

## BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, and a memorial of the following titles were introduced and severally referred as follows:

By Mr. McALEER: A bill (H. R. 10616) to authorize the corps of civil engineers in the Navy and for other purposes—to the Committee on Naval Affairs.

By Mr. MCGANN: A bill (H. R. 10617) to limit the effect of the regulations of commerce between the several States and with foreign nations in certain cases—to the Committee on Interstate and Foreign Commerce.

Mr. KETCHAM (by request): A bill (H. R. 10618) to promote the complete exploration of the Polar regions—to the Committee on the Revision of the Laws.

Mr. CAMPBELL: A bill (H. R. 10619) to place noncommissioned officers of the Army and Marine Corps on the retired list—to the Committee on Military Affairs.

By Mr. REILLY: A joint resolution of the Legislature of Pennsylvania, against repeal of act of Congress requiring World's Columbian Exposition to be closed to the public on Sunday—to the Select Committee on the Columbian Exposition.

## PRIVATE BILLS, ETC.

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

By Mr. HUFF: A bill (H. R. 10620) to grant a pension to Julia Beaumont Glass—to the Committee on Invalid Pensions.

## PETITIONS, ETC.

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

By Mr. ANDREW: Petition of the Christian Endeavor Society of the Central Presbyterian Church of Allegheny, Pa., for the repeal of the Chinese exclusion act—to the Committee on Foreign Affairs.

By Mr. BINGHAM: Resolutions of the House of Representatives of the State of Pennsylvania, against the repeal or modification by Congress of the act requiring the World's Columbian Exposition to be closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CURTIS: Two petitions of citizens of New York, one of Champion, Jefferson County, and the other of Adams Centre Grange, No. 590, both favoring rural free delivery of mails—to the Committee on the Post-Office and Post-Roads.

By Mr. FITCH: Memorial of the Collegiate Reformed Church, of Harlem, praying for the repeal of the law prohibiting the coming of Chinese persons into the United States—to the Committee on Foreign Affairs.

By Mr. HITT: Petition of W. W. Sawyer, of Rockford, Ill., for 1-cent postage—to the Committee on the Post-Office and Post-Roads.

By Mr. HOPKINS of Pennsylvania: Petition of Grange No. 905, Patrons of Husbandry, of Tioga County, Pa., asking for the passage of Senate bills 115, 116, 117, and 142—to the Committee on Agriculture.

By Mr. HUFF: Resolutions of lodges of Pennsylvania of the Amalgamated Association of Iron and Steel Workers; of Fountain Lodge, No. 77, of Leechburg; of William Waite Lodge, No. 64; of Hope Lodge, No. 17, of Appollo; of Kiskiminetas Lodge, No. 153, of Appollo, Armstrong County, favoring the passage of House bill 10375, establishing a standard gauge to rule in the measurement of sheet iron and steel—to the Committee on Coinage, Weights, and Measures.

Also, resolution of the Senate and House of Representatives of the State of Pennsylvania, against the repeal or modification of the conditions upon which an appropriation was made to the Columbian Exposition—to the Select Committee on the Columbian Exposition.

Also, resolution of the State Grange of Patrons of Husbandry, of Pennsylvania, favoring the establishment of a permanent Census Bureau—to the Select Committee on the Eleventh Census.

By Mr. KRIBBS: Petition of Ridgeway Council, No. 286, Order of United American Mechanics, in favor of restricting immigration—to the Select Committee on Immigration and Naturalization.

By Mr. LAYTON: Resolutions of the Baltimore Drug Exchange, protesting against the Scott bill (H. R. 9829) to increase the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. LOUD (by request): Resolution of San Francisco Methodist Preachers, favoring the repeal of the Chinese exclusion act of 1892—to the Committee on Foreign Affairs.

By Mr. O'FERRALL: Petition of J. Samuel McCue for the estate of James C. McCue, late of Albemarle County, Va., praying that his war claim be referred to the Court of Claims under

the provisions of the Bowman act—to the Committee on War Claims.

By Mr. PAYNE: Petition of the Chautauqua Literary and Scientific Circle, of Sherwood, N. Y. (numbering 26), asking for the passage of House bill 8369, giving women the right to vote for members of the House of Representatives—to the Select Committee on Election of President and Vice-President and Representatives in Congress.

Also, petition of Empire Lodge, No. 153, of Auburn, N. Y., against amendment of the Interstate Commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY: Resolutions of the Pennsylvania State Grange, Patrons of Husbandry, in favor of establishing a permanent Census Bureau—to the Select Committee on the Eleventh Census.

By Mr. ROBINSON of Pennsylvania: Memorial of the Baltimore Drug Exchange, opposing the so-called Scott House bill No. 9829, increasing the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. STONE of Kentucky: Petition of Journeymen Tailors' Union, of Franklin, Pa., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. VINCENT A. TAYLOR: Petition of the Painesville (Ohio) Equal Rights Association (numbering 56), asking for the passage of House bill 8369, giving women the right to vote for members of the House of Representatives—to the Select Committee on Election of President and Vice-President and Representatives in Congress.

Also, petition of the members of Painesville (Ohio) Equal Rights Association, asking Congress to pass a bill enabling women to vote for members of the House of Representatives—to the Select Committee on Election of President and Vice-President and Representatives in Congress.

Also, petition of the officials of the Amalgamated Association of Iron and Steel Workers, asking the passage of House bill 1035—to the Committee on Coinage, Weights, and Measures.

By Mr. TOWNSEND: Protest of the directors of the Colorado Marble and Mining Company, indorsed by the Denver Chamber of Commerce and Board of Trade, the Manufacturers' Exchange, of Denver, Colo., the Denver Real Estate and Stock Exchange, and the Colorado Mining Stock Exchange—referred to the Committee on Ways and Means, and re-referred by that committee to the Committee on the Library.

By Mr. WAUGH: Resolution of State Grange, Patrons of Husbandry, in favor of a permanent Census Bureau with certain provisions—to the Select Committee on the Eleventh Census.

By Mr. WILLIAMS of Illinois: Petition of citizens of Illinois, relative to a combination existing between the millers, railroads, and elevators for the purpose of depressing the price of wheat, and praying for a Congressional investigation—to the Committee on Agriculture.

## SENATE.

THURSDAY, March 2, 1893.

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

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

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

## ENROLLED BILLS SIGNED.

The VICE-PRESIDENT announced his signature to the following enrolled bills; which had previously received the signature of the Speaker of the House of Representatives:

A bill (S. 782) to provide for the adjustment of certain sales of land in the late reservation of the Confederated Otoe and Missouri tribes of Indians, in the States of Nebraska and Kansas; and

A bill (S. 2931) to provide for the survey and transfer of that part of the Fort Randall military reservation, in the State of Nebraska, to said State for school and other purposes.

## EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with law, a report of the disbursements made in the States and Territories under the provisions of "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of colleges for the benefit of agricultural and mechanic arts established under the provisions of the acts of Congress approved July 2, 1862," approved August 30, 1890; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to resolutions

of the Senate of February 21 and 25, a supplemental list of judgments rendered by the Court of Claims, amounting to \$10,705.85; which was read.

Mr. COCKRELL. I ask that a special order be made to print that communication, and that it be returned from the Public Printer at once.

The VICE-PRESIDENT. It will be so ordered, if there be no objection. The communication, with the accompanying papers, will be referred to the Committee on Appropriations.

#### FISH HATCHERY IN TEXAS.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioner of Fish and Fisheries, transmitting an estimate for the completion of the fish hatchery in Texas; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. JAMES KERR, its Clerk, announced that the House had passed the bill (S. 203) for the examination and allowance of certain awards made by a board of claims to certain citizens of Jefferson County, Ky.

#### ENROLLED BILLS SIGNED.

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

A bill (S. 2566) for the relief of William and Mary College of Virginia;

A bill (S. 2966) to amend rule 7, section 4233, Revised Statutes, relating to rules for preventing collisions on the water;

A bill (S. 3892) for the removal of the charge of desertion from the record of John Cassidy; and

A bill (H. R. 10038) making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1894, and for other purposes.

#### POST-OFFICE APPROPRIATION BILL.

The VICE-PRESIDENT. Petitions and memorials are in order.

Mr. CULLOM. I move that the Senate proceed to the consideration of the bill (H. R. 10349) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1894.

Mr. CALL. I ask the Senator from Illinois if he will not allow me to have a vote taken on the joint resolution I introduced and which was under consideration several mornings ago?

Mr. CULLOM. There are two or three appropriation bills which must be acted upon immediately if we are to have any expectation of getting them passed. I hope the Senate will allow the appropriation bills that have not yet been considered by the Senate to go along as quickly as possible.

The VICE-PRESIDENT. The question is on the motion of the Senator from Illinois.

The motion was agreed to.

Mr. CULLOM. I yield for morning business, but I can not yield for anything else.

Mr. TELLER. I wanted to appeal to the Senator from Illinois to allow me to call up the McGarrahan bill, but he assures me he can not yield for that measure. I simply wish to state that when the appropriation bill is finished I propose to call up that bill.

#### PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a memorial of representative citizens, of Scotch Ridge, Ohio, remonstrating against the sale of intoxicating liquors at the World's Columbian Exposition; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. POWER. I present a joint memorial of the Legislature of Montana, which states that the people of Montana feel that the present method of electing United States Senators seriously delays legislative business. Therefore the Legislature is in favor of an amendment to the Constitution of the United States which will bring about the election of United States Senators by a direct vote of the people, and urges the representatives of the State at Washington to endeavor to secure such an amendment. I move that the memorial be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. McMILLAN presented the petition of Stover D. Zea and 9 other citizens of Washington, D. C., praying for the passage of a law suspending immigration for one year; which was referred to the Committee on Immigration.

Mr. CAMERON presented petitions of R. M. Kincaid and 20 other citizens of McKeesport; of G. B. Herwick and 13 other citizens of McKeesport; of C. P. Grove and 30 other citizens of McKeesport; of P. Hollenbush and 43 other citizens of Mount Carmel; of T. Hollenbush and 44 other citizens of Mount Carmel;

of J. S. Clark and 30 other citizens of Mars; of Justin E. Bogge and 30 other citizens of Mars; of Jacob McClain and 25 other citizens of Mahonington; of E. R. Frank and 52 other citizens of Monaca; of Dr. George Beckett and 28 other citizens of McKeesport; of C. B. Campbell and 30 other citizens of McKeesport; of W. A. Edmundson and 29 other citizens of McKeesport; of Gilbert Trumpeter and 30 other citizens of Monaca; of Andy S. Swearingner and 90 other citizens of Mount Braddock; of George W. C. Meyers and 54 other citizens of Mercersburg; of Joseph D. Robinson and 58 other citizens of Mercersburg; of Thomas D. Helsel and 30 other citizens of Morrellville; of H. C. Cobaugh and 30 other citizens of Middletown; of Noah Martin and 18 other citizens of Moyer; of S. Kneidler and 24 other citizens of Mill Hall; of R. H. Boon and 30 other citizens of Montonville; of John Loresh and 73 other citizens of Middletown; of R. S. Michoken and 36 other citizens of Manorville; of M. L. Nieman and 30 other citizens of Mount Jackson; of Joseph McLelland and 30 other citizens of Mount Jackson; of W. C. Stum and 61 other citizens of Moyer; of Samuel Mitts and 30 other citizens of Moyer; of Andrew Brown and 30 other citizens of Muir; of Clarence McConnell and 61 other citizens of Milledgeville; of S. Hildenbrandt and 30 other citizens of Moorestown; of S. M. Wagoner and 80 other citizens of Mechanicsburg; of G. B. Henwick and 60 other citizens of McKeesport; of R. M. Kinkard and 20 other citizens of McKeesport; of E. Wellington and 23 other citizens of North East; of G. W. H. Wilson and 26 other citizens of New Cumberland; of Andrew A. Nye and 55 other citizens of North Sewickley; of E. Wellington and 23 other citizens of North East; of J. Lincoln Cline and 29 other citizens of New Cumberland; of Harry Bachenheimer and 16 other citizens of North Wales; of James C. McClane and 119 other citizens of New Castle; of C. G. Dornbaugh and 61 other citizens of Neffsville; of N. H. Sweiyard and 27 other citizens of New Hamburg; of J. E. Cook and 12 other citizens of Norrisville; of G. O. Williams and 15 other citizens of New Hamburg; of J. B. Jackson and 58 other citizens of New Buffalo; of J. W. Rothgeb and 62 other citizens of New Buffalo; of J. D. Bennett and 88 other citizens of Orangeville; of J. K. Haylor and 30 other citizens of Oil City; of E. W. Alexander and 55 other citizens of Oxford; of E. W. Alexander and 53 other citizens of Oxford; of S. S. Brown and 60 other citizens of Oberlin; of Jacob J. Glaes and 20 other citizens of Philadelphia; of Fred Elder and 30 other citizens of Perryville; of G. A. Piper and 49 other citizens of Jeanette; of Frank Trimble and 62 other citizens of Jeanette; of Harry Gilman and 29 other citizens of Johnstown; of C. F. Ellis and 107 citizens of Jamestown; of Henry E. Shank and 60 other citizens of Salix and Johnstown; of J. W. Buchanan and 31 other citizens of Johnstown; of John F. Paul and 50 other citizens of Johnstown; of David D. Fix and 25 other citizens of Johnstown; of A. E. Siler and 8 other citizens of Freehold; of George T. Kuppinger and 60 other citizens of Fremont; of Joseph McGee and 159 other citizens of Foxburg; of Silas F. Clark and 56 other citizens of Freeport; of H. S. Story and 50 other citizens of Fairview; of G. W. Crow and 30 other citizens of Frostburg; of J. A. Mathews and 120 other citizens of Barkeyville; of Robert Gordon and 119 other citizens of Bellevue; of J. D. Adams and 60 other citizens of Bruin; of H. M. Evans and 41 other citizens of Berwick; of O. C. Hess and 8 other citizens of Berwick; of Charles R. Thompson and 25 other citizens of Bristol; of Fred Johnston and 38 other citizens of Broad Ford; of J. D. Henry and 43 other citizens of Buttercup; of David Gibbon and 30 other citizens of Freeland; of Michael Nagle and 30 other citizens of Freeland; of H. G. Senior and 123 other citizens of Falls Creek; of J. F. Rehrbach, jr., and 25 other citizens of York; of R. G. Pritz and 25 other citizens of York; of E. C. Lafean and 30 other citizens of York; of George W. Bond and 30 other citizens of York; of C. S. Roberts and 31 other citizens of West Bellevue; of Will O. Gleeve and 31 other citizens of Uniontown; of W. S. McDonald and 30 other citizens of Uniontown; of William Stroycher and 86 other citizens of Union City and Erie; of A. E. Gortley and 29 other citizens of Uniontown; of George C. Durand and 149 other citizens of Union City; of E. E. Dilliner and 30 other citizens of Uniontown; of John M. Wiley and 31 other citizens of Waynesburg; of D. W. Hunnell and 30 other citizens of Waynesburg; of Sylvester Homer and 30 other citizens of Weaversville; of J. B. Wingrove and 61 other citizens of Wooddale and Pennsylvania; of C. W. Conrad and 16 other citizens of West Chester; of J. S. Hildebrand and 28 other citizens of Worth; of J. E. Walter and 41 other citizens of West Chester; of James A. Dewey and 29 other citizens of Wanamie; of J. W. Moore and 86 other citizens of West Liberty; of Milton Setzer and 15 other citizens of Weissport; of D. T. Heckalhoes and 70 other citizens of Edenburg; of John Wiler and 112 other citizens of Erie; of Frank L. Southward and 37 other citizens of Erie; of C. R. Homes and 30 other citizens of Erie; of S. S. Whaley and 31 other citizens of Everson; of Austin M. Feather and 74 other citizens of East Freedom; of J. E. Butler and 45 other citizens of East Freedom; of Charles A.

Ginder and 30 other citizens of East Penn; of G. S. Shauer and 90 other citizens of Edenburg; of Isaiah Felton and 31 other citizens of Albion; of E. Exline and 12 other citizens of Acme; of Charles L. May and 6 other citizens of Acme; of William L. Cavett and 12 other citizens of Allegheny; of H. W. Evans and 18 other citizens of Allegheny; of W. C. Myton and 30 other citizens of Altoona; of W. W. Wolfe and 8 other citizens of Allegheny; of J. W. Farrow and 19 other citizens of Allegheny; of Herman White and 30 other citizens of Allegheny; of James H. Batley and 7 other citizens of Allegheny City; of Fred Muhl and 52 other citizens of Allegheny; of Henry Anderson and 18 other citizens of Allegheny; of W. Heckert and 29 other citizens of Allegheny; of W. T. Hulick and 31 other citizens of Allegheny County; of E. S. Carmichael and 11 other citizens of Allegheny City; of G. S. Conaly and 12 other citizens of Allegheny City; of George Morrison and 30 other citizens of Allegheny; of J. W. Megahan and 46 other citizens of Allegheny; of W. W. Houck and 30 other citizens of Allentown; of Amos M. Weiss and 30 other citizens of Allentown; of Franklin G. Radeline and 28 other citizens of Allentown; of James McQuown and 28 other citizens of Ambrose; of E. L. Hess and 31 other citizens of Armstrong and Hendershot; of A. M. Sittler and 28 other citizens of Ashfield; of William Segebrecht and 89 other citizens of Ashland; of Henry S. Ross and 23 other citizens of Atlantic; of G. W. Morenus and 55 other citizens of Avonmore; of Franklin Bruner and 61 other citizens of Laurelville; of R. M. Henderson and 32 other citizens of Lower Tyrone; of Daniel Crawford and 30 other citizens of Lemont; of William J. Heberling and 18 other citizens of Lehigh and Packerton; of S. H. Yingst and 58 other citizens of Luzernboro; of J. H. Shingledecker and 29 other citizens of Lackawanna; of John E. Finton and 24 other citizens of Lykens; of Walter Roads and 14 other citizens of Lower Merion; of Dr. M. Y. Weber and 30 other citizens of Lower Providence; of Godfrey Frantz and 11 other citizens of Lehigh; of John Taylor and 25 other citizens of Long Run; of J. W. McCormick and 20 other citizens of London; of Grant Phillips and 28 other citizens of Leatherwood; of B. F. Lerea and 75 other citizens of Latimore; of C. W. Keasly and 22 other citizens of London; of J. P. A. Hamilton and 30 other citizens of Pittsburg; of Robert Watt and 192 other citizens of Philadelphia; of D. S. Evans and 61 other citizens of Pittsburg; of W. W. Bates and 12 other citizens of Philadelphia; of Charles E. Day and 21 other citizens of Philadelphia; of W. E. McCabe and 30 other citizens of Philadelphia; of Ralph P. Farmer and 23 other citizens of Allegheny City; of David Miller and 19 other citizens of Philadelphia; of Charles A. Finger and 13 other citizens of Pennsylvania; of Fred Metz and 30 other citizens of Phillipsburg; of John R. Marlin and 26 other citizens of Philadelphia; of R. M. Keech and 70 other citizens of Westchester and Philadelphia; of W. H. Slack and 26 other citizens of Philadelphia; of A. B. Mason and 40 other citizens of Philadelphia; of Morris G. Casset and 56 other citizens of Philadelphia; of W. W. R. Williams and 32 other citizens of Pittsburg; of John P. Rogers and 26 other citizens of Pittsburg; of Robert A. Mooney and 30 other citizens of Philadelphia; of John W. Spalth and 30 other citizens of Philadelphia; of A. H. Sunshine and 30 other citizens of Pittsburg; of Franklin Fisher and 23 other citizens of Rices Landing; of Handford Webb, sr., and 31 other citizens of Philadelphia; of John Fernan and 27 other citizens of Pittsburg; of O. F. Shoutz and 25 other citizens of Polk; of George M. Homens and 30 other citizens of Philadelphia; of Daniel W. Miller and 20 other citizens of Plymouth; of W. Major Beatty and 11 other citizens of Philadelphia; of David B. Wardlan and 30 other citizens of Pittsburg; of J. E. Glasgow and 31 other citizens of Pittsburg; of S. B. Benay and 30 other citizens of Philadelphia; of Stuart Creity and 30 other citizens of Philadelphia; of James Fergus and 26 other citizens of Philadelphia; of E. M. Snyder and 239 other citizens of Point Marion; of Michael C. Smith and 25 other citizens of Plumstead; of W. N. Hervery and 35 other citizens of Philadelphia; of H. B. Lannier and 11 other citizens of Pittsburg; of L. S. Bryan and 30 other citizens of Philadelphia; of George W. Miller and 29 other citizens of Palmyra; of S. E. Wilson and 90 other citizens of Prospect; of E. B. Eddy and 57 other citizens of Picture Rocks; of J. B. Ridge and 15 other citizens of Pittsburg; of G. F. Henry and 8 other citizens of Palmyra; of George W. Noblit and 17 other citizens of Pigeon; of William A. Ibach and 30 other citizens of Pottstown; of Jacob C. Detwiler and 31 other citizens of Pennville; of T. W. Eddy and 72 other citizens of Picture Rocks; of W. J. Larned and 30 other citizens of Pittsburg; of L. Levy and 58 other citizens of Philadelphia; of F. M. Langdon and 30 other citizens of Pittsburg; of Lewis A. Harmer and 30 other citizens of Philadelphia; of Michael K. Saver and 60 other citizens of Reading; of William Irvine and 64 other citizens of Reidsburg; of J. W. Delton and 10 other citizens of Rogersford; of M. T. Kendall and 11 other citizens of Rices Landing; of J. S. Morris and 30 other citizens of Rundells; of J. E. Burns and 30 other citizens of Roch-

ester; of J. R. Douglass and 19 other citizens of Seneca; of J. W. Ferran and 29 other citizens of Seneca; of J. J. Sorber and 32 other citizens of Stoyestown; of W. E. Zimmerman and 30 other citizens of Stoyestown; of W. J. Jacobs and 60 other citizens of Shenandoah; of Elmer E. Graham and 32 other citizens of Sax-onburg; of C. H. Peters and 16 other citizens of Shiremanstown; of J. M. Luckey, O. D. Haupt, and 56 other citizens of Salix; of C. E. Britan and 23 other citizens of Shousetown; of S. S. Bailey and 30 other citizens of Shousetown; of H. H. Dubson and 30 other citizens of Spring City; of W. S. Palmer and 90 other citizens of Sharon; of John A. Harman and 22 other citizens of Saulsburg; of Z. F. Fleming and 10 other citizens of Shelacya; of Irvin F. Brant and 74 other citizens of Shanksville; of O. N. Cooper and 30 other citizens of Slippery Rock; of Evans G. Swogger and 91 other citizens of Sharon; of N. B. Wilson and 20 other citizens of Shanksville; of N. W. Dougherty and 50 other citizens of Saltsburg; of A. T. Bartlett and 184 other citizens of Sharpburg; of O. H. Taylor and 30 other citizens of Sharpville; of W. M. Curtis and 30 other citizens of Spartansburg; of James E. McDaniel and 27 other citizens of Summit Hill; of George Litwiler and 28 other citizens of Tamarac; of Charles McMim and 25 other citizens of Tamarac; of C. J. Appleby and 25 other citizens of Tarentum; of William D. Berry and 60 other citizens of Taunton; of W. N. Anchors and 54 other citizens of Tarentum; of J. K. Womer and 4 other citizens of Transfer; of J. C. Mumper and 60 other citizens of Green Village; of W. A. Clarke and 11 other citizens of Green Village; of W. J. Hughes and 36 other citizens of Greensburg; of Davis M. Kuhn and 30 other citizens of Greensburg; of F. T. Neil and 90 other citizens of Greensboro; of George W. Keller and 22 other citizens of Glenfield; of L. D. Stemyer and 120 other citizens of Glen Easton; of C. G. Shaffer and 35 other citizens of Gilpon; of J. K. Kessler and 38 other citizens of Glencoe; of R. C. Prather and 120 other citizens of Greencastle; of C. A. Boyer and 36 other citizens of Harrisburg; of Charles C. McEntire and 28 other citizens of Hartstown; of Harry Griffith and 30 other citizens of Holmesburg; of Enoch Hawley and 30 other citizens of Horatio; of A. J. Allison and 61 other citizens of Houstonville; of W. L. Donaldson and 16 other citizens of Hartstown; of J. S. Miller and 30 other citizens of Highland; of M. M. Miller and 51 other citizens of Hartstown; of E. A. Kister and 119 other citizens of Irvin; John T. Steffy and 40 other citizens of Duquesne; of J. E. G. Gray and 30 other citizens of Derry; of E. E. King and 30 other citizens of Draketown; of J. C. Colburn and 30 other citizens of Draketown; of James Anthony and 50 other citizens of Danville; of J. S. Moorehead and 30 other citizens of Deanville; of Thomas M. Dobyne and 48 other citizens of Wilmerding; of Reil Gallagher and 90 other citizens of New Whatcome; of George Lehman and 50 other citizens of Wheatland; of George S. Lacoock and 25 other citizens of Wilkinsburg; of E. M. McCall and 37 other citizens of West Freedom; of J. S. Moorehead and 30 other citizens of Deanville; of S. S. Cornogg and 19 other citizens of Concordville; of S. W. M. Pray and 60 other citizens of Cookport; of James M. Lambing and 127 other citizens of Corry; of M. W. Terry and 16 other citizens of Conneaut Center; of W. K. Galbraith and 30 other citizens of Cannonsburg; of Frank A. Schmidt and 35 other citizens of Cannonsburg; of E. A. Byam and 8 other citizens of Cochran; of W. T. Gardner and 19 other citizens of Cumberland; of W. A. Vanderslice and 30 other citizens of Collegeville; of J. S. Dorner and 56 other citizens of Chambersburg; of James S. Mayberry and 10 other citizens of Camden; of D. A. Brenerman and 15 other citizens of Cross Roads; of W. W. Epley and 23 other citizens of Circleville; of Elliott Enlow and 270 other citizens of Claysville; of W. F. Johnston and 65 other citizens of Charleroi; of J. W. Cords and 60 other citizens of Charleroi; of W. B. Eicher and 30 other citizens of Carmichael; of E. G. Munshower and 34 other citizens of Creekside; of C. M. Truesdale and 50 other citizens of Conneautville; of Horace G. Lyttle and 29 other citizens of Coalmont; of B. M. Duncan and 30 other citizens of Conoquenessing; of H. M. Cornate and 28 other citizens of Cookport; of Alexander Johnston and 31 other citizens of Connellsville; of S. Comogg and 18 other citizens of Concordville; of C. W. Rigg, jr., and 30 other citizens of Conshohocken; and of J. A. Davidson and 16 other citizens of Copella, in the State of Pennsylvania, praying for the passage of legislation to suspend immigration for one year; which were referred to the Committee on Immigration.

Mr. BLODGETT presented petitions of J. H. Bond and 29 other citizens of Atco; of T. R. Callahan and 18 other citizens of Camden; of Edward F. Ford and 30 other citizens of Clarksburg; of J. D. Anderson and 14 other citizens of East Orange; of Samuel C. Southard and 61 other citizens of Ellisdale and Crosswick; of F. G. Sterling and 70 other citizens of Freehold; of G. A. Frazier and 30 other citizens of Hope; and of Hobert N. Sharp and 75 other citizens of Leesburg, in the State of New Jersey, pray-

ing for the passage of legislation to suspend immigration for one year; which were referred to the Committee on Immigration.

Mr. CULLOM presented petitions of F. H. Prince and 16 other citizens of Chicago; of George P. Anderson and 22 other citizens of Du Quoin, and of D. E. Roach and 30 other citizens of Chicago, all in the State of Illinois, praying for the passage of a law to suspend immigration for one year; which were referred to the Committee on Immigration.

Mr. MANDERSON presented petitions of H. L. Day and 56 other citizens and of John H. Burton and 9 other citizens of Omaha, Nebr., praying for the passage of a law to suspend immigration for one year; which were referred to the Committee on Immigration.

Mr. CHANDLER presented petitions of C. J. Eaton and 12 other citizens, and of E. A. Knowles and 73 other citizens of Hampton, N. H., praying for the passage of a law to suspend immigration one year; which were referred to the Committee on Immigration.

He also presented the petition of H. J. Odell, B. J. Cole, and 38 other citizens of Gilford, N. H., praying for the repeal of the so-called Sherman silver law; which was ordered to lie on the table.

#### REPORTS OF COMMITTEES.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the bill (S. 3177) for the relief of J. E. Gillingwaters, reported it without amendment, and submitted a report thereon.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 10258) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1893, and for prior years, and for other purposes, to report it with amendments. I shall call the bill up later in the day.

Mr. COCKRELL. Let a special order be made about printing the bill.

The VICE-PRESIDENT. A special order will be made for printing the bill as proposed to be amended by the committee.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (H. R. 8550) to increase the pension of W. H. Philpot, a pensioner of the Mexican war, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 3557) granting a pension to William O. Lyman, reported it with amendments, and submitted a report thereon.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (H. R. 4496) to place upon the pension rolls of the United States the name of Thomas F. Sheldon, late captain Company A, One hundred and twenty-fifth New York Infantry, reported it without amendment.

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

A bill (H. R. 8246) granting a pension to Bridget Breman, widow of Thomas Breman, late of Companies C and G, Second Regiment Rhode Island Volunteers.

A bill (H. R. 1100) granting a pension to Mary Catherine Reardon; and

A bill (S. 3882) granting a pension to Honora Shea.

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

A bill (H. R. 5022) for the relief of Lucy Spotberry;

A bill (H. R. 4804) to place the name of Sarah L. Van Nest on the pension list; and

A bill (H. R. 5508) to place the name of Sabra A. Wolcott upon the pension rolls.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 4916) granting a pension to Thomas Tucker, of Battery A, Fourth United States Artillery, reported it with an amendment, and submitted a report thereon.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 1st instant approved and signed the following acts:

An act (S. 3317) extending the time for the construction of the Big Horn Southern Railroad through the Crow Indian Reservation;

An act (S. 2772) for the relief of Seaton Norman;

An act (S. 3886) to authorize the Montgomery Bridge Company to construct and maintain a bridge across the Alabama River near the city of Montgomery, Ala.; and

An act (S. 1307) to provide a permanent system of highways in that part of the District of Columbia lying outside of cities.

#### REPORT ON LIQUOR TRAFFIC.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Education and Labor and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith the fifth special report of the Commissioner of Labor. This report relates to the so-called "Gothenburg system" of regulating the liquor traffic, the system prevailing in Norway and Sweden.

BENJ. HARRISON.

EXECUTIVE MANSION,

Washington, D. C., March 2, 1893.

The manuscript of this report is in the office of the Speaker of the House of Representatives.

CARROLL D. WRIGHT,  
Commissioner of Labor.

#### POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10349) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1894.

Mr. CULLOM. When the bill was under consideration yesterday and was laid aside temporarily to allow the chairman of the committee to submit a conference report on the sundry civil appropriation bill the Senate was considering the amendment proposed by the committee, to strike out the paragraph beginning on page 4, line 23, and running over on the next page. The first question, it seems to me, before the Senate will be, whether we shall retain that provision. The committee propose to strike the provision from the bill.

The VICE-PRESIDENT. The pending question is on the amendment submitted by the Senator from Florida [Mr. CALL] to strike out a portion of the paragraph.

Mr. CULLOM. I wish to say but a few words. I do not intend to take up the time of the Senate in discussion for the reason we have not much time to spend on this or any other appropriation bill. The committee thought that really there ought not to be any appropriation for the purpose indicated in the paragraph; but if it is the judgment of the Senate that some provision shall be retained in reference to special mail facilities, I suggest a provision which I will have read at the desk, and we will see whether it is satisfactory to all parties interested.

The VICE-PRESIDENT. The amendment proposed by the Senator from Illinois will be read.

The CHIEF CLERK. It is proposed to strike out the paragraph from line 23 to line 25, on page 4, and lines 1 to 5, inclusive, on page 5, and insert in lieu of the paragraph to be stricken out:

For necessary facilities on trunk lines, §196,614.22: *Provided*, That the Postmaster-General shall select the trunk lines which shall carry the mails if he shall deem the expenditure necessary.

Mr. GORMAN. I suggest to the Senator from Illinois to add after "necessary" the words "and special," as the present law is.

Mr. CULLOM. Very well; I have no objection to that modification.

The VICE-PRESIDENT. The amendment as proposed to be modified will be stated.

Mr. GORMAN. It reads "for necessary facilities." The language of the present law is "for necessary and special facilities."

Mr. WHITE. May I suggest to the Senator that it be made to read "line or lines"?

Mr. CULLOM. I think I have no objection to inserting the words "line or" before "lines."

Mr. WHITE. Would the Senator have any objection to a further amendment—

Mr. CULLOM. If I can have a vote on the amendment I have offered, I think it will be satisfactory to all parties.

The VICE-PRESIDENT. The amendment will be reported as modified.

Mr. CULLOM. It meets the views of the Senators from Florida, I think, as well as of other gentlemen.

Mr. CALL. I am satisfied with the amendment.

Mr. DAWES. I should like to have it read again.

The CHIEF CLERK. In lieu of the paragraph proposed to be stricken out by the committee insert:

For necessary and special facilities on trunk line or lines, §196,614.22: *Provided*, That the Postmaster-General shall select the trunk line or lines which shall carry the mails, if he shall deem the expenditure necessary.

Mr. GORMAN. That is right.

Mr. CULLOM. I will add the words "or advisable," at the end of the amendment.

Mr. McPHERSON. How does that leave it?

Mr. PASCO. That is entirely satisfactory to me, Mr. President.

Mr. TELLER. I ask that the amendment be read.

The VICE-PRESIDENT. The amendment will be read as further modified.

The CHIEF CLERK. In lieu of the paragraph proposed to be stricken out by the committee insert:

For necessary and special facilities on trunk line or lines, \$196,614.22: *Provided*, That the Postmaster-General shall select the trunk line or lines which shall carry the mails if he shall deem the expenditure necessary or advisable.

Mr. CULLOM. The Senators from Florida, and I believe other Senators who are interested especially in this provision, regard the amendment as satisfactory, and I hope we shall vote upon and dispose of it.

Mr. McPHERSON. I should like to make an inquiry before a vote is taken on this question. The amendment, I understand, as now read from the desk, provides that the Postmaster-General shall select the trunk lines which shall carry the mails. Why should you discriminate in an act of Congress in favor of one trunk line and against another trunk line? In short, to be more explicit, take the route, we will say, from New York to Chicago; three or four trunk lines of railroad, all having equal facilities for carrying the mails, are anxious, as a matter of course, to get all the mail matter that they can to carry.

What would a Postmaster-General feel obligated to do under this amendment? Would he select the New York Central, or would he select the Pennsylvania route, would he select the Erie route? Would he not be required to make a discrimination as between routes? Why do you require him to do that? Why do you not leave it free and open as to all trains that carry the mails at equal rates of speed on all roads?

Mr. CULLOM. The amendment leaves it open substantially, except that the people of the South feel that they ought to have the benefit of one special fast mail train to get the mails from the North and the East down into that country as quickly as possible and on to the Gulf.

Mr. McPHERSON. That is very proper.

Mr. CULLOM. It would require an immense appropriation to provide that more than one route should carry the mails, and as there are different routes and the Congress of the United States is not prepared to select one, there is only one other way to do it, and that is to leave it to the discretion of the Postmaster-General in the interest of the public in determining the line or lines which shall carry the fast mails. I do not know any other way that we can do it unless we designate the particular line that shall be required to do the service.

Mr. McPHERSON. Yes, but if three or four lines are running in the same direction all with trains at an equal rate of speed, why is it not competent for the Postmaster-General to put the mails on either one of the lines who have trains leaving at different hours.

Mr. CULLOM. So it is under the amendment.

Mr. McPHERSON. No; I should think he would be required to designate some one line under the amendment.

Mr. CULLOM. He can put the service on one line or the other.

Mr. McPHERSON. And give to that one particular line all the mails.

Mr. PASCO. If the Senator from New Jersey will permit me, I will suggest that giving the Postmaster-General this authority enables him to invite some competition, so that it may be done at as low a rate as possible and the money be expended as advantageously as possible in the promotion of the postal service.

Mr. McPHERSON. Then, if I understand it aright, the Postmaster-General invites estimates?

Mr. PASCO. I say he has that opportunity.

Mr. CULLOM. He has the power to adopt whatever system he chooses.

Mr. McPHERSON. Under the policy that is now pursued.

Mr. CULLOM. He will have the power under the law to invite all the roads running South, the competing lines, to propose what they are willing to do in carrying the mails.

Mr. McPHERSON. Practically there is but one road running South carrying the mails, we will say to Tampa, and from there across to the West Indies and to South America.

I can readily see the necessity of establishing a fast-mail route in that direction. It looks to me reasonable, and I can also see a necessity of establishing a fast mail route between the East and the great West. I only wanted to understand whether the Postmaster-General would designate where there were half a dozen roads leading in a certain direction, all running trains of equal speed, starting at different hours of the day, we will say one starting at 12 o'clock at noon. If he has designated that particular road the mail must go by that road. Another line of road leaves in the same direction with a train of equal speed, running, if you please, towards Chicago, at 2 o'clock or 3 o'clock or 4 o'clock. He can place no mails on that route because he must designate some particular route.

I think there ought to be entire latitude left to the Postmaster-General with respect to this matter, and that he should not be restricted by the interpretation of the act itself. As I interpret it, it would require him to make a contract with one particular

line of road, we will say from New York to Chicago, and be dependent entirely upon the trains by that route. If he is to send but one fast mail per day that settles the whole matter; but if there are many fast trains upon which the mails can be carried, then why not give the public the benefit of a quick delivery of mails and not confine it entirely to one route and one train?

Mr. CULLOM. As I have stated before, the Postmaster-General has the discretion to establish fast mail facilities on one trunk line or more if he chooses. The purpose of this amendment is to accommodate the Southern country. The Northern regions of the country are not asking for any money at all. They used to ask it, but their roads are now able to carry the mails and carry fast mails without any extra contribution by the Government. But it is alleged that as to the Southern lines they can not do so, and therefore this little appropriation is put in the bill, as has been done for a good many years, to accommodate the people with fast mail facilities. I do not know how we could give more discretion to the Postmaster-General as to the number of the lines than we have already given.

Mr. McPHERSON. By simply inserting the words the Senator has spoken of, on one trunk line or lines.

Mr. CULLOM. We have practically that exact expression in the amendment.

Mr. McPHERSON. Let the amendment be read again.

The Chief Clerk again read the amendment.

Mr. CULLOM. That covers the whole case.

Mr. COKE. Mr. President, the paragraph which is proposed to be stricken out as it came from the other House designates the points upon which the mail is to be expedited, commencing at Springfield, Mass., via New York and Washington to Atlanta and New Orleans. The amendment proposed by the Senator from Illinois strikes out those points and leaves the whole subject entirely to the discretion of the Postmaster-General. The object of the provision as it came from the House is, I understand, to straighten the route and expedite it between the points named, to wit, Springfield, Mass., and New Orleans, La.

All the country east of the Mississippi River is very much interested in a fast line and in a straight line. No part of the country, however, is more greatly interested than the State of Texas, which I have the honor in part to represent here. We get a great deal of our mail via New Orleans. If you strike out this designation the money may be expended anywhere else as well as between the points named in the provision of the House.

I hope that the amendment will be voted down and the language will be adopted as it stands in the bill as passed by the other House, because the intention evidently is to give the Southern country a straight mail route and a fast one. The proposed amendment entirely departs from that and leaves the Postmaster-General at liberty to expend the money West or North, or East, wherever he pleases, without reference to the intention in the original bill.

Mr. CULLOM. There is no probability that any of this money will be sent North and West. The whole purpose is to accommodate the Southern country. I hope we shall have a vote on the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Illinois [Mr. CULLOM].

The amendment was agreed to.

The VICE-PRESIDENT. The reading of the bill will be proceeded with.

Mr. GORMAN. I understood the amendment of the Senator from Illinois was to the text of the bill. I suppose the next question will be on striking out the whole provision as amended.

Mr. HARRIS. Was not the amendment of the Senator to strike out and insert?

Mr. GORMAN. If that is the case, it is all right.

Mr. HARRIS. I so understood it.

Mr. GORMAN. Very well.

Mr. PASCO. I understand it was the modified amendment of the committee as proposed by the Senator from Illinois, which has been adopted by the recent vote.

The VICE-PRESIDENT. The Chair so understands.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 5, line 8, before the word "thousand," to strike out "five hundred" and insert "seven hundred and twenty-three;" so as to make the clause read:

For transportation of foreign mails, \$1,723,000: *Provided*, That hereafter the Postmaster-General shall be authorized to expend such sums as may be necessary, not exceeding \$55,000, to cover one-half of the cost of transportation, compensation, and expense of clerks to be employed in assorting and pouching mails in transit on steamships between the United States and other postal administrations in the International Postal Union.

The amendment was agreed to.

The next amendment was, on page 6, line 1, after the word "dollars," to add:

*Provided*, That it shall be lawful after the 30th day of September, 1894, for

the Postmaster-General to have the usual requests for the return of letters printed upon stamped envelopes sold by the Post-Office Department through postmasters.

So as to make the clause read:

For manufacture of stamped envelopes, newspaper wrappers, and letter sheets, \$1,110,000: *Provided*, That it shall be lawful after the 30th day of September, 1894, for the Postmaster-General to have the usual requests for the return of letters printed upon stamped envelopes sold by the Post-Office Department through postmasters.

The bill was reported to the Senate as amended, and the amendments were concurred in.

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

The bill was read the third time.

Mr. GORMAN. I ask the Senator in charge of the bill whether he has submitted a statement to the Senate showing the state of the appropriations as proposed by the bill?

Mr. CULLOM. I propose to do so as soon as the bill is passed. I shall then submit the statement and shall ask to have it printed in the RECORD.

Mr. GORMAN. Very well.

The bill was passed.

Mr. CULLOM. I now move that the Senate ask for a conference with the House of Representatives on the bill and amendments.

Mr. GORMAN. Does the Senator deem it necessary to pursue that policy as to this bill? I know such a course was taken on another appropriation bill a day or two ago.

Mr. CULLOM. I understand that the chairman of the committee and others object to that course. I therefore withdraw the motion. Let the other House take the bill and amendments for such action as it may deem proper.

Before giving way, I desire to have inserted in the RECORD a statement of the appropriations contained in the bill, and a comparison between the appropriations of this year and last year, etc.

Mr. GORMAN. What is the increase over the bill of last year?

Mr. CULLOM. The regular estimates for 1894 were \$84,249,119.67; supplemental estimates, \$954,123.33; making the total estimates \$85,203,243. The amount appropriated in the bill as it came from the House of Representatives was \$83,904,314.22; the increase recommended by the Committee on Appropriations of the Senate is \$26,385.78. The amount of these appropriations for 1893 was \$80,331,276.73.

These are the general figures. The bill is increased a little over \$3,000,000 above the bill of last year.

The VICE-PRESIDENT. The report of the Committee on Appropriations, containing the statement referred to by the Senator from Illinois, will be inserted in the RECORD, in the absence of objection.

The report is as follows:

The Committee on Appropriations, to whom was referred House bill No. 10349, making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1894, having considered the same, report the bill to the Senate with various amendments, and submit herewith a statement showing the estimates for the postal service for the fiscal year 1894, the amount provided by the bill as passed by the House of Representatives, the amount recommended by the committee, and the amount of appropriations made for the fiscal year 1893.

*Postal service, 1894.*

|  |                      |
|--|----------------------|
| Amount of regular estimates for 1894.....  | \$84,249,119.67      |
| Supplemental estimates.....  | 954,123.33           |
| <b>Total estimates.....</b>  | <b>85,203,243.00</b> |
| Amount of House bill.....  | 83,904,314.22        |
| Increase recommended by committee, net.....  | 29,385.78            |
| <b>Amount as reported to Senate.....</b>   | <b>83,930,700.00</b> |
| Amount of appropriations for 1893.....   | 80,331,276.73        |
| The items of increase and reduction in House bill recommended by the committee are as follows: |                      |
| Increase:  |                      |
| Transportation of foreign mails.....   | \$223,000.00         |
| Reduction:   |                      |
| For necessary and special facilities on trunk lines.....                                       | 196,614.22           |
| <b>Net increase recommended.....</b>   | <b>26,385.78</b>     |

*Comparative statement showing the appropriations for 1893, the estimates for 1894, the amounts provided by the House bill, and the amounts recommended by the Senate Committee on Appropriations for 1894.*

| Object.   | Appropriations, 1893. | Estimates, 1894.     | House bill, 1894.    | Senate committee, 1894. |
|---|-----------------------|----------------------|----------------------|-------------------------|
| <b>OFFICE OF THE POSTMASTER-GENERAL.</b>  |                       |                      |                      |                         |
| Advertising.....  | \$18,000.00           | \$18,000.00          | \$18,000.00          | \$18,000.00             |
| Miscellaneous items.....  | 1,000.00              | 1,000.00             | 1,000.00             | 1,000.00                |
| <b>Total.....</b>   | <b>19,000.00</b>      | <b>19,000.00</b>     | <b>19,000.00</b>     | <b>19,000.00</b>        |
| <b>OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL.</b>                          |                       |                      |                      |                         |
| Compensation to postmasters.....  | 15,250,000.00         | 15,850,000.00        | 15,600,000.00        | 15,600,000.00           |
| Compensation to clerks in post-offices.....                                       | 8,390,000.00          | 8,860,000.00         | 8,860,000.00         | 8,860,000.00            |
| Rent, light, and fuel for first and second class offices.....                     | 747,000.00            | 767,000.00           | 802,000.00           | 802,000.00              |
| Rent, light, and fuel for third-class offices.....                                | 610,000.00            | 630,000.00           | 630,000.00           | 630,000.00              |
| Miscellaneous items for first and second class offices, including furniture.....  | 110,000.00            | 140,000.00           | 125,000.00           | 125,000.00              |
| Free-delivery service.....  | 10,754,943.00         | 11,254,943.00        | 11,254,900.00        | 11,254,900.00           |
| Stationery in post-offices.....   | 57,000.00             | 57,000.00            | 57,000.00            | 57,000.00               |
| Wrapping twine.....   | 85,000.00             | 90,000.00            | 90,000.00            | 90,000.00               |
| Wrapping paper.....   | 58,622.00             | 60,000.00            | 60,000.00            | 60,000.00               |
| Letter balances, scales, and test weights.....                                    | 18,000.00             | 18,000.00            | 18,000.00            | 18,000.00               |
| Postmarking and rating stamps and ink and pads.....                               | 40,000.00             | 40,000.00            | 40,000.00            | 40,000.00               |
| Packing boxes, sawdust, paste, and hardware.....                                  | 1,500.00              | 1,500.00             | 1,500.00             | 1,500.00                |
| Printing facing slips, labels, blanks, and books.....                             | 7,000.00              | 10,000.00            | 10,000.00            | 10,000.00               |
| <b>Total.....</b>   | <b>36,097,065.00</b>  | <b>37,778,443.00</b> | <b>37,548,400.00</b> | <b>37,548,400.00</b>    |
| <b>OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL.</b>                         |                       |                      |                      |                         |
| Inland mail transportation by star routes.....                                    | 5,845,000.00          | 5,945,000.00         | 5,945,000.00         | 5,945,000.00            |
| Inland mail transportation by steamboat routes.....                               | 465,000.00            | 450,000.00           | 450,000.00           | 450,000.00              |
| Mail messenger service.....   | 1,200,000.00          | 1,275,000.00         | 1,275,000.00         | 1,275,000.00            |
| Mail bags and mail-bag catchers and repairs.....                                  | 260,000.00            | 260,000.00           | 260,000.00           | 260,000.00              |
| Mail locks and keys.....  | 35,000.00             | 35,000.00            | 35,000.00            | 35,000.00               |
| Rent of building for mail-bag and lock repair shop, fuel, gas, watchmen, etc..... | 6,500.00              | 8,500.00             | 8,500.00             | 8,500.00                |
| Inland mail transportation by railroad routes.....                                | 23,633,657.51         | 25,500,000.00        | 24,500,000.00        | 34,500,000.00           |
| Railway post-office car service.....  | 2,803,750.00          | 2,941,000.00         | 2,941,000.00         | 2,941,000.00            |
| Railway post-office clerks.....   | 6,631,000.00          | 6,894,000.00         | 6,894,000.00         | 6,894,000.00            |
| Necessary and special facilities on trunk lines.....                              | 196,614.22            | 196,614.22           | 196,614.22           | 196,614.22              |
| Miscellaneous items.....  | 500.00                | 500.00               | 500.00               | 500.00                  |
| Transportation of foreign mails.....  | 1,102,290.00          | 768,876.67           | 1,500,000.00         | 1,723,003.00            |
| Supplemental estimate.....  |                       | 954,123.33           |                      |                         |
| Balance due foreign countries.....  | 87,500.00             | 152,000.00           | 110,000.00           | 110,000.00              |
| <b>Total.....</b>   | <b>42,272,811.73</b>  | <b>45,184,000.00</b> | <b>44,115,614.22</b> | <b>44,142,000.00</b>    |
| <b>OFFICE OF THE THIRD ASSISTANT POSTMASTER-GENERAL.</b>                          |                       |                      |                      |                         |
| Manufacture of adhesive and special-delivery stamps.....                          | 219,700.00            | 376,200.00           | 376,200.00           | 376,200.00              |
| Pay of agents and assistants, and expenses of stamp agency.....                   | 9,000.00              | 12,000.00            | 12,000.00            | 12,000.00               |
| Manufacture of stamped envelopes, newspaper wrappers, and letter sheets.....      | 1,047,000.00          | 1,110,000.00         | 1,110,000.00         | 1,110,000.00            |
| Pay of agents and assistants, and expenses of stamped envelope agency.....        | 17,800.00             | 17,800.00            | 17,800.00            | 17,800.00               |
| Manufacture of postal cards.....  | 212,000.00            | 343,700.00           | 343,700.00           | 343,700.00              |
| Pay of agents and assistants, and expenses of postal-card agency.....             | 7,800.00              | 7,800.00             | 7,800.00             | 7,800.00                |
| Registered package, tag, official, and dead-letter envelopes.....                 | 116,030.00            | 118,600.00           | 113,600.00           | 113,600.00              |
| Ship, steamboat, and way letters.....   | 1,400.00              | 2,000.00             | 1,500.00             | 1,500.00                |
| Engraving, printing, and binding drafts and warrants.....                         | 3,200.00              | 3,200.00             | 3,200.00             | 3,200.00                |
| Miscellaneous items.....  | 500.00                | 500.00               | 500.00               | 500.00                  |
| <b>Total.....</b>   | <b>1,634,400.00</b>   | <b>1,936,800.00</b>  | <b>1,986,300.00</b>  | <b>1,986,300.00</b>     |

Comparative statement showing the appropriations for 1893, the estimates for 1894, etc.—Continued.

| Object.  | Appropriations, 1893. | Estimates, 1894. | House bill, 1894. | Senate committee, 1894. |
|--|-----------------------|------------------|-------------------|-------------------------|
| OFFICE OF THE FOURTH ASSISTANT POSTMASTER-GENERAL.   |                       |                  |                   |                         |
| Mall depredations and post-office inspectors .....   | \$235,000.00          | \$235,000.00     | \$235,000.00      | \$235,000.00            |
| Branch station of the Chicago (Ill.) post-office in the Government building, World's Columbian Exposition, expenses, etc. .... | 53,000.00             | -----            | (*)               | (*)                     |
| Pneumatic tubes investigation and report, expenses, etc. ....  | 10,000.00             | -----            | -----             | -----                   |
|  | 73,000.00             | -----            | -----             | -----                   |
| Total postal service .....   | 80,331,276.73         | 85,203,243.00    | 83,004,314.22     | 83,930,700.00           |
| Estimated postal revenues for 1894, namely:  |                       |                  |                   |                         |
| Ordinary revenues .....  | \$84,191,365.38       | -----            | -----             | -----                   |
| Money-order business, net .....  | 930,000.00            | -----            | -----             | -----                   |
| Total postal revenues .....  | 85,121,365.38         | -----            | -----             | -----                   |

\*Reappropriation of unexpended balance for same purpose.

Mr. CULLOM. I desire to state that, according to the report of the Postmaster-General the receipts of the Post-Office Department will amount to about \$85,000,000, so that the Department is self-sustaining. I think that shows a very healthy condition as to the Post-Office Department. The Government will not be required hereafter to appropriate a dollar for that Department which is not furnished by the Department itself.

Mr. PLATT. And the increase of expense is not equal to the increase in revenue.

Mr. CULLOM. Yes. I desire also to have inserted in the RECORD a letter from the Postmaster-General in relation especially to the envelope printing, etc., so that the House of Representatives may see it.

The VICE-PRESIDENT. The letter referred to will be printed in the RECORD if there be no objection. The Chair hears none.

The letter referred to is as follows:

OFFICE OF THE POSTMASTER-GENERAL,  
Washington, D. C., February 24, 1893.

SIR: As the chairman of the subcommittee of the Senate, having consideration of the Post-Office appropriation bill just passed by the House of Representatives, your attention is respectfully invited to the following statement:

In the Post-Office appropriation act, passed at the last session of Congress, a provision occurs which prohibits the Post-Office Department from having printed on stamped envelopes what are commonly known as special requests (being requests to return, after mailing, in case of nondelivery), upon the expiration of the present stamped envelope contract—the measure having been urged and adopted professedly in the interests of job printing establishments throughout the country. I quote from the act the provision in question:

“Provided, That it shall not be lawful after the 30th day of September, 1894, for the Postmaster-General to have requests for the return of letters printed upon any envelope sold by any postmaster or by the Post-Office Department.”

The enactment of this provision was, in my judgment, a very grave mistake; and unless it is repealed I foresee as the result of it not only heavy loss to the postal revenue, but a vast amount of inconvenience, expense, and dissatisfaction to the public. The reasons upon which I found my opinion are these:

1. The issue of special-request stamped envelopes was begun in 1865, and has continued without practical interruption until now. From an issue of a quarter of a million the first year, they have increased to nearly three hundred and fourteen million in 1892, which is more than half of all the stamped envelopes issued. The number of separate requisitions for these envelopes during the last calendar year was as follows:

|   |          |
|---|----------|
| Number of individual orders for special-request envelopes received .. | 202, 872 |
| Number of separate orders for only 500 envelopes .....                | 74, 142  |
| Number of separate orders for only 1,000 envelopes .....              | 65, 140  |
| Number of separate orders for 1,500 envelopes or more .....           | 63, 590  |

These figures will show the extent to which special-request envelopes are used, and will also give some idea of the public inconvenience that will result in case the prohibition as to their manufacture, above referred to, is allowed to stand. They also indicate that extensive business houses are not alone the purchasers of the special-request envelopes; the small consumers are greatly in the majority.

2. The issue of special-request envelopes by the Government has very much to do with the success of the return-request system generally; that is to say, of the system under which undelivered letters are returned direct to the senders, instead of going back through the Dead-Letter Office. If people are prevented from getting these envelopes, as they get them now—without any cost for printing, without trouble, and with the necessary stamps upon them—a great many of the letters that are now mailed in special-request envelopes—probably two-thirds of the number—would be mailed every year without return-requests at all.

This is not all; the discontinuance of the issue of special-request envelopes would very likely discourage the printing of the return-requests upon unstamped envelopes. If this view be correct, then not only will the job printers of the country be not benefited, but they will be injured rather; the public will be inconvenienced by not getting back promptly its undelivered mail matter; and the labor and expenses of the Dead-Letter Office will be very greatly increased.

3. The printing of special-request envelopes now costs the Government nothing; that is to say, they are furnished by the contractor at the same price as unprinted envelopes. The reason of this is, that the cost of composition, or the setting up of the types, in the special requests, is a mere bagatelle, comparatively speaking, while the presswork costs absolutely nothing, being done on the same machine that embosses the stamps upon the envelopes, and simultaneously therewith.

In selling them to the public no difference, of course, is made in price; the purchaser gets either kind at the same rate. It seems almost absurd under these circumstances to deny to the people who now customarily buy the

special-request envelopes the right to continue getting them merely to throw some additional business into the hands of job printers here and there throughout the land. This, in effect, is unnecessarily taxing a great number of people to benefit a few.

4. Not only does the printing of special-request envelopes cost the Department and the consumer nothing, but the postal revenue is largely helped by the sale of the envelopes in two ways: first, the law requires that in selling any kind of stamped envelopes the Department shall add to the postage value the cost of their manufacture and issue, in doing which, some excess over the total cost is nearly always necessary—the Department thus getting back in full everything that it pays out for the envelopes, and something besides; secondly, if the envelopes were abandoned, adhesive stamps would mainly take their place, which the Department has to sell at face value, the postal revenue being consequently taxed with the cost of their manufacture. The saving to the revenue in this way, on the issues of special-request envelopes during the past two years, is shown in the following statement:

|  |                   |
|--|-------------------|
| Number of special-request envelopes issued during the two years ending June 30, 1892 ..... | 594, 598, 500     |
| Cost of these envelopes at present contract prices .....                                   | \$1, 006, 071. 03 |
| Amount, in addition to postage value, at which the envelopes were sold to the public ..... | 1, 162, 084. 50   |
| Excess realized over cost of manufacture .....   | 156, 013. 47      |
| Add saving in cost of manufacturing 594, 598, 500 postage stamps ..                        | 44, 416. 51       |
| Amount saved to the Government in two years .....  | 200, 429. 98      |

To state the case differently the Government gets back not only the cost of manufacturing these envelopes, but adds to its postal revenue in two years over \$200,000.

5. As has before been intimated, the job printers will be but little benefited by the discontinuance of special-request envelopes. Two or three causes will operate to prevent any considerable advantage to the job printers: First, prior to the time when the issue of the envelopes is stopped there will undoubtedly be a large stocking up, under present prices and conditions, by both large and small consumers; secondly, the large consumers will be most likely to buy unstamped envelopes from manufacturers of them, and have whatever printing is desirable done at the same time, which would be very much less than small printing establishments would be compelled to charge for similar work; thirdly, the great majority of consumers would in all likelihood not have anything at all printed on these envelopes.

6. The additional cost of running the Dead-Letter Office by reason of the additional work that would be thrown into it by discontinuing the printing of special return requests would probably average twenty or thirty thousand dollars a year, to say nothing of the additional labor and expense at large post-offices in returning undelivered matter to the Department instead of directly to the senders.

7. There is a great advantage to the employes of the postal service in handling mail matter in Government stamped envelopes over that in envelopes with adhesive stamps on them, resulting from their general uniformity of size and location of stamp and from their good quality. This advantage would be lost in handling a very large amount of mail matter if special-request envelopes were abandoned.

8. Another advantage in the use of these envelopes results from the fact that the return requests are all printed in plain letters, in the same style, and in the same position on the envelopes; the facility of returning, or of ascertaining the name of the senders, is thus greater than is the case with private envelopes, where the greatest variety of letters and wording is customary.

9. The printing on special-request envelopes, under the present condition of things, is not done directly by the Government, but by a private printing and envelope establishment, and the contract was given to it, as the lowest bidder, after full advertisement for proposals. Such has always been the case. To abandon this practice will result, of course, in depriving the consumers of envelopes of the benefit they now get from the competition that the Government secures, and will therefore force them to pay much higher prices in all cases where they have the printing done in job-printing establishments. In other words, the printing would be taken from one private printing house, where it is now done practically for nothing, and be distributed over the whole country at a large cost to the public. This is decidedly unfair.

For the above reasons I think that the prohibition as to special-request envelopes, enacted at the last session of Congress, should be removed, and that the existing practice of the Department should be allowed to go on undisturbed. To this end I recommend that the following proviso be added to the item in the Post-Office appropriation bill as it passed the House of Representatives, and which is now pending before your committee, this proviso having been a part of the bill as it was reported to the House by its Post-Office Committee, but ruled out on a point of order:

“Provided, That it shall be lawful, after the 30th of September, 1894, for the Postmaster-General to have the usual requests for the return of letters printed upon stamped envelopes sold by the Post-Office Department through postmasters.”

I have the honor to be, very respectfully, yours, etc.,  
JNO. WANAMAKER,  
Postmaster-General.

Hon. S. M. CULLOM,  
Chairman Subcommittee on Appropriations,  
United States Senate.

## INDIAN APPROPRIATION BILL.

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

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10415) making appropriations for current and contingent expenses, and fulfilling treaty stipulations with Indian tribes, for fiscal year ending June 30, 1894.

Mr. DAWES. I ask unanimous consent that the formal reading of the bill be dispensed with and that the amendments of the Committee on Appropriations may be acted upon as they are reached.

The VICE-PRESIDENT. That course will be pursued in the absence of objection.

## CUMBERLAND FEMALE COLLEGE.

Mr. HARRIS. I appeal to the Senator from Massachusetts to allow me to ask to have considered at this time House bill 2122. It is not a page in length, and if it consumes any time, of course I shall not ask the indulgence of the Senate for its further consideration.

Mr. DAWES. I will yield if the bill does not lead to debate. By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2122) for the relief of Cumberland Female College, of McMinnville, Tenn.

The bill was reported from the Committee on Claims with an amendment, in line 6, after the word "appropriated," to strike out:

The sum of \$7,500, in full of all claims of said college for the use, occupation, damage, and destruction of its property during the late war of 1861 to 1865 by the military authority of the United States in the use of said property during that said period for hospital purposes. And the acceptance of said sum by the said college shall be a complete and absolute bar to any and all claims for damage and destruction of the property of said college or the use and occupation thereof by the armies of the United States.

And insert:

The sum of \$2,500 in full for use and occupation of the buildings and premises of the said college during the war of 1861 to 1865 by the military authorities of the United States.

So as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Cumberland Female College, of McMinnville, Tenn., out of any money in the Treasury not otherwise appropriated, the sum of \$2,500 in full for use and occupation of the buildings and premises of the said college during the war of 1861 to 1865 by the military authorities of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HARRIS. I move that the Senate ask for a committee of conference with the House of Representatives upon the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. DANIEL, Mr. PEPPER, and Mr. PASCO were appointed.

## WASHINGTON, ALEXANDRIA, AND MOUNT VERNON ELECTRIC RAILWAY.

Mr. VEST. Will the Senator from Massachusetts yield to me for the consideration of a bill?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. DAWES. I shall yield if the bill the Senator from Missouri desires considered will not take more than a minute or two.

Mr. VEST. I do not think it will take two minutes. I ask unanimous consent for the present consideration of Senate bill 3880. It has been read before.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3880) to authorize the Washington, Alexandria and Mount Vernon Electric Railway Company to construct a bridge across the Potomac River, opposite Observatory Hill.

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

## PROPOSED CONSIDERATION OF PENSION BILLS.

Mr. SAWYER. I ask the Senator from Massachusetts to give way for twenty minutes or so to permit me to ask for the consideration of private House pension bills, subject to objection.

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

Mr. DAWES. I should be glad to accommodate the Senator, but it is absolutely necessary that the appropriation bill shall be passed at the earliest possible moment.

Mr. SAWYER. Then I give notice that immediately after the appropriation bill is concluded, I shall ask unanimous consent for the consideration of the House pension bills on the Calendar favorably reported.

## SETTLEMENT RIGHTS ON PUBLIC LANDS.

Mr. PETTIGREW. I submit a privileged report, for which I ask present consideration.

The VICE-PRESIDENT. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7028) entitled "An act to protect settlement rights where two or more persons settle upon the same subdivision of agricultural public lands before survey thereof," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same amended as follows:

In line 4 of said Senate amendments, after the word "provision," strike out the words "And provided further, That any person who has made entry of any public lands of the United States under the timber-culture laws, and who has heretofore for a period of eight years in good faith attempted to comply with the provisions of said laws, and who at the time of making the entry was a bona fide resident of the State or Territory in which said land is located, or residing within 5 miles of the boundary line of such State or Territory, and where there was no pending contest on March 3, 1891, shall be entitled to make final proof thereto and acquire title to the same by payment of the customary fee for final proofs in homestead entries," and insert—

"SEC. —. That section 1 shall not be construed so as to interfere with any valid right of contest initiated prior to the passage of this act: And provided further, That any person qualified to make entry, and who has a subsisting entry under the timber-culture laws, and who has for at least eight years in good faith attempted to comply with the provisions of said laws, shall be entitled to make final proof, upon the payment of the fees required in homestead entry, and such attempt in good faith to comply with said laws shall be construed to entitle the entryman to all the benefits of said timber-culture laws and amendments thereto, and in computing the time before final proof under said timber-culture laws and acts amendatory thereof the same shall commence at date of entry."

