought to know that the title is correct, and not buy upon the hypothesis that it is valid.

Mr. HALE. Undoubtedly the property is vested in Mrs. Blaine by the last will of her husband, the late Mr. Blaine. It is a good title. It is a good and sufficient title to justify the purchase. There was some such incident as the Senator from Missouri has referred to, where there was a very small fractional interest which was outside, in the case of some person who by minority or disability could not act in conveying the property. Mr. Blaine thought it worth while to purchase the property, considering that of no practical account, as I do not. I would not have advised Mr. Blaine on any price to guarantee the title to the Government if he had been living, nor would I advise Mrs. Blaine, all the more, as I repeat, that she has now a most valuable, clearly defined, and estimable property in the lease. Therefore I say the amendment of the Senator from Mississippi is not to be thought of unless you propose to vote out the whole thing.

Mr. GEORGE. Mr. President, I think the Senate will vote under a misapprehension of the true state of the case if they take the statement of the Senator from Maine as he represented it. In the first place, in my amendment there is no proposition for a guaranty or warranty title. It is a proposition simply that instead of buying Mrs. Blaine's title, whatever it may be, the Attorney-General shall look into the title and only purchase when he can purchase a complete title. Now, bear that in mind.

There is not a single suggestion that Mrs. Blaine shall make any warranty, but there is a provision, necessary for the protection of the United States, that the Attorney-General shall not buy property to which the vendor has no title. I do not think that any complaint can be made to that.

There is another view of this case to which I desire to call the attention of the Senate; and what is it? Mrs. Blaine, under the amendment, is only to convey by deed her title to the property subject to a lease made to a third party. Under that lease she gets \$5,000 a year, I understand, for thirty-nine years and \$6,000 a year for the remainder of the ninety-nine years. Under the amendment she surrenders no right and no title to any claim she has under that lease. So if the amendment is adopted the attitude of the case in law will be exactly this: That we give Mrs. Blaine \$150,000 for the reversion after the expiration of a term of ninety-nine years of this property, allowing her to retain all the rights, all the privileges, all the advantages which are secured to her by this lease of ninety-nine years.

Mr. GRAY. Does not the rent follow the reversion?

Mr. GEORGE. Not unless it is granted.

Mr. GRAY. It used to be considered so when I was a practicing attorney.

Mr. GEORGE. Not unless it is granted. But if that were true, as a general proposition of law, is it excepted out of this amendment? "Upon the execution and delivery by her of a proper deed to be approved by the Attorney-General conveying her title to said lot, subject to a ninety-nine year lease thereof." That reserves to her every right and every privilege which is secured to her by the lease. In other words, here is a carefully prepared amendment to the bill by which Mrs. Blaine is to receive \$150,000 for the reversion after ninety-nine years, and expressly reserving to her all the rights and privileges that she has under this lease. That is exactly the legal attitude of the case.

Now, Mr. President, I wish to submit one other thought. When we pay this \$150,000 we have but commenced our troubles about paying for the property. Here comes the lessee, Mr. Albaugh, pro-

testing against it, saying he has made large contracts for the erection of a very expensive building. Now, what are we going to do when we force him to violate his contract with those parties? Are we going to pay damages to him for it? That is exactly what we would have to do, sir. So I take it that when we go to the condemnation proceedings, after paying \$150,000, Mr. Albaugh will bring before the jury his contracts and agreements with those parties and insist upon compensation, which he will be entitled to receive.

Mr. VEST. If the Senator from Mississippi will permit me, I am informed by members of the Committee on Appropriations that Mr. Albaugh states the whole amount of damages to which he would be entitled under condemnation proceedings at \$30,000.

Mr. GEORGE. Then suppose we put in the bill here "not exceeding the sum of \$30,000."

Mr. VEST. I do not know about that.

Mr. GEORGE. I will state that under the agreement there is a probability of the damages of Mr. Albaugh running up to hundreds of thousands of dollars.

Mr. GALLINGER. If the Senator from Mississippi will permit me, I will state that my information, which may not be very accurate, is (and I have talked with Mr. Albaugh himself) that his claim will be very largely in excess of \$30,000, and may be as large as the purchase money that is proposed to be paid to Mrs. Blaine. He has made contracts, as I shall endeavor to show hereafter, not only for the construction of this building, but with theatrical and operatic troupes, and he will have to settle with them.

Mr. GEORGE. That shows upon what a doubtful and extravagant sea we are about to launch our bark.

Mr. PALMER. Will the Senator from Mississippi allow me?

Mr. GEORGE. I will yield in a minute. In the first place, I want the Senate to remember as a proposition of law that the language is "subject to a ninety-nine year lease thereof executed by her to one Paul D. Connor;" and after you have paid Mrs. Blaine the \$150,000, she is entitled to have carried out with Mr. Connor every single stipulation contained in that lease, her \$6,000 a year for so many years, and her \$5,000 a year for so many years. I predict that if we go into this matter and make this contract it will not cost the Government less than \$1,000,000.

Mr. PALMER. I will now ask the Senator from Mississippi the question which I proposed to ask him before. I ask the Senator whether the bill contemplates anything more than a quitclaim deed from Mrs. Blaine?

Mr. GEORGE. Without the amendment which I have offered it means nothing but a quitclaim deed, as I have stated before.

Mr. MORRILL. Mr. President, I merely desire to say that I am in favor of the acquisition of these lots, but not in favor of doing anything that will diminish the value of the property of Mrs. Blaine. If she has made a good bargain she is entitled to it. So far as the Congress of the United States is concerned, we have made a sufficient amount in the value of the property we have already purchased near it to compensate for paying a high price for any addition. The Freedman's Bank and the additional land that was purchased with it, not quite as much as the acquisition of Mrs. Blaine's property, was paid for by the United States Government at a price of \$250,000. Unquestionably, it is worth a great deal more now.

There is only one point upon which I wish to protest, and that is the idea suggested by the Senator from Missouri that we shall want it for the purpose of a Supreme Court building. I think he will alone enjoy the idea of placing the Supreme Court, a coordinate branch of the Government, on the corner of one of our streets. We have a sufficient demand for it in many other cases, as was suggested by the Senator from Iowa. Unquestionably the State, War, and Navy Departments now need all the accommodations there are in that building; and when we provide any accommodations for the Supreme Court I trust that we shall do it in a decent manner, and give them a position that shall be commensurate with that body as a coordinate branch of the Government.

Mr. GRAY. Mr. President, I do not wish to prolong the consideration of this amendment, but I merely rise to reply to a vein of criticism that my friend from Illinois [Mr. PALMER] fell into in regard to the purpose of this amendment. I wish to repeat what I said before, that I do not think anyone who has visited those premises and looked at the vicinage, who has observed the position of the Department of Justice, the situation of Lafayette Square, the Executive Mansion, and the Treasury Department, will fail to be convinced that there is not an imaginary, but a real need that the United States should own this property, and that they should not be foreclosed from owning it by the erection of such a structure as is contemplated by the lessees from Mrs. Blaine.

Those who favor this amendment do not intend to do any injury or wrong to the lessees. They can not be wronged, for under the Constitution of the United States they are protected by that provision which provides that private property shall not be taken for public use except upon just compensation. All that we do is per-

haps to disappoint Mr. Albaugh or Mr. Connor, whoever the lessee is, of the fulfillment of his expectations, and it is the first time that I have ever heard that the wishes, capricious or otherwise, of a citizen of a State or of the United States should be set up as an obstacle to the acquisition by the Government of property that was needed for public use. Mr. Albaugh or Mr. Connor will, if this amendment passes, have to give way, as every other private citizen has to give way, in order that the paramount interests of the public may be subserved.

I merely wish to say that it seems to me it does not require any argument to show that this is not a wanton or capricious attempt on the part of anyone to acquire for the United States this title, but it is to accommodate a real, pressing, and present need of the Government of the United States.

Mr. MITCHELL of Oregon. May I ask the Senator from Delaware a question?

Mr. GEORGE. Will the Senator from Delaware allow me to ask him one question?

Mr. GRAY. Certainly.

Mr. GEORGE. If Mr. Albaugh has made valid contracts with other parties for the erection of this building and he by this action of the Government is prevented from carrying them out, what remedy and what rights have the other parties and against whom?

Mr. GRAY. They have not any.

Mr. GEORGE. All right, then.

Mr. GRAY. It is only another instance in which private interests must give way to public interests. It seems to me that if Mr. Albaugh and Mr. Connor occupy the position in which they are sought to be put they are asserting a claim that is arrogant as opposed to the interests of the United States, and for the first time in the history of this Government, to settle down upon a piece of property and say that no public interest must be considered as opposed to the private interest that they suppose themselves to represent. They are not helpless, as they state themselves to be in their memorial. They are protected by the Constitution of the United States. No right is sought to be taken from them if the Congress of the United States shall decide that this is a public need and one that must be responded to by appropriate legislation.

Mr. MITCHELL of Oregon. I have been out of the Chamber during the discussion of this amendment, and perhaps the question which I wish to ask has already been answered. The amendment, I understand, provides for an appropriation of \$150,000 for the purpose of purchasing certain property for the use of the United States. The amendment, so far as I am able to comprehend it, does not disclose the use to which this property is to be put. I wish to inquire what is the purpose? Is it for the purpose of providing buildings and grounds for the Department of Justice, or does it include a provision for the Supreme Court of the United States; or what is the purpose?

Mr. GRAY. I do not know that it is necessary to state the precise purpose, but I think it is apparent to all, and it might be so stated. It is for the purpose of public buildings of the United States for the use of the Government of the United States.

Mr. MITCHELL of Oregon. I may be entirely wrong about it, but it does seem to me if we make an appropriation of \$150,000 for the purpose of either purchasing by private contract or by condemnation certain property for the use of the United States we ought to be advised as to what particular use the property is to be put. Why is it desirable? For what purpose? Is it for the purpose of a building for the Department of Justice, or is it for the purpose of providing for a site for a building for the Supreme Court of the United States, all of which I think very necessary to be provided for, or what is the purpose?

It seems to me that we are called upon to vote blindly upon this proposition, called upon to vote away \$150,000 for the purpose of purchasing certain property, which, it is said, is for the use of the United States, but for what particular use, for what particular purpose, we do not know.

Mr. HALE. I wish to say, Mr. President, that, whatever may have been the views of the Committee on Public Buildings and Grounds, I do not suppose they have decided to what purpose the Government should put this property, whether to erect a building for the Department of Justice or for the State Department, or whatever Department it may be. We have got so much property there now that this lot is necessary, and the uses to which it will be put by the Government will be settled hereafter. I do not think anyone will be prepared now—I know I am not for one—to say that the property should be used for one thing or another. Some day or other the Government will erect a fine building on that corner; but I do not think the Senator himself would say today for what purpose the property ought to be used.

Mr. MITCHELL of Oregon. I am decidedly in favor of making provision for a site for a suitable and proper building for the Supreme Court of the United States, but I have very grave doubts, and I presume the committee would have doubts, as to whether that would be a proper place on which to locate a building for the Supreme Court of the United States.

Mr. ALLISON. If the Senator from Oregon will look at the map he will see that the property alluded to is a plat of ground which is naturally attached to a part of the piece of property which the Government already owns. We are only proposing to take the part of a prudent owner in acquiring this additional property in order to beautify the property we now have. That is all.

Mr. MITCHELL of Oregon. I wanted to find out, if I could, what was the purpose of the committee. It looked rather singular to me that it was proposed to appropriate \$150,000 to buy this property for the use of the United States without disclosing for what particular purpose it was to be used. So far as this amendment is concerned, it discloses the fact that the United States owns no property contiguous to that which it is proposed to purchase. That does not appear from the amendment, although it does appear from the statement of the Senator from Iowa [Mr. ALLISON]. That being so, there may be good reasons—and I am not disposed to combat them if it is a proper thing to be done—why this property should be bought; but for the committee to simply come in with an amendment to the sundry civil appropriation bill, proposing to appropriate \$150,000 to buy certain property which is described, and which is not described as being contiguous to any property now owned by the United States, which states that it is for the use of the United States, but does not state for what purpose the United States requires it, seems to me to be rather vague and unsatisfactory.

Mr. WHITE. I desire to offer an amendment, which I ask may be stated at the desk. It is designed to meet one of the objections urged by the Senator from Mississippi [Mr. GEORGE].

The PRESIDING OFFICER (Mr. PASCO in the chair). The amendment to the amendment will be stated.

The SECRETARY. On page 11, line 21, in the amendment reported by the Committee on Appropriations, after the words "United States," it is proposed to insert:

And also conveying the rent, issues, and profits of said property from the date of said purchase.

Mr. GEORGE. That is a very proper amendment, and is similar to one I have just drawn.

Mr. HALE. I do not think that amendment is needed. I think that is included as a matter of course, but I can, on glancing at it for a moment, see no objection whatever to it.

Mr. GALLINGER. Mr. President, I am not vain enough to suppose that any word I can say against the amendment reported by the Committee on Appropriations will result in its rejection, because I take it that it is already arranged that the amendment shall be voted into this bill so far as the Senate is concerned, but being opposed to the amendment I will take the liberty of briefly stating my reasons for opposing it, and in so doing will give a little sketch of the history of this particular piece of property.

The Blaine mansion was bought by Mr. Blaine in 1890, as I understand, for \$65,000. It contains less than 10,000 square feet of ground, being 67.9 feet front and 145 feet deep. An alley 25 feet wide runs between it and the Department of Justice on the west line of that building.

I have been told, and I presume that my information is correct, that on the death of Mr. Blaine, two years ago, his widow endeavored to sell the property, on which Mr. Blaine had spent about \$20,000 in addition to the original purchase money, making it cost then, as it stood, \$85,000.

I noticed that the sign of Fitch, Fox & Brown, real-estate dealers, was planted in the front yard, where it remained until the lease was made in December last, and I am also informed that Mrs. Blaine never received in the two years it stood idle any offer for the purchase or lease of that property.

I understand that prior to its purchase by Mr. Blaine its then owner, a Mr. Stoughton, of Philadelphia, offered it to the Government for \$65,000. I believe it was also offered to the Senate Committee on Public Buildings and Grounds, of which the Senator from Missouri [Mr. VEST] is chairman, for the same amount, but its purchase was declined.

This house being idle, as well as Mrs. Blaine's Dupont Circle house, and failing to sell the property, she leased the Lafayette Square house for ninety-nine years at an average rental of \$5,700 per annum, the lessee putting up a deposit of \$30,000 as security to provide for the reconstruction of the house he was allowed to tear down unless he at once constructed a fireproof opera house covering the entire lot, which house was to revert to the heirs or assigns of Mrs. Blaine at the expiration of the lease.

The lessee, Mr. John W. Albaugh, of Baltimore, put the building of an opera house under contract to Wood & Lovell, of Chicago, last December, and made contracts for various dramatic troupes for the season of 1895-96 and 1897-98, and has agreed to furnish a fireproof opera house, seating 1,800 people, ready for occupancy on the 23d day of September next, at which date an operatic company is already engaged to open the house. The Blaine mansion and outbuildings were leveled to the ground by the contractor,

and the very next day a bill was introduced into the Senate for the purchase of the property by the Government.

The damages to Mr. Albaugh, it strikes me—and I have some information on the subject—will be very largely in excess of the amount stated by the Senator from Missouri, because if Mr. Albaugh is compelled to abandon his project he must settle with his contractors, and he must settle with the troupes he has already engaged, or else his reputation as a business man and a manager will be destroyed. Reputation is valuable capital to any man, and especially to a man like Mr. Albaugh, who is said never to have broken his word in thirty years of business and professional experience.

I agree with the contention that, when the public necessities require it, private interests must give way to public interests. The Government can practically confiscate private property; but, after all, my feeling of justice and right compels me to say that I have a great deal of sympathy for the man who leased this property when the Government would not purchase it, and who is now going to be dispossessed by the action of Congress, if this amendment becomes a law.

My impression is, and I have talked with some experts on this question, that expert testimony will show that, to enable Mr. Albaugh to settle with his contractors and indemnify the troupes with which he has made contracts, it will take a sum as large as that which is proposed to be paid to Mrs. Blaine for this property. So the Government will be fortunate, in my judgment, if it gets out of this business at a cost of \$300,000, or \$30 a square foot for that piece of property, which was offered to the Government for about \$6 a foot, and declined time after time.

Let us look, Mr. President, a little further. The Corcoran Art Gallery property, with a fireproof building covering nearly the entire ground, having a frontage of 107 feet, with a depth of 160 feet, making over 17,000 square feet in all, or nearly twice the amount of land in the Blaine property, is in the market, and can be bought, with the building, for less than \$300,000.

I have heard a great deal of talk about erecting a magnificent building, and have read a great deal about it, for the Department of Justice in the city of Washington. It has been proposed to put it on the ground opposite the present magnificent Library Building. The three squares of ground north of the present Library Building have been talked of for that purpose, and when the streets there are closed, whenever those three squares are acquired, so as to make the same area as the Library building site, it will give an area of over 400,000 square feet, or forty times as much as there is in the so-called Blaine lot, and all of that property, I understand, can be purchased for about \$700,000. The Library building site cost \$565,000.

I have observed that the Senate Committee on Public Buildings and Grounds have previous to this Congress reported in favor of the purchase of that ground for the purpose of constructing a building for the Department of Justice, in which is to be located, in addition to the Attorney-General's Office, the Supreme Court of the United States, the court of appeals, the Court of Claims, the Interstate Commerce Commission the law library now in the Capitol building, a set of the United States Government publications, and the publications of the various States, so that there will be one place in the United States where the publications of the Federal Government and the various States can be found under one roof for the use of lawyers and others coming to the capital. I believe that building will be erected, sooner or later, whether we buy this property or not.

Mr. MORRILL. I will say to my friend from New Hampshire that there is an amendment pending for that purpose in this bill.

Mr. GALLINGER. Precisely. Hence the contention that this property is to be bought because we wish to enlarge the present building for the Department of Justice falls to the ground. No such purpose, I apprehend, is contemplated. There is a vague and shadowy and gauzy feeling in the mind of somebody that some time in the dim and distant future the Government may want this property for some purpose or other. Nothing practical has yet come to this project for the reason that the Treasury has been short of money, and I believe the Senator from Vermont [Mr. MORRILL] who has just addressed the Senate on this subject, and others who are interested in this project, while an amendment will be offered to this bill looking to the acquirement of this property, do not expect to get it this year, but will wait another year, or until such time as the Library building is completed, and then ask for the purchase of this most desirable tract for this most desirable purpose.

Mr. President, as a member of the Committee on the District of Columbia, I have contended in season and out of season that the places of amusement in this city should be made absolutely safe for the men, women, and children who go there to be amused. We have made some improvements in that direction, but I say here to-day that investigations which I have recently made have fully satisfied me that there is not in the city of Washington a place of public amusement which is safe against a great calamity

which may overtake, and will overtake, this community sooner or later.

Mr. Albaugh leased this property in good faith, has pulled down the buildings, and made his contracts. He has now a force of men at work preparing the ground for the construction of an iron fireproof opera house, which will be modern in all its appointments, and which will, for the first time in the history of Washington, give the people of this great city, as well as the nonresidents who are temporarily here, a place of amusement where they can safely take their families of an evening.

Mr. President, some Senators talk about the accessories which will surround a building of this kind. It must not be forgotten that every detail, so far as the building is concerned, is under the control and direction of the Commissioners of the District of Columbia, and I do not apprehend that in the constructing of an opera house in that part of the city the Commissioners will fail to see that every precaution is taken to abate anything and everything which could possibly become a nuisance to the people residing in that part of the city or to the people of the District of Columbia in general.

I said in the beginning, Mr. President, and I will repeat it, that I am not vain enough to suppose that any words of mine will lead to a rejection of this amendment; but having, after careful consideration, felt it my duty to vote against the amendment, I have felt it also my duty, in these few moments, to give my reasons for voting against it. I wish that it might be rejected, as I regard the amendment as unnecessary and mischievous, but have little hope that my views will prevail.

Mr. McLAURIN. Mr. President, I have but one suggestion to make with reference to this amendment. It seems to me that it is not a good business transaction for the Government of the United States. If I understand the Senator from Maine [Mr. HALE] Mrs. Blaine, the would-be vendor in this contract, is not willing to make a warranty title, she is not willing to warrant the conveyance she makes to the United States Government. If I understand the Senator from New Hampshire [Mr. GALLINGER], in the ninety-nine-year lease which she has made to Paul D. Connor, and which he has subleased to Albaugh, there is a provision that the remainder shall go to her heirs. If that be true, then she has no title or interest in this property except the right to the rents, issues, and profits for the next ninety-nine years. So if the Government of the United States acquires her title—and that is all which is provided for in the amendment—the Government of the United States will only have a lease of ninety-nine years after the property shall have been condemned, the interest which Albaugh has in it, and for which he has paid the sum of \$30,000 or \$100,000, or whatever it may be as being the value of his interest in the lease.

It does not seem to me that it is good policy for the Government of the United States to acquire any real estate, unless it acquires a fee-simple title. It does occur to me that in a transaction of this kind, where the Government is not to receive a warranty title, where it is only to receive a quitclaim title of some person, I do not know whom, there ought to be by the Department of Justice an examination and investigation of the title, and the judgment of that Department should be passed upon the question of what kind of title the United States is getting. It seems to me that before Congress shall vote an appropriation of money that much ought to be done. Surely, I would not make such an arrangement if it was my own private property; surely I would not expend \$150,000 for the purchase of a quitclaim, or any other kind of title, unless I had investigated it or employed my attorney to investigate and pronounce upon the title I was acquiring.

Mr. President, I wish to call attention to another provision of this amendment, and I ask Senators to examine it, and that is, the amendment leaves no option with the Secretary of the Treasury, the Department of Justice, or anybody else, as to what shall be done under this section if it ever becomes a law. It will then be his duty to pay the \$150,000 for whatever title Mrs. Blaine has, or whatever interest she may have in the title to this land. If it is a ninety-nine-year lease for the rents, profits, and issues for ninety-nine years, \$150,000 will have to be paid by the Government. If she has no interest at all in it, neither the Department of Justice nor the Department of the Treasury can raise any question of her right to receive this \$150,000, because that will have then become a law, and she will be entitled to receive it upon her executing a deed conveying whatever title and interest she has in this property. Let us see how the amendment reads:

Which sum shall be paid by the Secretary of the Treasury to Harriet Stanwood Blaine, her legal representatives or assigns, upon the execution and delivery by her of a proper deed to be approved by the Attorney-General—

Not the title to be approved, but the deed to be approved—conveying her title to said lot, subject to a ninety-nine-year lease thereof executed by her to one Paul D. Connor, to the United States.

Upon her executing a deed, which deed, not the title, is to be approved by the Attorney-General, it is the duty then of the Government to pay her \$150,000. It does seem to me that a careful

drawing of this provision ought to have left out all after the word "lot," in line 20, and before the word "and," in line 21. If it provides for the conveyance of her title, and her title only, then it is not only subject to a ninety-nine-year lease, but subject to any other claim in equity or any other conveyance that she may have made. If this is done, it would be subject to the remainder, which would go to her heirs, because she has conveyed that away. If the Senator from New Hampshire is correct in his statement of his belief of what this lease contains, she has conveyed everything away, except her right to the rents, issues, and profits for the next ninety-nine years.

The PRESIDING OFFICER (Mr. BERRY in the chair). The question is on the amendment offered by the Senator from Mississippi [Mr. GEORGE] to the amendment of the committee. [Putting the question.] The yeas seem to have it.

Mr. McLAURIN. I call for the yeas and nays. The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. McLAURIN (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. DIXON], but I transfer that pair to the Senator from South Carolina [Mr. IRBY], and vote "yea."

Mr. PALMER (when his name was called). As the Senator from North Dakota [Mr. HANSBROUGH], with whom I am paired, is not present, I withhold my vote.

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

The roll call was concluded.

Mr. WASHBURN. I am paired on this vote with the Senator from Washington [Mr. WILSON]. If he were present I should vote "nay."

Mr. GIBSON. On this question I am paired with the junior Senator from Michigan [Mr. BURROWS] and therefore withhold my vote.

Mr. COKE. I am paired with the Senator from Oregon [Mr. DOLPH]. Not knowing how he would vote if present, I withhold my vote.

Mr. McLAURIN (after having voted in the affirmative). I announced a transfer of my pair with the junior Senator from Rhode Island [Mr. DIXON] to the Senator from South Carolina [Mr. IRBY]. The Senator from South Carolina having since entered the Chamber and voted I withdraw my vote.

Mr. MORRILL (after having voted in the negative). I ask if the Senator from Tennessee [Mr. HARRIS] has voted.

The PRESIDING OFFICER. He has not voted.

Mr. MORRILL. Then I withdraw my vote, as I am paired with that Senator.

Mr. McLAURIN. I transfer my pair with the Senator from Rhode Island [Mr. DIXON] to the Senator from Arkansas [Mr. JONES] and will let my vote in the affirmative stand.

The result was announced—yeas 23, nays 29; as follows:

YEAS—23.			
Bate,	Irby,	Mills,	Roach,
Barry,	Kyle,	Mitchell of Ore.	Squire,
Call,	Lindsay,	Peffer,	Walsh,
Gallinger,	McLaurin,	Perkins,	White.
George,	Mantle,	Platt,	
Hunton,	Martin,	Pugh,	
NAYS—29.			
Aldrich,	Dubois,	McMillan,	Teller,
Allison,	Frye,	McPherson,	Vest,
Blackburn,	Gorman,	Manderson,	Vilas,
Blanchard,	Gray,	Murphy,	Voorhees,
Brice,	Hale,	Proctor,	Wolcott.
Cameron,	Hawley,	Quay,	
Chandler,	Hill,	Ransom,	
Cockrell,	Lodge,	Smith,	
NOT VOTING—37.			
Allen,	Davis,	Jones of Ark.	Sherman,
Burrows,	Dixon,	Jones of Nev.	Shoup,
Butler,	Dolph,	Mitchell of Wis.	Stewart,
Caffery,	Faulkner,	Morgan,	Turpie,
Camden,	Gibson,	Morrill,	Washburn,
Carey,	Gordon,	Palmer,	Wilson of Iowa
Clark,	Hansbrough,	Pasco,	Wilson of Wash.
Coke,	Harris,	Pettigrew,	
Cullom,	Higgins,	Power,	
Daniel,	Hoar,	Pritchard,	

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California [Mr. WHITE] to the committee amendment, which will be read.

The SECRETARY. After the words "United States," in line 21 of the committee amendment, insert:

And also conveying the rent, issues, and profits of said property—

Mr. HALE. I suggest that we insert right there "under said lease."

The SECRETARY—

under said lease, from the date of said purchase.

Mr. HALE. That is right. There is no objection to that amendment.

The amendment to the amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 4507) for the relief of Witherby & Gaffney, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the 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.

WITHERBY & GAFFNEY.

Mr. PASCO. I ask that the action of the House of Representatives on the bill for the relief of Witherby & Gaffney may be laid before the Senate.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives on the bill (H. R. 4507) for the relief of Witherby & Gaffney, agreeing to the amendment of the Senate, with amendments.

The first amendment of the House of Representatives was, in line 30 of the first amendment, after the word "aforesaid," to insert:

Provided, That in no event shall a sum exceeding \$5,414.28 be allowed against the Government.

The next amendment was, in line 35 of the first amendment, after the word "appropriated," to insert "not exceeding \$5,414.28."

Mr. PASCO. The amendments do not essentially change the bill. They are proper amendments, and I ask the Senate to concur in them.

