

By Mr. BINGHAM: A bill (H. R. 9612) granting a pension to Moses E. Osborn—to the Committee on Invalid Pensions.

By Mr. BRUMM: A bill (H. R. 9613) to increase the pension of Joel Metz—to the Committee on Invalid Pensions.

By Mr. BULL: A bill (H. R. 9614) granting a pension to William F. Bolan, invalid son of John V. Bolan, late private in Company A, Third Regiment Rhode Island Heavy Artillery—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 9615) for the relief of Maria Johnson (widow) and minor children—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9616) to increase the pension of Edward W. Norton, late assistant surgeon Fifty-ninth Massachusetts Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 9617) granting a pension to John N. Smith—to the Committee on Invalid Pensions.

By Mr. DINGLEY: A bill (H. R. 9618) for the relief of the owners of the ship *Achilles*—to the Committee on Claims.

By Mr. DOCKERY: A bill (H. R. 9619) granting a pension to Mirum C. Peck—to the Committee on Pensions.

By Mr. FLYNN: A bill (H. R. 9620) granting a pension to Albert Hammer—to the Committee on Invalid Pensions.

By Mr. HATCH: A bill (H. R. 9621) to remove the charge of desertion from the military record of David Woods—to the Committee on Military Affairs.

By Mr. HULL: A bill (H. R. 9622) granting pension to Julia A. Hays, widow of Edwin R. Hays, Company L, First Ohio Heavy Artillery—to the Committee on Invalid Pensions.

By Mr. HUNTER: A bill (H. R. 9623) for the relief of Albert C. Brown—to the Committee on Claims.

By Mr. KENDALL: A bill (H. R. 9624) for the relief of the soldiers of the Three Forks Battalion of Kentucky—to the Committee on Military Affairs.

By Mr. KERR: A bill (H. R. 9625) granting an increase of pension to James McCoy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9626) granting an increase of pension to Friendly Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9627) granting an increase of pension to William J. Holway—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 9628) for the relief of Thomas Guthrie—to the Committee on War Claims.

By Mr. MCCALL of Tennessee: A bill (H. R. 9629) for the relief of M. Robison, administrator T. E. Robison, deceased, late of Henderson County, Tenn.—to the Committee on War Claims.

By Mr. MILNES: A bill (H. R. 9630) for the relief of George W. Freeman—to the Committee on Military Affairs.

By Mr. NOONAN: A bill (H. R. 9631) for the relief of Julius E. Mugge—to the Committee on Claims.

By Mr. OTEY (by request): A bill (H. R. 9632) for the relief of Morgan College—to the Committee on the Public Lands.

Also, a bill (H. R. 9633) for the relief of S. Plummer Morton, alias Martin Phelps—to the Committee on Invalid Pensions.

By Mr. OTJEN: A bill (H. R. 9634) granting a pension to John W. Brisbois—to the Committee on Invalid Pensions.

By Mr. STROWD of North Carolina: A bill (H. R. 9635) authorizing and directing the Secretary of War to place the name of W. H. High, of Wake County, N. C., on the pension roll on account of services rendered in the Mexican war—to the Committee on Pensions.

By Mr. TERRY (by request): A bill (H. R. 9636) to amend the records of Company A, Fourteenth Kansas Cavalry—to the Committee on Military Affairs.

By Mr. HUFF: A bill (H. R. 9637) to correct the military record of Jacob Gaffney, of Madison, Pa.—to the Committee on Military Affairs.

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. BAKER of New Hampshire: Resolutions of the New Hampshire Medical Society, protesting against the passage of Senate bill No. 1552, entitled "A bill for the further prevention of cruelty to animals in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. BARTHOLDT: Petition of citizens of St. Louis, Mo., favoring the intervention of the United States in favor of Cuban independence—to the Committee on Foreign Affairs.

By Mr. BREWSTER: Petition of citizens of Pittsford, N. Y., regarding the protection of American citizens and their property in Turkey, and the Armenian atrocities—to the Committee on Foreign Affairs.

By Mr. COUSINS: Resolution of the board of trustees of the Iowa Agricultural College, favoring the Wilson-Squire engineering experiment station bill—to the Committee on Naval Affairs.

By Mr. CURTIS of Iowa: Petition of the St. Louis (Mo.) Academy of Science, protesting against the passage of Senate bill

No. 1553, restricting experimentation upon animals for scientific investigation—to the Committee on the District of Columbia.

Also, petition of the Davenport (Iowa) Business Men's Association, to close crevasse in Pass a L'Outre—to the Committee on Rivers and Harbors.