Strike out lines 27 to 33 inclusive and insert:

"SEC. —. That any public lands embraced within the limits of any forest reservation made under section 24 of the act approved March 3, 1891, which after the examination shall be found better adapted to agricultural than forest uses, may be restored to the public domain upon the recommendation of the Secretary of the Interior, with the approval of the President, after sixty days public notice in two newspapers of general circulation in the State where the reservation is situated.

"SEC. —. That the Secretary of the Interior, with the assistance and co-operation of the Secretary of War, shall make provision for the protection against fire and depredations of the forest reservations, and the Secretary of the Interior shall make such proper rules and regulations for the occupancy and utilization of said reservations as will preserve the forest cover from destruction and insure the objects of the reservations."

Strike out lines 62 to 69, inclusive, of the second amendment of the Senate and all of the third amendment of the Senate, and insert in lieu thereof the following:

"SEC. —. That the proper officers of the Department of the Interior and of the Treasury shall finally adjust and settle the claims of any State against the United States for all lands which have been sold or located by warrant or scrip that were included in any grant of swamp and overflowed lands, and in such settlement and adjustment such State shall, upon filing proper relinquishment and waiver to the land in place, in the manner to be prescribed by the Secretary of the Interior, be allowed, credited, and paid the purchase money to the amount of \$1.25 per acre for all such lands situated therein as have been erroneously located by warrant or scrip therein, the amount of indemnity to be limited to the price at which the lands were held at the date of location, but not to exceed \$1.25 per acre: Provided, That all claims for land or indemnity under any of the swamp-land laws or under this act shall be forever barred for lands now surveyed, unless presented to the Secretary of the Interior within one year from the passage of this act, and for lands unsurveyed, unless presented within one year after the filing in the proper local land office of a copy of the officially approved township plat of the survey of the township in which said lands may be situated: Provided further, That under no circumstances shall more than \$2,000,000 be paid under the provisions of this act for lands sold or located by warrant or scrip since March 3, 1857, and no money shall be paid to any State until the claim of each State, under the swamp-land grant, and under this act, has been adjusted, so far as the surveyed land in each State will permit of such adjustment; and should the claims of the various States amount to more than the said \$2,000,000, the claims shall be settled by the payment of said sum pro rata among the States according to the number of acres each State is found to be entitled to under said adjustment.

"SEC. —. That in those States which elected to make the field notes of the United States Government survey the basis for determining what lands passed to them under the swamp grant, together with the State of California, the State will not be permitted to offer any other evidence in support of any claim to any tract of land as swamp, but said field notes shall be final in determining the character of the land; and in those States where evidence is to be taken as to the character of the land, the Commissioner of the General Land Office shall notify the governor of the State of the amount of estimated cost of the investigation into the character of any tract or tracts of land claimed by the State as swamp, and request that said amount be deposited in the Treasury of the United States, and after said investigation is concluded, if the claim of the State is allowed, said sum shall be returned to the State; but if the claim of the State is rejected, the balance only, if any, above the cost of the investigation shall be returned, and it shall be the duty of the Secretary of the Treasury to return said money upon an account rendered by the Commissioner of the General Land Office, approved by the Secretary of the Interior; and if any State shall neglect or refuse for a period of ninety days after notice to deposit said sum, the claim of the State to the tract or tracts of land in question shall be considered as abandoned and forever barred without further investigation: Provided, That the Secretary of the Interior shall have the power to determine what shall be satisfactory and sufficient evidence as to the character of the land at the date of the swamp grant: Provided further, That any agent or inspector appointed by the Department of the Interior to investigate claims under this or prior acts shall have the power to administer oaths and take affidavits of witnesses, both on behalf of the State and the United States, and any witness swearing falsely before such agent or inspector shall be deemed guilty of perjury, and shall, on conviction, be punished as now prescribed by law: Provided further, That nothing in this act shall deprive the Government of the right to investigate the matter, in any alleged fraudulent returns of Government surveys,



and if land is falsely returned as swamp the claim to the same shall be rejected.

"Sec. — That upon the relinquishment, release, and quit claim, in such form as may be approved by the Secretary of the Interior, to the United States by the State of Arkansas of all her claims and demands against the United States for the 5 per cent fund allowances under the act approved June 23, 1836, for keeping prisoners under the executive order of February 5, 1867, for a portion of the distribution fund under the act approved September 4, 1841, for indemnity under the acts approved March 2, 1855, March 3, 1857, and under this act, and for all swamp and overflowed lands under the act approved September 28, 1850, not heretofore approved to the State, and all other claims of whatever kind or nature, the Secretary of the Treasury may, in his discretion, cancel or deliver to the proper officer of the said State of Arkansas all the bonds and coupons issued by the said State now in the possession of the Treasurer of the United States and owned or held in trust by the United States as a full and final compromise and settlement of accounts between the said State and United States.

"Sec. — That where soldiers' additional homestead entries have been made or initiated upon certificate of the Commissioner of the General Land Office of the right to make such entry, and there is no adverse claimant, and such certificate is found erroneous or invalid for any cause, the purchaser thereunder, on making proof of such purchase, may perfect his title by payment of the Government price for the land. And nothing herein contained shall prevent the location of soldiers' homestead certificates heretofore issued under the rules and regulations of the General Land Office under section 2,306 of the Revised Statutes of the United States, or in pursuance of the decision or instructions of the Secretary of the Interior of date of February 1, 1883, when such certificates have been transferred or sold to purchasers in good faith; and all such transfers or sales shall be treated and considered as valid, and patent upon all such locations shall issue in the name of the transferee.

"Sec. — That in all cases arising under the homestead or the late preemption laws, where notice of the intention to make final proof has been or shall be published, as provided by the act of March 3, 1879 (20 Statutes, 472) and final entry made thereunder, and where no lawful adverse claim has been or shall be filed with the register or receiver of the proper land office prior to such final entry no contest shall be thereafter allowed by the Commissioner of the General Land Office or local land office: *Provided*, That nothing herein shall be construed to prevent the canceling or holding for cancellation any entry for fraud on the part of the entryman."

Strike out the following: "To protect settlement rights where two or more persons settle upon the same subdivision of agricultural public lands," and insert the following as the title to the bill: "To protect settlers, regulate contracts, control forest reservations, adjust the swamp-land grants, and for other purposes."

That the sections be numbered consecutively.  
And the Senate agree to the same.

R. F. PETTIGREW,  
JAMES H. BERRY,  
*Managers on the part of the Senate.*  
THO. C. MORAE,  
JOHN O. PENDLETON,  
J. A. PICKLER,  
*Managers on the part of the House.*

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

The report was concurred in.

#### REPORT OF NATIONAL ACADEMY OF SCIENCES.

Mr. MANDERSON. I ask the Senator from Massachusetts to allow me a few minutes in order to get rid of some current business in relation to printing.

Mr. DAWES. I yield to the Senator from Nebraska for that purpose.

Mr. MANDERSON. There was referred to the Committee on Printing a letter of transmittal and the report of the National Academy of Sciences for the year 1892. This report is required under an act of Congress enacted, I think, in March, 1863. The Committee on Printing direct me to report back the papers and ask for the adoption of the resolution which I send to the desk, providing for the printing of the usual number of copies.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read as follows:

*Resolved*, That the usual number of the report of the operations of the National Academy of Sciences for the year 1892, transmitted under the requirements of the act of March 3, 1863, be printed.

Mr. MANDERSON. I ask for the present consideration of the resolution.

The resolution was considered by unanimous consent, and agreed to.

#### REPORT OF AMERICAN HISTORICAL ASSOCIATION.

Mr. MANDERSON. There was referred to the Committee on Printing the annual report of the American Historical Association for 1892. This report heretofore has been printed in the usual number, and the Committee on Printing recommend the same action. I ask for the passage of the resolution at this time.

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

*Resolved by the Senate*, That there be printed of the annual report of the American Historical Association for the year 1892 the usual number.

#### REPORT ON COST OF PRODUCTION OF PRECIOUS METALS.

Mr. MANDERSON. I am directed by the Committee on Printing to report a Senate concurrent resolution to print 6,000 copies of the report of the Committee on Mines and Mining on the cost of the production of gold and silver. I ask for the present consideration of the resolution.

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

*Resolved by the Senate (the House of Representatives concurring)*, That there

be printed 6,000 copies of the report of the Committee on Mines and Mining on the cost of the production of gold and silver; 2,000 copies of it to be for the use of the Senate and 4,000 copies for the use of the House.

#### PRINTING OF EULOGIES ON THE LATE REPRESENTATIVE WARWICK.

Mr. MANDERSON. I am directed by the Committee on Printing to report favorably a House concurrent resolution, which I send to the desk. I ask for its present consideration.

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

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed of the eulogies delivered in Congress upon John G. Warwick, late a Representative from the State of Ohio, 8,000 copies, of which 2,000 copies shall be delivered to the Senators and Representatives of the State of Ohio, and of those remaining 2,000 copies shall be for the use of the Senate and 4,000 for the House of Representatives; and the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of the said John G. Warwick, to accompany said eulogies. That of the quota of the House of Representatives the Public Printer shall set apart 50 copies, which he shall have bound in full morocco with gilt edges, the same to be delivered, when completed, to the family of the deceased.

#### PRINTING OF EULOGIES ON THE LATE REPRESENTATIVE CRAIG.

Mr. MANDERSON. I am also directed by the Committee on Printing to report favorably the resolution which I send to the desk, and for which I ask immediate consideration.

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

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed of the eulogies delivered in Congress upon the Hon. Alexander K. Craig, late a Representative from the State of Pennsylvania, 8,000 copies, of which 2,000 copies shall be delivered to the Senators and Representatives of that State, and of the remaining number 2,000 shall be for the use of the Senate and 4,000 copies shall be for the use of the House; and of the quota of the House the Public Printer shall set aside 50 copies, which he shall have bound in full morocco, with gilt edges, the same to be delivered, when completed, to the family of the deceased; and the Secretary of the Treasury is hereby directed to have engraved and printed at the earliest day practicable a portrait of the deceased, to accompany said eulogies.

#### REPORT ON PRECIOUS METALS.

Mr. MANDERSON. I am also directed by the Committee on Printing to report favorably the resolution which I send to the desk, which I ask may be now considered.

The resolution was read, as follows:

*Resolved by the House of Representatives (the Senate concurring)*, That the report of the Director of the Mint on the production of the precious metals in the United States for the year 1892 be printed, and that 8,000 extra copies be printed, 4,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 3,000 copies for the use of the Director of the Mint.

Mr. COCKRELL. Is that the report on the precious metals or the annual report of the Director of the Mint?

Mr. MANDERSON. The resolution relates to the report on the precious metals for 1892.

Mr. COCKRELL. Does the resolution provide for the printing of the usual number?

Mr. MANDERSON. A small increase is provided for over the number usually printed. This is a House concurrent resolution; and I think it best at this time not to change it.

Mr. COCKRELL. I think so myself. That is an important report.

Mr. MANDERSON. It seems to me that an additional number ought to be printed.

The resolution was considered by unanimous consent, and agreed to.

#### REPORT OF INTERNATIONAL MONETARY CONFERENCE.

Mr. MANDERSON. I am directed by the Committee on Printing to report favorably the House concurrent resolution which I send to the desk. I ask for its present consideration.

The VICE-PRESIDENT. The resolution will be read.

The Chief Clerk read as follows:

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed and bound at the Government Printing Office 4,000 copies of the official report of the American delegates to the International Monetary Conference, convened at Brussels November 22, 1892, and the accompaniments: 1,000 copies for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the State Department.

Mr. COCKRELL. I understand the committee have simply agreed to the number named by the House of Representatives.

Mr. MANDERSON. The committee have agreed to the House resolution.

The resolution was considered by unanimous consent, and agreed to.

#### REPORT ON LAW EDUCATION.

Mr. MANDERSON. I am directed by the Committee on Printing to report a Senate resolution submitted by the Senator from Delaware [Mr. HIGGINS] on the 18th of February. I ask for its present consideration.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read as follows:

*Resolved by the Senate*, That there be printed for the use of the Senate 5,500 copies of the report of the Bureau of Education on law education.

Mr. COCKRELL. Let that resolution be again read.

Mr. MANDERSON. It is the report of the Bureau of Education on legal education. It comes from the Committee on Education and Labor. The resolution was submitted by the Senator from Delaware [Mr. HIGGINS]. We find the cost of printing the number named will be \$260. It seems to be a valuable publication, for which there is a large demand.

The resolution was considered by unanimous consent, and agreed to.

#### LANSING SHEAR.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the bill (H. R. 2432) for the relief of Lansing Shear, have instructed me to report it without amendment and recommend its passage. This is a peculiarly hard case and a very strong one for relief. It will only take a moment, and I ask that it may be now considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to cause the records of the War Department to be so amended as to remove the charge of desertion from the record of Lansing Shear, late a private of Company F, Third Regiment New York Infantry Volunteers, and to grant him an honorable discharge as of the date of May 21, 1863; but no pay or emoluments shall be due by reason of the passage of this act.

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

#### INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10415) making appropriations for current and contingent expenses, and fulfilling treaty stipulations with Indian tribes, for fiscal year ending June 30, 1894.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, on page 1, line 9, before the word "agents," to insert "civilian;" so as to read:

For pay of fifty-eight civilian agents of Indian affairs at the following named agencies, at the rates respectively indicated.

The amendment was agreed to.

The next amendment was, on page 1, line 11, after the word "namely," to insert:

Provided, That officers of the Army detailed as Indian agents shall give the same bond as is required by law of civilian agents at the respective Indian agencies.

The amendment was agreed to.

The next amendment was, on page 7, line 11, before the words "Indian inspector," to strike out "four" and insert "five;" in the same line, before the word "dollars," to strike out "two thousand five hundred" and insert "three thousand;" and in line 12, before the word "thousand," to strike out "ten" and insert "fifteen;" so as to make the clause read:

For pay of five Indian inspectors, at \$3,000 per annum each, \$15,000.

The amendment was agreed to.

The next amendment was, on page 7, line 17, to increase the appropriation "for pay of one superintendent of Indian schools" from \$3,000 to \$3,500.

The amendment was agreed to.

The next amendment was, on page 8, line 4, after the word "agencies," to strike out "and repairs of the same;" so as to make the clause read:

For buildings and repair of buildings at agencies, \$20,000.

The amendment was agreed to.

The next amendment was, on page 8, line 18, after the word "dollars," to insert:

The accounting officers of the Treasury Department are hereby authorized to allow in settlement of the accounts of the disbursing officer of the Board of Indian Commissioners the sum of \$101, expended for the purpose of inspecting Indian schools in Alaska, in August, 1890.

The amendment was agreed to.

The next amendment was, in the appropriations for "Fulfilling treaty stipulations with and support of Indian tribes," on page 12, line 17, to change the total amount of the appropriations for the Choctaws from \$53,439.05 to \$33,032.89.

The amendment was agreed to.

The reading of the bill was continued to the end of the following provisions, on page 13, from line 3 to line 12, inclusive:

That article 1 of the treaty between the Government of the United States and the Cœur D'Alenes Indians of Kootenai County, Idaho, ratified by Congress and approved March 3, 1891, be corrected so that it shall conform to the original agreement as understood and intended between the Government and said Indians.

That the Secretary of the Interior shall direct the agent in charge of the Cœur D'Alenes Indians to correct the said boundary line, and in writing make it conform to the original agreement.

Mr. DAWES. I ask that those clauses may be passed over. I have a communication from the Department in reference to them which seems to differ from the opinion entertained by the Senator from Idaho [Mr. DUBOIS]. I should like to further look into the subject.

The VICE-PRESIDENT. The clauses referred to will be passed over temporarily.

The Secretary resumed the reading of the bill and read the following clause, on page 13, from line 13 to line 16:

That the foregoing provisions shall take effect and be in force after it shall have been submitted to, and duly agreed to by, the Indians of said tribe and approved by the Secretary of the Interior.

Mr. COCKRELL. Let that clause be passed over for the present, together with the other clauses which have been passed over.

The VICE-PRESIDENT. The clause will be passed over. The reading of the bill will proceed.

The Secretary resumed the reading of the bill, on page 13, line 17, and read to the close of the following clause, on page 14, lines 24 and 25:

For permanent annuity, for pay of a wheelwright, per same articles of same treaties, \$600.

Mr. MCPHERSON. I should like to inquire of the Senator from Massachusetts what are we to understand by the term "permanent annuity," as used in the bill?

Mr. DAWES. Will the Senator indicate the line?

Mr. MCPHERSON. On page 14, under the head of "Creeks," there are various clauses beginning "for permanent annuity."

Mr. DAWES. That means precisely what the meaning of the word implies. We are under treaty stipulations with those Indians to pay certain sums indefinitely, without any limitation.

Mr. MCPHERSON. Do we furnish them with an annuity for a wheelwright?

Mr. DAWES. We do according to the agreement as recited in the bill here without any limitation.

Mr. MCPHERSON. I see the statement that these provisions are under treaty stipulations?

Mr. DAWES. These are old treaties. The first treaty with the Creeks was made in 1796; others are 60 and 70 years old. Formerly treaties were made without any limitation. We have treaty obligations with the Five Nations which will continue for all time if they are not in some way set aside.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was in the appropriations for the Creeks, on page 15, line 10, after the word "cents," to insert "in all, \$49,968.40;" so as to make the clause read:

For interest on \$275,168, at the rate of 5 per cent per annum, to be expended under the direction of the Secretary of the Interior, under provisions of third article of treaty of June 14, 1856, \$13,758.40; in all, \$49,968.40.

The amendment was agreed to.

The reading of the bill was continued to line 23, on page 16.

Mr. DAWES. After the word "Territory," on page 16, line 23, I move to insert "except \$40,000."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 16, line 23, after the word "Territory," it is proposed to insert "except \$40,000;" so as to read:

That all the funds now held in trust by the United States for the benefit of the Delaware tribe of Indians in the Indian Territory, except \$40,000, with interest due upon same, etc.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 22, in the appropriations for the Pawnees, after line 17, to insert:

For this amount to reimburse the Pawnee tribe of Indians for the appraised value of 160 acres of land at \$5 per acre, taken for school purposes in Nebraska, under act approved May 17, 1882, \$960.

The amendment was agreed to.

The next amendment was, on page 25, in the appropriations for the Sacs and Foxes of the Mississippi, in line 10, after the words "pay of a," to strike out "Physician" and insert "physician;" so as to make the proviso read:

Provided, That the sum of \$1,500 of this amount shall be used for the pay of a physician and for purchase of medicine, etc.

The amendment was agreed to.

The next amendment was, on page 29, in the appropriations for the Eastern Shawnees, after line 10, to insert:

To enable the Secretary of the Interior to pay in cash, per capita, to the Eastern Shawnee Indians at the Quapaw Agency, Ind. T., \$9,079.12, being amount held in trust for their benefit, and now on deposit in the Treasury of the United States, the same to be immediately available.

Mr. MCPHERSON. I should like to have a little information of the Senator in charge of the bill in reference to the amendment just read, which provides:

To enable the Secretary of the Interior to pay in cash, per capita, to the Eastern Shawnee Indians at the Quapaw Agency, Ind. T., \$9,079.12.

I should like some explanation in regard to the per capita payment of \$9,079.12. I should like to know what use these Indians can make of the cash, if they get it? What disposition is it proposed to make of it? As I read the amendment it proposes to pay in cash over \$9,000 to each Indian.

Mr. DAWES. The Eastern Shawnee Indians at the Quapaw Agency have had a considerable sum heretofore held in trust by the United States, and the United States have from time to time taken portions of it at the request of these Indians and dis-

tributed it among them. The money they held in trust belongs to the Indians, but heretofore they have been paid only the interest. Now there is left in the Treasury the sum of \$9,079.12 of that trust fund. It is proposed to close up with those Indians this trust account, and distribute it to them per capita, as they are entitled to it. This proposition meets with the approval of the Department and it is done at the request of the Indians. It is to be paid to a small number of Indians, and it was thought it would help them along in their farming operations. It was not thought worth while to keep so small a trust fund in the Treasury.

Mr. MCPHERSON. Is the Senator quite sure that under the phraseology adopted by the committee amendment, it does not require the payment of \$9,079.12 to each Indian? It would seem to me, by the phraseology of the amendment as it appears, that this would be a requirement upon the Secretary of the Treasury to pay to each Indian \$9,079.12.

Mr. DAWES. It is to pay that amount to the tribe per capita. The ordinary meaning of such a provision is to take \$9,079.12 and distribute it per capita among the Indians.

Mr. MCPHERSON. I suppose that was the intention of the committee, but at the same time I do not think the phraseology of the bill is correct.

Mr. DAWES. That is the usual phraseology. If the Senator will suggest any better phraseology I shall accept it.

Mr. MCPHERSON. I suggest to insert the words "in all." That would render the meaning certain.

Mr. DAWES. I will accept that amendment, so far as I can, for the committee.

Mr. MCPHERSON. I move to insert that after the word "Territory," the words "in all."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 29, in line 13, after the word "Territory," it is proposed to insert the words "in all;" so as to read:

To enable the Secretary of the Interior to pay in cash, per capita, to the Eastern Shawnee Indians at the Quapaw Agency, Indian Territory, in all, \$9,079.12, etc.

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 31, in the appropriations for Sioux of different tribes, including Santee Sioux of Nebraska, in line 1, before the word "years," to strike out "fifteen," and insert "fourteen;" so as to read:

Twenty-fourth of thirty installments, to purchase clothing for males over 14 years of age.

The amendment was agreed to.

The next amendment was, on page 31, line 9, before the word "persons," to strike out "eight thousand;" so as to make the clause read:

For twenty-fourth of thirty installments, to purchase such articles as may be considered proper by the Secretary of the Interior, at \$20 per head, for persons engaged in agriculture, as per tenth article of treaty of 1868, \$160,000.

The amendment was agreed to.

The next amendment was, on page 31, line 19, after the word "dollars," to strike out "eight hundred dollars of which to pay second blacksmith at Cheyenne River Agency;" so as to make the clause read:

For pay of additional employes at the several agencies for the Sioux in Nebraska and Dakota, \$20,000.

The amendment was agreed to.

The next amendment was, on page 32, after line 2, to insert:

Provided, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation; and in this service Indians shall be employed wherever practicable; And provided further, That the number of rations issued shall not exceed the number of Indians on each reservation, and any excess in the number of rations issued shall be disallowed in the settlement of the agent's account.

The amendment was agreed to.

The next amendment was, on page 32, after line 23, to change the total amount of the appropriations for "Sioux of different tribes, including the Santee Sioux of Nebraska," from \$1,523,500 to \$1,573,500.

The amendment was agreed to.

The next amendment was, in the appropriations for "Sioux, Yankton tribe," on page 33, at the beginning of line 8, to strike out "Fulfilling treaties with," so that the heading will read: "Sisseton and Wahpeton Indians."

The amendment was agreed to.

The next amendment was, in the appropriations for Spokanes, at the beginning of line 19, to strike out "Fulfilling treaties with Spokanes."

The amendment was agreed to.

The next amendment was, in the appropriations for "Miscellaneous supports," on page 37, line 6, after the word "occupation," to strike out "seventy-five" and insert "one hundred;" so as to make the clause read:

For subsistence and civilization of the Arapahoes and Cheyennes who have

been collected on the reservations set apart for their use and occupation, \$100,000.

The amendment was agreed to.

The next amendment was, in the appropriations, on page 37, line 10, after the word "employes," to strike out "including pay of assistant clerk at \$75 per month, to be immediately available;" and in line 12, after the words "one thousand," to insert "two hundred;" so as to make the clause read:

For support and civilization of the Chippewas, of Lake Superior, to be expended for agricultural and educational purposes, pay of employes, and pay of physician, at \$1,200, purchase of goods and provisions, and for such other purposes as may be deemed to be the best interest of the Indians, \$7,125.

The amendment was agreed to.

The next amendment was, on page 39, after line 23, to insert: For support and civilization of the Moqui Indians, including pay of employes, \$6,000.

The amendment was agreed to.

The next amendment was, on page 40, to strike out the clause from line 3 to line 5, inclusive, as follows:

For purposes of irrigation and running sawmill on the Navajo Reservation, \$7,500; in all, \$15,000.

And insert:

For the construction of irrigating ditches, and the development of a water supply for agricultural, stock, and domestic purposes, on the Navajo Indian Reservation, \$64,000, to be expended in the discretion of the Secretary of the Interior; in all, \$71,500.

Mr. MCPHERSON. I wish the Senator from Massachusetts to give me a little information. I assume that we have treaties with the Navajo tribe of Indians. On page 40 I see there is an amendment offered by the Committee on Appropriations to appropriate \$71,500 for the construction of irrigating ditches and the development of a water supply for agricultural, stock and domestic purposes, on the Navajo Indian Reservation.

I see also that we pass through this body a great number of appropriations for support, civilization, subsistence, etc. Will the Senator from Massachusetts inform me what is the practice of the Government in regard to these Indians, assuming, as I do, that we have treaties with them? Are these large appropriations for the purposes named here taken out of the annual sum of money which accrues to the Indians upon treaty stipulations and charged against them, or is it pure gratuity on the part of the Government each year.

Mr. DAWES. The treaty stipulation which calls for the appropriation is found on the thirty-sixth page. This comes under the head of "Miscellaneous supports." This miscellaneous support is not the result of treaty obligations, but is the result of the necessary administration of the Indian Office, touching these particular Indians. Some of the payments are "as per agreement." We have since 1871 ceased to make treaties with Indians. So there is no treaty obligation with them; but we have made perhaps what is the same in effect, that is, we have made agreements which are ratified by Congress. Wherever it is stated in the bill "as per agreement," that is what is meant. Where it is not stated "as per agreement," the meaning is that we have from time to time found it necessary to appropriate these amounts to take care of these Indians.

Mr. MCPHERSON. Then I assume also that the tribe of Indians to whom the amendment relates have taken their lands in severalty.

Mr. DAWES. The Navajoes have not.

Mr. MCPHERSON. They have not?

Mr. DAWES. I will state to the Senator that the Navajo Indians and the Navajo Reservation are unlike any other Indians or reservations in the whole country. The Navajoes are 18,000 strong and are rich in their promises. They have a million sheep; they have 200,000 more or less Angora goats. They manufacture, or have in times past, very valuable and costly blankets, which they have carried into the market. They occupy an immense tract of country, which is described by their own agent in his report, as being "two-thirds of it as barren as the blue sky." They keep their sheep and their stock by roving all over this wild country, in which anything like agricultural production in its present condition is altogether impracticable.

It is coming to be a serious question what can be done with that roving tribe of Indians. They can not be kept within any particular line. They take their vast flocks of sheep and drive them wherever they find a green spot. Their work of making blankets has ceased substantially, and they are devoting themselves to stock-raising. The question what to do with the Navajoes in the future is a very serious question with the Indian policy of the Government.

This amendment is the result of a report made by the engineers of the War Department, who were sent out there to see whether irrigation was practicable. It is hoped that there may be found some way to irrigate the land, which water makes very fertile indeed.

If that can be done, the Indians with their flocks are capable of being confined within limits, and perhaps so civilized as to

take care of themselves. They are at present peaceful. They make a good deal of trouble with the settlers in the adjoining country and with other tribes, from the fact that they think they have the right to drive their immense flocks wherever they find a green spot. The methods of the Department are tentative and those efforts are somewhat encouraging. I think it is wise to let them go under the wise administration of the Indian Bureau, as I have no doubt there will be an improvement in the next four years. It is desirable to give the Department the means of doing the work.

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 was, on page 40, line 18, after the word "physician," to strike out "not to exceed \$1,200;" so as to make the clause read:

For support and civilization of the Nez Percés Indians in Idaho, including pay of physician, \$6,500.

The amendment was agreed to.

The next amendment was, at the beginning of page 41 to insert:

For temporary support and civilization of the Shebits tribe of Indians in Washington County, Utah, to enable them to become self-supporting, the purchase of animals, implements, seeds, clothing, and other necessary articles, for the erection of houses, and for the temporary employment of a person to supervise the purchases and their distribution to the Shebits, \$2,500.

The amendment was agreed to.

The VICE-PRESIDENT. The hour of 1 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, the title of which will be reported.

The CHIEF CLERK. A bill (S. 2626) to authorize the New York and New Jersey Bridge Companies to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey.

Mr. HILL. Mr. President, as far as I am concerned, I consent that the bill be temporarily laid aside until the appropriation bill now under consideration be finished.

Mr. HISCOCK. I object.

The VICE-PRESIDENT. The senior Senator from New York objects.

Mr. HILL. Mr. President, is there any reason why a motion can not be made, the bridge bill being the unfinished business, that it be temporarily laid aside? I do not understand how that is, according to the rules.

The VICE-PRESIDENT. It requires unanimous consent at this time for that purpose.

Mr. HILL. I inquire of the Senator from Massachusetts how long it will probably take to conclude the pending appropriation bill?

Mr. DAWES. I must move, if the senior Senator from New York [Mr. HISCOCK] insists upon his objection to laying aside the unfinished business, that the Senate proceed with the consideration of the Indian appropriation bill.

The VICE-PRESIDENT. The Senator from New York [Mr. HILL] inquires of the Senator from Massachusetts how long it will probably take to conclude the consideration of the Indian appropriation bill?

Mr. DAWES. I hope we shall be through with it in an hour or so. I do not see any unreasonable disposition to debate the bill.

Mr. HILL. May I inquire of the chairman of the Committee on Appropriations [Mr. ALLISON] when another appropriation bill will be likely to be ready for consideration?

Mr. ALLISON. I understand the deficiency appropriation bill is ready, and will be taken up at the earliest possible moment, which I suppose will be immediately after the conclusion of the Indian appropriation bill. The deficiency appropriation bill is the last bill which the Committee on Appropriations will have to present.

Mr. HILL. I simply give notice to the Senate that I shall ask to take up the bridge bill after the conclusion of the present appropriation bill, unless I am crowded out by another appropriation bill. If so, I shall then ask the Senate for a session this evening in order to consider that bill.

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

Mr. HISCOCK. What is the motion my colleague [Mr. HILL] makes?

The VICE-PRESIDENT. The Senator from New York has made no motion, but has only given a notice.

Mr. HISCOCK. I object to the bridge bill being laid aside informally.

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

The VICE-PRESIDENT. The question is on the motion of the Senator from Massachusetts to proceed with the consideration of the Indian appropriation bill. The motion will be con-

sidered as agreed to if there be no objection? The Chair hears none, and it is agreed to.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10415) making appropriations for current and contingent expenses, and fulfilling treaty stipulations with Indian tribes, for fiscal year ending June 30, 1894.

The reading of the bill was continued to page 42, line 5.

Mr. FELTON. I desire to offer an amendment at this point.

Mr. DAWES. If the Senator will wait until we get through the reading of the bill he can then offer his amendment.

The VICE-PRESIDENT. By unanimous consent the committee amendments were first to be acted upon.

Mr. FELTON. Very well.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the appropriations for "General incidental expenses of the Indian service," on page 43, line 16, after the words "Hoopa Valley," to insert the word "and;" and in the same line, after the words "Tule River," to strike out "and Mission;" so as to make the clause read:

Incidental expenses of Indian service in California: For general incidental expenses of the Indian service, including traveling expenses of agents in California, and support and civilization of Indians at the Round Valley, Hoopa Valley, and Tule River Agencies, \$14,000; and pay of employés, including one carpenter (for Hoopa Valley Agency), at same agencies, \$10,000; in all, \$24,000.

The amendment was agreed to.

The next amendment was, under the head of "miscellaneous," on page 45, after line 23, to insert:

Substation, Shoshone Agency, Wyo.: For completion of substation at Shoshone Agency, Wyo., including erection of farmer's house, \$2,500.

The amendment was agreed to.

The next amendment was, on page 46, to strike out the clause from line 8 to line 19, inclusive, as follows:

That for the amount necessary to pay for the removal and subsistence of those members of the Eastern Band of Cherokees who have removed themselves, as well as those who may now or hereafter desire to remove to the Cherokee Nation, in the Indian Territory, at the rate of \$53.33 per head, being the amount specified in the eighth article of the Cherokee treaty of December 29, 1835, and the act of Congress approved July 29, 1848, \$20,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 47, after line 19, to insert:

Authority is hereby granted to Alexander Redwing, a Sioux Indian of the Santee tribe, in the State of Nebraska, to sell and convey to the American Missionary Association, incorporated under the laws of the State of New York, so much of the land allotted and patented by the United States to him, the said Redwing, as is used for a cemetery lot, not exceeding 15 acres, situated in the tract described as follows, to wit: West half of southeast quarter of southwest quarter section 13, township 33 north, range 5 west, the same to be held, occupied, and used for cemetery purposes only.

The amendment was agreed to.

Mr. DAWES. From the committee I offer an amendment to come in after line 5, on page 48.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The amendment will be read.

The CHIEF CLERK. On page 48, after line 5, insert:

That the act of Congress approved August 7, 1882, entitled "An act to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, and for other purposes," be, and the same is hereby, amended so as to authorize the Secretary of the Interior, with the consent of the Indians of that tribe, to allot in severalty, through an allotting agent of the Interior Department, to each Indian woman and child of said tribe born since allotments of land were made in severalty to the members thereof under the provisions of said act, and now living, one-eighth of a section of the residue lands held by that tribe in common, instead of one-sixteenth of a section, as therein provided, and to allot in severalty to each allottee under said act, now living, who receive, only one-sixteenth of a section thereunder, an additional one-sixteenth of a section of such residue lands: *Provided*, That the allotments so made shall be subject to the same conditions, restrictions, and limitations provided for in sections 6, 7, and 8 of said act, touching allotments and patents to allottees therein mentioned; *And provided*, That the expenses incurred in making the allotments hereby authorized shall be defrayed out of the funds appropriated for surveying and allotting Indian reservations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 48, line 11, after the word "claim," to strike out the words "the sum of;" so as to read:

To enable the Secretary of the Interior, in his discretion, to pay the legal costs incurred by Indians in contests initiated by or against them, to any entry, filing, or other claims under the laws of Congress relating to public lands, for any sufficient cause affecting the legality or validity of the entry, filing, or claim, \$5,000.

The amendment was agreed to.

The next amendment was, on page 48, line 24, before the word "thousand" to strike out "thirty" and insert "forty," so as to read:

Irrigation, Indian reservations: For the construction, purchase, and use of irrigating machinery and appliances on Indian reservations, in the discretion of the Secretary of the Interior, \$40,000.

The amendment was agreed to.

The next amendment was, on page 48, after the word "dollars," in line 24, to insert the following proviso:

*Provided*, That \$5,000 of this sum may be used to sink one artesian well on

Rosebud Reservation; \$5,000 to sink one artesian well at Pine Ridge, S. Dak., and \$5,000 to sink one artesian well on the Standing Rock Indian Reservation, N. Dak.

The amendment was agreed to.

The next amendment was, on page 51, line 15, before the word "thousand," to strike out "forty-five" and insert "fifty;" so as to make the clause read:

Telegraphing and purchase of Indian supplies: To pay the expense of purchasing goods and supplies for the Indian service and pay of necessary employes; advertising, at rates not exceeding regular commercial rates; inspection, and all other expenses connected therewith, including telegraphing, \$50,000.

The amendment was agreed to.

The next amendment was, on page 51, after line 23, to insert:

Sale and allotment of Umatilla Reservation, reimbursable: To carry into effect sections 1 and 2 of "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and grant patents therefor, and for other purposes," approved March 3, 1885, \$5,000, or so much thereof as may be necessary, said amount to be reimbursed to the United States out of the proceeds of sale of Umatilla lands.

The amendment was agreed to.

The next amendment was, on page 53, after line 8, to insert:

To enable the Secretary of the Interior, in his discretion, to negotiate with any Indians for the surrender of portions of their respective reservations, any agreement thus negotiated being subject to subsequent ratification by Congress, \$15,000, or as much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 53, after line 13, to insert:

Mission Indians: To enable the Attorney-General to employ a special attorney for the Mission Indians of Southern California, upon the recommendation of the Secretary of the Interior, \$2,500.

The amendment was agreed to.

The next amendment was, on page 53, after line 17, to insert:

For the purpose of paying such damages resulting to settlers who went upon the Crow Creek and Winnebago Indian Reservation, in the State of South Dakota, between the 27th day of February, 1885, and the 17th day of April, 1885, and were afterwards removed therefrom, as shall be determined to be justly due said settlers by the Secretary of the Interior, the sum of \$190,000, or so much thereof as may be necessary.

Mr. MCPHERSON. The amendment proposes to appropriate "for the purpose of paying such damages resulting to settlers who went upon" an Indian reservation a large sum of money, \$190,000.

I should like to inquire of the honorable Senator if these settlers went on the Indian reservation with the consent of the Government?

Mr. DAWES. I will state the circumstances. In the last days of the Administration of President Arthur he issued an order opening up what is called the old Winnebago Reservation to settlement under the idea that it was not included in the Sioux Reservation. Thereupon, of course settlers rushed in in great numbers and located upon it. On the coming in of Mr. Cleveland's Administration the subject was reexamined, and Mr. Cleveland's Administration came to the conclusion that it was a mistake, and that the old Winnebago Reservation was actually within the Sioux Reservation, and revoked the order opening it to public settlement. This was done in April.

There were about six weeks when everybody was at liberty to go in there. Settlers went in and they had expended a good deal of money, as settlers do in that way, when it was revoked. They were compelled to leave. Congress appointed a commission to make a fair adjustment of the losses of the settlers. They claimed, as is usual, a pretty large sum. It was cut down by the commission to this amount. This is the award of the commission to the settlers who went in there. They went in of right and yet were upon lands that could not be opened to the public domain.

Mr. TELLER. I should like to say that they were on lands that were declared by the Interior Department to be public lands and they had no notice that some subsequent Administration might reverse that rule, as was done. When they went there it was public land to all intents and purposes.

Mr. DAWES. They went in there perfectly innocent?

Mr. TELLER. Subsequently it was declared to be a part of the Sioux Reservation.

Mr. MCPHERSON. Do I understand the Senator from Colorado to maintain the position that when they went there they went there at their own peril?

Mr. TELLER. No; they went there with a thorough understanding that it was public land, and it was so declared on the part of the Interior Department. They went there upon the invitation of the Interior Department, and subsequently it was held by the Department, the subsequent Interior Department, that it was not public land. I was Secretary of the Interior at the time.

It is manifestly unfair to the settlers that a difference of opinion between two Secretaries of the Interior should deprive them of their property. It is immaterial which decision was right. It is not worth while to discuss that point. These people went there in good faith and were at once required by the Depart-

ment to remove. After an examination of what they had expended, the cost of their improvements, etc., by a commission, this is the amount they are to be paid. That is all there is of it.

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

The amendment was agreed to.

The reading of the bill was continued to line 8, on page 54.

Mr. DAWES. After the word "authorized" I move to insert "immediately after the passage of this act;" so as to read:

That the President of the United States is hereby authorized, immediately after the passage of this act, to appoint a commission of three persons, etc.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was, in the clause authorizing the appointment of a commission to select and appraise such portions of the allotted lands as are not required for homes for the Indian allottees in the Puyallup Reservation in the State of Washington, etc., on page 56, line 24, after the word "Interior," to insert:

Provided further, That the entire expense herein incurred shall be apportioned by the Secretary of the Interior pro rata between the several allottees and the owners of the tribal tract; and the Secretary of the Interior may in his discretion designate one member of said commission to superintend the execution of any of the requirements of said commission herein provided for.

Mr. SQUIRE. Before passing this point, I should like to ask the member of the committee having charge of the bill to explain briefly, if he will do so, the reason why the Committee on Appropriations have seen fit to absolutely ignore the action of the State of Washington in removing restrictions with reference to the Indians disposing of their lands, I mean the allottees. It seems that the Legislature did remove those restrictions March 22 in the year 1890, and that since that time a large number of contracts have been made by the Indians of the Puyallup tribe with citizens of Tacoma, many of those citizens being very reputable people.

One of them I think has been and perhaps is to-day on the bench of the superior court of the State, and there are other prominent and leading business men who have made contracts in good faith with the Indians, believing that they were doing so properly and doing it after the State had removed the restrictions. Congress provided that the State could remove the restrictions, subject, however, to the sanction of Congress, and it now remains for Congress to give its consent or modify those restrictions as it shall see fit. The view is entertained by my colleague, who is absent, that the rights of parties to these contracts are entitled to consideration. This is a serious and important matter. I do not take the position that the committee are wrong in their conclusions. I should simply like to have a statement made in explanation of the reason why the committee have seen fit to ignore all those contracts and to ignore the action of the State in respect to the removal of the restrictions.

In answer to a question asked me by the Senator from California [Mr. FELTON] I will say I did not mean to state that one of the judges is an Indian. I stated that one of the contractors, one of the white men who had purchased the land of the Indians, I understand has been on the bench, and perhaps is now. I spoke of it to illustrate the character of people who have been engaged in these dealings with the Indians, to show that they are a class who are entitled to respect.

Mr. FELTON. I misunderstood the remarks of the Senator from Washington.

Mr. SQUIRE. They have rights that are entitled to our regard and consideration.

Mr. DAWES. The Puyallup Indian Reservation lies close to the city of Tacoma. It was made a reservation before the city of Tacoma was born, but that city has so developed itself in a few years as to make it absolutely necessary that a large portion, if not all of it, should be opened to the uses of the city of Tacoma. Nevertheless the Indians hold all their lands, except a little school reservation, by allotments which are inalienable for twenty-five years, unless both the State of Washington and the United States consent to a sale by the allottees sooner than twenty-five years.

Before the State of Washington became a State, and for a considerable time after it became a State, certain gentlemen in Tacoma or in that vicinity, very respectable gentlemen for aught I know, and I would not say anything disparagingly of them, in the pursuit of what they thought was a lawful speculation, combined together and made secret agreements with the allottees which are very curious in their character. Under the provision that they might lease their lands for two years, which is in the treaty, they would get a lease from them for two years with the right of renewal for two years more, and to inure—I use the language of the agreement—to inure as an absolute conveyance whenever the restriction should be removed.

They covered a large portion of this reservation with those

agreements under the name of a lease, which they were authorized by the treaty to make for two years, and they inserted a clause that it should be renewed at the end of each two years if the restriction should not be removed until the restriction was removed, and when the restriction was removed this contract or lease made two or four or six years previously should inure as an absolute conveyance. Those contracts were kept secret.

Thereupon the moment that Washington became a State, at the first session and among the very first acts Washington removed the disability, which could not take effect until Congress also removed the disability. Then they applied to Congress to remove the disability, and when it should be unconditionally removed the contracts would inure as absolute conveyances.

The matter was unknown for a long time. The committee of the Senate went out there to investigate the condition and tried to devise a method to bring the allotted land into the market, as everybody said it ought to be brought in. They met a delegation of these Indians at a place designated by them in Tacoma. One of the delegation, it turned out afterwards, was in this syndicate. The delegation of Indians undertook to make it appear to the committee that the restriction ought to be unconditionally removed. It was ascertained afterwards that we held our meeting in the very office of the men who held the secret contracts.

Afterwards it became known that the secret contracts had been made, and they were put on record. Then Congress appointed a commission to go out there, at the head of which was Judge Drake of this city. They went out there, reported these facts, and reported a method of getting along with this matter. Their recommendation was not of course acceptable to the men who held these agreements. Thereupon the Interior Department devised a bill and sent it here, and that was not acceptable. Then the Committee on Indian Affairs reported a bill, and the Senator from Washington [Mr. ALLEN], not now here, drew a bill and introduced it.

Mr. SQUIRE. I ought to have stated as a reason for my putting the interrogatory originally that my colleague [Mr. ALLEN] has introduced a bill having a different direction and a different object, or, perhaps I ought to say providing a different method for the adjustment of the rights of parties interested, and it was with a view of being fair towards the interests he thought ought to be subserved that I brought this question forward; it was in justice to the view entertained by my colleague.

Let us have the explanation we are entitled to on this point from the distinguished Senator from Massachusetts [Mr. DAWES] whose careful study of this subject entitles his views to great weight. I hope the Senate will not proceed hastily.

Mr. DAWES. I understand the Senator from Washington [Mr. SQUIRE] not to be opposed to this measure but to draw out these facts and put them on record. Out of it all there was such difficulty and complication that we could not agree upon a provision which everybody agreed was desirable to sell the land so that the city of Tacoma could spread over it. The Representative from the State in the other end of the Capitol, with the help of the Interior Department, devised this amendment, which on the whole seems to all the parties here to be about the best that could be done, and while it does not meet everything that the committee wants, and does not meet quite all that the absent Senator from Washington wants, yet on the whole the committee decided it to be wise and I hope it will be adopted.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 57, line 6, after the words "sum of," to strike out "five" and insert "twenty;" so as to make the clause read:

And the sum of \$20,000, or so much hereof as may be necessary, is hereby appropriated for the purpose of defraying the expenses of said commission, to be reimbursed to the United States out of the proceeds of the sale of that portion of the agency tract.

Mr. DAWES. I move to add in the tenth line, after the word "tract," the words "to be immediately available;" so as to read:

To be reimbursed to the United States out of the proceeds of the sale of that portion of the agency tract, to be immediately available.

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, in the appropriations "For the support of schools," on page 57, line 23, after the word "dollars," to strike out "shall" and insert "may;" on page 58, beginning in line 1, to strike out "Provided, That \$6,000 of this amount may be used;" in line 3, after the word, "Oregon," to insert "\$6,000;" in line 4, after the word "dollars," to strike out "Provided, That \$50,000 of this amount may be used for the rebuilding;" in line 5, before the word "of," to insert "for the erection and repair;" in line 8, after the word "buildings," to insert "\$50,000;" in the same line, before the words "for the erection of," to strike out "that \$50,000 may be used;" in line 11, after the word "buildings," to insert

"\$50,000;" in the same line, before the words "for the establishment," to strike out "that \$20,000 may be used;" in line 13, after the word "reservation," to insert "\$20,000;" in line 15, before the words "to enable the Secretary," to strike out "that \$25,000 may be used;" in line 21, after the word "service," to insert "\$25,000;" in line 22, before the words "for the purchase of," to strike out "that \$35,000 may be used;" in line 24, after the word "schools," to insert "\$35,000;" in line 25, after the word "available," to strike out "that \$30,000 may be used under the direction of the Secretary of the Interior;" on page 59, line 3, after the words "Indian Affairs," to insert "under the direction of the Secretary of the Interior;" in line 5, after the word "Chicago," to insert "\$30,000;" in line 6, after the word "available," to insert "in all, \$1,291,000;" so as to read:

For support of Indian day and industrial schools and for other Indian educational purposes not hereinafter provided for, including pay of draftsman to be employed in the office of the Commissioner of Indian Affairs, \$1,075,000, of which sum at least \$150,000 may be expended in the establishment and support of primary day schools upon or near Indian reservations in addition to the day schools already established; for the support of sixty Indian pupils at the Kate Drexel Indian School on the Umatilla Indian reservation in Oregon, \$6,000; for the erection and repair of industrial boarding-school buildings on or near the reservations and for necessary repairs of boarding-school buildings, \$50,000; for the erection of day-school buildings, at not to exceed \$1,000 each, and for repairs of day-school buildings, \$50,000; for the establishment of an industrial boarding school on the Navajo Reservation, \$20,000; to enable the Secretary of the Interior in his discretion to purchase the buildings erected and other improvements made by religious societies and other persons upon Indian reservations and used for conducting schools for education and training of Indian children under contracts with the Government, and for the purchase of such other property on hand for the operation of said schools as may be required for the service, \$25,000; for the purchase of horses, cattle, sheep, and swine for said schools, \$35,000, \$10,000 of which shall be immediately available; to enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to complete a suitable Indian exhibit at the World's Columbian Exposition at Chicago, \$30,000, to be immediately available; in all, \$1,291,000.

The amendment was agreed to.

The next amendment was, on page 59, line 15, after the word "report," to strike out:

This same provision is applicable to the expenditures for the fiscal year ending June 30, 1893.

So as to make the clause read:

And provided further, That not more than \$200 of this appropriation shall be expended for the annual support and education of any one pupil, except in such cases as in the judgment of the Secretary of the Interior a larger expenditure is absolutely necessary to prevent a serious impairment of the efficiency of the school, a full statement of the specific reasons for such additional expenditure to be made by the Commissioner of Indian Affairs in his annual report.

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 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. 7633) to ratify and confirm an agreement with the Kickapoo Indians in Oklahoma Territory and to make appropriations for carrying the same into effect.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 10266) regulating the sale of intoxicating liquors in the District of Columbia.

The message further announced that the House had passed a concurrent resolution to print 3,000 copies of the Comprehensive Index of Publications of the Fifty-first and Fifty-second Congresses, prepared by John G. Ames; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution to print 8,000 copies of the eulogies delivered in Congress upon Hon. John E. Kenna, late a Senator from the State of West Virginia, in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10349) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1894; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HENDERSON of North Carolina, Mr. BLOUNT and Mr. CALDWELL managers at the conference on the part of the House.

#### POST-OFFICE APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10349) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1894, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CULLOM. I move that the Senate insist upon its amendments and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent the Presiding Officer was authorized

to appoint the conferees on the part of the Senate, and Mr. CULLOM, Mr. STEWART, and Mr. BLACKBURN were appointed.

#### CALUMET RIVER BRIDGE.

Mr. CULLOM. I ask the Senator from Massachusetts in charge of the pending appropriation bill to yield to me that I may ask the Senate to consider Senate bill 3890, a bridge bill. I would not make the request but for the fact that I must leave the Chamber upon a conference committee.

Mr. DAWES. I yield for that purpose.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider bill (S. 3890) to authorize the Lake Shore and Michigan Southern Railroad Company to renew its railroad bridge across the Calumet River upon or near the site of its present bridge and upon a location and plans to be approved by the Secretary of War, and to operate the same.

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

#### TENNESSEE RIVER BRIDGE.

Mr. PUGH. I ask a similar favor of the Senate, to pass a House bill that has been unanimously reported favorably by the Committee on Commerce.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield for the purpose indicated by the Senator from Alabama?

Mr. PUGH. It will take but a moment.

Mr. DAWES. The pending business is so pressing, I want to get it through.

Mr. PUGH. The bill comes from the committee unanimously.

Mr. DAWES. I will yield to the Senator from Alabama.

Mr. PUGH. I ask the Senate to consider the bill (H. R. 10280) to authorize the construction of a bridge over the Tennessee River at or near Sheffield, Ala.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

Mr. PUGH. I move that the bill (S. 3300) to authorize the construction of a bridge over the Tennessee River at or near Sheffield, Ala., be indefinitely postponed.

The motion was agreed to.

#### AGREEMENT WITH KICKAPOO INDIANS IN OKLAHOMA TERRITORY.

Mr. PLATT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7633) "to ratify and confirm an agreement with the Kickapoo Indians in Oklahoma Territory, and make appropriations for carrying the same into effect," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

The House recedes from its disagreement to the amendment of the Senate, and agrees to the same with an amendment to read as follows: Strike out in said amendment all after "confirmed," line 2, page 1, down to and including "provided," line 23, page 2, and in lieu thereof insert:

"That for the purpose of carrying into effect the provisions of the foregoing agreement there is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of \$64,650. And after first paying to John T. Hill the sum of \$5,172 for services rendered said Kickapoo Indians and in discharge of a written contract made with said Indians and recommended by the Secretary of the Interior, the remainder to be expended for the use of said Indians as stipulated in said contract; *Provided*, That should said Indians elect to leave any portion of said remaining balance in the Treasury, the amount so left shall bear interest at the rate of 5 per cent per annum."

And the Senate agrees to the same.

Change section 3 of said amendment of the Senate to section 2.

Change section 4 of said amendment of the Senate to section 3.

O. H. PLATT,

JAMES K. JONES,

*Managers on the part of the Senate.*

S. W. PEEL,

O. M. KEM,

WILLIAM H. BRAWLEY,

*Managers on the part of the House.*

The report was concurred in.

#### ELIZABETH CARPENTER.

Mr. FAULKNER. I ask the Senator from Massachusetts to allow me to have a small pension bill of seven lines passed. It is House bill 5958.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts yield to the Senator from West Virginia.

Mr. DAWES. I will yield for that purpose.

By unanimous consent, bill (H. R. 5958) for the relief of Elizabeth Carpenter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Carpenter, widow of Jesse Carpenter, late private in Company A. One hundred and twenty-sixth Regiment West Virginia State Militia, who was killed while in the line of duty in the late war, and to pay her a pension at the rate of \$12 per month.

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

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. 9612) to prescribe the number of district attorneys and marshals in the judicial districts of the State of Alabama, with his objections thereto, the House proceeded in pursuance of the Constitution to reconsider the same, and it has—

*Resolved*, That the bill pass, two-thirds of the House of Representatives agreeing to pass the same.

#### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 203) for the examination and allowance of certain awards made by a board of claims to certain citizens of Jefferson County, Ky., and it was signed by the Vice-President.

#### DISTRICT ATTORNEYS AND MARSHALS IN ALABAMA—VETO MESSAGE.

Mr. PUGH. I give notice that to-morrow during the morning hour I shall ask for a vote on the question whether House bill 8612 shall be passed over the President's veto.

#### INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10415) making appropriations for current and contingent expenses, and fulfilling treaty stipulations with Indian tribes, for fiscal year ending June 30, 1894.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 63, line 11, to change the total appropriation for the support of 240 Indian pupils at Fort Totten, N. Dak., etc., from \$43,880 to \$41,880.

The amendment was agreed to.

The next amendment was, on page 63, line 24, before the word "Institution," to strike out the apparent word and insert "Lincoln;" so as to make the clause read:

For support and education of 200 Indian pupils at Lincoln Institution, Philadelphia, at \$167 per annum each, \$33,400.

The amendment was agreed to.

The next amendment was, on page 65, line 1, after the words "For support," to insert "and education;" and in line 3, after the word "each," to insert "and for alteration and repairs of buildings;" so as to make the clause read:

For support and education of eighty pupils at the Cherokee Training School at Cherokee, N. C., at \$167 per annum each, and for alteration and repairs of buildings, \$13,360; for pay of superintendent, who shall also act as agent, \$1,400; in all, \$14,760.

The amendment was agreed to.

The next amendment was, on page 65, after line 7, to insert the following proviso:

*Provided*, That of the \$18,560 appropriated for carrying on the training school at Cherokee, N. C., during the fiscal year 1893, there may be used a sum not exceeding \$900 in the payment of the actual and necessary traveling expenses incurred by the persons appointed by the Government as employes at that school, in traveling to Cherokee, N. C., and in returning to their homes, but who were prevented from assuming the duties assigned to them owing to the delay in the transfer of the school to the Government.

The amendment was agreed to.

The next amendment was, on page 68, after line 21, to insert:

That the expenditure of the money appropriated for school purposes in this act shall be at all times under the supervision and direction of the Secretary of the Interior, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may from time to time be prescribed by him.

The amendment was agreed to.

The next amendment was in the appropriations for "Interest on trust funds stocks," in section 8, on page 73, line 25, after the word "Interior," to strike out "and Commissioner of Indian Affairs;" on page 74, after the word "clothing," at the end of line 1, to insert "and other supplies;" in line 3, after the word "clothing," to insert "and other supplies;" and in line 4, after the word "may," to strike out "compute" and insert "compute;" so as to make the section read:

That when, in the judgment of the Secretary of the Interior, any Indian tribe, or part thereof, who are receiving rations and clothing and other supplies under this act, are sufficiently advanced in civilization to purchase such rations and clothing and other supplies judiciously, they may commute the same and pay the value thereof in money per capita to such tribe or part thereof, the manner of such payment to be prescribed by the Secretary of the Interior.

The amendment was agreed to.

The reading of the bill was continued to the end of section 9, on page 74.

Mr. DAWES. In the eleventh line, after the word "supported," I move to strike out the words "in whole or in part," so as to read "which are supported out of the appropriations in this act."

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, on page 74, after line 18, to add the following additional sections to the bill:

CHEROKEE OUTLET.

SEC. 10. That the sum of \$8,595,736, or so much thereof as may be necessary, payable as hereinafter provided, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to pay the Cherokee Nation of Indians in full for all the right, title, interest, and claims which the said nation of Indians may have in and to certain lands described and specified in an agreement concluded between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, duly appointed commissioners on the part of the United States, and Elias C. Boudinot, Joseph A. Scales, George Downing, Roach Young, Thomas Smith, William Triplett, and Joseph Smallwood, duly appointed commissioners on the part of the Cherokee Nation of Indians in the Indian Territory, on the 19th day of December, 1891, bounded on the west by the one hundredth degree of west longitude; on the north by the State of Kansas; on the east by the ninety-sixth degree of west longitude, and on the south by the Creek Nation, the Territory of Oklahoma, and the Cheyenne and Arapaho Reservation, created or defined by Executive order dated August 10, 1869; which said agreement is fully set forth in the message of the President of the United States, communicating the same to Congress, known as Executive Document, No. 56, of the first session of the Fifty-second Congress, the lands referred to being commonly known and called the "Cherokee Outlet;" and said agreement is hereby ratified by the Congress of the United States, subject, however, to the Constitution and laws of the United States and the acts of Congress that have been or may be passed regulating trade and intercourse with the Indians, and subject, also, to certain amendments thereto, as follows:

Amend the same by adding to the first paragraph of article 2 of said agreement the following words: "And provided further, That before any intruder or unauthorized person occupying houses, lands, or improvements, commenced before the 11th day of August, A. D. 1886, shall be removed therefrom, upon demand of the principal chief or otherwise, the value of his improvements, as the same shall be appraised by a board of three appraisers, to be appointed by the President of the United States, one of the same upon the recommendation of the principal chief of the Cherokee Nation, for that purpose, shall be paid to him by the Cherokee Nation; and upon such payment such improvements shall become the property of the Cherokee Nation."

Further amend the same by striking out paragraph 3 of article 2 of said agreement and changing the numbers of the subsequent paragraph to correspond.

And the provisions of said agreement so amended shall be fully performed and carried out on the part of the United States: *Provided*, That the money hereby appropriated shall be payable in the manner and at the dates hereafter named: the sum of \$595,736 to be immediately available and payable, the remaining sum of \$8,000,000, or so much thereof as is required to carry out the provisions of said agreement as amended and according to this act, to be payable in five equal annual instalments, commencing on the 4th day of March, 1894, and ending on the 4th day of March, 1898, said deferred payments to bear interest at the rate of 4 per cent per annum, to be paid annually, and the amount required for the payment of interest as aforesaid is hereby appropriated: *And provided further*, That of the money hereby appropriated a sufficient amount to pay the Delawares and Shawnees their pro rata share in the proceeds of said Outlet shall remain in the Treasury of the United States until the status of said Delaware and Shawnee Indians shall be determined by the courts of the United States before which their suits are now pending; and a sufficient amount shall also be retained in the Treasury to pay the freedmen among the Cherokees, or their legal heirs and representatives, such sums as may be determined by the courts of the United States to be due them. Nor shall anything herein be held to abridge or deny to said freedmen any rights to which they may be entitled under existing laws or treaties.

The acceptance by the Cherokee Nation of Indians of any of the money appropriated as herein set forth shall be considered and taken and shall operate as a ratification by said Cherokee Nation of Indians of said agreement, as it is hereby proposed to be amended, and as a full and complete relinquishment and extinguishment of all their title, claim, and interest in and to said lands; but such relinquishment and extinguishment shall not inure to the benefit of any railroad company, nor vest in any railroad company any right, title, or interest in or to any of said lands. And said lands, except the portion to be allotted as provided in said agreement, shall, upon the payment of the sum of \$595,736, herein appropriated, to be immediately paid, or upon the offer by the United States to pay the same and the refusal or neglect upon the part of the Cherokee Nation to accept the same, become and be taken to be and treated as a part of the public domain. But in any opening of the same to settlement, sections 16 and 36 in each township, whether surveyed or unsurveyed, shall be, and are hereby, reserved for the use and benefit of the public schools to be established within the limits of such lands, under such conditions and regulations as may be hereafter enacted by Congress.

Sections 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, and the east half of sections 17, 20, and 29, all in township numbered 29 north, of range (numbered 2 east of the Indian meridian, the same being lands reserved by Executive order dated July 13, 1884, for use of and in connection with the Chillicothe Indian Industrial School, in the Indian Territory, shall not be subject to public settlement, but shall, until the further action of Congress, continue to be reserved for the purposes for which they were set apart in the said Executive order. And the President of the United States, in any order or proclamation which he shall make for the opening of the lands for settlement, may make such other reservation of lands for public purposes as he may deem wise and desirable.

The President of the United States is hereby authorized, at any time within one year after the approval of this act, by proclamation, to open to settlement any or all of the lands not allotted or reserved, in the manner provided in section 13 of the act of Congress approved March 3, 1889, entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1890, and for other purposes" (25 United States Statutes, page 1005); and also subject to the provisions of the act of Congress approved May 2, 1890, entitled "An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes;" also, subject to the second proviso of section 17, the whole of sections 18, 37, and 38 of the act of March 3, 1891, entitled "An act making appropriations for the current expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1892, and for other purposes;" also, subject to the provisions of an act entitled "An act to ratify and confirm agreements with the Sac and Fox Nation of Indians and the Iowa tribe of Indians of Oklahoma Territory, and to make appropriations for carrying out the same," approved February 13, 1891; the second proviso of section 17, the whole of sections 18, 37, and 38 of the act of March 3, 1891,

entitled "An act making appropriations for the current expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1892, and for other purposes." Each settler on the lands so to be opened to settlement as aforesaid shall, before receiving a patent for his homestead, pay to the United States for the lands so taken by him, in addition to the fees provided by law, the sum of \$2.50 per acre for any land east of 97½° west longitude, the sum of \$1.50 per acre for any land between 97½° west longitude and 98½° west longitude, and the sum of \$1 per acre for any land west of 98½° west longitude, and shall also pay interest upon the amount so to be paid for said land from the date of entry to the date of final payment therefor at the rate of 4 per cent per annum.

No person shall be permitted to occupy or enter upon any of the lands herein referred to except in the manner prescribed by the proclamation of the President opening the same to settlement; and any person otherwise occupying or entering upon any of said lands shall forfeit all right to acquire any of said lands. The Secretary of the Interior shall, under the direction of the President, prescribe rules and regulations, not inconsistent with this act, for the occupation and settlement of said lands, to be incorporated in the proclamation of the President, which shall be issued at least twenty days before the time fixed for the opening of said lands.

The allotments provided for in the fifth section of said agreement shall be made without delay to the persons entitled thereto, and shall be confirmed by the Secretary of the Interior before the date when said lands shall be declared open to settlement; and the allotments so made shall be published by the Secretary of the Interior, for the protection of proposed settlers. And a sum equal to \$1.40 per acre for the lands so allotted shall be deducted from the full amount of the deferred payments, hereby appropriated for: *Provided*, That D. W. Bushyhead, having made permanent or valuable improvements prior to the 1st day of November, 1891, on the lands ceded by the said agreement, he shall be authorized to select a quarter-section of the lands ceded thereby, whether reserved or otherwise, prior to the opening of said lands to public settlement; but he shall be required to pay for such selection, at the same rate per acre as other settlers, into the Treasury of the United States in such manner as the Secretary of the Interior shall direct.

The President of the United States may establish, in his discretion, one or more land offices to be located either in the lands to be opened, or at some convenient place or places in the adjoining organized Territory of Oklahoma; and to nominate, and by and with the advice and consent of the Senate, to appoint registers and receivers thereof.

The sum of \$5,000, or so much thereof as may be necessary, the same to be immediately available, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay for the services of the appraisers to be appointed as aforesaid, at a rate not exceeding \$10 a day for the time actually employed by each appraiser, and their reasonable expenses, and to enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to effect the removal of intruders required by the first paragraph of article 2 of said agreement as amended.

The sum of \$5,000, or so much thereof as may be necessary, the same to be immediately available, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to employ such expert person or persons to properly render a complete account to the Cherokee Nation of mo neys due said nation, as required in the fourth subdivision of article 2 of said agreement.

TONKAWA INDIAN LANDS.

SEC. 11. That the sum of \$30,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be immediately available, to pay the Tonkawa tribe of Indians in the Territory of Oklahoma for all their right, title, claim, and interest of every kind and character in and to four townships of land, containing 90,710.89 acres, more or less, ceded, conveyed, and relinquished to the United States by article 1 of an agreement concluded on the 21st day of October, 1891, between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, duly appointed commissioners on the part of the United States, and said Tonkawa tribe of Indians, which agreement is contained in the message of the President communicating the same to Congress, and known as Executive Document numbered 13, first session Fifty-second Congress, to be paid and applied in the manner provided for in said agreement. And such portion of said amount as may be deposited in the Treasury of the United States shall bear interest at the rate of 5 per cent per annum, which interest shall be applied as provided in said agreement; and said agreement is hereby accepted, ratified, and confirmed.