The amendments were concurred in.

POST-OFFICE APPROPRIATION BILL.

Mr. BLACKBURN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8272) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1896, having met, after full and free conference have agreed to recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 4, and agree to the same.

On the amendment of the Senate numbered 3 the committee of conference have been unable to agree.

JO. C. S. BLACKBURN,
A. P. GORMAN,
Managers on the part of the Senate.
JOHN S. HENDERSON,
EDW. J. DUNPHY,
E. F. LOUD,
Managers on the part of the House.

The report was concurred in.

Mr. BLACKBURN. I move that the Senate insist upon its amendment and ask for a further conference with the House of Representatives. There is only one amendment upon which the conferees have not agreed.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. BLACKBURN, Mr. GORMAN, and Mr. CULLOM were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate 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; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOLMAN, Mr. ALLEN, and Mr. PICKLER managers at the conference on the part of the House.

INDIAN APPROPRIATION BILL.

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

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives on 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, disagreeing to the amendments of the Senate and requesting a conference with the Senate on the disagreeing votes of the two Houses on the bill and amendments.

Mr. COCKRELL. I move that the Senate insist upon its amendments and accede to the request for a conference.

The motion was agreed to.

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

PROPOSED EVENING SESSION.

Mr. COCKRELL. While the Senate is quite full, I desire to state that about 6 o'clock this evening I shall hope that the Senate will take a recess until 8 o'clock, and then continue in session until 10 or 11 considering the pending bill.

Mr. BLACKBURN. And nothing else.

Mr. COCKRELL. And nothing else.

Mr. GALLINGER. I suggest to the Senator from Missouri to make the recess from 5 or half past 5.

Mr. BLACKBURN (to Mr. COCKRELL). Make it from half past 5 o'clock.

Mr. COCKRELL. Six o'clock.

Mr. GALLINGER. That gives us a very short time.

Mr. HALE. Say half past 5 o'clock.

Mr. COCKRELL. About that time.

Mr. HALE. That is better.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8518) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes.

Mr. PALMER. The amendment proposed by the Senator from Mississippi [Mr. GEORGE] to the amendment having been rejected, I beg to know if I am now giving the proper construction to the amendment:

Which sum shall be paid by the Secretary of the Treasury to Harriet Stanwood Blaine, her legal representatives or assigns, upon the execution and delivery by her of a proper deed to be approved by the Attorney-General conveying her title to said lot.

I ask now if any Senator is prepared, if the Committee on Appropriations or any other committee of this body is prepared to say that the title of Mrs. Blaine to this property is absolutely perfect? By the terms of the amendment all that she can be required to do is to execute a quitclaim deed, as we say in Illinois. The amendment provides that she shall, by a proper deed, convey her title to the United States. Unnecessarily, I think, the very important duty has been delegated to the Attorney-General of inquiring whether her quitclaim deed is in proper form—a duty that might be delegated, I think, to any fairly respectable notary public or justice of the peace. But the Attorney-General is not charged with the duty of investigating her title. We are paying here \$150,000 for the quitclaim deed of Mrs. Blaine to this property.

I ask the question, is any Senator prepared to say that her title is perfect? I think in all the bills that we have passed in relation to the acquisition of property by the United States for the construction of public buildings it is provided that the sufficiency of the title shall be determined by the Attorney-General. In this case we walk by faith. We do not propose to delegate to any person the duty of passing upon the title. One hundred and fifty thousand dollars of the money of the United States Government is proposed by the amendment to be given for the quitclaim deed of Mrs. Blaine. I ask if there is a Senator here who will consent in his own proper person to buy property in that way? Is this \$150,000 of so much less consequence than the acquisition of a site for a public building in any of the minor towns in any of the States of the Union?

I have said all I desire to say in regard to the condemnation, but I observe that my friend from Delaware [Mr. GRAY] is present, to whose remarks I shall reply briefly. The Senator from Delaware has the reputation of being, as he is in fact, a distinguished lawyer. He has had occasion often, no doubt, to proceed or prepare proceedings, or examine proceedings for condemnation in the courts of his own State, perhaps in the Federal courts also. I ask that Senator this question, he may answer it if he pleases: Did any lawyer ever prepare a petition for the condemnation of property for public purposes without stating in the bill or petition what the purpose was? I have had very considerable connection with condemnation proceedings in Illinois, and I have always supposed it to be necessary that the distinct and exact public purpose for which property is taken shall be stated. How much it may be contested I am not prepared to say, but I venture to say that no lawyer in this body ever prepared a petition or bill for the condemnation of property for public use without having stated what that use was.

I submit to the Senate and the lawyers of the Senate, if any Senator here was about to prepare, under the pending bill, a petition to a court in the District, what purpose would he indicate as being that for which the Government seeks to acquire the property? Would he say for a Supreme Court building; for the extension of the Department of Justice; or would he state that it was desired or sought to be acquired because it was thought that the theater would be offensive to the President, or that a theater would be

injurious to the neighborhood? What would it be? There would be a negative condemnation there—condemned because the owner would employ it for some improper purpose. That seems to me to be the statement of this argument. It is not that the property is needed now, but the public purpose for which this amendment is proposed is because the property may be used offensively to some interest of the public.

Of course, Mr. President, I am deploring the necessity of this attempt to condemn the interests of this lessee. I do not know what the rule of damages would be in such a case. I do not know how to determine the value of the lease. It has been suggested by the Senator from New Hampshire that contracts have been made. I do not know whether that would come within any just rule of condemnation or not. I know what the friends of this measure may define as being of public use. The phrase "public use" is rather negative than otherwise. It is to preserve it from private use, or an improper private use. I say what these purposes are for which these men must give up their rights I do not know.

Mr. MITCHELL of Oregon. May I suggest to the Senator from Illinois, in addition (because I agree fully with what the Senator has been saying as far as I am concerned), that in order to condemn this property it is necessary in the complaint to state not only that the property is desired for public use, but the particular use for which it is desired must be stated. Then if the court hold that that statement designates a public use, that is an issue that is not traversible, but in order to make it an issue that is not traversible it must be stated.

Mr. PALMER. I understand the law to be well settled that where the proper authority has determined upon the appropriation of private property, that is not traversible.

Mr. MITCHELL of Oregon. It is not traversible.

Mr. PALMER. But I understand it must be stated, because the court must proceed without a jury. It is not a question for the jury, but the court must, from the bill or complaint, determine whether the use is public or not.

I wish to submit gravely to the Senator from Delaware if, as a lawyer, he were to-day the Attorney-General of the United States (and he deserves a much better place, for I should much prefer seeing him a judge rather than the Attorney-General), and if he were to undertake to prepare a petition to show the particular use the judge might pass upon, what would he say?

Mr. GRAY. I do not know that the point of the criticism of the Senator from Illinois is just, but I would suggest that the explanation made by the Senator from Iowa [Mr. ALLISON] a while ago would seem to come within the four corners of a good reason why this language is sufficient for a proceeding in condemnation. The Senator from Iowa has stated that the Government of the United States already owns the vacant corner adjacent to the Department of Justice, and that this lot separates it from a public alley some 50 or 60 feet away; and that unless the Government of the United States owns the property that is now in question it will practically diminish the area of available building space already owned by the United States, because it is a policy pursued invariably, so far as I know, in regard to buildings of the United States in other places than the city of Washington, that there is required to be at least 40 feet space all around a public building, that it may be protected from the risks of fire and may have that area in which to protect itself from encroachment otherwise. So unless we can describe as a public use the acquisition of land that will increase the holding, we have already for the purpose of giving us this required area a public use worthy of consideration. It would seem that the United States is more hampered and handicapped in this matter than we have here supposed it to be, and that from reading the language of the memorial by the lessee, it is the United States that is helpless and not this lessee.

Mr. PALMER. Mr. President, the United States is not helpless, but the public use must be first determined by law. It may be said arguendo that this property would be convenient for many purposes, but until this Legislature has declared the legal necessity either in express terms or by some necessary implication, no condemnation can take place. I venture to say as a matter of law that no proceeding for the condemnation of the rights of this lessee is possible upon the existing state of the law. Why condemn his interest?

Mr. GRAY. Will the Senator from Illinois allow me?

Mr. PALMER. With great pleasure.

Mr. GRAY. Admitting the force, as I did a while ago, of the criticism in some respects, although I do not think a court would adjudge the petition void or incompetent by reason of not more specifically stating the use, I do think that there ought to be a specific statement of public use; and I propose to insert as an amendment, in line 15, after the word "dollars" and before the word "which," the following:

For the erection of the buildings for the Department of Justice or for the transaction of other public business of the United States.

Mr. PALMER. I am not prepared to say whether that would bring the case within the established legal rules or not.

Mr. HALE. It reads in line 13, "said premises being hereby appropriated for the use of the United States for such buildings." That is a direct designation of the use to which it shall be put, without describing the particular building. I think that will cover the point.

Mr. PALMER. I am not prepared at this moment to determine whether that would be a sufficient designation by the legislative authority of a public use. But that is not the purpose for which I took the floor originally. I insist, as a wise, precautionary measure, that some investigation of this title should be had. I had hoped that the proper committee had given the matter some attention, and that some member of the committee could say we are buying a fee-simple title when we buy something subject to the lease. I felt no embarrassment about the provision being subject to the lease.

Mr. HALE. The Senator and the Senate may as well understand that the only flaw upon the title is a technical flaw that can not be removed, if it exists at all. It is a small fractional part, represented by an elderly person who is insane, who has no power of removing it. Mr. Blaine bought with the knowledge of that, not believing that it was significant in the purchase. But if the amendment to the amendment, which requires an absolute unqualified title is put through and the matter is submitted to the Attorney-General, he will undoubtedly decide that it is not a perfect title. While it is good enough and complete enough, and there never will be any trouble, there never will be any risk, it will not, under the practice of the Attorney-General's Department, be decided to be what is called a perfect title. The Senate may as well understand that if the amendment is left in that way it is the end of the whole proposition.

Mr. FRYE. I ask my colleague if that was not inspected by the lessee?

Mr. HALE. Fully, completely, both by Mr. Blaine when he bought and by the lessee, and it was not considered, although it technically exists, as of any account in fixing the value of the land.

Mr. LINDSAY. I will ask the Senator from Maine if Mr. Blaine received a warranty deed?

Mr. HALE. He did not get this that I speak of. Nobody could give this title; nobody could make it.

Mr. LINDSAY. Did the vendor to Mr. Blaine convey the entire property and did he warrant the title to Mr. Blaine?

Mr. HALE. No; there was this nominal, and only nominal, flaw.

Mr. WHITE. Will the Senator from Maine allow me to ask him a question? If the Senator has examined the deed from the grantor of Mr. Blaine, did the deed simply purport to transfer the right, title, and interest of the vendor, or did it purport to convey the title to the specific property?

Mr. HALE. I have not examined it lately. I think it gives a warranty deed with the exception of that small interest which stands in this disabled person.

Mr. WHITE. Then it would appear that there is an actual exception of an interest; that is, that there is upon the face of the Blaine deed an exception of an interest.

Mr. HALE. The title carries the reversionary interest whenever that falls in. That is all complete. But during the life of that person the interest of that person can not be conveyed by anyone.

Mr. STEWART. Such a condition would not prevent the United States from getting a good title. Proceedings can be had and the court can take care of any title that may be out.

Mr. HALE. If necessary that can be done afterwards. Of course it is not a real obstruction.

Mr. STEWART. Where there is public necessity to have the property for public use, no matter how the title is situated, the court can make a perfect title.

Mr. PALMER. I supposed we were making just compensation. The Senator's proposition is that the United States may hereafter perfect its title by condemnation proceedings.

Mr. STEWART. They can do it in this proceeding. They can condemn this particular property and close out every interest.

Mr. PALMER. The amendment does not so provide.

Mr. STEWART. They can provide for it; and that is usual.

Mr. PALMER. But this person, whose name has not been mentioned, but whose condition has been described, would be entitled to compensation for whatever his or her interest may be; and that would be a sum to be paid in addition to the \$150,000. I grant if the public use is declared it operates for all time, and that the public right is paramount to every species of title or interest; but here we are to get Mrs. Blaine's title. We may perfect that title by proceedings against others, but we pay her \$150,000, a sum which the Senator from Missouri says is too much. We may get title by buying of other people, by condemnation proceedings. How much would it cost to extinguish this other title? I repeat that none of us would engage in an operation the twentieth part of the importance of this without assuring ourselves by all the appropriate means of the absolute perfectness of the title.

In respect to the amendment proposed by the Senator from

Delaware, making some formal declaration of a public use, I have not yet examined that amendment and am not prepared to express an opinion as to whether it is proper.

Mr. GRAY. I offer that amendment.

Mr. HALE. Let us see where it comes in.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "dollars," line 15, page 11, insert:

For the erection of buildings for the Department of Justice, or for the transaction of other public business of the United States.

Mr. WHITE. Mr. President, I think it is obvious—it is at least obvious to me—that this property ought to be acquired by the United States. I judge that from an inspection of the ground. But I differ somewhat with reference to the procedure to be employed and the details suggested for carrying out the plan. Under ordinary circumstances it seems to me that the way a business man would act in this affair would be to provide for a condemnation suit, making all parties in interest defendants or respondents, as the case may be; to bring them into court and force them to set up their respective titles and then apportion the money to be paid, taking as a basis the absolute fee of the whole estate. Of course the lessee can not expect to get more money than is paid to the owner of the fee. On the other hand, the owner of the fee ought not to get more for her title than the entire value of the whole estate.

It appears that the objection to the amendment suggested by the Senator from Mississippi is that if we submit this matter to the scrutiny of a lawyer he will report that the title is not perfect; and it appears that the imperfection consists in the fact that there is a portion of the title vested in some other person. How much we are not informed.

Mr. President, it appears to me that this is a most slipshod manner of purchasing or attempting to purchase real estate. Certainly we would not in our private affairs proceed in such a way. There is not a Senator upon this floor who knows, or if he knows he has not told us, how much of this title is in an uncertain condition. We are told that it is a small interest. How small? How great? What appears small to the Senator from Maine may seem very great to me, or vice versa. At least we ought to know what we are buying. If we are getting a good title to three-fourths, or five-sixths, or nineteen-twentieths of this estate, all right. Then we should provide for the Government proceeding to condemn the balance.

I am in favor of acquiring title to this property, but I am not in favor of proceeding in such a way as to leave an interest entirely apart from these proceedings vested in some individual and concerning which there may be trouble hereafter. No lawyer would advise a client to do such a thing as that. Is there any Senator here used to passing upon titles to realty who would say to his client, "Why, John Jones has some interest in this property, but I have heard from Bill Smith that the interest is a small one; go ahead, and probably you will never be annoyed hereafter; and if you are annoyed I am assured by a friend of mine around the corner that the annoyance will be of a small character?"

Mr. HALE. Let me remind the Senator again that in the last four years two very shrewd transactions were conducted and this property was examined into, and it was not considered that this technical incumbrance was of any account or abated in any degree from the value paid for the property. It is not a vague, conjectural thing, as the Senator indicates, that may swamp almost the entire value of the property or embarrass the Government. When Mr. Blaine bought he went into it thoroughly. He found there was this technical defect, and only technical, that could not be removed, and he never paid a dollar less for the property because of it. Nobody ever will.

When the contract was made with the present owner, Mrs. Blaine, for the lease upon which the parties bought and proposed to put a valuable property, they examined into it very thoroughly and found that while it was there existing and could not be removed it amounted to nothing. It was not estimated at all; it did not reduce the value. If the Government takes it it will never be troubled; there will never be any necessity of any proceeding; but it is right and proper that I should have stated there is this defect, which amounts to nothing as a barrier.

Mr. VOORHEES. Let me ask the Senator from Maine a question. Has this flaw in the title ever prevented a sale between private parties or any transaction in regard to this property between private parties heretofore?

Mr. HALE. Not in the least. Whoever has investigated it has found it has faded away and has not been considered as worth a moment's consideration, although it does stand there and will stand for the few remaining years of the life of this person, an old woman. I do not even know the exact proportionate part. It is very small, so small that it has never cut a figure.

Mr. WHITE. If the Senator from Maine could guarantee that this insane lady would remain so (and it seems that it is a chronic case) and that there would be no guardian appointed, perhaps we

might rest in security; but I suggest that the mere fact that the owner of the property is not mentally competent would not make the average person feel secure in his estate if proceedings might be taken to a probate or surrogate court to have an inquiry instituted and redeem or recover the fractional part of an estate which she owns.

Mr. HALE. All the other parties to whom this lady's interest would descend have joined; the title is all closed up; it is only dependent upon that short life; and, as I have said, it does not cut any figure really. Of course, if Senators want to defeat this proposition and throw it off entirely, and do not think we ought to buy this property, they can take one reason or another for opposing it, and if it is thrown out then the present owner, Mrs. Blaine, will be thrown back to her lease. But it may as well be understood that if this is insisted upon no Attorney-General will certify that it is technically a complete and perfect title.

Mr. WHITE. I desire to say to the Senator from Maine that I am not antagonizing this purchase. I am in favor of it and expect to vote for it; but I am trying to make the matter as nearly perfect as practicable. In other words, I would dislike very much to be a party to a transaction which would result in the Government of the United States afterwards ascertaining that it had not obtained the absolute title to property for which it had paid the full value, the generous value. For that reason I have made these suggestions.

Let us grant even that the Attorney-General can not report that the title is perfect; at least he can tell us how much we have. No one here can do that. We know that the interest is small, because other parties have bought, but it is a purchase upon faith, which ought never to be advised by any intelligent lawyer. We are here paying for it, because some one else has done certain things in reference to the real estate, and for that reason I believe we are acting improvidently.

I suggested some time ago an amendment which was practically adopted, which removed the objection that was raised by the Senator from Mississippi concerning the rental value of the estate. I believe the purchase will prove a good one for the United States. If we ascertain that there is an outstanding interest in somebody there is no provision made by the amendment for condemnation proceedings. If we adopt the amendment we will provide that the lessee's interest may be condemned, whatever that may be. I think it would be greatly over \$30,000, but that is not by any means determinative with me of the merit of the proposition. There is no provision made here for the acquisition of anything save Mrs. Blaine's title and the lessee's title.

Mr. WOLCOTT. It seems to me the suggestions of the Senator from California, while they sound important, are really rather trifling. Here are some individuals who have time and again negotiated with each other for the purchase of this property; people who could not condemn under the law. They were not corporations who acquire the right to avail themselves of the exercise of the right of eminent domain. The title was good enough for them, and they have bought just as if there were no question of a leasehold interest or anything else. This property, we will say, was still owned by Mrs. Blaine as it was immediately after Mr. Blaine's death, and if the Government wanted to buy it as an addition to the ground which might be eventually needed for the Attorney-General's Office, we would not be haggling over the terms of the title. If it was a title good enough for these other people it will be good enough for us. There is not a railroad corporation or any institution in the country that can exercise the right of eminent domain that does not again and again avail itself of just such titles.

The Senator from California would suggest that this is the last time we can ever exercise the right of eminent domain. I do not suppose he seriously intends for us to believe that if there is some small outstanding title left in this property the Government is liable to be ousted of its title, for I suppose there will be future sessions after this and after he and I have passed out of Congress, and if it is necessary to exercise further the right of the Government a law can be passed for that purpose.

It may be true, possibly it is true that this is not the cleanest and best title we could wish it to be. There are very few titles in cities of any age that are exactly what we would like them to be. But this has been good enough for very intelligent and clever people to rest purchases and sales upon.

Mr. STEWART. For sixty years.

Mr. WOLCOTT. I do not think it looks well in us if we really favor the purchase of this property to try to find some way out of it by imaginary obstacles which do not seem to have any practical existence in deterring people from dealing with the property.

Mr. VOORHEES. Will the Senator from Colorado allow me to make a single suggestion? Certainly the Government has just as much power to condemn for public use the title or interest of an insane person as anybody else.

Mr. WHITE. There is no doubt of it.

Mr. VOORHEES. They can come into court and be made parties and the transaction closed as to her just as well as to the rest.

Mr. WOLCOTT. That is correct.

Mr. VOORHEES. If one-half of this property was owned by an insane person, let alone a mere fraction, it is just as easily dealt with as the rest of the title. I see no difficulty about this matter. The government that wants property exercises its right of eminent domain and takes it. It does not make any difference whether the party is in condition to trade, compos or non compos, the government takes care of her interest in the whole transaction and takes the whole title, whatever it is. That is the way out of this. If the provision is not in shape to carry out that idea it should be put in shape, and there is very little trouble in doing it.

Mr. WHITE. Mr. President, I do not dispute the proposition laid down by the Senator from Indiana. Of course it is familiar learning, if it can be called learning at all, that the interest of an insane person may be condemned in appropriate proceedings. Nor do I think that the Senator from Colorado could have understood me to say that this was the last chance to obtain such a title as the insane person might have. I made no such statement. My criticism upon this provision is that there is no arrangement made or suggested for the acquisition of this outstanding title. I suggest an amendment which will meet my views, because notwithstanding the remarks lately made I am in favor of the amendment and expect to vote for it whether I get my amendment to it adopted or not.

Mr. HALE. Let us see what the Senator proposes.

Mr. WHITE. After the word "premises," in line 24, page 11, I propose to insert:

Or any outstanding interest in the premises that may not be included in or transferred by a deed as aforesaid from the said Harriet Stanwood Blaine.

Mr. HALE. That is all right.

Mr. WHITE. In other words, this amendment confers the direct authority upon the officers of the Government if they find that there is any outstanding interest to proceed and to condemn it. If it is of a trivial value there will be a trivial recovery.

Mr. HALE. There is no objection to that amendment to the amendment. Let it be adopted.

Mr. LINDSAY. Mr. President, we have this case here. So far as Mrs. Blaine is concerned it is to be a matter of bargain and sale. Mrs. Blaine is to be paid the full value of the property, and we are told that whilst there is a technical defect in her title it is so infinitesimal that it does not depreciate the value of the property at all. Yet we are asked to pay the full purchase price in cash, and the vendee is to take the chances of the outstanding title rather than the vendor.

Mr. WOLCOTT. Will the Senator from Kentucky allow me to make a suggestion to him?

Mr. LINDSAY. Certainly.

Mr. WOLCOTT. I have not heard anybody, except the Senator from Missouri, who gave a general estimate of values, say that Mrs. Blaine was to be paid the full value of the property nor do I think it is a fact. I think the Senator from Kentucky should understand, if he does not already, that Mrs. Blaine does not want to sell her interest in this property. She is not here to sell the property. She prefers to be let alone, so far as she personally is concerned. She is not here as a suitor to Congress to pay her any sum for this property. She is secured in an annuity on the property paying her \$5,000 a year. The value of that annuity running for ninety-nine years is said by actuaries to amount to \$175,000. That is her position. We are not an eleemosynary institution for the benefit of Mrs. Blaine. That is not the purpose or the object of this amendment.

Mr. LINDSAY. I have not yet heard it disputed that \$150,000 is the full market value of this property.

Mr. HALE. That is disputed.

Mr. GRAY. By the computation of an actuary.

Mr. HALE. The value not of the entire property, but of the owner's property, not the lease. The value of Mrs. Blaine's property can be computed by an actuary as the value of any annuity can be computed, and it amounts to many thousands of dollars more than the sum fixed here, saying nothing of the right that the lessees have beyond that. Nobody can claim that the value of that property having been fixed by a fair trade it would ever be estimated to be less than \$150,000 or considerably more than that amount. So I say it is disputed that this property is not worth \$150,000. It has proved to be worth a great deal more than that.

Mr. LINDSAY. I think I may safely say that during the last five years it could have been bought for much less than \$150,000.

Mr. GALLINGER. If the Senator will permit me, it has been on the market for two years at a very much less price, and has not found a taker.

Mr. LINDSAY. The point I want to make is that here seems to be a case of bargain and sale—and I will show it is not before I am through with it—in which the vendee pays the money and undertakes to risk the defect in the title, and the vendor receives the money and declines to warrant the title. If this property has been sold time and again, and this outstanding defect has been

regarded as infinitesimal, I want to know whether, in each case, the vendee has taken the risk and the vendor has declined to warrant, or is the United States to be the first vendee that undertakes to risk the outstanding title and to accept a deed that does not contain a warranty.

Mr. WOLCOTT. The vendee has not accepted.

Mr. LINDSAY. The lessee has accepted a lease, and the Government of the United States now proposes to buy a new title subject to the lease, and to take the chance, without a warranty title, that this outstanding defect amounts to nothing. This presents another very curious phase. This amendment does not show that Mrs. Blaine has agreed to sell, but it puts the Government at her mercy, to buy at her will if she chooses to sell, without any guaranty whatever that she will sell in case the Government chooses to buy. Why this unilateral agreement which binds the Government and leaves the vendor of the property absolutely free to sell, or not to sell, at her option?

Why has not a commission been appointed to negotiate with Mrs. Blaine and ascertain what she is willing to do? Why has not a contract, which binds Mrs. Blaine as well as this amendment binds the Government, been entered into, so that we shall deal evenhanded with the vendor of this property? Why should the Government be bound and the vendee left absolutely free? I take it that Mrs. Blaine has not agreed to sell, and I take it that she will not agree to sell. This lease was made to Albaugh for an express purpose, and his intentions were known to Mrs. Blaine at the time the lease was made. It can not be that she intends voluntarily to enter into an arrangement with the Government whereby the Government will be able to defeat the very purpose for which the lease was made.

Mr. HALE. Let me say there to the Senator that, so far as the uses of the property were concerned, it was not known at the time of the lease what was contemplated to be done with the property by the lessee; the project for a theater had not then been mooted; other things had been suggested, but not that. So that is an answer to what the Senator says about any purpose at the time of the lease to devote this land to the building of a theater.

As to whether Mrs. Blaine is willing to sell the property and of the desirability of negotiating and making a contract with her, I will say to the Senator that this amount was fixed by the committee because there had been full conference with Mrs. Blaine and her attorneys, and she has stated, as I have stated before, and as the Senator from Colorado stated, that she was not pushing this matter, but was willing to take this amount of \$150,000, and deed the property to the Government for that. So there is no need for negotiations; it is plain sailing, and the Senate ought to understand it. It is desirable to take this property at a fair rate, and the Government will get it and get the deed and get the remainder by condemnation. There need be no question about title. Mrs. Blaine's interest is different from any other interest, and ought not to be put into condemnation. It is clearly estimated, and that is why the committee have taken this process for acquiring the property.

Mr. LINDSAY. It was known at the time the lease was made that Albaugh was a theater man, and the public prints for the last twelve months—

Mr. HALE. Albaugh did not get into this transaction at the time. The lease runs to Paul D. Connor, and the talk was that the property was to be used for another purpose. Albaugh had nothing to do with it. He came on later. I never heard of Albaugh at that time, nor did anybody else. The talk was that the property was to be for some other structure, perhaps an apartment house, or something of that kind. The theater project came in afterwards.

Mr. LINDSAY. I can not speak from personal knowledge of any of those things, but it is a notorious fact that the public press has been full during the last year of statements in regard to Albaugh's attempt to secure property in the city upon which to build a theater.

Mr. HALE. Not this property.

Mr. LINDSAY. Not this particular property; but as soon as Albaugh came into the case and became the beneficiary of this lease it was announced that the property would be used for theatrical purposes. But that is immaterial.