PAWNEE INDIAN LANDS.

SEC. 12. That the sum of \$80,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be immediately available, to pay the Pawnee tribe of Indians in Oklahoma, formerly a part of the Indian Territory, for all their right, title, claim, and interest of every kind and character in and to all that tract of country between the Cimarron and Arkansas Rivers embraced within the limits of seventeen specified townships of land, ceded, conveyed, and relinquished to the United States by said Pawnee tribe of Indians, by article 1 of an agreement concluded on the 23d day of November, 1892, between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, duly appointed commissioners on the part of the United States, and said Pawnee tribe of Indians, which agreement is contained in the message of the President communicating the same to Congress, and known as Executive Document numbered 16, second session Fifty-second Congress, to be paid and applied in the manner provided in article 4 of said agreement. And the further sum of \$5,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be immediately available, to pay the expense of making the allotments provided for in said agreement, including the pay and expenses of necessary special agents hereby authorized to be appointed by the President for the purpose of making such allotments, and to pay the expense of necessary resurveys therefor. Said agreement is hereby accepted, ratified, and confirmed. And the residue of the proceeds of the surplus lands mentioned in said agreement shall be placed to the credit of said tribe in the Treasury of the United States, and shall bear interest at the rate of 5 per cent per annum, said interest to be paid and distributed to said tribe as provided in said article 4.

SEC. 13. That the lands acquired by the agreements specified in the two preceding sections are hereby declared to be a part of the public domain. Sections 16 and 36 in each township, whether surveyed or unsurveyed, are hereby reserved from settlement for the use and benefit of public schools, as provided in section—relating to lands acquired from the Cherokee Nation of Indians. And the lands so acquired by the agreements specified in the two preceding sections not so reserved shall be opened to settlement by proclamation of the President at the same time and in the same manner, and subject to the same conditions and regulations provided in section—relating to the opening of the lands acquired from the Cherokee Nation of Indians. And each settler on the lands so to be opened as aforesaid shall, before receiving a patent for his homestead, pay to the United for the lands so taken by him, in addition to the fees provided by law, the sum of \$2.50 per acre; and shall also pay interest upon the amount so to be paid for said land from



the date of entry to the date of final payment at the rate of four per cent per annum.

SEC. 14. Before any of the aforesaid lands are open to settlement it shall be the duty of the Secretary of the Interior to divide the same into counties which shall contain as near as possible not less than 500 square miles in each county. In establishing said county line the Secretary is hereby authorized to extend the lines of the counties already located, so as to make the area of said counties equal, as near as may be, to the area of the counties provided for in this act. At the first election for county officers the people of each county may vote for a name for each county, and the name which receives greatest number of votes shall be the name of such county: *Provided further*, That as soon as the county lines are designated by the Secretary he shall reserve not to exceed one-half section of land in each county, to be located for county-seat purposes, to be entered under sections 2387 and 2388 of the Revised Statutes. And all reservations for county seats shall be specified in any order or proclamation which the President shall make for the opening of the lands to settlement.

SEC. 15. The consent of the United States is hereby given to the allotment of lands in severalty not exceeding 160 acres to any one individual the limits of the country occupied by the Cherokees, Creeks, Choctaws, Chickasaws, and Seminoles; and upon such allotments the individuals to whom the same may be allotted shall be deemed to be in all respects citizens of the United States. And the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated to pay for the survey of any such lands as may be allotted by any of said tribes of Indians to individual members of said tribes; and upon the allotment of the lands held by said tribes respectively the reversionary interest of the United States therein shall be relinquished and shall cease.

SEC. 16. The President shall nominate and, by and with the advice and consent of the Senate, shall appoint three commissioners to enter into negotiations with the Cherokee Nation, the Choctaw Nation, the Chickasaw Nation, the Muscogee (or Creek) Nation, the Seminole Nation, and all other Indian tribes and bands now owning lands or residing upon lands within the Indian Territory, for the purpose of the extinguishment of the national or tribal title to any lands within that Territory now held by any and all of such nations or tribes, either by cession of the same or some part thereof to the United States, or by the allotment and division of the same in severalty among the Indians of such nations or tribes, respectively, as may be entitled to the same, or by such other method as may be agreed upon between the several nations and tribes aforesaid, or each of them, with the United States, with a view to such an adjustment, upon the basis of justice and equity, as may, with the consent of such nations or tribes of Indians, so far as may be necessary, be requisite and suitable to enable the ultimate creation of a State or States of the Union which shall embrace the lands within said Indian Territory.

The commissioners so appointed shall each receive a salary, to be paid during such time as they may be actually employed, under direction of the President, in the duties enjoined by this act, at the rate of \$5,000 per annum, and shall also be paid their reasonable and proper expenses incurred in prosecution of the objects of this act, upon accounts therefor to be rendered to and allowed by the Secretary of the Interior from time to time. That such commissioners shall have power to employ a secretary, a stenographer, and such interpreter or interpreters as may be found necessary to the performance of their duties, and by order to fix their compensation, which shall be paid, upon the approval of the Secretary of the Interior, from time to time, with their reasonable and necessary expenses, upon accounts to be rendered as aforesaid; and may also employ, in like manner and with the like approval, a surveyor or other assistant or agent, which they shall certify in writing to be necessary to the performance of any part of their duties.

Such commissioners shall, under such regulations and directions as shall be prescribed by the President, through the Secretary of the Interior, enter upon negotiation with the several nations, tribes, and bands of Indians in the Indian Territory, and shall endeavor to procure, first, such allotment of lands in severalty to the Indians belonging to each such nation, tribe, or band, respectively, as may be agreed upon as just and proper to provide for each such Indian a sufficient quantity of land for his or her needs, in such equal distribution and apportionment as may be found just and suited to the circumstances; for which purpose, after the terms of such an agreement shall have been arrived at, the said commissioners shall cause the lands of any such nation or tribe or band to be surveyed and the proper allotment to be designated; and, secondly, to procure the cession, for such price and upon such terms as shall be agreed upon, of any lands not found necessary to be so allotted or divided, to the United States; and to make proper agreements for the investment or holding by the United States of such moneys as may be paid or agreed to be paid to such nation or tribes or bands, or to any of the Indians thereof, for the extinguishment of their rights therein. But said commissioners shall, however, have power to negotiate any and all such agreements as, in view of all the circumstances affecting the subject, shall be found requisite and suitable to such an arrangement of the rights and interests and affairs of such nations, tribes, bands, or Indians, or any of them, to enable the ultimate creation of a Territory of the United States with a view to the admission of the same as a State in the Union.

The commissioners shall at any time, or from time to time, report to the Secretary of the Interior their transactions and the progress of their negotiations, and shall at any time, or from time to time, if separate agreements shall be made by them with any nation, tribe, or band, in pursuance of the authority hereby conferred, report the same to the Secretary of the Interior for submission to Congress for its consideration and ratification.

For the purposes aforesaid there is hereby appropriated, out of any money in the Treasury of the United States, the sum of \$50,000, to be immediately available.

Neither the provisions of this section nor the negotiations or agreements which may be had or made thereunder shall be held in any way to waive or impair any right of sovereignty which the Government of the United States has over or respecting said Indian Territory or the people thereof, or any other right of the Government relating to said Territory, its lands, or the people thereof.

Mr. PLATT. I suggest that in the first line, on top of page 75, the letter "s" should be stricken out in "claims;" so as to read:

All the right, title, interest, and claim which the said nation of Indians may have, etc.

The PRESIDING OFFICER. The amendment will be so modified if there be no objection.

Mr. PLATT. In line 6, on page 76, after the word "improvements," in order to avoid any ambiguity, I move to insert the words "which occupancy;" so as to read:

That before any intruder or unauthorized person occupying houses, lands, or improvements, which occupancy commenced before the 11th day of August, A. D. 1885, etc.

The amendment to the amendment was agreed to.

Mr. PLATT. For the sake of certainty, I move, with the consent of the Senator having charge of the bill, to strike out in line 18, on page 77, after the word "freedmen," the words "among the Cherokees," and to insert "who are citizens of the United States;" so as to read:

To pay the freedmen who are citizens of the United States, or their legal heirs and representatives, etc.

The amendment to the amendment was agreed to.

Mr. PERKINS. I ask if the language at page 78, line 7, might not be construed to interfere with some rights of way which may have been granted.

Mr. PLATT. I think not. It is the same provision which is found in the Creek opening and in the Oklahoma opening.

Mr. PERKINS. The Senator will remember that we have granted to two or three different railroad companies the right to build a road over and across these lands.

Mr. PLATT. Exactly.

Mr. PERKINS. But of course we do not give them any title to the land nor anything but the right of way.

Mr. PLATT. No. On page 80, line 5, after the word "eighteen," I move to strike out the words "thirty-seven and thirty-eight," as those sections are provided for elsewhere in the amendment.

The amendment to the amendment was agreed to.

Mr. PLATT. In the same clause, the lines from 11 to 22 are partly a reprint by mistake of what has gone before, and aside from the reprint refer to an act to ratify certain agreements with the Sac and Fox Indians. The provisions of those agreements are contained elsewhere in the bill. So I move to strike out the words beginning "also subject to the provision of an act" in line 10 down to the words "and for other purposes" in line 22, and in lieu thereof to insert:

Except as to so much of said acts and sections as may conflict with the provisions of this act.

The amendment to the amendment was agreed to.

Mr. VEST. How does the clause read which was amended in line 5, on page 80?

Mr. PLATT. It reads in this way:

Also, subject to the second proviso of section 17, the whole of section 18, of the act of March 3, 1891.

Mr. VEST. It reads "sections."

Mr. PLATT. It should read "and the whole of section 18."

The PRESIDING OFFICER (Mr. BERRY in the chair). That modification of the amendment will be made.

Mr. PLATT. In line 8, on page 96, and also in line 14, I move to fill the blank by inserting the word "ten" before the word "section."

The amendment to the amendment was agreed to.

Mr. PLATT. In section 15, page 87, line 21, the word "within" was left out in printing, by mistake, after the word "individual." It should read:

Not exceeding 160 acres to any one individual within the limits of the country occupied by the Cherokees, Creeks, etc.

The PRESIDING OFFICER. That word will be inserted in the amendment if there be no objection. The question is on agreeing to the amendment of the committee as amended.

Mr. GORMAN. Mr. President, I trust the Senator in charge of the bill will favor us with a short explanation of this amendment in regard to the Cherokee Strip.

Mr. DAWES. The amendment comes from both the Committee on Territories and the Committee on Indian Affairs, though formally through the Committee on Indian Affairs. It arises out of a negotiation which has been made by the commissioners, who have been at work for two or three years in securing a surrender from the several tribes of Indians in the Indian Territory of so much of their unoccupied land as could be obtained to add to the Territory of Oklahoma and open it for settlement.

The most important of all their negotiations is the negotiation with the Cherokees as to what is called the Cherokee Outlet, which is a large tract of land, containing a little over 6,000,000 acres. The main part of the amendment refers to that body of land lying between Oklahoma and the State of Kansas. It is not used by the Cherokees. It is held by a title which is peculiar, and the United States has been negotiating with them for title for a great number of years. This agreement with them is the first we have been able to make, and by its terms it is to be ratified by the 4th day of March or is to become void.

By the agreement the United States agrees to pay them \$1.42 an acre, amounting in all to \$3,000,000 or thereabouts. The agreement, by its terms, requires that amount of cash to be paid down. The amendment makes a very great change in the agreement. It appropriates \$3,000,000, but says "in the manner following," \$500,000 of it to be paid down and the balance in five annual future payments, at 4 per cent interest. To meet the 4 per cent interest, by subsequent provisions in regard

to the opening of the land to settlement, the settler pays 4 per cent interest on the tract of land which he takes, the idea of the amendment being that the interest shall be paid by the settler who takes up the land.

Mr. MILLS. Is the provision for making deferred payments satisfactory to the Indians?

Mr. DAWES. I was about to state that the price for the land as provided in the amendment for the settler will, if it is all sold, more than compensate the United States for the whole \$8,000,000. This is a change of the agreement, but it is provided in this proposed act that if the Cherokees accept any portion of the money it shall be deemed an acceptance of this change in the agreement. It is understood, after a long negotiation with their delegation here, that they will accept \$500,000 in payment and accept the deferring of the other payments. Therefore there is every expectation that it will be adopted by the Indians.

The merits of the plan are these: The necessity of the case, as all of us know, is very great. This matter has been under negotiation a long time, and the men seeking settlement there have had a settled idea that it would be opened by the 4th of March. They have gathered in large numbers on the border, as they have heretofore, and it has recently come to them that there was very great doubt as to whether this agreement would be ratified and this territory opened. These people are encamped all along the border, very much excited, waiting for this opportunity.

The excitement is so great that they have resolved that they will go in anyhow. The United States is bound to protect the Indians in the possession of their land unless the agreement is ratified, and to keep those people out. The excitement is so great that the authorities have been compelled to order troops to the border to maintain the *status quo* until this matter shall be decided.

Mr. PERKINS. They have resolved that they will go in on the 6th day of March, in the event we do not ratify this agreement.

Mr. DAWES. They have resolved, as the Senator from Kansas says, to take possession on a day fixed, on the 6th of March.

The importance of having the Outlet opened I need not take any time to explain to the Senate. It has been a work of a great many years to bring the Indians and the Government to this point. It is the entering wedge for a surrender of all their tribal government, the establishment of a territorial form of government, and ultimately, and in the near future too, the adoption of a State government.

It is a political question, not a partisan question, I mean; but it is more political than anything else with reference to the government of that vast country. The condition of affairs, so far as government is concerned there, is deplorable. It can not continue a very great while. It seemed to the committee that the importance of securing a ratification of the agreement is so great that no small consideration should stand in the way of ratifying it at this time. The call upon the Treasury is only for \$500,000 now, instead of \$8,000,000. So it seemed to the committee that an opportunity is offered to ratify the agreement which the Senate can not afford under any circumstances to let go by.

Mr. GORMAN. I should like to ask the Senator in regard to the deferred payments, the \$7,500,000, what is the provision in regard to those payments?

Mr. DAWES. The balance is to be divided into five annual payments drawing 4 per cent interest, and we then provide for the 4 per cent interest. We require every settler to pay 4 per cent interest on the amount which he is to pay for his land, he having four or five years in which to complete his payment, and he pays the interest. If the land shall be taken up, as everybody believes it will be immediately, the settlers will be paying this interest.

Mr. GORMAN. In the event that the Indians do not accept the proposition, then the whole things falls?

Mr. DAWES. In that case all this work will be lost, and the Government will have devolved upon it immediately trouble in that Territory between whites and Indians, and the Government, all three being involved, which will be serious, and the chances are that there may be more money expended than all this arrangement would cost.

Mr. GORMAN. If the Senator from Massachusetts will pardon me for interrupting him again, I understood him to agree with the statement made by the Senator from Kansas [Mr. PERKINS] that unless this matter is adjusted and the territory opened by the 6th day of March, then it is believed that trouble will occur. But I find a provision in the amendment that the territory is to be opened only upon the proclamation of the President within a year.

Mr. DAWES. There is this difference: If they see that we have ratified the agreement, of course they will not be induced

to take the law, as they call it, into their own hands. It is not very pleasant to be talking here about what is necessary for the great Government of the United States to do to prevent a body of its citizens from violating the law.

Mr. GORMAN. No.

Mr. DAWES. But the existence of the trouble is apparent, and the Senator from Kansas has said that they have fixed upon a day when they propose to enter anyhow. I did not know that they had fixed upon a day; but I do not care about speaking of that. If the amendment be passed as it is now, I think neither boomers nor homeseekers who propose to obey the law, nor the Indians, will resort to any violence, but that this modification of the agreement will be accepted by the Indians.

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

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Connecticut?

Mr. DAWES. I desire to say that the Senator from Connecticut [Mr. PLATT], the Chairman of the Committee on Territories and also a member of the Committee on Indian Affairs, has had more to do with this negotiation than I have had.

Mr. PLATT. As the amendment was first drawn, it proposed that the land should be opened within sixty days after the 4th day of March. It is desirable that it shall be opened just as soon as possible, but the Senator from Maryland can see that there will have to be certain things done in the way of allotments, etc., so that it is almost impossible to fix a day. I have no doubt the Secretary of the Interior and the President, if the money be accepted, will endeavor to open the land to settlement so that the crops can be made this year, but it was thought necessary to give the general time of one year within which to open it. Undoubtedly action will be taken looking to its opening at the earliest possible date, but only twenty days' notice is required when the President gets ready to issue his proclamation.

Mr. GORMAN. Will the Senator permit me to ask him a question for information?

Mr. PLATT. Certainly.

Mr. GORMAN. Does the Senator believe that it is a wise thing for Congress to do, or the fair thing, after having entered into negotiations for paying the money, agreeing upon the price, that we shall in this arbitrary way say that we postpone the payments and put the proposition in a form where those people must accept \$500,000 or else the whole matter falls? Is that a fair thing for Congress to do in view of the past negotiations?

Mr. PLATT. I drew the amendment and submitted it to the Committee on Appropriations for the appropriation of \$8,595,736 to be immediately available and immediately paid. I went to see the Committee on Appropriations about it, and they said that they could not accept it in that way. Then I proposed deferred payments to suit the Committee on Appropriations. I then consulted with the representative Indians who are here, and I think that I am justified in saying that, although they feel that the Government ought to pay them immediately, it will be accepted as is here provided.

Mr. PERKINS. I should like to add a word. The Senator from Maryland will remember that we passed this as a separate measure in this body, and that in the bill as it passed the Senate we appropriated the full amount. That bill is suspended in the other House to-day, and no action is taken upon it on account of that very fact. Hence it is absolutely necessary that this important legislation may be secured that some such provision as this shall be inserted in the amendment.

Mr. DAWES. It is not taking advantage of the Indians, because the Indians agreed that it should not take effect except after ratification. It is perhaps dealing with them rather harshly, perhaps not on exactly equal terms, it is true, but it is a matter in which they see, I think, that it is for their interest as well as for our interest to come as near to the agreement as possible, if we can not come exactly to it.

Mr. MCPHERSON. I understood the Senator from Kansas or the Senator from Massachusetts, I do not remember which, in answer to a question by the Senator from Maryland, to say that it was the intention of these settlers to go in on March 6?

Mr. PERKINS. That is in the event that this proposed legislation shall fail. There are hundreds and thousands of them there living in tents and in wagons, camping along the border, waiting for legislation to open the land to settlement, and they have resolved that in the event legislation fails they will forcibly invade that territory on the 6th of March.

Mr. MCPHERSON. I do not understand exactly how they will be situated if this legislation does not fail. On page 79 of the bill it is provided that—

The President of the United States is hereby authorized, at any time within one year after the approval of this act, by proclamation, to open to settlement any or all of the lands not allotted or reserved, in the manner provided in section 13 of the tract of Congress approved March 2, 1889.

Now turn to page 81, and find it is provided that—

No person shall be permitted to occupy or enter upon any of the lands

herein referred to except in the manner prescribed by the proclamation of the President opening the same to settlement; and any person otherwise occupying or entering upon any of said lands shall forfeit all right to acquire any of said lands.

Mr. President, it seems to me as though the question had not been sufficiently answered. In the first place, we are confronted with an invading force of settlers who, as it is claimed, are going into the Territory. The President has one year within which to issue his proclamation after this act shall be approved. Then the proposed act goes on to say that if any settler shall occupy this land except under the terms and provisions of the proclamation of the President he shall forfeit all right to enter upon or acquire any of the lands. Is that the way the committee intended to have the provision?

Mr. PLATT. Precisely. But what is the point the Senator makes?

Mr. McPHERSON. Then it is no argument to say because people are standing there and proposing to enter the land they can possibly do it under any kind of circumstances, because to do so is to forfeit all their rights.

Mr. PLATT. I have not alluded to the fact that those people might enter the land with reference to the necessity of enacting this legislation, but simply for the purpose of showing the unsettled condition that there exists. During all the negotiation I have been advised of the desperate condition of parties who are camped along that border, and of the feeling which has been engendered among them, that the Indians have no title to the land, and if the Government was not going to ratify the agreement they were going to take possession of it.

I have taken every means; I have answered, I think, every telegram; I have, I think, answered every letter that has been addressed to me upon the subject, by saying that they must not think of that for a moment, and I have brought the subject to the attention of the Secretary of the Interior and of the President. I trust that those people will be kept out. I have merely alluded to it to show that from five to ten thousand people—and it is claimed more—have been waiting all the winter along that border, living, as has been said, in tents and wagons, waiting for the lands to be opened to settlement.

With reference to the proposal that the lands shall be opened within a year, as I said, if they can not be opened in time to make the crops this year there is no hurry about it. If the Secretary of the Interior and the President can complete the necessary preliminary work to open the lands in time to give the people who go in an opportunity to make a crop, then undoubtedly they will be opened within sixty days from the time of the passage of the act. But as there are allotments to be made under the agreement, and as there are reservations to be made, as described, and various things of that kind to be done before the lands can be opened, it seems as if, so much time having elapsed, there might be a question whether they could be opened in time for the settlers to make a crop this year. Therefore the time of one year was put in, leaving it to the discretion of the incoming President and Secretary of War to open the lands either this spring or next spring. I imagine that the Government will keep out the intruders.

Mr. McPHERSON. Let me inquire of the Senator from Connecticut, with whose plans and purposes in reference to this matter I am considerably in sympathy, does he not see the provision to which I have referred, on page 81, that any person (meaning a settler) who shall undertake to occupy the lands prior to a certain time shall forfeit any right to acquire any of said lands? If it be true, as stated by the Senator from Kansas, that there are thousands of people on the frontier ready to go in and determined to go in and occupy the lands on March 6, that is going to create infinite trouble. It is going to do a great injury to somebody. It is going to provoke almost a rebellion. We had enough of that in Oklahoma.

Mr. PLATT. May I interrupt the Senator?

Mr. McPHERSON. Certainly.

Mr. PLATT. Does not the Senator from New Jersey think that in view of such a possibility it is wise to provide that if anybody goes in there he shall not acquire any right? That is just what the provision is.

Mr. McPHERSON. I doubt very much if they would be restrained by any such provision. You undertake to settle the question, but they are there on the frontier. They are now determined to go in, as the Senator from Kansas says, on March 6. I see no way to prevent their going in except by some armed force standing upon the frontier and saying to them, "Thus far and no farther shalt thou come." But see the infinite amount of trouble it is going to cause this Government in case thousands of those people shall go in there.

Mr. PLATT. It occurred to me that the restraining reason would be that in the amendment we provide that if they go in

they shall not acquire any title to the lands; and if there is such a provision in the bill they will know it within twenty-four hours.

Mr. McPHERSON. Take the unnumbered thousands we have heard spoken of. Suppose they can not acquire title to lands. They are there. They have taken possession. I want to know how you are going to dispossess them. I wish to know what you propose to do with them. Do you propose to bring in a bill again next year which will say to those settlers in some of its provisions, "You have gone there and have obtained certain rights, and therefore we will have to make an appropriation of money to pay you for your loss?"

Mr. PLATT. We propose to do all we can by legislation to keep them from doing that very thing.

Mr. PERKINS. If the Senator from New Jersey will permit the suggestion, I think perhaps he did not quite comprehend what I designed in the remark I made, to which he refers. What I desire to be understood as saying was that those people had resolved to invade that territory, and, if necessary, to take forcible possession in the event that there is no legislation ratifying this agreement. In the event that the agreement is ratified, and in the event that there is legislation providing that in the future in some lawful way they may go in and occupy the land and make homes for themselves, they are willing to abide by the conditions of that legislation. It is only in the event that the treaty is ignored and that there shall be no legislation upon the subject that they have resolved they will go in on the 6th of March.

The incoming Administration will be then at once confronted with the armed occupation of that territory and with thousands and thousands to be evicted by military force. Hence the urgent necessity for this proposed legislation. I am satisfied that that people, notwithstanding their anxiety, will cheerfully abide the action of the Executive, and will conform to the requirements of this legislation, in the event that we secure it.

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

Mr. PERKINS. With pleasure.

Mr. MITCHELL. Is it not a fact that there was a similar provision contained in the Oklahoma legislation, and did not that have the effect to keep out the great body of boomers until the proper time came for them to enter the territory?

Mr. PERKINS. Exactly the same provision. This is a transcript in that respect of the legislation upon that subject heretofore enacted.

Mr. JONES of Arkansas. Mr. President, I hope that the amendment proposed by the Committee on Appropriations will be adopted. It has been carefully considered by those of us who are members of the Committee on Indian Affairs, and by those of us who are members of the Committee on Territories, and it is an absolute necessity that some steps shall be taken by the present Congress to open this large tract of country now occupied by Indians or white people. Thousands of people are on the frontier and anxious to go into that country. They are willing to wait until Congress can legislate if it can be done. But as I understand, they are taking steps now to break over the frontier and go in and occupy the country. If something is not done by the present Congress, and I think it is absolutely necessary that something shall be done, if they go in violation of law into that country without action on our part they must certainly be expelled by troops. That will bring about a state of things that ought not to be desired by anybody. It can not do them any good and will necessarily result in great harm.

The provision which the Senator from New Jersey [Mr. McPHERSON] seems to criticize, that in case there is any violation of the law and those people shall go into the country anyway, they shall forever forfeit any right they might otherwise have under this bill, seems to me to be wise, and it is a necessary provision here. I believe the effect of this legislation will be to allay the excitement which exists on that border; and whatever time may be fixed by the President for the opening of that country they will wait in piece and quiet for that day to arrive. No one of them is going to forfeit his chance of getting a home there by undertaking to override the law.

Such an effort has been made heretofore in this country, but the people who went in were put out by the military. That has been done heretofore, and if necessary will be done again. If something of this kind is not done, if Congress shall simply stolidly close its eyes to the necessity of opening these millions of acres of land for homes, the feeling among the people who are collected along that border will be so great that it will involve bloodshed and it will involve troubles that we here shall be held accountable for. We can not afford to close our eyes. We are bound to consider these things.

I sincerely hope the Senate will, by a unanimous vote, adopt this amendment to the bill, and make this just, reasonable, and fair proposition to open up that country for settlement.

Mr. VEST. It seems to me unfortunate that we should hasten

to encounter evils that may never in all human probability come to pass. To assume that the incoming President of the United States, if this legislation should be adopted, would invite the catastrophe which we all are so anxious to prevent, is doing him injustice.

This provision of the law, to which the Senator from New Jersey [Mr. McPHERSON] has alluded, makes it incumbent upon the President within twelve months to issue his proclamation throwing open this Cherokee Strip to settlement. Now, it is true that if the President should put off that proclamation to the last twenty days of the twelve months the evils which have been discussed here, the confusion and lawlessness that would come from irrepresible immigration that must go into that Territory from the country around it, would come to pass.

But certainly the incoming President would not do any such thing. He would not make it necessary of himself by his own inaction to use the military force of the United States to keep these people out. There would be every inducement to cause him to issue this proclamation as soon as it ought to be, because his experience and that of every intelligent man would teach him that unless it is opened almost immediately there will be lawlessness, disorder, and suffering amongst those who have gone there to become residents.

This is but a repetition of one phase of the Indian question from the commencement of this Government. There is not a Western Senator here, and hardly an Eastern Senator, who has not had this same sort of excitement and the same sort of solution in his own State. Conspicuously in my own State of Missouri we had the same state of things, and it resulted in the Platte Purchase being added to the domain of the State, one of the fairest portions of that great Commonwealth. The borders of the Platte Purchase were crowded with white men who insisted that they must go in and that they could not wait for the action of Congress or the proclamation of the President.

At one time the question was seriously considered whether to send troops there in order to prevent a collision between the Indians, who were unwilling to give up that splendid country, and the white men, whose rapacious eyes had been fastened upon it. It ended as all such controversies have ended, as the controversy in the Black Hills ended, and as the controversy ended with reference to portions of Kansas, portions of Arkansas and Texas, and portions of other States in the Union. The indomitable and inevitable tendency of the race to which we belong settled the question. As a result, the country has been opened up to settlement, and the Indians have given way to the Anglo-Saxon civilization that dominates the world.

The Senator from Massachusetts [Mr. DAWES], who has labored diligently in behalf of the Indians, made an observation that, with great respect to him, I think is hardly warranted by the facts. He spoke of the fact that we were treating the Indians a little harshly, and that we were about to drive a hard bargain with them. That I believe was the tendency of what he said.

Mr. DAWES. I did not mean to give that idea. The Senator from Maryland made a suggestion which looked more like that than my answer to him. My idea was that we had made an agreement with them, subject, of course, to ratification, to pay this money down; but when it comes to modifying that agreement we say we will not pay it down, and we have the power to refuse. That might, I said, be a little hard. I think our treatment of the Indians, on the whole, is not harsh.

Mr. VEST. I was certain that the Senator would come to that conclusion upon looking deliberately at all the facts.

I, Mr. President, have always, without regard to popular opinion, been the friend of the Indian. Without going into the justice or the injustice of the question, his fate has been a terrible one. It may have been the result of inevitable forces which can not be controlled by legislation, and yet the condition of the Indians in this country to-day is one of the darkest pictures in the history of our whole race. But let that go. I would be the last Senator who would inflict an injustice upon them; but I say here deliberately as their friend that we have treated them in this matter with the utmost consideration, even with more than justice.

If the Cherokees had an unquestionable title to this land it would have prevented a very different question from that which comes before the Senate now. I have always considered their title very questionable. I have always thought, as a lawyer, that we had stretched the equities to almost an indefinite point when we paid them these large amounts of money for their claim over that Outlet. If there is anything in historical assertion and in official records the evidence is very strong in favor of the contention of the Secretary of the Interior, the present incumbent, that the Outlet was intended to give the Indians a way to the hunting grounds of the West, and that, the reason having ceased, the obligation ceased upon the part of the people of the United States with regard to that right; that those lands having

disappeared as hunting grounds it is more than questionable whether their title to this Outlet did not go at the same time.

But what have we done? We have acted like a great, generous, and superior nation. We have given them the benefit of every doubt. We have paid them liberally for this questionable title.

Another word, Mr. President, and I shall have done with what little I have to say about the Indian question, as to which the people of Missouri are intensely interested. There is one consideration important with me as to the opening up of this Cherokee Outlet and which does not appear upon the face of this legislation. I am greatly in hope, in fact I am sanguine, that the result in this case with reference to this Cherokee Outlet will teach the Indians and half-breed Indians of the Indian Territory what must be the inevitable result of the question which is now awaiting solution in the near future, as to their system of tenure in common.

If they can not learn from this additional illustration the absolute and irresistible tendencies of attrition between the two races, if they can not learn that they must accept the inevitable, and upon just and equitable terms remove the exceptional conditions that now exist in their country with relation to the people of the United States, then their case is absolutely hopeless.

The time is upon us—not coming, but upon us—when the people of the Western States, for their own self-preservation, can not tolerate, without attacking it, the system that now prevails in the Indian Territory. We have determined by all just and lawful means to remove those conditions. Mr. President, in Southwest Missouri land is worth to-day one-third less than it would be but for the propinquity of the Indian Territory.

No man wants to make an investment there in any village or city when it may be raided the next hour by a band of lawless banditti whose depot is in the Indian country and who are protected by the extraordinary laws of that community. Is it to be expected that we whose property, whose social autonomy is threatened by such a condition of things, should cease our struggle to convince these people that we can no longer tolerate the extraordinary state of affairs that now confronts us?

This is another object lesson, and if the intelligent citizens of the Indian Territory shall profit by it they will find that their best friends upon this floor and in the other branch of Congress are the men who, like myself, read the future from the past and frankly say what must come unless they accept the inevitable result. That to me is the most important part of this legislation, and I thank the committee for having brought these provisions here in order that they may receive the sanction of the Congress of the United States. I sincerely hope that this is but the beginning of the coming of that era when there shall be in this country no *imperium in imperio*, but a consolidated people, all citizens, all freemen, and all inheritors of our common liberties and civilization.

Mr. PLATT. I wish, without taking the time of the Senate in debate, to say that I believe the proposed legislation contained in this amendment hastens the day when the tribal relations of the five civilized tribes will be surrendered by their consent. I believe nothing that has been done or can be done has had such an effect as this will have. They see now that the time is at hand when it is for their own interest, as well as for the interest of the people of the United States, that they shall become incorporated in our Government. I believe those Indians will find that with that spirit on their part there is no intention on the part of anyone to do them injustice. I believe that if this legislation shall pass, it is scarcely too much to hope that during the next session of Congress we shall all be rejoiced in seeing legislation which will incorporate those civilized Indians into and make them a part of the United States with their consent and to their benefit.

Mr. BUTLER. I am as anxious, Mr. President, as any Senator upon this floor for the ratification of this agreement, but I shall insist that it be accomplished in a spirit of fairness and justice to the Indians themselves.

I shall not now go into the question of the validity of the title to the Outlet by the Cherokees, to which the Senator from Missouri [Mr. VEST] has referred. That question has been settled. Whatever might be his individual opinion as a lawyer, or my own, that matter has long since been settled by the courts of the United States. So I submit it has no place in this discussion.

I want to enter my protest against a remark made by the Senator from Missouri [Mr. VEST] as to the condition of these people within the Indian Territory. If one were to judge from his observations one would infer that there was constant lawlessness, recklessness, crime, or debauchery from one end of the year to the other. I have been among those people, Mr. President, and I venture the assertion that they are just as far advanced in civilization as the people of many of the States of this Union. They have as fine seminaries of learning; they have

their courts, their councils, their laws, their newspapers, their churches, and all of the elements of civilization which you find in any State, North or South, East or West.

If there are individual instances of lawlessness within that Territory they are due to the lawlessness of their neighbors in the adjoining States who invade that Territory by way of covering up their own lawlessness and crime, and then charge to the Cherokees, Choctaws, and Chickaws the responsibility for crime. I do not believe that within that Territory crime does exist to the extent indicated by the Senator from Missouri, although he lives in a border State and I live in one somewhat remote from that Territory.

Now, Mr. President, I desire to offer an amendment to come in after the word "nation" in line 16, page 76, which I think the Senator from Connecticut will accept.

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

The SECRETARY. After line 16, on page 76, it is proposed to add the following proviso:

*Provided*, That the amount so paid for said improvements shall not exceed the sum of \$250,000; *And provided further*, That the intruders above mentioned shall account for rents and profits for the time they have occupied the said lands and the improvements.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from South Carolina to the amendment of the committee.

Mr. PLATT. I have no right to accept an amendment. The bill is in charge of the Committee on Appropriations. As is well known, it has been a matter which has engaged my attention during this entire Congress. For one, I should be willing that the first part of the amendment proposed by the Senator from South Carolina should be adopted. The latter part of it I should hesitate to agree to, and I trust he will not press it at this time.

Mr. BUTLER. I can see no injustice in that part of the amendment which simply provides that the occupants of the lands, the intruders, if they should turn out to be intruders, shall pay for the rents and profits of the lands which they have occupied from the time specified.

Mr. PLATT. If anything were to be adopted looking to that idea, it seems to me it should be a provision that the appraisers might consider the value of the use and occupation of the lands in making such appraisal, but they should not be tied up by any such rigid rule as is set forth in the proposed amendment of the Senator from South Carolina.

Mr. BUTLER. I have no objection, if the Senator will suggest that amendment, to make it applicable at the proper point.

Mr. PLATT. Then I suggest after the words "*And provided further*," to change the amendment so as to read:

That the appraisers, in determining the value of such improvements, may consider the value of the use and occupation of the land.

If I were in charge of the bill I would be willing to accept the amendment to the amendment as thus modified.

Mr. BUTLER. I have no objection to the modification submitted by the Senator from Connecticut, and will accept it as a modification of my amendment, because that is the point I want to get at. The point I desire to reach is met by the amendment which the Senator from Connecticut has just proposed.

The VICE-PRESIDENT. The modification will be reported.

Mr. PLATT. Let the amendment to the amendment be reported as modified.

The SECRETARY. After the words "*And provided further*," strike out the words:

That the intruders above mentioned shall account for rents and profits from the time they have occupied the said lands and the improvements.

And insert in lieu thereof:

That the appraisers in determining the value of such improvements may consider the value of the use and occupation of the lands.

Mr. PLATT. I myself have no objection to the amendment as modified.

The VICE-PRESIDENT. The question is on the amendment as modified to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. VILAS. Mr. President, as a member of the Committee on Indian Affairs I did not make any special dissent when this proposed amendment was reported back, but reserved in committee the right to enter my protest against certain words in the amendment.

I can not find it compatible with my sense of right to allow the amendment to be adopted without drawing attention to it and submitting to the committee and to the Senate whether it be necessary to preserve those words in this proposed amendment. I refer to lines 11 to 14 on page 78, beginning at the latter part of line 11:

Or upon the offer by the United States to pay the same and the refusal or neglect upon the part of the Cherokee Nation to accept the same.

The insertion of these words in this amendment means simply that the United States conferred upon the Cherokees by a patent of the United States a title which was in fee, if it was limited to a certain use; a title which we are now willing to pay more than \$8,500,000 for; a title to obtain the cession of which we have provided commissioners who have laboriously negotiated with the Indians for years; and finally this negotiation has ripened into an agreement for the purchase of their land at this price upon certain additional conditions.

Now, by act of Congress it is proposed to say to them, "You shall have the money, but not upon the conditions which were agreed to; the conditions shall be changed to suit us; your acceptance of the money shall be deemed your complete cession of the land; and if you fail to accept it upon our proffer of it we will take the lands without the payment of anything or the compliance with any of the conditions."

It seems to me, if it be true—and I believe it to be true, as the Senator from Connecticut [Mr. PLATT] said—that the Cherokees will be willing to accept, at the desire so authoritatively expressed as by this act it will be expressed, the proposed modification of the agreement, it is too much for a nation like this to lift above their heads, when they enter into consideration of a proposal to change the agreement that they solemnly made, this worse than war club by which we tell them "take it as we have proposed it, or we will take it from you without terms, without price, without compensation."

I consider the amendment of the committee in regard to the terms and prices, especially in regard to the deferred payments, as a very wise amendment, wise for us and wiser still for the Cherokees themselves, no doubt. In every feature of this amendment, which has been prepared with so much care, I am quite willing, I am very desirous, that the Senate shall acquiesce; but because what we propose to them is wise and just and for their benefit, I am unwilling that we should attempt to secure it by such a trade as this enacted by legislation of Congress. I wish it might be safely and properly withdrawn from the bill.

Mr. JONES of Arkansas. My friend, the Senator from Wisconsin, who has just taken his seat, admits that the proposed change from the agreement made between the Cherokees and the Cherokee Commission on the part of the United States is wise for us and wiser for them. This we believe to be true, and, believing it to be true, we simply provide that where there are 6,000,000 acres of land which the people of this country need for homes and which is not occupied by any human being on the face of the globe, when we propose a modification of the agreement which is wise for us and wiser for them, if they do not accept that provision, which we believe we understand better than they do, then we propose to open the land for settlement.

We do not propose to do it without price; we do not propose to do it without compensation; but they have their claim against the Government of the United States for whatever there is of just compensation for the value of this land, and this will be accorded to them by succeeding Congresses, or they will be allowed to go into the courts and bring suit to establish whatever of right they have.

Now, when we are talking about the equities of this case it is well enough for us to consider another thing. There was a large amount of land west of the five civilized tribes which the Indians had ceded to the Government in one way and another.

I am one of those who believe that every acre of that land ought to be paid for, and ought to be paid for at \$1.25; that whatever payment has been made to those Indians heretofore should be deducted from the \$1.25 per acre that is fairly due to them. We in this case will give these Cherokees \$1.42 an acre for land for which we paid \$1,250,000 to the Cheyennes and Arapahoes, and for which we have paid to other people, making it cost to the Government perhaps \$2 an acre—more than anybody can in equity and good conscience say is due to those people from the Government of the United States.

When we have gone to this extreme, when we have gone further than justice and fair dealing demanded we should go, when we have gone further than we have gone with any other tribe except the Cherokees, I thoroughly believe that it is right and proper that the interests of the white people of this country should be considered to some extent and that this land should be opened for settlement, and then if the Indians are not willing to accept this price let them present their claim for compensation to Congress or to the courts.

Mr. BUTLER. Do I understand the Senator from Arkansas to say that the Cherokees have been paid for any part of the 6,000,000 acres of land involved in this amendment?

Mr. JONES of Arkansas. I say that the Government of the United States has paid to the Cheyenne and Arapahoe tribe of Indians \$1,250,000, which was for their interest in a part of this same land; that the Government, in addition to the \$1.42 per acre which it proposes to pay for this land now, has paid \$1,250,000,

besides some other smaller sums at other times which in the aggregate amount to what I say.

Mr. BUTLER. The land the Senator speaks of as having been purchased from the Cheyennes and Arapahoes has been segregated from the Cherokee Outlet; it is no part of the land involved in this amendment.

Mr. JONES of Arkansas. That only shows that the Senator from South Carolina has not looked into this matter. There was \$250,000 paid for the segregated land by the specific terms of the agreement, and if the Senator had ever read it even once he would not have forgotten it.

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

Mr. JONES of Arkansas. There was a million and a quarter dollars paid for their claims to obtain lands in the Cherokee Strip that were never set apart or segregated.

Mr. BUTLER. I think I have given this subject some little consideration.

Mr. JONES of Arkansas. I have no doubt of it, but the Senator has not read that.

Mr. BUTLER. Of course I do not pretend to come into competition with the enlarged information and great ability of the Senator from Arkansas on that line, but I have looked somewhat into this question.

Mr. JONES of Arkansas. I was not yielding for that sort of a compliment. If the Senator wants to ask me any questions I shall hear them.

Mr. BUTLER. The Senator paid me a compliment, and I wanted to return it; that is all. If the Senator considers that I have returned the compliment, then I will stop.

Mr. JONES of Arkansas. I am willing to consider it even.

Mr. PLATT. There is no question but that the Cheyenne and Arapahoe Reservation extended into the Cherokee Outlet and went north of the Cimarron River. The Cherokee Commission in their report said that they paid them specifically for their interest in a part of this Cherokee Outlet.

Mr. JONES of Arkansas. One million two hundred and fifty thousand dollars. I believe there ought to be \$1.25 an acre paid to all the five civilized tribes for the land west of their country and which is ceded to the Government of the United States; and that \$1.25 ought to be lessened by the amounts of money which have been paid to them at any other time heretofore. I believe the Cherokees will receive under this bill very much more than is fairly due to them for this land. So believing, there can be no injustice done, if they decline to accept what is more than the land is worth, when we propose to open the land for settlement, let them present their claim for whatever the Government owes them.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Committee on Appropriations as amended.

The amendment as amended was agreed to.

Mr. PETTIGREW. I wish to offer an amendment.

Mr. DAWES. I am not quite through with amendments from the committee. On page 13, the amendment inserting lines 3 to 12 was passed over. Since it was passed over, the Senator from Idaho [Mr. DUBOIS] has prepared a substitute which is acceptable I believe. The amendment is to strike out those words and insert what the Senator from Idaho will send to the desk.

The VICE-PRESIDENT. The amendment of the Senator from Idaho to the amendment of the committee will be reported.

The SECRETARY. It is proposed on page 13 to strike out from line 3 to line 12, inclusive, and insert:

The Secretary of the Interior is hereby directed to negotiate with the Coeur d'Alene Indians for a change in the northern line of their reservation, so as to exclude therefrom a strip of land on which the town of Harrison and numerous settlers are located.

Mr. GORMAN. What does that amendment mean?

Mr. DAWES. If the Senator will read the provision in the bill, proposed to be stricken out, he will see that it is peculiar. It reads:

That article 1 of the treaty between the Government of the United States and the Coeur d'Alene Indians of Kootenai County, Idaho, ratified by Congress and approved March 3, 1891, be corrected so that it shall conform to the original agreement as understood and intended between the Government and said Indians.

That the Secretary of the Interior shall direct the agent in charge of the Coeur d'Alene Indians to correct the said boundary line, and in writing make it conform to the original agreement.

That is what the Indians now say they meant to put into the agreement, but which was not put into it. It is this: On the northern line of the new reservation, as it was made by the agreement, there happens to be a small town named Harrison, which drops below and inside of the reservation. There have been several attempts to purchase that land of the Indians. The men who want claim that it was the original intention to have it below there, but it was not put into the agreement, and it is proposed here to authorize the agent to correct the agreement according to the way it is said it should have been. Instead of that it is proposed by this amendment to authorize

the Secretary of the Interior to negotiate with these Indians for a change of the boundary line, so as to bring it about a mile and a half further south and thus exclude that town. It is to be negotiated for with the Indians, and it will not be valid under the existing law of the land until ratified here.

Mr. BUTLER. Is that the amendment?

Mr. DAWES. That is what is proposed as a substitute for what is in the bill.

Mr. GORMAN. It meets with the approval of the Senator from Massachusetts?

Mr. DAWES. Yes. I desire to substitute the amendment for the language in the bill as it came from the House of Representatives.

The amendment was agreed to.

Mr. PETTIGREW. I should like to have the amendment which I sent up to the desk a moment ago read.

The VICE-PRESIDENT. The amendment proposed by the Senator from South Dakota will be read.

The SECRETARY. On page 54 it is proposed to strike out lines 5 and 6, as follows:

School buildings at that point, \$50,000, or so much thereof as may be necessary.

And insert:

Buildings at some place on the Lower Brule Reservation, and to complete the Indian industrial school at Chamberlain, S. Dak., \$50,000, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. PETTIGREW. I offer another amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "dollars" in line 19, page 31, it is proposed to insert:

One thousand dollars of which shall be used to pay a second blacksmith at Forest City, S. Dak., \$200 of which shall be immediately available.

Mr. DAWES. I wish the Senator from South Dakota would explain the amendment.

Mr. PETTIGREW. At this agency there are no blacksmiths but Indians, and I am informed by the agent at that point that it is very necessary there should be a white blacksmith as an assistant there. This amendment proposes to allow \$800 a year for a blacksmith, \$200 of that sum to be available in this fiscal year, so that he may be employed at once.

The VICE-PRESIDENT. The question is on the amendment.

The amendment was agreed to.

Mr. VILAS. In accordance with notice given some days ago, I ask leave to offer an amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 53, after line 4, it is proposed to insert:

For payment of the expenses of the defense of Michel Thomas, an Indian of the Chippewa tribe of Indians, indicted for murder in the killing of David Corbine, another Chippewa Indian, upon an Indian reservation. In the United States circuit court for the western district of Wisconsin, defended by H. Richardson and F. W. Hall, attorneys appointed to do so by said court, and on trial convicted thereof and sentenced to be hung; and on motion for a new trial and in arrest of judgment in which case the United States circuit and district judges of said court disagreed on the question as to whether or not said court had jurisdiction to so try and sentence said Indian, and certified such disagreement to the Supreme Court of the United States for their decision thereon, where said cause is now pending; and pending which decision said Michel Thomas is confined in Dane County, Wis., jail, including necessary clerk's fees, printing, and counsel fees for said defendant, the sum of \$1,000, to be paid when said cause shall be finally determined in said United States Supreme Court, upon the certificate of the Chief Justice thereof.

Mr. COCKRELL. That amendment raises a question which has already been before the Committee on Appropriations on another bill. We have uniformly decided against allowing attorney's fees to be paid to any attorney who is appointed by a court to defend an Indian or anybody else. We have a number of cases coming from Arizona, and we have a number of cases coming from other places. The adoption of this amendment simply means an expenditure of thousands of dollars all over the country where there are Indian reservations for the payment of attorneys who may be appointed by the court to defend Indians who are unable to employ counsel. In every court in the United States we have American citizens who are too poor to pay counsel fees. In such cases the court appoints an attorney, and he never thinks of presenting an account against the United States or against the State.

If this item is not estimated for by the Department, after the Senator has been heard on it, I shall make the point of order on the amendment.

Mr. VILAS. Mr. President, the point of order does not lie against this amendment, because it has been reported from a committee, was submitted to the Committee on Appropriations, and is strictly in accordance with Rule XVI.

The objection which the Senator from Missouri has made to the amendment does not lie because he has mistaken the purport

of the amendment and the peculiar conditions of fact under which the appropriation is proposed to be made.

I am disposed to think that the United States, which is not especially given to parsimony in some things at least, might by a general law provide, as has been provided in almost all the States of the Union, that when the courts take the services of attorneys, whether they will or not, and compel them to defend men who are charged with crime before the Federal tribunals of the United States, it ought as much as a State to recompense those whose services are thus taken by force, for the law is compulsory. We have no trouble in the States in paying attorneys who are thus employed by the States to defend their criminals.

But I am not to present that question now. It arises in the manner in which the distinguished Senator from Missouri has said in a great many cases. This case is not that. This case is one which is bottomed upon an exact precedent in acts of Congress, which I think the Committee on Appropriations must also have agreed to.

In the Forty-seventh Congress, by act of 1883, it was provided that \$1,000 should be set apart for the institution of habeas corpus proceedings in the Supreme Court to determine whether or not a court of the Indian Territory which had convicted the Indian named Crow Dog possessed jurisdiction. Under that appropriation the writ of habeas corpus was sued out, and the Supreme Court determined that the inferior court did not possess the jurisdictional authority. Thus, that Indian, whose life was about to have been lost, because he had been sentenced by a court assuming a jurisdiction which it did not rightfully possess, was by reason of this appropriation preserved at least for further abuse according to law.

In this case an Indian has been charged with the murder of another Indian. It was alleged that the killing occurred on a part of the territory of the State of Wisconsin, which was said to be within an Indian reservation. Upon that basis alone the Federal court assumed jurisdiction. It was disputed by testimony that the homicide took place within the limits of the reservation. It was further disputed that the lands, which were within the nominal limits of the reservation, were legally within it. Thus a question was raised of jurisdiction, so serious that the two judges upon the bench disagreed, and the case has been certified to the Supreme Court of the United States.

Thus precisely the same question is presented which was presented in the case of Crow Dog, with the single difference that the practice in one case, the conviction having been in a Territorial court, required a habeas corpus to be sued out, and in the other case a writ of error brings it here.

Therefore if this inquiry is to be pursued in the Supreme Court upon the question of jurisdiction, it can only be done by some provision being made, and I have offered a very moderate and simple provision, one of which, it seems to me, no one can complain.

There is one further thing which ought to be mentioned, according to my information. There are several cases involving the same question dependent upon this, which will necessarily, it would seem, be ruled by this. It is therefore important that it should be fairly presented to the Supreme Court.

Mr. BUTLER. Do I understand the Senator from Wisconsin to say that the court appointed the counsel for this prisoner?

Mr. VILAS. The court which tried the prisoner appointed counsel for this Indian, Michael Thomas, and that trial has taken place.

Mr. BUTLER. Who brings the case up to the Supreme Court?

Mr. VILAS. It comes up on a certificate of division, and there is no authority now to compel counsel to come here a thousand miles to follow Michael Thomas.

Mr. BUTLER. Does the amendment of the Senator propose to provide for that?

Mr. VILAS. Yes, it provides for all the clerks' fees and all the expenses; it is not alone for counsel fees, I may say to the distinguished Senator from Missouri [Mr. COCKRELL], but it is for all the expenses, the clerk of the Supreme Court, the clerk of the inferior court, and the bringing up of all the records. The amendment seems very proper and reasonable.

Mr. PALMER. I ask that the amendment be again reported.

The VICE-PRESIDENT. The amendment will be again stated.

The Secretary read the amendment.

The VICE-PRESIDENT. The question is on the amendment.

Mr. PALMER. Mr. President, I should like to say that I should not willingly vote to pay counsel who had been assigned by a court to the defense of any party indicted before a particular court. I have always understood it to be the duty of the profession, by the direction of the court to defend parties on trial before the court. I should not like to vote for an amendment which recognized the claim or the right or the possibility of payment of counsel under those cir-

cumstances. Inasmuch as this amendment includes the payment of counsel assigned by the court I shall be compelled to vote against it.

Mr. VEST. Mr. President, I entirely agree with the position assumed by the Senator from Illinois (Mr. PALMER) that, in ordinary cases, counsel assigned by the court should not receive pay by legislation. I think it is a duty which all of us incur when we take our oath of office as attorneys; but I do not know of any instance, and I do not think one can be found, where the Supreme Court of the United States has ever exercised the power of appointing counsel.

Mr. PALMER. I have never heard of such a case.

Mr. VEST. No. If this case comes up, as it must come up, with the certificate that the judges have disagreed, what will be the condition in the Supreme Court? The Government would be represented but the defendant would not be represented at all. That would be a manifest injustice, and I hold that under not only the implied but the absolute duty of every government to protect its citizens in life and property, certainly in life, the Government ought to furnish counsel in a case like this.

Mr. PALMER. I am very anxious to understand the exact meaning of this amendment. I do not understand that counsel assigned by the *nisi prius* court would be required by that assignment to take charge of the case in an appellate or supreme court. If this amendment contemplates that the counsel who were assigned shall continue to represent the client, who has been imposed upon them involuntarily, the amendment is a proper one.

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

The amendment was agreed to.

Mr. FELTON. I offer an amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 42 it is proposed to strike out from line 6 to line 11, inclusive, as follows:

To enable the Secretary of the Interior to purchase subsistence and other necessities for the support of the Digger Indians of central California, at Jackson, in said State, and for such other purposes as may be deemed necessary for the best interests of said Indians, \$10,000, to be immediately available.

And in lieu thereof to insert:

To enable the Secretary of the Interior to purchase subsistence and other necessities for the support of the Digger Indians of central California, at Jackson, in said State, and for such other purposes as may be deemed necessary for the civilization of said Indians, \$10,000, to be immediately available. A primary day school may be established and maintained out of said appropriation.

Mr. DAWES. That does not change the appropriation, but only the phraseology. I hope it may be adopted.

The amendment was agreed to.

Mr. POWER. I offer an amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 57, after line 16, it is proposed to insert:

That where cows have been delivered under any approved contract for beef cattle for the Indian service in excess of the number provided for in such contract, the accounting officers of the Treasury are hereby authorized to settle for such excess of cows at the rate fixed for cows in the contract.

Mr. DAWES. I do not know anything about that amendment and I am a little afraid of it.

Mr. POWER. If the Senator will permit me, I have the Department's approval for it in a letter which I desire to have read.

The VICE-PRESIDENT. The letter will be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, March 2, 1893.

SIR: In reply to your communication of even date herewith, in which you request to be informed, in connection with the proposed legislation for the payment for cows furnished for the Indian service, in excess of the number permitted by the terms of the contracts, whether the cows referred to have been received by the Indians, if the account is due to the claimants and if there are any other claimants besides Messrs. Neidringhaus and Morris, I have the honor to state that the animals in question have been issued to the Indians; that the accounts are actually and equitably due to the claimants and ought to be paid; that since the matter was first submitted to Congress the Second Comptroller of the Treasury allowed and paid the claim of Mr. Morris, and there are only one or two contractors, in addition to Mr. Neidringhaus who are interested in the proposed legislation, but it is impossible for this office to say, without searching the records of the office for the last three years, who the parties are.

The inclosures of your letter are herewith returned.

Very respectfully,

R. V. BELT,  
Acting Commissioner.

Hon. T. C. POWER,  
U. S. Senate, City.

The amendment was agreed to.

Mr. PADDOCK. With the unanimous concurrence of the Committee on Indian Affairs and the recommendation of the Indian Office, I offer an amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 62, after line 14, it is proposed to insert:

For payment of balance due on construction of school building and for supplies furnished for the Genoa Indian school, Nebraska, \$6,662.38.

The amendment was agreed to.

Mr. SQUIRE. I move to amend on page 54, line 9, by inserting after the word "State" the words "and not more than two of whom shall belong to the same political party."

This amendment is for the purpose of having the commission as nearly as practicable nonpolitical for the treatment of land matters for the Puyallup tribe in the State of Washington. I understand that it is customary to have these commissions as nearly nonpartisan as possible and I hope the rule will be carried out in this case. By the act of February 8, 1887, commonly called the "Dawes act," the Indians who have become allottees, those Indians who are born in the United States, become citizens of the United States, and are entitled to all the rights, privileges, and immunities which belong to other citizens.

The language of the law is as follows:

Every Indian born within the territorial limits of the United States, to whom allotments shall have been made under the provisions of this act, or under any law or treaty \* \* \* is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens.

A vast amount of property, worth millions of dollars, is to be involved. The interests of these Indians and the interests of thousands of white men who are probably to be purchasers of this property, that is to be offered for sale, are to be entrusted to, and will be affected by the action of the proposed commissioners. Time will be required to complete this work. There ought to be no bias or influence on account of the political complexion of the commission.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 54, line 9, after the word "State," it is proposed to insert:

And not more than two of whom shall belong to the same political party.

So as to read:

That the President of the United States is hereby authorized, after the passage of this act, to appoint a commission of three persons, and not more than one of whom shall be a resident of any one State, and not more than two of whom shall belong to the same political party, and it shall be the duty of said commission to select and appraise such portions of allotted lands, etc.

Mr. HOAR. I move to strike out "and not more than two of whom shall belong to the same political party."

The VICE-PRESIDENT. The words which the Senator moves to strike out are proposed to be inserted by the Senator from Washington (Mr. SQUIRE).

Mr. SQUIRE. I understand the Senator who has charge of the bill is entirely willing that this amendment shall be adopted.

Mr. DAWES. I have no objection at all to it. I have no desire, however, to have it adopted.

Mr. HOAR. I thought the words were a part of the text, but I understand they are proposed to be inserted as an amendment.

Mr. President, I wish to enter my protest here, and enter it now when another party than my own is to have the appointing power in these cases against recognizing in our legislation upon all occasions the obligation of the President of the United States to recognize party distinctions. I am willing to trust him, Democrat though he is, to make up these commissions fairly and decently.

Whenever there is an election duty to be performed, where officials have a duty corresponding to that of tellers, I think it is a wise and proper provision that as the function is a function of determining and judging between two parties as such, who are taking part in an election, such officials should by law be required to be of opposite parties; but beyond that I think—and what I say now is no more than I have said many times before—the motion is entirely unconstitutional.

In the first place, you can only respect two parties in this way, and the country is divided, and will be divided hereafter, into more than two political parties, and some political party must be left out.

It seems to me that this habit which has to some extent grown up in our legislation is totally vicious. It is a restraint upon the Presidential discretion, which I have great doubts whether we have a constitutional right to make. If the President is required not to take the two best men for a particular function from the same party, why should he not be required by still stronger reasons not to take the same particular two men from the same religious sect? If we have a constitutional right to require that he shall not take them from the same political party, why does it not follow that we have a constitutional right to require that he shall take them from the same political party, and impose upon him a respect of party if we should happen to have a time when party spirit ran high enough for that in this country?

Mr. SQUIRE. I have only a word to say.

I introduced this amendment simply in the interest of nonpartisanship. The reservation to which it relates is situated in the State which I in part represent. I believe in proposing the amendment that I am doing what is perfectly fair, and especially so toward the people of this locality. I would ask the Senator who has just taken his seat to observe that it is not necessarily the case that the appointment of the three commissioners here provided for will devolve upon the incoming President. By the language of the amendment adopted in line 8 the President is authorized to appoint a commission "upon the passage of this act."

Mr. DAWES. Mr. President, I offered that amendment, but if I supposed that it was capable of the construction that the appointments therein provided for should be made by the present President I should not have offered it. My purpose in offering that amend-

ment was that the commission should get to work before July. I want it understood, however, that I did not offer it with any idea that the present President should make the appointment.

Mr. SQUIRE. Mr. President, as I understand the matter, if the Senate shall see fit to adopt the amendment it will pursue the same course which has been adopted heretofore almost invariably; and I see no reason why an exception should be made in this case, or that there should be a new departure in the line of legislation. Such commissions ought to be as nearly as possible nonpartisan, and I ask the same treatment in respect to this commission as the Congress of the United States has been in the habit of according in relation to previous commissions designated by law. Let us make the commission as fair as possible.

Mr. HOAR. I wish to make one other observation. Of course this particular amendment is not important, but the general principle is exceedingly so. I do not see why all such legislation would not exclude from public office in this country all persons whose political party is not known. There are a great many persons in this country who will not say publicly whether they are Republicans or Democrats, or to what party they belong, and, of course, the President could not appoint them.

Mr. DAWES. I hope we may have a vote. The words the Senator from Washington proposes to insert were stricken out of the bill in the House of Representatives upon a vote, and I trust we may not spend any time upon the question here.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Washington.

The amendment was rejected.

Mr. PERKINS. On page 48, line 5, I offer an amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 48, after line 5, it is proposed to insert:

That the town or city of Kingfisher, in the Territory of Oklahoma, shall be, and is hereby, authorized and permitted to purchase for cemetery purposes the southwest quarter of the southwest quarter of section 16 north and range 7 west, of Indian meridian (upon which there have been buried about one hundred and fifty of its dead), at such price and upon such terms and conditions as may be fixed by the Secretary of the Interior, upon application by the proper authorities thereof.

Mr. DAWES. Of whom is this purchase to be made?

Mr. PERKINS. It is to be purchased from the Government.

Mr. DAWES. From the United States?

Mr. PERKINS. Yes.

Mr. DAWES. I do not object to the amendment.

The VICE-PRESIDENT. The question is on the amendment.

The amendment was agreed to.

Mr. PERKINS. I offer another amendment. On page 54, after line 2, I move to insert what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 54, after line 2, I move to insert:

To pay George W. Maffet for buildings and improvements at the Cheyenne and Arapahoe Agency, Indian Territory, now used and occupied by the Government, \$1,000.

Mr. DAWES. I raise the point of order on that amendment.

Mr. PERKINS. I would say, if the Senator will withdraw the point of order for a moment, that the house referred to was built in 1884 by this man Maffet, at an expense of a little over \$1,600; that it has been taken by the Government and used for agency purposes for four years. The agent has recommended that it be purchased, and that this man be paid for it, so that the agency may occupy and possess it. The Commissioner of Indian Affairs has recommended it. I have quite a considerable correspondence here giving the history of the entire transaction. If the amendment is adopted, I shall put all this correspondence into the possession of the Senator from Massachusetts [Mr. DAWES], and, if in conference, he thinks the amendment is not right, it may go out. I will not consume the time of the Senate to have the correspondence read now.

Mr. DAWES. Has any committee recommended the amendment?

Mr. PERKINS. It was referred from the Committee on Indian Affairs to the Committee on Appropriations. I introduced it as a formal amendment, and it went to the Committee on Indian Affairs.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Kansas.

The amendment was agreed to.

Mr. PEPPER. I wish to offer an amendment. On page 87, line 6, after the word "act," I move to insert what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

Mr. DAWES. No amendment, as in Committee of the Whole, will be in order at that point. The Senator can propose his amendment in the Senate. However, I will waive the point of order.

Mr. PEPPER. That can be very easily disposed of.

The VICE-PRESIDENT. The amendment will be reported.

The SECRETARY. On page 87, line 6, after the word "act," it is proposed to insert:

Provided, That range 1 west, and ranges 1, 2, 3, and 4 east, in township 20, shall be attached to and become a part of Payne County.

Mr. DAWES. I think that amendment had better not go into the bill. I hope the Senator will waive it. It is vastly more important to get that question actually settled, than is to determine what is proposed by the Senator.



Mr. PEPPER. If the Senator will withdraw his point of order, I can explain my reasons in a minute and perhaps my explanation will meet his objections.

Mr. DAWES. I have no doubt the amendment is meritorious, just as the Senator says, but when we are in this condition, to stop and take up these things is quite unwise. We have but a few hours of the session left.

Mr. PEPPER. In one minute I can explain. Under the act of Congress providing for the organization of Oklahoma Territory the county of Payne, which is in the northeastern portion of the Territory, was established, and the county seat was fixed at Stillwater, which is in the extreme northern portion of the county. The citizens of that county ask to have one range of the township on the north of the county added to it, in order that it may make a conveniently sized county, and there will be but one range or township to be added to the Otoe and Missouri Reservation when that afterwards comes in as a county.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Kansas.

The amendment was agreed to.

Mr. JONES of Arkansas. I offer an amendment, which I send to the desk, to be inserted at the end of section 2, on page 69.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of section 2, on page 69, it is proposed to insert:

This amount to reimburse the Choctaw orphan reservation fund, being interest at 5 per centum per annum from the 4th day of June, 1863, to the 18th day of August, 1890, on the sum of \$15,000, taken from said fund on the 4th day of June, 1863, by order of the Commissioner of Indian Affairs, and advanced to William G. Coffin, superintendent of Indian affairs for the southern superintendency, for the relief of loyal Cherokee Indians, reimbursed to the Choctaws by act approved August 19, 1890, §20,406.25.

Mr. JONES of Arkansas. I move to amend the proposed amendment by adding the words:

Provided That the Secretary of the Treasury shall upon investigation find the said \$15,000 was of the principal drawing interest, and not accumulated interest, upon said orphan fund.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add to the amendment:

Provided, That the Secretary of the Treasury shall upon investigation find the said \$15,000 was of the principal drawing interest, and not accumulated interest upon said orphan fund.

The VICE-PRESIDENT. The question is upon the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. DAVIS. I send to the desk an amendment to be inserted on page 38, after line 14. I will add that it is an amendment which has been recommended by the Indian office and by the Committee on Indian Affairs, and I understand is not excepted to by the Committee on Appropriations.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 33, after line 14, it is proposed to insert:

That for the purpose of paying to the scouts and soldiers of the Sisseton, Wahpeton, Medawakanton, and Wapakoota bands of Sioux Indians who were enrolled and entered into the military service of the United States, and served in suppressing what is known as the Sioux outbreak of 1862, or who were enrolled and served in the armies of the United States in the war of the rebellion, and are now living, and to the descendants and members of the families of such said scouts and soldiers as are now dead, who were not parties to the agreement entered into between the United States and the Sisseton and Wahpeton bands of Dakota and Sioux Indians on the 12th day of December, 1889, for the reason that they were not residents of the said Sisseton Reservation and did reside elsewhere, their pro rata shares of the amount found due said scouts and soldiers for annuities under the provisions of the fourth article of the treaty of July 23, 1851, and of which they have been wrongfully and unjustly deprived by the operation of the provision of the act of Congress approved February 16, 1863, and entitled "An act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians," the whole amount so found due all of said scouts and soldiers by the Department of the Interior, having been appropriated by the United States, to the Indians residing on the Sisseton Reservation, in and by article 3 of the said agreement of December 12, 1889, to the Indians residing on the said Sisseton Reservation, without reference to military service, and the said scouts and soldiers residing off said reservation being thereby deprived of their pro rata share of said annuities for which Congress made provision to the 30th day of June, 1890, in and by section 27 of the act of March 3, 1891, leaving their share of the annuity of \$18,400 due the 1st day of July, 1890, and the 1st day of July, 1891, and the 1st day of July, 1892, and the 1st day of July, 1893, and the 1st day of July, 1894, wholly unpaid and unprovided for, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, \$30,666.66, to be paid in equal shares and per capita to said scouts and soldiers who are still living, and who are not parties to the agreement aforesaid, and a share that any such scout or soldier would receive if living shall, in the event he is dead, be divided pro rata between his wife and children and descendants, and the pay rolls upon which payments were made to said scouts and soldiers and their descendants under the twenty-seventh section of the act of March 3, 1891, shall be conclusive in all cases where the name appears upon said rolls, except in cases where deaths have subsequently occurred; and the Secretary of the Interior is hereby authorized to add such other names to said rolls as were previously omitted therefrom by mistakes or omissions of persons who were lawfully entitled to be enrolled thereon.

Mr. DAVIS. I wish to modify the amendment by inserting in line 44, after the word "cents," the words "or so much thereof as may be necessary."

The VICE-PRESIDENT. The amendment will be so modified. The question is on the amendment as modified.

Mr. JONES of Arkansas. I wish to hear some explanation about

this amendment. My own impression is that this matter, or something similar to it, has been passed a number of times. It seems to me that the money has been appropriated on several occasions, and I had an idea that this whole thing was completed. It seems to me to deserve some explanation, for, without it, I for one am not willing that the amendment shall pass.

Mr. DAVIS. Mr. President, the amendment which I have offered has been so clearly recommended by the Indian Office and by the Committee on Indian Affairs that I hoped it would not be necessary for me to take up the time, now becoming precious, with any statement of its justice.

Mr. JONES of Arkansas. I should like to understand whether the amendment was recommended by the Committee on Indian Affairs in a perfunctory sort of way for the purpose of making it in order to be offered in the Senate.

Mr. DAVIS. The Senator is a member of that committee, and I am not. Whether the amendment was recommended in a perfunctory way or not, he can answer better than I.

Mr. JONES of Arkansas. I know a good many of these things are done in that way, out of personal consideration for members of the Senate.

Mr. DAVIS. I know nothing about it.

Mr. PETTIGREW. I ask the Senator from Arkansas to yield to me for a moment.

Mr. JONES of Arkansas. The Senator from Minnesota [Mr. DAVIS] had the floor, as I thought.

Mr. DAVIS. I will yield to the Senator from South Dakota, who made the report from the Committee on Indian Affairs.

Mr. PETTIGREW. I would say that the scouts for whom this money is to be appropriated served in the Army of the United States during the war of the rebellion and on the frontier against their own people. We appropriated \$126,000 for Indian scouts two years ago, and that has been paid out of their forfeited annuities up to 1890; but under the old treaties their annuities continue to the year 1901, and this is to pay the installments due from 1890 to 1891, which have never been paid.

We are proposing in this bill to pay for the other scouts who went upon the Sisseton Reservation the proportionate amount due them, and that we have been paying at every session of Congress since the ratification of the treaty with the Sissetons and Wahpetons.

Mr. DAWES. Let me see if I understand the matter. The reason I have not opposed this amendment was because I understood—and I should like to know whether I am correct or not—that it becomes necessary because the scouts not residing on the Sisseton Reservation were not counted with the scouts who were provided for in the original bill.

Mr. DAVIS. That is the reason which lies at the basis of this amendment.

Mr. DAWES. That was the reason I did not oppose it.

Mr. DAVIS. Mr. President, I wish to say just a few words about this matter.

In 1851 the Sioux Nation of Minnesota made a vast cession to the United States, in consideration of which this Government agreed to pay them for a series of years, ending in the year 1901, certain annuities.

In 1862 an Indian war broke out, precipitated by these barbarians, which laid waste the entire frontier of Minnesota for hundreds of miles and for 60 miles in depth. Thousands of people were killed and great amounts of property were swept away.

In consequence of that raid the Government confiscated the annuities due and becoming due under the treaty of 1851—confiscated them universally and without exception; but it so happened that the beneficiaries in this bill separating themselves from the barbarian horde which committed that slaughter, took arms against their own people in favor of the whites and rescued white women and children and returned them from captivity. They enlisted and were mustered into the armies of the United States; they served in the campaign of the frontier against the Sioux, and many of them afterwards served in the war of the rebellion as regularly enlisted and mustered soldiers.

I will say here, Mr. President, that the particular class of people provided for in this bill are of mixed blood, quarter and half bloods, most of them.

After the Indian war thus precipitated had been composed and ended with a new treaty of peace, and a more advantageous one for these Indians, as is usually the case, the hostiles were located upon the Sisseton Reservation in what is now South Dakota, near the western borders of Minnesota.

It was not a very healthy situation for the people who were the beneficiaries of this bill to go back to live among those people with whom they had recently been at war, and accordingly they remained in Minnesota, and have remained there to this day. They have had no reservation.

When the agreement of 1889 was made, whereby the Indian title to that Indian reservation was extinguished, provision was made on account of the loyal scouts, but as these scouts did not then and never did reside on the reservation, and that agreement being only for the benefit of those who did live on the reservation, these people who lived in Minnesota, who are civilized and who are thought

a great deal of by our people, have never received a dollar on that account.

Mr. DAWES. I should like to know clearly whether I am mistaken or not, if the Senator will allow me.

When we provided, two years ago, for scouts we paid the scouts who were then on the reservation, and those who happened to be in Minnesota, situated exactly like them, were counted out.

Mr. DAVIS. That is true. They never got a dollar.

Mr. DAWES. And it is to make up to them what the others got, and which they would have got if they had not been so unwise as to go over into Minnesota among civilized people.

Mr. DAVIS. That is not entirely correct. They did not move into Minnesota. They were there when the outbreak occurred.

Mr. JONES, of Arkansas. I wish to ask a question. I am asking it for information and in entire good faith. I am not asking these questions for the purpose of finding fault, but simply because I want to understand the facts. Were the scouts which are proposed to be provided for entitled to any part of the \$126,000 we appropriated before for these people? Was it not a lump sum to be simply divided amongst the people entitled to it?

Mr. DAVIS. That is true, because the agreement was for the benefit only of those who resided on the reservation, and that money was cut up and divided amongst those who resided on the reservation. Those people who never lived there, who never went there, who could not go there, have never received the benefit of a dollar, although the basis of that appropriation of \$126,000 was to return to these scouts and Union soldiers their share of the forfeited annuities of 1851.

Mr. JONES of Arkansas. Were those who were outside and are to be taken care of now counted in the estimate which was made for the gross sum which was appropriated?

Mr. DAVIS. They were, and then the whole amount was distributed to the Indians who lived on the reservation.

Mr. JONES of Arkansas. Then the Indians on the reservation got more than they were entitled to, and those on the outside did not get what they were entitled to?

Mr. DAVIS. By the terms of the agreement nobody who did not live on the reservation could get anything.

Mr. JONES of Arkansas. The Senator does not catch my point. There was a practical misappropriation of the money by reason of the fact that the language of the law did not include these scouts. Am I right in that?

Mr. DAVIS. In a certain sense, yes. I have stated the facts here and the matter can be properly inferred. I say that it was undertaken to restore the annuities of 1851, which had been confiscated in 1863, to those loyal scouts and soldiers of the Union Army being Sionx Indians.

Mr. JONES of Arkansas. It seems to—

Mr. DAVIS. Wait a moment.

Mr. DAWES. I think I can state the matter of that agreement, because it has come under my own personal observation.

Mr. DAVIS. Very well.

Mr. DAWES. A commission was appointed to negotiate with the Sissetons for a surrender of a portion of their reservation. They would not treat until they could have the amount due to these scouts. Thereupon it was incorporated into the agreement that those Sissetons should have that money. That became a part, therefore, of the purchase money that we gave for the land in the Sisseton reservation. The scouts outside did not get that.

Mr. DAVIS. They never had any interest in the reservation.

Mr. DAWES. But the scouts on the reservation got it, and because they would not sell to the United States any portion of their reservation until they could have that money. That is how it came about.

The VICE-PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment was agreed to.

Mr. STOCKBRIDGE. I offer an amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 66, in line 22, after the word "dollars" it is proposed to insert:

For finishing attic of said building, \$2,000; for finishing basement for dining room and kitchen, \$1,500; for laundry, \$1,500; for storehouse, \$3,000; for purchase of 120 acres of land adjoining said Indian farm school, \$10,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Michigan.

The amendment was agreed to.

The VICE-PRESIDENT. The amendment of the Senator from Michigan requires a change to be made in the total amount of the appropriation in the clause from \$26,750 to \$43,375; which change will be made in the absence of objection.

Mr. CHANDLER. I offer an amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 54, after line 2, it is proposed to insert:

For payment of the balance remaining unpaid upon Kaw or Kansas Indian scrip issued under article 4 of the treaty concluded with the Kansas Indians in 1859, as the same shall be found due upon a computation of interest at 6 per cent per

annum, as stipulated on the face of said scrip, \$32,000, or so much thereof as shall be necessary, such payment to be made out of the funds of said tribe from which the appropriation was applied upon said scrip under the Indian appropriation act, approved June 29, 1888, and to be immediately available: *Provided*, That interest shall cease thirty days after the date of the approval of this act.

Mr. GORMAN. I am compelled to raise the point of order on the amendment.

Mr. CHANDLER. I will state to the Senator from Maryland, if he will give me his attention, that the amendment is moved by direction of the Committee on Indian Affairs and has been referred to the Committee on Appropriations in accordance with the rule. So I think the amendment is not subject to the point of order.

As to the merits of the amendment, I think the Senator from Massachusetts [Mr. DAWES] will not dispute its justice. It only provides that these Indians shall pay the amount which they agreed to pay upon the face of the scrip which was issued. It is to require them to carry out the letter of their contract. I do not think there is any justice or equity in refusing to adopt this amendment.

Mr. DAWES. I am tired of opposing these private claims upon the Indian appropriation bills. This claim I know to be just, but to turn the Indian appropriation bill into a private-claims bill is entirely out of the question. I have tried to call the attention of the Senate many times to the changes which they are pursuing upon appropriation bills, but I never have succeeded. I will therefore let the Senate take the responsibility.

Mr. GORMAN. The amendment is new legislation and a change of existing law. I ask the Senator if that is not the fact?

Mr. CHANDLER. The accounts which have already been paid have not been paid as private claims. It is an appropriation of money to these Indians to pay scrip which was issued in their behalf under authority of law, and by the Commissioner of Indian Affairs, and whether just or unjust—I think it is just—it is not a private claim.

Mr. COCKRELL. Is this an Indian deprecation claim?

Mr. CHANDLER. No, it is not.

Mr. COCKRELL. What claim is it?

Mr. DAWES. If I heard the amendment correctly the money is to be paid out of the funds of the Kansas Indians.

Mr. PLATT. I understand that certain scrip was issued by the Government in behalf of those Indians, which, on the face of the scrip, bore 6 per cent interest; that some portion of it was paid at 6 per cent interest; that these certificates were negotiated and are held by innocent parties, and when the final appropriation was made the appropriation only carried 5 per cent interest. The original contract was for 6 per cent interest. Whether by mistake or otherwise, the appropriation which was made to pay some of these certificates was made to pay the face and 5 per cent, but the certificates were for 6 per cent interest.

Mr. DAWES. In a court of law, in a case between A and B, A could make B pay that scrip and 6 per cent interest. The Kansas Indians could not be compelled to pay that without an act of Congress. We passed an act requiring the payment of the scrip, and at 5 per cent instead of 6. This proposes to take out of their funds the other 1 per cent to make it even. I think that is the situation.

Mr. GORMAN. I submit that the amendment proposes a change of existing law, and I insist upon the point of order.

Mr. PERKINS. With permission of the Senate I can give the history of the case very briefly.

Mr. DAWES. I think it is not necessary.

Mr. PERKINS. This scrip was issued to pay for improvements made by these Kaw Indians in the State of Kansas. They got the improvements, and the scrip was issued because of the exigencies of the Government at that time. It was just at the commencement of the war, when the Treasury was substantially empty, and when the Government was not in a condition to pay. The scrip was issued and the contractor, Col. Stevens, known to many Senators here, who served in the House of Representatives as a Democrat from the State of New York for four years, negotiated and put this scrip into circulation. Most of it has been paid, but the interest has not been paid upon this. That is the case in brief.

The VICE-PRESIDENT. The Chair would like to be informed by the Senator from New Hampshire if the amendment has been reported by a committee?

Mr. CHANDLER. The amendment has been reported by authority of the Committee on Indian Affairs and referred to the Committee on Appropriations; but the point the Senator from Maryland [Mr. GORMAN] makes is that the amendment changes the existing law, the answer to which is that it is to carry out existing law. The contract was for 6 per cent. Five per cent has been paid, and the Indians owe the other 1 per cent. The amendment provides that that additional 1 per cent shall be taken out of the funds of the Indians in the Interior Department.

The VICE-PRESIDENT. The Chair is of opinion that the point of order raised by the Senator from Maryland is not well taken.

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

The VICE-PRESIDENT. The question is on the amendment.

The amendment was agreed to.

Mr. PERKINS. To follow the amendment just adopted I move the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 54, in line 2, after the amendments already agreed to, it is proposed to insert:

To pay, out of any money in the Treasury not otherwise appropriated, to the Western Miami tribal Indians residing in the Indian Territory, the sum of \$55,918.55, for interest due upon the principal sum paid the said Miami Indians by act approved March 3, 1891, for money and lands illegally taken from them without their consent and in violation of treaty stipulations, which sum shall be immediately available: *Provided, however,* That before the payment to said Indians there shall be deducted and paid to the attorney of record in the Court of Claims, employed by them under a contract heretofore approved by the Secretary of the Interior and the Commissioner of Indian Affairs, the sum so agreed to be paid.

Mr. GORMAN. I should like to know something about this amendment. This must be a private claim, but after the ruling of the Chair on the amendment of the Senator from New Hampshire [Mr. CHANDLER] I do not know that I shall make a point of order on it, but I should like to have some statement in reference to it.

Mr. DAWES. Is the amendment reported from a committee?

Mr. GORMAN. I do not know anything about it.

Mr. PERKINS. The amendment was introduced by me several days ago and referred to the Committee on Indian Affairs. The person for whom I introduced it said that the Senator from Wisconsin [Mr. VILAS] told him it had been reported favorably and sent to the Committee on Appropriations. That is my authority for the statement.

Mr. GORMAN. I do not think the amendment has ever been before the Committee on Appropriations; at least I have never heard of it.

Mr. PERKINS. It was introduced by me and referred to the Committee on Indian Affairs.

Mr. GORMAN. That may be.

Mr. DAWES. I was not at the last meeting of the Committee on Indian Affairs, being engaged in the Committee on Appropriations, and therefore I can not answer as to whether or not the amendment was considered by the Indian committee.

Mr. PERKINS. Perhaps the Senator from Wisconsin can advise us.

Mr. VILAS. If I am not mistaken, this amendment was considered favorably in the Committee on Indian Affairs, but whether it was reported or not I can not tell.

Mr. PERKINS. The Senator from Wisconsin says that I am correct in my statement, as he understands it.

Mr. GORMAN. The statement is that it has been reported from the Committee on Indian Affairs, as I understand.

Mr. VILAS. It was before the Committee on Indian Affairs; and, if I am not mistaken, it was agreed to be reported. The Senator from Connecticut [Mr. PLATT] presided over the committee at that time, and as he now sits at the right hand of the Senator from Kansas [Mr. PERKINS] perhaps he can tell whether the amendment was in fact reported. I do not know.

Mr. GORMAN. I ask that the heading of the amendment may be read, so as to show whether it was referred to the Committee on Appropriations and reported by that committee.

The VICE-PRESIDENT. There is nothing on the face of the amendment to indicate that it was reported by the Committee on Appropriations.

Mr. GORMAN. Then I make the point of order.

Mr. PERKINS. What I sent to the desk is a copy of the amendment as it was first introduced by me, so that would not show whether or not it had been referred from the Committee on Indian Affairs to the Committee on Appropriations.

Mr. GORMAN. I think the point of order will hold good until the Senator produces the authority for the statement that the amendment was referred to the Committee on Appropriations.

Mr. PERKINS. I will, if desired by the Senator from Maryland, withdraw the amendment for the present, in order to ascertain that fact.

The VICE-PRESIDENT. The amendment is withdrawn.

The bill was reported to the Senate as amended.

The VICE-PRESIDENT. The amendments made, as in Committee of the Whole, will be concurred in if there be no objection.

Mr. COCKRELL. I reserve the amendment on page 1, in line 11, after the word "namely," to insert a proviso.

The VICE-PRESIDENT. The amendment proposed to be reserved by the Senator from Missouri will be stated.

The CHIEF CLERK. The amendment made, as in Committee of the Whole, is on page 1, after the word "namely," in line 11, to insert:

*Provided,* That officers of the Army detailed as Indian agents shall give the same bond as is required by law of civilian agents at the respective Indian agencies.

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

Mr. PROCTOR. I hope that amendment will not be concurred in. I shall have to ask for a separate vote upon it.

This is an indirect method of defeating the law of the last session, which provided for the detail of army officers as Indian agents. It is unnecessary. I do not know of any case where the Interior Department has lost a dollar through an army officer acting as an Indian agent. Those officers serve as acting quartermasters and commissaries without any bond, and handle a great deal more property than they would ever do as Indian agents. They are not disbursing

officers, as the supplies are furnished for them. So, to adopt this amendment, would be a hardship. As I said, it would practically defeat the law of last session.

I will give a case which will illustrate this. There is Capt. Johnson, now the Indian agent at the San Carlos Agency in Arizona, who has been living in a tent there for several years, surrounded by 6,000 Apaches, the worst Indians in the country, as everybody who is acquainted with Indian matters knows, and the most dangerous Indians with whom we have to deal. The only way in which he could give a bond, as there are no citizens in that vicinity, would be to leave his station, to come over the mountains over 100 miles to the railroad, and probably 2,000 miles to his Eastern home. Of course he would have to ask earnestly as his predecessor, Capt. Bullis, did, who had served there for some years, and would have to beg and insist upon being relieved.

These officers have been repeatedly commended by the Interior Department for their efficient service. This is only a single case. The hardship you will see. These officers are on the ground; they are not appointed from their homes as are the civilian agents, where they have an opportunity to start with a bond; but they are in the Indian country. The only way they can get a bond is to go at their own expense to their homes and ask citizens with whom they have not of course kept up the ordinary relations of civil life to sign their bonds.

This is, as I have said, an indirect way of defeating the law of the last session. If the law is not right, repeal it; but do not attack it in this way.

Mr. COCKRELL. I should like to add to what the Senator from Vermont has said that these army officers are under a better bond than a mere bond of five or ten or twenty thousand dollars. They have their entire future at stake. If they misbehave in those positions they will be amenable to military discipline; they may lose their commissions, and be deprived of life positions. I hope the amendment will not be concurred in.

The amendment was nonconcurrent in.

Mr. PERKINS. I had an amendment reserved. The Senator from Connecticut [Mr. PLATT] says to me that he reported the amendment which I offered, but he has gone to the committee room for the purpose of verifying the statement.

Mr. HALE. The only way to prove it is the record upon the amendment itself. If it has been reported, it will be shown on the amendment. The mere declaration of a Senator that an amendment has been reported will not stand.

The VICE-PRESIDENT. There is nothing on the amendment which indicates that it has been referred to or reported from the Committee on Appropriations.

Mr. HALE. The amendment must speak for itself.

Mr. PERKINS. I have only the copy introduced by myself, and that does not show whether it was reported or not reported; but the Senator from Connecticut has gone to the committee room for the purpose of making the inquiry.

Mr. PLATT entered the Chamber.

Mr. PERKINS. The Senator from Connecticut informs me that he is of the opinion that he did not report the amendment, or at least he does not find that he has made such a report.

Mr. PLATT. I simply wish to say that I went to the room of the Committee on Indian Affairs to see what the action of the committee had been, and there was no one in the room. I am unable, therefore, to say from recollection whether I was authorized to report the amendment and did report it or not.

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

The bill was read the third time, and passed.

#### PRINTING OF EULOGIES ON THE LATE SENATOR KENNA.

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

*Resolved by the House of Representatives (the Senate concurring),* That there be printed of the eulogies delivered in Congress upon the Hon. John E. Kenna, late a Senator from the State of West Virginia, 8,000 copies, of which 2,000 copies shall be delivered to the Senators and Representatives of that State, and of the remaining number, 2,000 shall be for the use of the Senate, and 4,000 copies for the use of the House; and of the quota of the Senate the Public Printer shall set aside 50 copies, which he shall have bound in full morocco with gilt edges, the same to be delivered when completed to the family of the deceased; and the Secretary of the Treasury is hereby directed to have engraved and printed at the earliest day practicable a portrait of the deceased to accompany such eulogies.

#### INDEX OF CONGRESSIONAL PUBLICATIONS.

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

*Resolved by the House of Representatives (the Senate concurring),* That there be printed and bound, at the Government Printing Office, 3,000 copies of a comprehensive index of the publications of the Fifty-first and Fifty-second Congresses, prepared by John G. Ames, superintendent of documents, 500 for the use of the Senate, 1,000 for the use of the House of Representatives, and 1,500 for distribution by the said superintendent of documents.

#### REPORTS OF DISTRICT HEALTH OFFICER.

The VICE-PRESIDENT laid before the Senate the following con-

urrent resolution; which was referred to the Committee on Printing:

*Resolved by the House of Representatives (the Senate concurring), That the Public Printer be, and he is hereby, authorized to print and bind 2,400 extra copies of the annual reports of the health officer of the District of Columbia, 1,200 for the year 1891 and 1,200 for the year 1892, for the use of the said health officer of the District of Columbia.*

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. JAMES KERR, its Clerk, announced that the House had passed a concurrent resolution authorizing the Public Printer to print and bind 2,400 extra copies of the annual reports of the health officer of the District of Columbia; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 10266) regulating the sale of intoxicating liquors in the District of Columbia; and it was thereupon signed by the President *pro tempore*.

DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I move that the Senate proceed to the consideration of the deficiency appropriation bill.

Mr. HILL. Mr. President—

The VICE-PRESIDENT. The question is on the motion made by the Senator from Maine. [Putting the question.] The ayes have it, and the motion is agreed to.

Mr. HILL. Mr. President, I desired to be recognized before the motion made by the Senator from Maine was put. I ask, when was the bill moved by him reported?

Mr. HALE. It was reported this morning.

Mr. HILL. I object to its consideration.

Mr. HALE. I have never known in my service in the Senate, which covers no very short time, an attempt being made to delay the consideration of an appropriation bill. The written and unwritten law of the Senate is, and especially in the last days of a session, that the Committee on Appropriations in the report of its bills has precedence. I know that the spirit of the rule which gives them the right of way overcomes the point which is made by the Senator from New York. The Senator from New York may have some other measure which he desires to put in place of the appropriation bill, but there are twenty Senators here who have such measures. I have never known any Senator before at this stage of the business to interpose against an appropriation bill.

Should the decision of the Chair be adverse to the position I take, if the Senator from New York determines, in the face of every precedent which has been observed before by Senators on this floor to insist upon his point of order, I shall certainly appeal from the decision of the Chair, and ask the Senate to overrule it, and I have no doubt what will be done by the Senate.

Mr. HILL. Mr. President—

Mr. HALE. If the Senator insists upon his point of order, I ask that the Chair decide it—it must be decided without debate—or else submit it to the Senate.

Mr. HILL. I trust the Chair will not decide it until I can say a word in answer to the Senator from Maine.

Mr. HALE. The point of order is not debatable. I should not ordinarily insist upon the point, but the Senator from New York has initiated the proceeding of insisting upon points of order, and I must follow him in this regard, although I can not in all things.

Mr. HILL. The Senator from New York has not insisted upon any point of order, nor would he make a point of order and talk about it, and then refuse a brother Senator an opportunity of answering the statement.

The Senator from New York, as has been well known, has endeavored to bring before the Senate a bill in which his constituents are vitally interested, a bill which not only affects New York, but, as we think, affects the interests of the country. I have endeavored to press that bill in a fair and straightforward manner. Twice, sir, the Senate has voted to take up the measure, and twice I have been met by appropriation bills, pressed forward at opportune times. Other bills have been passed; other opportunities have been had for Senators to press forward their bills, but I have been met by these appropriation bills. Of course, as has been well known, I have yielded, from time to time, to these appropriation bills.

The VICE-PRESIDENT. The Senator can only proceed by unanimous consent.

Mr. HILL. I am aware of that, but nobody objected to the Senator from Maine proceeding.

I simply say this: Here is the last appropriation bill. I have suggested a recess until this evening. If a majority of the Senate desire to pass a bill which my people want, they ought to have an opportunity to do it, and every technicality ought not to be taken advantage of, as has been done here.

I do not desire anything except fair play for my people, and for myself in the Senate.

Mr. HALE. The Senator should not say technicalities are invoked.

Mr. HILL. I simply raise the question. I have not studied the rules for the purpose of ascertaining what my rights are, and I ask

the Senate to bear me witness that I have not taken much of its time since I have been here, that I have not annoyed my fellow-Senators by discussion, or annoyed them by trying to put forward my measures in preference to theirs; but I read the rule of the Senate which says that a report of a committee can not be acted upon on the same day it is made, if a single Senator objects. I have made that point of order.

If I understand correctly, the Senator from Maine says that if the question is submitted to the Senate he thinks the Senate will overrule the point of order. There are your rules. They are framed for the protection of every Senator, for my right as well as for his. I submit to the Presiding Officer of this body that a simple question is presented.

My colleague has objected time after time here to the consideration of the bills in my charge. He did it for a purpose, and he has had the active aid and assistance of some gentlemen upon the other side. I said nothing, beyond that I would appeal to the justice and fairness of the Senate, and I make that appeal now.

Mr. President, if the Senate will take up this bill of mine and discuss it, if it shall progress so far that it may be seen that it can be closed up, I have nothing to say; but I do submit that there is time between now and the 4th day of March at noon to consider it. If it is a right, a just, and a proper bill, it ought to be passed, and it ought not to be defeated by this delay.

I submit to the judgment of the Senate that I am right upon this question. I am willing to have a session to-night; I am willing, if my bill can be taken up, that ample time shall be given to dispose of the appropriation bill. I have to resort to my rights as a Senator, because, Mr. President, I think I have not been treated fairly and the State that I represent has not been treated fairly upon this question.

This bill passed the House of Representatives by 57 votes, every Representative from the State of New York in the other body voting for it without regard to party. It has been fought by technicalities in this body. The Senate has the power to override the Presiding Officer and to say that the rules do not mean what they say. That may be done at this time, but I submit that it is unjust, it is unfair.

I therefore, having made the inquiry and found that the bill was reported this afternoon, insist upon my rights.

Mr. HARRIS. I wish to make an appeal both to the Senator from New York and to the Senator from Maine. During the sixteen years which I have had the honor of serving here, I have never known any legislative matter, such as referred to by my friend from New York, to thrust itself in the way of the consideration of any one of the great appropriation bills, absolutely necessary to be passed, especially in the expiring hours of a Congress.

Now, I think if my friend from New York will withdraw his objection and allow us to proceed (and I hope we shall proceed, through the night if necessary, and the whole of it, until we have disposed of the bill so far as the Senate is concerned, and let it go into conference) I shall most cheerfully join my friend from New York in getting up his bill and in pressing it to consideration and to final conclusion; but if he shall fail to follow the precedents that have prevailed throughout the history of the Government in respect to giving appropriation bills the right of way, then I hope my friend from Maine will not seek to have the Senate violate the plain literalisms of the rule of the body.

For one, anxious as I am to pass every appropriation bill, ready as I am to stay here through every moment of the day and night until the last moment in order to accomplish it, I shall never vote to violate the plain and distinct unmistakable meaning of the rules of this body to accomplish an object even so desirable as that. But I earnestly hope that my friend from New York will withdraw his objection and let us proceed with the deficiency appropriation bill.

Mr. HILL. Is it understood that we are to have a recess and a session this evening?

Mr. HALE. I will state what my purpose is. There is no doubt as to what my duty is. We never were so far behind as we are now. This is a great bill. It has hundreds of amendments. After it is passed it has to be printed, sent to the House of Representatives, and a conference has to be ordered, and then we shall have to spend to-morrow on the conference. Then there will be a hiatus.

This is the last appropriation bill. I propose to run on until 6 o'clock, and then, at the suggestion of perhaps a majority of the Senate, already made, to take a short recess and come back here to finish the bill to-night, so that it may go to the printer and be ready for the conference, which must be long and arduous, to-morrow. Rather than that we shall be at the mercy of one man, if the Senator from New York insists after this appeal from his veteran associate on that side of the chamber upon this point of order, I shall be obliged in self-defense to insist that the Senate shall express itself upon that question and allow me to go on.

Mr. HILL. I am not influenced at all by the suggestion or the intimation or the threat that the Senate will override its plain rules for the purpose of accomplishing what it can not otherwise accomplish. I of course realize the situation as much as any other Senator, and I have respect for the Senator from Tennessee. I know the situation here. On the suggestion that the Senator from Maine proposes to proceed with the bill until 6 o'clock, then take a recess for a reason-

able time, and then to proceed with the appropriation bill and dispose of it to-night, as he says, and I have no doubt he speaks precisely what he desires to do, I will withdraw my objection and let the consideration of the bill proceed.

The Senate, as in the Committee of the Whole, proceeded to consider the bill (H. R. 10258) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1893, and for prior years, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with and that the amendments of the committee be acted upon as they are reached in the reading.

The VICE-PRESIDENT. The formal reading of the bill will be dispensed with and the committee amendments passed upon in their order as they are reached before other amendments are to be offered, if there be no objection. The Chair hears none, and that course will be pursued.

The CHIEF CLERK proceeded to read the bill.

The first amendment of the Committee on Appropriations was on page 1, line 13, for the fiscal year 1892, to strike out "one thousand seven hundred and eighty-eight dollars and twenty-four" and insert "thirteen thousand five hundred and forty dollars and fifteen," so as to make the clause read:

Salaries, chargés d'affaires ad interim: To pay amounts found due by the accounting officers on account of salaries chargés d'affaires ad interim for the fiscal year 1892, \$13,540.15.

The amendment was agreed to.

The next amendment was on page 2, line 6, to strike out "one thousand three hundred and six dollars and twenty-eight," and insert "twenty-two thousand one hundred and thirty-nine dollars and seventy-five," so as to make the clause read:

Contingent expenses, foreign missions: To pay amounts found due by the accounting officers on account of contingent expenses, foreign missions, for the fiscal year 1892, \$22,139.75.

The amendment was agreed to.

The next amendment was, on page 2, line 12, to strike out "four thousand nine hundred and seven dollars and ninety-two" and insert "six thousand four hundred and eighty-four dollars and three," so as to make the clause read:

Salaries, consular officers not citizens: To pay amount found due by the accounting officers on account of salaries, consular officers not citizens, for the fiscal year 1892, \$6,484.02.

The amendment was agreed to.

The next amendment was, on page 2, line 22, to strike out "sixty thousand one hundred and fifty-six dollars and thirty-four" and insert "seventy-eight thousand five hundred and eighty-nine dollars and fifty," so as to make the clause read:

Contingent expenses, United States consulates: To pay amounts found due by the accounting officers on account of contingent expenses, United States consulates, for the fiscal year 1892, \$78,589.50.

The amendment was agreed to.

The next amendment was, on page 3, line 3, to strike out "eight hundred and fifty-two dollars and thirty-five" and insert "nine hundred and seventy-three dollars and seventy-two," so as to make the clause read:

To pay amounts found due by the accounting officers on account of contingent expenses United States consulates for the fiscal year 1891, \$76,932.72.

The amendment was agreed to.

The next amendment was, on page 3, after line 20, to insert:

#### DEPARTMENT OF STATE.

For contingent expenses: For care and subsistence of horses and repairs of wagons, carriage, and harness; for rent of stable and wagon shed; for care of clock, telegraphic and electric apparatus, and repairs to the same, and for miscellaneous items not included in the foregoing, \$900.

The amendment was agreed to.

The next amendment was on page 4, after line 2, to insert:

Electoral vote of Montana: To pay the expenses of special messenger sent to Montana for the electoral vote of that State, as authorized by section 141 of the Revised Statutes of the United States, as amended by the act approved October 19, 1888, \$594.50.

Mr. COCKRELL. Is that the exact amount under the new calculation?

Mr. HALE. It is.

Mr. COCKRELL. If not, the words "or so much thereof as may be necessary" ought to be put in.

Mr. HALE. The amount was calculated.

Mr. COCKRELL. In order to avoid any possible error, I suggest that we add after the amount at the end of the paragraph the words "or so much thereof as may be necessary."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was on page 4, after line 9, to insert:

Bering Sea Arbitration: To enable the President to fulfill the stipulations contained in the treaties between the United States and Great Britain, signed on the 29th day of February and the 18th day of April, 1892, in relation to the tribunal of arbitration at Paris, \$50,000; and this sum, or so much thereof as may be necessary, shall be immediately available and be expended under the direction of the Secretary of State with the approval of the President of the United States.

The amendment was agreed to.

The next amendment was under the head of "Treasury Department," on page 4, after line 19, to insert:

Authority is hereby granted the Secretary of the Treasury to use \$7,500 of the unexpended balances of appropriations heretofore made for his office to pay employes of the division of warrants, estimates, and appropriations of his office for extra labor performed by them prior to February 1, 1893, to be paid in such sums as shall seem to him to be just and equitable, having reference to the value of the services rendered to the Government by each employé respectively.

The amendment was agreed to.

The next amendment was on page 5, after line 8, to insert:

#### COAST AND GEODETIC SURVEY.

For repairs and maintenance of vessels, \$10,000.

The amendment was agreed to.

The next amendment was on page 5, after line 11, to insert:

For office expenses, including fire-extinguishing apparatus, pumps, new steam-heating boiler, and necessary repairs, \$3,000.

The amendment was agreed to.

The next amendment was on page 7, under the head of "Under Smithsonian Institution," after line 8, to insert:

For continuing the preservation, exhibition, and increase of the collection from the surveying and exploring expeditions of the Government, and from other sources, including salaries or compensation of all necessary employes, \$3,200.

The amendment was agreed to.

The next amendment was on page 7, after line 18, to insert:

National Zoological Park: For repairs to the Holt mansion to make the same suitable for occupancy, and for office furniture, fiscal year 1891, \$426.57.

To reimburse the Smithsonian fund for assuming the expenses of labor and materials for repairs, urgently necessary for the preservation of the Holt mansion, fiscal year 1891, \$499.45; in all, \$926.02.

The amendment was agreed to.

The next amendment was under the head of "Fish Commission," on page 8, line 12, before the word "thousand" strike out "five" and insert "ten," so as to make the clause read:

For the introduction by the United States Fish Commission into and the increase in the waters of the United States of food fishes and other useful products of the waters, including lobsters, oysters, and other shellfish, and for such general and miscellaneous expenditures as the Commissioner of Fish and Fisheries may find necessary to the prosecution of his work, including salaries or compensation of all necessary employes, \$10,000.

The amendment was agreed to.

The next amendment was on page 8, line 17, before the word "thousand" to strike out "twenty-five" and insert "twenty," so as to make the clause read:

For the maintenance of the vessels and steam launches of the Commission, and for boats, apparatus, machinery, and other facilities required for use with the same, including salaries or compensation of all necessary civilian employes, \$25,000.

The amendment was agreed to.

The next amendment was on page 8, after line 17, to insert:

For continuing the inquiry respecting food fishes, \$5,000.

The amendment was agreed to.

The next amendment was on page 9, after line 5, to insert:

Fish-hatchery, Texas: For the completion of the fish-cultural station in Texas, authorized by the act approved August 5, 1892, \$5,000.

The amendment was agreed to.

The next amendment was under the head of "Public Buildings," on page 9, after line 16, to insert:

For payment to C. S. Waite for services as engineer in the United States court-house and post-office building at Lincoln, Nebr., during the month of May, 1889, \$75.

The amendment was agreed to.

The next amendment was on page 9, after line 21, to insert:

For payment to James Manning for services as fireman in the United States court-house and post-office building at Lincoln, Nebr., during the month of May, 1889, \$42.60.

The amendment was agreed to.

The next amendment was on page 10, to insert from lines 1 to 8, inclusive, as follows:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to James B. Oliver, of Pittsburg, Pa., surety of the Pennsylvania Construction Company, the sum of \$3,144.83, as payment in full for extra work done at the instance of the Government superintendent of the Government public buildings in the erection of said buildings in the said city of Pittsburg.

The amendment was agreed to.

The next amendment was on page 10, after line 8, to insert:

#### LIGHT-HOUSES, BEACONS, AND FOG SIGNALS.

For amounts paid by Capt. F. A. Mahan, U. S. Army, as engineer of the Fourth Light-House District, from the appropriation for the buoy depot at Absecon, N. J., fourth quarter of 1891, for legal services and expenses in acquiring title to the land, and so forth, for a site therefor, said payments having been authorized by the Treasury Department and approved by the Attorney-General, but disallowed by the Commissioner of Customs under date of November 21, 1892, for want of authority of law, the same not to involve the further payment of money from the Treasury, \$585.63.

The amendment was agreed to.

The next amendment was on page 10, after line 21, to insert:

Authority is hereby granted the proper accounting officers of the Treasury Department to allow and credit in the accounts of certain engineer officers of the Light-House Establishment the amounts paid by them, respectively, for the examinations of titles of land for light-house sites, and for expenses in connection therewith, authorized by the Secretary of the Treasury and approved by the Attorney-General, but disallowed by the Commissioner of Customs for want of authority of law to allow the same, \$320.35, in accordance with the letter of the Commissioner of Customs to the Secretary of the Treasury of February 7, 1893.

The amendment was agreed to.

The next amendment was on page 11, after line 8, to insert:

WORLD'S COLUMBIAN EXPOSITION.

World's Columbian Commission: To meet liabilities of the World's Columbian Commission due or to become due during the fiscal year 1893, \$27,999.07.

The amendment was agreed to.

The next amendment was under the head of Treasury, miscellaneous, on page 12, after line 17, to insert:

Furniture and repairs of furniture: For furniture and repairs of furniture, and carpets, for all public buildings, marine hospitals included, under the control of the Treasury Department, \$45,000.

The amendment was agreed to.

The next amendment was on page 14, after line 20, to insert:

Pacific railroad service: For payment of the claims certified to be due the several Pacific railroads, their branches and leased lines, by the accounting officers of the Treasury Department for services performed for the Government, and reported to Congress in accordance with the act of July 23, 1892, as fully set forth in House Executive Document, No. 147, Fifty-second Congress, second session, the amounts due for services over the bond-aided lines to be paid into the Treasury, as now required by law, and the amounts due for services over the nonbond-aided lines to be paid to the respective companies by which the services were rendered: *Provided*, That none of the moneys hereby appropriated shall be used in payment of any claims included in any judgment that may heretofore have been obtained in the Court of Claims against the United States, \$926,055.52.

The amendment was agreed to.

The next amendment was on page 15, after line 12, to insert:

Pay to the Oregon Improvement Company: To pay to the Oregon Improvement Company the amount paid by the Oregon Improvement Company for the repair of damages to the company's steamer Willamette, resulting from collision in San Francisco Harbor with the steamer General McDowell in the service of the Quartermaster's Department of the United States, January 13, 1892, it being shown by report of United States steamboat inspectors at San Francisco that the responsibility for the collision rested entirely upon the Government tug, \$448.15.

The amendment was agreed to.

The next amendment was on page 15, after line 23, to insert:

Expenses of offices of shipping commissioners: To reimburse the shipping commissioner at New York for his expenditures for office fixtures, books and stationery, heating apparatus and fuel, telephone service, office rent, and other expenses connected with the administration of his office from the 1st day of July, 1886 (at which time the provision for the payment thereof by the Treasury Department was omitted in the act of June 19, 1886), to the 1st day of July, 1891, \$5,000; and also the further sum of \$2,500, or so much thereof as may be necessary, for similar expenses that may have been or may be incurred by shipping commissioners at other ports during said period, such expenditures to be audited and such reimbursement to be made under the direction of the Secretary of the Treasury; in all, \$7,500.

The amendment was agreed to.

The next amendment was on page 16, after line 15, to insert:

Collecting banking statistics: To pay Henry H. Smith for additional services, and as reimbursement for money expended in collecting statistical information under the resolution of the Senate of July 26, 1892, \$587.50.

The amendment was agreed to.

The next amendment was on page 16, after line 20, to insert:

Payment to George Q. Cannon: To enable the Secretary of the Treasury to refund to George Q. Cannon, of Utah, the sum of \$35,000, amount paid by said Cannon on a forfeited bail bond given in February, 1886, for his appearance in the United States district court at Salt Lake City, Utah, the payment of the said sum having been recommended by the Secretary of the Treasury, as set forth in Senate Executive Document No. 43, second session Fifty-second Congress.

The amendment was agreed to.

The next amendment was on page 17, after line 5, to insert:

To enable the Secretary of the Treasury to pay to Silas Q. Howe, surviving partner of W. T. Pate & Co., the sum of \$19,662.19, being the sum audited under section 3229, Revised Statutes, and set forth in Executive Document No. 46, Fiftieth Congress, second session, being the sum paid by said firm as taxes on distilled spirits in excess of the quantity withdrawn by said firm from bonded warehouse.

The amendment was agreed to.

The next amendment was under the head of "District of Columbia," page 18, after line 22, to insert:

For fuel, \$4,000.

The amendment was agreed to.

The next amendment was on page 19, line 16, after the name "Mason" to insert "and George M. Slye, inspectors, \$62 each, and," and in line 17, after the name "Lacy," to insert "and;" so as to make the clause read:

Health department: For collection and removal of garbage and dead animals: To pay M. V. Mason and George M. Slye, inspectors, \$66 dollars each, and Henry Lacy and John H. Crawford, inspectors, \$62 each; in all, \$256.

The amendment was agreed to.

The next amendment was on page 19, after line 24, to insert:

Judgments, District of Columbia: For payment of judgment against the District of Columbia, namely, Ellen Costello, judgment, \$7,500; costs, \$90.90, together with a further sum to pay the interest on said judgment, as provided by law, from the date the same became due until the date of payment, \$7,596.90.

The amendment was agreed to.

The next amendment was on page 20, after line 7, to insert—

Court of appeals, District of Columbia: For salaries of the chief justice of the court of appeals of the District of Columbia, at the rate of \$6,500 per annum, and two associate justices, at the rate of \$6,000 each per annum, from April 3 to July 1, 1893, \$4,600.

The amendment was agreed to.

The next amendment was on page 20, after line 14, to insert:

For salary of clerk of said court, at the rate of \$3,000 per annum, from April 3 to July 1, 1893, \$500; and for clerical assistance and necessary expenditures in the conduct of his office, \$330; in all, \$830.

The amendment was agreed to.

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

Supreme court, District of Columbia: For additional amount for salaries of the chief justice and five associate justices of the supreme court of the District of Columbia, from April 3 to July 1, 1893, as provided by the act approved February 9, 1893, \$2,000.

The reading of the bill was continued to line 21, page 21.

Mr. COCKRELL. There are certain amendments to be made to the clause just read. I will submit them to be acted on together. In line 10, after the word "to," I move to strike out the words "transfer from the Record and Pension Division of the War Department to" and insert "appoint for the remainder of the fiscal year 1893 in;" in line 14, after the word "and," to strike out "a sufficient amount to pay" and insert "the salaries of;" in line 15, after the word "messenger," to strike out "is hereby transferred from" and insert "shall be paid from the unexpended balance of;" and in line 16, after the word "the," to strike out "Record and Pension Division to the appropriation for the Inspector-General's Office," and insert "salaries of the War Department for the year 1893," so as to make the clause read:

Office of the Inspector-General: The Secretary of War is hereby authorized to appoint, for the remainder of the fiscal year 1893, in the office of the Inspector-General the following clerks, namely, one clerk of class 3, one clerk of class 2, one clerk of class 1, and one messenger; and the salaries of said clerks and messenger shall be paid from the unexpended balance of the appropriations for the salaries of the War Department for the year 1893; and the Secretary of War shall hereafter exercise the same supervision over all receipts and disbursements on account of the volunteer soldiers' homes as he is required by law to apply to the accounts of disbursing officers of the Army.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment of the Committee on Appropriations was, under the head of miscellaneous items, "War Department," on page 22, after line 12, to insert:

Reimbursement of Nevada: To reimburse the State of Nevada for money expended in the suppression of the rebellion, \$110,007.85.

The amendment was agreed to.

The next amendment was, on page 22, after line 16, to insert:

Improvement and care of public grounds, District of Columbia: For removal of snow and ice, \$500.

The amendment was agreed to.

The next amendment was, on page 22, after line 19, to insert:

Burial of indigent soldiers: For expenses of burying in the Arlington National Cemetery, or in the cemeteries of the District of Columbia, indigent ex-Union soldiers, sailors, and marines of the late civil war who die in the District of Columbia, to be disbursed by the Secretary of War, at a cost not exceeding \$40 for such burial expenses in each case, exclusive of cost of grave, \$1,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 2, to insert:

Fort Leavenworth military prison: For expenses of pursuing escaped prisoners and rewards for their capture, \$280.

The amendment was agreed to.

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

Rebuilding lock on Green River, Kentucky: For rebuilding lock numbered 2, on Green River, at Rumsey, in the State of Kentucky, \$65,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 24, after line 1, to insert:

ARSENALS.

For care and preservation of the bridge, viaduct, and Fort Armstrong avenue, and expense of maintaining and operating the draw of the Rock Island bridge, \$2,500.

The amendment was agreed to.

The next amendment was, on page 24, after line 5, to insert:

In payment for work done and material furnished in the construction of buildings at Columbia Arsenal, Tennessee, \$4,000.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," page 24, after line 23, to insert:

For payment to Naval Constructor Theodore D. Wilson, United States Navy, for services as acting chief constructor, \$1,018.63, being the difference in his pay as a naval constructor and that of chief constructor from March 4 to December 14, 1886, inclusive.

The amendment was agreed to.

The next amendment was, on page 25, after line 3, to insert:

To pay to George W. Quintard and George E. Weed, assignees of John Roach, deceased, the sum of \$28,160.25, for labor and material furnished by the said John Roach in completing the dispatch boat Dolphin, under the advice and assistance of the naval advisory board.

Mr. VEST. Has not that appropriation been before the Senate and been disposed of adversely?

Mr. HALE. No; it is the other way. It has been put on twice or three times by the Senate and knocked out by the House conferees.

Mr. VEST. It was discussed here, I remember.

Mr. HALE. Yes.

Mr. VEST. I merely want to say for myself that I opposed the appropriation then, and I have never seen any occasion to change my opinion in regard to it. I think if there ever was a contract which ought to stand as to its results, it was that contract made between the representatives of Mr. Roach after his death and the Government of the United States. I received a communication from Mr. Whitney

in regard to it, which I handed to a brother Senator, I think the Senator from Wisconsin [Mr. VILAS], in which Mr. Whitney stated that certain remarks made here in debate as to his conduct in the matter were entirely without foundation; that he never used anything like coercive measures to make these representatives accept a settlement; that it was their own voluntary proposition; that they made their own terms and submitted them to him and he accepted them as a proposition coming from them.

I hope the Senator from Maine will not insist on the amendment. I do not see the Senator present who was in charge of the bill to pay this claim when it was before the Senate.

We have no quorum here and I do not want to raise the question. I ask that the amendment be passed over.

Mr. HALE. Let it go over.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The amendment will be passed over for the present and will be returned to later.

The reading of the bill was resumed. The next amendment was on page 26, line 14, after the word "officers" to strike out "except for services over the Union Pacific Railroad," and in line 18, after the word "and" to strike out "seventy-five dollars" and insert "ninety-two dollars and six cents," so as to make the clause read:

Pay miscellaneous. To pay amounts found due by the accounting officers, on account of freight and transportation of officers traveling under orders under the appropriation "Pay miscellaneous," being for the service of the fiscal year 1892, \$2,292.06.

The amendment was agreed to.

The next amendment was on page 26, after line 19, to insert:

To pay amounts found due to officers of the Navy on claims allowed by the accounting officers of the Treasury for moneys actually expended by such officers in traveling under orders, being for the service of the fiscal year 1892, \$658.66.

The amendment was agreed to.

The next amendment was on page 27, line 7, after the word "Ordnance," strike out "except for services over the several Pacific railroads," and in line 9, after the word "ninety-one," to strike out "one dollar and seventy-five" and insert "thirty-three dollars and eighty-five," so as to make the clause read:

Bureau of Ordnance: To pay amounts found due by the accounting officers on account of freight, under the appropriation "Contingent, Bureau of Ordnance," being for the service of the fiscal year 1891, \$33.85.

The amendment was agreed to.

The next amendment was on page 27, line 14, after the word "Navigation," to strike out "except for services over the Southern Pacific Railroad," and in line 16, after the word "ninety-one," to strike out "nine" and insert "two hundred and fifty-three," so as to make the clause read:

Bureau of Navigation: To pay amounts found due by the accounting officers on account of freight and transportation, under the appropriation "Transportation and recruiting, Navy, Bureau of Navigation," being for the service of the fiscal year 1891, \$253.50.

The amendment was agreed to.

The next amendment was, on page 27, line 25, after the word "equipment," to strike out "except for services over the several Pacific railroads," and on page 28, line 1, after the word "ninety-one," to strike out "one hundred and thirty-one dollars and thirty-three" and insert "four hundred and seven dollars and fifty-two cents," so as to make the clause read:

To pay amounts found due by the accounting officers on account of freight, under the appropriation "Contingent, Bureau of Equipment," being for the service of the fiscal year 1891, \$407.52.

The amendment was agreed to.

The next amendment was, on page 28, line 7, after the word "clothing," to strike out "except for services over the Union Pacific Railroad," and in line 9, after the word "ninety-two," to strike out "two thousand and sixty-three dollars and fifty-six" and insert "three thousand six hundred and eleven dollars and forty-eight," so as to make the clause read:

Bureau of Provisions and Clothing: To pay amounts found due by the accounting officers on account of freight, under the appropriation "Contingent, Bureau of Provisions and Clothing," being for the service of the fiscal year 1892, \$3,611.48.

The amendment was agreed to.

The next amendment was, on page 28, line 14, after the word "clothing," to strike out "except for services over the several Pacific railroads," and in line 16, after the word "ninety-two," to strike out "two thousand two hundred and fifty-three dollars and fifteen" and insert "six thousand and fifty-five dollars and three," so as to make the clause read:

To pay amounts found due by the accounting officers on account of freight, under the appropriation "Contingent, Bureau of Provisions and Clothing," being for the service of the fiscal year 1891, \$6,055.03.

The amendment was agreed to.

The next amendment was, on page 28, line 22, after the word "surgery" to strike out "except for services over the several Pacific railroads," and in line 24, after the word "ninety-one," to strike out "one hundred and thirty-five dollars" and insert "four hundred dollars and ninety-five cents," so as to make the clause read:

Bureau of Medicine and Surgery: To pay amounts found due by the accounting officers on account of freight, under the appropriation "Contingent, Bureau of Medicine and Surgery," being for the service of the fiscal year 1891, \$400.95.

Mr. HALE. There are two or three matters of morning business to come in before I move to take a recess.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. JAMES KERR, its Clerk, announced that the House had agreed to the concurrent resolution to print 10,000 copies of Executive Document No. 14, Fifty-second Congress, first session, being a report on irrigation and the cultivation of the soil thereby within the United States for 1891.

The message also announced that the House had passed a concurrent resolution providing for the printing of 5,500 copies of House report No. 1960, being a compilation of the labor laws of the various States and Territories and the District of Columbia; in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED.

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

- A bill (H. R. 2432) for the relief of Lansing Shear;
- A bill (H. R. 5958) for the relief of Elizabeth Carpenter, and
- A bill (H. R. 10280) to authorize the construction of a bridge over the Tennessee River at or near Sheffield, Ala.

#### COMPILATION OF LABOR LAWS.

The PRESIDING OFFICER (Mr. HARRIS) laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That 5,500 copies be printed and bound of House report 1960, being a compilation of the labor laws of the various States and Territories and the District of Columbia, 2,500 copies being for the use of the Commissioner of the Department of Labor, 1,000 for the Senate, and 2,000 for the House of Representatives.

#### FOREST RESERVATIONS IN CALIFORNIA.

Mr. FELTON. Mr. President, the Select Committee on Forest Reservations of California requests unanimous consent to present a brief statement of its members and other documents relative to the question, including the reports of special agents of the Interior Department, to be printed in the RECORD.

It is not the desire of the committee to consume any time in its discussion.

Senators will doubtless recollect that on the 12th ultimo, when this committee reported a resolution, the time for its consideration was entirely consumed by the chairman of the Committee on Public Lands in a negative argument; since which time the committee have had no opportunity to reply and to present the affirmative side of the question. Hence the committee desire to do so to some extent.

As I before remarked it is not the desire of the committee to discuss the question, especially in the absence of the Senator from Oregon [Mr. DOLPH], who is confined at home by illness. But for this, and had time permitted, we should have desired to more fully discuss the question.

The PRESIDING OFFICER. The Chair does not understand exactly what the Senator from California desires to have done.

Mr. FELTON. I desire unanimous consent that some statements in connection with the report of the Select Committee on Forest Reservations of California be printed.

The PRESIDING OFFICER. That they be printed as a document?

Mr. FELTON. No, sir; printed in the RECORD.

The PRESIDING OFFICER. The Senator from California asks that the documents referred to by him be printed in the RECORD. Is there objection? The Chair hears none.

Mr. COCKRELL. Now, I ask that the papers be printed as a document. We shall never be able to get that volume of the RECORD and read it. If they are going to be of any service to Senators let them be printed as a document.

Mr. FELTON. I ask that the papers be also printed as a document.

The PRESIDING OFFICER. Is there objection to the papers being printed in the RECORD, and also as a miscellaneous document? The Chair hears no objection, and it is so ordered.

The papers referred to are as follows:

The facts as found and reported by the Select Committee on Forest Reservations in California are briefly as follows:

That in the Yosemite Park Reservation is included several thousand acres of land, the property of individual citizens, they having United States patents for their land. They are prevented from enjoying their rights and property under regulations of the Interior Department—refused ingress and egress to the same; the driving of their herds to and from their premises, or the making of roads by which they can use the property.

That in the Sequoia Park there was entered a quantity of timber land, several thousand acres more or less, by individuals, under the timber act, they complying strictly with that act; but when the price for said lands was tendered the Government by them it was refused for reasons which the committee think were untenable. Meanwhile they were permitted during several years to and they did expend a large amount of time and money to enable them to use and enjoy said lands, when they were ejected by the Government and by this means—thus losing their time and money and the avails of their labor.

Now, it is asserted that they were a corporation or combine with communistic principle; of bad character; as if this was at all relevant.

I fail to see under our Constitution that the religious or political belief of a United States citizen is to in anyway deprive him of his rights under the law or of justice. But the facts are, from all your committee could learn, that they were not communistic in principle, or of bad character; but, on the contrary, they were sober, intelligent, and industrious; they had established schools, newspapers, intended

to and were arranging to establish manufactories. They were a coöperative association to establish a colony on their lands, but perhaps with Bellamistic ideas.

It is also asserted that it was a conspiracy to obtain these lands contrary to law, and this is attempted to be proven by the fact that (while admitting the fact that they separately located and filed on land) they intended it for the benefit of all to be used in common, and hence quitclaimed their lands to the association. Some of them did so, but under the advice of their attorney, who assured and instructed them that such action was regular and would not interfere with or jeopardize their interests.

Admit that they did so; admit that they intended to do so when filing their claims, they did so for their own interests, believing that to use the property in common for manufacture and mutual benefit (and in no wise for speculation or monopoly) would but further their interests, by coöperation they could more speedily build up an industrial community, believing this method would aid them by furnishing the means to earlier and more securely make use of the property for their individual good.

I have never known a clearer case where the object of the law was to be consummated: The possession and development of the public lands by actual settlers for their own and the benefit of the State.

There is a difference of opinion in regard to the legal rights of the settlers which I shall not attempt to argue at this time, for obvious reasons, and that the want of time. We have, however, the opinions of high authority, such as a former Secretary of Interior and Commissioner of the Land Office, as well as our former United States Attorney-General, that they had some rights that this Government in honor was bound to respect. It was to ascertain this that the committee recommended a commission to adjust the matter and without committing or prejudicing the rights of the Government.

LOS ANGELES, CAL., October 22, 1889.

SIR: As directed by your letter "P" of March 26, 1889, I have visited and examined the land in townships 15 and 16 south, range 29 east, and township 15 south, range 30 east, Mount Diablo meridian, for the purpose of ascertaining the facts regarding the character of the land embraced in the applications mentioned and the good faith of the parties making the same.

In order that you may fully understand the situation both of the land and the parties making the applications to enter, I have found it necessary to make an unusually long report, and have attached some exhibits to illustrate the situation. This may not have been necessary, and very likely you will think the report unnecessarily long—the only excuse for its length is, it is rather an unusual case and the people I found on the land under unusual circumstances, and in order to show their character and intentions I think it will be more satisfactory to you to give a short history and show how it happened these parties made their settlement on these lands.

I found the surface of the land along the cañon very rough and broken and the valleys very narrow, and if it had not been for the road made by the colonists it would have been practically inaccessible; the scenery on the whole route was simply grand. On reaching the timber I went through it on horseback and on foot. I spent two days examining it. It is rightly named the Giant Forest. It contains quite a number of the California big trees; also sugar pine, yellow pine, fir, etc., many of them growing to a gigantic height and size. It was plainly to be seen that this forest had been really inaccessible, from the fact that not a stump was to be seen, showing plainly that the timber trespasser had found one place where he had not been able to get in his usual work.

From a member of this colony, I got the facts in relation to their settlement on these lands as presented herewith.

In about October, 1884, in the city of San Francisco, there existed a social club composed of about seventy ladies and gentlemen, who had organized themselves for the purpose of mutual improvement, etc. Among them were John H. Medstone, a patent lawyer; B. G. Haskell, an attorney; Dr. I. M. Wiley, Capt. E. Cringle, Capt. A. Lossen, M. A. Gellridge, wood merchant; J. B. Johnson, a pattern-maker; William C. Owen, a journalist; I. I. Martin, a journalist; W. I. Culbertson, an architect; H. I. Vanpelt, hardware merchant; E. Carpenter, a teacher; Michael Corbet, a city employé, and others of similar standing, mainly of the middle class of society, people with good business and perhaps a few hundred dollars of accumulation. This club devoted itself mainly to a discussion and study of political economy, and became finally of the opinion that poverty could be materially alleviated and probably abolished provided people could be induced to go to work instead of complaining.

They finally decided that they themselves hated the grind and worry of city life, and were desirous of building up homes for themselves in congenial society and surroundings. They became believers in coöperation and decided to look about for Government land which they could take up and thus improve. They jointly contributed funds and for nearly a year had a man in the field looking for suitable locations.

In July, 1884, this agent reported that in the whole State of California he could find no place near the railroads nor in the valley untaken, where a hundred families could locate near together and go ahead as proposed. Many of the members of the club were then in favor of giving up the idea; but others proposed that they should go up into some cañon of the Sierras, where no settlements of any kind existed and open up the country. So the agent was again sent out to look for this kind of an opening.

The last of September he rendered another report to the effect that in the cañon of the Kaweah River, in Tulare County, there existed a body of, at present absolutely inaccessible, mountain and timber land, which, if opened up, would after five or ten years' labor be able to support such a community as was proposed. He therefore reported, that although there were immense difficulties in the way of opening up the country, yet he could find no other location, except something of a similar character.

Eventually fifty members of the club decided to go ahead, make the necessary entries, pay for the land, and develop and make it their future homes. So the parties named as timber entrymen came down together, visited the land, and made their entries. The land was then on the market and had so been upon the market for many years, and had been absolutely untouched by anybody. The people of Tulare County regarded the region as absolutely inaccessible; it was an elevation rising from 2,000 to 7,000 feet on a bee line distance of not more than 5 miles, but in order to get up to the ground a road of at least 29 miles, winding in and around the cañons was necessary. According to the popular idea of resident settlers in the main Kaweah Cañon, no access could ever be had to this country except through the expenditure of millions of dollars by some giant corporation. When, therefore, these entries were made, the public impression was that there must be large capital behind them and quite an excitement arose around Visalia in consequence.

After the filings were made the entrymen properly advertised their claims, and a day was set for making proof and payment. On the appointed day they were present and made their proof. There was no adverse claim, no contest presented, but after proofs were made and the money (\$2.50 per acre) tendered by each claimant, the register and receiver declined to receive the same, basing their action upon the telegram of December 2, 1885, and the letter of December 24, 1885, from the honorable Commissioner of the General Land Office.

This action was entirely unexpected by the entrymen and much disheartened them, so they met together to discuss their affairs. At that meeting they passed a resolution in effect as follows:

That whereas we have entered these lands in good faith for the purpose of making homes for ourselves and our children;

And whereas these lands have been deemed so valueless and inaccessible that though they have been in the market for years, no one else would touch them;

And whereas having proved up and now being ready to pay for them and after would go to work and improve them;

And whereas for some reason unknown to us and through some influence that we can not fathom, we are denied the right to complete our title;

And whereas that as American citizens we believe that the Government will protect the interest of actual settlers and improvers;

Resolved, That we go ahead and improve the lands and open them up and trust to the honor of the Government to do us justice.

In accordance with this idea, the filers then effected what they call a coöperative colony. It is neither a corporation nor an association nor a partnership, but in legal form approaches more nearly, their attorney informs me, an English joint stock company. This form of combination is one under the common law and is legal in most of the States of the Union and, according to the decisions of the California supreme court, legal in California. It is created by a deed of settlement, and the parties thereto are bound as trustees to each other to fulfill all the covenants concerning marriage or the personal or political rights or duties of the individual. Their ideas deal purely with the possibility by unselfish coöperative effort of increasing the general wealth of their settlement and are based upon eminently American and patriotic lines.