The Senator says that Mrs. Blaine is willing to sell. She has made no contract to sell and she can change her mind to-morrow. Even if she had put her agreement in writing to sell it would not have bound her, because nobody representing the Government had the right to contract with her. So the Government agrees to buy and makes it the imperative duty of the Secretary of the Treasury to purchase and to pay, and it leaves Mrs. Blaine perfectly free to sell or not to sell.

Now, we come to the question of condemnation. Whilst I raise no question of the power of the Government to condemn any and all property which may be necessary for public use, I do deny the power of the Government to take the property of the citizen against his will, even for just compensation, merely upon the sup-

position that five years hence, or ten years hence, the Government may want to use the property for a public purpose. The statement made by the Senator from Delaware [Mr. GRAY], that the propriety of a present condemnation was apparent because five years hence the property would be worth much more, is the very reason we should not condemn at the present time. The Government may take property when it needs it, but if property is likely to enhance in value during the time the Government does not need it the citizen is entitled to the benefit of that enhancement and not the Government, and any attempt of the Government to intervene to take the property in advance of the public necessity for the use of it is an arbitrary exercise of power which the Congress of the United States ought not to countenance, and which the Constitution does not countenance or contemplate.

This is not merely the right of this man to have his interest in the realty paid for; but if he has made lawful contracts looking to a future use and those contracts are valuable he is entitled to be paid for them also, and if the deprivation of his power to control this property results in his violation of contracts which he may be required to answer in damages, the Government must pay him for that injury as well as for the value of the property. So, if Mrs. Blaine's interest in this property is worth \$150,000, the interest of this man in the lease can not be worth less, as it is to run for ninety-nine years.

I hold to this: If this be a present use let us declare what that use is, and the amendment offered by the Senator from Delaware that at some time some public building may be, or will be, put upon the property, is not a sufficient designation of the public use to which it is to be put. If there be a present necessity for this property let us declare what the use is to be, and let us condemn the interest of all those with whom we can not agree.

Mr. PUGH. Will the Senator allow me a moment?

The PRESIDING OFFICER (Mr. BUTLER in the chair). Does the Senator from Kentucky yield to the Senator from Alabama?

Mr. LINDSAY. Yes, sir.

Mr. PUGH. Mr. President, I am in favor of acquiring this property for public use, either by the exercise of the power of purchase or by a proceeding in the courts to condemn it to the public use. If it becomes necessary, as I am satisfied it will, to perfect this title and to get the fee for which the Government pays, it will be necessary to institute proceedings in court. It is indispensably necessary to give the court jurisdiction of that subject-matter that the person who has the title shall be named and that the character of the title shall be specified in the proceedings for the purpose of enabling the court to ascertain its value or for a jury to ascertain it upon evidence; and if the bill of proceeding to condemn does not disclose the character of the title sought to be condemned, how can the court proceed to have the value of it ascertained upon evidence?

Then, again, the court would have no jurisdiction at all, its action would be coram non iudice and void, unless the public use was specifically stated in the bill. You could not give the court jurisdiction to condemn unless you stated specifically the public use for which it was condemned.

I agree with the Senator that the specification in the amendment offered by the Senator from Delaware is wholly insufficient to give jurisdiction to the court to condemn this for a general, possible, future, contingent public use. You have to specify the use in order to give jurisdiction to the court.

Mr. VEST. Mr. President, all this talk about condemnation, so far as the interests of Mrs. Blaine are concerned, amounts to nothing, and we are fighting windmills in regard to that matter. Mrs. Blaine, through her attorney, agrees to take \$150,000 for her interest, and the only question before us is, what is that interest? That is the whole of it. This amendment, which is not the amendment proposed by the Committee on Public Buildings and Grounds, but one drawn by Mrs. Blaine's attorney, changes the nature of the proceeding as to her interest. The original amendment provided for acquiring her interest by purchase or condemnation; but her attorney struck out "upon condemnation" and put in the simple sale of her interest, whether it was one thing or another, and it amounts simply to a quitclaim conveyance. I do not think any lawyer will doubt that.

Mr. McLAURIN. Will the Senator from Missouri allow me to ask him a question?

Mr. VEST. Certainly.

Mr. McLAURIN. Is it denied, as stated by the Senator from New Hampshire [Mr. GALLINGER], that Mrs. Blaine in the lease to Paul D. Connor conveyed the remainder to her heirs?

Mr. VEST. I never examined that lease critically. I glanced over it, and saw it was in the ordinary form in which leases are drawn in the District of Columbia.

Mr. McLAURIN. If that is true, then would the Government get anything more than the rents, profits, and issues for ninety-nine years, or anything more than the interest Mrs. Blaine has in this property for ninety-nine years?

Mr. VEST. I am not prepared to say that it would. But I was

about to go on, when interrupted, to say that—for I am not in any sense responsible for this amendment, and it is not the one which passed through our Committee on Public Buildings and Grounds—I propose to strike out in line 8 of the amendment of the committee the words "all the right, title, and interest of" and insert "fee simple from;" and, then, in line 9, after the name "Blaine," to insert "and all others interested;" so as to read:

For the purchase of a fee-simple title from Harriet Stanwood Blaine, and all others interested, to the premises in the city of Washington.

Then follows the description.

For the sum of \$150,000.

Then in lines 16 and 17 I move to strike out certain words and insert "upon the execution and delivery by the owners of said property of a deed to be approved by the Attorney-General, conveying title in fee to said property to the United States Government."

It seems to me unnecessary to worry ourselves about condemnation proceedings as to Mrs. Blaine's interest.

Mr. LINDSAY. Those words are not in the amendment.

Mr. VEST. I propose to insert them.

Mr. LINDSAY. The Senator from Maine says that if those words be put in Mrs. Blaine will not convey.

Mr. VEST. Then the United States will not purchase, and that will be the end of it.

Mr. LINDSAY. That is what I wanted to ask.

Mr. VEST. As a matter of course we do not propose to pay Mrs. Blaine \$150,000 for a quitclaim.

Mr. LINDSAY. That is exactly what you get and nothing else.

Mr. VEST. This is a fair and reasonable construction of the meaning of the contract, because Mrs. Blaine in the lease she has made claims that she is the fee-simple owner; and if she could lease the property she has a right to convey it, and she ought not to make any objection to conveying in fee what she has leased, claiming to be the fee-simple owner.

I said before very frankly, and I repeat it now, that \$100,000 is not only a reasonable, but a large price for this whole property, including the interest of these lessees, whoever they may be. I state here on the authority of the Senator from Maryland [Mr. GORMAN], who is a member of the Appropriations Committee and of the subcommittee having this matter in charge, that the lessees estimate their interest, if the transaction was stopped now, at \$30,000. Some gentleman has sent me a paper stating that Mr. Albaugh would not give up his interest for \$30,000 nor \$130,000. That is absurd. The whole property at \$100,000 would be well sold; and for us to pay Mrs. Blaine \$150,000, and then go into a condemnation proceeding, and have Mr. Albaugh or Mr. Connor, or whoever are the lessees, to prove up \$100,000 in this kind of contingent damages, of which the Senator from Kentucky [Mr. LINDSAY] speaks, would be robbery, and hardly under the forms of law.

Mr. FRYE. Does the Senator from Missouri think that \$150,000 is any too much for Mrs. Blaine to receive for the surrender of her rights there?

Mr. VEST. Yes, I do think so.

Mr. FRYE. And I say the actuaries make it \$175,000, and they do that counting interest at 4 per cent; and for the next fifty years the Senator knows interest in this county will not be 4 per cent, and it will not be 3 per cent, for as a country grows larger and richer the interest always goes down; it is inevitable. I believe Mrs. Blaine's interest is worth \$200,000 to-day.

Mr. VEST. If Mrs. Blaine should take \$150,000 for her interest, whether more or less, at 4 per cent, it would be \$6,000 a year interest, and under this lease I have heard it estimated that her income would be about \$5,000 a year.

Mr. FRYE. It would be \$4,500 a year.

Mr. VEST. It would average \$5,000 a year.

Mr. FRYE. But the Senator understands Mrs. Blaine on the \$150,000 would be obliged to pay taxes, whilst under this agreement she would pay no taxes whatever.

Mr. VEST. That makes a difference, as a matter of course.

Mr. FRYE. Then, again, I should like to ask the Senator how he is going to get a fee-simple title from the insane woman who has been referred to?

Mr. VEST. That can be very easily done. There can be a guardian ad litem appointed to answer in any proceeding upon the part of this insane person, and title can be vested in that way just as well as by a conveyance in fee from an insane person.

Mr. FRYE. If the Senator will permit me, he forgets another thing. In estimating Mrs. Blaine's interest the whole property reverts at the end of ninety-nine years to the family.

Mr. VEST. It makes no difference whether there is a reversion or not; unless the United States Government gets title in fee it is robbery to pay this amount of money, \$150,000 down, for a quitclaim, and then, in addition, to go into a court in this District with every jury against the Government. We have had our experience in regard to condemnation proceedings here. I was on the subcommittee on the bill to locate the post-office property on

Pennsylvania avenue, which we were compelled to have, and we were offered that property by the owners at five and six dollars a foot, but the very minute they found the United States wanted it they would not take \$12 nor \$15 a foot for it. You could bring in the real estate men here and they would swear that was a reasonable price for the property. If you should to-morrow want any piece of property in this District it would go up immediately treble and quadruple, and a jury would find against you because it is the Government of the United States, and there is no limitation to the amount of money that you can take out of the Treasury if you can get it.

Mr. SQUIRE. I would ask the Senator from Missouri if he knows, or, if he is not prepared to state, perhaps the Senator from Maine or some other Senator may be, as to whether it is true or not that Mrs. Blaine is unwilling that this property shall be disposed of and pass to the Government, and if the arrangements which have been made with Mr. Albaugh can be changed.

I have heard statements which are very contradictory upon that subject. The first statement I heard was that Mrs. Blaine was very much opposed to it, as it is very much against her interests; and for that reason I was urged to vote against this proposition. I have learned to-day from a Senator on this floor that she is not averse to the obtaining of this property by the Government in accordance with the terms to the amendment to this bill.

Mr. VEST. I do not know anything about Mrs. Blaine's wishes or opinions, but I have been informed—in fact it has been stated on the floor—that this amendment was brought to the Committee on Appropriations by Mrs. Blaine's lawyer, and brought there by her friend, the Senator from Maine, and he has stated here that she was willing to take \$150,000. Now, I wish to say once for all for myself—and then I shall be done with the matter—I was willing to support, as chairman of the Committee on Public Buildings and Grounds, the original amendment, which provides for obtaining a fee-simple title of Mrs. Blaine, and of everybody else, by the condemnation or purchase of this property. I have never had but one opinion about the matter, and that was that it ought to belong to the Government of the United States.

As to this talk about not being able to condemn property without specifying that it was to be used for a post-office or for some specific public building, I do not think that is the law. If the Government of the United States is prepared to go into court and say it wants property for its own purposes, for public buildings, that is sufficient, that is a public use, and we are not bound to file a bill of particulars in advance as to what the Government will do with it. We have a right to exercise eminent domain for the great purposes of carrying on the Government for the people of this country.

Eleven years ago I pleaded with the Committee on Public Buildings and Grounds to buy this property at \$65,000—not a quitclaim, but a fee simple. It was offered to us then with a warranty deed for \$65,000, but the majority of the committee, for fear that the Supreme Court building would be put there, instead of being put opposite this Capitol on the square just east of us, voted down my proposition, and now we are asked, at the lowest calculation, \$180,000—\$150,000 for a quitclaim deed, and an estimate of \$30,000 for the damages which will come to Mr. Albaugh or Mr. Connor, or the other gentlemen interested. I am willing to pay \$180,000, which is nearly twice, in my judgment, the amount the property is worth, in order to acquire it, rather than to see a theater put there in that particular locality, and the property of the Government, which it already owns, where the Attorney-General's Office has been located, rendered almost worthless; but I am not willing to pay this large price for a quitclaim deed, and then go into a nebulous and uncertain litigation, with what I know of juries in this District in condemnation cases, in order to obtain the rights of this lessee.

Mr. WHITE. Mr. President, I desire to ask the Senator from Missouri, the chairman of the Committee on Public Buildings and Grounds, whether at present the status of this matter is such that he thinks it would be better to proceed to condemn the entire interest of all parties, so that we might know just exactly what we should have to pay? I understand that the present appearance of the matter is such that, in his judgment, there is risk that the Government may have to expend two or three times more than the property is worth. I should like to know exactly whether the committee is in favor of the amendment as it now stands, with the information we have before us?

Mr. VEST. Every member of the committee is acting for himself on this new amendment. I was authorized to report the other amendment, which provided for the condemnation of all interests; but this is a very different proposition, and, of course, I can answer for no one but myself.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Delaware [Mr. GRAY] to the amendment of the committee.

Mr. FRYE. Let the amendment be again stated.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "dollars," in line 15, on page 11, it is proposed to insert:

For the erection of buildings for the Department of Justice or for the transaction of other public business of the United States.

Mr. HALE. I thought that had been adopted.

The PRESIDING OFFICER. It has not been adopted. The question is on the amendment.

The amendment was agreed to.

Mr. HALE. Now, let us have a vote on the amendment of the Senator from California [Mr. WHITE].

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Senator from California [Mr. WHITE], which will be stated.

The SECRETARY. After the word "premises," in line 24 of the amendment, it is proposed to insert:

Or any outstanding interest in the premises, which may not be included in or transferred by a deed as aforesaid, from the said Harriet Stanwood Blaine.

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

The amendment to the amendment was agreed to.

Mr. VEST. I move, in line 8, to strike out the words "all the right, title, and interest of," and to insert "a fee-simple title from," so as to read:

For the purchase of a fee-simple title from Harriet Stanwood Blaine.

Mr. HALE. That is precisely what the Senate has already voted upon, and voted down.

Mr. VEST. Let us have the question of order decided. I do not think the Senate has voted that amendment down.

Mr. HALE. It has been voted down once.

Mr. VEST. That amendment has not been offered in these words.

Mr. HALE. Not this amendment, but substantially that proposition. Let us have a vote on it, however. I shall not take up the time of the Senate.

Mr. LINDSAY and Mr. GEORGE called for the yeas and nays.

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

Mr. GIBSON (when his name was called). I again announce my pair with the junior Senator from Michigan [Mr. BURROWS], and therefore withhold my vote.

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

Mr. PROCTOR (when his name was called). I am paired with the Senator from Florida [Mr. CALL]. If he were present I should vote "nay."

Mr. WHITE (when his name was called). I am paired with the Senator from Idaho [Mr. SHOUP]. If he were present I should vote "yea."

The roll call was concluded.

Mr. COKE. I am paired with the Senator from Oregon [Mr. DOLPH]. I do not know how he would vote, and I therefore withhold my vote.

Mr. CAFFERY. I am paired with the Senator from Montana [Mr. POWER].

Mr. CAREY. I desire to inquire whether the junior Senator from Wisconsin [Mr. MITCHELL] has voted.

The PRESIDING OFFICER. He has not voted.

Mr. CAREY. I withhold my vote, as I am paired with the junior Senator from Wisconsin [Mr. MITCHELL] and do not know how he would vote.

Mr. GALLINGER. The junior Senator from New Jersey [Mr. SMITH] was called from the Chamber a few moments ago and asked me to pair with him, saying he was in favor of the general proposition. I presume if he were present he would vote "nay" on this amendment and I should vote "yea."

Mr. BLACKBURN. I desire to inquire whether the senior Senator from Nebraska [Mr. MANDERSON] has voted.

The PRESIDING OFFICER. He has not voted.

Mr. BLACKBURN. I am paired with the senior Senator from Nebraska [Mr. MANDERSON] and withhold my vote in his absence.

Mr. HANSBROUGH. I am paired with the Senator from Illinois [Mr. PALMER].

Mr. BLACKBURN. I am assured that if the senior Senator from Nebraska [Mr. MANDERSON] were present he would vote "nay." Therefore I will vote. I vote "nay."

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

YEAS—27.

Bate,	Jones of Ark.	Morgan,	Stewart,
Berry,	Kyle,	Palmer,	Turpie,
Cullom,	Lindsay,	Peffer,	Vest,
Faulkner,	McLaurin,	Perkins,	Voorhees,
George,	Martin,	Platt,	Walsh,
Harris,	Mills,	Pugh,	Washburn.
Hunton,	Mitchell of Oreg.	Roach,	

NAYS—27.

Allen,	Clark,	Gorman,	Morrill,
Allison,	Cockrell,	Gray,	Murphy,
Blackburn,	Daniel,	Hale,	Shoup,
Blanchard,	Davis,	Hawley,	Quay,
Brice,	Dixon,	Hill,	Teller,
Butler,	Dubois,	Lodge,	Wilson of Wash.
Cameron,	Frye,	McMillan,	Wolcott.

NOT VOTING—34.

Aldrich,	Gallinger,	Manderson,	Sherman,
Burrows,	Gibson,	Mantle,	Shoup,
Caffery,	Gordon,	Mitchell of Wis.	Smith,
Call,	Hansbrough,	Pasco,	Squire,
Camden,	Higgins,	Pettigrew,	Vilas,
Carey,	Hoar,	Power,	White,
Chandler,	Irby,	Pritchard,	Wilson of Iowa.
Coke,	Jones of Nev.	Proctor,	
Dolph,	McPherson,	Ransom,	

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

Mr. WHITE. I offer a substitute for the committee amendment.

The SECRETARY. It is proposed to strike out all from and including line 8, page 11, down to and including line 10, on page 12, and insert:

That the Secretary of the Treasury is authorized and directed to acquire by condemnation, in the same manner and in the method provided for the condemnation of certain real estate in the city of Washington by sections 3, 4, 5, and 6 of the "Act to authorize the acquisition of certain parcels of real estate embraced in square No. 323 of the city of Washington to provide an eligible site for the city post-office," approved June 25, 1890, the following parcels of real estate in the city of Washington, District of Columbia, namely: All of lot 9 in square 221, and part of lot 8 in said square adjoining said lot 9, said parcels of land being what is known as the James G. Blaine premises, situated on Lafayette Square, in the city of Washington aforesaid; and for this purpose a sum sufficient is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. WHITE. I desire simply to state that the substitute which I propose is the original amendment suggested by the Senator from Delaware [Mr. GRAY]. It proposes to condemn the interest of everybody in the property without in advance providing for the payment of any specific sum to any part owner.

Mr. HALE. I hope the amendment of the Senator from California will be voted down. We had much better do nothing. There could be nothing more unjust than that, with the clearly definable interest which Mrs. Blaine has, she should be put to the mercy of a jury. I do not believe there are many Senators here who desire to do that. I hope the amendment will be voted down. It would be better to do nothing.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from California [Mr. WHITE] to the amendment of the committee.

Mr. HALE and Mr. VEST called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. CAREY (when his name was called). I am paired with the junior Senator from Wisconsin [Mr. MITCHELL]. Not knowing how he would vote I withhold my vote.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. GIBSON (when his name was called). I am paired with the junior Senator from Michigan [Mr. BURROWS].

Mr. PERKINS (when his name was called). I am paired with the Senator from North Dakota [Mr. ROACH]. Not knowing how he would vote upon this amendment I withhold my vote.

Mr. PETTIGREW (when his name was called). I am paired with the junior Senator from West Virginia [Mr. CAMDEN]. If he were present I should vote "nay."

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

Mr. WHITE (when his name was called). I am paired with the Senator from Idaho [Mr. SHOUP]. Were he present I should vote "yea."

The roll call was concluded.

Mr. GALLINGER. I am paired with the junior Senator from New Jersey [Mr. SMITH]. If he were present he would vote "nay," probably, and I should vote "yea."

The result was announced—yeas 23, nays 32; as follows;

YEAS—23.

Bate,	Hill,	Mills,	Turpie,
Berry,	Hunton,	Mitchell of Oreg.	Vest,
Caffery,	Jones of Ark.	Morgan,	Vilas,
Faulkner,	Kyle,	Peffer,	Voorhees,
George,	McLaurin,	Pugh,	Walsh.
Harris,	Martin,	Stewart,	

NAYS—32.

Aldrich,	Cockrell,	Hale,	Platt,
Allen,	Cullom,	Hansbrough,	Power,
Allison,	Daniel,	Hawley,	Quay,
Blanchard,	Davis,	Lodge,	Ransom,
Brice,	Dixon,	McMillan,	Squire,
Butler,	Dubois,	Mantle,	Washburn.
Cameron,	Frye,	Morrill,	Wilson of Wash.
Clark,	Gray,	Murphy,	Wolcott.

NOT VOTING—33.

Blackburn,	Gibson,	Manderson,	Sherman,
Burrows,	Gordon,	Mitchell of Wis.	Shoup,
Call,	Gorman,	Palmer,	Smith,
Camden,	Higgins,	Pasco,	Teller,
Carey,	Hoar,	Perkins,	White,
Chandler,	Irby,	Pettigrew,	Wilson of Iowa.
Coke,	Jones of Nev.	Pritchard,	
Dolph,	Lindsay,	Proctor,	
Gallinger,	McPherson,	Roach,	

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

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

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

Mr. CAREY (when his name was called). I am paired with the junior Senator from Wisconsin [Mr. MITCHELL], and therefore withhold my vote.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. GALLINGER (when his name was called). I am paired on this question with the junior Senator from New Jersey [Mr. SMITH]. If he were present he would vote "yea" and I should vote "nay."

Mr. GIBSON (when his name was called). I am paired with the junior Senator from Michigan [Mr. BURROWS]. In his absence I withhold my vote.

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

Mr. PERKINS (when his name was called). I again announce my pair with the junior Senator from North Dakota [Mr. ROACH].

Mr. WHITE (when his name was called). I am paired with the Senator from Idaho [Mr. SHOUP].

The roll call was concluded.

Mr. HANSBROUGH. I am paired with the junior Senator from Illinois [Mr. PALMER].

The result was announced—yeas 31, nays 25; as follows:

YEAS—31.

Aldrich,	Cockrell,	Lodge,	Ransom,
Allen,	Daniel,	McMillan,	Squire,
Allison,	Davis,	Mantle,	Teller,
Blanchard,	Dixon,	Morrill,	Vilas,
Brice,	Gorman,	Murphy,	Voorhees,
Butler,	Gray,	Power,	Wilson of Wash.
Cameron,	Hale,	Proctor,	Wolcott.
Clark,	Hawley,	Quay,	

NAYS—25.

Bate,	Harris,	Mills,	Turpie,
Berry,	Hunton,	Mitchell of Oreg.	Vest,
Caffery,	Jones of Ark.	Morgan,	Walsh,
Call,	Kyle,	Peffer,	Washburn.
Cullom,	Lindsay,	Platt,	
Faulkner,	McLaurin,	Pugh,	
George,	Martin,	Stewart,	

NOT VOTING—32.

Blackburn,	Frye,	Irby,	Pettigrew,
Burrows,	Gallinger,	Jones of Nev.	Pritchard,
Camden,	Gibson,	McPherson,	Roach,
Carey,	Gordon,	Manderson,	Sherman,
Chandler,	Hansbrough,	Mitchell of Wis.	Shoup,
Coke,	Higgins,	Palmer,	Smith,
Dolph,	Hill,	Pasco,	White,
Dubois,	Hoar,	Perkins,	Wilson of Iowa.

So the amendment as amended was agreed to.

Mr. CAREY. I offer two amendments to the pending bill, which I ask may be printed.

The PRESIDING OFFICER. It is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 6870) for the relief of James Phelan, internal-revenue collector at Detroit, Mich.;

A bill (H. R. 8391) for the relief of Michael Ryan;

A bill (H. R. 8882) to authorize the construction of a bridge across the Illinois River, at or near the town of Hennepin; and

A bill (H. R. 8884) granting a pension to Alexander M. Laughlin.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 8237) for the relief of William H. Buckley, late first lieutenant One hundred and ninety-fourth Regiment Ohio Volunteers; and it was thereupon signed by the Vice-President.

HOUSE BILLS REFERRED.

The bill (H. R. 6870) for the relief of James Phelan, internal-revenue collector at Detroit, Mich., was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 8391) for the relief of Michael Ryan was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 8882) to authorize the construction of a bridge across the Illinois River at or near the town of Hennepin was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 8884) granting a pension to Alexander M. Laughlin was read twice by its title, and referred to the Committee on Pensions.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8518) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 12, line 15, before the word "thousand," to strike out "ten" and insert "fifty;" so as to read:

For repairs and preservation of public buildings: Repairs and preservation of custom-houses, court-houses, post-offices, marine hospitals, quarantine stations, and other public buildings under the control of the Treasury Department, \$250,000.

The amendment was agreed to.

The next amendment was, on page 13, line 19, after the word "dollars," to insert:

For artesian well, water and sewer connections, \$1,200; in all, \$5,400;

So as to make the clause read:

For quarantine station, Reedy Island, Delaware River: For improvement of grounds to protect from overflow, \$4,200; for artesian well, water and sewer connections, \$1,200; in all, \$5,400.

The amendment was agreed to.

The next amendment was, on page 13, line 24, after the word "dollars," to insert:

For barracks for cabin passengers, \$2,500; in all, \$6,500;

So as to make the clause read:

For quarantine station, Delaware Breakwater, Delaware: For naphtha launch for boarding vessels, \$4,000; for barracks for cabin passengers, \$2,500; in all, \$6,500.

The amendment was agreed to.

The next amendment was, on page 14, line 26, after the word "dollars," to insert:

But of this amount not exceeding \$3,000 may be expended for personal services of mechanics employed from time to time for casual repairs only.

So as to make the clause read:

Vaults, safes, and locks for public buildings: For vaults, safes, and locks, and repairs to the same, for all public buildings under control of the Treasury Department, exclusive of personal services, except for work done by contract, \$40,000; but of this amount not exceeding \$3,000 may be expended for personal services of mechanics employed from time to time for casual repairs only.

The amendment was agreed to.

The next amendment was, on page 15, after line 20, to insert:

Spectacle Island range lights, Massachusetts: For establishing range lights on Spectacle Island, Boston Harbor, Massachusetts, \$9,350.

The amendment was agreed to.

The next amendment was, on page 16, after line 3, to insert:

Kennebec River lights, Maine: For the establishment on Kennebec River, Maine, of a light, range lights, and fog signal at or near Doubling Point; a light at Ames Ledge; a light at or near the southwest point of Perkins Island; a light at or near Squirrel Point, and a day beacon on or near Ram Island; and for sites for same, not to exceed in all \$17,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 10, to insert:

Plum Beach light and fog-signal station, Rhode Island: For establishing a light and fog-signal station at or near Plum Beach, Narragansett Bay, Rhode Island, \$25,000, and the total cost of establishing such light and fog-signal station complete, under a contract which is hereby authorized therefor, shall not exceed \$90,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 21, to insert:

Lower Cedar Point light station, Potomac River, Maryland: For reestablishing Lower Cedar Point light station, Potomac River, Maryland, \$75,000.

The amendment was agreed to.

Mr. COCKRELL. After line 25, page 16, I desire to offer an amendment coming from the committee. It is to rebuild a light-house which was washed away by the last ice flow.

The PRESIDING OFFICER (Mr. BUTLER in the chair). The amendment will be stated.

The SECRETARY. Add after the amendment just adopted, line 25, page 16:

Smiths Point light-house, Chesapeake Bay, Maryland: For reestablishing the light-house at Smiths Point, Chesapeake Bay, Maryland, recently carried away by the ice, \$80,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was on page 16, after line 25, to insert:

Maumee range-light station, Ohio: For establishing a new beacon at each end of the range, to form a range both outward and inward in the line of the channel in Maumee Bay, Lake Erie, Ohio, \$20,000.