After this organization was effected it was further decided that if the road-making should open up any of the land that could be cultivated, that the persons of similar views should be notified of the opening and given the chance to take up the land, improve it, and make it their home. The making of the road was then decided upon as the first necessity and it was forthwith begun. The difficulties that faced these men were such that the whole country had no faith in their ability to even make a mile of road and predicted their absolute failure. The road winds up the cañon of the North Fork and east branch of the North Fork of the Kaweah River into a divide, up this divide, and then by innumerable windings comes back into the forest.

In one stretch of the 15 miles of the completed road there are 36 gulches and small cañons that have to be built into the head and out again to cover perhaps a bee line of 3 miles. The main cañon of the Kaweah begins 18 miles from Visalia, the nearest railroad point, and the north fork comes into the main cañon 11 miles farther up. The north fork cañon is comparatively an open one for 4 miles up to the end of the Halsteads land—here for the past fifteen years had been the limit of settlement. Halsteads place can be seen in the photograph marked Exhibit A—the photograph marked Exhibit B shows the north end and limit of Halsteads' place and the open cañon. At the south end of the picture the closed cañon of the north fork is shown; this is where the road-making began.

The first work to be done was to cut through a heavy granite cliff, the character of which is shown in the photograph marked Exhibit C. This cliff and the character of the upper cañon had for fifteen years kept the locality from settlement and improvement. The next work was a bridge 160 feet long, to get timber for which poles and logs had to be snaked over rough trails for 3 or 4 miles; from there the road had to be cut out of solid granite and boulders, with but little easy downhill work, until 7,000 feet of altitude was attained. The powder, tools, and almost all of the provisions were brought from San Francisco at a rate of 1 cent per pound and an extra cent and a half freight to carry it up by teams to where the road began, 33 miles.

But these colonists had an immense faith in the practicability of their ideas. Since they began their work not one stroke of their labor, it is affirmed, has been done by hired labor; they have done it all themselves. As fast as they have been able to close out their various businesses and occupations in the city they have come down to work on the road and make other improvements, bringing their wives and children and making the cañon their home. Those that remained outside have contributed the money to buy the powder, food, and tools for the workers. No wages in money have been paid for the work, and the members outside have contributed upwards of \$60,000 in the past four years to carry on the work.

If wages had been paid, the financial capacities of a very much larger collection of people would have been long since exhausted and the work probably abandoned. It seems that only through their peculiar ideas and by the great and unselfish faith of the colonists, who were thus willing to work and make great personal sacrifices, that the country could have ever been opened up at all. As a further aid in obtaining a clear idea of the character and person of these settlers, attention is called to faces as seen in the various exhibits annexed.

These show what is a fact, that a large majority of them are of American birth and countenance, and of more than mere ordinary intelligence. The road thus begun has been carried on continuously until now, and in addition, as it opened up the cañon, other settlers have been called in and have settled upon and improved the untimbered lands thus opened by building cabins and planting trees and vegetables and attempting cultivation. But only rough cabins could be put up to comply with the law on account of the entire absence of lumber in the cañon with which to build.

The road is only now entering available timber; the trees shown in the picture are generally scrub oak, fit only for firewood, and the people have found it preferable to live in tents instead. They live in these summer and winter, and they make most agreeable residences, being floored and in many cases carpeted and well furnished, often with piano, organ, bookcases, etc. They tell me they do not care to build permanently houses of the shanty kind, preferring to wait until they can use the lumber and put up first-class residences. Perhaps a general idea of how things are here now can be had from an inspection of an article which appeared in the Lemour Leader, a marked copy of which is herewith sent, marked 2.

In response to a question as to whether this was an attempt to form an isolated, peculiar, and exclusive community, a colonist gave me his ideas in denial thereof as follows: He said, on the contrary, we want to exclude nobody. We hope that our ideas may become universal. We believe that it is true Americanism to do as we are doing. If all American citizens would do their own work instead of having to be controlled by trusts and syndicates for personal profit we would be better off. Anybody is free to come up here where we are. We have neither the right nor the wish to exclude anybody, but we shall of course try and get those only to come who believe as we do, and who are willing to coöperate.

If parties come here who are not willing to coöperate they can do nothing with this country single-handed. It is too rough and undeveloped. But outside of the material part of the thing our public sentiment here is so unanimous on this question that a selfish settler would either become unselfish or would not like the place and would leave. But we are very anxious to have additions to our population from all that growing class who believe in coöperation. Since the timber entries some seventy other settlements have been made on the adjacent lands opened up by the road, despite the fact that these also have been withdrawn from sale by the Government. One of the cabins spoken of is shown in the photograph marked Exhibit D.

Exhibit E and reverse end of Exhibit F show pictures of the road-making and give a good general idea of the difficulties these men have had to face and have now surmounted. Exhibit G shows the present end of the road about a quarter of a mile from where the timber first begins. The photographs sent were taken mainly by members of the colony. The road is not in any sense a cheap makeshift built simply to get into the timber and get it out for sale, but is really a permanent, built on a uniform grade of 8 feet to the hundred and pronounced the best mountain road in the State. It was engineered by one of the colony and is a work of skill and judgment and nerve.

Cliff after cliff is cut out of solid granite, gulches are laid up with stone walls



built to last, and, in many instances, shelving, turtle-back slopes of granite, angled at 60 degrees, could only be passed by underpinning the roadbed with iron pins set in the solid rock. The road winds around the peaks and cañons sometimes a thousand feet from the bottom. Exhibit H shows the first obtainable view of the forest, the objective point. It is taken from East Branch, 8 miles up on the colony road, and is distant as the crow flies 3 or 4 miles; as the road goes it is fully 21. The index hand on the margin of the picture points to the timber. The hills in the foreground are a good general average of what they call their fillable land. Rock and brush and chaparral abound.

Water to irrigate it with will have to be taken from the river and brought by miles of flumes to it (these flumes necessitate lumber) before it can be made to produce. The soil is good, but nothing can be done with it until it is got on and until it is cleared. To do these two things would be beyond the power of any individual settler, but they believe after the experience they have had with their road that cooperatively they can accomplish the task.

Along the line of the road are settled and living in tents, but with their household goods as permanent settlers, the workers and their families, comprising a total present population of about a hundred souls. Four miles up the road is the first settlement, a little village of tents on a bold bluff, a hundred feet above the river. Two views of Advance, which is the name of this settlement, are shown in Exhibits I and J. The American flag is hoisted here and at all of the settlements at sunrise and lowered at sunset each day. You can see it flying in Exhibit J. Advance is supplied with water from two sources, by a pump from the river run by a water wheel, and by a 2,000-foot pipe from a spring up in the mountains. In the river at Advance a swimming bath has been established. A photograph of it is shown in Exhibit K.

A second settlement or town has been made 3 miles up on the road at East Branch, where a garden and nursery have been going on for two years, and which contains several thousand vines and trees. The last settlement has been established at Flagstaff, 19 miles up on the road. This place is shown in Exhibit L. Restaurants, where good meals are served, are in operation in special tents at each town. Exhibit M shows Marble Cañon, which the road will have to cross and which is a precipitous chasm dividing the Pine Ridge from the Redwood; the road is now at the beginning of the Pine Ridge. How precipitous and deep this chasm is can be seen by Exhibit N (on the reverse side of Exhibit M), which shows Marble Falls, consisting of a series of thirteen falls; these falls I did not see. They can not be nearer approached than about a mile, and even then only over a most rugged and dangerous trail.

The colonists propose this winter, at considerable expense, to cut a safe and practicable trail to accommodate tourists and sight-seers. Moro Rock, which is an abutment of granite at the end of a narrow ledge of rock from which a very fine view can be had and the approaches to which are also very dangerous, will also be opened to the public by the colonists. A school has been in operation for two years at Advance and is attended by all the children. It follows the course of education prescribed by the public schools of California, although the teachers are not paid by the State; the colony pays them. The school fund of the country is not large enough to permit them to assign a teacher to the Kaweah district. They also have established a kindergarten for the little children and their school-ten walls are decorated with the kindergarten work.

Now, in regard to the timber. Undoubtedly it is a good supply, probably in all some 6,000 or 7,000 acres; some lightly and some very heavily timbered. It is spread over two main ridges and is absolutely inaccessible except through this road. It has been used in a small degree for years by the stockmen as a range for sheep and cattle, as indeed almost all of this Sierra country has been. These men are absolutely irresponsible and reckless concerning any country they range over. They delight in forest fires, as they clear the country and bring good grass the next season for the stock. Up to about five years ago, on account of the inaccessibility of the North Fork of the Kaweah country, they rarely troubled it, but as their other ranges have become settled up they have been compelled to seek new ranges, and despite the difficult trail into the forest they have lately invaded it.

Last year they set three fires in the forest, which is full of fallen timber and the inflammable debris of years. These fires were put out by the colonists, who left their work and rallied to do this labor. Sixteen men at one time had to fight fire four days. It spreads slowly underground below the surface of the debris, and can only be put out by trenching and then drenching with water. Water to do this was packed on the backs of burros in canvas sacks half a mile or more for this use. This year has been very dry season, and the colony decided to close their road to all sheep and cattlemen, and also to police the forest to prevent damage being done by those who come up by another new trail (over precipitous) by Marble Cañon from the main river. Two men were kept specially in the forest for this work until two days ago, when they left, as rains were expected.

About three weeks ago, despite their care, a conflagration was started with apparent design (three different places near the trail showing traces thereof) by some one, and undoubtedly if unchecked it would have swept away a large portion of the Redwood ridge. I visited the spot where it started and inspected the conditions and can certify this to be so. The fire patrol discovered it, and after about a day's fight succeeded in putting it out. Next year the colonists propose to fence off the sheep trail and thus keep the stockmen entirely out.

From conversations with the colonists concerning their intentions toward the timber I gather this: They do not propose to cut and market the timber in its crude state as a mere commercial speculation, but desire to hold and work and improve it as a permanent resource. They have no idea at all of denuding the forest and leaving it a desert of stumps. I may say that during my whole trip I saw no evidence of any vandalism; not a stump was seen on the whole route, but, on the contrary, a hundred evidences of the good faith alleged by these people in relation to their desire to build up homes here for themselves and their children. They have built twenty-one substantial cabins in the forest, and of the fallen timber, which lies there in great masses, the product of centuries, perhaps, of the operation of nature's destructive forces. They propose first to work up this fallen timber, then to thin out the thick growths and foster the remainder, to clear the ground of stumps, and cultivate and improve the thus opened places, to collect and burn the debris and preserve the forest intact, as a source of a continuous home supply.

They need for flumes, fences, houses, mills, bridges, etc., large quantities. The valley district to which this cañon is tributary also needs the lumber. They are already proposing to make this their permanent home, and talk earnestly of improvements for the benefit of their children, as earnestly in fact as they speak of those that affect only themselves. Besides they propose this winter to set out many thousand fruit trees in addition to those already out; many of these will be put along the line of the road and the others in the various homestead claims. At the meeting held while I was at Advance, for instance, orders were given for the commencement of the following winter work—for the clearing, plowing, and seeding of 500 acres of barley (the seed for which will cost \$1,000), 10 acres of sweet corn, 14 acres of vegetables, 20 acres of potatoes, 20 acres of apple trees, besides a liberal amount for pear, plum, cherry, apricot and nectarines, olives, etc.

To do this will require 4,000 feet of flume and ditch to put water on the ground; and although the road is at the first timber, so that they could put up a mill and go to work sawing lumber out for this necessary use, they are very scrupulous that they—rather than do this—they propose to use the windfalls for this purpose if they can find enough on the pine ridge, even though it will be much more troublesome and expensive. I had considerable opportunity to observe the daily life of the colonists while on the ground, and found in it many excellent features. Among other things it may be noted that during the whole four years there has been no crime of any kind committed, no misdemeanors even, nobody drunk, not

even a fist-fight or a blow given in anger among the men at work on the road, a record that the colonists claim is unparalleled in any history. The absolute faith and dependence that all the colonists have that the Government will protect their rights as actual settlers and improvers is remarkable.

Where, in most ordinary communities, business and enterprise would be paralyzed if the title to the land occupied was uncertain, here, for the reason above stated, it seems to cut no figure whatever. From their talk I should judge that many of them have invested their all in this matter and that those on the outside are willing to do the same. They contemplate in the near future the establishment of many manufacturing industries and their aim is generally to, as near as possible, produce all that they consume on their own grounds. The carrying out of their plans will necessitate an extensive, expensive, and scientific system of water storage, impounding, and supply. This they have all planned out and have done some little work in carrying out.

For instance, at the first homestead, where the road begins, an underground system of rain catchment and storage was planned and carried out, taking nearly a year's time. This season was dry and it worked poorly. At one place in the cañon ditches have been constructed and dams made for storage of water. At East Branch, a ditch of a mile and storage capacity have been made. This ditch is lined and coped with rock carefully fitted and cayed up. Their proposed system of improvements will take several years to complete, and they claim that it will increase the discharge of water into the main river, after they have used all they need, by over 30 per cent, thus conferring a permanent benefit upon the valley people below them.

In brief, they claim that they are doing the work of the Government in this matter, and doing it now and without expense to the Government. One other thing I might mention. They can keep no stock at present on account of being unable to get lumber to fence with. The tracts under cultivation have been inclosed with brush, and one with a fine substantial stone wall. They have just bought a cylinder printing press, steam engine, and a large lot of type, and will soon have it in Advance under canvas cover, but with wood floor and sides.

I might say generally, without passing an opinion upon the practicability of the ideas of these people for the future, that their remarkable work thus far shows conclusively that it was a misapprehension of the facts that gave the idea that they were either speculators or dummies acting in the interest of some large corporation and in bad faith. They seem eminently American, patriotic, and tolerant people, and they certainly are doing a work under their system that could apparently be done in no other way. I am convinced that private enterprise would never have developed this cañon, and that the ordinary business man would have been unable to have seen the prospect of any financial return commensurate with the capital to be invested.

I have made this long and possibly wearisome report because it seemed to me that the facts of the case justify it, and further, for the reason that I believe these people have done and will hereafter really do work of more or less public utility.

It seems to me that the actual settler and improver should be protected as far as possible, and if the claims of these men are not recognized, now they have built this road, the chance is left open for the complete denudation and destruction of the forest by the way thus opened by the real timber thieves of this coast. Further, the letter from the honorable Commissioner of the General Land Office, which gave the motive for my investigation, was so clearly based upon misapprehension or mistaken information in stating that the entries were made by dummies and in bad faith, in the interest of some corporation, that it became necessary for me in correcting this mistaken idea to go perhaps too exhaustively into details.

I do not desire in ordinary matters to burden the Department with prolix reports, but this, I think, is a case somewhat out of the common, and I have condensed the facts obtained as much as possible with a full explanation of the actual state of the case.

Respectfully,

B. F. ALLEN,  
Special Agent General Land Office.

I also attach a map showing the line of road up the cañon and the location of the forest and the settlements thereon.

VISALLA, CAL., July 16, 1890.

HON. COMMISSIONER GENERAL LAND OFFICE,

Washington, D. C.

SIR: I have the honor to report that, in compliance with instructions contained in Department letter "P" June 11, 1890, I left Washington, D. C., the next day, en route for Visallia land office to investigate the "Kaweah Colony" timber claims.

Stopping at Sacramento I found and interviewed Mr. F. J. Clark, a gentleman referred to in my instructions, who is chief clerk of the State comptroller. He knew nothing of his own personal knowledge, for or against the Kaweah Colony timber claimants, and of course could not testify to any facts bearing thereon. He, however, placed me in the way of obtaining information from parties who were, or rather, had been, members of the colony.

In San Francisco I interviewed Alfred Cridge, a former secretary of the colony company, as directed in my instructions, and obtained a lengthy affidavit from him. Also, affidavits from P. D. Hirsch and H. K. Patterson, former members of the Kaweah Colony, but not timber filers. These affidavits are inclosed herewith, properly indorsed.

The "list of suspended applications" accompanying my instructions contained the names of 43 timber filers; 28 of these entrymen I have found, interviewed in person, and obtained their affidavits, which are also inclosed, numbered 1 to 28, inclusive.

Of the remaining 15 I obtained satisfactory evidence that two have died since filing, viz: Joseph W. Briggs, SE. 1/4 sec. 34, T. 15 S., R. 29 E., Mount Diablo meridian, and Joseph Dentz, NW. 1/4 sec. 32, T. 15 S., R. 30 E., Mount Diablo meridian.

The remaining filers, thirteen in number, I have so far been unable to find, they having left their former places of residence and scattered over and out of the State. Two are now at sea and two are prospecting in the Sierra Nevadas. Having through personal investigation at their best-known abiding places become satisfied that these claimants were bona fide citizens, I did not deem it advisable to make further search for them at this time.

As will be seen by a perusal of the affidavits inclosed there is a considerable amount of conflicting testimony. Each affiant was allowed to testify freely and in his own way. Some testified willingly and were anxious to tell even more than they knew of their own knowledge, while others seemed to be under some kind of restraint and evidently did not divulge all they knew about the workings of the Colony Company. Some denied that they had ever decided or assigned their lands to the colony for cooperative purposes, while others, notably J. J. Martin, secretary, and B. G. Haskell, attorney and one of the trustees of the colony, freely testify to the fact and justify these transfers.

A singular anomaly is that while 14 of the affiants admit that they had quit-claimed or assigned their lands to the colony company for cooperative purposes, they also claim that the lands are still or will be theirs individually, and that they will hold them as individuals, whenever they are permitted to pay up and get title to their respective claims. From information obtained it is safe to assume that a majority of the missing claimants made similar assignments.

Before making any recommendation in regard to the disposition of these forty-three suspended applications, I deem it best to briefly refer to the history of these filings as I have gathered it from personal interviews with former and present members of the colony company and others.

It appears that the idea of locating these timber claims first originated in a land purchasing association organized in San Francisco, of which a majority of these claimants were members. They appear to have had some kind of an organization, with passwords, etc., were tinged with a harmless form of socialism, and seem to have been hunting for some place to locate a colony where its members could dwell together in harmony and carry out and propagate their cooperative and other ideas.

After making these timber filings, they appear to have formed themselves into a cooperative company; first, for the purpose of building a railroad to their timber claims in the Giant Forest, which scheme was soon abandoned, and, second, to build a wagon road thereto, which is now nearly completed. A membership assessment of \$500 was agreed upon to be paid either in cash or its equivalent in labor, or part cash and part labor, and work on the wagon road commenced and progressed about two years. Then the demon of discord entered this once "happy family," and it split into two hostile factions.

One faction remained on the ground, reorganized the members into what is now known as the "Kaweah Cooperative Colony Company, limited, a joint stock company," and continued building the wagon road. The other faction abandoned the colony, claim that they were forced out illegally, and can not say things severe enough against their former associates. Which is in the right can not now be clearly determined, but as lawsuits are talked of by the "outs" in the near future, it is presumed the courts will ultimately decide the question.

I found that I would have to visit the colony and their timber claims to find some of the timber filers, and did so. This trip occupied nearly four days. I found their wagon road one of the best-built mountain roads I ever traveled over, and is now about 20 miles in length. Starting at an elevation of about 2,000 feet, its present end is nearly 6,500 feet, and will be 7,000 when it reaches the redwood belt, their objective point. Considering that this road was built by the cooperative labor of these timber filers and their fellow-colonists, it is certainly a monument to their industry.

At the colony headquarters, called "Advance," I found some 300 men, women, and children concentrated in nicely constructed tents, and they appeared to be a wonderfully "happy family" of enthusiasts. They are all converts, men and women, to the Bellamy idea, "Looking Backward" being their Bible, so to speak, and may be termed enthusiastic cranks on the subject of cooperation and the Bellamy theory of government. They eat from a public table, supplies for which are purchased and issued by officers designated for that purpose. Every colonist who labors in any capacity is credited with his or her time on books kept for that purpose, and no money is circulated in the colony. Monthly reports are required and published from all officers of the colony. They have a branch post-office and a well-equipped printing office from which a weekly paper is issued, four copies of which find inclosed.

The colony is getting new members daily and weekly from all parts of the Union, each nationalistic club furnishing active and contributing members. So far as my observation went the colonists on the ground are above the average in intelligence, but the women as well as the men seemed to me cranky on the subject of cooperation and Bellamyism. Quite a number of the new members of the colony company have made squatter claims on agricultural lands along the line of their wagon road in the suspended townships referred to in my instructions, have made improvements thereon, and planted grain, set out fruit trees, vines, etc.

At the present terminus of the road, which is in the region of good pine timber, the colonists have a steam engine and machinery for and are now constructing a sawmill, which I saw them building. With this mill they intend to saw lumber sufficient to build its members houses upon a 400-acre piece of patented land outside of the suspended territory, which they have recently purchased.

Without making any comment or prediction as to the ultimate outcome of this cooperative colony scheme, I can not help testifying to their industry and perseverance in overcoming almost insurmountable difficulties in building their road.

While in the timber lands under suspension, in which I spent a part of two days on horseback, I saw enough township, section, and quarter section stakes and monuments, properly marked, and in inaccessible places, where surveyors would not be apt to put them up for the fun of the thing, to satisfy me that the land in question had been properly surveyed. In addition thereto, I obtained considerable verbal testimony on this point from others not members of the colony. Unless the Department has direct evidence to the contrary, my observation and inquiries do not sustain the charge of "suspected fraudulent surveys," and I can see no good reason why said suspended townships should not be opened for settlement.

In regard to the forty-three timber filings which I have had under examination, and which I have been instructed to investigate, with the aim to develop all possible facts touching the personal good faith of each entryman and his status as a member of the Kaweah Colony Company, I have to report that I have found it a difficult matter to determine exactly how many of the claimants have quit-claimed or assigned their claims to the colony company.

I have adduced enough evidence on that point, however, to satisfy me that it was the original intention of all the forty-three entrymen to place their claims in a common pool after they had proved up and paid for their claims, to be worked cooperatively for their joint benefit, and that not having a chance to pay up and obtain title, as was expected, by reason of the land having been withdrawn from the market upon a report of alleged "fraudulent entries of timber lands," the leaders in the colony movement, by the advice of their attorney, instituted and partially carried out the plan of getting quitclaim deeds from the timber filers, and have evidently succeeded in a majority of the cases.

I am also satisfied that nearly all of those timber entrymen who made these quitclaim deeds did so through a misinterpretation of the law, their attorney having advised them that having once tendered their final proof and money in payment for their land, they could subsequently deed their equity in their claims to the colony company, notwithstanding the fact that the Land Office had refused to receive their proof and money.

Therefore, for the reasons above stated, I recommend that all the timber claims in the suspended townships under consideration, be canceled without prejudice to any individual claimant, to the end that such as honestly intended to enter said timber lands for their own use and benefit can have an opportunity to make new filings thereon whenever the suspension is removed from said townships.

All of which is respectfully submitted.

ANDREW CALDWELL,  
Special Agent General Land Office.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,  
Washington, D. C. February 13, 1893.

SIR: My attention has been called to a letter of mine, dated March 13, 1890, to Mr. J. J. Martin, secretary of the Kaweah Cooperative Colony Association, of Tulare County, Cal., published in the CONGRESSIONAL RECORD, Vol. 24, No. 48, page 1565 in which I advise Mr. Martin that in my opinion the timber-land applications made by members of said association were in good faith, and that they had complied with all legal requirements, etc.

In regard to said letter I desire to state that when I wrote the same I was new in the service; I did not comprehend the nature of a timber-land application, nor understand the requirements of the law relating thereto.

I found the residents and business men in and around Visalia nearly all in favor of the association, and from all the evidence I could get at that time I believed

the association was engaged in a laudable enterprise. Subsequent developments, however, have shown that the officers of the association were engaged in a fraud of the worst kind; by means of false statements they have deceived people all over the United States, and have secured thousands of dollars from their dupes for which they have actually nothing to show.

Of the public officials and residents of Visalia, who at one time indorsed the association, I do not think at this time one can be found who will say they were deceived and deluded and that the association was a fraud from the beginning.

At the time I wrote the letter referred to there was no Sequoia National Park created, or in contemplation, and it was simply a question as to whether the temporary withdrawal of the lands from settlement should be revoked.

I fully indorse Mr. Ogden's report on this association, and make this short explanatory statement, in order that I may be set right in the premises.

Very respectfully,

B. F. ALLEN.

Special Agent General Land Office.

Hon. COMMISSIONER GENERAL LAND OFFICE,  
Washington, D. C.

Testimony as to the claims of the Kaweah colonists:

EXHIBIT No. 9.

A PETITION TO THE HOUSE OF REPRESENTATIVES AND SENATE OF THE UNITED STATES  
IN CONGRESS ASSEMBLED.

GENTLEMEN: We, the undersigned residents of the county of Tulare, State of California, and citizens of the United States, most respectfully represent unto you a petition, as follows: That on the 1st day of October, 1890, in the closing days of the session of Congress, a bill was passed designated as follows: "An act to set apart certain tracts of land in the State of California as forest reservations." That a portion of said bill, namely, section 3, reserves "All of townships 15 and 16 south, of ranges 29 and 30 east, of Mount Diablo meridian."

That the Congressional records show that said section of said bill was passed without debate and without proper representation to your honorable body of the facts in the case. That, in the opinion of your petitioners, the honorable gentleman who presented the bill for your consideration was not informed as to the circumstances, but was made to believe that the land reserved under said bill was unoccupied and unimproved Government land. That said bill was passed upon the pretext that said townships contain large forests of *Sequoia gigantea*, which should be withheld from sale. That as a matter of fact only a small area of said townships contain sequoia, and that the few trees of extraordinary size are more valuable to the owners as objects of interest than to cut up into lumber.

That the object of some of the promoters of the bill was not to preserve these trees, but to shut off competition in furnishing lumber. That said townships mainly comprise yellow, white, and sugar pine and other merchantable timber, which is absolutely needed by the county. That the settlers comprising the Kaweah Cooperative Colony Company do not design to devastate the forest, but to thin it out and cultivate it. Under the system of forestry they have adopted, a forest tree is planted for every one cut down, by which means it is proposed that the forest shall be preserved as a perpetual lumber resource for all time to come. The facts in relation to the settlement of the lands reserved under section 3 of said bill are as follows:

That in the beginning of the year 1885 about one hundred citizens of the State of California, all men of comparatively small means, none of them being possessed of more than \$1,000 or \$2,000 and none of whom had exhausted their homestead, preemption, and timber rights, desiring to build up homes for themselves and families, began a search for valuable Government land whereon to settle and improve. That in the fall of 1885 they located homesteads and made timber filings and other claims in townships 15, 16, and 17 south of range 28 east, townships 15 and 16 south of range 29 east, and townships 15 and 16 south of range 30 east of Mount Diablo meridian, and immediately proceeded to settle upon and improve the same. That these said lands were situated along the cañon and ridges of the North Fork of the Kaweah River, at an altitude of from 2,000 to 6,000 feet. That they had been open to settlement for years, and had been neglected, passed by, and left untaken up by everybody; first, because of their inaccessibility; and, second, because of their sterility.

That they were inaccessible in this, that the lower cañon was untimbered, and that its arable land lay upon slopes 100 and 200 feet above the river. That there was no road into the land up the cañon; that to reach the upper slopes where timber could be found, over 20 miles of road must be made, and much of it literally cut through solid granite, said road rising on a grade of 400 feet to the mile. That they were sterile in this, that without irrigation, the said lands will not produce a support for any who settle thereon. That in order to irrigate said lands, flumes and ditches and waterways had to be constructed and maintained.

That nevertheless, notwithstanding these natural obstacles and difficulties, these said settlers were so anxious to make homes for themselves that they agreed to jointly and equally give of their labor and money to build said road and improve said lands; that said lands were open to settlement under the law; that said settlers filed upon the same, actually settled upon the same, made due publication and proof in many cases, and for much of the land tendered the price thereof to the receiver of the Visalia land office; but that, in December, 1885, three months after the settlers had filed on and made settlement upon the land, the Commissioner of the General Land Office telegraphed an order withdrawing the lands from sale, and that thereupon the receiver of the local land office refused to receive money tendered therefor.

That why this was done your petitioners do not know, but believe it to have been done because it may have been feared that the settlers were not bona fide, but were employes of some syndicate or corporation, which was not and is not the truth in any sense; that being law-abiding citizens, and having faithfully performed their part of the contract with the Government, and being advised by counsel that an order of withdrawal of the lands could not affect filings and settlements previously made, the said settlers appealed to the Department at Washington from the refusal of the local land office, and continued their acts of settlement and improvement, in the full consciousness that they were carrying out the spirit and letter of the law, and that their rights as citizens and bona fide settlers would be protected by the Government.

That in the past four years and a half, by cooperative effort, living all the time in tents, rough log huts and houses, and denying themselves, for the time being, the comforts and advantages of civilization, each sharing in the hard labor and expense, the said settlers have nearly finished the road required (20 miles), said to be the finest mountain road in the State of California, at a cost of about \$100,000; and having planted, cultivated, irrigated, and improved lands which theretofore were a barren, deserted, inaccessible, and forbidding region.

That the following letter of Mr. B. F. Allen, a special agent of the General Land Office, represents his conclusions, after a careful investigation as to the rights of these settlers:

LOS ANGELES, March 13, 1890.

DEAR SIR: In reply to yours of recent date I would say that under instructions from the General Land Office at Washington I made full inquiry and personal investigation into the matter of the timber entries in townships 15 and 16 south, and ranges 29 and 30 east, Mount Diablo meridian, covering what is known as the "Giant Forest," in Tulare County, Cal. The result of my investigation proved to me conclusively that said entries were made in good faith; that no contest had been filed, and that all legal requirements had been fulfilled by the filers. I

found, moreover, that many of the filers were actual settlers and had associated themselves together as a cooperative colony, and were making extensive and valuable improvements, such as it is the policy and purpose of the United States Government to foster and encourage.

In view of these facts, I recommended to the Department at Washington a speedy ruling upon the suspended entries and the reopening of the withdrawn townships to public entry. I can say, without hesitation, that I have never seen a case of timber entry where the spirit and intention of the land laws were being carried out in better faith. I do not see, under these circumstances, that any but a favorable decision can be arrived at by the Department, and that speedily.

"Yours, truly,

"B. F. ALLEN."

Mr. J. J. MARTIN:

That these settlers, comprising what is known as the "Kaweah Cooperative Colony," during the four and a half years of their occupancy of said lands, have earned and maintained the highest reputation for commercial integrity and intelligence, and have added largely to the material wealth of Tulare County. They have not only proved their good faith by actual settlement and improvement of the land, but have shown their intention of inaugurating useful industries by the erection of valuable machinery for the development of natural resources, and are in various ways engaged in building up the interests of the locality in which they reside.

That if said bill remains a law, it will work a great injustice to a large number of worthy citizens and bona fide settlers; and by cutting off a much-needed lumber supply will prove seriously detrimental to the general interest and welfare of the citizens of the county of Tulare.

We therefore pray for the repeal of said bill, or that part of it which includes in the reservation townships 15 and 16 south, of ranges 29 and 30 east, and your petitioners will ever pray.

W. F. Thomas, mayor of Visalia, Visalia, Cal.; T. E. Henderson, chairman board of supervisors, Tulare County; James Barton, supervisor; J. H. Woody, supervisor, Tulare County; Sam. L. N. Ellis, supervisor, Tulare County; J. H. Fox, supervisor, Tulare County; W. J. Newport, ex-supervisor, Tulare County; Wm. W. Cross, superior judge, Tulare County; C. E. Evans, county recorder, Tulare County; E. W. Kay, sheriff, Tulare County; E. J. Fridge, deputy sheriff, Tulare County; T. W. Holder, deputy county clerk, Tulare County; M. E. Power, district attorney, Tulare County; A. C. Mill, justice of the peace, Tulare County; S. A. Crookshanks, county school superintendent, Visalia; D. S. Lipscomb, county treasurer, Visalia; W. B. Wallace, attorney at law, Visalia; John G. Knox, county clerk, Visalia; A. N. Murray, jr., official reporter, Visalia; Tipton Lindsey, attorney, Visalia; D. F. Coffee, assessor, Visalia; C. J. Giddings, cashier, bank of Visalia; N. O. Bivilly, attorney at law, Visalia; J. E. Denny, farmer, Visalia; A. J. Harrell, manager Harrell & Son, bankers; E. K. Green, merchant, Los Angeles; Henry C. Dillon, farmer and lawyer, Los Angeles County; Samuel S. Guy, physician, Visalia, Cal.; R. H. Stephens, merchant, Visalia, Cal.; E. O. Larkins, attorney at law, Visalia, Cal.

THE KAWEAH COLONY PERSECUTION—A PROTEST FROM THE SUPERVISORS OF TULARE COUNTY—AN IMPORTANT AND AUTHENTICATED DOCUMENT WHICH COMPLETELY REFUTES THE INFAMOUS FALSEHOODS THAT HAVE BEEN CIRCULATED FOR THE PURPOSE OF CRUSHING THE COLONY.

To whom it may concern:

We, the undersigned, supervisors of the county of Tulare, State of California, know to the best of our knowledge and belief the following to be true:

That a number of citizens, now generally known as the Kaweah colonists, in the year 1885 made filings upon Government lands in this county in accordance with law, and that the then register and receiver of the United States land office in this district have certified that these filers tendered the price of the land and did everything that the law required them to do to entitle them to patents; that the Government, on the assumption that there were irregularities in the surveys, withheld certificates of entry from said filers, pending an investigation; that the filers, in good faith, knowing that the surveys were correct and that their filings were legal and valid, proceeded to make valuable improvements and to settle upon said lands; that in 1889 an investigation was made into these claims and filings by Mr. B. F. Allen, a special agent of the General Land Office, who reported that no fraud on the part of the filers, or irregularities of the surveys, existed; that, notwithstanding this report, the General Land Office still refused to issue certificates of purchase to these filers; that in October, 1890, after the settlers had completed a costly road to said lands, thereby making them accessible, a bill was passed setting aside as a "forest reservation" the townships in which these lands are situated; that the Secretary of the Interior then made a ruling against these settlers and canceled their filings, claiming that said bill was retroactive and that it annulled the filings made five years previous to its enactment; that immediately after the passage of said bill, criminal proceedings were commenced against the colonists by the agents of the Government, and that a conviction was secured against five of them for cutting five pine trees, the lumber from which had been used in the construction of habitations for families of the men who had toiled for five years in building the costly road already referred to; that, smarting under the injustice of being thus ruthlessly deprived of their rights, and urgently needing lumber for dwellings for themselves and families, these settlers leased a saw mill upon patented land and proceeded to cut timber for the purpose stated; that, under instructions from the Interior Department, United States troops entered upon said patented land and ordered these colonists to desist from cutting timber thereon, and attempted by threats of force to stop them in the pursuance of a peaceful and legitimate occupation; that recently the trustees of their colony have, at the instance of the Post-Office Department, been indicted upon charge of using the mails for purposes of fraud; that this last attack seems to be but another phase of a long continued and relentless persecution. These colonists, as a class, having proved themselves to be industrious, law-abiding, and worthy citizens, this treatment of them by the national administration is inexplicable.

Furthermore, this sequence of events seems to indicate that a determined conspiracy exists to crush these colonists and rob them of their lands, and that the Government and Congress have been unconsciously used to aid in the conspiracy. We regard the matter as one seriously affecting the rights and liberties of American citizens and requiring special investigation at the hands of the present Congress.

T. E. HENDERSON, Chairman.  
J. H. WOODY,  
JAMES BARTON,  
J. H. FOX,  
S. L. N. ELLIS,

Board of Supervisors of Tulare County, Cal.

VISALIA, CAL., February, 1892.

STATE OF CALIFORNIA, COUNTY OF TULARE, ss:

Be it remembered that on this 6th day of February, A. D. 1892, before the undersigned county clerk, within and for the county of Tulare, State of California, per-

sonally came T. E. Henderson, J. H. Woody, James Barton, J. H. Fox, and S. L. N. Ellis, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument of writing, and acknowledge that they executed the same.

In testimony whereof I have hereunto set my hand and affixed my official seal the day and year above written.

[OFFICIAL SEAL OF TULARE COUNTY.]

JOHN G. KNOX, Clerk.  
By J. G. BURLAND, Deputy.

Testimony of register and receiver of land office at Visalia, Cal.

EXHIBIT NO. 6.

Copy of register's and receiver's certificate as to act done in Visalia land office by Haskell et al., 1885.

VISALIA, TULARE, CO., CAL.,  
January 13, 1891.

To whom it may concern:

We, the undersigned, who were the register and receiver of the United States land office at Visalia, Cal., at the dates and times named below, and who were familiar and cognizant with the workings of the office during said period, do certify as follows concerning the timber entries made by the persons whose names are given below:

That on the 5th, 6th, 7th, and 30th days of October, A. D. 1885, the parties below named, under the provisions of and as required by the act of June 3, 1873 (20 Stat., 89), made affidavit before the undersigned, then register, showing that each of them desired to avail themselves of the provisions of said act for the purchase of the lots of land respectively set opposite the name of each said applicant, to wit:

Table with 3 columns: Filing No., Name, and Description. Lists various land entries with details like 'SE 1/4 of Sec. 1, T. 16 S., R. 29 E., Oct. 5, 1885'.

\*Not appealed.

Summary table: Total number of claims... 53; Number not appealed... 14; Number appealed... 39.

That the said lands had been surveyed, and official plats of such surveys filed in the local land office on or before the 31 day of April, 1884, and were at the date of the application to purchase as aforesaid, open to sale and entry under the provisions of said act.

The said affidavits thus filed were upon the regular prescribed form and set forth in each case that the applicant was a citizen of the United States or had declared his intention to become such; that he was over the age of 21 years; that the said lands were unfit for cultivation and valuable chiefly for its timber; that it was uninhabited; that it contained no mining improvements whatever, nor, as he verily believed, any valuable deposit of gold, silver, cinnabar, copper, or coal; that he had made no other application under said act; that he did not apply to purchase the land above described on speculation, but in good faith to appropriate it to his own exclusive use and benefit; and that he had not, directly or indirectly, made any agreement or contract in any way or manner with any person or persons whomsoever by which the title he might acquire from the Government of the United States might inure in whole or in part to the benefit of any person except himself. That said affidavit was made as required by law in duplicate.

That thereupon the undersigned register did, as required by law, post a notice of each said application in the said United States land office at Visalia for a period of sixty days, and furnished to each said applicant a copy thereof for publication in the newspaper published nearest the location of the land.

That on the \_\_\_\_\_ day of December, 1885, the day appointed, each said applicant furnished to me, said register undersigned, satisfactory evidence that said notice was duly published as required by law; such evidence consisting of a copy of the printed notice, and attached thereto an affidavit from the publisher having charge of the newspaper in which said notice was published, and giving dates of first and last insertions.

That on the same day the said applicants presented proof from at least two disinterested witnesses that the land was of the character contemplated in the act, unoccupied, and without any improvements. That it apparently contained no valuable deposits of gold, silver, cinnabar, copper, or coal.

That at said hearing no contestants or objectors appeared. That in addition thereto each applicant presented a supplemental affidavit reciting again the facts of his first affidavit made in the filing, in order to show that he had not in the interval encumbered said land nor made any agreement or contract so that it would benefit anyone else. And, finally, that the money tendered in payment was veritably his own and not borrowed for the purpose upon said land.

That on the same day each said applicant tendered to the undersigned, the receiver, the full sum of \$410 in actual gold coin of the United States, that amount being the price of said land, 160 acres each, at \$2.50 per acre, plus the legal fees of the land office.

That these proofs thus made, together with the aforesaid tender, covered the requirements exacted by law, and that completion of the purchase was denied to the said parties because of the following telegram from the honorable Commissioner of the General Land Office:

"WASHINGTON, D. C., December 2, 1885.

"REGISTER AND RECEIVER,  
"Visalia, Cal.:

"Allow no entries for filing in land in townships 15 and 16 south, range 29, 30, and 31 east, Mount Diablo meridian, until further order.

"WILLIAM A. J. SPARKS,  
"Commissioner."

That said telegram was received after said claimants had made their filings and publication.

That each of said claimants, except as before noted, duly and regularly appealed from the decision thus rendered by us in refusing said tender and certificate to the honorable Commissioner of the General Land Office, and within the thirty days allowed by law therefor.

That we are of the opinion that said entries were made in good faith and that the same should be allowed.

J. D. HYDE,  
"Ex-Register Visalia Land Office."  
TIPTON LINDSEY,  
"Ex-Receiver Visalia Land Office."

STATE OF CALIFORNIA, County of Tulare, ss:

On this 22d day of January, 1891, before me, Melville P. Frasier, a notary public in and for said county and State, residing therein, duly commissioned and sworn, personally appeared J. D. Hyde and Tipton Lindsey, known to me to be the persons described in and whose names are subscribed to the annexed instrument, and they acknowledged to me that they executed the same.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[SEAL.] MELVILLE P. FRASIER,  
Notary Public.

#### Testimony of Commissioner Groff:

EXHIBIT No. 5.

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
Washington, D. C., March 23, 1892.

I, Thomas H. Carter, Commissioner of the General Land Office, do hereby certify that the annexed copy of office letter dated February 25, 1891, is a true and literal exemplification, as shown by the records of this office.

In testimony whereof I have hereunto subscribed my name and caused the seal of this office to be affixed, at the city of Washington, on the day and year above written.

[SEAL.] THOMAS H. CARTER,  
Commissioner of General Land Office.

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
Washington, D. C., February 25, 1891.

The honorable the SECRETARY OF THE INTERIOR:

SIR: I have the honor to acknowledge receipt of Department letter of the 12th instant, transmitting copy of opinion of the Assistant Attorney-General relating to the action of certain members of the so-called Kaweah Colony in California, who have filed timber-land applications under the act of June 3, 1878 (20 Stat., 89), upon certain lands now embraced in one of the reservations ("Sequoia National Park"), created by acts of Congress approved September 25 and October 1, 1890, and who it is alleged are committing timber trespass upon said lands.

You call my particular attention to the views of the Assistant Attorney-General, expressed on page 10 of his opinion, relative to the status of the entries and filings on the lands now embraced in said reservation, and direct me to report "as soon as possible the different sections falling under the different classifications made, with a view to have the proper remedy made."

The classifications mentioned by the Assistant Attorney-General are (1) lands covered by final entries; (2) lands covered by filings, and (3) lands covered by completed homestead entries.

In order to fully comply with your instructions, I transmit herewith a list of all entries and filings, so far as this office has any information, upon lands embraced in the "Sequoia National Park," being townships 15 and 16 south, range 29 E.;

townships 15, 16, 17, and 18 south, range 30 east, and township 18 south, range 31 east, M. D. B. and M., California.

This, strictly speaking, is perhaps all that I am required to do, but the affairs of the "Kaweah Cooperative Colony" and their doings and alleged misdoings have been so widely published in the newspapers, and so many conflicting statements made public concerning same, that I deem it proper to furnish you with all information in possession of this office relating thereto.

I place little credence upon newspaper rumors that the members of the "Kaweah Colony," or any other persons, are cutting down and removing the "giant trees" from these lands or otherwise damaging or destroying them. The parties who write the articles probably have never visited the lands nor been within 100 miles thereof, and consequently can have no actual knowledge of the common presumption which they boldly record as a fact.

It is undoubtedly true that the parties referred to have cut down and appropriated ordinary saw log and smaller trees from the land, but so far as this office has any information up to the present time they have only appropriated such trees as were actually necessary for their own buildings, improvements, etc., and have not cut any for sale or disposal. They have certainly not cut down any "giant trees"—the minimum size of which the special agent reports as 45 feet in circumference—as they can not safely be felled by any of the ordinary methods in use, and no ordinary sawmill could manufacture them into lumber or other timber product.

I transmit herewith copy of an article published in the New York Sun, December 31, 1890, and of a letter from J. C. Weybright, dated Samel, Cal., December 20, 1890; also the original reports of Special Agents B. F. Allen and Andrew Caudwell, on their personal investigation of the lands in question, and the operations of the "Kaweah Colony," all of which indicate that the purpose of these colonists is of a lawful and laudable nature, and that instead of damaging the lands or destroying the "giant trees" thereon, they have expended about \$100,000 in improving the lands and adding to their value, and have guarded and protected the "giant trees" for over five years, saving them from damage and possible destruction from forest fires on many occasions.

I have read carefully the opinion of the Assistant Attorney-General as to the legal status of the timber-land applications filed by members of the Kaweah Colony and others upon the lands now covered by the reservation. He holds "that parties who have not made entries of said lands, but have merely made filings thereon and are cutting timber therefrom, should be considered trespassers and removed from the reservation," and does not approve of either of the methods suggested by this office with a view to the final disposition of the filings of record, viz, to order hearings to establish the question as to their bona fides or to reject the filings subject to appeal.

The decisions cited by the Assistant Attorney-General, while they relate to filings in general, do not appear to fully cover the particular cases in question. There seems to have been some element in each case cited foreign to the case now under consideration. There was some question as to the status or character of the lands, or some adverse right or claim had attached or was in dispute, or the claimants had not complied with all of the requirements of the law. None of these questions are at issue in the present cases. The lands were surveyed, unappropriated, and uninhabited public lands, valuable chiefly for timber, and subject to entry under the act of June 3, 1878 (20 Stat., 89); the claimants filed their applications, submitted proof, tendered the purchase money, and in every way complied fully with all the requirements of law. In the case of Wirth vs. Branson (98 U. S., p. 118) the Supreme Court said:

"The rule is well settled by a long course of decisions that when public lands have been surveyed and placed in the market, or otherwise opened to private acquisition, a person who complies with all the requisites necessary to entitle him to a patent in a particular lot or tract is to be regarded as the equitable owner thereof and the land is no longer open to location. The public faith has become pledged to him, and any subsequent grant of the same land to another party is void, unless the first location or entry be vacated or set aside."

The Department in the case of "Heirs of William French" (L. D., Vol. 5, p. 38), referring to above decision, held that where an applicant for timber lands under the act of June 3, 1878 (20 Stat., 89), had done all that he was required to do under the law, and had tendered his money, the tender of the money, so far as the applicant's rights are concerned, was equivalent to the actual payment of the same.

I most respectfully call your particular attention to the material distinction made by the Supreme Court between the case of Frisbie vs. Whitney (9 Wall., p. 194), where the claimant was unable to fulfill all the requirements of the law, but "did all that was in the power of anyone to do" in the premises; and the case of Wirth vs. Branson (98 U. S., p. 118), where the claimant not only did all that was in the power of anyone to do, but complied fully "with all the requisites necessary to entitle him to a patent." That is precisely what these parties did. So far as they are concerned they complied fully with all the requirements of the law, and the default in carrying the claims to patent is through failure of the Government to act in the premises.

The list transmitted herewith of timber-land filings made by the supposed members of the Kaweah Colony, in townships 15 and 16 south, ranges 29 and 30 east, shows that the applications were filed between October 5 and October 30, 1885; that the orders of the Commissioner of the General Land Office suspending the lands in said townships from entry or filing were issued December 2, 1885, by telegram, and December 24, 1885, by letter; that the parties submitted proof and tendered payment for the lands between December 29, 1885, and January 19, 1886, and that they appealed from the action of the register and receiver in refusing to accept their money and make their entries of record between January 18 and January 29, 1886.

At the time the parties filed their applications the lands were not suspended from entry or filing or reserved in any way, and were legally subject to such filings, under the act of June 3, 1878 (20 Stat., 89), but before the expiration of the sixty days' publication required by said act, for the sole purpose of permitting adverse claims to be filed, if there be any, the orders of the Commissioner of the General Land Office were issued suspending the entire townships named, and others, from entries or filings. No adverse claims have been filed for any of said lands up to date hereof, so far as this office has information, and if the suspension of the Commissioner of the General Land Office had been removed at any time prior to the reservation of these lands by the act of Congress, the claims of these parties would undoubtedly have been allowed, their money accepted, their entries allowed as of date of making proof and tendered payment, and their rights attach from date of filing their applications. It seems clear to me that the filing of these applications and the subsequent submission of final proof and tender of money prior to reservation of the lands by Congress vested the parties with an inceptive right to the lands which the Government is bound to recognize.

The suspension of these townships from entries and filings was based upon a supposition of fraud or irregularities in the surveys and a presumption of fraudulent entries thereon. Over five years have elapsed since the suspension was made, and up to date hereof no positive evidence has been secured to substantiate the allegations of fraud either in the surveys or entries of the lands, nor to prove that there were good and sufficient grounds to warrant the suspension. But even if the suspension was in every way justifiable it could not and did not deprive the claimants of any rights which they may have acquired. It simply held them in abeyance.

There can be no question as to the right of the Commissioner of the General Land Office to suspend from original entries and filings any portions of the public

lands for reasons which, to him, appear sufficient and for the public good. But such suspension can only take effect from and after the date thereof; it can not be retroactive, and it is a question whether it could apply to and estop action on entries or filings legally initiated prior thereto, in which the parties were proceeding in strict accordance with and under authority granted them by Congress, and in which no adverse claims have been filed without granting them a hearing or giving them any recourse whatsoever in the matter.

I have no disposition nor desire to shield or attempt to shield any man or association of men who are engaged in attempting to acquire public lands by fraudulent or illegal methods; but common justice demands that no man should be adjudged guilty of such actions upon mere allegations or ex-parte evidence. Any of the individuals who, while the lands were legally subject to entry under the act of June 3, 1878 (20 Stat., 89), made affidavits and filed applications under said act to purchase lands now embraced in said reservation, did so in good faith and in the proper and regular manner provided by law; and if they acquired any rights whatever thereby their claims are entitled to full and careful consideration by the Government and should not be ignored upon any mere technicality. The rights of each individual should be respected and protected; and no honest bona fide claimant should be compelled to suffer for the wrongdoings of others, nor should any association or individual be permitted to acquire rights which justly and legally belong to such claimant.

I fully appreciate the public necessity of protecting the "giant trees" and other natural wonders in the reservations created by acts of Congress, and of removing all intruders therefrom. I have no sympathy with syndicates or associations who attempt to acquire public lands by fraud or in evasion of the law; but individuals, even though the innocent dupes or tools of such, who have in good faith attempted to acquire rights granted them by law, and who have expended their money and hard labor in trying to acquire such rights, have my full sympathy.

All of the claims of the same character to lands in the township now embraced in the "Sequoia National Park" must stand upon the same footing. It may be that some of the filings are fraudulent or illegal in their inception; but there is no proof of such on record. On the face all the claims appear to be bona fide and to have been made in absolute good faith and the requirements of the law fully complied with so far as the applicants are concerned.

I transmit herewith letter of Geo. H. Borden, dated Visalia, Cal., September 27, 1890, inclosing the sworn statement of a number of persons who have filed timber-land applications for certain lands in township 17 south, range 30 east (not within the so-called "Kaweah Colony" settlement), in which they claim that they each made their entries in entire good faith for the use and benefit of the entrymen and not for the use and benefit of any other person or persons. They further claim that there are no giant or mammoth trees in said township, and they offer to pay the expense of an investigation to establish that fact. The county officers of Tulare County, Cal., certify that the men who made the statements are reputable citizens and enjoy the confidence and esteem of the community. There is nothing in this office to show that these men are members of or in any way connected with the "Kaweah Colony."

It seems to me that every one of the persons who filed an application under the act of June 3, 1878 (20 Stat., 89), in the manner indicated, and proceeding in accordance with the provisions of said act, submitted proof and tendered the purchase money for the land prior to reservation thereof by Congress, is entitled to a hearing, and if he can positively establish his bona fides under said act he is entitled either to a patent or to have his land condemned for public use and proper appropriation made by Congress to indemnify him for his labor and money expended.

My only object in entering into the subject so fully is to positively and permanently settle all question as to title to the lands in question, and to secure all of the lands reserved by acts of Congress approved September 25 and October 1, 1890, for the purposes designed by said acts.

In your letter of the 12th instant you further direct: "You will also report whether, if you know, these colonists have combined to place their titles in the hands of a single corporation."

In reply thereto I have to state that all the information this office has on that subject is contained in the report of Special Agent Caldwell of July 16, 1890, and the affidavits submitted therewith (original herewith). Your attention is respectfully called to the following extract therefrom:

"I have to report that I have found it a difficult matter to determine exactly how many of the claimants have quitclaimed or assigned their claims to the colony company.

"I am also satisfied that nearly all of those timber entrymen who made these quitclaim deeds did so through a misinterpretation of the law, their attorney having advised them that having once tendered their final proof and money in payment for their land they could subsequently deed their equity in their claims to the colony company, notwithstanding the fact that the Land Office had refused to receive their proof and money."

The several papers referred to as being transmitted with this report are as follows:

List of entries and filings on lands covered by the "Sequoia National Park," being townships 15 and 16 south, range 29 east; townships 15, 16, 17, and 18 south, range 30 east, and township 18 south, range 31 east, Mount Diablo base and meridian, California.

Copy of article relating to the "Kaweah Colony," published in the New York Sun December 31, 1890.

Copy of letter from J. C. Weybright, dated Sanel, Cal., December 20, 1890. File No. 1891-5364.

Report of Special Agent B. F. Allen, dated October 22, 1889. File No. 1889-128775.

Report of Special Agent Andrew Caldwell, dated July 16, 1890. File No. 1890-91648.

Letter of George H. Borden, dated Visalia, Cal., September 27, 1890, transmitting sworn statements of certain parties who have filed timber-land applications in township 17 south, range 30 east. File No. 1890-121950.

In addition to the above-mentioned papers, I have the honor also to transmit herewith the following described papers relating to the cases in question:

Letter from Frederick Scrimshaw, dated Brooklyn, N. Y., February 2, 1891, transmitting copy of a petition to Congress, signed by prominent officials of the city of Visalia and Tulare County, Cal., praying for a repeal of the act of Congress reserving townships 15 and 16 south, ranges 29 and 30 east, for a national park. File No. 1891-10990.

Appeal and affidavits submitted by B. G. Haskell, attorney for the claimants, through Special Agent Andrew Caldwell. File No. 1891-19126.

Appeal and brief forwarded by B. G. Haskell, attorney for P. R. Martin et al. File No. 1891-20829.

As I have retained no copies of the original papers transmitted herewith, I most respectfully request that they be returned to me with your directions in the premises.

Very respectfully,

LEWIS A. GROFF,  
Commissioner.

AFFIDAVIT OF FRANCES J. MCCLARY IN RE KAWEAH COLONY.

Frances J. McClary, being duly sworn, deposes and says: That she is by profession a stenographer; that she was employed to report the proceedings of the

trial of the trustees of the Kaweah Coöperative Colony Company, who were indicted on a charge, preferred by the United States postal authorities, of using the mails for purposes of fraud; said trial being held before Judge Erskine M. Ross, in the United States district court at Los Angeles, commencing Tuesday, May 3, 1892, and continuing until Friday, May 6, 1892; that the following extracts are a correct transcript from her shorthand notes taken at said trial:

District Attorney Allen (prosecuting attorney). Your honor: I have none but cumulative evidence yet to bring in; and I leave it to the court to say whether such would be sufficient to warrant your honor in permitting it to go to the jury. My official position is such that it is my duty, in the exercise of an honest and sound discretion, when I am satisfied that the Government can not honestly ask for a conviction, to say so in a manly way. I will leave it to the court to say whether or not, if that cumulative testimony be introduced, a case is made out by the Government.

H. C. Dillon (attorney for the defendants). May it please the court: On behalf of the defendants, I wish to express my deep and sincere gratitude for the many words that have been spoken by the United States attorney. Assuming that the Government here rests its case, I move, your honor, to instruct the jury to acquit the defendants.

The court (Judge Ross): There is no testimony going to show that these defendants entered into a fraudulent scheme; there is no evidence going to show that there was fraud on their part; nothing to show that they appropriated any of the funds or intended to do so. The evidence is insufficient to justify a verdict of guilty, and the Government, having an honest representative, admits it through its district attorney. Gentlemen of the jury, the court instructs you to return a verdict of "not guilty," without leaving your seats.

FRANCES J. MCCLARE.

Subscribed and sworn to before me this 16th day of February, 1893.  
CHARLES UDELL,  
Notary Public in and for the County of Los Angeles, State of California.

214 CHICAGO STREET, LOS ANGELES, CAL., February 23, 1893.

HON. JAMES H. KYLE,  
United States Senate, Washington, D. C.:

DEAR SIR: I have just read the RECORD containing report of Mr. Ogden, of the Interior Department.

Mr. Ogden was evidently sent out to Kaweah to frame a report that should as far as possible justify the extraordinary attitude of the Interior Department toward the colonists. It is on a par with the treatment we have received throughout at the hands of the administration. I fail to see where he makes one reasonable or substantial point against us. On our side we have shown indisputable evidence of good faith in the matter of our filings and settlement upon the land. You have, moreover, the sworn testimony of the whole board of supervisors of Tulare County as to our good citizenship, etc., the same containing protest against the acts of the administration in relation to us.

I herewith inclose the affidavit of Miss Frances J. McClary, the stenographer employed to report the trial of the trustees of the colony, who were charged by the administration with using the United States mails for purposes of fraud. Andrew Caldwell, an officer of the Interior Department, was one of the principal witnesses for the Government in this case. The trial involved the going into the history of the colony from its inception, and the production of all the books and records of the colony in court. Such a result, as is shown in the summing up of this trial, has always attended a fair and impartial investigation of Kaweah Colony affairs.

Yours, very respectfully,

J. J. MARTIN,  
Secretary K. O. C. Co.

RECESS.

Mr. HALE. I move that the Senate take a recess until 8 o'clock.  
Mr. MANDERSON. I should like to ask the Senator from Maine what is contemplated to-night besides such progress as may be made on the deficiency appropriation bill?

Mr. HALE. I hope to finish the bill to-night. I shall certainly push it as long and as fast as possible, and hope to wind it up to-night. It is quite essential it should be finished.

Mr. HILL. I do not wish by my silence to have it the understanding that that is all that may be brought up to-night.

Mr. HALE. That will rest with the Senate, of course.

Mr. HILL. I assume the Senate has something to do with it. Possibly all the business is in the control of a few gentlemen, but I think not.

Mr. HALE. No; it has occurred to me that it is not under the control of any particular Senator.

The PRESIDING OFFICER (at 6 o'clock and 5 minutes p. m.). The Senator from Maine moves that the Senate take a recess until 8 o'clock to-night.

The motion was agreed to.

EVENING SESSION.

The Senate reassembled at 8 o'clock.

REPORT OF A COMMITTEE.

Mr. KYLE, from the Committee on Patents, to whom referred the bill (S. 3881) relating to copyrights, reported it with an amendment.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10258) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1893, and for prior years, and for other purposes.

The secretary resumed the reading of the bill on page 29, line 1.

The next amendment of the Committee on Appropriations was under the head of "Marine Corps," on page 30, line 5, after the word "Corps," to strike out "except for services over the several Pacific railroads" and in line 7, after the word "ninety-one," to strike out "nineteen dollars and sixty-eight" and insert "three

hundred and two dollars and seventy-six," so as to make the clause read:

To pay amounts found due by the accounting officers on account of freight under the appropriation "Contingent, Marine Corps," being for the service of the fiscal year 1891, \$302.76.

The amendment was agreed to.

The next amendment was, on page 30, after the line 18, to insert:

To reimburse Maj. Green Clay Goodloe, paymaster, U. S. Marine Corps, for money stolen by Benjamin A. Jones, alias Benjamin A. Jaeger, a clerk in his office, who committed suicide December 25, 1889, and who was indicted by the courts of the District of Columbia for said theft, \$3,333.31.

The amendment was agreed to.

The next amendment was, on page 31, to insert, from lines 1 to 9, inclusive, as follows:

To reimburse John W. Noble the sum paid by him as costs in the suit brought by the Union River Logging Railroad Company against John W. Noble and others, to enjoin the Secretary of the Interior and the Commissioner of the General Land Office from executing an order revoking the approval of a right of way over the public lands, said action having been taken by said John W. Noble as Secretary of the Interior, upon the advice of the Attorney-General, \$116.60.

The amendment was agreed to.

The next amendment was, under the head of "Interior Department," on page 31, after line 16, to insert:

Investigation of pension cases, Bureau of Pensions: For per diem, when absent from home on duty, for special examiners or other persons employed in the Bureau of Pensions, detailed for the purpose of making special investigations pertaining to said Bureau, in lieu of expenses for subsistence, not exceeding \$3 per day, and for actual and necessary expenses for transportation and assistance, \$25,000.

The amendment was agreed to.

The next amendment was, on page 33, after line 12, to insert:

For rent of quarters for pension agency in Topeka, Kansas, fiscal year 1892, \$287.50

The amendment was agreed to.

The next amendment was, on page 34, line 15, after the words "of the," to strike out "Secretary of the Interior" and insert "Commissioner of Labor;" in line 18, after the words "and the," to strike out "Secretary of the Interior" and insert "Commissioner of Labor;" and in line 20, after the word "employed," to insert "provided the force of the Department of Labor be not sufficient for the work herein provided for," so as to read:

The unpublished work of the Eleventh Census and of the division of farms, homes, and mortgages shall be completed in the office of the Commissioner of Labor, to whom the records and other property of the Census Office shall be transferred; and the Commissioner of Labor is authorized to employ, from the date specified in this act, from the force of the Census Office then employed, provided the force of the Department of Labor be not sufficient for the work herein provided for, a chief of division at a salary of \$2,500 per annum.

The amendment was agreed to.

The next amendment was, on page 35, line 10, under the same head, after the words "of the," to strike out "Secretary of the Interior" and insert "Commissioner of Labor;" so as to read:

And such chief of division, special agents, clerks, and computers shall be discharged on December 31, 1894, or any of them sooner, if, in the judgment of the Commissioner of Labor, their services can be dispensed with.

The amendment was agreed to.

The next amendment was, on page 35, line 16, under the same head, after the word "the," to strike out "Secretary of the Interior" and insert "Commissioner of Labor," and on page 36, line 3, after the word "the," to strike out "Secretary of the Interior" and insert "Commissioner of Labor;" so as to read:

And the Commissioner of Labor is furthermore authorized to employ from among those engaged on the 31st day of December, 1893, in the division of farms, homes, and mortgages one expert special agent at \$6 per day, and a sufficient number of clerks at a salary of \$1,000 per annum, and copyists and computers, to complete the said investigation by the 30th day of September, 1894; and such special agent and all such clerks, copyists, and computers shall be discharged on said date, or any of them sooner, if, in the judgment of the Commissioner of Labor, their services can be dispensed with.

The amendment was agreed to.

The next amendment was, on page 36, line 10, after the word "the," to strike out "Secretary of the Interior" and insert "Commissioner of Labor;" so as to read:

Any unexpended balance of appropriations made for the Eleventh Census or for farms, homes, and mortgages which shall remain on the 31st day of December, 1893, shall be applied to the liquidation of any liabilities incurred in each of these investigations, and the remainder placed under the control of the Commissioner of Labor for the purpose of preparing for the printer the unpublished work of the Eleventh Census and for the completion of the investigation relating to farms, homes, and mortgages, as hereinbefore authorized; but this provision shall not apply to unexpended balances of the several appropriations for printing the final reports of the Eleventh Census, but such balances shall be applied as provided for in the several acts.

The amendment was agreed to.

The next amendment was, under the head of "Post-Office Department," on page 37, to insert from lines 2 to 13, inclusive, as follows:

The Postmaster-General is hereby authorized and directed to pay to W. B. Cooley, chief clerk of the Post-Office Department, and James R. Ash, chief of the division of correspondence therein, out of the appropriation of \$40,365, made by the act approved March 3, 1891, for anew edition of the Postal Laws and Regulations, the sum of \$1,500, in such shares as he may deem proper, for preparing, compiling, codifying, and editing the said edition of Postal Laws and Regulations, and for making a new index thereto, the work having been done outside of office hours, by direction of the Postmaster-General.

The amendment was agreed to.

The next amendment was, on page 38, line 11, after the word

"routes," to strike out "except for services over the several Pacific railroads;" so as to make the clause read:

Mail transportation: For inland mail transportation by railroad routes, being deficiencies, as follows.

The amendment was agreed to.

The next amendment was, on page 38, line 14, to increase the deficiency appropriation for inland mail transportation by railroad routes for the fiscal year 1893 from \$383,993.96 to \$704,651.14.

The amendment was agreed to.

The next amendment was, on page 38, after line 16, to insert:

For the fiscal year 1892, \$332,496.53.

The amendment was agreed to.

The next amendment was, on page 38, line 20, after the word "ninety-one," to strike out "nine thousand seven hundred and ninety-six dollars and twenty-four" and insert "twenty thousand three hundred and ninety-seven dollars and twenty-five cents;" so as to make the clause read:

For the fiscal year 1891, \$20,397.25.

The amendment was agreed to.

The next amendment was, under the subhead of "Railway post-office car service," on page 38, after line 23, to insert:

Railway post-office car service: For railway post-office car service, being deficiencies, as follows:

For the fiscal year 1892, \$33,324.57.

For the fiscal year 1891, \$1,116.54.

The amendment was agreed to.

The next amendment was, on page 39, under the subhead of "Mail depredations," after line 10, to insert:

For the fiscal year 1892, \$9,565.

The amendment was agreed to.

The next amendment was, on page 39, line 16, after the words "hundred and," to strike out "eighty-two thousand nine hundred and five dollars and thirty-six cents" and insert "eighty-nine thousand and seventy-four dollars and fifty-three cents;" so as to make the clause read:

Compensation of postmasters: For amounts to reimburse the postal revenues, being the amount retained by postmasters in excess of the appropriations for 1892, \$389,074.53.

The amendment was agreed to.

The next amendment was, on page 39, line 19, after the word "ninety-one," to strike out "thirteen thousand nine hundred and seventy-nine dollars and sixty-eight" and insert "fifteen thousand four hundred and twenty dollars and twenty-five," so as to make the clause read:

For 1891, \$15,420.25.

The amendment was agreed to.

The next amendment was, on page 39, after line 22, to insert:

To reimburse H. A. W. Tabor, late postmaster at Leadville, Colo., for expenditures incurred by him for rent, light, and fuel, and for clerk hire from April 1, 1878, to February 4, 1879, \$3,879.74.

The amendment was agreed to.

The next amendment was, on page 40, after line 4, to insert:

To reimburse William M. Keightley, late postmaster at Durango, Colo., for clerk hire paid by him from January 4, 1881, to March 31, 1882, \$1,350.

The amendment was agreed to.

The next amendment was, on page 40, after line 9, to insert:

To reimburse the legal representatives of Royal M. Hubbard, late postmaster at Longmont, Colo., for rent of office paid by him from April 1, 1881, to June 13, 1883, \$600.

The amendment was agreed to.

The next amendment was, on page 40, after line 14, to insert:

To reimburse F. A. Cummings, late postmaster at Bangor, Me., for expenses of watchman in post-office for the second and third quarters of 1890, \$409.50.

The amendment was agreed to.

The next amendment was, on page 40, under the head of "Department of Labor," after line 19, to insert:

For per diem, in lieu of subsistence of special agents and experts while traveling on duty away from home and outside of the District of Columbia, at a rate not to exceed \$3 per day, and for their transportation, and for employment of experts and temporary assistance, and for traveling expenses of officers and employés, \$13,780.

The amendment was agreed to.

The next amendment was, under the head of "Department of Agriculture," page 41, line 17, after the word "ninety-two," to strike out as follows:

To pay the Pennsylvania Railroad Company, \$30.06; to pay the Terre Haute and Indianapolis Railroad Company, \$17.90; in all, \$47.96—

And insert "\$65.09;" so as to make the clause read:

Experiments in the manufacture of sugar: To pay amounts found due by the accounting officers of the Treasury, on account of experiments in the manufacture of sugar, being for the service of the fiscal year ended June 30, 1892, \$65.09.

The amendment was agreed to.

The next amendment was, under the subhead of "Expenses of Territorial courts in Utah Territory," on page 42, after line 18, to insert:

For 1892, \$1,601.79.

The amendment was agreed to.

The next amendment was, on page 43, line 4, after the word "At-

torney-General," to strike out "\$397.30" and insert "\$5,000;" so as to make the clause read:

Defending suits in claims: To pay amounts found due by the accounting officers of the Treasury on account of defending suits in claims against the United States, being for the service of the fiscal year ended June 30, 1892, and reported by the Attorney-General, \$5,000.

The amendment was agreed to.

The next amendment was, on page 43, after line 6, to insert:

Suit against Benjamin Weil: For payment of counsel fees and expenses in the suit or suits directed to be brought by the Attorney-General in the Court of Claims against Benjamin Weil, or his legal representatives, in the matter of the award made by the United States and Mexican Mixed Commission by the act approved December 28, 1892, \$1,500.

The amendment was agreed to.

The next amendment was, on page 43, after line 14, to insert:

Relief of George T. Larkin: To reimburse George T. Larkin, late deputy marshal eastern district of Tennessee, for expenses incurred in his defense in the State and Federal courts on an indictment for killing, in self-defense, a citizen of said State while resisting arrest, and in full compensation of all claims on account thereof, \$692.50.

The amendment was agreed to.

The next amendment was, on page 43, after line 21, to insert:

Penitentiary building, Washington: To carry into effect section 15 of an act entitled "An act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States." For the purchase of grounds and the erection thereon of a penitentiary, in the State of Washington, under the direction and supervision of the Secretary of the Interior, and upon such tract or parcel of land in said State as shall be designated by said Secretary, \$30,000: *Provided*, That the money hereby appropriated shall be devoted exclusively to the purchase of the necessary grounds and to the erection of a penitentiary in said State; and the penitentiary of the State of Washington is hereby located at or near the city of Wallawalla, Wallawalla County, in said State.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chair suggests to the Senator from Maine that the second "Walla" in "Wallawalla" should begin with a capital "W" instead of a lower-case letter.

Mr. HALE. That is right.

Mr. COCKRELL. Let the change be made accordingly.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment was agreed to.

The next amendment was, under the subhead, "Fees of district attorneys," on page 45, line 12, after the word "ninety-three," strike out "three thousand dollars" and insert "four thousand three hundred and seven dollars and ninety-five cents," so as to make the clause read—

For 1893, \$4,307.95.

The amendment was agreed to.

The next amendment was, under the same subhead, on page 45, after line 16, to insert:

For 1891, \$100.

The amendment was agreed to.

The next amendment was, under the same subhead, on page 45, after line 18, to insert:

For 1890, \$150.

The amendment was agreed to.

The next amendment was, under the same subhead, on page 46, after line 2, to insert:

For 1893, \$7,937.

The amendment was agreed to.

The next amendment was under the same subhead, on page 46, line 5, after the word "ninety-two," to strike out "two thousand four hundred and seventy dollars and twenty-three," and insert "eight thousand four hundred and seventy-seven dollars and twenty-three," so as to make the clause read:

For 1892, \$8,477.23.

The amendment was agreed to.

The next amendment was on page 46, after line 10, to insert:

For payment of certain legal counsel as set forth in House Ex. Doc. No. 193, Fifty-second Congress, second session, except the claim of A. R. English, \$3,500.

The amendment was agreed to.

The next amendment was under the subhead "Support of prisoners," on page 47, line 17, after the word "ninety-two," to strike out "twenty-five thousand dollars," and insert "sixty-one thousand three hundred and fifty-seven dollars and eighty-three cents," so as to make the clause read:

For 1892, \$61,357.83.

The amendment agreed to.

The next amendment was, under the same subhead, on page 47, after line 19, to insert:

For 1890, \$18.47.

The amendment was agreed to.

The next amendment was, under the same subhead, on page 47, after line 21, to insert:

For 1889, \$33.50.

The amendment was agreed to.

The next amendment was, under the same subhead, on page 47, after line 23, to insert:

For 1888, \$129.

The amendment was agreed to.

The next amendment was, under the same subhead, on page 48, to insert lines 1 to 2, as follows:

For 1887, \$28.20.

The amendment was agreed to.

The next amendment was, under the same subhead, on page 48, after line 2, to insert:

For 1886, \$37.55.

The amendment was agreed to.

The next amendment was, on page 48, line 5, after the word "bailiffs," to insert "and criers;" in line 6, before the word "in," to insert "and one crier;" and in line 14, after the words "ninety-three," to strike out "twenty" and insert "forty," so as to make the clause read:

Pay of bailiffs: For pay of bailiffs and criers, not exceeding three bailiffs and one crier in each court, except in the southern district of New York; of expenses of district judges directed to hold court outside of their districts; of meals and lodging for jurors in United States cases when ordered by court; of compensation for jury commissioners, \$5 per day, not exceeding three days for any one term of court, being for deficiencies on account of fiscal year, as follows:

For 1893, \$40,000.

The amendment was agreed to.

The next amendment was, on page 50, under the head of "Senate," after line 10, to insert:

For compensation of the officers' clerks, messengers, and others in the service of the Senate for the fiscal year 1893, \$23,080.

The amendment was agreed to.

The next amendment was, on page 50, after line 13, to insert:

For stationery and newspapers, \$1,500.

The amendment was agreed to.

The next amendment was, on page 50, after line 15, to insert:

For miscellaneous items, exclusive of labor, \$10,000.

The amendment was agreed to.

The next amendment was, on page 50, after line 17, to insert:

For expenses of inquiries and investigations ordered by the Senate, \$25,000.

The amendment was agreed to.

The next amendment was, on page 50, after line 19, to insert:

For miscellaneous items, exclusive of labor, for the fiscal year 1892, \$90.22.

The amendment was agreed to.

The next amendment was, on page 50, after line 22, to insert:

For expenses of inquiries and investigations ordered by the Senate, for the fiscal year 1892, \$800.

The amendment was agreed to.

The next amendment was, on page 50, after line 25, to insert:

For expenses of inquiries and investigations ordered by the Senate, for the fiscal year 1890, \$92.97.

The amendment was agreed to.

The next amendment was, on page 51, after line 2, to insert:

For miscellaneous items, Maltby building, \$1,000.

The amendment was agreed to.

The next amendment was, on page 51, after line 4, to insert:

For repairs of Maltby building, \$800.

The amendment was agreed to.

The next amendment was, on page 51, after line 5, to insert:

For expenses of maintaining and equipping horses and mail wagons for carrying the mails, \$1,520.

The amount was agreed to.

The next amendment was, on page 51, after line 8, to insert:

To pay Charles Hanback, as extra compensation for services rendered as assistant clerk of the Senate Committee on Pensions during the Fifty-second Congress, \$500.

The amendment was agreed to.

The next amendment was, on page 51, after line 12, to insert:

That John A. Hutchison, clerk to the late honorable John E. Kenna, deceased, a Senator from the State of West Virginia, be continued on the pay roll of the Senate from the 10th of January, 1893, during the residue of the second session of the Fifty-second Congress.

The amendment was agreed to.

The next amendment was, on page 51, after line 17, to insert:

For one month's extra pay to regular officers and employes of the Senate who were borne upon its annual or session roll for the whole of the second session of the Fifty-first Congress and who were not provided for and paid under the clause in the general deficiency bill, being the act approved March 3, 1891, giving one month's extra pay to the officers and employes of the House and Senate borne on the annual and session rolls both on the 1st day of October, 1890, and the 3d day of March, 1891, \$2,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 52, after line 2, to insert:

To pay clerks to Senators and per diem clerks to committees retained in the service of the Senate during the recess of the Fifty-first Congress, under resolution of the Senate of September 30, 1890, \$21,600.

The amendment was agreed to.

The next amendment was, on page 52, after line 7, to insert:

To pay the widow of John G. Merritt, late messenger, acting assistant door-keeper of the Senate, one month's pay, at the salary he was receiving when deceased, \$150.

The amendment was agreed to.

The next amendment was, under the head of "House of Representatives," on page 57, after line 3, to insert:

To pay Jesse F. Murphey the difference between the pay of a laborer, at \$720 per annum, and that of a messenger, at the rate of \$3.00 per day, from January 3, 1892, to December 31, 1892, both days inclusive, \$594.36.

The amendment was agreed to.

The next amendment was, on page 57, after line 10, to insert:

To enable the Clerk of the House of Representatives to pay Peter J. McDonald the difference between his salary as folder, at \$900 per annum, and that of acting assistant foreman of the folding room, at \$1,200 per annum, from January 20, 1892, to January 20, 1893, the sum of \$300.

The amendment was agreed to.

The next amendment was, on page 57, after line 17, to insert:

To pay J. H. Van Buren, assistant index clerk of the House of Representatives, his salary for October 4, 1892, to November 6, 1892, \$192.

The amendment was agreed to.

The next amendment was, on page 57, after line 21, to insert:

To pay Alfred N. Murray for extra services in the folding room, \$290.

The amendment was agreed to.

The next amendment was, on page 57, after line 23, to insert:

To pay Robert B. Palmer for twenty-nine days' service, as assistant clerk to the House Committee on Military Affairs, \$174.

The amendment was agreed to.

The next amendment was, under the head of "Judgments, United States courts," on page 58, to insert from lines 2 to 13, inclusive, as follows:

For payment of the final judgments and decrees, including costs of suits, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," certified to Congress at its present session by the Attorney-General in House Executive Document No. 176, \$7,344.09, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent per annum from the date thereof until the time this appropriation is made.

The amendment was agreed to.

The next amendment was, under the head of "Judgments, Court of Claims," on page 59, line 13, after the word "cents," to insert:

"to John L. Smithmeyer and Paul J. Peltz, \$48,000; to Charles B. Germain, \$2,142.25; to Gilbert H. Ferris, \$6,510; to Alabama Great Southern Railroad, \$415.94; to Ward P. Winchell, \$1,932.19; to Edmund S. Ogden, \$175; to Stout, Hall & Bangs, \$66,885.22; to Bushrod W. Bell, \$849.45; to Lenoir M. Erwin, \$404.90; to Howard D. Spencer, \$209.30; to Gustave Hahn, \$205.85; to William W. Gilbert, \$148.80; to Samuel M. Tinsley, \$160.95; to William W. White, \$94.26; to John N. Snowdon, surviving partner of the firm of Snowdon & Mason, \$118,327.26; to Alfred T. Dillard, \$118.55; to John M. Parry, \$67.70; to John C. Quiggie \$418; to Southern Pacific Company, \$1,824,336.44; to Central Pacific Railroad Company, \$804,094.31, with interest as provided by law from March 23, 1889, to January 26, 1891; to Central Pacific Railroad Company, balance of a judgment not covered by the foregoing one, \$1,113.32; to William W. Gilbert, \$586.35; to Brewster Cameron, \$1,002.80; to Edward H. Owen, \$1,130.60; to Eugene W. Hoge, \$862.30; to Joseph C. Fimmel, \$393.80; to Daniel L. Cooper, \$1,956.90; to Charles A. Powell, \$153.80; to George C. Rives, \$325.15; to Frank M. Hunter, \$791.65; to Benjamin C. Tunison, \$78.40; to Ernest F. Cochran, \$338.35; to Samuel G. Hiltborn, \$594.60; to Madison J. Julian, \$428.05; to Henry O. Ewing, \$161.15; to John T. Green, \$1,548.95; to William L. Goodwin, \$353.

The amendment was agreed to.

The next amendment was, on page 61, line 17, to increase the total amount of the appropriations for payment of judgments of the Court of Claims from \$7,425.04 to \$2,894,740.61.

The amendment was agreed to.

The next amendment was, on page 61, after line 22, to insert:

Fox and Wisconsin River improvement: For payment of the judgments and awards rendered against the United States for flowage damages caused by the improvement of the Fox and Wisconsin rivers, in the State of Wisconsin, under the act approved March 3, 1875, as reported to Congress by the Attorney-General, and fully set forth in Senate Ex. Doc. No. 90, second session of the Fifty-second Congress, including commissioners' accounts as therein set forth, \$30,985.50.

The amendment was agreed to.

The next amendment was, on page 62, after line 7, to insert:

The appropriation of \$109,022.33, made by the act of July 28, 1892, for payment of the judgments and awards rendered against the United States for flowage damages caused by the improvement of the Fox and Wisconsin rivers, in the State of Wisconsin, is hereby made applicable to the payment of the judgment of G. C. Griffith in the sum of \$1,179, the same having been inadvertently omitted in the report of the Attorney-General of such judgments, but included in the total sum appropriated.

The amendment was agreed to.

The next amendment was, under the head of "Claims allowed by the First Auditor and Commissioner of Customs" on page 66, line 13, after the word "customs," to strike out "except for services over Pacific railroads" and in line 14, after the word "thousand," to strike out "six hundred and twenty dollars and ten," and insert "eight hundred and thirty-five dollars and five;" so as to make the clause read:

For expenses of collecting the revenue from customs, \$1,835.05.

The amendment was agreed to.

The next amendment was, under the head of "War Department claims certified by the Second Auditor and Second Comptroller," on page 67, line 9, after the word "railroads," to strike out "fifty-two dollars and seventy-four" and insert "sixty-six dollars and thirty-six;" so as to make the clause read:

For contingencies of the Army, except for services over Pacific railroads, \$66.36.

The amendment was agreed to.

The next amendment was, under the head of "Claims allowed by the Third Auditor and Second Comptroller," on page 68, line 13, after the word "railroads," to strike out "three hundred and fifty-six dollars and ninety-eight" and insert "four hundred and three dollars and eighty-six," so as to make the clause read:

For incidental expenses, Quartermaster's Department, except for services over Pacific railroads, \$403.86.

The next amendment was, under the same head, page 68, line 17, after the word "thousand" to strike out "one hundred and forty-seven dollars and thirty-one," and insert "five hundred and thirty-one dollars and six," so as to make the clause read:

For transportation of the Army and its supplies, except for services over the Pacific railroads, \$13,531.06.

The amendment was agreed to.

The next amendment was, on page 69, line 6, after the word "railroads," to strike out "thirty-five" and insert "sixty-two," so as to make the clause read:

For improving harbor at San Francisco, Cal., except for service over Pacific railroads, 62 cents.

The amendment was agreed to.

The next amendment was, on page 69, after line 9, to insert:

For support of military prison at Fort Leavenworth, Kans., \$7.38.

The amendment was agreed to.

The next amendment was, in the appropriations for Interior Department, under the subhead of "Claims allowed by the Sixth Auditor," on page 71, line 2, after the word "revenue" to strike out "except for services over the several Pacific railroads," and in line 4, after the words "hundred and" to strike out "seventy-eight dollars and ninety-three" and insert "ninety-eight dollars and three;" so as to make the clause read:

For deficiency in the postal revenue, 1890, and prior years, \$23,698.03.

The amendment was agreed to.

The next amendment was, on page 71, after line 6, to add as a new section the following:

SEC. 3. That for the payment of the following claims certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 29, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1890, and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Ex. Doc. No. 98, Fifty-second Congress, second session, there is appropriated as follows:

#### TREASURY DEPARTMENT.

Internal revenue: For salaries and expenses of collectors of internal revenue, \$6.79.

For salaries and expenses of agents and subordinate officers of internal revenue, except for services over the several Pacific railroads, \$50.

For refunding taxes illegally collected, \$4,439.55.

Miscellaneous: For pay of assistant custodians and janitors, \$13.

Furniture and repairs of same for public building, \$9.50.

For fuel, lights, and water for public buildings, \$1,565.85.

For heating apparatus for public buildings, \$1.56.

#### INTERIOR DEPARTMENT.

Public land service: For contingent expenses of land offices, except for services over the several Pacific railroads, \$18.16.

For protecting the public lands, except for services over the several Pacific railroads, \$9.08.

For surveying the public lands, except for services over the several Pacific railroads, \$2,663.36.

#### DEPARTMENT OF JUSTICE.

For fees of clerks United States courts, \$99.65.

For fees of commissioners United States courts, \$395.30.

For fees of witnesses United States courts, \$56.90.

For miscellaneous expenses United States courts, \$1,674.20.

#### CLAIMS ALLOWED BY THE FIRST AUDITOR AND COMMISSIONER OF CUSTOMS.

For expenses of collecting the revenue from customs, \$432.25.

For Life-Saving Service, \$8.50.

For Marine-Hospital Service, \$11.57.

For repayment to importers excess of deposits, \$754.73.

#### WAR DEPARTMENT CLAIMS CERTIFIED BY THE SECOND AUDITOR AND SECOND COMPTROLLER.

For pay, etc., of the Army, \$2,818.39.

For medical and hospital department, \$54.

For contingencies of the Army, \$16.86.

For Signal Service, pay, \$16.

For traveling expenses of California and Nevada volunteers, \$47.85.

For draft and substitute fund, \$300.

For extra pay to officers and men composing the escort to the Mexican Boundary Commission, \$135.33.

#### CLAIMS ALLOWED BY THE THIRD AUDITOR AND SECOND COMPTROLLER.

##### WAR DEPARTMENT.

For regular supplies, Quartermaster's Department, \$57.

For incidental expenses, Quartermaster's Department, except for services over Pacific railroads, \$1,363.47.

For transportation of the Army and its supplies, except for services over the Pacific railroads, \$322.05.

For contingencies of fortifications, \$31.50.

For horses and other property lost in the military service, \$431.43.

For allowance for reduction of wages under the eight-hour law, \$28.87.

##### INTERIOR DEPARTMENT.

For Army pensions, \$114.

#### NAVY DEPARTMENT CLAIMS ALLOWED BY THE FOURTH AUDITOR AND SECOND COMPTROLLER.

For pay of the Navy, \$2,248.18.

For pay, miscellaneous, \$806.01.



For pay, Marine Corps, \$20.86.  
 For contingent, Marine Corps, \$138.49.  
 For contingent, Bureau of Navigation, except for services over the several Pacific railroads, \$102.26.  
 For contingent, Bureau of Ordnance, \$98.11.  
 For contingent, Bureau of Equipment and Recruiting, \$430.95.  
 For maintenance of yards and docks, Bureau of Yards and Docks, except for services over the several Pacific railroads, \$119.53.  
 For contingent, Bureau of Medicine and Surgery, \$45.47.  
 For provisions, Navy, Bureau of Provisions and Clothing, \$50.05.  
 For contingent, Bureau of Provisions and Clothing, \$284.50.  
 For construction and repair, Bureau of Construction and Repair, except for services over the several Pacific railroads, \$600.43.  
 For steam machinery, Bureau of Steam Engineering, except for services over the several Pacific railroads, \$270.21.  
 For enlistment bounties to seamen, \$304.50.  
 For bounty for the destruction of enemies' vessels, \$46.58.  
 For destruction of clothing and bedding for sanitary reasons, \$51.  
 For extra pay to officers and men who served on the Pacific coast, \$286.  
 Mileage, Navy (Graham decision): For the payment of claims for difference between actual expenses and mileage, allowed under the decision of the United States Supreme Court in the case of Graham, \$4,170.93.

#### CLAIMS ALLOWED BY THE SIXTH AUDITOR.

For deficiency in the postal revenue, 1890 and prior years, \$2,971.84.

The amendment was agreed to.

The next amendment was, on page 77, after line 4, to add as a new section the following:

SEC. 4. That for the payment of the following claims, certified to be due by the several accounting officers of the Treasury Department, under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1890 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Executive Document No. 101, Fifty-second Congress, second session, there is appropriated as follows:

#### WAR DEPARTMENT CLAIMS CERTIFIED BY THE SECOND AUDITOR AND SECOND COMPTROLLER.

For pay, and so forth, of the Army, \$223.64.

#### CLAIMS ALLOWED BY THE THIRD AUDITOR AND SECOND COMPTROLLER.

##### WAR DEPARTMENT.

For incidental expenses, Quartermaster's Department, \$121.43.  
 For transportation of the Army and its supplies, \$19.33.  
 For observation and report of storms, \$4,792.26.  
 For maintenance and repair of military telegraph lines, \$99.64.  
 For horses and other property lost in the military service, \$575.

#### NAVY DEPARTMENT CLAIMS ALLOWED BY THE FOURTH AUDITOR AND SECOND COMPTROLLER.

For pay of the Navy, \$258.57.  
 For pay, miscellaneous, \$165.72.  
 For transportation and recruiting, Bureau of Equipment and Recruiting, \$1.15.  
 For enlistment bounties to seamen, \$150.  
 For indemnity for lost clothing, \$60.  
 Mileage, Navy, Graham decision: For the payment of claims for difference between actual expenses and mileage, allowed under the decision of the United States Supreme Court in the case of Graham, \$597.34.

#### CLAIMS ALLOWED BY THE SIXTH AUDITOR.

For deficiency in the postal revenue, 1890, and prior years, \$1,177.66.

The amendment was agreed to.

The next amendment was, on page 79, after line 9, to add as a new section the following:

##### FRENCH SPOILIATION CLAIMS.

SEC. 5. To pay the findings of the Court of Claims on the following claims for indemnity for spoiliations by the French prior to July 31, 1801, under the act entitled "An act to provide for the ascertainment of claims of American citizens for spoiliations committed by the French prior to the 31st day of July, 1801," approved January 20, 1885, namely:

On the schooner Nancy, Nathaniel Lincoln, master, namely:  
 Charles E. Alexander, administrator of the estate of Jonathan Merry, deceased, \$808.  
 On the snow Lydia, Eleazar Washburn, master, namely:  
 Charles E. Alexander, administrator of the estate of Jonathan Merry, deceased, \$13,204.96.  
 William A. Richards, administrator of the estate of William and Thomas Walter, both deceased, \$2,727.48.  
 On the schooner Polly, Joseph Atkins, master, namely:  
 Charles E. Alexander, administrator of the estate of Jonathan Merry, deceased, \$1,233.  
 On the ship Argo, Benjamin Randall, master, namely:  
 Henry J. Gardner, administrator of the estate of Matthew Cobb, deceased, \$12,009.  
 On the schooner Ranger, Josiah Bacon, master, namely:  
 Abiel S. Lewis, administrator of the estate of Thomas Lewis, jr., surviving partner of Thomas Lewis & Son, \$3,480.  
 On the sloop Nancy, David Foster, master, namely:  
 George G. Sill, administrator *de bonis non* of William Coggeshall, deceased, \$851.50.  
 On the schooner Betsy and Nancy, Samuel Eels, master, namely:  
 Samuel R. Eels, administrator of the estate of Samuel Eels, deceased, \$2,504.25.  
 On the schooner Phoenix, James Coward, master, viz:  
 George F. R. Wacsche, administrator *de bonis non* of the estate of George Repold, \$4,427.44.  
 Henry Frederick Wegner, administrator *de bonis non* of the estate of Albert Seekamp, \$4,427.44.  
 Charles F. Taylor, administrator *de bonis non* of the estate of Henry Schroeder, \$4,427.44. The last above three items to be subject to a deduction of the amount of insurance received, which amount shall be investigated and determined by the proper accounting officers of the Treasury Department.  
 On the brig Caroline, William Morton, master, viz:  
 Wallace T. Jones, administrator of the estate of Edward Jones, \$2,752.70.  
 On the schooner Phoenix, Joshua Waite, master, viz:  
 Henry R. Virgin, administrator of the estates of Samuel Snow, Stephen Purinton, and John Snow, jr., \$2,129.

Henry Deering and Francis Fessenden, administrators of the estate of James Deering, \$1,373.

Henry J. Gardner, administrator of the estate of Matthew Cobb, \$2,113.  
 On the brig Friendship, George Hodges, master, viz:  
 Charles S. Nichols, administrator of the estate of Ichabod Nichols, \$13,092.27.  
 William H. Silsbee, administrator of the estate of Benjamin Hodges, \$14,225.04.  
 Thomas Kitridge, administrator of the estate of George Hodges, \$171.24.  
 On the brig Calliope, John Leonard, master, namely:  
 Reginald Fendall, administrator of the estate of John Leonard, \$26,960.  
 On the brig Betsey, William Witmarsh, master, viz:  
 Mary Souther, administratrix of the estate of Benjamin Wheeler, deceased, \$6,048.06.  
 On the sloop Martha, Joshua McWilliams, master, viz:  
 John C. Williams, administrator of the estate of Edward Dunant, deceased, \$1,260.  
 On the schooner Jane, Thomas Atwood, master, viz:  
 Henry G. Dorr, administrator of the estate of Andrew C. Dorr, \$2,573.87.  
 Frances A. Wheelock, administratrix of the estate of William Door, \$2,573.87.  
 On the brig Catherine, Samuel Cazneau, master, viz:  
 Henry R. Perkins, administrator of the estates of Anthony Davenport and Moses Davenport, joint owners of the Catherine, \$8,935.  
 On the schooner Hannah, Joseph Bright, master, viz:  
 Abram H. Smyth, administrator of the estate of Abram Hews, deceased, \$2,496.  
 Lawrence Stabler, administrator of the estate of William Hartshorne, deceased, remaining partner of the late firm of William Hartshorne & Sons, \$2,496.  
 On the schooner Three Friends, James Shepherd, jr., master, viz:  
 Gilbert C. Huntington, administrator of the estate of Alvan Fosdick, deceased, surviving partner of Fosdick & Lambert, \$13,517.  
 Mary Souther, administratrix of the estate of Benjamin Wheeler, deceased, \$510.  
 On the sloop Confidence, Francis Bradbury, master, viz:  
 George W. Bradbury, administrator of the estate of Charles Bradbury, in right of Francis Bradbury, his assignor, \$1,366.  
 George W. Bradbury, administrator of the estate of Theophilus Bradbury, \$1,366.  
 On the schooner Hannah, Josiah Bouton, master, viz:  
 George B. St. John, administrator of the estate of Eliphalet Lockwood, Buckingham Lockwood, and William Lockwood, \$4,202.09.  
 George B. St. John and Jarvis Kellogg, administrators of the estate of Hezekiah Selleck, \$4,202.09.  
 On the schooner Henry and Gustavus, John Smith, master, viz:  
 George G. Sill, administrator of the estate of Thomas Sanford, \$1,786.63.  
 Herman Whittlesey, administrator of the estate of Aaron Gaylord, \$1,786.63.  
 On the sloop Mary, Gilbert Totten, master, viz:  
 John C. Hollister, administrator of the estate of Frederick Hunt, deceased, \$2,362.34.  
 John C. Hollister, administrator of the estate of Thomas Rice, deceased, \$2,362.33.  
 John C. Hollister, administrator of the estate of Elias Shipman, deceased, \$2,362.33.  
 On the schooner Shepherdess, Warren Chapman, master, viz:  
 George G. Sill, administrator of the estate of Timothy Chapman, \$1,841.06.  
 Warren C. Pike, administrator of the estate of Warren Chapman, \$1,841.06.  
 On the ship Eliza, William Marrenner, master, viz:  
 Wallace T. Jones, administrator of the estate of Edward Jones, \$48,186.  
 On the brig Rosetta, Isaac Isaacs, master, viz:  
 John C. Tighman, administrator of the estate of William Van Wyck, \$6,024.96.  
 Rebecca R. Thompson and Elizabeth Y. Thompson, administratrices of the estate of Joseph Young, \$5,597.46.  
 On the sloop Union, Seth Lincoln, master, viz:  
 Shearjashub Bourne, administrator of the estate of Shearjashub Bourne, \$3,250.38.  
 Stephen F. Peckham, administrator of the estate of Samuel Wardwell, \$3,250.38.  
 On the snow Charlotte, Cornelius Low, master, viz:  
 George Hawkins Williams, administrator of Joseph Williams, surviving partner of Williams & Low, \$3,464.  
 On the ship Two Sisters, John T. Hilton, master, viz:  
 Andrew Lacy, administrator of the estate of William Neal, deceased, \$8,448.  
 On the ship Eliza, Peter Burton, master, viz:  
 Alexander Proudft, administrator of the estate of John Proudft, deceased, \$6,951.  
 On the brig Venus, John Harmon, master, viz:  
 John S. Cole, administrator of the estate of John Storer, deceased, \$10,568.  
 On the schooner Needham, William Grant, master, viz:  
 John C. McDonald, administrator of the estate of William McDonald, deceased, \$4,914.  
 On the schooner Thankful, William Ward, master, viz:  
 Albert C. Arnold, administrator of the estate of Frederick William Geyer, deceased, \$226.89, the award in the above case having been made to Francis M. Boutwell, as administrator of the estate of John Herr, assignee in bankruptcy of said Frederick William Geyer.  
 On the ship Henry, Daniel Allin, master, viz:  
 Rebecca B. Arrington, administrator of the estate of Samuel Allin, \$3,700.  
 Elizabeth T. Pike, administrator of the estate of Daniel Allin, deceased, \$3,700.  
 Samuel W. Peckham, administrator of the estate of Samuel Carlisle, surviving partner of the firm of S. & B. Carlisle, \$3,766.  
 On the brig Hiram, J. Humphreys, master, viz:  
 Simon Tomlinson, administrator of Samuel Hull, \$400.  
 John F. Plumb, administrator of John Humphreys, \$400.  
 John F. Plumb, administrator of James Humphreys, \$400.  
 On the ship Leeds Packet, Richard Bunce, master, viz:  
 Benjamin H. Rutledge, administrator of Adam Tunno, surviving partner of Tunno & Cox, \$21,167.80.  
 Gordon Gairdner, administrator of James Gairdner, surviving partner of James and Edwin Gairdner & Co., \$1,833.33.  
 Henry E. Young, administrator of John Turnbul, \$700.  
 Henry E. Young, administrator of James Carson, \$1,700.  
 Lucy Franklin Read McDonell, executrix of George Pollock, surviving partner of Hugh Pollock & Co., \$12,109.  
 On the brig Alert, Robert Gray, master, viz:  
 Robert M. Pratt, administrator *de bonis non* of Joseph White, deceased, \$6,265.75.  
 William Parker, administrator *de bonis non* of William B. Parker, deceased, \$2,088.58.  
 Elizabeth R. Gardner, administratrix *de bonis non* of Jesse Richardson, deceased, \$2,677.16.  
 William D. Pickman, administrator *de bonis non* of Dudley L. Pickman, deceased, \$849.62.  
 Henry O., Benjamin W., and Robert Stone, executors last will, etc., Robert Stone, junior, deceased, \$4,177.16.  
 William A. Lander, administrator *de bonis non* of Pickering Dodge, deceased, \$3,132.87.  
 Mary F. Witherby, surviving executor of Charles Cleveland, deceased, \$783.21.  
 Nathaniel P. Richardson, executor of Joshua Richardson, deceased, \$2,088.58.  
 On the brig American, Thomas Towne, master, viz:  
 J. Hall Ware, administrator *de bonis non* of John Hall, deceased, \$4,661.

On the schooner Ballahoo, Joseph Ripley, master, viz:  
James F. Breuil, administrator of Francis Breuil, deceased, \$1,568.95.  
On the vessel, the snow Boston, Dougherty, master, viz:  
J. Bayard Henry, administrator of George Latimer, deceased, \$3,225.36;  
The Real Estate Title Insurance and Trust Company, of Philadelphia, administrator *de bonis non cum testamento annexo* of James Campbell, deceased, \$3,025.36.  
On the brig Confidence, Thomas Manning, master, viz:  
Catherine M. Singleton, administratrix *de bonis non* of Alexander McKim, surviving partner of the firm of Robert McKim & Co., \$1,497.39.  
On the brig Eleanor, James Treat, master, viz:  
George H. Williams, administrator *de bonis non* of Samuel Williams, deceased, \$1,583.59;  
Charles J. Bonaparte, administrator *de bonis non* of Benjamin Williams, deceased, \$1,583.59;  
David Stewart, administrator of Francis Johonnet, surviving partner of Francis Johonnet & Co., \$5,723.18.  
On the schooner Eliza, Thomas Poulson, master, viz:  
John Mervin Carrere and David Stewart, administrators, etc., \$11,744.96;  
David Stewart, administrator, etc., \$3,781.  
On the vessel, snow Fanny, Garrett Barry, master, viz:  
Dayton S. Ward, administrator *de bonis non* of James Barry, deceased, \$8,502.  
On the sloop Fox, Brooks, master, viz:  
Sanford J. Horton, as administrator of the estate of William Wickham, deceased, \$1,583.33;  
Melvin B. Copeland, as administrator of the estate of Nathaniel Blake, deceased, \$454.16;  
George G. Sill, as administrator of the estate of William Moore, deceased, \$3,283.33.  
On the schooner Hannah, Philip Bessom, master, viz:  
Sarah J. Brown, administratrix of Isaac Collyer, deceased, for value of 164 quintals of fish, \$1,312;  
Ebenezer D. Secomb, administrator of Philip Bessom, value of cargo, less the 164 quintals of fish owned by said Collyer, and less also the insurance paid thereon by William Gray, \$23,180.  
On the brig Vulture, John Berry, master, viz:  
Elizabeth R. Gardner, administrator of Jesse Richardson, \$3,618.85;  
Nathaniel P. Richardson, executor of Joshua Richardson, \$3,618.85;  
On the brig Hope, Church, master, viz:  
John C. Parsons, as administrator of the estate of John Caldwell, deceased, \$12,412.17.  
On the brig Leonard, William Hackett, master, namely:  
Joseph A. Titcomb, administrator of estate of John Wills, otherwise called John Wells, deceased, \$8,150.  
On the schooner Lucy, Lewis Holmes, master, namely:  
Isaac Brewster, administrator *de bonis non cum testamento annexo* estate of Daniel Jackson, deceased, \$3,567.  
Charles G. Davis, administrator *de bonis non* of William Davis, deceased, \$992.  
On the brig Lydia, John Cook, master, namely:  
Charles B. Allen, administrator *de bonis non* of Zachariah Allen, for vessel, cargo, and the freight earned, \$12,291.  
On the ship Patapsco, William Hill, master, namely:  
William Donnell, administrator *de bonis non cum testamento annexo* of the estate of John Donnell, deceased, \$6,659.99.  
Geo. W. Brown, administrator of the estate of James A. Buchanan, deceased, \$4,609.99, being his share of vessel and freight.  
Robert Carter, administrator *de bonis non cum testamento annexo* of the estate of Samuel Smith, deceased, \$4,609.99, being his share of vessel and freight;  
Ester H. Buchanan, administratrix of the estate of William B. Buchanan, who was the surviving partner of the firm of S. Smith and Buchanan, deceased, \$25,056, the value of the cargo shipped by said firm;  
Cumberland D. Hollins, administrator *de bonis non cum testamento annexo* of the estate of John Hollins, deceased, \$7,600;  
Mary Ann B. Smith, administratrix *de bonis non cum testamento annexo* of the estate of John Smith, jr., deceased, \$48,466.  
On the brig Sally, William Hampton, master, namely:  
Alexander Proudit, administrator *de bonis non* with the will annexed of the estate of Robert Kilston, deceased, \$5,734.  
On the schooner Thankful, William Ward, master, namely:  
Adeline F. Alden, administratrix of James Torrey, \$1,428.40;  
Adeline F. Alden, administratrix of George Torrey, \$1,428.40;  
Abel H. Bellows, administrator of Thomas Geyer, \$226.80;  
Stephen R. Rogers, administrator of Joseph Rogers, \$1,733.33.  
On the vessel Two Sisters, Jacob Henery, master, namely:  
George W. Norris, administrator of John Garesche, deceased, \$2,043.80;  
George W. Norris, administrator of Peter Baudry, deceased, \$436.77;  
William R. Lejee, surviving executor of Samuel Breck, jr., \$1,919.27.  
On the brig William, Benjamin H. Rathbone, master, namely:  
Bayard Tuckerman, administrator of Walter Channing, surviving partner of Gibbs and Channing, and likewise administrator of George Gibbs, \$20,754.  
On the schooner Alert, Jacob Oliver, master, namely:  
Franklin Leach, administrator of William Leach, \$3,577.88.  
Edward L. Browne, administrator of Israel Thorndike, \$1,003.73.  
On the ship Betsy, Josiah Obeur, master, namely:  
Horace Obeur, administrator of Josiah Obeur, \$1,705.68.  
Franklin Leach, administrator of Nathan Leach, \$126.  
On the vessel Fusileer, Thomas Shaw, master, namely:  
George B. Chase, administrator of Stephen Chase, deceased, \$2,955.  
Calvin Page, administrator of Thomas Shaw, deceased, \$1,168.55.  
Albion C. Taylor, administrator *de bonis non* of Joseph Chase, deceased, \$2,955.  
On the ship Jane, John Wallace, master, namely:  
Esther S. Buchanan, administratrix, representing Smith and Buchanan, \$11,660.21.  
Robert Carter Smith, administrator, representing Samuel Smith, \$6,738.21.  
Cumberland D. Hollins, administrator, representing John Hollins, \$4,922.  
On the ship Reindeer, Robert Motley, master, viz:  
Henry Deering and Francis Fessenden, administrators of James Deering, \$26,625.  
On the brig Thomas, Mark Fernald, master, viz:  
James W. Emery, administrator *de bonis non* of the estate of Thomas Manning, deceased, \$6,132.  
On the ship Theresa, Phillip Brum, master, viz:  
George S. Sonntag, administrator of William L. Sonntag, deceased, surviving partner of William L. Sonntag & Co., as representative of said firm, \$13,537.50;  
George S. Sonntag, administrator, as representative of William L. Sonntag, one of the joint owners of the Theresa, \$3,264.50;  
Jane J. De La Roche, administratrix of Frederick Franck De La Roche, as representative of one of the joint owners of the Theresa, \$3,264.50.  
On the vessel Georgia Packet, John McKeever, master, viz:  
The Pennsylvania Company for insurance on lives and granting annuities, administrator of Thomas M. Willing, deceased, \$6,216.  
Richard F. Flickevir, administrator of Richard Flower, deceased, \$1,055.  
Richard F. Flickevir, administrator of John Flower, deceased, \$1,055.  
Richard F. Flickevir, administrator of Reese Wall, deceased, \$1,055.  
Edward S. McKeever, administrator of John McKeever, deceased, \$1,055.

On the brig Yorick, William Moodie, master viz:  
George S. Sonntag, administrator of William L. Sonntag, \$7,886.50.  
Jane J. De La Roche, administratrix of Frederick Franck De La Roche, \$7,886.50.  
On the schooner Betsey, John Murphy, master, viz:  
W. Hall Harris, administrator *de bonis non*, etc., estate of William Patterson, deceased, \$20,334.16.  
On the ship Juliana, Thomas Hayward, master, viz:  
Thomas B. Ghequiere, administrator of the estate of Charles Ghequiere, deceased, \$3,849.16.  
Jacob Bowman Sweitzer and David Stewart, administrators of John Holmes, deceased, \$12,129.16.  
On the schooner Union, Samuel Larrabee, master, viz:  
Cornelia S. Jackson, administratrix of Levi Cutter, \$1,833.50.  
Seth L. Milliken, administrator of John Milliken, \$1,833.50.  
On the ship Hitty (or Hetty) Jane, Joshua Neal, master, viz:  
Augusta H. Chapman, administratrix *de bonis non* of Peter Clarke, \$14,844.37.  
John C. Howell, administrator of John Potter, \$25,254.76.  
A. M. Lee, administrator of Thomas Stewart, \$6,061.93.  
On the brig Friendship, Noah Wheeden, master, viz:  
George P. Marvin, administrator of Stephen Ailing and Joseph Thompson, to the sum of \$3,940.  
On the schooner Neutrality, Elnathan Atwater, master, viz:  
Elihu L. Mix, administrator of Thomas Atwater, to the sum of \$1,630.12.  
George P. Marvin, administrator *de bonis non* of Ebenezer Peck, to the sum of \$1,630.12.  
John C. Hollister, administrator *de bonis non* of Elnathan Atwater, to the sum of \$1,630.12.  
John C. Hollister, administrator *de bonis non* of Elias Shipman, to the sum of \$815.06.  
John C. Hollister, administrator of Austin Denison, to the sum of \$815.06.  
On the schooner Friendship, Jonathan Gilbert, master, viz:  
James Manning, administrator of John Manning, \$2,060.  
In all, \$792,752.35.

Provided, That in all cases where the original sufferers were adjudicated bankrupts or insolvents or made voluntary assignments for the benefit of creditors, awards shall hereafter be made on behalf of the next of kin or to those entitled under the wills of the original sufferers or the wills of those who take thereunder instead of to voluntary assignees or to assignees in bankruptcy; and the awards in the cases of individual claimants herein appropriated for shall not be paid until the Court of Claims shall certify to the Secretary of the Treasury that the personal representatives on whose behalf the award is made represents the next of kin, or legatees as aforesaid, and the courts which granted the administrations, respectively, shall have certified that the legal representatives have given adequate security for the legal disbursement of the awards.

That the clause reading as follows: "William Milligan, administrator of George Wattle, deceased, \$21,830, in the act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes," passed March 3, 1891 (page 904 of volume 26, United States Statutes at Large), be, and the same is hereby, amended so as to read as follows:

"William Mulligan, administrator of George Wattle, deceased, \$21,830; and the award in this case shall not be paid until the Court of Claims shall certify to the Secretary of the Treasury that the personal representative on whose behalf the award is made represents the next of kin, or in the event the court shall find there were no next of kin and that there is a widow, then that such widow is so represented."

That the sum of \$35,840.44, appropriated to be paid to John A. Brimmer, junior, administrator of John Gilliat, deceased, in the act entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes," to be paid to the person or persons entitled to recover and receive the same, to be ascertained by the Court of Claims upon sufficient evidence and certified to the Secretary of the Treasury.

Mr. GORMAN. I should like to inquire of the Senator from Maine, who is in charge of the bill in regard to the French spoliation claims, what rule has been observed in these items? Have all the cases reported from the Committee on Claims been inserted in the bill?

Mr. HALE. The Senator from Maryland will remember that the Senate referred all of these claims to the Committee on Claims after full discussion, and the Committee on Appropriations has put on the claims reported by the Senate Committee on Claims and none others, following the direction of the Senate. There are one or two corrections which I propose to make at the suggestion of the chairman of the Committee on Claims. Otherwise everything has been left to that committee.

Mr. COCKRELL. The amendment does not include the insurance companies.

Mr. MITCHELL. I desire to state in this connection that there are no insurance claims included. The Committee on Claims made no report whatever on any of the insurance claims; so there is no insurance claim included in the amendment, so far as I know.

Mr. HALE. There are one or two matters that I wish to correct in the amendment. On page 101, line 20, the quotation marks should be after the word "dollars" and in line 23 the quotation marks after the word "purposes" should be stricken out. That can be done by the clerks.

The PRESIDING OFFICER. The amendment will be so modified. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. HALE. On page 42, line 18, before the word "thousand," I move to strike out "sixteen" and insert "thirty-five," increasing the appropriation for expenses. Territorial courts in Utah Territory from \$16,000 to \$35,000. I have a dispatch from the Attorney-General stating that the amount in the bill was a mistake in certifying up the accounts.

Mr. GORMAN. Do I understand the Senator from Maine to say that the Department has corrected the estimate? What was his statement in that respect?

Mr. HALE. I sent to the desk a dispatch from the Attorney-General, and ask that it be read.

The PRESIDING OFFICER. The dispatch will be read.

The Chief Clerk read as follows:

Telegram.

DEPARTMENT OF JUSTICE.

Hon. EUGENE HALE:

By the letter sent you yesterday aggregating the deficiencies needed, the amount asked for for "Territorial courts, Utah" was mistakenly made \$16,000. By reference to my letter to the President of the Senate February 11 last, we asked for \$35,000 in this matter. That is the correct amount desired.

W. H. H. MILLER,  
Attorney-General.

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

The amendment was agreed to.

Mr. HALE. On page 52, after line 11, I move to insert:

To pay for a clerk for the conference of the minority of the Senate, which is hereby authorized to commence March 4, 1893, \$2,240.

The amendment was agreed to.

Mr. HALE. On page 48, after line 25, I move to insert:

|                  |                    |
|------------------|--------------------|
| For 1876, \$41.  | For 1872, \$42.50. |
| For 1875, \$700. | For 1871, \$14.50. |
| For 1873, \$40.  | For 1870, \$42.50. |

Mr. COCKRELL. What items are those?

Mr. HALE. Those are the estimates sent in from the Department to wind up the old deficiencies.

Mr. COCKRELL. For what purpose; for what offices?

Mr. HALE. For the Department of Justice.

Mr. COCKRELL. In his own office?

Mr. HALE. In the office of the Attorney-General.

Mr. COCKRELL. That office must be mighty sleepy to be resur-recting an account over 22 years old.

Mr. HALE. I think the Senator, from his experience on the committee, will recall the fact that such old accounts are sometimes years behind in coming in, and this is the final clearing up. The amounts are very small. The items do not amount to more than \$300 or \$400 in all.

Mr. COCKRELL. Any Attorney-General who does not have them paid for so long ought to pay them out of his own pocket.

Mr. HALE. The present Attorney-General is not responsible for it. They are away back of his time.

The amendment was agreed to.

Mr. HALE. On page 17, after line 14, I move to insert:

To enable the Secretary of the Treasury to pay William A. Richardson, when the work shall have been completed, for preparing and editing a Supplement to the Revised Statutes, under the act approved February 27, 1893, \$2,000.

Mr. COCKRELL. That is in accordance with the law just passed authorizing it?

Mr. HALE. Yes.

The amendment was agreed to.

Mr. HALE. I move on page 21, after line 2, to insert:

To enable the coroner of the District of Columbia to employ an assistant for the current year and through the next fiscal year. \$600.

The amendment was agreed to.

Mr. HALE. On page 58, in line 9, after the word "seventy-six," I move to insert the words:

Except for judgment in favor of John J. Allen named therein.

I have received a note from the Attorney-General saying that on investigation this account ought not to be included.

Mr. COCKRELL. Let the amendment be read in connection with the paragraph.

The CHIEF CLERK read as follows:

JUDGMENTS, UNITED STATES COURTS.

For payment of the final judgments and decrees, including costs of suits which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," certified to Congress at its present session by the Attorney-General in House Ex. Doc. No. 176, except for judgment in favor of John J. Allen, named therein, \$7,344.09.

Mr. HALE. The Attorney-General, in a letter, states that this is a case where an appeal ought to be entered so that the Government may be protected.

Mr. COCKRELL. That is right; but ought not the usual clause to go in that no payment shall be made until the time for an appeal has elapsed?

Mr. HALE. There is a general provision at the end of the clause.

Mr. COCKRELL. There is no such provision for this particular clause. This applies to judgments of the United States courts, and I think the clause ought to be inserted here as well as at other places. We put it in under the head of "Court of Claims," but we have not put it to apply to these judgments of the United States courts.

Mr. HALE. I have no objection to that clause going in. If the Senator moves that amendment I have no objection to it.

Mr. COCKRELL. I will move it. Let the clerks state the usual form.

The PRESIDING OFFICER. The amendment of the Senator from Maine will be considered as agreed to, if there be no objection.

It is agreed to.

The Chief Clerk will report the amendment of the Senator from Missouri.

The CHIEF CLERK. On page 53, line 13, after the word "made" insert the following proviso:

*Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

The amendment was agreed to.

Mr. HALE. I will not go back to the amendment on page 25 just now. The Senator from Missouri [Mr. VEST] is not here. Those are all the amendments from the committee.

Mr. McMILLAN. On page 21, after line 7, I move to insert:

To carry out the provisions of an act entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of the city, \$5,000, or so much thereof as may be necessary, to be paid entirely from the revenues of the District of Columbia."

The amendment was agreed to.

Mr. COCKRELL. The amendment just adopted is in accordance with the law recently passed?

Mr. McMILLAN. Yes, sir. On page 21, after the amendment already agreed to, after line 7, I move to insert:

For opening, widening, and extending alleys in the District of Columbia, under the provisions of an act entitled "An act to provide for the opening of alleys in the District of Columbia," approved July 22, 1892, the sum of \$40,000, or so much thereof as may be necessary, out of the funds of the District of Columbia, the same to be refunded by the payment of assessments to be made under the provisions of said act.

Mr. COCKRELL. We have already made a considerable appropriation for that object, have we not?

Mr. McMILLAN. The Commissioners claim that this is absolutely necessary to perfect the law providing for these alleys, and the money comes directly into the Treasury.

Mr. COCKRELL. I know.

The amendment was agreed to.

Mr. CHANDLER. On page 77, after line 4, I move to insert the following paragraph:

Claim allowed by the First Auditor and First Comptroller: For the amount due the estate of Horace Capron, deceased, formerly Commissioner of Agriculture, \$332.

Mr. COCKRELL. That certainly ought not to come in under the head of "Claims allowed by the Sixth Auditor," page 77, after line 4.

Mr. CHANDLER. There is no other place, I will say to the Senator, in which it can be put in the bill. There are no other claims in the bill allowed by the First Auditor and First Comptroller, so that this place is as appropriate as any.

Mr. CULLOM. I hope it will be allowed. It is only three hundred and odd dollars.

The amendment was agreed to.

Mr. VOORHEES. I offer an amendment to come in on page 79, in line 5, after the word "cents." I move to insert the following proviso:

*Provided*, That the unexpended balances of appropriations made in the deficiency appropriation act approved March 2, 1889, for pay of the Navy, under the head "Navy Department claims allowed by the Fourth Auditor and Second Comptroller," be, and the same are hereby, made available to pay amounts due to naval officers, or their legal representatives, before July 16, 1880, in accordance with the decisions of the Supreme Court of the United States in the cases of United States v. Strong (125 U. S. R., 656), United States v. Bishop (120 U. S. R., 51), and United States v. Symonds (120 U. S. R., 46.)

The amendment was agreed to.

Mr. COCKRELL. I do not think the attention of the Senator in charge of the bill could possibly have been called to the last amendment.

The PRESIDING OFFICER. The Senator from Missouri invites the attention of the Senator from Maine.

Mr. HALE. The Senator from Maine is watching the bill very closely.

Mr. VOORHEES. The Senator from Missouri is entirely mistaken. The Senator from Maine had his attention called to this amendment, if not really now, some hours past. It is susceptible of the fullest possible explanation.

Mr. MANDERSON. On page 24, after line 8, I move to insert:

To pay to the owners of Bellevue rifle range, Omaha, Nebr., for rent thereof \$1,200, being rent of said range for the years 1892 and 1893, at \$600 per year.

The amendment was agreed to.

Mr. MANDERSON. I have another amendment that I desire to offer. On page 36, after line 24, at the foot of the page, to insert the following paragraph:

That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to John Palmier the sum of \$1,995, being the value of his improvements on Government public lands near Pine Ridge Agency, and from which he was driven by an order from the Indian Office.

Mr. HALE. Let me ask the Senator from Nebraska if that is either estimated for or reported by a committee?

Mr. MANDERSON. Yes, sir; not only that, but the Committee on Indian Affairs, after full consideration of a bill, of which this a copy, reported it favorably, and it is now upon the Senate Calendar. It was also introduced as an amendment to the pending bill, and referred to the Committee on Indian Affairs, and has their approval.

Mr. HALE. And it was reported by that committee?

Mr. MANDERSON. It was reported by that committee.

Mr. HALE. As an amendment to this bill?

Mr. MANDERSON. Yes, sir; so that it comes clearly under the rule. I will not take time to call attention to its merits.

The amendment was agreed to.

Mr. SQUIRE. On page 10, after line 8, I move to insert:

For custom-house, post-office, etc., at Port Townsend, Wash.: For completion of building and approaches, \$15,000.

This is to complete a building that is nearly completed, the only public building in the State of Washington, and the money is needed to complete the approaches.

Mr. HALE. Is this within the limit fixed for the building?

Mr. SQUIRE. This is in accordance with the estimates.

The amendment was reported favorably from the Committee on Public Buildings and Grounds and referred to the Committee on Appropriations for their approval.

Mr. HALE. The one test question is whether it increases the limit upon the building. If it does, of course it is subject to a point of order and I must make it. If it does not, then the amendment can go through.

Mr. SQUIRE. I can not answer the question literally. I know it came from the architect on public buildings and grounds with his approval and that this sum is needed to complete the building, which is otherwise useless to the Government. The building is completed with the exception of the approaches. It seems to be folly to delay the completion of the building so that the Government can have the benefit of it. It was reported favorably from the Committee on Public Buildings and Grounds as an amendment to the present bill. I hope the Senator from Maine will permit it to pass, as it is for the only public building we have in the State.

Mr. HALE. I will let it go, Mr. President.

The amendment was agreed to.

Mr. VOORHEES. On page 3, at the end of line 1, I move to insert:

To be paid to Mrs. Sarah O. Hanna, widow of Bayliss W. Hanna, deceased, late minister resident and consul-general, and also commissioned July 1, 1887, envoy extraordinary and minister plenipotentiary to the Argentine Republic, for expenses and loss in bringing said Hanna from Buenos Ayres to the United States after he was attacked by a fatal disease while at his post and in the discharge of his official duties, which said attack rendered him entirely helpless and from which he died after reaching home, \$5,375.

The amendment was agreed to.

Mr. PADDOCK. On page 24, after line 15, I move to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to George H. Jewett the sum of \$734, being the amount due him for material furnished and work done by him by an order from the military authorities at Fort Duchesne, Utah, in 1889.

Mr. HALE. Is that reported from the committee?

Mr. PADDOCK. It is approved by the Quartermaster-General, recommended for payment by the proper accounting officers of the Treasury, and approved by the Committee on Military Affairs of the Senate.

The amendment was agreed to.

Mr. PETTIGREW. On page 69, after line 21, I move to insert:

For services of Joseph Schwartz, of Sioux Falls, S. Dak., as architect in drawing the plans for the Indian industrial school at Flandreau, S. Dak., \$450.

The amendment was agreed to.

Mr. PASCO. On page 22, line 17, I move to insert:

That the Secretary of the Treasury be, and he is hereby, authorized to settle the account stated between the United States and the State of Florida, under the authority of section 5 of the act approved March 2, 1889, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes;" and in making such settlement he is hereby authorized to set off what is found to be due by the State to the day of settlement, on account of principal and interest upon the bonds of the State, in which a portion of the Indian trust funds have been invested against what is found to be due the State to the same date for moneys expended by her during the Indian hostilities of 1849 and 1856 and 1857, and to surrender such bonds and the coupons thereto to the governor of said State upon making such settlement. And in making the settlement the Secretary is directed to follow the statement of the account as made under the authority of said act, as found in the letter from the Secretary of the Treasury dated December 16, 1889, published as Executive Document No. 98, House of Representatives, Fifty-first Congress, and to adopt the first mode of settlement proposed near the foot of page 3 of said document, containing the computation of interest upon the principal on both sides to the date of settlement. And such sum of money is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, as is necessary to make such settlement.

Mr. SHERMAN. I think as the amount of this claim is very large, and it being mainly for interest, as it is subject to a point of order, the point ought to be made. The amount is so large, amounting to more than half a million dollars, that it ought to be reported in the regular way and acted upon separately. It is subject to a point of order and I will make it.

Mr. PASCO. Before the point of order is considered by the Chair I should like to state that when the claim came up four years ago the point of order was raised and it was then decided by the Chair that the amendment was in order. At that time it went on the deficiency appropriation bill.

Mr. SHERMAN. Then it may have been reported from a committee, but as a matter of course that decision on the point of order does not continue.

Mr. PASCO. It is now an act of the Senate, because a bill identical with the proposed amendment has already been passed at the present session. We passed a Senate bill and then it became an act of the Senate.

Mr. SHERMAN. Then I ask the decision of the Chair upon the point of order. I think it has not been reported by a committee at

the present session, and it has not been referred to the Committee on Appropriations, I understand.

Mr. PASCO. It has been referred to the Committee on Appropriations.

Mr. HALE. But not referred by direction of a committee.

The PRESIDING OFFICER. The amendment shows upon its face that it was introduced by the Senator from Florida and referred to the Committee on Appropriations, but not reported by a committee to the Senate.

Mr. SHERMAN. It was not reported by a committee to the Senate?

The PRESIDING OFFICER. The amendment does not show upon its face that it was so reported.

Mr. SHERMAN. It is subject to a point of order, then.

The PRESIDING OFFICER. Does the Senator raise the question of order?

Mr. SHERMAN. I do.

The PRESIDING OFFICER. The Chair sustains it.

Mr. PASCO. I should like to be heard before the point of order is sustained.

The PRESIDING OFFICER. The point of order is not debatable. Mr. PASCO. I know it is not, but I should like to be heard, by the unanimous consent of the Senate.

The PRESIDING OFFICER. The Senator from Florida asks the unanimous consent of the Senate to be heard on this question. Is there objection? The Chair hears none, and the Senator from Florida will proceed.

Mr. PASCO. In the Fiftieth Congress this matter was put upon the deficiency appropriation bill. The amendment was proposed in the Senate. I have not the words of the amendment as originally proposed in the Senate. It passed the Senate. A point of order was raised upon it and the point of order was overruled by the Chair. It went into the deficiency bill, directing an investigation by the Secretary of the Treasury and directing the payment of the amount after it was ascertained by the Secretary. It then went to a conference and the matter was modified in conference so as to strike out the appropriating feature, and as it became a law it read as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to examine the claim of the State of Florida reported in the letter of the Secretary of War dated May 22, 1882, and under previous acts of Congress, and to make a report upon the same to the next regular session of Congress, and in connection therewith to report the amount of all claims in favor of the General Government against the State of Florida, and in said report to state the account between the General Government and the State of Florida.

That was in the deficiency bill as it finally passed. The Treasury Department made a report, a copy of which I have here, and based upon that report a bill was subsequently introduced in the last Congress and in the present one. It passed the Senate during the present Congress and it is now an act of the Senate. So upon the point made by the Senator from Ohio, it did not need a reference to the Committee on Claims, because it was an act of the Senate, and it comes under that clause of the rule.

The PRESIDING OFFICER. Does the Chair understand the Senator to state that this appropriation is to meet a bill or resolution that has passed the Senate at the present session?

Mr. PASCO. The examination was made by the Treasury Department under a law which passed Congress at a former session and not at the present one. The report came back from the Treasury Department stating the account, and this amendment is for the purpose of carrying out that finding of the Treasury Department. It does not seem to me to be subject to the point of order upon that ground. A bill carrying out the report of the Secretary of the Treasury has passed the Senate at the present session and is now pending in the House of Representatives.

It does not seem to me that the amendment is subject to a point of order. I think an examination of the claim upon its merits will fully satisfy the Senator from Ohio that this is a just claim. It has been so found by the War Department. It has been so found by the Treasury Department. It has been so found by both Houses of Congress at different sessions. It is only in this way that this debt can be paid to the State of Florida at the present session.

The PRESIDING OFFICER. The Chair will ask the Senator from Florida if this appropriation is estimated for in the Book of Estimates?

Mr. PASCO. It is not in the Book of Estimates, but it is in the letter from the Treasury Department, a copy of which I showed to the Senator from Ohio. It comes from the Treasury Department as the language of the amendment shows. The Treasury Department stated the account and has made its report to Congress in the form of a letter. The Senate has acted upon that report in a separate bill, which was passed some months ago.

Mr. SHERMAN. As it is perfectly clear that the act of Congress passed several years ago to authorize the Secretary of the Treasury to examine and report upon this claim would not be a sufficient basis unless Congress, during the present session, shall have by some act or resolution affirmed the correctness of the account of the Secretary of the Treasury—

Mr. PASCO. The Senate has done so.

Mr. HALE. Not by an act.

Mr. PASCO. The Senate has done so by an act.

Mr. HALE. What act?

Mr. PASCO. By an act that passed the Senate.

Mr. HALE. That is a bill.

Mr. PASCO. It was passed this very session.

Mr. HALE. That is a bill.

Mr. SHERMAN. An act means the action of the two Houses.

Mr. PASCO. I said an act of the Senate. I understand an act of the Senate is a bill passed by the Senate. After a bill has passed one of the Houses of Congress it becomes an act.

Mr. HALE. It is not an act.

Mr. PASCO. It is not an act of Congress; it is an act of the Senate.

Mr. SHERMAN. I leave the Chair to decide that question.

Mr. HOAR. I ask respectfully to make a suggestion to the Chair upon this question.

I understand the question is whether a bill or other proposed act, passed by the Senate at the present session, which has not become a law by concurrence of the other branch and the approbation of the present President, is enough to make it in order to move this amendment. Now, it seems to me at first glance very clear that it does, there having been a bill passed by the Senate. Although, technically, we do not call it an act until it has become a law, frequently the phrase "act" is used in the sense of a bill, or as meaning a proposed act. I wish to submit to the Chair whether that must not necessarily be the meaning of the rule.

First, if it be not the meaning of this rule, then the words "or act" have no effect whatever, because if it must be an act which has passed both Houses and been approved by the President, it is an existing law.

Now, the rule first says "existing law" and next it says "or act." Then it goes on to say "or resolution passed by the Senate." That does not mean a joint resolution, so it is perfectly clear that the Senate by passing a resolution itself could have made an amendment in order which is intended to carry it out.

In the next place, the rule goes on to say that such an amendment may be made in order by a recommendation of any head of a Department or a direction of any standing committee. It seems to me a very absurd proposition to suppose that the Senate intended to pass a rule which denied to the whole Senate, by passing a matter in the form of an act, the right to do what it could do by adopting the form of a resolution, whether joint or separate, and the right to do what any standing committee of the Senate might do without the concurrence of anybody else or what any head of a Department might do.

So to exclude this proposition of the Senator from Florida you have got to hold that the words "or act" mean nothing whatever, for if they mean "existing law" they mean nothing whatever, because the existing law is all there, and you have got to hold next that the Senate can not do by passing an act without the concurrence of the House what it could do by passing a joint resolution without the concurrence of the House, which, it is clear, it can do, and that the Senate can not do in this way what it may do on the recommendation of the head of a department.