The amendment was agreed to.

The next amendment was, on page 17, after line 17, to insert:

Detroit River lights, Michigan: For the completion of the lighting of the north and south ends of Grassy Island, Detroit River, Michigan, \$6,700.

The amendment was agreed to.

The next amendment was, on page 17, after line 20, to insert:

Eagle Harbor, Lake Superior, Michigan: For fog signal at Eagle Harbor, Lake Superior, Michigan, \$5,000.

The amendment was agreed to.

Mr. WASHBURN. I offer an amendment to come in at the end of line 23, page 17.

Mr. COCKRELL. The understanding was that we were to run through with the committee amendments unless it was an amendment to an amendment.

Mr. WASHBURN. It is an amendment I intended to submit to the committee. It was reported by the Committee on Commerce favorably.

Mr. COCKRELL. Let us go through with the committee amendments before we commence the consideration of individual amendments.

Mr. WASHBURN. All right.

The next amendment of the Committee on Appropriations was, on page 17, after line 23, to insert:

Grand Marais harbor of refuge, Lake Superior, Michigan: For a light and bell at the Grand Marais harbor of refuge, now completed, on Lake Superior, Michigan, \$15,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 3, to insert:

Tibbetts Point light station, Lake Ontario and St. Lawrence River, New York: For constructing and equipping, complete for service, a fog signal, \$4,300.

The amendment was agreed to.

The reading of the bill was continued to line 17, on page 19.

Mr. COCKRELL. In lines 15 and 16, on page 19, there is a mistake. I move to strike out the words "the north end of;" so as to read:

For establishing a light and fog-signal station on North Manitou Island, Lake Michigan, Michigan, \$20,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 20, after line 11, to insert:

Tenders for the Light-House Service: For constructing, equipping, and outfitting two new steam tenders for buoyage, supply, and inspection purposes in the Light-House Service, at a cost not to exceed \$75,000 each, \$150,000, to be immediately available; and the Light-House Board is authorized to employ temporarily at Washington three draftsmen, to be paid at current rates, to prepare the plans for the light-house vessels herein provided for; such draftsmen to be paid from the appropriation for building said vessels; such employment to cease and determine on or before the date when the plans for such vessels being finished, proposals for building said vessels are invited by advertisement.

Mr. COCKRELL. I move to strike out, in lines 13 and 14, the words "buoyage, supply, and inspection purposes in;" so as to read:

For constructing, equipping, and outfitting two new steam tenders for the Light-House Service.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, on page 21, line 16, to increase the total of appropriations for "repairs of light-houses" from \$490,000 to \$500,000.

The amendment was agreed to.

The next amendment was, on page 21, line 21, to increase the appropriation for salaries of keepers of light-houses from \$690,000 to \$700,000.

The amendment was agreed to.

The next amendment was, on page 21, line 26, to increase the total of the appropriation for expenses of light vessels from \$275,000 to \$300,000.

The amendment was agreed to.

The next amendment was, on page 22, line 2, after the word "buoys," to insert "of any and all kinds," and in line 5, before the word "thousand," to strike out "three hundred and ninety" and insert "four hundred and twenty-five;" so as to make the clause read:

Expenses of buoyage: For expenses of establishing, replacing, and maintaining buoys of any and all kinds, spindles, and day beacons, and for incidental expenses relating thereto, \$425,000.

The amendment was agreed to.

The next amendment was, on page 22, line 13, to increase the appropriation for inspecting lights from \$3,000 to \$4,000.

The amendment was agreed to.

The next amendment was, on page 23, line 16, before the word "hundred," to strike out "five" and insert "six;" so as to make the clause read:

For one superintendent for the coasts of Maine and New Hampshire, \$1,600.

The amendment was agreed to.

The next amendment was, on page 23, line 18, before the word

"hundred," to strike out "five" and insert "six;" so as to make the clause read:

For one superintendent for the coast of Massachusetts, \$1,600.

The amendment was agreed to.

The next amendment was, on page 23, line 20, before the word "hundred," to strike out "eight" and insert "six;" so as to make the clause read:

For one superintendent for the coasts of Rhode Island and Long Island, \$1,600.

The amendment was agreed to.

The next amendment was, on page 23, line 24, before the word "hundred," to strike out "eight" and insert "six;" so as to make the clause read:

For one superintendent for the coast of New Jersey, \$1,600.

The amendment was agreed to.

The next amendment was, on page 23, line 26, before the word "hundred," to strike out "five" and insert "six;" so as to make the clause read:

For one superintendent for the coasts of Delaware, Maryland, and Virginia, \$1,600.

The amendment was agreed to.

The next amendment was, on page 24, line 2, before the word "hundred," to strike out "eight" and insert "six;" so as to make the clause read:

For one superintendent of the coasts of Virginia and North Carolina, \$1,600.

The amendment was agreed to.

The next amendment was, on page 24, line 5, before the word "hundred," to strike out "five" and insert "six;" so as to make the clause read:

For one superintendent for the life-saving stations and for the houses of refuge on the coasts of South Carolina, Georgia, and Florida, \$1,600.

The amendment was agreed to.

The next amendment was, on page 24, line 8, before the word "hundred," to strike out "eight" and insert "six;" so as to make the clause read:

For one superintendent for the life-saving and lifeboat stations on the coast of the Gulf of Mexico, \$1,600.

The amendment was agreed to.

The next amendment was, on page 24, line 11, before the word "hundred," to strike out "eight" and insert "six;" so as to make the clause read:

For one superintendent for the life-saving and lifeboat stations on the coasts of Lakes Ontario and Erie, \$1,600.

The amendment was agreed to.

The next amendment was, on page 24, line 14, before the word "hundred," to strike out "eight" and insert "six;" so as to make the clause read:

For one superintendent for the life-saving and lifeboat stations on the coasts of Lakes Huron and Superior, \$1,600.

The amendment was agreed to.

The next amendment was, on page 24, line 17, before the word "hundred," to strike out "eight" and insert "six;" so as to make the clause read:

For one superintendent for the life-saving and lifeboat stations on the coast of Lake Michigan, \$1,600.

The amendment was agreed to.

The next amendment was, on page 24, line 20, before the word "hundred," to strike out "eight" and insert "six;" and in line 21, before the word "hundred," to strike out "twenty-one thousand six" and insert "twenty thousand four;" so as to make the clause read:

For one superintendent for the life-saving and lifeboat stations on the coasts of Washington, Oregon, and California, \$1,600; in all, \$20,400.

The amendment was agreed to.

The reading of the bill was continued to line 6, on page 26.

Mr. FRYE. I wish to call the attention of the Senator who has the bill in charge to the aggregate for life-saving stations and lifeboat stations, \$35,000, in line 5, page 26. There have been three bills passed since that time, and become a law, one for a life-saving station on the coast of Massachusetts, and bills for two lifeboat stations, amounting, all three of them, to \$8,000. The bills have passed both branches of Congress and been approved by the President, and I should like to increase that appropriation to the amount of \$8,000.

Mr. COCKRELL. Let the amendment be made. I see no objection to it if those bills have been passed.

Mr. FRYE. They were not estimated for, because the bills had not then become a law.

Mr. COCKRELL. I understand.

Mr. LODGE. I have here—I will not detain the Senate to read it—a telegram from the Superintendent of the Life-Saving Service stating that that amount of money will be needed in addition to the appropriation estimated for on account of the passage of these additional bills.

Mr. COCKRELL. Making \$43,000.

Mr. FRYE. Making \$43,000.

The PRESIDING OFFICER. Does the Senator from Missouri consent that the amendment may come in now?

Mr. COCKRELL. Let it be made now.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 5, page 26, strike out "\$35,000" and insert "43,000;" so as to make the clause read:

For establishing new life-saving stations and lifeboat stations on the sea and lake coasts of the United States, authorized by law, \$43,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 27, after line 12, to insert:

For constructing a revenue steamer of the first class, under the direction of the Secretary of the Treasury, for service on the Pacific coast, \$75,000; and the Secretary of the Treasury is hereby authorized to contract for building said vessel at a total cost not to exceed \$175,000.

Mr. SQUIRE. Mr. President, I wish to say one word in regard to this amendment. I submitted an amendment intended to be proposed by me, and it was printed, providing for an appropriation of \$200,000 for this revenue steamer. I see that the committee have adopted the idea, but have not given the full amount. They have provided for a vessel to cost \$175,000, of which only \$75,000 is at present appropriated.

It may be that the facts justify this change, but I was informed by the Secretary of the Treasury that he desires a vessel to cost \$200,000. I ask that there be read from the desk a letter from the chief of the division of the Revenue-Cutter Service, which will explain this subject in detail.

The PRESIDING OFFICER. Does the Chair understand the Senator from Missouri to insist that the committee amendments shall be first acted upon?

Mr. COCKRELL. But this is a committee amendment and it is proper for the Senator from Washington to offer an amendment to it. He wants the amount of the amendment increased, and such an amendment is perfectly legitimate at this time.

The PRESIDING OFFICER. The Secretary will read the letter as requested.

The Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 19, 1895.

SIR: In compliance with your verbal request of yesterday, I respectfully submit the following statement, showing number of steamers of the Revenue-Cutter Service now stationed at ports on the Pacific coast of the United States:

Wolcott, 199 tons, at San Diego, Cal.
Rush, 300 tons, at San Francisco, Cal.
Bear, 703 tons at San Francisco, Cal. (On duty in the Bering Sea and Arctic Ocean eight months of the year.)
Corwin, 213 tons, at Astoria, Oreg.
Grant, 216 tons, at Port Townsend, Wash.

In addition to the steamer *Bear* the steamers *Rush* and *Corwin* are withdrawn each summer from the stations named for duty in the Bering Sea and other waters of Alaska for the protection of fur seal and other interests of the Government in that Territory. Of the five vessels above named the *Bear*, *Rush*, and *Corwin* only are suitable for duty at sea, and the latter is too small for the work required of her or for general patrol duty.

The weather and sea on the coasts of northern California, Oregon, Washington, and the island of Vancouver are probably as severe and rough as can be found in the known world, and vessels expected to patrol these coasts should be as staunch and powerful as can be constructed.

As authorized by section 1536, Revised Statutes, the Atlantic coast, from Eastport, Me., to Charleston, S. C., is patrolled during the four winter months of December, January, February, and March by seven revenue steamers stationed within those limits, for the purpose of assisting disabled or distressed merchant vessels. Under section 2759, Revised Statutes, revenue cutters on the Great Lakes are specially charged with aiding vessels in distress. During the fiscal year ending June 30, 1894, seventy distressed vessels, which with their cargoes were valued at \$1,709,105, and having on board 658 persons, were assisted by this fleet, and during the ten fiscal years last past 1,918 vessels, which with their cargoes were valued at \$39,235,823, and having on board 18,634 persons, have been assisted, and within this time 577 have been taken out of the water and saved from drowning.

No regular patrol service for relief purposes has ever been inaugurated on the Pacific Coast because of the lack of suitable vessels to engage in it and the demand for the services of such vessels as have been available for the protection of the revenue and the interests of the Government in Alaska.

During the present winter the Department has been called upon several times to send the cutters in search of missing vessels off the Northwest coast, viz, *Ivanhoe*, *Montserrat*, and *Keeweenaw*, and has responded to the best of its ability with the vessels available, but with more efficient and powerful steamers better service can be rendered.

The Northwest coast is sadly in need of an efficient steam cutter, and I sincerely trust that the amendment proposed by you to the sundry civil bill, making the necessary appropriation, may receive favorable consideration by the Senate.

Respectfully, yours,

L. G. SHEPARD,
Chief of Division Revenue-Cutter Service.

Approved:

C. A. HAMLIN, Acting Secretary.

Hon. WATSON C. SQUIRE, United States Senate.

Mr. SQUIRE. I now ask to have read a letter addressed to the chairman of the Committee on Appropriations by the Secretary of the Treasury approving the amendment as intended to be submitted by me to the Senate.

The PRESIDING OFFICER. The letter will be read.

The Secretary read as follows:

TREASURY DEPARTMENT, January 30, 1895.

SIR: I have the honor to acknowledge the receipt from the Senate Committee on Appropriations of an amendment to House bill No. 5818 "making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," as follows: "For constructing a revenue steamer of the first class, under the direction of the Secretary of the Treasury, for service on the Pacific Coast, \$200,000," and my views are requested as to the necessity for said revenue vessel.

In reply, I have the honor to state that the revenue cutters at present on duty on the Pacific Coast were built many years ago, and are of an age when vessels require frequent repairs and they should, as soon as practicable, be replaced with new vessels of more modern type and machinery, to insure greater efficiency; also that under an act of Congress approved March 2, 1889, the Department has dispatched each summer to Bering Sea at least three of these vessels, thereby leaving the stations to which they are regularly assigned for the protection of revenue unprotected, and the collectors of customs without adequate means of enforcing and carrying out the customs laws and regulations. In addition to this, the condition of affairs in Alaska at the present time is such as to require a revenue cutter to be stationed permanently in the waters of that Territory. This will still further reduce the number of vessels available for duty on the coasts of Washington, Oregon, and California.

It is proper to add that during the present winter the Department has, in the interests of humanity, several times sent vessels of the Revenue-Cutter Service, stationed on the Pacific Coast, to search for missing vessels of the merchant marine. In order to perform said duty in an efficient manner the service should be provided with able vessels.

I therefore urgently recommend that the proposed amendment, which is herewith returned, receive favorable consideration.

Respectfully yours,

J. G. CARLISLE, Secretary.

Hon. FRANCIS M. COCKRELL, United States Senator,
Chairman Committee on Appropriations,
United States Senate.

Mr. SQUIRE. Mr. President, I do not intend to add many words; but it seems that the amendment intended to be proposed by myself was approved by the Department and the reasons are fully given. It appears that there is at the present time no patrol vessel in the Revenue-Cutter Service on the Pacific Coast, while there are seven vessels performing a corresponding duty on the Atlantic coast.

Mr. COCKRELL. We have put in the bill a provision for the vessel. That is all you want, is it not?

Mr. SQUIRE. I am grateful to the committee for the action they have taken, and I shall be content with it if they can give good reasons for reducing the amount below that estimated by the Secretary of the Treasury.

Mr. COCKRELL. The last appropriation contained a provision for constructing a revenue steamer of the first class under the direction of the Secretary of the Treasury for service on the New England coast, \$75,000; limit of cost, \$175,000; and another one on the Great Lakes. We were told that they can build them much cheaper than they could even last year, and that they will build first-class vessels at \$175,000.

Mr. SQUIRE. And due allowance made for the difference in the kind of sea and the kind of weather?

Mr. COCKRELL. Oh, yes.

Mr. SQUIRE. And the kind of vessel needed for the Pacific coast?

Mr. WHITE. I was about to ask the Senator from Missouri whether it may not be that the construction of a vessel on the Pacific coast—

Mr. COCKRELL. It applies to all of them. The light vessels that cost \$100,000, they said, if we gave them three or four of them, they would build now for \$70,000, and the reduction of cost is in the same proportion wherever a vessel can be built. They are only too anxious to get employment. I have not a bit of doubt but that they can get a contract. We give them authority to contract for a vessel at \$175,000 that two years ago would have cost \$200,000 or \$225,000.

Mr. WHITE. My inquiry is simply whether the committee had taken into consideration the fact that the vessels heretofore built, as stated, were constructed upon this coast, where possibly it may be practicable to construct them at less expense?

Mr. COCKRELL. I think so.

Mr. WHITE. I presume that fact has been considered.

Mr. COCKRELL. I think there will be no trouble about it.

Mr. WHITE. I will state that the Assistant Secretary of the Treasury, who had been upon the Pacific Coast and had examined this matter, made a statement to me similar to that contained in the writing placed before the Senate by the Senator from Washington, and he informed me—

Mr. COCKRELL. That was the estimate; and you see that no stress is put on the \$200,000. It is the vessel they want.

Mr. SQUIRE. May I ask the chairman one other question? Why is it that the amount appropriated now is only \$75,000 out of the total amount of \$175,000 that the vessel is to cost?

Mr. COCKRELL. That has been the universal rule in constructing all these vessels. It takes them some time to make the plans and specifications.

Mr. SQUIRE. With the explanation of the committee I am satisfied to let the matter go, if the Senator from California is.

Mr. PERKINS. I should like to ask the committee, in estimat-

ing \$175,000 for this steam revenue cutter what tonnage they estimated and what speed?

Mr. COCKRELL. We took just whatever the Secretary of the Treasury estimated. The Secretary of the Treasury put in an estimate simply the way it has been estimated before, not taking into account the reduced cost. All the estimates were made in the same way.

Mr. PERKINS. Steam vessels, like houses, can be built for almost any price. The Treasury Department, I think, recommended \$200,000 to be appropriated for building a suitable revenue cutter for the Pacific Coast. I have consulted with many nautical men, those who are in the revenue service on the Pacific Coast, and all agree that the vessel should not be less than 800 tons net, and if she was 1,000 or 1,200 tons so much the better, and that she should be able to attain a speed of 15 knots per hour. Such a vessel, and I speak advisedly, constructed in accordance with the bureau of construction under the rules of the Lloyds, would cost at least \$200,000.

There is a necessity for such a revenue cutter upon the Pacific Coast. I heartily indorse all that was well said in the letter of the Secretary of the Treasury to the committee upon this subject-matter. We require a revenue cutter for the Pacific Coast that will steam 15 knots an hour if necessity requires it, and one capable of taking in tow a vessel that may be in distress and also of housing and comfortably caring for the crews of distressed vessels that may be wrecked upon the coast or disabled upon the ocean.

I wish to give my testimony, too, in favor of the many gallant deeds and good services that the revenue cutters have done to the merchant marine of the Pacific Coast. They have rescued hundreds and hundreds of shipwrecked sailors. In the summer months, as the Secretary of the Treasury states, the whole Alaska coast is dependent upon the revenue service for patrol duty as well as for the rescue of whalers and sealers who have been shipwrecked there. During the past four months the revenue cutters on the Pacific Coast have been sent out cruising three and four weeks for disabled or overdue vessels.

Only two months since one of these cutters returned from a cruise after one of the cheap vessels built upon the lakes, referred to by my friend from Missouri. The steamship *Keeweenaw*, a sister ship built upon the lakes, loaded with coal at Nanaimo, passed by Cape Flattery out into the ocean and has never since been heard of. It was the same way with the *Montserrat*, another steamship, which went down with all on board. A few months since the ship *Ivanhoe* sailed out of Puget Sound loaded with coal and carrying a number of passengers. She went down and not a soul has been heard from. But these cutters plying on the coast brought some of the wreckage which gave evidence of the fate that had befallen them.

We do not want any such revenue cutter like the *Keeweenaw* that can be built for \$150,000 or \$175,000, but we want a good, staunch, steel vessel, capable of withstanding the storms and waves of the Pacific Ocean. While we do not have the cold and sleet and storms that prevail upon the Atlantic, yet by reason of the great velocity of the winds that prevail upon the Northwest coast, and by reason of the tides and currents formed by those from the Japanese Sea and by promontories and capes projecting out into the ocean, we do have very heavy seas and very heavy storms. In order to have these cutters render the merchants service that has been of so much value to us it is necessary that they should have the proper vessels by which to perform the service. The three revenue cutters that we now have there are about 300 tons, with an indicated horsepower of about 300, wholly inadequate even to perform the duty which is assigned to them upon their stations in protecting the coast from smugglers and properly protecting the revenue service of our country.

I shall not weary the Senate, but I could cite instance after instance by the score of the great service and the great benefit to the merchant marine which the revenue cutters, even inadequate as they are, have rendered to us on the Pacific coast. I shall not weary the Senate by talking this bill to death, but I wish the committee would, of its own motion, agree to make the amount of this appropriation \$200,000 instead of \$175,000. The amount appropriated for this year is sufficient, and the coming Congress will make up the remainder for the completion of this cutter, which is so greatly desired in the interest of commerce on our coast. I hope the committee will accept the amendment, and agree to the recommendation made by the Secretary of the Treasury.

Mr. SQUIRE. Mr. President, for the sake of testing the sense of the Senate, I move to strike out "\$175,000" and insert "\$200,000" in lines 17 and 18.

The PRESIDING OFFICER. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. In line 17, on page 27, before the word "thousand," in the amendment of the committee, it is proposed to strike out "one hundred and seventy-five" and insert "two hundred;" so as to read:

For constructing a revenue steamer of the first class, under the direction

of the Secretary of the Treasury, for service on the Pacific coast, \$75,000; and the Secretary of the Treasury is hereby authorized to contract for building said vessel at a total cost not to exceed \$200,000.

Mr. GORMAN. I hope the Senator from Washington will not press that motion. The importance of having this revenue steamer on the Pacific Coast is perfectly well understood. The Assistant Secretary of the Treasury has stated—

Mr. COCKRELL. This is not estimated for regularly, and as a matter of course there will be determined opposition to it.

Mr. GORMAN. I would say to the Senator from California that after the establishment of the great works at San Francisco, with the reduction in the cost of materials, etc., it has been demonstrated that a vessel can be built for \$175,000 now of the capacity of 700 tons, which would have cost three years ago, \$225,000, with greater speed than any vessel now in the service on the coast. That has grown out of the additional facilities there and the decreased cost of material.

I want to say to the Senator that in the matter of constructing vessels for the Navy of about that class, for service in the Pacific Ocean, the cost of \$250,000 has been reduced to \$200,000; and I will say to the Senator that, in my opinion, because of the extravagance of the amount asked for, he will put in jeopardy the whole appropriation, which is absolutely necessary. The Senator will find, I think, on inquiry at the Department, that if a vessel is constructed with strength and without all the furbelows, which are not necessary on such a vessel, we shall get a better vessel than we could three years ago for \$225,000. I hope the amendment will not be adopted.

Mr. PERKINS. Such a vessel as we want—I speak advisedly, and I know whereof I speak—one of the speed and tonnage which is necessary for this service, will cost \$200,000. We want a vessel which can make a speed of 15 knots an hour, and the Senator from Maryland understands as well as anyone on this floor that it is speed in a steamship which costs. While we could build a vessel for the figure he has named which would steam 12 knots per hour, perhaps even for less than \$175,000, yes, for \$150,000, we want one which is capable of developing 1,000 horsepower or 1,500 horsepower, one that is capable of driving through the water with a speed equal to that of our steamships now plying on the Pacific Coast. I know that a steel ship of 1,000 tons which will develop sufficient horsepower to drive her 15 knots an hour can not be built and properly equipped for \$175,000.

I hope that the proposed amendment will prevail and that \$200,000 will be appropriated for the construction of this revenue cutter.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Washington [Mr. SQUIRE].

Mr. SQUIRE. Mr. President, I simply wish to add one word. I believe that the amount appropriated ought to be \$200,000. I have not any doubt in my mind about that, but I shall be very glad to get \$175,000, rather than not get anything.

Mr. CHANDLER. May I ask the Senator from Maryland what the Secretary of the Treasury in his letter of recommendation says?

Mr. COCKRELL. The Department has made no estimate. It has sent letters here mentioning \$200,000, putting no stress upon it, but putting a decided stress upon the necessity of a vessel there. We have given exactly the amount we gave for the construction of a vessel on the Atlantic coast and upon the Gulf, and that vessel was constructed. We have appropriated for the completion of it here, and it is a suitable and strong vessel. A similar one can be constructed now cheaper than it could then, and we appropriated for this purpose \$175,000.

Mr. CHANDLER. The Senator from Missouri is quite right probably about a vessel for use upon the Atlantic coast, but there is a great deal to what the Senator from California has said about the Pacific Coast, to the effect that there ought to be a larger vessel there, a more expensive vessel; and if the Secretary of the Treasury says in this letter that \$200,000 is necessary for that purpose, I suggest to Senators in charge of the bill that they allow that amount to go in. If in conference it appears that \$175,000 is all that is needed, the amount can be reduced; but it does seem to me, as the Senators from the Pacific Coast, with the exception of the Senator from Oregon [Mr. MITCHELL], have satisfied themselves that this vessel ought to be built, that we ought to vote upon it, and, for one, I believe that the committee ought to accept the sum of \$200,000.

Mr. MITCHELL of Oregon. Mr. President, I should prefer that the Senator from New Hampshire would permit the Senator from Oregon to speak for himself. I have been myself long since satisfied as to the necessity of this appropriation, and I never was more fully satisfied than I am now. I believe that the amount appropriated ought to be \$300,000.

Mr. CHANDLER. I thought the Senator would make that speech, and it was the only thing which was necessary to convince me, to make me strongly convinced, that the committee ought to take the larger sum at this time, because they can not enlarge an appropriation in conference whereas they can reduce it.

Mr. SQUIRE. Mr. President, I wish to say one word more and then I shall not take up the time of the Senate. I merely wish to relate one important incident that happened recently. A vessel from the port of Seattle for the port of San Francisco had for one of her passengers a gentleman who had recently been the minister of the United States at Bolivia, the lamented Mr. Frederick J. Grant. This vessel went out of the Straits of Fuca and encountered a storm. She was eventually lost, as we believe; but there was an effort made—and I endeavored to secure the assistance of the Treasury Department in making that effort—to ascertain whether that vessel had been lost upon the island of Vancouver or anywhere upon the coast of Washington or Oregon; as to whether there could be found any vestiges on shore or any wreck or flotsam on sea, or any possibilities of rescue existed. We induced the Treasury Department to send out one or two revenue cutters which were there on duty in Puget Sound or its vicinity, but it took some time to get those cutters ready for sea.

When they went out into the ocean they were only able to stay out a few hours, when they were compelled to return to the Straits of Fuca. Finally a vessel was sent from San Francisco, but she did not leave for ten days or two weeks, or perhaps a longer time after the vessel to which I refer, the ill-fated *Ivanhoe*, had probably been lost.

It seems to me there is an object lesson for us, and it is one of the reasons why this subject has come up and been prominent in the minds of people on the Pacific Coast. This is not the only instance of this kind—I mean the distress of vessels or their loss when assistance might have been rendered—but it is the most recent one, and the fact that such a notable person was on board gave a good deal of publicity to it and interested the people in this subject.

The mariners of that coast and the ship-owning people are well satisfied, and they are persistent in their representations that the revenue-cutter service on that coast, so far as the vessels are concerned, is far below the standard of efficiency which should prevail; that these revenue cutters there are a very inferior order of vessels, with inferior machinery, inferior in sailing qualities, and in everything which should make up a proper standard for such a vessel. They are of old patterns, obsolete, practically useless, and now it is believed the Government ought to have a proper revenue cutter, not simply to run into Puget Sound and the Golden Gate and perform service around some port of entry in detecting smugglers, but largely for the sake of patrolling that coast and aiding merchant vessels in distress.

You have heard read from the desk the letter of the chief of the division of the Revenue-Cutter Service of the Treasury Department, and you have learned the number of vessels which have been saved and the number of lives which have been rescued through this instrumentality, and the number of millions of dollars saved (about \$40,000,000) in the last ten years alone in the preservation of the merchant marine of this country directly through the assistance rendered to vessels in distress by United States revenue cutters.

Now, it seems we do need such a vessel for the Pacific coast. Why not build the best? We have no "patrol" whatever by revenue cutters on the Pacific Coast, and why not build a vessel that will be serviceable, and one that may do duty not only as to the ports and coast of the States on the Pacific but that may go to the remote waters of Alaska? We have very important relations with the Territory of Alaska; they are growing every year, and we are sending three revenue cutters there every year, and they are not efficient either in power or speed for the service required of them. Let us have one first-rate vessel, a better vessel than any yet furnished for this kind of service. The nature of the seafaring interests peculiar to that coast demands it.