Mr. HALE. The Senator in his remarks has forgotten the distinction which prevails all through the rules touching appropriation bills. Claims of all sorts and kinds may be reported by a committee and put upon the Calendar and passed. When we come to the domain of appropriation bills that is another thing. *Non constat* that a committee reporting a bill and putting it upon the Calendar and passing it would report it as an amendment to an appropriation bill, because the distinction has always been maintained that general legislation may be reported by bill, but not put upon an appropriation bill.

Now, the rule is not founded upon that. Anything that is general legislation, or an act which has become a law or has been reported by a committee as an amendment to a general appropriation bill and notice given, is in order; but simply because a committee has reported a general bill and it has gone to the Calendar, it is not in order.

Mr. HOAR. And has passed the Senate.

Mr. HALE. Having passed the Senate does not by any means involve the proposition that it is in order on an appropriation bill. I remember very well in my early service in the Senate, when taking the view the Senator from Massachusetts has taken now (although I took it when I was young; he has taken it when he is old) I was overruled, and the Senator who is now in the chair took part in the debate.

The Senator from Vermont [Mr. EDMUNDS] and the Senator from Delaware [Mr. BAYARD] invoked the rule as I am stating it; I was overruled and it was decided that upon an appropriation bill the simple fact that a general bill had been reported and passed the Senate did not make it in order upon an appropriation bill.

Mr. HOAR. I desire to add one word, if I may be permitted, and that is that in all our parliamentary phraseology we speak of a thing as an act when it has passed one House.

Mr. HALE. No; I think not.

Mr. HOAR. Wait one moment; I am going to satisfy the Senator to the contrary. The very bill which the Senate is now consider-

ing, when introduced into the House, was printed as a bill and called a bill, but after it has passed the House it changes its name; after it has passed one branch it is called an act. Here it is printed as an act.

Now, the argument is that under the rule of the Senate you can not propose an amendment which is called an act, which is entitled an act, printed as an act, and read as an act, because the words "an act," when you are talking about an amendment are something else. I wish to repeat, I appeal to our practice of printing and putting measures on our calendar. When a measure has passed one House, before it becomes a law, it has changed its name and under parliamentary phraseology is an act.

Mr. HALE. Now, let me ask—

Mr. HOAR. Let me just finish—It is an act, and a bill no longer, and therefore, *noscitur ex sociis*, first, it must be carrying out an existing law. That makes it competent. Next it may be to carry out an act or resolution by the Senate. If this thing had been—

Mr. HALE. The Senator has that wrong.

Mr. HOAR. That is what it says in the rule.

Mr. HALE. It says "an act." Then there is a comma, "or a resolution passed by the Senate."

Mr. HOAR. Exactly.

Mr. HALE. It is not "an act or resolution."

Mr. HOAR. Now, when the rule said that an amendment was in order if it was to carry out an act, did it mean an act which had been passed by the Senate as well as a resolution passed by the Senate?

Mr. HALE. Mr. President—

Mr. HOAR. Let me proceed. If it did, as I said before, it has no meaning whatever, because you have got "an existing law," which is what the Senator says it means obviously, and then it goes on, going on from step to step, first, the existing law; second, the act which has been passed by one House, and, third, the resolution passed by the Senate, and fourth the mere estimate of a head of a department, and fifth, a mere direction of a standing committee.

Mr. HALE. If I can stop the Senator's impetuous flow—

Mr. HOAR. The Senator had no right to stop me until I got through. I had the floor in my own right.

Mr. HALE. I was trying to say a word. The Senator has interrupted me a hundred times in the midst of my remarks.

Mr. HOAR. I did not interrupt my honorable friend in the midst of his remarks to-night, and when he appeals to my courtesy to permit him to interrupt me the matter must be determined by my own sense of my convenience. I propose to permit him to speak in answer to what I say or to interrupt me—I know he is very courteous in such things himself—when I have got through with the statement, and not in the middle of it.

Mr. HALE. I have been too long—

The PRESIDING OFFICER. Does the Senator from Massachusetts now yield?

Mr. HOAR. I do.

Mr. HALE. I have been here too long to appeal to the courtesy of the Senator from Massachusetts. I wish to ask merely one question. The acts and resolves of the Commonwealth of Massachusetts or of the State of Maine or of Tennessee have but one binding force. They mean the laws that are passed by those States. They do not mean the laws that are passed by one branch and have failed in another. The word "act" has just as clear and specific a meaning as any word that is used. The Committee on Rules, of which the Senator was a member when the rules were revised, and of which the Presiding Officer was a member, must be very clear and specific, and I am entirely willing to leave this question to the decision of the Chair.

The PRESIDING OFFICER. The Chair desires to ask the Senator from Massachusetts what he understands to be the exact fact pertaining to the amendment upon which he bases his parliamentary opinion?

Mr. HOAR. I understand the exact fact pertaining to the amendment to be that the Senate has passed a bill providing for the payment of this sum which has not yet received the concurrence of the other House.

The PRESIDING OFFICER. If that bill shall become a law this appropriation will be necessary to meet the financial necessity?

Mr. HOAR. So I understand.

Mr. PASCO. The bill carries an appropriation with it. May I call the attention of the Presiding Officer to the first section of the rule which I understand is invoked against me. The clause which has been referred to is as follows:

#### RULE XVI.

##### AMENDMENTS TO APPROPRIATION BILLS.

1. All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce; and no amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act or resolution previously passed by the Senate during that session.

Not passed by both Houses; if the Senator from Maine will examine the very bill that he has in charge now, it is no longer a bill,

because it has passed the House of Representatives. In technical language, just as soon as a bill has passed a single House then it is an act of that House.

Mr. HALE. Then let me ask the Senator—

Mr. PASCO. Let me read the title of the very bill the Senator has in charge.

An act making appropriations to supply deficiencies, etc.

Why is it styled an act? It was a bill when it was introduced in the House of Representatives. It has passed that body now. It has ceased to be a bill, and it is an act, and it is such an act passed by the Senate as is referred to in this rule. Now I yield to the Senator from Maine.

Mr. HALE. If there is any decision by any old or young parliamentarian that will decide that an act is something passed by one body of the legislature, then I give it up.

Mr. HOAR. There is the Calendar.

The PRESIDING OFFICER. The first clause of Rule XVI provides that "No amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session."

The Chair holds that the words "existing law" and the words "or act, or resolution previously passed by the Senate during that session," do not mean the same thing.

The words first quoted mean what they import, "an existing law," while the later language quoted was evidently intended to authorize the Senate to amend a general appropriation bill by inserting an appropriation made necessary by any act or resolution which the Senate had previously passed during the present session, though such act or resolution has not passed the House, so that if "the act or resolution" should ripen into law, the necessary appropriation will have been made.

Of course, construing all the paragraphs of the rule together, the Chair holds that the passage of "an act or resolution" which is "general legislation, or which provided for a private claim, would not be in order, for the reason that clause 3 prohibits "general legislation on a general appropriation bill," and clause 4 prohibits appropriations on such bill for the payment of private claims.

Mr. HALE. Let us see what the bill is that passed the Senate.

Mr. PASCO. The bill carried the appropriation with it. Here is the bill.

Mr. HALE. Let us have the bill.

Mr. PASCO. It is identical in language with the amendment which has just been read.

Mr. HALE. Will the Senator give me the bill?

Mr. PASCO. It is in precisely the same language as the amendment. While the Senator is examining the bill I should like to call the attention of the Presiding Officer to the Calendar. The statement I have made and the statement made by the Senator from Massachusetts is carried out in all cases, as will be seen by studying the Calendar. Here is Order of Business 773. It was a Senate matter. It is a bill. Order of Business 774, a Senate matter, is a bill. But all the House matters on the Calendar are designated as acts.

The PRESIDING OFFICER. The Senator need not, so far as the enlightenment of the Chair is concerned, argue as to what the word "act" in the rule means.

Mr. PASCO. I was arguing for the benefit of the Senator from Maine.

The PRESIDING OFFICER. The Chair holds the word "act" in that rule means a bill passed by either House, even though it has not passed the two Houses and become a law.

Mr. PASCO. I was surprised that the Senator from Maine had taken a different position.

Mr. HALE. I am very much surprised. I am entirely willing to go back to all the decisions that have been made, and I have never known until to-night a decision that an act was something that had passed one House. I yield with the greatest deference to the superior knowledge and parliamentary experience of the Senator from Tennessee, who is in the Chair, and to-morrow I shall show him the record of the old debate that took place twelve years ago.

Mr. PASCO. And yet the Senator has a bill passed by one House marked an act, and he is taking charge of it now in the Senate, and he is doing it in all his appropriation work in presenting the House appropriation bills in the Senate. But when they come over here he changes their title and presents them to the Senate as acts. I will cite his own precedents in behalf of the position which I have taken in reference to this matter.

The PRESIDING OFFICER. Is the Senate ready for the question on the amendment of the Senator from Florida?

Mr. STEWART. I raise another point of order as a member of the Committee on Appropriations. The amendment is general legislation.

Mr. PASCO. If that question is raised it may be unfortunate for the other claims that are in the bill, because when we go into the Senate there will be an opportunity to have all such questions tested. It has not been raised yet, and I hope the Senator from Nevada will not raise it.

Mr. STEWART. I will let it go. I suppose there is a great deal of legislation in the bill.

The PRESIDING OFFICER. The question before the Senate is on agreeing to the amendment of the Senator from Florida [Mr. PASCO].

The amendment was agreed to.

Mr. DANIEL. On page 2, after line 18, I move to insert:

To pay to George T. Tanner, late consul at Verviers and Liege, for rent of rooms paid by him, the sum of \$200.

I beg leave to say that this item was put on the deficiency appropriation bill at the last session of the Senate, but seemed to have been dropped in conference. I hope it will be put on again at this session, and that our conferees will insist upon it. It is to provide for payment for rent of rooms by the American consul at Verviers and Liege. I hold in my hand the report of the Committee on Claims.

Mr. HALE. My attention was distracted for a moment. Will the Senator have the amendment read again?

The CHIEF CLERK. On page 2, after line 18, it is proposed to insert:

To pay George C. Tanner, late consul at Verviers and Liege, for rent of rooms paid by him, the sum of \$200.

Mr. HALE. Is that recommended by the Department?

Mr. DANIEL. The Senator was familiar with this matter last year. I will relate the status of this matter. The American consul at Verviers and Liege, Mr. George C. Tanner, rented certain rooms and paid for them.

I have in my hand the report of the Committee on Claims which was made at the last session of the Senate recommending the payment of this amount, and as an exhibit is the letter of the Acting Secretary of State, Mr. Wharton, who forwards a letter of Hon. Frederick T. Frelinghuysen, at one time Secretary of State, stating that this claim seemed to be just and in his opinion ought to be paid. It was put upon the deficiency appropriation bill after this report was cited to the Senate at the last session, but seems to have been dropped in conference. I learned that sometime afterwards, very much to my surprise. I believe it to be an entirely just claim. It is so stated by the Secretary of State, and I think it ought to be paid.

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

The amendment was agreed to.

Mr. PERKINS. On page 33, at the end of line 15, I offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 33, after line 15, it is proposed to insert:

To pay salaries of custodians and watchmen at the abandoned military reservation of Fort Hayes, in the State of Kansas, \$3,840.

Mr. PERKINS. The Senator from Maine [Mr. HALE] may remember that in the last session I asked to increase the appropriation which was made for the pay of custodians at this reservation. The Senator from Maine thought that \$40 per month, which the bill of that session carried, would be sufficient compensation, because he made the assertion that these custodians at the reservation often had the use of buildings and other advantages, which, in some measure, was considered as compensation.

I desire to say in answer to that at the present time, as I was not then as fully advised as I am now, that these custodians were absolutely prohibited by the instructions of the Interior Department from using the reservation or any building there for any purpose whatever. I have here a copy of the instructions.

In addition to this there were two watchmen employed there. It was supposed the language used in the bill of last session would pay these watchmen. I have here their affidavits, showing that, notwithstanding their service for two years there, being constantly on duty, serving the Government faithfully and efficiently, they have not received a dollar of compensation for their services. Hence I have made the proposition broad enough so as to provide for the pay of watchmen as well as the pay of custodians. The watchmen, as I have said, have received nothing whatever for their services.

Mr. HALE. I shall not make any further points of order.

The amendment was agreed to.

Mr. SQUIRE. I offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 76, after line 23, it is proposed to insert:

To pay Capt. N. H. Farquhar the sum due him, as certified by the Fourth Auditor of the Treasury September 21, 1891, \$1,173.25.

Mr. SQUIRE. Mr. President, I simply wish to say that I notice in this bill this heading: "Navy Department claims allowed by the Fourth Auditor and Second Comptroller."

I have in my hand the evidence that this claim has been allowed by the Fourth Auditor and Second Comptroller of the Treasury. I will say further, that this is a public document which has been submitted in connection with an amendment offered by me, referred to the Committee on Naval Affairs,

favorably reported by that committee, and referred to the Committee on Appropriations. So I think no point of order can be made against the amendment. In addition, this officer is a most worthy one; he is the present Chief of the Bureau of Docks. I trust there will be no objection to the amendment, and that the Senator in charge of the bill will cheerfully accept it.

The amendment was agreed to.

Mr. VOORHEES. I offer the amendment which I send to the desk to be inserted on page 50, after line 4.

The PRESIDING OFFICER. The amendment will be stated:

The CHIEF CLERK. On page 50, after line 4, it is proposed to insert:

For payment to eighty compositors regularly employed on the CONGRESSIONAL RECORD, \$49.08 each, for time unemployed during the first session, Fifty-second Congress, \$3,886.40.

Mr. VOORHEES. I desire to say in explanation of the amendment that it was reported a session ago by the chairman of the Committee on Printing, the Senator from Nebraska [Mr. MANDEKSON]. In that connection he used the following language:

I am directed by the Committee on Printing to report an amendment intended to be proposed to the general deficiency appropriation bill. I ask that the amendment, with the accompanying petition, be printed and referred to the Committee on Appropriations. It refers to the compensation of a number of printers who are employed upon the CONGRESSIONAL RECORD, who believe—and I think properly—that they are entitled to consideration for a large amount of time they have been compelled to be idle when they were ready to work. I move that the proposed amendment be printed and referred, with the accompanying petition, to the Committee on Appropriations.

The amendment relates to the time which the compositors were required to wait in the office when not actually employed. In the settlement of their accounts the time thus given was not paid for, because they were not employed, but that was not by any fault of their own. I believe their claim to be just and meritorious; and I sincerely trust that it will be allowed to go into the bill.

Mr. HALE. Mr. President, this is a pure claim, but I do not venture to make the point of order.

Mr. COCKRELL. Why not let everything go on the bill and be done with it?

Mr. HALE. I propose to let everything go on.

Mr. COCKRELL. And strike it all out in conference? It will be a delightful task.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was agreed to.

Mr. PETTIGREW. I am instructed by the Select Committee on the Quadro-Centennial to offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 11, after line 14, it is proposed to insert:

For interpreters, translators, typewriters, clerk hire, and other expenses of the World's Congress Auxillary of the World's Columbian Exposition, \$25,000, to be expended under such regulations as the Secretary of the Treasury may prescribe.

Mr. ALLISON. Mr. President, I think I shall have to raise the point of order on that.

Mr. HALE. I trust the Senator from Iowa will not interfere.

Mr. CULLOM. So do I, Mr. President. I hope this amendment will be adopted.

The amendment was agreed to.

Mr. CALL. I offer an amendment to come in on page 17, after line 15, after the heading "District of Columbia."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 17, after line 23, it is proposed to insert:

For inspector of plumbing, District of Columbia, \$500, to be paid out of the money collected for inspection of new buildings and sewers, under the act of Congress imposing additional duties on that officer.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Florida.

The amendment was rejected.

Mr. MITCHELL. I offer an amendment, which I send to the desk.

Before it is reported, if the Senate will allow me, I will state that the amendment is recommended unanimously by the Committee on Military Affairs. It is legislation, and subject to a point of order, as I am well aware. The purpose of the amendment is simply to enable State guards in States where the Legislatures have made appropriations in their interest, to purchase at the military stores and depots of the United States such equipments, small arms, etc., as the enlisted men may require at cost price, and making the money which is received therefrom immediately available to purchase similar supplies to supply their place. That is all there is to it. It is a little bit of legislation very much required in the interest of the national guards of the various States.

For that reason I appeal to the Senator in charge of the bill not to make the point of order.

Mr. HALE. Mr. President, the Senator has very ingeniously stated all the points in this amendment which make it subject to a point of order; but even with his admission, I shall not make it.

Mr. ALLISON. I shall not make the point of order, but I hope the Senator will add a million dollars to the appropriation for the manufacture of arms and equipments in order that the militia of the United States may be supplied in this way. I say to the Senate that this amendment ought not to go on the bill.

I shall ask for the yeas and nays upon its adoption.

Mr. MITCHELL. Mr. President, I am very much surprised at what the chairman of the Committee on Appropriations says in relation to the proposed amendment. It does not appropriate a dollar out of the national Treasury; it does not increase any appropriation, and it is not a new appropriation. It is simply a provision enabling the State guards to purchase their supplies at the military stores and depots, and authorizing the money which is paid in for those supplies to be used in replacing the articles purchased. The Committee on Military Affairs, which looked into this subject carefully, have recommended the amendment. Therefore, inasmuch as the Senator in charge of the bill has kindly declined to make the point of order, I hope the amendment will be adopted.

Mr. PALMER. I ask that the amendment be reported.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 24, after line 18, it is proposed to insert:

Provided, That in any case the Legislature of any State has made an appropriation of money for the equipment of the National Guard of such State, such National Guard, through the proper organization, shall be entitled to purchase for cash from the United States clothing depots and arsenals such necessary small arms and clothing for enlisted men as it may need, at cost prices, and the money received for such supplies shall be immediately available for the purchase of supplies to supply the place of those sold.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Oregon.

Mr. COCKRELL. I suppose that is not legislation, and it would hardly be necessary to make a point of that kind on it.

The PRESIDING OFFICER. Does the Senator make a point of order of any kind upon the amendment?

Mr. COCKRELL. I think it will really give us more pleasure to agree to strike it off in conference than to make a point of order against it here.

Mr. MITCHELL. I expect, from what has been said, it will be stricken off in conference if adopted.

Mr. COCKRELL. I want the Senate and the world to know that the amendments which are being put on the bill are put on for the purpose of giving me and the other conferees the infinite pleasure of agreeing to strike them off.

The amendment was rejected.

Mr. MITCHELL. It may be just as well that it should be lost now as in conference.

Mr. CAREY. I offer an amendment to come in after the word "dollars," on page 61, at the end of line 22.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 61, line 22, after the word "expired," it is proposed to insert:

To pay to the legal representatives or devisees of James W. Schaumberg, deceased, the sum of \$11,165.31, being the amount found to be due him by the United States circuit court for the eastern district of Pennsylvania, which judgment was affirmed by the Supreme Court of the United States, for the pay and emoluments of said Schaumberg as a first Lieutenant of dragoons from July 1, 1836, to March 24, 1845.

Mr. HALE. That is a pure claim, Mr. President, but I do not make any point of order against it.

The amendment was agreed to.

Mr. CAREY. I offer another amendment, which I know is subject to a point of order, if any Senator desires to raise it; but all of the Representatives of the surrounding States desire this amendment to be adopted.

The PRESIDING OFFICER. The amendment proposed by the Senator from Wyoming will be stated.

The CHIEF CLERK. On page 23, after line 9, it is proposed to insert:

That the boundaries of the Yellowstone National Park, as now fixed by section 2474 of the Revised Statutes, shall hereafter be as follows: Beginning at a point on the forty-fifth parallel of north latitude where said parallel is intersected by the western boundary of the State of Wyoming; thence due east to the easterly or right bank of the Yellowstone River; thence up said bank of said river at high-water mark to the mouth of the East Fork of Yellowstone River (sometimes called Lamar River); thence up the right or northerly bank, at high-water mark, of the East Fork of Yellowstone River (sometimes called Lamar River) to the intersection of said stream with the parallel of 44° 50' north latitude; thence east along said parallel to the meridian of 110° west longitude; thence due south to the parallel of 44° 45' north latitude; thence due east along said parallel to the meridian of 109° 45' west longitude; thence due south along said meridian to the forty-fourth parallel of north latitude; thence due west along said parallel to the right of west bank of Snake River; thence north along said right bank to its intersection

with Lewis River; thence due west to the west boundary of the State of Wyoming; thence due north along said boundary line of Wyoming to the place of beginning; and it shall be the duty of the Secretary of the Interior to cause an accurate survey to be made of the boundary lines of said park as established by this act, and to cause the boundaries to be plainly marked, said survey to be recorded in the offices of the surveyor-general and Commissioner of the General Land Office of the United States, as provided by law.

That all the territory embraced within the limits of the park as herein described is hereby reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park for the benefit and enjoyment of the people of the United States. And all lands heretofore included in said park, not included in the park as herein defined, and all lands adjoining said park as herein defined which have been heretofore reserved are hereby returned to the public domain, to be disposed of under the land laws of the United States.

The PRESIDING OFFICER. The question is on the amendment.

Mr. VEST. Mr. President, I shall not make any point of order upon the amendment, but I desire to submit some observations in regard to it, and allow the Senate to take its own action upon the matter.

As is very well known to the older members of the Senate, I have heretofore taken considerable interest in the Yellowstone Park. I became interested in it by an accident, and have felt it my duty to resist what I conceive to be deadly attacks from time to time upon the integrity of this reservation. When Congress, long before I came to this body, had set aside this 3,300 square miles for a reservation in the Rocky Mountains as a national park, I assumed that Congress intended what it said.

Soon after I came to the Senate in the spring of 1879, when it was proposed to turn this reservation into a cattle ranch, I felt it my duty to resist that attempt, and was successful in the resistance I made. After that time attempts were made at every session to run a railroad into the park, to subordinate all its purposes as a park, and all its attractiveness as a place with natural scenery and objects of curiosity to commercial and mercenary purposes.

I have considered it my duty to resist all these attempts; but my connection with the park was more direct and intimate before the States of Idaho, Montana, and Wyoming, immediately contiguous to the park, came into the Union. When those States were Territories, and not represented in the Senate, I considered it the duty of every Senator, as this park belonged to all the people of the United States, as is expressed in the terms of its creation, to defend its integrity and to keep it for the purposes for which it was originally designed.

Since Senators have come from those States, who, of course, must be supposed to know more about that park than those of us who live at a distance, and since they have manifested a disposition to mutilate it, I must confess that my interest in it has rather flagged, and that I feel very much disposed, in plain language, to wash my hands of the whole business. If the constituencies, who are more benefited than any others can possibly be in the park, are willing to see it cut off, the best disposition of the matter would be to turn it open to the public, let the full greed and avarice of the country have its scope, let the geysers be divided out and taken for the purpose of washing clothes, let them be leased to Chinamen, let Old Faithful be utilized, let the water-power of that splendid waterfall in the Yellowstone River, both the large and the small one, be used to turn machinery, let the timber be cut off; in other words, destroy the park and make it a sacrifice to the greed of this advanced age in which we live.

Mr. President, this proposition would cut off all that part of the park north of the Yellowstone River. If Senators feel any interest here is a map [exhibiting] showing the exact route of this proposed railroad. It runs down the Yellowstone River to the mouth of Soda Butte Creek, and then up Soda Butte Creek to Cooke City, a little mining camp, outside of the park at the northeast corner. The result of this mutilation of the park would be to destroy the symmetry of its boundaries in the first place; but, if that goes for nothing, it would result inevitably in the destruction of every stick of timber on the northern part of that reservation.

I do not propose to argue the sentimental part of the question. I know the audience before which I stand and the age in which I live, but putting it upon material grounds, I appeal to Senators whose States are upon the Mississippi and Missouri Rivers to resist the amendment. Our interest is directly in preserving the growth of timber and the grasses and ferns which grow upon the sides of the mountains along this great tributary of the Missouri River, the Yellowstone. We are expending millions of dollars to prevent the floods which rush down the Missouri and Mississippi Rivers and destroy our farms and plantations.

If the timber on the headwaters of the Missouri River be destroyed the immense fall of water, the rainfall which comes but once in ten or twelve months, would rush down a bare and exposed declivity upon each side of these waters and would then sweep in resistless volume through the State of Missouri and all the States contiguous upon the Missouri and Mississippi

Rivers until they reached the Gulf. Take away the ferns and deciduous vegetation upon the banks of these streams and you increase the floods largely and incalculably when they reach the lower regions. That, if I could find no other reason, would be sufficient for me to resist this amendment.

Mr. President, if there be any of us who want to preserve this park as a game reservation, I know personally, and I know from information which can not be doubted for an instant, that the largest portion of the game in that park is north of the Yellowstone River. If this railroad is to go in there, to run down the banks, and then up Soda Butte Creek to Cooke City, the result will be that not one head of game will be left there in the next sixty days. It is all the Government of the United States can do now, with a company of cavalry and with guides who are hired for the purpose, or rather mountaineers who are familiar with all the paths and intricacies of the mountain routes, to preserve the game from absolute and total annihilation.

Mr. HALE. Let me suggest to the Senator that at this late time in the evening he is only wasting his breath. A bill similar to the proposed amendment has passed the Senate. The amendment will be ruled in order, and it is not any use to undertake to preserve that park any more. The Senator was right in that statement.

Mr. VEST. I am not raising any point of order.

Mr. HALE. Such a point of order has been overruled already.

Mr. VEST. I do not know that any point of order has been made.

Mr. HALE. It is of no use to make it.

Mr. VEST. I do not know about that; and I am not going to discuss it. I wish to have the Senate act upon this amendment, because if the Senate concludes to adopt it it relieves me, so far as I am concerned, from any further labor or responsibility as to this reservation.

Mr. HALE. I hope the Senator will give it up, and let the park go. It is no use to resist.

Mr. VEST. I want a vote upon the amendment, and for that reason, though I may be wasting my breath—it is very probable I have wasted a good deal of it on different occasions in the Senate, and I have noticed my colleagues doing the same thing [laughter]—I shall not be deterred from doing my duty, as I said, although it is for the last time.

Mr. HALE. I agree fully with the Senator that it would be worth while to preserve the park; it is a most serious matter; but everybody knows that in committees bills which are introduced by members of the committee are allowed to pass the committee as a matter of favor. Those bills came in here, but never until to-night has it been supposed that that made them in order as amendments to appropriation bills. It is stated now that they are in order. I suggest to the Senator it is not any use to oppose these things. Let them go; let the park go; let everything go.

Mr. VEST. I am not quite so pessimistic as the Senator from Maine, and he seems to be in rather a sinister mood to-night in regard to the amendment. I am not conducting the defense of this bill, or its advocacy in the Senate. I will say very respectfully to the Senator, if I had been I should have fought these amendments. While I do not raise any point of order upon the pending amendment, because it would seem to be taking a rather unfair advantage of the amendment at this stage of the session, when it could be defeated in that way. I want the sense of the Senate upon the amendment, and if they propose to mutilate the park in this fashion, I shall know what to do hereafter.

Mr. CAREY. Mr. President, I have the greatest respect for the Senator from Missouri [Mr. VEST], but I do think in the discussion of questions of this kind we should be entirely fair, and should not attempt either by prejudice or by misrepresentation to defeat a straightforward, honest vote on a measure of this kind.

Mr. PALMER. I should like to ask the Senator what is the object of this new delineation of the boundary of the park?

Mr. CAREY. I shall reach that in a minute.

Mr. PALMER. I ask if it is to leave out some part of the park which is now included?

Mr. CAREY. I shall answer that question also.

No one, I think, can have any more interest in the preservation of the park than the gentlemen who represent the States surrounding it. The park will be an immense advantage to that country when it shall become more densely populated than it is at present. If the Senate will bear with me, I wish to answer in detail the objections raised to the proposed boundary of the park as urged by the Senator from Missouri.

If Senators will examine the map which I have before me, they will find, in the first place, that the proposed boundaries in the amendment on the north and on the west are to be the boundary lines between the States of Montana and Wyoming on the north and the States of Idaho and Wyoming on the west. It is true the park is drawn in a few miles on those two sides. I



have heard this matter talked about in committee, where I have heard those who were supposed to be experts giving testimony concerning the park, and none of them ever raised any objection to changing the boundary line so far as the north of the park and the south and the west of the park are concerned, keeping the line on the boundary line of the States. I framed the amendment which went into the State bill which preserved this park under the sole and exclusive jurisdiction of the United States. At every step, so far as I have had anything to do with it, I have attempted to protect the park.

The boundaries of the park, as proposed in the pending amendment, increase it in area nearly one-fourth. It is proposed to include in the park the principal timber belt at the headwaters of the Missouri River and the various tributaries which help to form the Missouri River. The people of my State and the people of Montana are particularly interested in protecting the timber, as upon this water the irrigation of much of the Big Horn basin and of much of the valley along the Yellowstone in Montana in the future depends.

The park to-day has no natural boundaries. It was defined before any surveys whatever were made in that country. There was a guess so far as the boundaries were concerned. It is true the proposed amendment does throw out a few acres of the park in the northeast corner. That is done, it is true, to accommodate a large mining country in Montana. The people there claim they can not get to Cooke City unless they go by this road. Whether that is true or not I do not know. Prof. Hayden, who was placed in that park, who has spent years in the park, and who made the topographical survey of the park, says that these are the proper boundaries of the park and that they will remove all future controversies in reference to the park.

It is true it does enable a railroad to get west; it does not block a railroad; but that railroad will not touch any curiosity in the park; that railroad will not interfere in any way with the geysers in that park; that railroad will not interfere with the timber belt; and instead of its cutting off the great game preserve there will be added, as I said, a fourth more acreage than is now included within the park, and a better game country. The park on the south of these proposed boundaries does include a very large area of country that should be included in the park.

For any Senator to assume that the whole responsibility of this park is upon his shoulders, that he must be the keeper of the consciences of all others in that neighborhood or in that section of the country, I think is very unjust to the men who live out there, and who represent those States.

This measure is satisfactory to the representatives of Idaho, it is satisfactory to the representatives of Montana, it is satisfactory to the representatives of Wyoming, and it seems to be satisfactory to about everybody except those who run amateur gun-clubbers in the East, who go out and hire guides to hunt on the east side of the park, and who are rapidly destroying the game around the park. They hunt in the very section of country we propose to include within the boundaries of the park.

I have heard this matter discussed for eight years. There have been all kinds of propositions with reference to it. The matter was taken up in the Committee on Territories, where it was very thoroughly examined. Perhaps I do the Senator from Missouri an injustice when I say I understood him when before that committee to say that, so far as he was concerned, the proposed boundaries of the park would be satisfactory.

If we can once get the boundaries of the park established, marked, and defined, I think it will then be possible to obtain the necessary legislation for the preservation of the park. This is all I have to say in reference to it.

Mr. WHITE. I should like to ask the Senator, if he will allow me before he takes his seat, if an amendment was not reported in the form of a bill in the Committee on Public Lands?

Mr. CAREY. No; it was reported from the Committee on Territories, and passed the Senate at this session.

Mr. WHITE. Is the Senator quite sure that the bill did not come from the Committee on Public Lands?

Mr. CAREY. I am quite sure of that. The bill of which the Senator is thinking was a bill which was introduced in reference to a corporation to organize the Yellowstone Park Company. That bill was also referred to the Committee on Territories, that committee having jurisdiction of those subjects.

Mr. WHITE. Then I was mistaken.

Mr. DUBOIS. Mr. President, I do not care to add anything particularly to what the Senator from Wyoming [Mr. CAREY] has said; but I object to the insinuation from the Senator from Missouri [Mr. VEST] that the representatives of the States surrounding the Yellowstone National Park do not take the proper interest in it.

When I was in the other House I fought for four years the proposition to allow a railroad to go to this mining country, which

is designed to be cut off by this amendment. I did it for the reason that I am opposed to allowing any railroad to go into the park. I am opposed to doing anything by any act of mine which will in any way impair the beauty of the park.

I am bound, however, to say that this ground adds nothing to the beauty of that section; and by setting it apart any railroad can go in there, but no railroad can get a monopoly.

The amendment proposes to straighten out the boundaries and make the park symmetrical. It takes only about a half section in width and adds about a half section in width. It adds to Montana, while it takes off from Wyoming a great many times more than is added to the surrounding States. It makes the land symmetrical.

We are very much interested in the park, and through no voice or no vote of those who represent States surrounding the park will any detriment come to it.

Mr. PEPPER. Mr. President, if the laying out of the Yellowstone National Park had been done for the convenience and entertainment and amusement of the people of Wyoming and Idaho and Montana, and for them alone, I certainly should not feel myself at liberty to object to making any change in its boundaries which the people in that region should desire; but the Yellowstone National Park was laid aside by the people of the United States, and the men and women of Kansas and those of Massachusetts and South Carolina are as much interested in maintaining the boundaries of that reservation where they were first established, as the people of Wyoming, Montana, and of Idaho are interested in changing them.

If Senators will examine the effect that the proposed changing of the boundary will make upon the original reservation they will be surprised to see how it will be then mutilated, as the Senator from Missouri [Mr. VEST] expressed it. I do not wish to discuss the subject at length; but I do insist that the people maintain the reservation just as it was originally established. If the lines are not straight let us make them straight, but if we begin now or in the immediate future or at any time to make changes in the boundaries for the purpose of accommodating private individuals in a little while the whole park will be gone. As our bison are gone and the elk and all the animals of that region are gone, so in a little while the reservation will be gone, and the magnificent scenery of that region, which has been set apart for the amusement and entertainment of the people, will go with the rest.

I hope the Senate will retain the boundaries just as they have been established.

Mr. TELLER. Mr. President, the Senator from Kansas [Mr. PEPPER] can know but little about the park from the remarks he has just made. There is no mutilation whatever of the park proposed by the amendment. There is a change in the boundary lines.

Mr. President, ever since this park was established there has been trouble about the line on one side. The proposition now is to take off one corner for the purpose of enabling a railroad company to run its line into a mining camp. Having had a good deal to do with this park, I say, with as much knowledge as the Senator from Kansas [Mr. PEPPER] can have or the Senator from Missouri [Mr. VEST] can have, that it in no wise interferes with the park at all. It takes off nothing attractive in the park. It does not scare off the game in any portion of the park. A railroad there will not in anywise disturb the game in that park.

I know that in certain sporting circles and in certain sporting papers there has been a great outcry against the mutilation of this park. It proceeds, as stated by the Senator from Wyoming [Mr. CAREY], from two classes of people: first, those who do not understand it; and, secondly, those who are afraid that it will interfere with their hunting grounds. This proposition is to extend the line in a direction that every friend of the park who is acquainted with it has been anxious to have it extended for years. It extends it into the section of the country to which the game goes every winter, and in which the pot-hunters find themselves every winter killing the game which we are endeavoring to preserve at great expense in the park.

The game every winter naturally drifts from the park into the lower regions where the pot-hunters go for game. The proposition now is to take in that country and add a large area to it, to add to it the very country into which the game goes to spend the winter.

This amendment is in the interest of the park and in the interest of the game that is in the park. And I repeat, that the only point made against it, so far as I can learn, comes from those two classes of men I have mentioned: first, those who know nothing about it; and, secondly, those who are interested in preserving their hunting grounds.

This park was laid off, as I said before, when there was no survey made; it was laid off arbitrarily. Since that time surveys have been made, and people who have as much interest in the

park as have the Senator from Kansas or the Senator from Missouri, have been for ten years trying intelligently to change this line and to change it in the interest of the park.

The people of Wyoming preserved this park at their own expense when the Government of the United States failed to make the proper appropriation. There is no reason for the charge that was made by the Senator from Missouri or the charge that was intimated by the Senator from Maine, that there is any disposition in any way to despoil this park. The true friends of the park are the people who propose to have its boundaries fixed, as proposed by this amendment.

I resent the charge that the people of that section of the country are not as capable of determining where the line ought to be as the Senator from the State of Kansas, the Senator from Missouri, or from any other section of the country.

This matter has been discussed in the papers, I see, with a good deal acrimony and from a standpoint of absolute ignorance. In the first place, you may run a railroad through a country within 5 miles of game, and you will not disturb it. The game in a little while becomes accustomed to the operation of a railroad. But this railroad is to run through a high, mountainous country the most of the way, where game would never go and where they would not hear the locomotive or know that the railroad was there.

I have lived in a country of game where a railroad ran, and I have seen on more than one occasion the game disturbed by a train when the game was on the track. I have seen mountain sheep whistled off the railroad track between Denver and Central City on more than one occasion. But nobody ever supposed that the game was driven out of those mountains by the fact that the railroad ran from Denver to Central City. There is no more probability of its being done in this case than it was in that.

I say that the people who have gone into that country to open it up and subdue nature have as much right to get to it as some dudes who are interested to preserve the game. These are hardy miners who have gone in there and put their money and their labor into that country, and they are deprived of an opportunity to get to market, unless this railroad shall be built. If it were necessary to destroy the game, I should say destroy it. But it is not necessary to destroy it. It in nowise interferes with the park proper. If the lines had been established when it was first made, as they are now proposed, the park would have been very much better than it is under present conditions, and better than it can be unless the lines are changed.

Mr. HALE. Mr. President, I am comparatively powerless, because every bill that has passed the Senate is in order on this appropriation bill. But I appeal to Senators, considering how short the time is and how necessary it is that this bill should go through, that they do not prolong the discussion beyond what is absolutely necessary upon amendments.

Mr. STEWART. Let us have a vote.

Mr. HALE. I know the Senator from Pennsylvania [Mr. CAMERON] has been very accommodating about another matter which is coming on later, as he has said he would postpone the subject until he can could it up at another time. Therefore I appeal to Senators, if they have amendments, that they may offer them and let them be voted upon here in the Senate, and not prolong the discussion.

Mr. CULLOM. Mr. President, I simply desire to say that I have been waiting for an opportunity to make a conference report. The conferees on the part of the House are waiting to hear what is done with the bill in the Senate. I had hoped that the bill which the Senator from Maine has in charge would have been finished by this time, so that I could make the conference report to the Senate at an early hour.

Mr. HALE. The Senator from Illinois has been very forbearing.

Mr. CULLOM. If this bill can be disposed of now, I shall defer making that conference report until this shall be out of the way. Otherwise, if this discussion goes on, I shall feel obliged to ask to have an opportunity to make the conference report.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Wyoming [Mr. CAREY].

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

The yeas and nays were ordered.

Mr. VEST. Mr. President, I desire to detain the Senate but a few moments in regard to this matter, to make reply to some observations which have been made here and which I propose to answer very briefly and very distinctly.

I am obliged to the Senator from Colorado [Mr. TELLER] for his very courteous remarks here to-night. As I am entirely indifferent to his opinion on this subject, it does not disturb my equanimity at all. I shall do my duty as I see it. No bluster, no harsh criticism, especially from the Senator from Colorado, shall induce me to depart from what I conceive to be right. I

neither belong to any gun club in the East, nor have I any other object in this matter than to carry out what I believe is for the welfare of this park and to preserve it to the people and to their children forever. My constituents have no immediate interest in it, and I shall leave it to the Senate to determine who has the more interest, the men whom he styles dudes, who want to protect the game, or the men who want railroads running in there, enabling them to make money and sell their stock.

There has been a pretense made before Congress for years that those people there could not get to Cooke City except through the Yellowstone Park. The Senator from Wyoming was kind enough to allude to something I said once before the Committee on Territories as to acceding to this proposition cutting off this park. He knows that I did it at the point of the parliamentary bayonet, under protest, and because the lobby here in this city was so strong that we could not pass a bill for the improvement of the park unless we acceded to their mercenary demands. That is as well known as anything else in regard to this reservation.

I have been maligned and slandered and have had imputed to me all sorts of sinister designs in regard to this park. I have visited it, I believe, five times. Yet the Senator now puts me in the category of either a member of an Eastern gun club or as being so densely ignorant that I know nothing about it. I have fished up and down the Yellowstone River from one end to the other in that park. My hunting days are over, but there was a time when I esteemed myself happier in the forests and upon the rivers of my country than anywhere else, and I am not ashamed of it.

I have no earthly interest in this matter except to protect this park. If ever mortal man stood here utterly disinterested on this subject, I stand here in that condition to-night. But I say there has been a fraudulent pretext that these honest miners could not go to Cooke City except by going through this park. When I proposed to a committee of the House of Representatives to cut off the northern part of this park in order to secure some government for the balance of it, I was informed that they did not want to cut it off at that time. They wanted an exclusive privilege to go through that park in order to sell and make money out of it.

The present occupant of the chair [Mr. MANDERSON] knows what means were resorted to to intimidate him and myself. His personal character and mine were assailed because we stood before these vandals and dared them to do their worst. Now I am to be told that I am densely ignorant of the country. I have been in that country, and I think I know all that can be obtained by actual observation. They say it is necessary to go by this route to go on from Cinnabar, which is one of the termini of this proposed railroad, up to Cooke City.

The Senator says it does not mutilate the park. Look at this map. It goes in here at the forty-fifth parallel, runs down southeast, and then turns and runs directly northeast, cutting out an oblong slice at the end of the northern part of the park.

The Senator from Idaho [Mr. DUBOIS] says any railroad can go in there. Why, sir, no railroad can go in but the railroad proposed, because that runs along the bank of the Yellowstone River, and would leave no space for any other railroad. The Senator from West Virginia [Mr. FAULKNER] behind me says that has always been admitted. That is a fact, because the mountains come down to the river, and there can only be the requisite space for a railroad at the base of these cliffs. In order to go back of the banks of the river it would have to turn northeasterly towards the mining camp called Cooke City.

What is that grade? Here is an official report showing that the very steepest grade is 3½ per cent, or 175 feet to the mile. What are the grades as to other railroads in the mountains? Here they are: From Denver to Graymont, Colo., the maximum grade is 185 feet to the mile; from Denver to Central City, 171; from Echo to Park City, 190. This is on the Union Pacific road. From Wallace to Burke the grade is 211; from Pendleton to Spokane, in Washington, 168; and so on, ranging on through mountain grades of 211, 327, 211, 211, 348, 248, etc. And we are told now that we must cut off the northern part of this park in order to get from Cinnabar to Cooke City. That is a mere pretense, Mr. President.

I say now, answering the Senator from Colorado in regard to the game, that that is not the principal argument in this discussion. If a railroad runs through there, every particle of timber on the northern side of that Yellowstone Park will be burned off; it will be taken off upon one pretext or another, and destroyed by forest fires generated by sparks from locomotives; it can not be stopped.

That is the proposition as it stands before the Senate. The Senate can do as it pleases.

Mr. TELLER. Mr. President, I alluded to newspaper articles

when I was speaking of people who knew nothing about this subject, and not to the Senator from Missouri [Mr. VEST], for I know he has been to the park.

I do not yield to the Senator from Missouri in his desire to preserve this park. If the proposition was, as he knows it has been made repeatedly, to run a road down into the central part of the park where the curiosities are, I certainly should object. If taking off this little strip on the north side, or about half way across the end of the park, running into it and out again, would interfere with the beauty of the park in the slightest degree, I should object to it. The Senator knows that it does not. The Senator knows that it will in no wise mar any of the beauties of the park; that it is a long distance from everything that is attractive to the tourist. He knows that, and he will not deny it.

The Senator says that this railroad is going to destroy the game. That is the attack which is being made everywhere, that it will run the game out of the country. That is what the sporting clubs and sporting papers complain of. If the Senator will turn his attention to the Forest and Stream, a paper which I have taken for many years and read with great pleasure, he will find that there is complaint made all the time that this will destroy the game.

The Senator says his hunting days are over. So are mine. I have been something of a gunner in my day, and something of a fisherman. I still like the rod, and I should like the gun, I suppose, if I had a little more youth. I like these places where people can go and rest from the toil of brain and the labor of a busy life, as well as the Senator, and I occasionally find time to take a little recreation of that kind myself. I am not insensible to the beauty and majesty of nature in that wild country, and I would not destroy it or allow it to be destroyed.

But I know, as the Senator knows, that this in no wise interferes with the park. When the Senator says the railroad can not be run there because it will destroy the timber, let me ask, are there to be no railroads run through these mountain regions for fear that timber will be burned? I have had as long residence in the mountains as anybody on this floor, or anybody in this section of the country, perhaps. I have never known of a forest denuded of its timbers by fires started from a locomotive, nor has the Senator, nor has anybody else. We have in Colorado several hundred miles of railroad, and I have yet to hear the first complaint of a locomotive starting such a fire. We have fires which are set by parties who desire to destroy the timber, it is said, or to get the timber that they may use it. We also have fires in that country sometimes made for the purpose of driving the game.

But you can not say that the spirit of the age, the progress of the age shall not be encouraged by building railroads because you may burn up some fine timber on the side of a mountain. You may burn up houses when you run a railroad through a farming country, as you do, occasionally. If the railroad company burns up timber it will be responsible in my State, where we have a severe law against anybody setting fire to timber; and I have no doubt that there is such a law in this section of the country, too.

I want to repeat once more that the people who are friendly to the park are not hostile to this change of the boundary line, which cuts off a comparatively small slice. Then we add to it the very section that ought to be added, and that some of us have tried for the last ten years to add. If I am not mistaken, the Senator from Missouri himself tried more than ten years ago by a bill of this kind to have added to that park. He was then quite in favor of extending the line south and east, as I recollect.

Mr. VEST. I do not object to that now.

Mr. TELLER. No; the Senator does not object to it now. I say it is a good exchange to exchange that little piece left in the northeast corner for this great extent of country below, which is more suitable for game, has better timber on it, and is in every way more desirable to be added to the park than to keep the park as it is.

Mr. HALE. I ask unanimous consent that all debate on this bill and the amendments may proceed under the five-minute rule.

The PRESIDENT *pro tempore*. The Senator from Maine asks that the further consideration of the bill and amendments be made under Rule VIII, limiting debate to five minutes, and but one speech to be made by a Senator upon a given amendment. Is there objection?

Mr. STEWART. That is, on the bill, not on the report?

Mr. HALE. The bill and amendments.

Mr. STEWART. That will not reach the conference report?

Mr. HALE. It does not reach that.

The PRESIDENT *pro tempore*. The Chair hears no objection to the request of the gentleman from Maine, and the discussion

on the bill and amendments will proceed under the five-minute rule.

Mr. HAWLEY. I dislike to detain the Senate at all. I have taken a good deal of interest in this matter of the Yellowstone Park for a great many years, and have uniformly voted as I thought most likely to preserve the game and the natural curiosities. I have voted as a man from a distance, of course, but I have always taken pains to listen to those men who have been there and all over the park and who understood what was to be done in order to make a grand preserve of this most magnificent park.

I confess that, while I listened with pleasure to the Senator from Wyoming [Mr. CAREY] and to the Senator from Colorado [Mr. TELLER], and am very sorry to disoblige the Senator from Wyoming especially, I am a little suspicious when the Senator from Colorado himself says that the complaint is made everywhere that this change will drive out the game. That is his exact expression—the complaint is made everywhere. Then it must be made in the sporting papers and by the sportsmen, the woodsmen, and the keepers of the park and the people who know all about the question.

I am inclined to believe that the tendency of the proposition here will be to drive out the game. One of the great delights in thinking of that magnificent park is reflecting that we shall there keep as long as civilization will possibly permit these splendid specimens that are still to be found there.

We were told, when this matter was under discussion, that to run a railroad there would have a very unfavorable influence upon the park. That argument prevailed with Congress. But now we are told that if we will just cut off that piece from the park so that it shall no longer be a part of the park, and then run a railroad through it, it will not disturb the game. I do not know that game have any knowledge of boundary lines. They will hear the noise and see the visitors at the various stations just as well as if there was nothing but an imaginary line between the park and the other public lands.

The Senator from Colorado again proceeds on a somewhat inconsistent tack and tells us that the sound of the running of cars and locomotives will not scare game. He says that he has seen mountain sheep whistled off the tracks. I myself, although I speak with the greatest modesty on this subject, have seen herds of antelopes running along nearly parallel with a train of cars on which I was a passenger, until I was tempted to fire at them from the smoking-car. I know that some of these creatures are in a measure getting accustomed to the railroad cars. But it is a novel idea to me that that rather shy creature, according to the books (though the books may not know anything about it), that this specially shy mountain sheep has sometimes been chased by a locomotive.

If that is so I think it would be a good plan to go hunting mountain sheep with a locomotive, if they care so little about railroad noises that the locomotive has to whistle in order to get them out of the way.

My distinguished friend, the former Secretary of the Interior [Mr. TELLER], who knows a great deal about these things, tells us in another careless admission that he does not care if it does drive out game from the park.

So my listening to the debate has caused me to be so suspicious of this thing that I shall have to vote against it.

Mr. TELLER. I want to correct my friend, who has made a mistake. I did not make any such statement whatever as that.

Mr. HAWLEY. As which?

Mr. TELLER. That I did not care if we did drive out game. That statement was made by another Senator, not by me.

Mr. KYLE. I rise to a point of order.

The PRESIDENT *pro tempore*. The Senator from South Dakota will state his point of order.

Mr. KYLE. My point of order is that this same proposition was offered as an amendment to the sundry civil appropriation bill and discarded, on the ground that it was entirely irrelevant to the bill and in the way of enacting general legislation. I make the same point of order here.

The PRESIDENT *pro tempore*. Does the Senator from South Dakota make his point of order on the ground that the amendment proposed is general legislation, or on the ground that it is irrelevant?

Mr. KYLE. On the ground that it is general legislation.

Mr. HARRIS. Mr. President, I happened to be in the Chair when that ruling was made, and I ruled the amendment out of order on the ground that it was general legislation.

The PRESIDENT *pro tempore*. The point of order is sustained. The Chair is of opinion that the amendment proposes general legislation upon an appropriation bill.

Mr. CAREY. Is there no time fixed in the Senate within which a point of order may be raised?

The PRESIDENT *pro tempore*. There is none. A point of order can be raised at any time, pending the question.

Mr. HALE. It is not a question of time, but a question of risk in raising the point.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. JAMES KERR, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10331) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1894, and for other purposes.

The message also announced that the House further insisted upon its disagreement to the amendments of the Senate numbered 67, 68, 69, 70, 71, 86, 87, 104, 189, 193, and 194 of the bill (H. R. 10233) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1864, and for other purposes; agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOLMAN, Mr. SAYERS, and Mr. COGSWELL managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 7633) to ratify and confirm an agreement with the Kickapoo Indians in Oklahoma Territory and to make appropriations for carrying the same into effect, and it was thereupon signed by the President *pro tempore*.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10258) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1893, and for prior years, and for other purposes.

Mr. WOLCOTT. I offer an amendment which I ask to have reported.

The PRESIDENT *pro tempore*. The proposed amendment will be reported.

The SECRETARY. On page 49, after the word "dollars," in line 17, it is proposed to insert the following:

And hereafter reports from the various Departments of the Government, called for by resolution of either House of Congress shall, if printed, be chargeable to the Departments rendering the same.

Mr. WOLCOTT. Mr. President—

Mr. HALE. I must make the point of order on that.

Mr. WOLCOTT. I have the floor.

Mr. HALE. I yield to the Senator to make his remarks.

Mr. WOLCOTT. I think possibly if the Senator would hear me he would be disinclined to make the point of order.

Mr. HALE. I will reserve the point of order.

Mr. WOLCOTT. I hope I may have the forbearance of the Senate for five minutes, for I shall certainly take as little time as possible.

Mr. President, it must be patent to every member of this body that vast amounts, tons of printing come to this body every year which do nobody any good, which do not further the public business, which do not add to our knowledge of public affairs, and which serve no useful purpose whatever.

The deficiency item for the Senate printing alone in this bill is \$470,000. Much of this is unnecessary; much of it seems to be important when called for, and finally has no value; much of it the Senate has practically no control over, for some member of this body or of the other introduces a resolution calling for some information from a Department, which is passed, and when the response is made it is printed as a matter of course.

If this printing were charged to the Department which sends the report it would amount to the same thing in the end, for the appropriation comes from the Government; but it would put the Departments upon their guard as to the overabundance of testimony with which they flood the Senate. Very often, in response to resolutions passed by both Houses of Congress, the Departments give us such a bulk of information that no man within the reasonable hours of a working legislative day or a legislative week can pick out the information which he desires and for which the resolution was introduced. For that reason, if this amendment does not reach the evil, I trust that in some way it may be corrected.

I desire to call the attention of the Senate to one particular instance. I regret exceedingly that it is found in a communication from the Postmaster-General; but I feel it my duty to present it to the Senate as an evidence of the sort of stuff we get in answer to our resolutions. I refer to Senate Executive Document No. 92, Fifty-second Congress, first session.

An innocent resolution was introduced in the Senate instructing the Postmaster-General to furnish the Senate with the information which he might have on file in his Department relative to the question of extending the free-delivery system to rural

communities—a most important question upon which very many of us are agreed that we should like it, if we can get it; but there are doubts in the minds of many as to whether the country is in a condition to so extend the service, though all of us desire that which will give us information, and desire nothing else.

In response to that resolution the Postmaster-General sent a response, which covers nine printed pages, which show the experiment made and the result of it, succinct—all that is wanted, everything that is necessary. Accompanying that communication there is the most extraordinary mass of matter which I have ever seen collected for gratuitous distribution outside of ordinary paid advertisements. I find beginning on page 10, 164 printed pages purporting to be four hundred and seventy-two newspaper comments favorable to rural free delivery.

Mr. President, many of these articles are exactly alike, and are an exact reprint of an article furnished to the American Agriculturist by the Postmaster-General himself. [Laughter.] The rest of the notices are all extremely laudatory of rural delivery, but they are far more laudatory of the Postmaster-General, his methods, his religions, and his business character. [Laughter.] The character of these advertisements is naturally favorable; for it is a fact we all know that in many of our country towns the editors of our rural papers are always the postmasters. [Laughter.]

They, of course, think and speak well of the rural-delivery system, and they would speak well of a delivery to the moon if the Postmaster-General wanted it. They have filled the papers of that delightful and semirural borough of Philadelphia, which enjoys somewhat the sunshine of patronage which the Postmaster-General affords them from time to time in the advertising department, and come to the rescue with their fulsome eulogies of this plan.

I want to call the attention of the Senate to the following excerpts picked almost at random from this report. This is from the Wilmington (Del.) Republican of September 19:

Besides Secretary Blaine, Postmaster-General John Wanamaker has been one of the most abused and criticised members of President Harrison's Cabinet. But Mr. Wanamaker minded it no more than the moon did the barking of a dog, and just kept on the even tenor of his way in giving the people safer and increased postal facilities.

The PRESIDENT *pro tempore*. It is the duty of the Chair to call the attention of the Senator to the fact that his five minutes have expired.

Mr. BUTLER. I ask unanimous consent that the Senator may be permitted to proceed.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the Senator from Colorado will proceed.

Mr. WOLCOTT. Again I find—

The Postmaster-General has been a successful merchant, and his business ideas, when not carried into politics, are often commendable.

I trust the Postmaster-General in his retirement to private life will not suffer in his business career by the fact of this publication. [Laughter.]

I read again from the Philadelphia Item, of October 22, a home paper of the Postmaster-General, where he is well known, as the perusal of a copy of any Philadelphia paper will show:

Mr. Wanamaker is a progressive business man, who owes his political prominence to his progressive business principles and rare executive ability.

This, I hope, will successfully do away with the charge that we have heard slanderously made that he owes his appointment to any other reason. [Laughter.]

On page 61 I find an abstract from the Baltimore American, of October 22, as follows:

Postmaster-General Wanamaker's broad ideas of the duties of the Government in supplying a mail delivery that shall be so universal in its character that it will reach into every home in the land, are characteristic of the man.

He says again of himself, or rather the Gainesville (Texas) Signal, of December 2, says of him:

Mr. John Wanamaker, who may or may not be a good Sunday-school teacher, but who is an expert dry goods dealer, and at present Postmaster-General, has published his idea of free delivery in local rural districts.

That identifies the movement, so that it can not apply to any other gentleman than the one who is at the same time Postmaster-General, a good Sunday-school teacher, and an expert dry-goods dealer. [Laughter.]

He says again:

It has been popular for the Democratic party and Democratic partisans to speak jestingly of Mr. Wanamaker, of his private business methods, and of the fact everlastingly to his credit, that he is a man in public life not ashamed of his religion.

I hope if that has been true of any Senator on the other side that he will blush for shame, for the country recognizes, as this report recognizes, that he is truly a good man. [Great laughter.]

He says, again—

The PRESIDENT *pro tempore*. The Senator will suspend. It

is the duty of the Chair to call the attention of Senators and those who are in the galleries by the courtesy of the Senate to the fact that the rules of the Senate prohibit marks of approbation or disapprobation.

Mr. WOLCOTT. Again, we have that which fills a long-felt want, and gives us an adequate idea as to the early career of this distinguished statesman:

The Postmaster-General cherishes one more dream, which may not be all a dream. Once a country boy, he still has a large place in his heart for rural people, and maintains that free delivery if extended to the country would soon pay for itself, through increased patronage of the mail.

I read again—and I am almost through:

John Wanamaker is in favor of giving free mail delivery to all towns and villages. This is one of the greatest bargains John ever offered to the public—and the Farmers' Alliance. While we appreciate the good intentions of our Postmaster-General and his desire to save us long trips and longer waits around the post-office, which causes much wrathful indignation, yet we think it will be awfully lonesome for the cracker barrel and the soap box at Pot-dunk Corners and Potsdam Cross Roads, and then what will the postmaster say?

I read again—and this shall be the last, for these extracts are almost all alike:

Postmaster-General Wanamaker must be given credit for the possession of that faculty which all great and successful shopkeepers have strongly developed—a desire to please their customers. Then, too, Wanamaker, in his private capacity of dry-goods merchant, does a large business by mail.

That suggestion the Senate will understand.

And if the dry-goods merchant has any influence with the Postmaster-General, the public may look for increased mail facilities to the utmost extent the law allows.

Mr. President, I fancy that very much has been accomplished by the Postmaster-General by the publication of this matter, but, seriously speaking, it is iniquitous that, under any system of administration, any head of any Department should inflict upon the Senate of the United States, under a resolution calling for information as to the free-delivery system, these copies of extracts from country newspapers, which are filled with personal eulogies of the Postmaster-General himself.

If the amendment which I have offered, or any amendment which any other Senator may offer, may serve to stop this evil, the time which I have taken at the crowded end of the session will not be in vain.

I should hesitate to criticise this fact if the official belonged to the Cabinet of a party different from my own, for I fear that the charge might then be made that I was animated by personal or political hostility; but I feel compelled to make it at this time from a sense of public duty and because it is to me inexplicable that any official at the head of a great Government Department could inflict such stuff as this upon the Senate and that the country should be called upon to pay for it.

Mr. HALE. Mr. President, I think we have been all pretty well convinced, not only to-night, but heretofore, that the Senator from Colorado [Mr. WOLCOTT] is a good friend of the Postmaster-General. [Laughter.] What the Senator should do is to administer to him as a friend some admonition, some reproof, so as to make him a better Postmaster-General.

Mr. WOLCOTT. He could not be a better man.

Mr. HALE. A friend of mine at my left has suggested to me that possibly the Postmaster-General may not have been forward enough in helping to circulate the Senator's speeches, but I do not think there is anything in that. [Laughter.] I do not think the Postmaster-General has given any provocation in this case. I think the Senator's assaults upon this branch of the Government have come from a pure motive on his part to improve the public service.

Mr. WOLCOTT. Absolutely.

Mr. HALE. What the Senator wants is a modest and gentle and honest Postmaster-General who will attend to his duties, who will not make any assaults upon anybody outside, but will devote himself to the business of the Department, circulate all the matters which go forth everywhere, and if the Senator from Colorado, who pictures ideal administrations and ideal departments, could have his way I suppose we should have a more perfect administration than we have now. I do not think all of us fully share in the feeling of the Senator that the Post-Office Department has been a failure.

Mr. WOLCOTT. I do not criticise that; but I want to ask the Senator if he really thinks these newspaper cuttings, to the extent of 164 pages, ought to be printed at the expense of the Government?

Mr. HALE. I have seen in papers which have been sent to me most pleasing and fitting and apt eulogies of the speeches of the Senator from Colorado; but I did not blame him for them. I have seen a hundred extracts stating that he was the orator of the Senate, that he was the most promising man on the floor, but I do not blame him for such statements. I thought there was a good deal of force in them. I thought the newspapers were justified in their expressions, because all of us feel an interest in the oratorical flights of the Senator from Colorado and

recognize the interest he takes in public affairs. I really never thought, though, Mr. President, of charging that the Senator from Colorado got up such notices, and of bringing in extracts from newspapers to show that he had got them up. He did not know of them.

Mr. WOLCOTT. They were not printed at public expense. [Laughter.]

Mr. HALE. No, but if there had been any chance to print them in that way they would have been so printed.

Mr. WOLCOTT. No, they would not.

Mr. HALE. The Senator is not responsible for those things, not a bit of it; and the Postmaster-General—and I am serious about this—is not responsible for the things to which the Senator has referred.

I do not agree with some of the things which have been done in the Post-Office Department, but let me say to the Senator from Colorado that if the time ever comes when he is in accord with any existing Administration and becomes Postmaster-General, he will fall into the way, which all Postmasters-General do, of catering to the public.

Years ago a Postmaster-General, who was a very good officer, got wild and mad about abolishing the franking privilege, and sent out petitions which were made in his office and circulated all over the country. He at last succeeded in arousing a kind of semipublic sentiment, and we responded to it and repealed the franking privilege. It did not do any good; it did not save anything; it was not a matter which was really of public interest and public benefit; but the Postmaster-General thought it was popular. A similar course has been pursued ever since. There seems to be a fatality about Postmasters-General. Every man appointed to that office wishes to do something which will appeal to the public. He believes the Post-Office Department is the one great overmastering Department of the Government; that the people have no interest in anything else, and he keeps urging what he calls reforms. I do not think they are reforms. I think the Postmaster-General has gone too far. All this theory about extending letter-carriers into little towns, and where a city has eleven mails a day to give it sixteen or seventeen or twenty, I think is a kind of humbug. There is nothing in it, but it seems to be infectious in the atmosphere of the Post-Office Department, which represents the people.

Everybody who takes a stamp and licks it and puts it on a letter, and everybody who writes a letter or receives one, seems to be represented in the Postmaster-General. I do not think the present Postmaster-General has fallen any more into the desire for popularity and extending reforms to the people than any other Postmaster-General.

The PRESIDENT *pro tempore*. The time of the Senator has expired.

Mr. HALE. I am through myself. I have almost expired. [Laughter.]

The PRESIDENT *pro tempore*. Does the Chair understand that the Senator from Maine renews his point of order on the amendment of the Senator from Colorado?

Mr. HALE. Yes, I renew the point of order.

Mr. HOAR. Mr. President, I wish to say a word.

Mr. HALE. I will withdraw the point of order to enable the Senator from Massachusetts to be heard.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. JAMES KERR, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10415) making appropriations for current and contingent expenses and fulfilling treaty stipulations with Indian tribes for fiscal year ending June 30, 1894, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PEEL, Mr. ALLEN, and Mr. WILSON of Washington managers at the conference on the part of the House.

#### INDIAN APPROPRIATION BILL.

Mr. CULLOM. I ask that the action of the House of Representatives relative to the Indian appropriation bill may be laid before the Senate.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the bill (H. R. 10415) making appropriations for the current and contingent expenses and fulfilling treaty stipulations with Indian tribes for fiscal year ending June 30, 1894, disagreeing to the amendments of the Senate to the bill and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CULLOM. I move that the Senate insist upon its amendments heretofore made, and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was author-

ized to appoint the conferees on the part of the Senate, and Mr. DAWES, Mr. CULLOM, and Mr. CALL were appointed.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10258) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1893, and for prior years, and for other purposes; the pending question being on the amendment submitted by Mr. WOLCOTT.

Mr. HOAR. Mr. President, I am not an admirer of the present Postmaster-General and I do not think he would ever select me as his eulogist. Justice to him requires, I think, that there should be pointed out of the form of the resolution which he is replying to, which is this:

The Postmaster-General is hereby instructed to furnish the Senate with all the information that may be on file in his Department, including copies of reports and statements of post-office inspectors and others, relative to the question of extending the free delivery system, etc.

Does the Senator know who drafted that resolution?

Mr. WOLCOTT. Undoubtedly, the Postmaster-General.

Mr. HOAR. No; the resolution of the Senate?