I hope that my original amendment providing the sum of \$200,000 will prevail.

Mr. PERKINS. Mr. President, one word more. I desire to appeal to the committee and to remind them of this fact, which has doubtless escaped their attention and thought. The proposed cutter must do service for 25,000 miles of shore line in our Alaska Territory.

There has been no coal developed in Alaska thus far which we have been able to utilize on any of our vessels. This cutter must carry coal for the round trip or she must be supplied by the sailing vessels or steam vessels carrying the coal as a tender to that vessel. When the *Corwin* and the *Bear*, two cutters now on the coast, rescued the wrecked sailors, they had on board of that cutter 100 sailors, and there was hardly standing room for them in the accommodations that the cutter *Corwin* had at that time. The officers and crew were not only inconvenienced, but they all suffered together in the cause of humanity until another vessel could be overtaken, and the shipwrecked sailors could be distributed between them.

We should have a cutter large enough to accommodate shipwrecked sailors or passengers taken from a disabled vessel; we should have a cutter, if we are going to build one, of sufficient

power to make speed, and of sufficient power to tow a disabled passenger vessel if found in distress, as vessels are frequently found. The only question, therefore, between the committee and those of us who see the necessity for having a proper cutter is \$25,000. I therefore again appeal to the committee to accept the amendment, and if the Secretary of the Treasury, in his discretion, finds that he can build a proper vessel for less money, he certainly can do so, and the money will remain in the Treasury. I earnestly appeal to the committee, and ask them to make this a committee amendment, and appropriate the sum which has been recommended by the Department.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Washington [Mr. SQUIRE] to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment as amended.

Mr. FRYE. I ask the Senator in charge of the bill to allow this one item to be passed until to-morrow morning immediately after again commencing action on the bill. I desire then to offer an amendment to this item.

Mr. ALDRICH. What item?

Mr. FRYE. The building of a revenue vessel on the Pacific Coast.

Mr. GORMAN. Very well. Let us go on with the other amendments.

Mr. COCKRELL. Let the amendment referred to by the Senator from Maine be reserved until the first thing to-morrow morning.

The PRESIDING OFFICER. It will be so ordered, in the absence of objection.

Mr. PLATT. I am instructed by the Committee on Indian Affairs to report an amendment to the pending bill, which I ask may be printed and referred to the Committee on Appropriations.

The PRESIDING OFFICER. That order will be made in the absence of objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 27, line 26, after the word "Treasury," to insert:

Provided, That hereafter no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired;

So as to make the clause read:

For labor and expenses of engraving and printing: For salaries of all necessary clerks and employees, other than plate printers and plate printers' assistants, \$420,000, to be expended under the direction of the Secretary of the Treasury: *Provided*, That hereafter no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired.

The amendment was agreed to.

The next amendment was, on page 28, line 10, after the word "Treasury," to strike out:

Provided, That no part of the appropriations made by this and the preceding paragraph shall be used for printing gold certificates, and that so much of section 12 of the act approved July 12, 1882, entitled "An act to enable national banking associations to extend their corporate existence, and for other purposes," as authorizes and directs the Secretary of the Treasury to receive deposits of gold coin with the Treasurer or assistant treasurers of the United States, and to issue certificates thereon, be, and the same is hereby, repealed, and all such certificates hereafter received into the Treasury shall be canceled: *And provided further*, That from and after July 1, 1895, gold certificates shall not be receivable for customs, taxes, or other dues to the United States, and shall not be counted as part of the lawful reserve of any national banking association.

And insert:

Provided, That hereafter no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired.

So as to make the clause read:

For wages of plate printers, at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants, at \$1.25 a day each, when employed, \$530,000, to be expended under the direction of the Secretary of the Treasury: *Provided*, That hereafter no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired.

The amendment was agreed to.

The next amendment was, on page 30, line 19, after the word "harbor," to insert "and the approaches to;" and in line 22, before the word "thousand," to strike out "eighteen" and insert "twenty-four;" so as to make the clause read:

For survey of unfinished portions of the Atlantic coast from Maine to Florida, including Portsmouth Harbor and Piscataqua River; Hudson River to Troy; Charleston bar and entrance, South Carolina, and necessary resurveys, including Boston Harbor, and the approaches to New Bedford Harbor, Buzzards Bay; the bar and entrance to St. Simons Sound, and Savannah River bay, \$24,000.

The amendment was agreed to.

The next amendment was, on page 31, line 16, after the word "continuing," to insert: "The researches in physical hydrography relating to harbors and bars, including computations and plottings, and for;" so as to make the clause read:

For continuing the researches in physical hydrography relating to harbors and bars, including computations and plottings, and for tidal and current observations on the Atlantic, Gulf, and Pacific coasts, \$5,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 19, to strike out:

For establishment of a self-registering tide gauge at Reedy Island, on the Delaware River, \$700.

The amendment was agreed to.

The next amendment was, on page 31, line 24, after the word "examination," to insert "and including the employment of such pilots and nautical experts as may be necessary;" so as to make the clause read:

For examination of reported dangers on the Atlantic, Gulf, and Pacific coasts, and to continue the compilation of the Coast Pilot, and to make special hydrographic examinations and including the employment of such pilots and nautical experts as may be necessary for the same, \$3,000.

The amendment was agreed to.

The next amendment was, on page 32, line 15, after the word "positions," to strike out "including telegraphic connections with Montreal;" so as to make the clause read:

For determinations of geographical positions and to continue gravity observations, \$2,500.

The amendment was agreed to.

The next amendment was, on page 32, line 18, after the word "for," to strike out "completing" and insert "continuing;" so as to make the clause read:

For continuing the transcontinental geodetic work on the line between the Atlantic and Pacific oceans, \$13,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 33, line 19, to increase the total appropriation for field expenses from "\$110,500" to "\$115,800."

Mr. COCKRELL. It is suggested that there is a necessity for an executive session, and I will move an executive session with the understanding that as soon as all the executive business we have to do is transacted, the Senate will take a recess until 8 o'clock this evening.

The VICE-PRESIDENT. Does the Senator move that the Senate take a recess?

Mr. COCKRELL. No; that is the understanding.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled joint resolutions; and they were thereupon signed by the Vice-President:

A joint resolution (S. R. 109) to fill vacancies in the Board of Regents of the Smithsonian Institution;

A 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.; and

A joint resolution (S. R. 138) authorizing the Secretary of the Navy to deliver unseviceable or condemned cannon to the mayor of Burlington, Vt., to be used in decorating Battery Park.

EXECUTIVE SESSION.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty minutes spent in executive session the doors were reopened, and, on motion of Mr. GORMAN (at 6 o'clock p. m.), the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed 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; in which it requested the concurrence of the Senate.

FORT HAYS MILITARY RESERVATION, KANS.

Mr. MARTIN, from the Committee on Public Lands, to whom was referred the bill (S. 2799) granting to the State of Kansas the abandoned Fort Hays Military Reservation in said State for the purpose of establishing western branches of the Kansas Agricultural College and of the Kansas State Normal Institute thereon, and for a public park, reported it without amendment.

CLAIMS AGAINST NICARAGUA.

Mr. HAWLEY, from the Select Committee to Inquire into all Claims of Citizens of the United States against the Government of Nicaragua, to whom was referred the following resolution, submitted by himself on the 10th instant, reported it without amendment:

Resolved, That the Senate having declared there is no jurisdiction to present the claims of citizens of the United States against the Republic of Nicaragua, and said claims having been long delayed, it is respectfully submitted to the President that the same be called to the attention of the Government of Nicaragua for proper adjustment and settlement.

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

EMPLOYEES AT MALTBY BUILDING.

Mr. LINDSAY submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, authorized to continue the present session employees at the Maltby Building, authorized under resolution of July 26, 1892, during the coming recess of Congress.

HOUSE BILL REFERRED.

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, was read twice by its title, and referred to the Committee on Appropriations.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8518) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes.

The VICE-PRESIDENT. The reading of the bill will be proceeded with.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 34, line 4, for pay of assistants employed in the field or office in the Coast and Geodetic Survey to strike out:

For one assistant, \$4,000;
For one assistant, \$3,200;
For three assistants, at \$3,000 each;
For three assistants, at \$2,500 each;
For seven assistants, at \$2,200 each;
For seven assistants, at \$2,000 each;
For three assistants, at \$1,800 each;
For three assistants, at \$1,600 each;
For two assistants, at \$1,400 each;
For four assistants, at \$1,200 each;
For aids temporarily employed at a salary not greater than \$900 per annum each, \$3,600; in all, \$79,500.

And insert:

For two assistants, at \$4,000 each;
For one assistant, \$3,500;
For four assistants, at \$3,000 each;
For four assistants, at \$2,500 each;
For eight assistants, at \$2,200 each;
For eight assistants, at \$2,000 each;
For four assistants, at \$1,800 each;
For four assistants, at \$1,600 each;
For three assistants, at \$1,400 each;
For four assistants, at \$1,200 each;
For aids temporarily employed at a salary not greater than \$900 per annum each, \$3,600; in all, \$98,300.

Mr. McLAURIN. Mr. President, I hope the amendment will not be adopted by the Senate, and that the committee will reconsider and withdraw the amendment. The Superintendent of the Coast and Geodetic Survey, when the pending bill was before the House committee, wrote a letter which I will read:

UNITED STATES COAST AND GEODETIC SURVEY,
Washington, D. C., January 2, 1895.

MY DEAR SIR: I have the honor to inclose you herewith the requisite number and salaries of assistants of the Coast and Geodetic Survey upon the basis of an appropriation for 1896 of similar character and amount to that of 1895.

At present there are 10 divisions in the office force. By distributing the work of 4 of these divisions among the rest the number has been reduced from 10 to 7, so that only 7 assistants will be required for the office force.

The reduced appropriations will necessarily reduce the number of assistants in the field from 32 to 27, so that the entire force of assistants in both office and field will be reduced from 42 to 34.

These will be sufficient for all the work appropriated for, and with this reduced appropriation the Coast Survey will not be hampered by such reduction of its assistants.

Yours, very respectfully,

W. W. DUFFIELD,

Superintendent United States Coast and Geodetic Survey.

On the basis of that the appropriations were reported by the House committee and passed by the House that are proposed to be stricken out by the committee of the Senate. Since that time General Duffield, the Superintendent of the Coast and Geodetic Survey, has written me the following letter:

TREASURY DEPARTMENT,
OFFICE OF THE COAST AND GEODETIC SURVEY,
Washington, D. C., February 20, 1895.

MY DEAR SIR: Agreeably to the direction of Hon. JOSEPH D. SAYERS, chairman of the House Appropriation Committee, and having in view the House appropriation for 1896, I have after careful examination reduced the number of assistants of the Coast and Geodetic Survey from 40 to 34.

Since then I have reviewed this estimate and find it to be satisfactory as to its correctness.

Some of the work done by these gentlemen during former years has now been completed, and therefore 34 assistants are amply sufficient for the House appropriation of 1896. If the Senate, however, sees fit to retain the original number of assistants (42) in order to provide for those whose declining years have unfitted them for active duty in the field, it will be equivalent to placing them on the retired list.

Yours, very respectfully,

W. W. DUFFIELD, Superintendent.

Hon. A. J. McLAURIN,
United States Senate Chamber, Washington, D. C.

After that statement by the Superintendent, who was not before the committee, and I do not know whether he was invited to appear before the committee or not, the Committee on Appropriations has raised the number of assistants eight, and raised the appropriation \$18,800, while it reduced the appropriation for the salary of the Superintendent \$1,000. There is a statute providing for the salary of the Superintendent, making it \$6,000 a year. The appropriation lacks \$1,000 of being as much as the sum fixed by the statute as his salary.

Mr. HUNTON. Is the salary of the Superintendent of the Coast and Geodetic Survey provided for in the sundry civil bill? My recollection is it is in the legislative, executive, and judicial appropriation bill.

Mr. GORMAN. No; it is in this bill.

Mr. McLAURIN. The provision is in the pending bill.

Mr. HUNTON. Not for the Superintendent's salary?

Mr. McLAURIN. Yes, sir; as the Senator will see in lines 24 and 25, on page 33. It says, "For Superintendent, \$5,000."

The assistant superintendent was, I understand, before the Committee on Appropriations, the Superintendent not having been before them, and the estimate of the Superintendent has been disregarded by the committee. The assistant superintendent was before the committee in 1885, and stated as follows:

The nature of the services is such that necessarily a very large part of the amount appropriated is expended for pay of employees, and if we compare the number of men in the normal force and their aggregate pay with the amount to be expended in the execution of the work, this is very evident. I have frequently considered the matter, and I know that if the normal force was scaled one-third in numbers, and the office force one-tenth, and the aggregate of the appropriations kept at the present figures, under a new distribution, more work could be done.

Then the question was propounded to him:

Q. That is, you think it can bear a reduction of 30 per cent or more, and not impair its efficiency?

A. I think so.

That was the statement of the assistant superintendent in 1885. The assistant superintendent, I understand, was before this committee and made these estimates different from the estimates which are made by the Superintendent. If this amendment is adopted by the Senate, unintentionally, I am satisfied, on the part of the committee, it is a slap in the face to General Duffield, the Superintendent of the Coast and Geodetic Survey. I do not think he merits it. I beg the indulgence of the Senate while I read an extract from Appleton's Encyclopedia of American Biography as to who General Duffield is. Under the head of "William Ward Duffield" it says:

Soldier, born in Carlisle, Pa., November, 1823, was graduated at Columbia College, New York, 1841.

He served in the Mexican war; was wounded at Cerro Gordo 18th of April, 1847, and also at Contreras August 20, 1847, while acting adjutant of the Second Tennessee Infantry and on Gen. Gideon J. Pillow's staff. After the close of the war he became a civil engineer. He was a resident engineer on the Hudson River Railroad 1851; chief engineer of the Oakland and Ottawa Railroad, Michigan, and located that line from Pontiac to Grand Haven; chief engineer of the Central Military Tract Railroad, Illinois, in 1854 (now part of the Chicago, Burlington and Quincy Railroad), and built that line from Detroit to Port Huron.

Served as lieutenant-colonel of the Fourth Michigan Infantry in 1861, and was in the first battle of Bull Run. On the 10th of September, 1861, was appointed colonel of the Ninth Michigan Infantry.

He joined General Sherman at Louisville, Ky., and was sent by him to occupy and fortify the pass through Muldraugh Hill, West Point, Ky., on the 22d of January, 1862. He was appointed by General Buell commander of the Twenty-third Brigade, Army of the Cumberland, April 22, 1862, and brigadier-general and president of the Examining Board, under the act of Congress to test the efficiency of volunteer officers, May 2, 1862. He overtook the Confederate forces at Lebanon, under Col. John Morgan, and captured the place after a sharp battle.

He was assigned by General Buell to command all the forces in Kentucky May 8, 1862, and was relieved from this post September 10. He rejoined the Fourteenth Corps, Army of the Cumberland, under General Thomas, and served with it until the battle of Murfreesboro, where he was disabled by two severe wounds and captured. Unable to take the field at the time required by the act of Congress, he resigned and was appointed chief engineer of the Hudson River Railroad. He was employed in 1869 to survey the lands in Colorado; in 1871-72 was chief engineer of the Kentucky Union Railroad, and located that line from Paris to Hazard. He was elected to the Michigan State Senate in 1880, and in 1882 was employed in surveying Government land in Dakota. In 1885 he was reappointed chief engineer of the Kentucky Union Railroad. He has published School of Brigade and Evolutions of the Line.

Without any solicitation on his part he was appointed Superintendent of the Coast and Geodetic Survey and confirmed by the Senate. I have read this extract to show his efficiency, his competency, and to show that he is—

Mr. ALLISON. I desire to correct the Senator from Mississippi. The Superintendent of the Coast Survey is not confirmed by the Senate.

Mr. McLAURIN. General Duffield was confirmed by the Senate.

Mr. ALLISON. It is an appointment which is not confirmed by the Senate according to the statute. That is all I know.

Mr. McLAURIN. General Duffield was confirmed by the Senate to my certain knowledge.

Mr. ALLISON. As Superintendent of the Coast Survey?

Mr. McLAURIN. As Superintendent of the Coast and Geodetic Survey.

Mr. HUNTON. Oh, yes; I think that is true beyond any doubt.
Mr. ALLISON. Then I stand corrected. My impression was that that officer was not confirmed by the Senate.

Mr. McLAURIN. Whether the law requires it or not I do not know and I do not pretend to say.

Mr. ALLISON. I stand corrected.

Mr. McLAURIN. The estimate made by General Duffield reduced the expenses \$18,800, and a saving to the Government of that much would be effected. His salary has been reduced \$1,000 in order, I suppose, to raise the appropriation \$18,800.

Mr. HUNTON. I desire to say a word or two, sir, in the same line that has been followed by the Senator from Mississippi [Mr. McLAURIN]. I know General Duffield well, as you, Mr. President, know I do, and I do not know a more accomplished gentleman than he is. He is all that my friend from Mississippi described him to be. Why it is that the Appropriations Committee proposes to cut down the salary of the Superintendent of the Coast and Geodetic Survey \$1,000 the moment General Duffield enters upon the duties of Superintendent is more than I can explain.

The Coast and Geodetic Survey was established long ago; I think as early as some time in the forties. I am not certain about that, but I am certain that it was in existence as early as the 3d of March, 1853. In the very act establishing the office of Superintendent of the Coast and Geodetic Survey the salary of the Superintendent was fixed at \$6,000 a year. From that day to this there has been no Superintendent of that office who has received a dollar less than \$6,000 per annum. I will guarantee that that office has had no more efficient and accomplished gentleman at its head than General Duffield. The office was created by an act of Congress, and it forms section 4689 of the Revised Statutes. By that statute the compensation of the Superintendent of the Coast and Geodetic Survey is fixed at \$6,000 per annum, and the proposed reduction to \$5,000 per annum is in contravention of the statute to which I have referred.

Mr. HARRIS. Will the Senator from Virginia allow me to suggest to him that the Committee on Appropriations has done nothing in respect to the salary of General Duffield. The bill comes to us from the other House with an appropriation of \$5,000. If that is to be changed, it can only be done by an amendment in the Senate.

Mr. HUNTON. Then I move to amend the amendment by striking out "\$5,000" and inserting "\$6,000."

Mr. HARRIS. That amendment is not now in order.

Mr. COCKRELL. That is not in order.

The VICE-PRESIDENT. The Chair will entertain the amendment at the proper time.

Mr. HUNTON. I believe it is understood that the committee amendments are to be acted upon first.

Mr. HARRIS. That is right.

The VICE-PRESIDENT. That is correct.

Mr. HUNTON. Then I shall not detain the Senate longer now, but will move the amendment after the committee amendments have been acted upon.

Mr. COCKRELL. We have simply restored the salaries of the present fiscal year according to the estimates.

Mr. HUNTON. Do I understand the chairman of the committee to say that the estimate for this officer's salary is \$5,000 a year?

Mr. COCKRELL. No; I am not talking about that question. That is not at issue at all.

Mr. HUNTON. All right.

Mr. HAWLEY. Mr. President, I have always taken great interest in this branch of the Government, as I think all who make any inquiry or examination into its history and usefulness will do.

I was disposed to vote for whatever liberal appropriation was made while I was in the other House, and I have done the same since I have been in the Senate. I had occasion during the war to serve nearly all the while along the coast, and I had reason to be grateful to the Survey for a week or two, or three or four weeks, when we crawled about over the islands along the southern coast by the aid of the Coast Survey, the coast guards at night, and the maps of the Survey.

The work of the Survey is not done. It never will be done. They have in the last three or four years been resurveying Long Island Sound, which was surveyed about forty years ago. The old survey was found to be erroneous and defective. There is not a scientific branch of the Government more creditable to us than that department, and as a rule it has had exceedingly capable men, men of scientific attainments and great executive and practical value, at its head. That is especially true of Professor Mendenhall, who has just left the department, to the great regret of all who knew him and his usefulness there. He has gone to a place more congenial, I suppose, and perhaps to higher rank and salary. The Senator from Iowa [Mr. ALLISON] calls my attention to the great, world-wide reputation of Professor Peirce, who used to be chief of it—a great astronomer. There are others, eminent in science, both here and in Europe.

Now there comes to the command of it a gentleman whom I do

not know at all, but I find him saying that he has reviewed his estimate and finds it satisfactory as to its correctness. That is the reduction he made.

Some of the work done by these gentlemen during former years has now been completed—

As I said, the work of the Survey never will be done—and therefore, 34 assistants are amply sufficient for the House appropriation of 1896. If the Senate, however, sees fit to retain the original number of assistants, 42—

This is very fresh writing—

in order to provide for those whose declining years have unfitted them for active duty in the field, it will be equivalent to placing them on the retired list.

I do not quite enjoy the courtesy of that reflection upon the Senate. It comes from a gentleman who himself will shortly be 72 years old, and who has never had any experience in Coast-Survey work, according to the record which has been read. He had a very honorable record elsewhere and was wounded in two wars, but I do not think it was well for him, being a trifle older than I am, to reflect upon men of special acquirements and great value, and to say that if they are kept in the service it will be equivalent to putting them upon the retired list. I am willing to abide by the Committee on Appropriations in this matter.

Mr. LINDSAY. Mr. President, I gather from the remarks of the Senator from Connecticut [Mr. HAWLEY] that the offense of General Duffield is that he has recommended a reduction of the expenses of the Coast and Geodetic Survey by discontinuing certain offices filled by men whose service he regards as not required to carry out the purposes of the law. I do not think that is at all presuming upon his position to lecture or advise the Senate. He is presumed to be acquainted with the details and the necessities of the Bureau.

Mr. COCKRELL. Will the Senator from Kentucky permit me to read one line on that question from Mr. Duffield himself?

Mr. LINDSAY. Yes, sir.

Mr. COCKRELL. He says:

Not being sufficiently familiar with the personnel of the office force, I can not reduce it advisably. Such reduction might lop off a valuable clerk and retain one of little or no value. But, being well satisfied that this force also needs reduction, I suggest (if the committee deem it advisable) the following amendment, to be added after "Pay of office force," at the foot of page 230, Book of Estimates:

"Provided, That the Secretary of the Treasury may, upon the recommendation of the Superintendent of the Coast Survey, at any time abolish any position or reduce the salary of any position herein provided for under the office force that he may deem advisable."

He says he does not know anything about it.
Mr. LINDSAY. The committee, instead of accepting General Duffield's suggestion and leaving experience to enable him and the Secretary of the Treasury to reduce expenses, proposes peremptorily to restore all the officers that the other House discontinued and fixes their salaries. In other words, the recommendations of the chief of the Bureau are absolutely disregarded, and I take it there is no member of the committee who is able to say of his own knowledge that the services of any of these men are requisite.

Yet it is a little singular that nobody's salary is proposed to be reduced now except General Duffield's. It is true that it is not done by the action of the committee of the Senate. The reduction was made by the bill as it came here from the other House, but coupled with that reduction was the discontinuance of all these offices. Now the Senate restores the offices, provides pay for these men whose services are said to be unnecessary, and leaves the Superintendent's salary reduced. The result of all of which is to say to the heads of Bureaus, "Whenever you undertake to suggest a reduction of expenses the reduction in your own case will be made, but the salary of everybody else will be left as it was."

Mr. HAWLEY. I think it is rather to say that the probability is that 88 men are wiser than one, and we think there is work enough for those men to do.

Mr. WHITE. Mr. President, I think the adoption of the amendment referred to, made by the Committee on Appropriations and proposed here, is essential. As soon as it was suggested by the other House that the reduction referred should be made, the most vigorous protests were forwarded to my colleague and myself, not from the persons themselves interested, but from all the mercantile interests of the Coast, the Board of Trade and the Chamber of Commerce of San Francisco especially.

All the shipping interests were most irritated at the idea that these parties should be withdrawn from the public service. If it is important, in order to prevent the wrecking of ships, that those engaged in maritime enterprises should know where some rocks and shoals are, if it is important to have the ordinary functions of a coast survey carried out, the reduction proposed by the other House would have been utterly destructive. My friend from Kentucky [Mr. LINDSAY] perhaps does not appreciate the necessity, because it has not been called to his attention. When the head of the Bureau himself did not know where reductions should be made, certainly it was time to call a halt.

Now, the persons to whom I refer are perfectly cognizant of

the character of the work that is being done. The Coast Survey has recently performed a most important labor, surveying the southern line of the Alaskan boundary along the British possessions. It is constantly engaged upon work on the Coast. If it were necessary to go into this matter in detail, my colleague [Mr. PERKINS], who is necessarily absent this evening, has a great deal of information upon the subject, because he is personally very familiar with it, which might be offered to the Senate. But until someone who knows can show us the specific reductions which can be made without detriment to the public service, it is certainly poor policy to attempt a reduction when we do not know where to begin and where to stop.

I regard the service performed by the Coast Survey upon the Western coast of this country as absolutely essential to the public safety; and in so far as concerns that portion of mercantile enterprise which is carried on through the rivers and oceans, I do not believe any change that could have been proposed in existing laws would so soon have evoked a vigorous and spontaneous expression from men of business, who draw no salaries in this matter, but who recognize the essential character of the work done by the parties who have heretofore received the support of the Government. There is no one better known in connection with this work than Professor Davidson. He is an authority all over the country, and yet this foolish, ill-advised reduction would have absolutely excluded him from employment. It was part of the programme, as I know.

Mr. COCKRELL. I feel very sorry for General Duffield. He got himself into the condition that bureau chiefs very often do when they go before the House Committee on Appropriations with great reforms. They recommend reforms in certain lines. Some of their suggestions are taken; some of them are not taken. I think it is not improper to say that a certain amount was fixed for the office force, and General Duffield was requested to go off and make an estimate of how that force should be arranged to come within the amount which had been fixed. Mr. Duffield says:

MY DEAR SIR: I have the honor to inclose you herewith the requisite number and salaries of assistants of the Coast and Geodetic Survey upon the basis of an appropriation for 1896 of similar character and amount to that of 1895.

At present there are 10 divisions in the office force. By distributing the work of 4 of these divisions among the rest the number has been reduced from 10 to 7, so that only 7 assistants will be required for the office force.

The reduced appropriations will necessarily reduce the number of assistants in the field from 32 to 27, so that the entire force of assistants in both office and field will be reduced from 42 to 34.

These will be sufficient for all the work.

Then he makes the estimate here. I understand he was required to fix it at a certain amount. Now, let me say to the Senator that when they were making up these estimates to be submitted to Congress after having been approved by the Secretary of the Treasury, they estimated just as we have put it in the bill. Whether Mr. Duffield sent in those estimates or not I do not know. I do not remember when he took charge of the office.

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

Mr. COCKRELL. Certainly.

Mr. McLAURIN. Was General Duffield ever before the Committee on Appropriations?

Mr. COCKRELL. He was requested to send any statement he had to make in regard to it.

Mr. McLAURIN. Was his assistant before the committee?

Mr. COCKRELL. One of his assistants was.

Mr. McLAURIN. Was he invited before the committee?

Mr. COCKRELL. He was not. We have put in the bill the exact estimate.

Mr. McLAURIN. Is the committee amendment made upon the estimate of the Superintendent or the assistant?

Mr. COCKRELL. The committee amendment is made up upon the estimates of the Superintendent of the Coast and Geodetic Survey, as submitted to Congress by the Secretary of the Treasury, and the items are just as they were in the last appropriation act.

Mr. FRYE. What is the trouble, then?

Mr. COCKRELL. Last year we made a reduction of a very large number in the Coast and Geodetic Survey, a larger number than those familiar with the service believed it could stand without materially crippling its efficiency. We then provided that—

The Secretary of the Treasury shall reduce the number or compensation, or both, of said office force, so as to make the whole of said compensation equal to the sum of \$135,000 for the fiscal year 1895: *Provided*, That nothing herein shall be construed to affect the civil-service rules in so far as now applicable to the Coast and Geodetic Survey; and he shall submit estimates in detail for the said office force, as reorganized hereunder, in his annual estimates to Congress for the fiscal year 1896. And the Secretary of the Treasury shall examine and report to the next Congress, at its first session, what reduction can be made in the number and salaries of the employees of the Coast and Geodetic Survey without serious detriment to the service.

Under that law and those provisions we restore it and leave it to the Secretary of the Treasury to report at the beginning of the next session what greater reduction can be made than we made last year.

Mr. McLAURIN. Mr. President, I take it for granted that the

Superintendent of the Coast and Geodetic Survey is a competent and efficient officer; that he understands the business to which he was appointed, and understood it when he was appointed to that office. It occurs to me that it is very strange, when that officer has made an estimate of the appropriations that ought to be made for the assistants necessary to conduct the office, to have the Senate raise that appropriation \$18,800; and that is exactly what this amendment proposes to do.

I want to enter my protest against it. I do enter my protest against it. If it is true that this is an economical Administration, if it is true that this is an economical Senate, if it is true that the Senate only proposes to expend that which is necessary, then it seems to me that we ought not to raise the estimate made by the Superintendent of the Coast and Geodetic Survey \$18,800, or any other sum, but we ought to make such an appropriation as he has asked.

Mr. HAWLEY. If this be an economic Administration, to use the language of the Senator from Mississippi, we are safe in following the recommendations of the Secretary of the Treasury. The committee has done that exactly.

Mr. ALLISON. Mr. President, I wish to say only a few words on this subject. I did not hear the letter read by the Senator from Mississippi, purporting to come from the Superintendent of the Coast and Geodetic Survey, but I understood from what little I did hear that the Superintendent of the Coast Survey criticises the present schedule of salaries as found in the bill as reported by the committee. Am I correct in that regard?

Mr. McLAURIN. The Senator has the letter before him.

Mr. ALLISON. Then I will read it.

Mr. PLATT. What is the date?

Mr. ALLISON. February 20.

Mr. PLATT. The bill was reported February 18. It was written after the bill was reported.

Mr. ALLISON. It was written after the bill was reported. He says:

I have after careful examination reduced the number of assistants of the Coast and Geodetic Survey from 42 to 34.

Mr. President, this careful examination of the Superintendent only dispensed with the services of Mr. Davidson, who for many years has had charge of the important work of the survey on the Pacific coast. The Committee on Appropriations, in examining the bill as it came to us from the other House, saw in the very first item under this head a reduction by forcing this valuable and important officer, who is engaged in this very important work, out of his place and by making no provision for his salary. In going on and looking over the details we found three or four others similarly situated and known to members of the Committee on Appropriations. We found from the Book of Estimates that the Secretary of the Treasury, who is the responsible officer for the Survey, and in whose Department the Survey exists, sent to us estimates of appropriation in accordance with the appropriations of last year.

I submit that it does not lie in the pathway of a gentleman so eminent as General Duffield, in private communications to committees of this House or the other, to override the omnipotent power of the Secretary of the Treasury as respects these questions and present these recommendations in the privacy of committee rooms without the assent and indorsement in writing of the Secretary of the Treasury. I submit to the Senator from Mississippi that the person responsible for the Coast Survey and for its organization has never intimated to the Committee on Appropriations of the Senate that he could under any circumstances dispense with the officers for whom we appropriated last year and for whom he has estimated this year.

Mr. President, there is a history connected with these reductions that has not yet been disclosed in this Chamber, a history which will connect not the Superintendent of the Coast Survey but other people employed there with this attempted reorganization, without the knowledge of the Secretary of the Treasury and without any reference made by him to either House of Congress on the subject.

Therefore, I submit that it is not just to this service or to those who have been employed in it for many years, and who are men of the highest skill in the scientific work of the Survey, to thus cut them down without a hearing from their superior officer, the Secretary of the Treasury.

Mr. PLATT. May I ask the Senator from Iowa one question before he sits down? I find that the salary of the Superintendent has been reduced \$1,000 by the other House. I want to inquire whether the Superintendent recommended the reduction of his own salary when he was recommending the reduction of the salary of his assistant?

Mr. HAWLEY. He recommended the dismissal of his assistant.

Mr. ALLISON. I have no evidence, except the letter which appears here, that the Superintendent of the Coast Survey recommended the reductions.

Mr. COCKRELL. It will be found in the hearings before the House committee, on page 192. I will state to the Senator that he did not recommend the reduction of his own salary, but it is put specifically at \$6,000. But all the other salaries are cut down.

Mr. McLAURIN. I will ask the Senator from Connecticut who has just taken his seat if he knows of any assistant or any officer the reduction of whose salary he recommended?

Mr. HAWLEY. He recommended to send them all away entirely.

Mr. McLAURIN. Though he did not recommend the reduction of the salary of any officer.

Mr. ALLISON. I wish to say in response to the Senator from Connecticut that personally for myself I do not believe it is wise to reduce the compensation of the Superintendent of the Coast Survey. I think a highly scientific person fitted for this place deserves the salary now authorized by the statute.

Mr. STEWART. I have had the honor of an acquaintance with Professor Davidson for many years and have been familiar with his work on the Pacific Coast. I regard him as no ordinary man. He is a scientist whose ability is recognized throughout the world. He has a world-wide reputation. He has done great service to the Government and is still in full vigor. I do not believe that he would lose by a comparison with any officer who has done like service for the Government. In other words, I believe that he is at the head as a scientific, useful, and important officer. I would hate to see him cut down without knowing the reason why, for I do not believe there is any person in the service who could take his place and do as good service to the Government.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 40, line 21, after the words "United States," to strike out:

A report in detail of the expenses on account of the National Zoological Park shall be made to Congress at the beginning of each regular session. And of the sum hereby appropriated \$5,000 shall be used toward the construction of a road from the Holt mansion entrance (on Adams Mill road) into the park to connect with the roads now in existence, including a bridge across Rock Creek.

So as to make the clause read:

National Zoological Park: For continuing the construction of roads, walks, bridges, water supply, sewerage, and drainage; and for grading, planting, and otherwise improving the grounds; erecting, and repairing buildings and inclosures for animals; and for administrative purposes, care, subsistence, and transportation of animals, including salaries or compensation of all necessary employees, and general incidental expenses not otherwise provided for, \$55,000, one-half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

Mr. COCKRELL. I desire to have the amendment of the committee to strike out the first part of the amendment which has been read agreed to, that portion referring to the report, because that is the law already, and the same thing was in the bill which passed last year, preceded by the word "hereafter." The second part of the amendment I desire to have disagreed to—that is, the part beginning "and of the sum hereby appropriated," and ending with the words "bridge across Rock Creek." I desire that part of the language retained as it came from the House of Representatives. The amendment was proposed under a misapprehension.

The VICE-PRESIDENT. The amendment will be divided as requested by the Senator from Missouri. The first division of the amendment will be read.

The SECRETARY. After the words "United States," in line 21, on page 40, it is proposed to strike out:

A report in detail of the expenses on account of the National Zoological Park shall be made to Congress at the beginning of each regular session.

The VICE-PRESIDENT. The question is on striking out the words which have been read.

The amendment was agreed to.

The VICE-PRESIDENT. The second amendment will now be stated.

The SECRETARY. After the word "session," in line 24, on page 40, the Committee on Appropriations reported to strike out:

And of the sum hereby appropriated \$5,000 shall be used toward the construction of a road from the Holt mansion entrance (on Adams Mill road) into the park to connect with the roads now in existence, including a bridge across Rock Creek.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 49, line 12, to increase the appropriation for "propagation of food fishes" from \$91,250 to \$108,750.

The amendment was agreed to.

The next amendment was, on page 50, after line 12, to insert:

For investigation and report respecting the advisability of establishing a fish-hatching station at some suitable point in the State of New Hampshire, \$500, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 50, after line 21, to strike out:

For all other necessary expenditures, to enable the Commission to properly carry out the objects of the "Act to regulate commerce," including expenditures for counsel employed with the approval of the Attorney-General to give effect to the provisions of said act and all acts and amendments supplementary thereto, \$184,000.

And insert:

For all other necessary expenditures, to enable the Commission to give effect to the provisions of the "Act to regulate commerce," and all acts and amendments supplementary thereto, \$184,000, of which sum not exceeding \$20,000 may be expended in the employment of counsel.

The amendment was agreed to.

The next amendment was, on page 52, line 4, after the word "of," to insert "the said act of August 5, 1892, as amended by;" in line 14, after the word "said," to insert "sundry civil act to carry out;" and in the same line, after the word "three," to insert "as amended;" so as to make the clause read:

That the Bureau of Engraving and Printing, under the supervision of the Secretary of the Treasury, be authorized to print upon the blank diplomas authorized by section 3 of the said act of August 5, 1892, as amended by the act of March 3, 1893, making appropriations for the sundry civil expenses of the Government for the fiscal year 1894, the names of the persons to whom the diplomas are to be awarded by the World's Columbian Commission, and the language of the awards as furnished by the committee on awards of the World's Columbian Commission; and the expense thereof shall be paid from the appropriation of \$103,000 contained in said sundry civil act to carry out section 3 as amended, which appropriation is hereby made available for such purpose until expended.

The amendment was agreed to.

The next amendment was, on page 52, line 19, to increase the appropriation for "Paper and stamps" from "\$60,000" to "\$65,000."

The amendment was agreed to.

The next amendment was, on page 53, line 14, before the word "thousand," to strike out "fifty" and insert "sixty;" and in the same line, after the word "dollars," to strike out "to be immediately available;" so as to make the clause read:

Transportation of silver coin: For transportation of silver coin, including fractional silver coin, by registered mail or otherwise, \$60,000; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, silver coin when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.

The amendment was agreed to.

The next amendment was, on page 54, line 3, before the word "silver," to insert "uncurrent fractional," and in line 4, before the word "silver," to insert "fractional;" so as to make the clause read:

Recoinage of uncurrent fractional silver coins: For recoinage of the uncurrent fractional silver coins in the Treasury, to be expended under the direction of the Secretary of the Treasury, \$100,000.

The amendment was agreed to.

The next amendment was, on page 54, line 20, to increase the appropriation for "Distinctive paper for United States securities" from "\$60,000" to "\$68,000."

The amendment was agreed to.

The next amendment was, on page 55, line 5, to increase the appropriation for "Expenses of national currency" from "\$10,000" to "\$19,000."

Mr. COCKRELL. There are three amendments to go in the portion of the bill which is being read. On line 5, page 56, after the word "Columbia," I move to insert "including the buildings at Chicago."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 56, line 5, after the word "Columbia," it is proposed to insert "including the buildings at Chicago;" so as to read:

Pay of assistant custodians and janitors: For pay of assistant custodians and janitors, including all personal services in connection with the care of all public buildings under control of the Treasury Department outside of the District of Columbia, including the buildings at Chicago, \$775,000.

Mr. COCKRELL. That may be necessary in view of the addition which has been made.

The amendment was agreed to.

Mr. COCKRELL. In line 18, on page 56, after the word "hospitals," I move to insert the words "the buildings at Chicago."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 56, line 18, after the word "hospitals," it is proposed to insert "the buildings at Chicago;" so as to read:

Furniture and repairs of furniture: For furniture and repairs of same and carpets for all public buildings, marine hospitals, the buildings at Chicago included, under the control of the Treasury Department, and for furniture, carpets, chandeliers, and gas fixtures for new buildings, exclusive of personal services, except for work done by contract, \$180,000.

The amendment was agreed to.

Mr. COCKRELL. On page 57, line 9, after the word "hospitals," I move to insert the words "the buildings at Chicago."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 57, line 9, after the word "hospitals," it is proposed to insert "the buildings at Chicago;" so as to read:

Fuel, lights, and water for public buildings: For fuel, lights, water, electric current for light and power purposes, electric-light plants, including repairs thereto, in such buildings as may be designated by the Secretary of the Treasury, electric-light wiring, and miscellaneous items required for the use of the janitors, firemen, or engineers, in the proper care of the buildings, furniture, and heating apparatus, exclusive of personal services, for all public buildings, marine hospitals, the buildings at Chicago included, under the control of the Treasury Department, inclusive of new buildings, \$875,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 58, line 7, after the word "laws," to insert:

Including \$4,000 to make the necessary investigation of claims for reimbursement of expenses incident to the last sickness and burial of deceased pensioners under section 4718 of the Revised Statutes.

So as to make the clause read:

Suppressing counterfeiting and other crimes: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction dealers and pretended dealers in counterfeit money, and persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States and of foreign Governments, as well as the coins of the United States and of foreign Governments, and other felonies committed against the laws of the United States relating to the pay and bounty laws, including \$4,000 to make the necessary investigation of claims for reimbursement of expenses incident to the last sickness and burial of deceased pensioners under section 4718 of the Revised Statutes, and for no other purpose whatever, \$60,000.

Mr. PLATT. I should like to inquire of the chairman of the committee what is the necessity, if any, for this proposed amendment?

Mr. COCKRELL. That is the usual appropriation. We simply restore what the law has been.

Mr. PLATT. The law has been so?

Mr. COCKRELL. Yes.

Mr. PLATT. It strikes me it would be quite as well to expend \$4,000 to see why reimbursement for burial expenses has not been allowed. I make no objection, however, to the amendment if it is the usual provision.

Mr. GALLINGER. I ask the Senator from Missouri if that provision has been in former laws?

Mr. COCKRELL. It has been.

Mr. GALLINGER. That is all right, then. It was left out of this bill by the House of Representatives I suppose?

Mr. COCKRELL. It was left out by the House of Representatives.

The VICE-PRESIDENT. The question is on the amendment of the committee, which has been read.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 60, line 9, before the word "thousand," to strike out "one hundred" and insert "seventy-five;" so as to make the clause read:

Enforcement of alien contract-labor laws: For the enforcement of alien contract-labor laws and to prevent the immigration of convicts, lunatics, idiots, and persons liable to become a public charge from foreign contiguous territory, \$75,000.

The amendment was agreed to.

The next amendment was, on page 61, line 12, after the word "dollars," to insert:

And the Secretary of the Treasury is hereby authorized to order investigations and reports by the inspector for the salmon fisheries in Alaska of the alleged taking and destruction of the eggs of game wild fowl in said Territory, as well also as to the alleged wanton destruction of game birds, deer, fox, and other animals, and also the advisability of adopting suitable regulations as to close seasons as in his judgment may be necessary to prevent such destruction in future.

The amendment was agreed to.

The next amendment was, on page 62, after line 11, to insert:

Payments on account of the Ford Theater disaster: For payment to the heirs and legal representatives of those who were killed by reason of the falling of the Ford Theater building on the 9th day of June, 1893, the sum of \$115,000, of which sum there shall be paid to the legal or personal representatives of each of the following persons the sum of \$5,000: George Q. Allen, George Michael Arnold, Samuel P. Banes, John Bussius, John E. Chapin, Jeremiah Daly, Joseph R. Fagan, Joseph Barker Gage, David Clark Jordan, Justus Boyd Jones, Frederick B. Loftus, J. Hirst McFall, Otto F. W. Meder, Howard S. Miller, Benjamin Franklin Miller, Burrows Nelson, Emanuel G. Shull, Frank M. Williams, Alfred L. Ames, Arthur Napoleon Girault, Michael T. Mulledey, George W. Roby, and Charles Best Sayers: *Provided*, That where the deceased died leaving a widow but no children the \$5,000 shall be paid her; where the deceased left a widow and children, the widow shall receive one-half and the children shall share alike; and where the deceased was unmarried, the sum shall be paid to the legal heirs.

Mr. HARRIS. Mr. President, I simply wish to notify the chairman of the Committee on Appropriations that my colleague on the Special Committee on the Ford's Theater Disaster [Mr. MANDERSON] has two amendments which he will ask leave hereafter to offer, not being present now. I ask that the right might be reserved to him to do so.

Mr. COCKRELL. He shall have the right to offer the amendments.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The

question is on the amendment of the committee, which has been read.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 63, after line 8, to insert:

Payment to executors of Francis Wharton: To pay the executors of Francis Wharton, being balance due his estate for services rendered in preparing the Diplomatic Correspondence of the American Revolution, under a joint resolution of Congress approved August 13, 1888, providing for the printing of a supplement of Wharton's Digest of International Law, \$7,500.

The amendment was agreed to.

The next amendment was, on page 63, after line 16, to insert:

The Secretary of the Treasury shall prescribe regulations for the sampling and assaying of lead ores imported into the United States, and such regulations shall provide that the method of sampling and assaying such ores shall be the same as that usually adopted for commercial purposes by public sampling works in the United States; and he is authorized to incur the necessary expense out of the appropriation for the collection of the revenue from customs: *Provided*, That no part of the expense herein authorized and directed shall be incurred for the erection of sampling works by the United States.

The amendment was agreed to.

The next amendment was, on page 64, after line 3, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to furnish Gen. James D. McBride, on his written requests from time to time as may be required, impressions on lithographic transfer paper, from the following engravings: The signers of the Declaration of Independence and portraits of the Presidents of the United States; and that the said McBride be, and he is hereby, authorized and permitted to print the vignette of the signers of the Declaration of Independence in connection with his historical publication (which he is now ready to issue) entitled "Important Periods in the History of the United States," and also to print said portraits in a group under the following title: "The Portraits of the Presidents of the United States:" *Provided*, That nothing herein contained shall be construed as authorizing the said McBride to print, or cause to be printed, copies of said engravings in any other manner than hereinbefore specified; and the cost and expense thereof shall be paid by said McBride.

The amendment was agreed to.

The next amendment was, on page 64, after line 21, to insert:

That the act entitled "An act to authorize and provide for the distribution of useless papers in the Executive Departments," approved February 16, 1889, be, and the same is hereby, amended so as to include in its provisions any accumulation of files of papers of a like character therein described now or hereafter in the various public buildings under the control of the several Executive Departments of the Government.

The amendment was agreed to.

Mr. ALLISON. At this point the Senator from Kentucky [Mr. BLACKBURN], on behalf of the committee, has an amendment which he intends to propose relating to the bounty on sugar. The Senator from Kentucky is obliged to be absent during a portion of this evening, and I ask that the amendment may be passed over until to-morrow, as I think it may lead to some debate.

Mr. COCKRELL. It is to come in on page 65, at the end of line 5.

Mr. ALLISON. At the end of line 5. I ask that it may be passed over.

The PRESIDING OFFICER. If there be no objection the request of the Senator from Iowa will be agreed to. The Chair hears none, and it is so ordered.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 66, line 1, after the word "force," to insert:

Provided, That the Secretary of the Treasury may use not exceeding \$900 of such unexpended balance for the experimental investigation of the treatment and prevention of smallpox in the laboratory of the Marine-Hospital Service.

So as to make the clause read:

PREVENTION OF EPIDEMICS.

The President of the United States is hereby authorized, in case of threatened or actual epidemic of cholera, yellow fever, smallpox, or Chinese plague or black death, to use the unexpended balance of the sums appropriated and reappropriated by the sundry civil appropriation acts approved March 3, 1893, and August 18, 1894, or so much thereof as may be necessary, in aid of State and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same; and in such emergency in the execution of any quarantine laws which may be then in force: *Provided*, That the Secretary of the Treasury may use not exceeding \$900 of such unexpended balance for the experimental investigation of the treatment and prevention of smallpox in the laboratory of the Marine-Hospital Service.

Mr. COCKRELL. I move to add to the amendment the words "to be immediately available."

The amendment to the amendment was agreed to.

Mr. HARRIS. I desire to ask the chairman of the committee in charge of the bill what is the amount of the unexpended balance of the contingent appropriation to guard against these diseases?

Mr. COCKRELL. About \$500,000—between four and five hundred thousand dollars.

Mr. HARRIS. It is quite enough, if it is that amount. It is a larger sum than I supposed.

Mr. COCKRELL. Oh, yes; it is an enormous amount.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The next amendment was, on page 66, after line 14, to insert:

To provide flags for the east and west fronts of the center of the Capitol, to be hoisted daily under the direction of the Capitol police board, \$100, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 66, after line 18, to insert:

For continuing the work of cleaning and repairing works of art in the Capitol, including the repairing of frames, \$1,500.

The amendment was agreed to.

The next amendment was, on page 66, after line 21, to insert:

Senate wing of the Capitol: For repaving subbasement floor, rebuilding horizontal smoke flue from boilers to stack, and repairing and rearranging the Senate legislative electric bells service, repairing and enlarging hot well under boiler room and other work appertaining to same, to be expended under the direction of the Architect of the Capitol, \$3,580.

The amendment was agreed to.

The next amendment was, on page 67, after line 9, to insert:

For repairs and improvements to steam fire engine and Senate and House stables, \$500.

The amendment was agreed to.

The next amendment was, in the provision for "lighting the Capitol and grounds," on page 67, line 12, after the word "grounds," to strike out:

For lighting the Capitol and grounds about the same, including the Botanic Garden, and the Senate and House stables; for gas and electric lighting; pay of superintendent of meters, lamplighters, gas fitters, and for materials for gas and electric lighting, and for general repairs, \$24,000.

The Architect of the Capitol, with the approval of the Committee on Rules of the Senate and House of Representatives, is hereby authorized to arrange for not exceeding one year with any existing electric lighting company in the city of Washington to furnish electric current for the Capitol building at a rate not to exceed 10 cents per 1,000 watt hours, lamp renewals included; and the Architect of the Capitol is also authorized to grant permission to said electric lighting company to lay an underground conduit through the Capitol grounds in order to connect its supply mains with the Capitol building with a view to furnishing current to the electric lights in said building, no expense to be chargeable to the Government for laying such conduit or mains; any injury to the grounds or appurtenances caused thereby to be repaired by the said company.

And insert:

For purchase of the electric-lighting plant in the Senate wing, \$10,000; for repairs and extension of the same to meet the present requirements of the service, \$10,000; and the Architect of the Capitol is hereby directed to have the electric plant, wiring, and fixtures put in place during the ensuing recess of Congress, under the direction of the Committee on Rules, in accordance with the plan adopted by said committee; for lighting the Capitol and grounds about the same, including the Botanic Garden and the Senate and House stables; for gas and electric lighting, pay of superintendent of meters, lamplighters, gas fitters, and for materials and labor for gas and electric lighting, and for general repairs, \$24,000; in all, \$44,000. The Architect of the Capitol, with the approval of the Committee on Rules of the Senate and House of Representatives, is hereby authorized to arrange, for not exceeding one year, with any existing electric lighting company in the city of Washington to furnish electric current for the Capitol building at a rate not to exceed one-half a cent per hour of burning of a nominal 16-candle-power incandescent lamp, or an equivalent thereof; and the Architect of the Capitol is also authorized to grant permission to said electric lighting company to lay an underground conduit through the Capitol grounds in order to connect its supply mains with the Capitol building with a view to furnishing current to the electric lights in said building, no expense to be chargeable to the Government for laying such conduit or mains; any injury to the grounds or appurtenances caused thereby to be repaired by the said company.

The amendment was agreed to.

The next amendment was, on page 70, line 10, before the word "thousand," to strike out "ninety" and insert "sixty," and in line 12, after the word "be," to insert "selected under the civil-service law, rules, and regulations, and shall be;" so as to make the clause read:

Depredations on public timber, protecting public lands, and settlement of claims for swamp lands and swamp-land indemnity: To meet the expenses of protecting timber on the public lands and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, \$60,000: *Provided*, That agents and others employed under this appropriation shall be selected under the civil-service law, rules, and regulations, and shall be allowed per diem, subject to such rules and regulations as the Secretary of the Interior may prescribe, in lieu of subsistence, at a rate not exceeding \$3 per day each and actual necessary expenses for transportation.

Mr. BERRY. I move to strike out "sixty" and insert "one hundred and twenty;" so as to read "\$120,000."

Mr. COCKRELL. Let the paragraph be passed over. The Senator from Arkansas can offer his amendment, and then let the matter be passed over until to-morrow.

Mr. BERRY. Why not dispose of it now?

Mr. BATE. There are one or two Senators who are interested in the matter, I will say to the Senator from Arkansas, who would like to be present when it is considered. If this clause can be passed over without losing its rights I have no objection.

Mr. COCKRELL. It will not lose its rights.

The PRESIDING OFFICER. If there be no objection, the clause on page 70, from line 3 to line 17, inclusive, will be passed over. The Chair hears none.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 71, line 11, before

the word "thousand," to strike out "one hundred and seventy-five" and insert "three hundred;" so as to read:

SURVEYING THE PUBLIC LANDS.

For surveys and resurveys of public lands, \$300,000, at rates not exceeding \$9 per linear mile for standard and meander lines, \$7 for township, and \$5 for section lines.

Mr. DUBOIS. I move to strike out "three hundred" and insert "four hundred;" so as to read "\$400,000." The Senate is entirely familiar with the argument which the representatives of the Western States make in regard to the survey of Western lands.

Mr. COCKRELL. Let the paragraph be passed over for to-night, and be reserved.

Mr. DUBOIS. Very well.

The PRESIDING OFFICER. If there be no objection, the provision on page 71, from line 10 to line 13, inclusive, will be passed over. The Chair hears none, and it is so ordered.

The reading of the bill was resumed. The next amendment was, on page 72, line 16, after the word "exceeding," to insert "\$15,000 may be expended for resurveys, and not exceeding;" so as to read:

And of the sum hereby appropriated not exceeding \$15,000 may be expended for resurveys, and not exceeding \$40,000 may be expended for examination of public surveys in the several surveying districts in order to test the accuracy of the work in the field, and to prevent payment for fraudulent and imperfect surveys returned by deputy surveyors, and for examinations of surveys heretofore made and reported to be defective or fraudulent.

The amendment was agreed to.

The next amendment was, on page 73, after line 3, to insert:

For the survey of the public lands lying within the limits of land grants made by Congress to aid in the construction of railroads, and the selection therein of such lands as are granted therefor, to enable the Secretary of the Interior to carry out the provisions of section 1 of the act of March 3, 1887, entitled "An act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads, and for the forfeiture of unearned lands, and for other purposes," being chapter 376 of volume 24 of the Statutes at Large, page 556, the sum of \$125,000 is hereby appropriated and made a continuing appropriation for the survey of lands within the limits of railroad land grants, and any money which shall be expended of such appropriation and reimbursed and paid into the Treasury is hereby reappropriated, and said sum shall remain a continuing appropriation, and so often as any part of the same shall, after being expended, be reimbursed by any railroad company as hereinafter provided, the same shall be again available for the purposes aforesaid: *Provided*, That any portion of said sum expended for surveying such lands shall be reimbursed by the respective companies or parties in interest for whose benefit the lands are granted, according to the provisions of the act of July 15, 1870, chapter 232, volume 18, pages 305 and 306, and act of July 31, 1876, chapter 246 of volume 19, page 121 of the Statutes at Large, requiring "that before any lands granted to any railroad company shall be conveyed to such company or any persons entitled thereto under any of the acts incorporating or relating to said company, unless said company is excepted by law from the payment of such cost, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or persons in interest;" *And provided further*, That whenever there shall have been reimbursed and paid into the Treasury of the United States, by the respective companies or parties in interest, any part of said appropriation expended for surveys within such grants, there shall be immediately available, out of any money in the Treasury not otherwise appropriated, an amount equal to the amount so reimbursed, and the same shall be available for the survey of the public lands lying within the limits of the railroad land grants made by Congress, until all of said lands shall have been surveyed: *Provided*, That nothing herein contained shall be construed to prevent the use, within the limits of any railroad land grant made by Congress, of any part of any regular appropriation for surveying the public lands: *Provided*, That no part of the foregoing money shall be used for any land embraced in any grant to the State of Florida: *And provided further*, That the provisions of law requiring reimbursements to be made to the United States by railroad corporations claiming such grants, shall apply equally to the successors of such railroad corporations acquiring title to their lands and other property, under decree of foreclosure of any mortgage authorized by Congress. This paragraph shall be in lieu of the provision in the sundry civil appropriation act approved August 18, 1894, providing for the survey of such lands.