Mr. WOLCOTT. I understand perfectly. Undoubtedly; and I want to ask the Senator if he thinks that calls for the return of all the newspapers and a reproduction of copies in different newspapers of identically the same article?

Mr. HOAR. If the Postmaster-General drew up the resolution himself and got some Senator to introduce it, as I understand the Senator from Colorado now charges—

Mr. WOLCOTT. I do not charge it; I say it is my impression.

Mr. HOAR. The Senator said "undoubtedly." I should think that was a very extraordinary thing indeed. I presume a reference to the files of the Senate would ascertain what Senator had introduced the proposition. But at any rate it seems to me that the Senate clearly required of him by its resolution that he should send in a statement of anybody on this subject, and, therefore, if there had been sent to him copies of country or city papers, whether they were in the same language or in different language, asserting as the opinion of that paper that the rural delivery system would work well in that community, it was his duty to send them by the express order of the Senate; and the fact that the Government was put to any cost for printing is entirely chargeable to the Senate and not in the least to him. I say this in justice to this officer, and because I do not think he is the person I should select for eulogy. I am no admirer of his.

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

Mr. HISCOCK. On page 61, after "dollars." in line 17, I move to insert:

To the Pacific Mail Steamship Company, \$38,979 42

Mr. HALE. I shall have to make the point of order upon that.

Mr. HISCOCK. No, the Senator will not. I called his attention to it.

Mr. HALE. Is that the amendment that came in late, under the call?

Mr. HISCOCK. Yes, sir.

Mr. HALE. Then if the Senator will let a vote be taken on it (it came in under the call; it was a little late), I do not object to it.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

The SECRETARY. On page 61 correct the totals in lines 18, 19, and 20, so as to read "\$2,963,710.30."

The PRESIDENT *pro tempore*. This correction will be made.

Mr. HALE. I ask that the clerks be allowed to correct all the totals.

The PRESIDENT *pro tempore*. That order will be made in the absence of objection.

Mr. HALE. Now let us go back to the amendment on page 25.

The PRESIDENT *pro tempore*. The amendment of the committee passed over on page 25 will be stated.

The SECRETARY. On page 25, after line 25, the Committee on Appropriations report to insert:

To pay to George W. Quintard and George E. Weed, assignees of John Roach, deceased, the sum of \$28,160.25 for labor and material furnished by the said John Roach in completing the dispatch boat Dolphin, under the advice and assistance of the naval advisory board.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. BATE. I have an amendment to offer. On page 23, at the end of line 9, I move to insert:

For building the platform around the apex of the custom-house in Chattanooga, Tenn., \$500, or so much thereof as is necessary for completing custom-house at Chattanooga.

The building is incomplete and I ask that as much as is necessary at least be appropriated for that purpose.

Mr. HALE. I will let it go rather than take up time.

Mr. BATE. All right; I am much obliged, sir.

The amendment was agreed to.

Mr. BLACKBURN. On page 53, after line 12, to complete and round out the bill, as it is all I can find that has not already been put upon it, I move to insert:

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

The amendment was agreed to.

Mr. VEST. While I was out of the Chamber for a moment, I am told that the Roach amendment was taken up and passed.

The PRESIDENT *pro tempore*. The amendment on page 25, which had been passed over, was adopted by the Senate.

Mr. HALE. If the Senator from Missouri desires, that may be considered open. I called it up because I was finishing the bill.

The PRESIDENT *pro tempore*. If there be no objection, the vote by which the amendment was adopted will be reconsidered, and the question before the Senate is on agreeing to the amendment.

Mr. VEST. I do not want to detain the Senate any time at all, but I wish to put the facts before it, because I can not agree to the amendment as I understand it:

To pay to George W. Quintard and George E. Weed, assignees of John Roach, deceased, the sum of \$28,160.25, for labor and material furnished by the said John Roach in completing the dispatch boat Dolphin, under the advice and assistance of the naval advisory board.

We debated this matter January 6, as the Senate will remember, and all the facts were then stated. But there was a report from the committee greatly relied upon by the Senators who favored the amendment. I received the following dispatch a few days thereafter from ex-Secretary Whitney. It was stated, it will be remembered, in the report and in the debate, that the only point made in regard to the Dolphin was as to her speed. Secretary Whitney said:

[Telegram.]

NEW YORK, January 9, 1893.

HON. GEORGE G. VEST, *United States Senate*:

My attention has been just called to the debate of January 6 regarding the payment to assignees of John Roach of some claim on the Dolphin. The facts are not at all as stated in the Senate report of Committee on Claims. The question of her strength was not alone nor principally the matter of difference at that time. The proposition to settle came from the assignees in a letter in which they said:

"In view of the differences which have arisen concerning the Dolphin and the claims of insufficiency made by the Department, we are willing and now offer to accept the sum of \$45,000 in full settlement of all claims," etc.

The Department spent more than they got deducted in remedying admitted defects as I recollect it. In the Secretary's report of 1885 appears a correct statement of how the Department had taken her, the assignees to sue for the balance. The settlement was entirely fair to the contractors and the Government so far as my recollection goes, assuming her to have been all that she has since demonstrated.

I have here that report. There is no time to read it. If any Senator is curious about it, I will state that it commences upon page 19 and concludes upon page 21 of this volume. The report carries out the assertion made by ex-Secretary Whitney in this dispatch. There was no allegation of fraud. There was no pretense that there was any misunderstanding about the matter as to the facts. The assignees made the proposal of their own account and their own motion, and they now come in and ask that this additional amount be paid to them, when, in my judgment, there is not a particle of basis for any such claim.

Mr. MITCHELL. Mr. President, the very proposition submitted by Mr. Quintard and Mr. Weed, as the assignees of John Roach, shows that the late Secretary of the Navy, Mr. Whitney, is mistaken at least in part in his dispatch. I have that proposition before me. It is a part of the report made by the Committee on Claims. It shows on its face that it was a proposition extorted from them, to use no worse term.

Mr. HALE. By duress.

Mr. MITCHELL. By duress, by the course that had been pursued by the Navy Department. Here is the proposition. Here is the affidavit of George W. Quintard and George E. Weed, assignees of John Roach, filed in the case, showing why and how they came to make the proposition. They testify as follows:

CITY AND COUNTY OF NEW YORK, *to wit*:

Before me came George W. Quintard and George E. Weed, and, being duly sworn, say:

We were made assignees of all the property, credits, and causes in action of the late John Roach, deceased, of New York, by deed of assignment dated July 18, 1885. As such assignees we have been engaged in collecting the credits due said John Roach and paying his debts. At the time of the acceptance by the United States of the vessel called the Dolphin there was due from the United States to John Roach or his assignees the sum of \$73,160.75, \$25,000 of which had been retained by the United States from the appropriation for care of the Puritan (23 Stat., 459) and the remainder for work on and care of the Dolphin.

The Secretary of the Navy did not dispute our right to this, but insisted

that the United States should have the right to some set-off against it, on account of supposed defects in the structure alleged by the board appointed by him, but which the Naval Advisory Board (the final arbiter provided in the contract) had failed to discover. He did not claim any sum certain, but in numerous interviews outlined to us about what he would be willing to pay, and intimated to us that if we would not accept it the case would have to go before the Court of Claims.

We, as well as Mr. Roach, were confident not only that the United States had no right to go behind the approval of the Naval Advisory Board, but also that the inspection of that Board continued throughout the construction of the vessel, had been honest, thorough, and faithful, and that litigation would eventually result in favor of Mr. Roach and his assignees; but the crowded calendar of the Court of Claims, the delay incident to trial in that tribunal, the inevitable delay in trying the case in the Supreme Court if appeal were taken, gave them no hope of final determination within many years. Mr. Roach was then living and exceedingly anxious to have a settlement made with his creditors, as at that time he anticipated resuming and continuing the business for himself.

Influenced by these considerations—

These men testify:

The proposition for settlement was made by us on the basis intimated to us by the Secretary of the Navy. The receipt which was given was sketched out by him and given to us as the only basis upon which he would be willing to adjust the matter.

Although the sum due us was razed by no standard of measurement of which we were aware, and although we believed the full sum of \$73,160.75, was justly due, we made no written protest, as from repeated interviews with the Secretary of the Navy on this matter we were confident that a written protest would prevent the settlement we obtained.

So far as we are informed, no money has been expended by the Government in replacing the work which was supposed to be unsatisfactory to the board appointed by the Secretary of the Navy after the acceptance of the vessel, and in our opinion it was in strict accordance with the agreement between John Roach and the United States.

John Roach died at 624 Fifth avenue, New York, on the 10th of January, 1887. His affairs are still in our hands.

GEO. W. QUINTARD,  
GEO. E. WEED,  
Assignees of John Roach.

Sworn and subscribed before me this 1st day of April, in the year of our Lord 1890.

In witness whereof I have hereunto set my hand and seal.

[SEAL]

JOS. W. SWAINE,  
Notary Public, Kings County.

(Certificate filed in New York.)

I will state the simple fact in reference to this whole matter in a nutshell. The vessel was constructed under a statute which provided for an advisory board to superintend the construction of the boat. That advisory board, according to the testimony, superintended the construction of the boat from the laying of the keel until the driving of the last nail. They inspected every piece of wood, every piece of iron, every bolt, and every nail that went into the construction of the ship, and when it was completed they passed favorably upon the ship. The board the Congress of the United States had provided for that purpose passed unanimously in favor of the proper construction of the boat.

On the first trial one of the shafts broke which had been constructed of steel contrary to the advice of Mr. Roach. He was adverse to making a shaft of that kind of metal, and according to his prediction it broke. That was replaced, but the Government itself, Secretary Whitney even, admitted that that was not to be charged practically to Mr. Roach. He was not even compelled to replace it at his own expense.

The PRESIDENT *pro tempore*. The time of the Senator from Oregon has expired.

Mr. MITCHELL. Mr. President—

The PRESIDENT *pro tempore*. The time was fixed by the Senate.

Mr. COCKRELL. I hope the rule will be enforced. It is 12 o'clock at night.

Mr. VEST. I raise the point of order on the amendment under section 4 of Rule XVI, that this is a private claim, and that it is not to carry out the provisions of existing law or a treaty stipulation.

Mr. MITCHELL. Now, just one word, if the Senator will allow me. I know it is not debatable. The amendment is to carry out the provisions of an existing law, and therefore the point of order is not well taken. It is to pay a balance due under a contract provided for by law.

Mr. VEST. What law?

Mr. MITCHELL. The law that provided for the construction of these boats.

Mr. VEST. It is not to carry out the law.

Mr. COCKRELL. Let us have the decision of the Chair. It is not a debatable proposition.

Mr. MITCHELL. Certainly it is to carry out the law. It is the balance due under a contract provided for by existing law.

Mr. CHANDLER. I ask the Senator if a bill for this amount—

Mr. COCKRELL. I raise the question that this is not debatable. I think we have been patient to-night.

Mr. CHANDLER. The Senator will allow me—

Mr. COCKRELL. We have all agreed to the five-minute rule and agreed to enforce the rule, and I insist on its enforcement.

Mr. CHANDLER. I suppose the Senator will allow me to call attention to a fact.

The PRESIDENT *pro tempore*. The Chair desires information on the subject as to whether the amendment is to carry out the provisions of existing law. The Chair is of course ignorant on that subject.

Mr. CHANDLER. What I desire to call the attention of the Chair to is the fact that a bill to pay this amount has already passed the Senate at the present session.

Mr. MITCHELL. Certainly, and this amendment has also been reported from the Committee on Claims and been referred to the Committee on Appropriations.

Mr. HALE. I hope the present occupant of the chair will not involve us in any more trouble by deciding that that makes it in order.

Mr. MITCHELL. I call attention to the fact that this is a claim to carry out the provisions of the act of August 5, 1892, page 291, 22 Statutes at Large, which is an act of Congress providing for the construction of this and other vessels.

Mr. COCKRELL. I insist that this proceeding is not in order.

Mr. MITCHELL. The Chair stated that he would be glad to hear any information on the subject.

The PRESIDENT *pro tempore*. The Chair simply desired to know whether there is an existing law providing for the payment of this amount.

Mr. VEST. There is not.

Mr. MITCHELL. I say there is.

The PRESIDENT *pro tempore*. The Chair would like to be referred to the law.

Mr. MITCHELL. I say there is, and I was calling attention to it when interrupted by the Senator from Missouri [Mr. COCKRELL]. I was calling attention to that law, giving the day and date.

Mr. DANIEL. Will the Senator permit me to ask him a question?

Mr. MITCHELL. Certainly.

Mr. DANIEL. If it is due under existing law what is the difficulty in the assignees suing for and recovering it?

Mr. MITCHELL. They ought not to be compelled to do that.

Mr. DANIEL. It is not a question of compulsion. That is another question.

Mr. MITCHELL. There may not be any reason as far as that is concerned. I do not know that there is.

Mr. DANIEL. Is the law in any such condition as would admit of a suit on their part for this money? I put the question in order to test the accuracy of the Senator's statement.

Mr. MITCHELL. I have no earthly doubt that a suit could have been maintained in the Court of Claims to recover the money.

Mr. FAULKNER. Then I should like to ask the Senator what jurisdiction there is in the Senate or Congress to pass upon the question at all?

Mr. MITCHELL. Simply because we pass on claims every day, as the Senator well knows. We report bills authorizing the payment of claims and appropriating money to pay them where suits might have been maintained to recover.

Mr. FAULKNER. I ask the chairman of the Committee on Claims whether it is not an absolute bar even to the consideration of a claim before the Committee on Claims if it can be shown that the party has a remedy in any other forum than Congress?

Mr. COCKRELL. Why, certainly it is.

Mr. FAULKNER. It is only when you have no remedy before any judicial tribunal that as a last resort, taking into consideration the equities of the case, we allow an appeal to Congress.

Mr. MITCHELL. The Senator must know—

Mr. COCKRELL. I insist that the point of order is not debatable.

Mr. MITCHELL. In this case the Chair—

The PRESIDENT *pro tempore*. The point of order is not debatable. All that the Chair desires is that conflict between Senators as to whether the amendment is to carry out the provisions of an existing law may be settled. In the absence of the production of any law, the Chair will hold that the amendment is to provide for a private claim and can not be received upon this general appropriation bill, the Chair having no evidence that it is to carry out the provision of an existing law.

Mr. MITCHELL. I call the attention of the Chair to the law which the President of the Senate seems to ignore.

Mr. HALE. The Chair has settled the question.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Oregon to state that there was such a law, but it has not been produced.

Mr. MITCHELL. I can not take time to read all the statutes.

Mr. HALE. I think we will finish up the bill now.

Mr. COCKRELL. It is exceedingly important that we get through the bill to-night in order that we may get it into conference.

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. CALL. I offer the amendment in the Senate that I offered as in Committee of the Whole, providing for the payment of \$500 to the inspector of plumbing.

The PRESIDENT *pro tempore*. The amendment will be read.

Mr. HALE. There is no necessity to read the amendment. It has been read already. I did not make the point of order before, but to prevent delay on the bill, I make the point of order against the amendment.

The PRESIDENT *pro tempore*. Unless the amendment can be read the Chair is unable to decide.

Mr. HALE. The present occupant was not in the chair before. It was read then fully at the desk. However, let it be read. If the Chair will look at it he will see that it has not been reported from a committee.

The PRESIDENT *pro tempore*. The amendment has been sent for.

Mr. CALL. If I may be allowed to say a word, there is no kind of reason whatever—

The PRESIDENT *pro tempore*. The point of order is not debatable, the Chair will state. Debate can only proceed by unanimous consent.

Mr. CALL. The Chair does not know what the point of order is, and I ask unanimous consent to state the facts.

The PRESIDENT *pro tempore*. In the absence of objection the Senator will be heard.

Mr. HALE. Where is the amendment? The amendment will show for itself.

The PRESIDENT *pro tempore*. The Chair is informed that the amendment went to the reporters for the purpose of having it incorporated in the RECORD. It has been sent for.

Mr. HALE. I hope the Senator from Florida will not delay the bill. He understands the amendment is subject to a point of order, and I am obliged to make it now at this stage of the game. I did not do so before.

Mr. CALL. I hope the Senator will have the accommodation not to make the point of order.

The PRESIDENT *pro tempore*. The amendment will be read. The Secretary read as follows:

For inspector of plumbing, District of Columbia, \$500, to be paid out of the money collected for inspection of new buildings and sewers under the act of Congress imposing additional duties on that office.

Mr. CALL. The amendment shows that there is an act of Congress, and that it is to carry out that act of Congress that the amendment is introduced. It is in the existing law. It costs nothing to the Treasury. It is recommended by every physician in this city, and it is an act of justice.

Mr. HALE. If we can have a vote on the amendment, I will withdraw the point of order.

The PRESIDENT *pro tempore*. The point of order being withdrawn, the question is on the amendment of the Senator from Florida.

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

The bill was read the third time, and passed.

#### MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE CRAIG.

Mr. CAMERON. I ask that the resolutions of the House of Representatives relative to the death of Hon. Alexander K. Craig, be laid before the Senate.

The PRESIDENT *pro tempore*. The resolutions will be read. The Secretary read as follows:

*Resolved*, That the business of the House be now suspended, that opportunity be given for tributes to the memory of Hon. Alexander K. Craig, late a Representative from the State of Pennsylvania.

*Resolved*, That as a further mark of respect to the memory of the deceased and in recognition of his eminent public and private virtues, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

*Resolved*, That the Clerk communicate these resolutions to the Senate.

*Resolved*, That the Clerk be instructed to transmit a copy of these resolutions to the family of the deceased.

Mr. CAMERON. I submit the resolutions which I send to the desk and ask that they be read.

The PRESIDENT *pro tempore*. The resolutions will be read. The Secretary read as follows:

*Resolved*, That the Senate has heard with profound sorrow the announcement of the death of the Hon. Alexander K. Craig, late a Representative from the State of Pennsylvania.

*Resolved*, That the business of the Senate be now suspended in order that fitting tribute may be paid to his memory.

*Resolved*, That a copy of these resolutions be transmitted by the Secretary of the Senate to the family of the deceased.

Mr. CAMERON. Mr. President, the Senate is once more called upon to suspend its business that fitting tribute may be paid to the memory of another departed colleague. The frequency with which death has entered this Chamber, as well as that of the other House, has been very marked during this Congress.

In this body we mourn the loss of four of our late colleagues, and the House of Representatives mourns the loss of ten of its members.

My late colleague, Alexander Kerr Craig, a Representative in Congress from the Twenty-fourth district of Pennsylvania, died at his home in Claysville, Washington County, Pa., Friday evening, July 29, 1892, at 9 o'clock, after two months' illness from jaundice. Mr. Craig was born in Buffalo Township, February 21, 1828, on the old Craig farm, which is located on the National Pike, in Washington County, one mile east of Claysville. He was of Scotch-Irish descent. His father was the Hon. Hugh Craig, a man of considerable force of character and influence in his day, and represented his county two terms in the Pennsylvania Legislature, declining a third.

Mr. Craig obtained his early education from the common schools in the vicinity of his home, from private instruction of the late Rev. Alexander McCarrell, and through devoting his few leisure hours to hard and persistent study, being a constant reader and close student. He commenced teaching school at 16 years of age. About a year later he took up the study of law under Hon. T. M. T. McKennan, and continued the same until, through the force of adverse circumstances, he deemed it his duty to abandon the study of his chosen profession and return to the farm in the interest of his younger sisters and brothers. While thus carrying on the farm work he also taught school during the winter months when no farm work could be done. His success as a teacher was such that he became principal of the Claysville schools, a position which he held for a number of years.

Mr. Craig came from a remarkable family. His brother, Hon. John H. Craig, is a distinguished lawyer in Keokuk, Iowa. Another brother, the late Rev. Hugh Craig, was an able minister in the Baptist Church, and was at one time president of the Monongahela College. William Craig, another brother, a young man of great promise, and educated at Washington College, went South in early manhood and became principal of a high school at Natchez, Miss., but shortly after died there from malarial disease. Another brother, Joseph Craig, is a prosperous farmer in Brown County, Kans. Thomas B. Craig, his youngest brother, between whom and the one whose death we mourn here to-day, there were the strongest feelings of brotherhood and filial devotion, has been for the past 25 years one of the most enterprising merchants in Claysville. A sister, Mrs. Darby, resides in Kansas.

Mr. Craig, my late colleague, was married in 1852 to Miss Sarah McLain, a daughter of the late William McLain, of Washington County, who for fifty years was one of the leading Presbyterians in the Claysville region. From this union there were four children, now living, all of whom have attained more or less prominence. His son, John E. Craig, is a leading lawyer in and at present mayor of Keokuk, Iowa; another son, J. Addison Craig, was for five years principal of the Keokuk high school; a third son, Thomas Craig, was recently admitted to the bar at Keokuk; and a married daughter, Mrs. Albert Sprowls, lives at Claysville.

In February, 1865, Mr. Craig enlisted in the Eighty-seventh Regiment of Pennsylvania Infantry, and served with gallantry and conspicuous merit during the closing scenes of the war of the rebellion. He was also present at the surrender at Appomattox Court-House.

The war over, Mr. Craig returned to his home and again took up his agricultural pursuits.

He was a lifelong, active, and earnest supporter of the principles of the Democratic party.

Early in his life he manifested an interest in political affairs and soon became prominent in the local councils of his party, where his active and earnest advocacy of the principles of his faith gained him not only the support of those who shared his political belief, but the respect of his opponents as well. His youthful training was such that his mind became imbued with fixed views and he was very pronounced in their exposition. He was exceedingly well informed upon all the great economic questions of the day, and his mind possessed an analytical turn which peculiarly fitted him to deal with all important questions.

Mr. Craig was nominated by his party a number of times for county offices, but never held any public office except that of school director and justice of the peace until nominated, without solicitation, to represent his district in the Fifty-second Congress, receiving 21,585 votes against 21,708 votes for Andrew Stewart, Republican, and 995 votes for Edward Campbell, Pro-



hibitionist. He made a spirited and successful contest and was seated February 26, 1892, by a vote of the House of 132 to 57. He was assigned to the Committees on Education and Military Affairs, where he rendered faithful service.

From the time he took his seat in the House, Mr. Craig displayed such perception and keenness in the business-like way with which he grappled difficult legislative problems, that he soon attracted the favorable attention of the leaders in that body. His term of office was short, but notwithstanding this, he impressed his fellow-members with his wisdom and integrity.

Mr. Craig was a religious man. He was a ruling elder of the Presbyterian Church of Claysville, and had been superintendent of the Sabbath school there for twenty years. He was also a member of the Young Men's Christian Association, which he joined at the date of its organization, and in which he was one of the most zealous and active members. His disposition was kindly. Selfishness was to him an unknown attribute. In the discharge of every duty he was guided by the golden rule, and in every act he sought to follow its precepts. His life was beautiful in its affection and simplicity, and his taking away leaves a sorrow in the hearts of all who knew him.

Mr. PEPPER. Nothing more appropriate, Mr. President, than that when men and women die something should be said about it; something that will move the cords of life and help the sorrowing to weep their grief away; something that will aid the soul in contemplating the mystery of death; something that will bring at the heart at least faint glimpses of the greater, grander reality of life.

Life is real, life is earnest;  
Death is not its goal.  
Dust thou art, to dust returnest,  
Was not spoken of the soul.

So, when the Senator from Pennsylvania came to me last evening and asked if I would not join him and others in these memorial services, and say something by way of tribute to the memory of a departed friend, I felt it to be my duty to consent.

Though it was not my fortune to enjoy a personal acquaintance with the deceased, he was my brother—his manhood made him that—but it is of life and not of death that I would speak—his life, if you choose, in the sense that one man's life in its essential being is the life, or like the life, of all men, because it is one of many bound together by an indestructible sympathy.

Mr. President, "the things which are seen are temporal; but the things which are not seen are eternal." Death we see; life is unseen. The roots of life lie deep among the dead; its nourishment comes from decay. The brightest colors and the sweetest fragrance are brewed in swamps. The pond lily rests on stagnant waters. Without death there could be no life. If nothing were wasted the world would stand still. Immortality is but the bloom of death in perpetual succession.

It is on this great truth that my faith is builded, a faith that teaches me the continued progress of men, the eternal growth of mind—a faith that reaches forward to the ultimate perfection of the human race.

This subtle force, this incomprehensible entity which we call life, is the most wonderful of all things. And yet it is a result, not a cause—it comes from the wrecks and ruins of the dead.

Nothing so grand, nothing so splendid, so inspiring as human life. In and through its ceaseless efforts came all the enduring monuments of time.

Every life has something in it worth remembering, and that is the part of it which was useful and good. There is nothing in the evil which men do that permanently impresses itself on the progress of the race. The only lasting influence is that which makes men better. The higher we rise the more plainly we see what is below. After all evil is only contrast. We suffer pain because we enjoy pleasure. The better we grow the more plainly we see what is wrong and the more hateful it appears. The head sees through the heart; both grow together.

What there was of good in this man's life—and there was much—is saved and descends as a legacy, not only to those who knew him best and loved him most, but to us here in the nation's highest legislative body, and we shall have done well if we profit by it.

Life is worth living, Mr. President. That which seems most cruel betimes is a training school, fitting us for better work ahead. We grow stronger by being burdened. We are perfected through suffering if we faint not nor fall by the way.

Mr. CALL. Mr. President, I had no personal acquaintance with the deceased member of the House of Representatives to whose memory we are now paying this tribute; but the lives of the four hundred and eight men who are charged with the responsibility of the sovereign legislative department of this Government are of great importance to those who shall come after us. They become a part of the annals of the Republic, and are

placed in its archives. No man can belong to either of these two bodies and perform the duties which rest upon him satisfactorily, without leaving his impress upon the civilization of his day.

This human life of ours, beautiful as it is, wonderful in its faculties and in all its characteristics, bounded by a horizon of impenetrable mystery, has within it something which appeals to the consciousness of man that there is a greater and a nobler future for us; but that future and the nobility of it we are impressed with the consciousness must come from the conduct of men here. In the whole arena of human life there is no field so great as that which is open to even the humblest among the four hundred and eight lives which are charged with the destiny of this great Republic.

This civilization of ours is dependent upon our institutions, following the example of the Divine Man who nearly nineteen hundred years ago revolutionized all the conditions of philosophy and all theories of government. It was founded and to-day rests upon the idea of banishing to a great extent the misery and the woes and the sorrows which afflict mankind. It is intended to raise the poor who have always constituted the great body of the people to a higher and a better condition of life, to a condition where they can realize the responsibilities of the future life, and enjoy in comfort and peace of mind the faculties with which they are endowed and the bounties of nature. It is intended to banish the inequalities, the greed, the avarice, the cruelty, the bloody wars, the dark and loathsome dungeons, the chains, tortures, and superstitions which have characterized the condition of man and the administration of government in all past time.

This ship of state is freighted with the happiness of the human race, and the responsibility therefore of guiding it in its course upon these principles and in the light of these great objects, when intrusted by the suffrage of his fellow-citizens to any man, is the most honorable distinction known to our laws and the most important public duty. The manner in which he shall have performed the duties of this great office, as attested by persons who, although strangers to him, have been associated with him in their performance, becomes a great and important fact in our national life and history.

If his associates, although serving in another branch of the Legislature, shall attest the fact that he has gone unstained through the temptations which beset each and all of us; that he resisted the appeals of avarice to use the powers of Government for the benefit of individuals and privilege and class against the body of the people; that he has boldly and with the true spirit of a patriot, a statesman, and a friend of his fellow-man performed his duties; if we can inscribe upon the annals of the Republic this testimony in behalf of our departed colleague of those who knew him only as an associate in the performance of his duty without stain and without reproach, it is the highest commendation that a human life can have.

This testimony I can bear. Serving here during the whole period of the time in which this lamented brother of ours was a member of the National Legislature, I testify to the fact that no stain and no reproach and no suspicion came upon him. No venal press ever presumed to stain the purity of his conduct. Performing thus these high and great duties, contributing through them to the happiness of mankind in the perpetuity of the Republic, we can inscribe upon his name in the annals of the Republic this as the sentence and the judgment of his associates.

A scholar and student of human life, in a life of the Divine Jesus, contemplating the scriptural account of his interview with the woman at Jacob's well and his statement that "the hour cometh, when ye shall neither in this mountain, nor yet at Jerusalem, worship the Father," but "the true worshipers shall worship the Father in spirit and in truth," says:

On the day and hour when Jesus pronounced these words he was indeed the Son of God. He for the first time gave utterance to the idea upon which shall rest the edifice of the everlasting religion. He founded the pure worship of no age, of no clime, which shall be that of all lofty souls to the end of time.

The words of Jesus were a gleam in a thick night; it has taken nineteen hundred years for the eyes of humanity to learn to abide it. But the gleam shall become the full day, and after passing through all the circles of error humanity will return to these words as to the immortal expression of its faith and its hopes. This faith which frees the human mind from the bondage of tradition; which pierces the darkness of the ages and illumines the immortal life; which overthrows the tyranny of caste, privilege, and rank; which makes the care for and the protection of the people equally the obligation of a wise statesmanship and a true religion. In the light of this high and beautiful faith, in the confidence of this reasonable belief, in the performance of the duties of the great office confided to him by his people this gentleman lived and died. Honor to his memory, and immortal happiness to his spirit.

Mr. VILAS. Mr. President, the deceased Representative whose life and services have been briefly recounted by the distinguished Senator from Pennsylvania [Mr. CAMERON] was relatively a stranger to me. When the request was made that I should add something to the observations of other Senators upon this occasion, I answered that my limited knowledge of him might cause me not to do him justice. I undertake, therefore, to pay not that tribute which close personal acquaintance might have enabled me to discharge with a more exact and better judgment and discrimination, but only a brief word to testify the remembrance due to the Representative and to the man.

After all, sir, what boots it that I was not specially and familiarly acquainted with the deceased. He was a man who in his walk of life had acquired celebrity in his locality, was highly esteemed and respected as a man of uprightness of character, as a man of high abilities and attainments, a man who walked his way in life well and faithfully. His qualities, sir, were such that I am sure had he been spared but for a short time he would doubtless have won that influence which his native ability, his solid acquirements, and the integrity of his character deserved.

Mr. President, the fate of death is common to us all. We can not escape it. The millions who have gone before and the millions who are to come after must suffer its ordeal.

All that tread  
The globe are but a handful to the tribes  
That slumber in its bosom. Take the wings  
Of morning, pierce the Barcan wilderness,  
Or lose thyself in the continuous woods  
Where rolls the Oregon and hears no sound  
Save his own dashings—yet the dead are there;  
And millions in those solitudes, since first  
The flight of years began, have laid them down  
In their last sleep—the dead reign there alone.

And what matters it, sir, to us as to the noise with which we depart from this world? You cast the little pebble in the pool, or the greater stone with a heavier splash; they alike sink, and in a little while the ripple that disturbed the surface has faded away. But they who sink in the pool of death disappear forever. Never yet the grappling hook or ingenious diving bell or all the wit or art of man recovered one trace or portion.

Sir, our hope is that the power which gave being will give life beyond the grave, a life the measure of whose beauty there will be the measure of its usefulness here. By this hope, sir, those who loved the deceased may grieve, but not as those without hope. Honorable, faithful, true in public and private life, they may well look to his past as the hope for the future. Sir, I am glad to pay this tribute of respect to the deceased, not only as a public duty, but from a sense of private duty also.

A brother of the deceased, Hon. John H. Craig, of Keokuk, Iowa, was well known to me. He was one of the ablest lawyers, the finest scholars, the most accomplished gentlemen in the West. Sir, this recollection gives me a sense of personal consolation at the opportunity which is afforded me to lay a garland on the grave of our dead colleague.

There's rosemary, that's for remembrance; and there is pansies, that's for thoughts.

It is of little consequence to him who is gone, but to us, still in the world, it is worth while to bethink ourselves that a short time only intervenes between his advance and our pursuit of the same course of death that ends life.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolutions submitted by the Senator from Pennsylvania [Mr. CAMERON].

The resolutions were unanimously agreed to.

#### MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE WARWICK.

Mr. BRICE. Mr. President, I desire to call up the resolution of the House of Representatives relative to the death of Hon. John G. Warwick.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions as follows:

IN THE HOUSE OF REPRESENTATIVES, February 18, 1893.

*Resolved*, That the business of the House be now suspended that opportunity may be given for tributes to the memory of the Hon. John G. Warwick, lately a Representative from the State of Ohio.

*Resolved*, That as a particular mark of respect to the memory of the deceased, and in recognition of his eminent abilities as a distinguished public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

*Resolved*, That the Clerk communicate these resolutions to the Senate.  
*Resolved*, That the Clerk be instructed to send a copy of these resolutions to the family of the deceased.

Mr. BRICE. I offer the resolutions which I send to the desk, and ask that they be read.

The PRESIDENT *pro tempore*. The resolutions will be read.

The Secretary read the resolutions as follows:

*Resolved*, That the Senate has heard with profound sorrow the announcement of the death of Hon. John G. Warwick, late a Representative from the State of Ohio, and tender to the relatives of the deceased the assurance of their sympathy with them under the bereavement they have been called to sustain.

*Resolved*, That the Secretary of the Senate be directed to transmit to the family of Mr. Warwick a certified copy of the foregoing resolution.

Mr. BRICE. Mr. President, in paying tribute I can but indicate a portion of the respect and honor in which, in common with our people, I personally held the late Representative Warwick. I can not, under the circumstances which now surround us, properly convey to you or to the Senate the full measure of his worth as a man, a citizen, a friend, and a Representative. We have now reached that stage in the session which deprives me of the opportunity and the power to express what I myself feel.

He was my friend for many long years. He was a representative citizen of our State for more than thirty years and one of its best known public men for more than one-half that period. He died in the confidence of his neighbors and friends. He died in the full vigor of his life, after he had been victor in a memorable contest which had made his name, for the time at least, national. The result of that contest placed him in the House of Representatives and put him in such a position in that body as fixed its attention upon him, upon his talent, upon his bearing, upon his character. He bore well in every respect that scrutiny, and he had not been a member many months until he was honored, admired, respected, and loved there as he had been at his home and among his people.

Mr. President, on August 14 of the present year the Hon. John G. Warwick, a Representative in Congress from the State of Ohio, died at the Riggs House, in this city. His illness was of short duration, and the deceased himself was the first to become aware of his approaching end. The members of his immediate family had been summoned, and in his expiring moments he had the consolation found in the presence of those who had been dearest to him in life.

The memory of Congressman Warwick as a public man and as a private citizen is still fresh, and yet it will be a melancholy pleasure to recall the incidents of his memorable career. He was a marked type of the public-spirited citizen, and his kindly generosity in the affairs of life deserve a higher praise than I am able to bestow upon this occasion.

John George Warwick was born in County Tyrone, Ireland, December 23, 1830. His father was a merchant. In 1850 he came to the United States, and, after a short sojourn in Philadelphia, removed to Starke County, Ohio. In this community for forty years he found the scene of his life's endeavor.

In no man's history can the possibilities of energy and business integrity find a more striking example. First he became engaged as clerk in a drygoods store, and by perseverance and industry finally entered into business for himself upon a small scale. He possessed the shrewdness and tact characteristic of the people of his birth, together with a directness of purpose and skill in management which advanced him rapidly in the pursuit which he had chosen. His experience as clerk in a country store gave him an insight into human nature and a knowledge of the plain and rugged side of life, the impressions of which lasted until death. In the conduct of his affairs he was undecieved by pomp and ostentation, and always had a friendly hand extended in aid of deserving need.

When he had fairly established his footing in the community which he adopted as his permanent home he found himself able to embark in more ambitious enterprises. He gradually invested in many undertakings, and was remarkably successful in them all. During his career he was not only active in several large railroads, but was an extensive miller. His coal mining interests were large, and he gave much attention to his farms. The great secret of his life's success was his punctilious adherence to every obligation, and his enthusiastic and unchanging devotion to every enterprise into which he entered.

It was not in business affairs, however, that he exclusively took mental exercise. While a young man he had devoted himself eagerly to the study of American and English history, and in a later life he was an authority upon nearly every event relating to the two countries whose annals he had so carefully studied in his youth. The diversion of reading was one of the fixed habits of his life, and the newspapers of the day were always to be found at his hand. It is not surprising that he was invariably abreast of the current of public affairs.

While building up his private business Mr. Warwick did not seek political distinction. This came to him later in life, when he had more leisure and a greater opportunity to give attention to outside interests. He had accepted some local offices of minor importance, but it was not until 1883 that he became a well-known figure in the politics of his State. In that year he was nominated by the Democrats and elected lieutenant-governor of the

State on the ticket of which Hon. George Hoadly was the head. He presided over the State senate for two years with marked ability and fairness. Upon his retirement from that position he was favored with the esteem of all who had come in contact with him as a presiding officer.

The next occasion upon which he entered actively into politics was in 1890, when he was the Democratic nominee in what was then the Sixteenth district of Ohio. The campaign was the most vigorous and hotly contested of that year, either in the State of Ohio or elsewhere. He had the honor to defeat a distinguished opponent after a canvass that attracted wide attention throughout the country, and which has since had an important bearing upon national issues. His success in this struggle did not go unrecognized. When he entered upon his Congressional duties he was given assignments of marked consequence in the body to which he had been elected.

His career in Congress was brief, but by no means unproductive. He had served only through the first session when he was lifted from the scene of his earthly achievements by the unkindly hand of death. However, within the brief period that fate accorded him for the service of the public in a Congressional capacity he accomplished much. The interest he felt in his own State and the particular constituency which he represented made him a watchful, wise, and earnest public servant in their behalf. Enjoying as he did the good will and confidence of those with whom he was associated, he used the opportunity for the greatest benefit of his country and his State. He was faithfully at his desk each day, and watched with unvarying care the changeful phases of national legislation.

He was unhesitating in expressing his opinions upon public questions, and his straightforwardness and courage in advancing his beliefs were always a source of strength to the causes which he espoused. Pretensions to oratory he did not make. In the few public addresses made by him his arguments were plain, cogent, unmistakable statements, requiring no interpretation to make clear their purport. In private conversation he had the same directness of manner, which gave him a force that he might never have enjoyed had he been the slave of ornate and effective speech.

Full of humor, much of it of the sparkling kind attributable to his Irish birth, fond of the society of his friends, and with the mantle of charity always at hand for the failings and faults of others, no more companionable man ever shed the glow of human fellowship within the circle of his immediate friends. It is within that circle that his loss will be most fully measured.

In every respect Mr. Warwick was a remarkable man. In his struggles from poverty to independent wealth the key of his success was his absolute integrity, perseverance, and native shrewdness. The turmoils of business and politics he did not allow to disturb the serenity of his temperament. His views of party animosities, the rivalries and jealousies of daily life, were invariably tempered by tolerance. He looked at the hamperings of this world with composure. Oftentimes he would step from the scene of his active work and find rest and recreation in his books. It was thus that he sustained the equability of his emotions, notwithstanding the quick and energetic character of his mind.

Mr. President, I have but sketched the history and qualities of the deceased. An adequate estimate of his worth is the measure of grief that has been poured out by loving friends upon his tomb and the sense of vacancy that they feel now that he is gone. These are the tributes to which I would call your attention, and not to my own inadequate expressions. The memory of his character serves as its highest eulogy. In life he courted no undeserved praise; in death, no flower amid the many blossoms dropped upon his casket fell from an insincere or flatterer's hand.

Mr. DANIEL. Mr. President, the genius of Ireland, it seems to me, has found its most ample, generous, and brilliant expression in our own land. We often hear our country spoken of as the greater Britain. It is just as truly the greater Ireland. We learn of Irish statesmen and Irish soldiers when we read our school books. We catch the music of Irish poetry in every volume of essay and history or disquisition. The brilliance of Irish wit we find in the local columns of our papers, and repeated from lip to lip in jest and converse by the hearthstone; yet if we were to judge of Irish character only by that which we hear of it as it comes to us borne from that distant land, we should have but a partial and imperfect appreciation of that people.

In our own country the name of the Irish soldiery has become a proverb of valor, and the brilliant generals who have borne it on every field have added even greater glory to it as it came to us by tradition. In literature, too, and in statesmanship we have seen in our own country exemplifications of Irish genius.

And there is one feature of Irish character of which we could

take but little cognizance except by our own experience, and that is the successful ability with which that race copes in our history with every circumstance which it has to combat.

We not only find the poor and humble Irishman with his pick and spade climbing the mountain and building the railroad, but we find him the president of the bank, the president of the railroad, the organizer of great commercial schemes and political movements, showing that Irish ability in business, where cold intellect meets its like in the hard conflicts of competition, is on a par with its brilliance as it shines in song and in story.

We know very little, Mr. President, of the details of the struggle of Ireland for home rule, and we know scarce any of it in the sense that we know our own political struggles and conditions; but the fact that the Irishman in this country shows constant progress wherever you find him, whether in the field of manual or intellectual toil, intensifies the belief that some peculiar condition of oppression must exist which has prevented him from becoming so independent and so great in his native land as he has become in our own. In the Old World the Irish orator might say of his countrymen: "They have fought successfully in every battle but their own." In this free country they have fought in all our conflicts of civic competition, and in none better than their own.

Mr. President, it is a privilege to pay a tribute of respect and honor to the worthy dead, and now as the hours of the Fifty-second Congress wane, we have paused to commemorate the virtues of one who entered it with us but did not live to see its close—a distinguished representative, who illustrated alike the genius of his mother Ireland and the great opportunities for the rise of merit afforded by his adopted land.

I did not have the pleasure of even a personal acquaintance with Mr. Warwick. I do not know that mine own eyes have ever rested upon his face, but a circumstance of name attracted me to take particular notice of his political struggles and his marked career. He bore a name to me ever venerated, that of my own grandsire, John Warwick; and, while I have no reason to believe that we were kindred, it led me to make frequent inquiries concerning him.

In this manner I became familiar with the general reputation which Mr. Warwick bore, not only as a public man but as a citizen in the community where he lived. That fixed reputation, which was attested not only by the public prints, nor only by the voice of his political friends, but by every manner of communication from all classes of men who had known him in all relations, is his best praise. One account has always been given of him, and that is that he was a man amongst men, universally esteemed, greatly confided, trusted, and believed in.

So he enjoyed that greatest proof of a man's worth which comes from the collected judgment of men who know him in all relations and all conditions, and now he lives "in a people's voice, the proof and echo of all human fame."

There were certain qualities of Mr. Warwick which appear to have been as well known and recognized as his name. They were modesty, integrity, charity, and ability. There is such emphasis sometimes put upon the declaration that a man was "honest" as to convey an undertone of suggestion that the virtue is rare. It goes without saying that the public men of our country are honest. The lack of honesty in them is very, very rare. It would be a great reproach to our people and our free institutions if such were not the case. The hazy lights of political literature are often misleading.

There is no more honest or straightforward body of men in the world than those who represent the American people in public life. They are in the blaze of popular inspection; and if their qualities or actions are sometimes portrayed in distorted lights, and if there be occasionally some one that does not deserve the name, it is nevertheless true that in no other walk or profession, whether it be mercantile, legal, scientific, or otherwise, are there more proportioned to their number who deserve the name of honest than the statesmen whom our people have entrusted with power.

When I speak of Mr. Warwick as a man of integrity, I do not mean simply to say that he never took his neighbor's goods, nor slandered his good name; I mean to signify that he impressed upon all who knew him the fact that he was punctilious in the observance of every obligation, mercantile, social, political, or otherwise. His charity has been borne witness to by too many testimonials to need circumstantial relation. His ability has been attested by many and varied accomplishments. His must have been a diversified order of genius. He was a merchant, he was a farmer, he was a miller, he was a miner, and he succeeded in whatsoever he undertook.

The public position which he won was through the confidence he had inspired amongst the people with whom he lived, by his diligence and by his success, and by the character he had mani-

fested in that success. Public honor was but the manifestation of that broad appreciation of his State which sent forth a representative man—representative in his sterling virtues as well as in his political opinions, to utter its thought, and do honor to its character.

Mr. President, the saddest phase of public life is found in the partings which it leads to, and I know not sometimes whether those partings be more sad when they are with the dead or the living. We are but brief sojourners here, at best, whatever may be our fortunes in life; and although many, not to say all of us, are partisans, all partisanry is merged in the friendships formed by community of service for a common country, and by the sentiments inspired when we stand by the dead forms of those who have been our fellows.

Changes of administration are well for the public weal. Experiment can not test the rival claims of men and measures except through their agency. It is the crucible of ideas and their champions. But whether on one side or the other of political difference, whether of victory or defeat, the change severs strong and tender ties and breaks cherished associations and foretokens the great change when all shall pass the common way.

John G. Warwick has only passed before us in the procession. He has lived his life, he has done his work, he won with virtue the laurel that now lies upon his tomb. Those who yet press on the toilsome march find refreshment in his good example: "Let him boast who putteth his armor off, not him who putteth it on" is now the conqueror's boast for him. Clean, bright, without tarnish the armor which he wore is now hung up as the relic of him who wore it well; and Ohio receiving his dust may be proud in the realization that he whom she honored so often has honored her in turn by his useful and unblemished life.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolutions submitted by the Senator from Ohio [MR. BRICE].

The resolutions were unanimously agreed to.

#### MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE KENDALL.

Mr. LINDSAY. Mr. President, I desire to call up the House resolutions in regard to the death of the Hon. John W. Kendall, of Kentucky.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolutions of the House of Representatives; which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, February 4, 1893.

*Resolved*, That the business of the House of Representatives be now suspended that opportunity may be given for tributes to the memory of Hon. John W. Kendall, late a Representative from the State of Kentucky.

*Resolved*, That, as a further mark of respect to the memory of the deceased and in recognition of his eminent abilities as a distinguished public servant, the House of Representatives, at the conclusion of these memorial proceedings, shall stand adjourned.

*Resolved*, That the Clerk communicate these resolutions to the Senate.

*Resolved*, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. LINDSAY. I offer the resolutions which I send to the desk.

The PRESIDENT *pro tempore*. The resolutions will be read.

The Secretary read as follows:

*Resolved*, That the Senate has heard with profound sorrow the announcement of the death of Hon. John W. Kendall, late a Representative from the State of Kentucky.

*Resolved*, That the business of the Senate be now suspended, in order that fitting tribute be paid to his memory.

Mr. LINDSAY. Mr. President, in the hill country of Kentucky, spoken of in that State as the mountains of Kentucky, we have a civilization unique in its character, which I think more fairly represents the civilization of the American pioneers of a hundred years ago than can probably be found anywhere in the broad Republic. After the Indian wars had been fought out on the western borders of Virginia and North Carolina, and after the Revolutionary struggle had been prosecuted to a successful conclusion, when the people from the East commenced to crowd across the Blue Ridge to occupy the rich lands which lie in the valley between the Blue Ridge and the Alleghenies, those people, who had been all the time in advance of civilization, feeling that they were being encroached upon by these neighbors who came across from the East, took up their march farther westward; and instead of selecting their homes in the fertile country of middle Kentucky or of prosecuting their journey farther westward to the rich lands of the Ohio, made their homes in the mountain regions, far away from the lines of travel, and in this isolation preserved the customs and traditions they had brought across the mountains with them.

John W. Kendall was a product of this civilization. Born and reared in Eastern Kentucky, he was a type of the people of whom I speak. Robust of constitution, with a strong mind, with a rea-

sonable ambition to excel, he took advantage of the meager opportunities afforded him for education, and when he had reached the years of manhood had succeeded in accomplishing all that could be accomplished, his opportunities being considered. He was from the outset a leading man in his neighborhood.

He turned his attention to the law, but had only followed the practice a little way when the civil war came on. Being a leader in his vicinity, he led his companions into the Confederate army and served with distinction to the end of the war. Returning to his home in this mountain country he took up the practice of law and took it up with success.

Very little new blood has been infused into this people by immigration from the outer world, and they are to-day the representatives of like customs, of like ideas, of like traditions, with those practised and cherished by their fathers one hundred and twenty-five years ago. His education in the law was probably not as elaborate as it should have been. He did not have opportunity of consulting authorities; he did not rely upon precedents.

Such was not the custom of his section of country. He had read the lectures of Blackstone; he had studied the Commentaries of Kent; was familiar with Story's Treatise upon Equity Jurisprudence; was deeply read in Chitty's work upon Pleadings, and thus armed for the conflict, he entered upon the practice—not to quote precedents; not to look into reports—but to go to the reason of his case and to present it to the court with that singular power which always is found in men who have thus mastered the principles of the law, and do not rely upon the precedents to be found in the libraries of modern days.

As I have said, he practiced with success and became a leading lawyer in a community full of lawyers of this original character. He was made the Commonwealth's attorney in the district in which he lived. He was a prominent man, either in office or out of it. He served in the Legislature in his native State, and finally his ambition was crowned by being made a member of the other branch of this Congress.

At mature age, with the experience of thirty years of active life, with the wisdom which came from observation, it is more than likely he would have taken a prominent position in the Halls of Congress; but just as it was expected he would develop into the rounded man he was prepared to make, death came and relieved him of his duties and called him from his labors.

I did not have an intimate personal acquaintance with him, but I am familiar with the estimate in which he was held by those who knew him best. He had the confidence of the community in which he lived; he preserved that confidence until the end; and when death came, when he was called from his labors, he passed to the other side with the affection of the people who knew him best, and the confidence and esteem of all men with whom he had been brought in contact.

Mr. CULLOM. Mr. President, again we pause and lay aside our work for the living, which just now strongly presses upon us, to utter a word of regret and sadness in memory of the dead.

It was not my good fortune to be intimately acquainted with John W. Kendall, late a member of the House of Representatives of the present Congress from the Commonwealth of Kentucky. I knew him well enough, however, to join his colleagues and associates in the declaration that he was an able, honest man, conscientious in the discharge of every duty imposed upon him as a citizen, as a law officer, a legislator in his State and in the National Congress. To whatever station he was called he performed its functions with singular fidelity, and never failed to rise to the measure of public expectation.

As has been stated, he became a member of Congress by passing through a school of training not unfamiliar to the majority of the public men of this country—county attorney, State legislator, Commonwealth attorney, and finally became a member of Congress. How familiar to many men now here is this route to a seat in one or the other branches of Congress. As in all pursuits men press forward, performing their duty as they see it, taking one step and then another, some in business, some in one profession, some in another, and some in politics, all prompted by a like ambition and sense of duty. Some accumulate fortunes, some gain distinction and renown as lawyers, physicians, ministers, and scholars, some as benefactors of the race, as humanitarians, and others gain distinction as politicians and statesmen.

John W. Kendall did not remain long enough in Congress to become prominent, but his people, knowing and loving him, chose him as their Representative because they recognized his ability and integrity and knew that he would be faithful to the trust reposed in him.

After all, Mr. President, he who does his duty and does it well all through the years of his life, is the true man. And who can doubt the loving witness which those who knew Mr. Kendall best bear, that in all the stations he did this.

Born among the rugged mountains of Kentucky, among a people he loved so well, as he ripened into mature age his character seemed to be formed by the characteristics of his environments. He subordinated the partisan that the patriot might predominate, and in his love of country knew no invisible State lines. He entered the National House with the determination to represent his constituency, but at the same time to legislate for his entire country. Inscrutable Providence in his wisdom deprived the country of his services ere his sun had reached the full glory of its zenith and while he gave promise of many years of active life.

His earthly career is closed; his mortal remains lie among the mountains where first he saw the light of day, and a devoted family, a loving constituency, and the people of the Commonwealth of Kentucky mourn his loss. He has left to them a priceless heritage, an unblemished name, a stainless record.

Mr. PASCO. Mr. President, the late Representative from Kentucky to whose memory we pay tribute to-day, served his people only for a short period here at the national capital. He came to Washington for the first time in this capacity at the beginning of the present Congress and entered upon his duties on Monday, December 7, 1891.

Just three months from that time his term was abruptly ended by a summons to the unseen land at the hands of a messenger who accepts no refusal. He left his quiet, happy home in a remote town among the mountains of his native State early in December for this wide field of usefulness, full of energy, zeal, and health, with a conscientious desire to do his full duty to the people who had honored him, with ambitious longings to serve his State with distinction. He little realized how laborious the life was upon which he was about to enter; he little understood how many obstacles stood in the way to success and fame.

Like many others he soon found himself burdened with new and unexpected labors which his constituents expected him to perform for them. The time which he had planned to devote to the great questions which come before Congress for discussion and action was encumbered with an ever-increasing correspondence, the distribution of documents, visits to the Departments to look after postal and pension matters, and a constant round of small details which seemed unavoidable. Besides these there were duties more directly belonging to his position. He was assigned to one of the most laborious committees of the House, and performed his full share of work, and his associates tell us that it was done creditably and faithfully.

Those who had seats near him in the House say that he was generally in his place giving attention to the business in hand, evidently endeavoring to accustom himself to the methods of legislation and looking forward to an active participation in the debates and legislative work when he felt himself sufficiently acquainted with the parliamentary practice of that body. The change of climate and mode of life bore heavily upon him. His work, though much of it was distasteful to him, was performed with diligence, but his energies were sapped, his health was undermined, and when disease attacked him he became an easy victim. On Saturday he was in his accustomed seat apparently as well as usual, but the next morning he was stricken down, medical skilled failed, the attentions of a devoted wife were of no avail, his spirit passed from earth and returned to the God who gave it.

In this short period of service there was no opportunity for Mr. Kendall to make any great impression upon the House or the country, and his circle of acquaintances was small, for he had given his first attention, after coming here, to perform the work which was nearest his hands and learn his duties rather than to bring himself into personal contact with his associates. Those who were nearest to him in this body and in the House of Representatives have not attempted to represent Mr. Kendall as a man of national reputation. Whatever his capacity may have been there was never an opportunity for him to display or develop great talents. Few of those to whom ample opportunity is afforded achieve greatness.

In our earlier days, before the experience of life, many of us may have imagined that Congress was the temple of fame, but if we look over the long succession of names of those who have preceded us we can not fail to be impressed with the fact that even those public men who were conspicuous during their terms of service are soon forgotten by the world. National reputations soon fade, and new generations of statesmen succeed one another to play in turn their parts upon the great stage of human action.

Services such as we are holding are to be commended whether those we honor walk in the higher paths of fame or the lowlier paths of usefulness. It is right and proper to gather up what is commendable and praiseworthy and honorable in the lives of our brothers who fall at our sides as we together discharge the great duties intrusted to us by our people and our States. These trib-

utes, if they serve no other purpose, are treasured as chapters of the family history, to incite successive generations to emulate the virtues of their progenitors. There is no nobler book of heraldry than the record of an ancestor who achieved success by his own efforts and served his country faithfully and conscientiously.]

If we turn from Mr. Kendall's brief national record to his life in Kentucky, we shall find that in the section where he was born and reared and lived for more than fifty-seven years, he was a man of no small accomplishments, and that he was loved and honored and respected, and deservedly so. In the early days of the late war, when the people of his State were divided in their views of duty, his sympathies and associations caused him to espouse the Confederate cause.

He soon entered the cavalry service, won the confidence and esteem of his comrades and fought till the war closed. But when he laid down his arms and again accepted the obligations of citizenship, he laid aside all feeling of ill will toward those against whom he had marched and fought, and when he came to Congress he was ever ready to help the old soldiers who had been opposed to him, and he assisted many of the broken veterans of the Union Army in securing recognition of their claims against the United States.

Others have made mention of the honors which the people of his county and district bestowed upon him in successive years. It is not necessary for me to repeat the interesting recital. Everything indicates that they were worthily bestowed, and that the great confidence which his neighbors and friends felt in him in his early life knew no abatement. Their affection and regard grew and ripened as his years increased and his manly qualities developed.

I was a member of the committee appointed by the Senate to accompany the remains of Representative Kendall to his former home, and I wish to make a brief reference to our journey mainly for the purpose of bringing out some incidents which showed the esteem in which he was held by those who knew him best.

West Liberty, where the family home of the Kendall's is situated, is a little town upon the Licking River, the county seat of Morgan County. It is a day's ride from Morehead, the nearest accessible point on the railroad at the time of our visit, and without telegraphic communication. Our road ran through a hilly and mountainous section, abounding in wild and picturesque scenery, a beautiful country when decked with verdure and adorned with sunshine. But our journey was made at an unfavorable time. The cold was intense, and the snow was falling continuously.

The country was sparsely settled, but the messenger who had the day before carried from the railroad the telegram bearing to the daughters of the deceased at West Liberty the sad news of their father's death, had announced the coming of the funeral procession, and short as was the notice, many had gathered at the little hamlets and villages along our route to show their love for their Representative and their sorrow at his death. We stopped at a little house by the wayside to rest our horses and warm ourselves, and were treated with the hospitality which Kentuckians always extend even to unexpected guests. And while the good wife was exerting herself for our comfort, our host and the assembled neighbors were telling us about the manly qualities of our departed associate and the confidence the people had in him.

The shades of night had just gathered over the little town when we reached our destination. The sad news was only a day in advance of us, and it was manifest that a deep sorrow had fallen not alone upon the family, but upon the whole people. But three months before their townsman had left them full of bright hopes and high aspirations. They had rejoiced at his promotion and felt a just pride in his advancement. But it was all over. The last of earth had come. In accordance with a wish expressed in his lifetime, all that remained of him was to be laid at rest with the generations who had gone before.

We gathered at the homestead in the early morning and joined in a brief service conducted by the family pastor. Sweet voices united their melody in an appropriate hymn, and the man of God commended the widow and children to the care of their Heavenly Father.

As the neighbors gathered and departed and talked with us about the deceased, we were impressed with the belief that they loved and honored him, and that his death was regarded as a personal loss as well as a general misfortune.

Arrangements had been made before our arrival for a more public service later in the day, and word had gone out through all the country round to the members of the church with which he had united and the Masonic lodge to which he had belonged to come in at an appointed hour, but we had to get back to the railroad by night and could not remain. The people were already assembling as we left and along our road we met many groups

of mounted men riding towards the town to participate in doing honor to the memory of their friend and brother and companion.

The events of our visit to West Liberty often occur to me, and I have thought that in judging the character and success of Mr. Kendall he should be viewed from the Kentucky standpoint, and that the barely commenced Congressional life need scarcely be considered. His career there was full of success. He was brave, honorable, sagacious in counsel, and true to his friends; a kind husband, an indulgent father, a good neighbor. He won the confidence of those with whom he came in contact in a remarkable degree.

These are the elements of a noble manhood and a well-rounded life, and the record which the deceased has left is a rich legacy to his family and descendants, and a pleasing recollection for his friends and associates to cherish.

**Mr. BLACKBURN.** Mr. President, we have reached the conclusion of the last sad ceremonial which Congress decrees as due to its dead membership. In the rapidly wasting hours of this Congress and in the pressure of most important legislation the Senate pauses to do honor to the memory of a man who, though scarcely having entered upon his service as a member of this National Council, brought with him a record which entitles him to this distinguished mark of consideration.

It was my privilege to know Mr. Kendall long and intimately. More than twenty years ago I served with him for two terms as a member of the house of representatives of the Kentucky Legislature. His services there were distinguished by reason of the persistency as well as the ability with which he urged upon the Legislature an improvement upon the educational system of his section and his State and the material development of its then hidden resources.

My colleague [Mr. LINDSAY] has correctly described him as a type of that surviving civilization which finds its home at the present day in the mountain fastnesses of our community. Honest, sturdy, self-reliant, persistent in his efforts to establish his views, of the correctness of which he cherished no doubt, he was without an exceptionally popular man in the section in which he lived. Two evidences were given of this, both incontestible and conclusive.

It was in that portion of Kentucky, when the war came on in 1861, that the fires of sectional passion and hatred burned the fiercest. He espoused, as the Senate has been told, the cause of the South in that civil strife.

After having completed his service of four years as a soldier without stain, he returned to his native home, to find society stirred, factional differences unsettled, and for many years thereafter this disordered state continued to exist. But he was not made the object, he was not made the victim of any of the prejudices cherished against him because of his military service. Upon the contrary, shortly after the conclusion of the war he was given place after place involving the most delicate duties, his election to these several offices proving beyond question the confidence, the respect, and the affection which were cherished for him.

Whether he would ever have developed into a Congressional leader it is not, Mr. President, for us to undertake to determine; but if we are to judge by the record he had already made surely his friends were warranted in anticipating a more than ordinarily brilliant future for him when he came to Congress. As county attorney, elected and reelected; as State lawmaker, elected and reelected; as Commonwealth's attorney, charged with the duty of vindicating the outraged majesty of the law, he had performed every duty faithfully and acceptably.

There was another evidence given of the affection cherished for him by his people. When he fell at the post of duty here, upon the very threshold of his Congressional career, in a district filled with scores of able and ambitious men, several of whom had contested the high honors of a seat in the Federal councils with him but a few months before, that people attested their loyalty and their devotion to him by taking his son, then scarce more in age than a beardless boy, and by unanimous acclaim commissioned him to come to Congress and finish the term which had been allotted to his lamented father.

These facts, Mr. President, speak louder than any tribute which we can pay in behalf of the dead whom we now lament; but, sir, I shall not undertake to claim that more was due him than has been accorded by the Senators who have preceded me.

As an advocate he was known throughout that region of Kentucky because of the force and vigor which he employed, whether in the prosecution of lawbreakers or in the defense of those charged with crime whose interests were committed to his keeping. Above all, he left no duty undischarged which he had ever assumed.

In the light of this record we have a right to believe that, could his life have been spared, he would have accomplished in

the council chambers of his country what he had never failed to secure in every position which he had assumed. But three months had passed from his entrance into the House of Representatives until the funeral cortege bore his remains back to his native mountain home, their final resting place.

Death's messenger came without a herald; the shaft struck as though it had been a blow falling from a cloudless sky; and yet he was not unprepared for it, if the record of a well-spent life, the faithful discharge of every duty, the securing, the commanding, and the holding of the confidence and affection of his people—if these suffice to make preparation for that awful change to which he was so rudely summoned.

What fate awaited him upon the other side we may not know. Beyond the portals of the tomb it is not given to man to see. Go, bring the wisest of the earth, and by his side upon the edge of the open grave place the driveling, babbling idiot, the one can see as deeply into that narrow home or as far beyond it as the other. All the cycles of ages which lie behind us have shed no light upon that dark portal; there is no human vision which can penetrate it, unless when aided by the light of revealed religion or taking counsel of the love which we bear the dead.

What awaited him beyond I do not know; but this I do know, that if in that other life it has been his fortune to be assigned to congenial and kindred spirits, he is associating now with the generous and the gentle, the true-hearted and the brave.

The **PRESIDENT pro tempore.** The question is on the resolutions proposed by the Senator from Kentucky [Mr. LINDSAY].

The resolutions were agreed to unanimously.

**Mr. BLACKBURN.** Mr. President, I submit the resolution I send to the desk.

The **PRESIDENT pro tempore.** The resolution will be read.

The Secretary read the resolution, as follows:

*Resolved,* That as an additional mark of respect to the memory of the deceased, the Senate do now adjourn.

The **PRESIDENT pro tempore.** The question is on agreeing to the resolution submitted by the Senator from Kentucky.

The resolution was unanimously agreed to; and (at 1 o'clock and 30 minutes a. m., Friday, March 3) the Senate adjourned until Friday, March 3, 1893, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

THURSDAY, March 2, 1893.

The House met at 11 o'clock a. m., and was called to order by the Speaker.

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

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

### DISBURSEMENTS TO CERTAIN EDUCATIONAL INSTITUTIONS.

The **SPEAKER** laid before the House a letter from the Acting Secretary of the Treasury, submitting a report to Congress of the disbursements made to all the States and Territories under the act of Congress approved August 30, 1890, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress approved July 2, 1862; which was ordered to be printed, and referred to the Committee on the Public Lands.

### EXPERIMENTS IN MANUFACTURING SUGAR.

The **SPEAKER** also laid before the House a letter from the Secretary of Agriculture, transmitting a statement showing the expenditure of the appropriation for experiments in the manufacture of sugar; which was ordered to be printed and referred to the Committee on Expenditures in the Department of Agriculture.

### SURVEY OF THE TENNESSEE RIVER.

The **SPEAKER** also laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report of the examination and survey of the Tennessee River from Chattanooga to the junction of the Holston and French Broad Rivers; which was ordered to be printed, and referred to the Committee on Rivers and Harbors.

### COAST AND GEODETIC SURVEY.

The **SPEAKER** also laid before the House a letter from the Secretary of the Treasury, transmitting a statement of expenditures on account of the Coast and Geodetic Survey for the fiscal year ending June 30, 1892; which was ordered to be printed and referred to the Committee on Expenditures in the Treasury Department.