Mr. COCKRELL. I suggest to insert at the end of the paragraph a comma and the words:

and the Secretary of the Interior shall report to each regular session of Congress the results of his action under these provisions.

Mr. ALDRICH. I hope the chairman of the committee will explain what the purpose of this amendment is and how it changes existing law.

Mr. COCKRELL. This is simply a repetition of the act of last session, carrying it out more specifically and amending a defect that was discovered in it. We then appropriated \$125,000 for the survey of lands within the railroad limits and provided that, as a matter of course, the railroad companies had to pay one-half. We intended it to be a regular permanent fund that might be used from year to year and from time to time as the railroad companies paid in, but the Treasury Department has decided that when the railroad companies paid in \$50,000 for the surveys and the United States had expended that amount the money was not re-appropriated. As soon as \$125,000 was expended that amount would be in the Treasury on the part of the railroad companies, but there would be nothing there on the part of the Government to pay one-half of the expense. We have simply made the \$125,000 available all the time, one-half of it coming from the railroad companies and the other half from the Treasury, and that was the intention of the provision.

Mr. ALDRICH. Can the Senator from Missouri tell me, with-

out very much trouble, what is the area of lands now held by the land-grant railroads?

Mr. COCKRELL. Oh, millions upon millions of acres. I do not know.

Mr. ALDRICH. That have not been surveyed?

Mr. COCKRELL. Millions upon millions of acres that have not been surveyed.

Mr. DUBOIS. I will state to the Senator from Rhode Island that all through the State of Wyoming, for instance, there are unsurveyed public lands on both sides of the tracks. It is so in Washington and Idaho, and also along the Union Pacific, the Central Pacific, and the Northern Pacific as well.

Mr. SQUIRE. This paragraph, on page 75, is of very great importance also in reference to the use of the money for surveys within the limits of railroad land grants. I understand that the First Comptroller of the Treasury decided that no part of the \$375,000 appropriated under the act of August 5, 1893, "for surveys and resurveys of public lands" could be used for the survey of public lands with the land grants.

Mr. COCKRELL. It is all arranged satisfactorily.

Mr. SQUIRE. It is specifically provided for by an appropriation of \$125,000 made in the same act. This seems to be a very important paragraph. I have a letter from the surveyor-general of the State of Washington urging that a provision to this effect be enacted, and I think the reasons he gives are very conclusive. It is a very important matter. The proviso on page 75 of the bill reads:

Provided, That nothing herein contained shall be construed to prevent the use, within the limits of any railroad land grant made by Congress, of any part of any regular appropriation for surveying public lands.

It is very important otherwise. They would not survey any of the railroad lands within the limits of the grants.

Mr. DUBOIS. I will say to the Senator from Washington that that is fully provided for in this amendment.

Mr. SQUIRE. The surveyor-general of Washington says that one-half of all the applications for surveys of public lands are within the limits of the railroad grants. His letter is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF UNITED STATES SURVEYOR-GENERAL
FOR THE STATE OF WASHINGTON,
Olympia, January 11, 1895.

DEAR SIR: I want to call your attention to a matter of very vital importance to a great number of settlers on unsurveyed public lands lying within the limits of the railroad grants in this State.

The sundry civil appropriation act of August 18, 1894, appropriates \$250,000 for public surveys.

Of this sum to the State of Washington is apportioned the sum of \$28,000.

In the letter of instructions from the honorable Commissioner of the General Land Office, dated December 7, 1894, I am directed to award contracts to this amount in lands situated outside of the limits of the land grants made by Congress to aid in the construction of railroads.

The sundry civil appropriation act of August 18, 1894, makes provision for surveys within the limits of railroad land grants, as follows:

"For the survey of the public lands lying within the limits of land grants made by Congress to aid in the construction of railroads, and the selection therein of such lands as are granted therefor, to enable the Secretary of the Interior to carry out the provisions of section 1 of the act of March 3, 1887, and for other purposes," being chapter 376 of volume 24 of the Statutes at Large, page 558, the sum of \$125,000, which was appropriated therefor by the act approved August 5, 1892, entitled "An act making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1893, and for other purposes," is hereby reappropriated and continued, and any money which shall have been expended out of such appropriation and reimbursed and paid into the Treasury, is hereby reappropriated; and the said sum shall remain a continuing appropriation, and so often as any part of the same shall, after being expended, be reimbursed by any railroad company, as hereinafter provided, the same shall be then available for the purposes aforesaid: *Provided*, That any portion of said sum expended for surveying such lands shall be reimbursed by the respective companies or parties in interest for whose benefit the lands are granted, according to the provisions of the act of July 15, 1870, chapter 282, volume 16, pages 305 and 306, and act July 31, 1876, chapter 246 of volume 19, page 121, of the Statutes at Large, requiring "that before the lands granted to any railroad company shall be conveyed to such company or any persons entitled thereto under any of the acts incorporating or related to said company, unless said company is excepted by law from the payment of such costs, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same, by the said company or persons in interest:" *Provided*, That no part of the foregoing moneys shall be used for any land embraced in any grant to the State of Florida."

The First Comptroller of the Treasury on August 22, 1892, decided that no part of the appropriation of \$375,000 appropriated by the act of August 5, 1892, "for surveys and resurveys of public lands" could be used for the survey of public lands within the land grants, as the survey of lands within such grants was specifically provided for by the appropriation of \$125,000 made in the same act.

I am informed by the honorable Commissioner that under date of October 17, 1894, he requested a decision by the Comptroller of the Treasury as to whether the reappropriation of the said sum of \$125,000, and making the same a continuing appropriation, should be regarded as specifically providing for surveys within railroad grants to the exclusion of the regular appropriation.

Under date of November 7, 1894, the Comptroller replied as follows:

"The original appropriation of \$125,000, made in the act of August 5, 1892, and which by the provision of the above clause of the sundry civil appropriation act of August 18, 1894, has been reappropriated and continued, was considered by Mr. Matthews, when First Comptroller of the Treasury.

"He held that it was the intention of Congress that that appropriation should be exclusively used for the survey of the public lands lying within the limits of railroad grants, and consequently, that the regular appropriation for the survey of the public lands was not available for the purpose of surveying any of the public lands lying within the limits of railroad land grants.

"I see no reason why the construction placed upon the original appropriation should not be applied to the present appropriation, although by its terms the appropriation is now made continuous.

"It is true, as explained by you, that as the railroads are only entitled to alternate sections, or one-half of the land covered by the survey paid for out of said appropriation, when the amount paid for the cost of the surveys of the land selected by the railroads are reimbursed, only one-half of the total cost of the surveys made under said appropriation will be available for future surveys, and that, therefore, in process of time the appropriation would become exhausted.

"That fact can not change the construction which should be placed upon the appropriation. It may be and is probably true that Congress in enacting this provision did not realize that only one-half of the appropriation would be reimbursed by the railroads, and probably presumed that the entire sum of \$125,000 would again become available for the purpose of surveying other lands after having once been used for similar purpose.

"But if so, their failure to understand the effect of the clause in question would not authorize the Comptroller to change the intention which Congress seemed to have had in making one appropriation for survey of public lands within the limits of land grants and another appropriation for the survey of the public lands generally, and which latter appropriation has been construed to relate to the survey of the public lands other than those specially provided for in the appropriation for the surveys of the public lands lying within the limits of railroad grants.

"My answer to your question, therefore, is that the continuing appropriation for the survey of the public lands lying within the limits of railroad land grants operates to prevent the use, within the limits of railroad land grants, of the regular appropriation for surveys of the public lands."

In view of this construction of the law by the Comptroller I am instructed to take due care that in awarding contracts to be paid for out of the \$28,000 apportioned this State, the lands fall without the railroad land grants.

Of the \$125,000 originally appropriated by the act of August 5, 1892 (and which by the act of August 18, 1894, has been reappropriated and continued), for the survey of public lands within land-grant limits, this State was apportioned the sum of \$19,000 for surveys for the fiscal year ending June 30, 1893. Contracts were entered into and approved for the full amount. Had these surveys been executed, the notes turned in and platted and accepted, the Northern Pacific Railway selected all lands which they were entitled to, and reimbursed the Government there would be now available only the sum of \$9,500 which could be used for future surveys, under the act of August 18, 1894, for lands within the railroad land-grant limits.

As a matter of fact, however, with the exception of a contract of \$335.29, none of the surveys to be paid for out of this apportionment have been accepted.

You will therefore see that we have practically no funds available for surveys in said limits for this year. I do not suppose this State is behind any other of the States or Territories in the matter of delayed surveys, and consequently I venture to say the amount of money available out of this reappropriation of \$125,000 (which, by the way, could not be greater than \$62,500 for the whole United States in case every survey had been accepted and the railroads had reimbursed their cost of their proportion of lands) is insignificant, too small to take into consideration.

This office has on file petitions from bona fide settlers aggregating a total cost of over \$80,000, estimating the cost of surveying in this State at the former maximum rates (some of these in the eastern part of the State of course can be surveyed for less than the high rates).

I roughly estimate that we can have surveyed 40 per cent of land petitioned for. Fully one-half of the petitions for surveys on file are from settlers living within the railroad land-grant limits.

I do not presume for an instant to think that it was the intention of the members of the Committee on Appropriations when the clause in the act of August 18, 1894, reappropriating the \$125,000, and making it a continuing appropriation would be so construed, to really retard the survey of the public lands.

The intention clearly was that the sum of \$189,000 (act deducts from the \$250,000 appropriated \$45,000 for examinations and \$16,000 for certain reserves in Nebraska, leaving \$189,000 to be apportioned to the several surveying districts) should be used for surveying the public lands by the different surveyors-general, under the direction of the Commissioner of the General Land Office, wherever in his judgment he saw it most needed. In the reappropriation of the \$125,000 in the same act it clearly was intended that whenever the railroads reimbursed the Government such funds should become immediately available for surveys within the railroad limits, as it is only just to restrict this fund there, as the roads pay for their own surveys.

As a large part of the most available land for settlement in this State lies within the limits of the railroad land grants, you will at once see that an unjust discrimination is made against settlers within said limits, as a very inadequate sum (this year almost nothing) will be available for the surveys for such.

This, too, will be the case with other States governed by like conditions, and the Senators and Representatives of such will doubtless readily join in having this at once corrected.

Very respectfully,
WM. P. WATSON,
United States Surveyor-General, Washington.

HON. WATSON C. SQUIRE,
United States Senate, Washington, D. C.

The PRESIDING OFFICER. The Secretary will read the words proposed by the chairman of the committee as an amendment to the amendment.

The SECRETARY. Add after the word "lands," at the end of line 17, page 75:

And the Secretary of the Interior shall report to each regular session of Congress what has been done under the foregoing provision.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 76, after line 2, to strike out:

For the purpose of a survey and segregation of the coal fields on the San Carlos Indian Reservation in Arizona, \$5,000.

The amendment was agreed to.

The next amendment was, on page 76, after line 11, to insert:

To pay Edwin H. Van Antwerp and Charles H. Bates, United States deputy surveyors, for surveying the west boundary of the Pine Ridge Indian Reservation, as per contract with the Commissioner of the General Land Office, \$461.21.

The amendment was agreed to.

The next amendment was, on page 76, after line 16, to insert:

That the governor of the State of Wyoming, subject to the approval of the Secretary of the Interior, is hereby empowered and authorized to select and enter of the public lands contained within the boundaries of the abandoned Fort McKinney Military Reservation, in Johnson County, State of Wyoming, not exceeding in all two sections, on which are situated the buildings heretofore used for military purposes; that the lands so selected and entered, with the buildings thereon, are hereby granted and donated to the State of Wyoming: *Provided*, That the entry and selection of lands under the provisions of this act shall be construed as being in part satisfaction of the grant of lands to the State of Wyoming for charitable, educational, penal, and reformatory institutions under the provisions of section 11 of the act of Congress of July 10, A. D. 1890.

The amendment was agreed to.

The next amendment was, on page 77, after line 7, to insert:

That the lands in the Fort Rice Military Reservation, in the State of North Dakota, except such tracts as may be occupied by bona fide settlers, may be selected at any time within one year after the passage of this act by the State of North Dakota as a part of the lands granted to the State under the provisions of an act to provide for the admission of North Dakota into the Union, approved February 22, 1889, subject to the approval of the Secretary of the Interior; and when said lands are selected as herein provided the Secretary of the Interior shall cause patents to be issued to the said State of North Dakota: *Provided*, That if the State of North Dakota shall select said lands such selections shall embrace any land in said reservation except those hereby reserved on account of settlement, the amount so selected not to exceed the amount of land granted to said State by the said act of admission.

The amendment was agreed to.

The next amendment was, on page 77, after line 23, to insert:

That any citizen of the United States, or any association of citizens of the United States, or any ditch or water company, under rules and regulations prescribed by the Secretary of the Interior, and with his approval, shall have the right to purchase lands suitable for reservoir purposes, not to exceed one quarter section of unoccupied public lands not reserved for public use, at the price of \$2.50 per acre: *Provided*, That when lands so purchased are within a mining district such lands shall be considered mineral lands, and the patent to such lands shall not authorize the purchaser to extract mineral therefrom, but all such mineral shall be reserved to the United States, which reservation shall be inserted in such patent.

The amendment was agreed to.

Mr. COCKRELL. At this point I submit an amendment that would be subject as a matter of course to a point of order, but the Interior Department seems anxious to have it placed in the bill, and it is perfectly right and just. If there is no objection to it I ask that it be inserted.

Mr. ALLISON. Where does the Senator propose to insert the amendment?

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Add after line 11, page 78—

That hereafter timber-culture claimants shall not be required, in making final proof, to appear at the land office to which said proof is to be presented, or before an officer designated by the act of May 20, 1890, within the county in which the land is situated; but such claimant may have his or her personal evidence taken by a clerk of any court of record of the United States or of any State or Territory, under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. ALDRICH. Would not that allow a person in New York to enter a claim for timber lands?

Mr. COCKRELL. No; it is simply to make proof when they are absent, to make affidavit before a certain officer instead of having to go to the land office near the timber-culture claim. It is recommended by the Secretary of the Interior and by the Committee on Public Lands, and is simply to facilitate the transaction of business.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 80, line 4, before the word "thousand," to strike out "fifteen" and insert "twenty;" so as to make the clause read:

For the preparation of the report of the mineral resources of the United States, \$20,000.

The amendment was agreed to.

The next amendment was, on page 80, line 7, before the word "thousand," to strike out "two" and insert "three;" so as to make the clause read:

For the purchase of necessary books for the Library, and the payment for the transmission of public documents through the Smithsonian exchange, \$3,000.

The amendment was agreed to.

The next amendment was, on page 80, line 9, before the word "thousand," to strike out "sixty-one" and insert "sixty-five," and in same line, after the word "dollars," to insert "and the Director of the Geological Survey, with the approval of the Secretary of the Interior, is authorized to sell copies of such maps at cost and 10 per cent added;"

So as to make the clause read:

For engraving and printing the geological maps of the United States, \$65,000; and the Director of the Geological Survey, with the approval of the Secretary of the Interior, is authorized to sell copies of such maps at cost and 10 per cent added.

Mr. COCKRELL. I move to strike out "such" and insert "topographical" at the end of line 11, and after the word "maps," in line 12, to insert "with text;" so as to read:

And the Director of the Geological Survey, with the approval of the Secretary of the Interior, is authorized to sell copies of topographical maps with text at cost and 10 per cent added.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SQUIRE. I desire to offer an amendment to come in after the amendment of the committee on page 80, at the end of line 12. I move to add:

For an investigation of the coal and gold resources of Alaska, \$5,000.

If there is likely to be any discussion upon it I ask that it may go over until to-morrow.

Mr. COCKRELL. Let it simply be reserved. It is not an amendment to the amendment. It is a new proposition to be offered at any time the Senator desires when we get through with the committee amendments.

Mr. SQUIRE. I only want to get it in in order.

Mr. COCKRELL. It will be in order at any time.

The PRESIDING OFFICER. Only committee amendments are now in order.

Mr. SQUIRE. I wish to present it so that it will not be ruled out on the ground that it is not in order.

Mr. COCKRELL. It will not be on the ground simply that it was not offered at the proper time. I do not know whether it will be in order at any time or not. That will be another question.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 80, line 16, before the word "sections," to strike out "semiarid" and insert "semiarid," and in line 17, before the word "dollars," to strike out "twelve thousand five hundred" and insert "twenty-five thousand;" so as to make the clause read:

For gauging the streams and determining the water supply of the United States, including the investigation of underground currents and artesian wells in arid and semi arid sections, \$25,000.

The amendment was agreed to.

The next amendment was, on page 80, line 21, to increase the total appropriation for the United States Geological Survey from \$417,600 to \$440,100.

The amendment was agreed to.

The next amendment was, on page 81, after line 22, to insert:

For additional accommodations for the insane, \$25,000.

The amendment was agreed to.

The next amendment was, on page 83, after line 7, to insert:

For the construction and completion on the Howard University grounds, District of Columbia, of a suitable brick building for its use in giving practical instruction to its students in mechanics arts, \$15,000.

The amendment was agreed to.

The next amendment was, on page 84, after line 23, to insert:

For renewing the superstructure of the Rock Island Bridge at Rock Island, Ill., including alterations of the masonry thereof and repairs thereto for a double track, \$100,000.

The amendment was agreed to.

The next amendment was, on page 85, after line 2, to insert:

That the Secretary of War be, and he is hereby, authorized and directed to cause to be renewed and changed to a double track the superstructure of the Rock Island Bridge at Rock Island, Ill., and to make all necessary alterations of the masonry work thereof and repairs thereto, as recommended by the Chief of Ordnance: *Provided, however*, That the total cost of such renewal, alterations, and repairs shall not exceed the sum of \$490,000, and authority to contract for the whole work is hereby given: *Provided further*, That before any money is expended by the Government for such renewal, alterations, and repairs, the Chicago, Rock Island and Pacific Railway Company shall secure to the United States, to the satisfaction of the Secretary of War, 60 per cent of the cost of such renewal, alterations, and repairs, to be paid by said railway company upon the request of the Secretary of War as said work progresses: *Provided also*, That said railway company is to bear the entire cost of the sleepers and rails put down upon said bridge, and the United States shall bear the entire cost of the wagon road on said bridge: *Provided further*, That the Secretary of War may sell so much of the old superstructure of said bridge as is not required in such renewal and repairs to the highest bidder, the net proceeds of the sale to be turned into the Treasury of the United States, and one-half thereof shall be paid to said railway company: *Provided further*, That such portion of the old superstructure of said bridge as the Ordnance Department may require to replace an unserviceable bridge across the Rock Island water-power canal may be retained by the Secretary of War for such purpose at a fair valuation, which valuation shall not exceed the price per pound obtained for the remainder of the bridge, and one-half of this valuation shall be paid to said railway company.

The amendment was agreed to.

The next amendment was, on page 88, line 8, after the word "dollars," to insert:

And the officer in charge of public buildings and grounds shall authorize the use of a portion of the ground within the circle south of the Executive Mansion for a children's playground, under regulations to be prescribed by him.

So as to make the clause read:

For improvement of grounds north and south of Executive Mansion, \$5,000; and the officer in charge of public buildings and grounds shall authorize the use of a portion of the ground within the circle south of the Executive Mansion for a children's playground, under regulations to be prescribed by him.

The amendment was agreed to.

The next amendment was, on page 89, line 3, before the word "repair," to strike out "construction and;" and in line 4, before the word "high," to strike out "repair of" and insert "and;" so as to make the clause read:

For repair of post-and-chain fences and high iron fences and constructing stone coping about reservations, \$1,500.

The amendment was agreed to.

The next amendment was, on page 91, line 18, after the word "dollars," to insert "and 50 cents;" so as to make the clause read:

Lighting the Executive Mansion and public grounds: For gas, pay of lamp-lighters, gasfitters, and laborers; purchase, erection, and repair of lamps and lamp-posts; purchase of matches, and for repairs of all kinds; fuel and lights for office, office stable, watchmen's lodges, and for the greenhouses at the nursery, \$14,000: *Provided*, That for each 6-foot burner not connected with a meter in the lamps on the public grounds no more than \$20.50 shall be paid per lamp for gas, including lighting, cleaning, and keeping in repair the lamps, under any expenditure provided for in this act; and said lamps shall burn not less than three thousand hours per annum; and authority is hereby given to substitute other illuminating material for the same or less price, and to use so much of the sum hereby appropriated as may be necessary for that purpose: *Provided*, That before any expenditures are made from the appropriations herein provided for, the contracting gas company shall equip each lamp with a self-regulating burner and tip, so combined and adjusted as to secure under all ordinary variations of pressure and density a consumption of 6 cubic feet of gas per hour.

The amendment was agreed to.

The next amendment was, on page 92, line 2, before the word "cents," to strike out "thirty" and insert "forty;" and in line 3, after the word "night," to strike out "\$766.50" and insert "\$1,022;" so as to make the clause read:

For electric lights for three hundred and sixty-five nights from seven posts, at 40 cents per light per night, \$1,022.

The amendment was agreed to.

The next amendment was, on page 92, after line 10, to insert:

For changing route of pipe line that supplies the Capitol, incasing a portion of it in concrete, and uncovering and examining the entire line, \$10,000.

The amendment was agreed to.

Mr. COCKRELL. After line 12, page 93, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 93, after line 12, it is proposed to insert:

Statue of Gen. W. T. Sherman: For the completion of the equestrian statue of Gen. William Tecumseh Sherman, \$30,000: *Provided*, That said statue shall not be erected on the Capitol grounds.

The amendment was agreed to.

Mr. ALLISON. In the discussion upon the item in reference to the Coast Survey, I stated to the Senator from Mississippi [Mr. McLAURIN] that I thought General Duffield could not have been confirmed by the Senate, my recollection then being that that officer was appointed by the Secretary of the Treasury. That was the law until 1889, when, in the sundry civil act of that year, there was a requirement that that officer should be appointed by the President, by and with the advice and consent of the Senate. So Professor Mendenhall and General Duffield were appointed in the manner stated by the Senator from Mississippi.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 93, line 16, before the word "hundred," to strike out "two" and insert "three;" so as to make the clause read:

For the construction of buildings at and the enlargement of such military posts as in the judgment of the Secretary of War may be necessary, \$300,000.

The amendment was agreed to.

The next amendment was, on page 93, after line 24, to strike out:

Said post to be established only after a thorough official examination of all the sites that may be offered to the United States for the purpose above mentioned, such examination to be made by a board of five army officers to be selected by the Secretary of War outside of the military district in which such post is to be established; and said board shall report its findings in all matters to the Secretary of War, who may approve or reject.

The amendment was agreed to.

Mr. ROACH. I do not wish to interrupt the reading of the bill at this time, but I desire to give notice of an amendment in line 24, on page 93, which I shall offer hereafter.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 94, line 8, after the word "improvement," to insert "and protection;" in line 9, after the word "improvement," to insert "and protection;" in line 12, before the word "thousand," to strike out "thirty" and insert "forty;" and in the same line, after the word "dollars," to insert "of which not more than \$1,800 may be expended for the compensation of scouts employed in the protection of said park;" so as to make the clause read:

Improvement and protection of the Yellowstone National Park: For the improvement and protection of the Yellowstone National Park, to be expended by and under the direction of the Secretary of War, \$40,000, of which not more than \$1,800 may be expended for the compensation of scouts employed in the protection of said park.

The amendment was agreed to.

The next amendment was, on page 94, after line 18, to insert:

To reimburse John W. Meldrum amount paid for completion of building authorized to be erected in said park by section 9 of the foregoing act, \$385.75.

The amendment was agreed to.

The next amendment was, on page 94, after line 22, to insert:

For furniture and fixtures for said building, \$200.

The amendment was agreed to.

The next amendment was, on page 95, line 7, after the word

"law," to insert "sites for monuments in Lookout Valley, not to exceed \$300 in all;" so as to make the clause read:

Chickamauga and Chattanooga National Park: To enable the Secretary of War to complete the establishment of the Chickamauga and Chattanooga National Military Park in accordance with existing laws, including road work, memorial gateway and designs therefor, maps, surveys, iron and bronze tablets, gun carriages, and the purchase of which has heretofore been authorized by law, sites for monuments in Lookout Valley, not to exceed \$300 in all, foundations for State monuments, compensation of two civilian commissioners and their assistant in historical work, labor, clerical and other assistance, and office expenses; in all, \$75,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 95, after line 13, to insert:

Shiloh National Military Park: The commissioners appointed under the act of Congress approved December 27, 1894, to have charge, under the Secretary of War, of the affairs of the Shiloh National Military Park, shall have their office at Pittsburg Landing, Tenn., or at such other point convenient to the battlefield of Shiloh, Tenn., as the Secretary of War may direct; and the limit of cost of all the lands to be embraced in the said park is hereby fixed at not to exceed \$20,000.

The amendment was agreed to.

The next amendment was, on page 95, after line 23, to insert:

Military reservation on Mackinac Island, Michigan: The Secretary of War is hereby authorized, on the application of the governor of Michigan, to turn over to the State of Michigan, for use as a State park, and for no other purpose, the military reservation and buildings and the lands of the national park on Mackinac Island, Michigan.

Mr. HAWLEY. I will suggest that measures of this kind ought to go through the proper channel, the Committee on Military Affairs. We have been in the habit, in many cases, of granting the use of old military stations to the municipal and State authorities for public parks, providing that the Secretary of War might take possession of them whenever, in his judgment, the public necessities required.

Mr. COCKRELL. The public necessities never will require that this reservation be taken. It was entirely abandoned many years ago and was made a national park, and the Secretary of War wants to get rid of it.

Mr. HAWLEY. Very well.

Mr. COCKRELL. We simply propose to donate it to the State of Michigan if that State will take it, and turn loose the few guards who are there.

Mr. HAWLEY. Very good. I have no objection to the amendment.

Mr. BERRY. Mr. President—

Mr. COCKRELL. The amendment came from the Committee on Public Lands.

Mr. BERRY. I was going to state that the Senator from Michigan [Mr. McMILLAN] brought the matter to me, and I told him at the time that I thought it would have been proper to have referred it to the Committee on Military Affairs, inasmuch as the reservation had not been turned over to the Interior Department. He insisted, however, that I should address a letter to the Secretary of War on the subject, which I did, and the Secretary of War entirely approved it. I reported the amendment by order of the Committee on Public Lands, by reason of the fact that the Senator from Michigan, who was interested in the question, requested me to do so.

Mr. HAWLEY. I wish to inquire of the chairman of the Committee on Appropriations or of the Senator from Arkansas whether the Government has been desiring in any way to make use of those buildings or of any part of the land?

Mr. COCKRELL. No.

Mr. BERRY. I understand not. The Secretary of War said the land would not be used longer for military purposes, and the officer in charge there recommended that the property be turned over.

Mr. HAWLEY. It has been a park, I understand.

Mr. COCKRELL. It has been a park ever since 1872 or 1873.

Mr. BERRY. It has been a park for some time. I do not remember the exact time.

Mr. BURROWS. Since 1873.

Mr. HAWLEY. Then what is the necessity for again dedicating it? I see it has been a national park. Is that it?

Mr. COCKRELL. Certainly, it is a national park, and now we propose to give it to the State of Michigan, if that State will accept it.

I wish to offer a proviso to come in at that point, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "Michigan," in the amendment of the committee, on line 4, page 96, it is proposed to insert:

Provided, That whenever the State ceases to use the land for the purpose aforesaid it shall revert to the United States.

Mr. BURROWS. There is no objection to that.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. COCKRELL. Immediately following that amendment I offer the amendment which I send to the desk, which has been reported by the Committee on Military Affairs.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 4, on page 96, it is proposed to insert:

For extending and improving the Fort Wayne Military Reservation by grading the grounds, filling in the marsh along the river front, and protecting the same by a riprap of stone; for restoring the ground and constructing drains, \$40,000.

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

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 98, line 2, in the clause making appropriations for improving the Mississippi River, after the word "estimate," to insert:

And so much thereof as may be necessary, not to exceed \$1,000, may, in the discretion of the Secretary of War, be expended in the improvement of the channel to the harbor of Bay City, Wis., at the head of Lake Pepin.

The amendment was agreed to.

The next amendment was, on page 98, line 16, before the word "thousand," to strike out "two hundred and sixty" and insert "three hundred and fifty;" so as to make the clause read:

For harbor of refuge at Point Judith, R. I.: Continuing improvement, \$350,000.

The amendment was agreed to.

The next amendment was, on page 99, after line 12, to insert:

Provided, That \$40,000 thereof shall be expended, under the direction of the Secretary of War, for the extension of the improvements for the protection of the banks of the Missouri River in front of Sioux City and on the Iowa side of the river.

So as to make the clause read:

Under Missouri River Commission: For improving Missouri River from its mouth to Sioux City, Iowa, including salaries, clerical, office, traveling, and miscellaneous expenses of the Missouri River Commission, surveys, permanent bench marks and gauges, \$750,000: Provided, That \$40,000 thereof shall be expended, under the direction of the Secretary of War, for the extension of the improvements for the protection of the banks of the Missouri River in front of Sioux City and on the Iowa side of the river.

The amendment was agreed to.

The next amendment was, on page 99, after line 17, to insert:

That the Secretary of War be, and he is hereby, authorized and directed to expend, from the appropriation of \$25,000 "For dredging Salmon Bay and improvement of the waterway connecting the waters of Puget Sound, at Salmon Bay, with lakes Union and Washington, by enlarging the said waterway into a ship canal, with the necessary locks and appliances in connection therewith," made by the "Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," received by the President August 7, 1894, the sum of \$5,000 in making a definite survey and location of said improvement, and in preparing a cadastral map, showing each piece of property required to be deeded to the United States or from which a release is required, with its metes and bounds.

The amendment was agreed to.

The next amendment was, on page 100, after line 8, to insert:

That the Secretary of War, in his discretion, is hereby directed to use and expend in dredging and deepening the channel of the Sabine River in Texas, at and across the bar at the mouth of said river in Sabine Lake, a sum not exceeding \$4,000, to be taken from an appropriation made at the second session of the Fifty-third Congress of the United States, amounting to \$275,000, for "Improving harbor at Sabine Pass, Texas: Continuing improvement," by the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes."

The amendment was agreed to.

Mr. COCKRELL. After line 20, on page 100, I move to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After line 20, on page 100, it is proposed to insert:

Harbor of refuge at Woods Holl, Mass.: For repair of the stone pier or breakwater constituting a harbor of refuge at Woods Holl, damaged by the storm of January 26, 1895, and for repairing, so far as may be necessary, the wooden wharf upon said breakwater, \$5,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 100, after line 20, to strike out:

The foregoing appropriations for work on rivers and harbors shall be immediately available.

The amendment was agreed to.

Mr. PLATT. I should like to inquire of the Senator from Missouri whether all these appropriations for the improvements of rivers and harbors are now under contract, or whether there is any new work provided for by these appropriations.

Mr. COCKRELL. There is no new work except the stone pier at Woods Holl, and things of that kind.

Mr. PLATT. That is for repairs.

Mr. COCKRELL. The others are all under the contract system.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 104, line 1, after the word "disabilities," to insert "to be disbursed under the direction of the Secretary of War;" so as to make the clause read:

Appliances for disabled soldiers: For furnishing surgical appliances to persons disabled in the military or naval service of the United States, and not entitled to artificial limbs or trusses for the same disabilities, to be disbursed under the direction of the Secretary of War, \$2,000.

The next amendment was, on page 104, line 13, before the word "penitentiaries," to insert "State;" and in line 15, after the word "dollars," to strike out "to be expended in the current support of military convicts;" so as to make the clause read:

Expenses of military convicts: For payment of costs and charges of State penitentiaries for the care, clothing, maintenance, and medical attendance of United States military convicts confined in them, \$3,000.

The amendment was agreed to.

The next amendment was, on page 106, line 5, after the word "tug," to strike out "to be purchased or constructed, ten" and insert "heretofore authorized by law, twelve;" so as to make the clause read:

For pay of crew and maintenance of one steam tug heretofore authorized by law, \$12,000.

The amendment was agreed to.

The next amendment was, on page 106, after line 7, to insert:

For purchase or construction of one steam tug, \$45,000, or so much thereof as may be necessary:

The amendment was agreed to.

The next amendment was, on page 106, line 10, before the word "thousand," to strike out "forty-three" and insert "ninety;" so as to read:

In all, \$90,000.

The amendment was agreed to.

The next amendment was, on page 110, after line 2, to insert:

For construction of a headquarters building, \$10,000.

The amendment was agreed to.

The next amendment was, on page 110, line 8, before the word "thousand," to strike out "seventy-eight" and insert "eighty-eight;" so as to make the clause read:

In all, \$288,850.

The amendment was agreed to.

The next amendment was, on page 111, after line 22, to insert:

For additional barracks, \$25,000.

The amendment was agreed to.

The next amendment was, on page 112, line 1, before the word "thousand," to strike out "sixty" and insert "eighty-five;" so as to read:

In all, \$385,100.

The amendment was agreed to.

The next amendment was, on page 116, line 4, before the word "thousand," to strike out "four hundred and seventy-nine" and insert "five hundred and fourteen;" so as to read:

In all, \$2,514,846.

The next amendment was, on page 120, after line 23, to insert:

The proper accounting officers of the Treasury are hereby authorized and directed to settle the accounts of D. T. Guyton, United States marshal for the northern district of Mississippi, for the amounts paid by him to special deputies, who failed to take the oath of office required by section 782 of the Revised Statutes, in the same manner such settlements would have been made had such deputies complied with the provisions of said section.

The amendment was agreed to.

The next amendment was, on page 122, line 5, after the word "grounds," to insert "as now marked and designated;" so as to read:

The Military Prison at Fort Leavenworth, Kansas, including all the buildings, grounds as now marked and designated, and other property connected therewith, is hereby transferred from the Department of War to the Department of Justice.

The amendment was agreed to.

The next amendment was, on page 122, in line 23, after the word "act," to insert "entitled 'An act for the erection of United States prisons and for the imprisonment of United States prisoners and, for other purposes.'"

The amendment was agreed to.

The next amendment was, on page 123, line 15, after the word "Reservation," to insert an additional proviso, as follows:

Provided, That the Secretary of War is hereby authorized and directed to transfer on or before September 30, 1895, such prisoners as may then be serving unexpired sentences of confinement at the military prison, for purely military offenses, to such military posts as he may designate for that purpose; and the commanding officers of the posts to which such military prisoners are transferred shall have care and custody of the said prisoners and shall perform the duties now required of the commandant of the military prison under sections 1352 to 1361, inclusive, of the Revised Statutes. And the military prisoners so transferred, or who may hereafter be confined at hard labor at military posts, shall be governed by such regulations affecting their discipline, management, and control as may be prepared by the Secretary of War and published in general orders to the Army.

Mr. ALLISON. Before we pass from this amendment, I wish to state that the whole system of transferring the military prison at Fort Leavenworth from the Army to the Department of Justice and placing it under the control of the Attorney-General is in my judgment unwise. It involves a great many considerations which I think ought not to appear on an appropriation bill. The amendment just read is a necessary one, if the scheme is to be carried out, and it will be seen that the amendment transfers the military prisoners now at Fort Leavenworth to the several Army posts of the United States, where they are to be treated as prisoners and are to be confined as provided by the sections alluded to in the bill.

I believe military prisoners convicted and sentenced for a period of one or two or three years ought to have a prison under the control of the Secretary of War and the Army. Such a prison we now have at Fort Leavenworth and have had for many years, and the amend-

ment proposes now to transfer the whole conduct of the prison to the Attorney-General, providing for civilian wardens, etc., and in effect it segregates from the property at Fort Leavenworth now belonging to the Army 1,000 acres of land, which are to be put under the control of the Attorney-General.

I do not for myself propose to make any amendment, because the Committee on Appropriations have approved the whole scheme and plan, and it is recommended by the Secretary of War, and I believe it is approved by the Attorney-General. But I think two or three years will disclose that this is a mistake both for the Department of Justice and for the Army.

Mr. PEPPER. I ask that the amendment may be passed over until we have a full Senate.

Mr. HAWLEY. I ought to say that in my judgment the entire provision pertaining to the abandonment of the military prison and the sending of the prisoners to army posts should be stricken out, beginning with line 4, on page 122, down to and including line 6, on page 124.

Mr. COCKRELL. Let all of it be reserved.

Mr. HAWLEY. It is all reserved.

Mr. CHANDLER. I suggest that by reserving the amendment it can all be stricken out in the Senate if it is desirable.

Mr. COCKRELL. Let all the amendments relating to military prisons contained on pages 122, 123, and 124 be passed over.

Mr. HAWLEY. All that relates to military prisons.

The PRESIDING OFFICER. The Chair understands that from line 4, on page 122, down to and including line 6, on page 124, is reserved.

Mr. COCKRELL. That is right.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 125, after line 3, to insert:

Jail building at Guthrie, Okla.: For purchase of the building and ground now used and occupied as a jail at Guthrie, Oklahoma Territory, \$5,600, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 126, line 5, after the word "dollars," to strike out:

Provided, That hereafter the estimates for miscellaneous expenses of the Supreme Court of the United States shall be submitted in detail as to salaries paid thereunder, and for all other objects.

Mr. CHANDLER. I ask the chairman of the Committee on Appropriations if there is any real objection to the clause as it was inserted in the other House. I desire to know whether there can be any objection to having those estimates submitted in detail.

Mr. COCKRELL. We thought it was hardly right for us to tell a coordinate branch of the Government exactly how everything should be done, as to what they want, and all that.

Mr. ALLISON. The proviso relates to miscellaneous expenses.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 126, line 21, after the word "work," to insert:

And of the statements required to be prepared by said act of October 19, 1888, there shall be printed, after the close of each regular session of Congress, the usual number of copies;

So as to make the clause read:

Statement of appropriations: For preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements showing appropriations made, new offices created, offices the salaries of which have been omitted, increased, or reduced, together with a chronological history of the regular appropriation bills passed during the third session of the Fifty-third Congress, as required by the act approved October 19, 1888, \$1,200, to be paid to the persons designated by the chairmen of said committees to do said work. And of the statements required to be prepared by said act of October 19, 1888, there shall be printed, after the close of each regular session of Congress, the usual number of copies.

The amendment was agreed to.

The next amendment was, at the top of page 127 to insert:

The Secretary of the Senate is authorized to make requisition upon the Public Printer for the binding for the Senate library of such books as he may deem necessary, at a cost not to exceed two hundred dollars per year.

The amendment was agreed to.

The next amendment was, on page 127, after line 4, to insert:

For rent of warehouse for the storage of public documents formerly in the Maltby Building, \$1,800.

The amendment was agreed to.

The next amendment was, on page 127, after line 7, to insert:

For 2,200 galvanized-iron file holders for the Senate document room, \$880.

The amendment was agreed to.

The next amendment was, on page 127, after line 10, to insert:

For repairs of Maltby Building, \$2,000.

The amendment was agreed to.

The next amendment was, on page 127, after line 11, to insert:

For pay of E. T. Cressey for preparing a catalogue of the books contained in the Senate library under the direction of Anson G. McCook, former Secretary of the Senate, \$1,000.

The amendment was agreed to.

The next amendment was, on page 127, after line 15, to insert:

To pay for the work done in preparing and completing the document index of the Fifty-third Congress, by Alonzo W. Church, \$1,000.

The amendment was agreed to.

The next amendment was, on page 128, line 1, after the word "list," to insert:

Provided, That the officer in charge be, and he is hereby, authorized to construct, with the moneys appropriated for the said building, a tunnel, with suitable conveying apparatus for the rapid transmission of books, papers, and messages, between the said Library building and the Capitol, the terminal of said apparatus in the Capitol to occupy the room in rear of that now occupied by the House Committee on Enrolled Bills.

So as to make the clause read:

BUILDING FOR THE LIBRARY OF CONGRESS.

For continuing the construction of the building for the Library of Congress, and for each and every purpose connected with the same, \$900,000: *Provided*, That while the officer in charge of said building is engaged upon works of construction confided to him by authority of Congress, his pay and allowances shall be the same as for officers of his grade on the active list: *Provided*, That the officer in charge be, and he is hereby, authorized to construct, with the moneys appropriated for the said building, a tunnel, with suitable conveying apparatus for the rapid transmission of books, papers, and messages, between the said Library building and the Capitol, the terminal of said apparatus in the Capitol to occupy the room in rear of that now occupied by the House Committee on Enrolled Bills.

The amendment was agreed to.

The next amendment was, on page 129, line 1, after the word "for," to insert "rents and," and in line 4, before the word "dollars," to strike out "five hundred and fifty thousand" and insert "nine hundred and twenty-eight thousand three hundred and twenty;" so as to make the clause read:

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the Executive Office, and the Departments, including salaries or compensation of all necessary clerks and employees, for labor (by the day, piece, or contract), and for rents and all the necessary materials which may be needed in the prosecution of the work, \$2,928,320; and from the said sum hereby appropriated printing and binding shall be done by the Public Printer to the amounts following, respectively, namely:

Mr. CHANDLER. It seems to me the amendment should be passed over until the details of the expenditure are passed upon.

Mr. COCKRELL. This amendment will follow the others. I ask that it may be passed over. It is the total only, but it is at the beginning. It will follow the amendments on the same subject that come after it. If the others are agreed to, it will stay in. If not, it will have to be modified.

The PRESIDING OFFICER. The amendment will be passed over.

Mr. PETTIGREW. I submit an amendment, which I intend to propose to the pending appropriation bill. I move that it be referred to the Committee on Commerce and ordered to be printed.

The motion was agreed to.

Mr. PASCO. I submit an amendment intended to be proposed by me to the pending bill. I move that it be referred to the Committee on Appropriations and printed.

The motion was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 129, line 18, after the word "dollars," to insert the following proviso:

Provided, That hereafter the Secretary of State be, and he is hereby, authorized to print of each issue of consular reports an edition not exceeding 7,000 copies.

So as to make the clause read:

For the State Department, \$18,000: *Provided*, That hereafter the Secretary of State be, and he is hereby, authorized to print of each issue of consular reports an edition not exceeding 7,000 copies.

The amendment was agreed to.

The next amendment was, on page 130, line 19, after the word "Director," to insert "and for printing advance copies of papers on economic resources;" in line 20, before the word "thousand," to strike out "five" and insert "seven," and in the same line, after the word "dollars," to insert the following proviso:

Provided, That hereafter the report of the mineral resources of the United States shall be issued as a part of the report of the Director of the Geological Survey, and printed for each preceding calendar year as soon as compiled and transmitted for publication; and that the separate chapters on any given mineral product, such as iron, coal, building stone, and so forth, shall be printed as rapidly as transmitted for publication; that a pamphlet edition of any chapter shall be printed for distribution on the request of the Director of the Geological Survey, approved by Secretary of the Interior, the size of the edition to be controlled by the importance of the mineral treated; that hereafter papers for the Director's annual report that are of a strictly economic character shall be issued in pamphlet form, in the manner as prescribed above for the report on the mineral resources; that the entire cost of paper, printing, and binding of all the above provided for pamphlets shall not exceed two thousand dollars;

So as to make the clause read:

For engraving the illustrations necessary for the report of the Director, and for printing advance copies of papers on economic resources, \$7,000: *Provided*, That hereafter the report of the mineral resources of the United States shall be issued as a part of the report of the Director of the Geological Survey, and printed for each preceding calendar year as soon as compiled and transmitted for publication, and that the separate chapters on any given mineral product, such as iron, coal, building stone, etc., shall be printed as rapidly as transmitted for publication; that a pamphlet edition of any chapter shall be printed for distribution on the request of the Director of the Geological Survey, approved by the Secretary of the Interior, the size of the edition to be controlled by the importance of the mineral treated; that hereafter papers for the Director's annual report that are of a strictly economic character shall be issued in pamphlet form, in the same manner as prescribed above for the report on the mineral resources; that the entire cost of paper, printing, and binding of all the above provided for pamphlets shall not exceed \$2,000.

The amendment was agreed to.

The next amendment was, on page 131, line 16, after the word "dollars," to insert the following proviso:

Provided, That hereafter 3,000 copies of the monographs and bulletins of the Geological Survey shall be published for scientific exchanges and for sale at the cost of paper, printing, and binding, and 10 per cent thereof added.

The amendment was agreed to.

The next amendment was, on page 132, line 15, after the word "expended," to insert the following proviso:

Provided, That so much as may be necessary for printing and binding the annual report of the Secretary of Agriculture, as required by the act approved January 12, 1895, shall be immediately available and shall not be included in said allotments.

The amendment was agreed to.

The next amendment was, on page 132, after line 20, to strike out:

For printing and binding the annual report of the Secretary of Agriculture, as required by the act approved January 12, 1895, \$300,000, or so much thereof as may be necessary.

Mr. COCKRELL. I wish the Senate to disagree to that amendment. The clause from line 21 to line 24 should remain. There are two sets of reports to be provided for. I have a letter from the Secretary of Agriculture in regard to it. The report of 1894 is on hand, and therefore this provision has to remain in the bill.

The amendment was rejected.

The next amendment was at the top of page 133, to strike out—

For printing and binding 75,000 copies of special report on Diseases of the Horse, as required by the act approved January 12, 1895, \$44,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 133, after line 5, to strike out:

For a complete set of the official records of the Union and Confederate armies for each Senator and Member of the present Congress not already entitled by law to receive the same, as required by the act approved January 12, 1895, \$25,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 133, after line 11, to strike out:

That nothing in the second provision of section 99 of the act providing for the public printing and binding and the distribution of public documents, approved January 12, 1895, shall be held to contravene the orders of either House of Congress authorizing printing for the use of committees, as to the number of copies or otherwise.

The amendment was agreed to.

The next amendment was, on page 133, after line 53, to strike out:

To enable the Public Printer during the fiscal year ending June 30, 1895, to comply with the provisions of the joint resolution approved February 6, 1883, for the removal and storage of certain property of the Government mentioned therein, \$7,320.

The amendment was agreed to.

The next amendment was, on page 134, line 14, after the word "office," to insert "except for the two Houses of Congress, their committees and officers;" so as to make the clause read:

That all appropriations made and to be made for the fiscal years 1895 and 1896, in so far as the same are affected by the provisions of the act providing for the public printing and binding and the distribution of public documents, approved January 12, 1895, and which are not expressly appropriated under the Government Printing Office, except for the two Houses of Congress, their committees, and officers, shall be considered as so appropriated and available thereunder, to the extent that the same may be required or contemplated by the said act.

The amendment was agreed to.

The next amendment was, on page 135, after line 6, to insert:

The Public Printer, under section 37 of the "Act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895, may, at the request of any Senator, Representative, or Delegate in Congress, print on envelopes authorized to be furnished, in addition to the words therein named, the name of the Senator, Representative, or Delegate, and State, the date, and the topic or subject-matter, not exceeding twelve words.

The amendment was agreed to.

The next amendment was, on page 135, after line 15, to insert:

That nothing in the act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895, shall prevent the stereotyping, printing, and distribution of the Supplement to the Revised Statutes as authorized by the act of February 27, 1893, chapter 167.

The amendment was agreed to.

The next amendment was, on page 135, after line 23, to insert:

Government Printing Office building: For the construction by the Chief of Engineers of a fireproof building upon the lot belonging to the United States now occupied by the stables of the Government Printing Office, according to the plan and specifications of Col. John M. Wilson, of the Engineer Corps, submitted to Gen. Thomas L. Casey, Chief of Engineers, December 17, 1894, and approved by him, \$121,121.90, to be immediately available and until the completion of said work.

The amendment was agreed to.

The next amendment was, on page 136, after line 9, to insert:

The appropriation of \$75,000 made by the sundry civil appropriation act, approved August 18, 1894, for the repair of the Government Printing Office, to provide fire escapes, and to put the building in a safe and secure condition, shall be available until the completion of the work.

The amendment was agreed to.

Mr. COCKRELL. We have now reached the proposed section 2. I rose to move that the Senate adjourn.

Mr. BATE. I desire to say that at some suitable time during the consideration of the pending bill I shall offer an amendment known as the Tennessee Centennial Exposition appropriation.

Mr. COCKRELL. There will be ample opportunity for that amendment hereafter.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE LISLE.

Mr. LINDSAY. I desire to give notice that on Friday next, March 1, I shall call up the resolutions of the other House on the death

of the Hon. Marcus C. Lisle, late a Representative from the State of Kentucky.

Mr. DANIEL. There is a joint resolution which was reported favorably to-day by the Senator from Tennessee [Mr. BATE] from the Committee on Military Affairs—

Mr. COCKRELL. There was an express understanding, distinctly stated, when I asked for a night session, that no such business should be transacted. I move that the Senate do no adjourn.

The PRESIDING OFFICER. The Senator from Missouri moves that the Senate adjourn.

The motion was agreed to; and (at 10 o'clock and 56 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 26, 1895, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 25, 1895.

UNITED STATES CIRCUIT JUDGE.

John W. Showalter, of Illinois, to be United States circuit judge for the seventh judicial circuit, as provided by act approved February 8, 1895.

UNITED STATES DISTRICT JUDGE.

Olin Wellborn, of California, to be United States district judge for the southern district of California, vice Erskine M. Ross, appointed circuit judge.

COLLECTOR OF INTERNAL REVENUE.

Edmund A. Bigler, of Pennsylvania, to be collector of internal revenue for the Twenty-third district of Pennsylvania, in place of Edward P. Kearns, removed.

POSTMASTERS.

William B. Brotherton, to be postmaster at Milford, in the county of New Haven and State of Connecticut, in the place of Roger S. Baldwin, whose commission will expire February 28, 1895.

Bettie S. Moore, to be postmaster at Cynthiana, in the county of Harrison and State of Kentucky, in the place of Mattie D. Todd, whose commission expired January 8, 1895.

John E. Blake, to be postmaster at North Easton, in the county of Bristol and State of Massachusetts, in the place of Henry P. Waite, whose commission expired January 19, 1895.

Frank E. Briggs, to be postmaster at Turners Falls, in the county of Franklin and State of Massachusetts, in the place of Benjamin W. Mayo, whose commission expired February 14, 1895.

Justin W. Clayton, to be postmaster at Athol, in the county of Worcester and State of Massachusetts, in the place of Arthur C. Longley, whose commission expired February 14, 1895.

G. Eugene Fisher, to be postmaster at North Attleboro, in the county of Bristol and State of Massachusetts, in the place of Randolph Knapp, whose commission expired September 9, 1894.

Arthur F. Nutting, to be postmaster at Northampton, in the county of Hampshire and State of Massachusetts, in the place of Louis L. Campbell, whose commission expired September 27, 1894.

John S. Thompson, to be postmaster at Reading, in the county of Berks and State of Pennsylvania, in the place of Prince R. Stetson, whose commission will expire March 3, 1895.

George W. Wales, to be postmaster at Randolph, in the county of Norfolk and State of Massachusetts, in the place of Minot W. Baker, whose commission expired April 19, 1894.

Jenness D. Wheeler, to be postmaster at Randolph, in the county of Orange and State of Vermont, in the place of Charles H. Montgomery, whose commission expired February 24, 1895.

PROMOTIONS IN THE ARMY.

Maj. Theodore Schwan, assistant adjutant-general, to be assistant adjutant-general, with the rank of lieutenant-colonel, February 19, 1895, vice Martin, deceased.

Second Lieut. Samuel John Bayard Schindel, Third Artillery, to be second lieutenant of infantry, February 25, 1895, with rank from June 12, 1894, vice Gardner, Sixteenth Infantry, transferred to artillery.

Second Lieut. Rogers Finch Gardner, Sixteenth Infantry, to be second lieutenant of artillery, February 25, 1895, with rank from June 12, 1894, vice Schindel, Third Artillery, transferred to infantry.

In accordance with the provisions of the act of Congress approved February 27, 1890, entitled "An act to authorize the President to confer brevet rank on officers of the United States Army for gallant services in Indian campaigns," I nominate the officers herein named for appointment by brevet, in the Army of the United States, to rank from February 27, 1890:

To be lieutenant-colonel by brevet.

Maj. Thaddeus Harlan Stanton, paymaster (now colonel, assistant paymaster-general), for gallant service in action against Indians under Crazy Horse, on the Powder River, Montana, March 17, 1876.

Capt. Samuel Storrow Sumner, Fifth Cavalry, brevet major, United States Army (now lieutenant-colonel, Sixth Cavalry), for gallant service in action against Indians at Summit Springs, Colo., July 11, 1869.

To be major by brevet.

Capt. George Hall Burton, Twenty-first Infantry (now colonel, inspector-general), for gallant service in action against Indians in

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 nonconcurrency, 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 \$28,500 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	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, Oreg.	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,	Straus,
Bingham,	Goodnight,	McKeighan,	Sweet,
Boutelle,	Gorman,	McRae,	Talbot, Md.
Bower, N. C.	Graham,	Meredith,	Taylor, Penn.
Brickner,	Hall, Minn.	Murray,	Van Voorhis, N. Y.
Brosius,	Harter,	Newlands,	Wadsworth,
Bunn,	Heard,	Northway,	Walker,
Burnes,	Heiner,	Ogden,	Wadock,
Cadmus,	Henderson, Ill.	Payne,	Wheeler, Ill.
Clancy,	Henderson, Iowa	Pickler,	White,
Cockran,	Headrix,	Prioe,	Wilson, Ohio
Cogswell,	Hines,	Ray,	Wolverton,
Conn,	Holman,	Rayner,	Woodard.
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. BROSIOUS. Mr. Speaker, how am I recorded?
 The SPEAKER. The gentleman is recorded in the affirmative.
 Mr. BROSIOUS. 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. BROSIOUS 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,	Moon,	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.	Dumphy,	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.

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,
Magnier,
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.

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.