By Mr. DALZELL: Resolutions adopted at a mass meeting of the citizens of Pittsburg, Pa., relative to Armenian outrages—to the Committee on Foreign Affairs.

By Mr. DANFORD: Petition of James F. Johnson and other citizens of Steubenville, Ohio, favoring the passage of the Dingley tariff bill—to the Committee on Ways and Means.

By Mr. EDDY: Resolution of the St. Paul (Minn.) Chamber of Commerce, indorsing Senate bill No. 2447 for a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. GIBSON: Petition of Dr. G. R. Brandon, of Knoxville, Tenn., asking compensation for property taken by United States forces during the late war—to the Committee on War Claims.

By Mr. HICKS: Petition of glass bottle blowers of the United States, for restricted immigration—to the Committee on Immigration and Naturalization.

By Mr. HULL: Paper to accompany House bill granting a pension to Julia A. Hays, signed by citizens of Knoxville, Iowa—to the Committee on Invalid Pensions.

By Mr. KIEFER: Petition of 15 citizens of Stillwater, Minn., asking for extension of time in which to make improvements on mining claims—to the Committee on the Public Lands.

Also, resolution of the St. Paul Chamber of Commerce, indorsing the proposed creation as part of Government of a department of commerce and manufactures—to the Committee on Interstate and Foreign Commerce.

By Mr. KIRKPATRICK: Petition of H. L. Jones and other citizens of Coffeyville, Kans., protesting against extending the time for the construction of the Kansas City, Oklahoma and Southwestern Railway through the Indian Territory—to the Committee on Railways and Canals.

By Mr. PITNEY: Petition of the Glass Bottle Blowers' Association of the United States in favor of the prohibition of immigration—to the Committee on Immigration and Naturalization.

By Mr. SNOVER: Petition of 28 citizens of North Branch, Mich., praying for favorable action on House bill No. 838, to reduce letter postage to 1 cent per half ounce, and bill No. 4566, to amend the postal laws relating to second-class matter—to the Committee on the Post-Office and Post-Roads.

SENATE.

TUESDAY, December 15, 1896.

Prayer by Rev. T. DE WITT TALMAGE, D. D., of the city of Washington.

The Vice-President being absent, the President pro tempore took the chair.

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

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection. It is approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 1888) to further amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, 1893; and

A joint resolution (H. Res. 209) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1896, on the 18th day of said month.

ALLEGANY INDIAN RESERVATION LANDS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to a provision contained in the Indian appropriation act of June 10, 1896, a communication from the Commissioner of Indian Affairs, together with a detailed statement of all the leases made and entered into by the Seneca Nation of Indians with all persons or corporations of lands in the Allegany Indian Reservation in the State of New York; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

REPORT OF THE COLUMBIA RAILWAY COMPANY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting the report of the Columbia Railway Company of Washington, D. C., for the

fiscal year ended February 29, 1896, together with a statement of the cost of the cable railway plant; which, with the accompanying report, was referred to the Committee on the District of Columbia, and ordered to be printed.

SECOND-CLASS MAIL MATTER.

The PRESIDENT pro tempore laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of June 6, 1896, certain information and copies of papers relating to certain rulings of the Post-Office Department in reference to second-class mail matter; which, with the accompanying papers, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

CERTIFICATION OF ELECTORS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting, in pursuance to the provisions of the act of February 3, 1887, a certified copy of the final ascertainment of the electors for President and Vice-President from the State of Arkansas; which was ordered to lie on the table.

ENROLLED BILLS SIGNED.

The PRESIDENT pro tempore announced the signature of the Vice-President to the following enrolled bills; which had previously been signed by the Speaker of the House of Representatives:

A bill (H. R. 2604) to increase the pension of Caroline A. Hough, widow of Brig. Gen. John Hough; and

A bill (H. R. 4354) granting a pension to Mrs. Mary Gould Carr, widow of the late Brig. and Bvt. Maj. Gen. Joseph B. Carr, United States Volunteers, deceased.

STRATTON H. BENSCOTER.

The PRESIDENT pro tempore laid before the Senate the request of the House of Representatives for the return of the bill (H. R. 8771) for the relief of Stratton H. Bencoter; and by unanimous consent the request was ordered to be complied with and the bill returned to the House of Representatives.

CREDENTIALS.

Mr. MORGAN presented the credentials of Edmund Winston Pettus, chosen by the legislature of Alabama a Senator to represent that State in the Senate of the United States for the term commencing the 4th day of March, 1897; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of sundry citizens of Washington County, Ind., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. CAMERON presented a petition of the select and common councils of Philadelphia, Pa., praying that an appropriation be made for digging out the Back Channel and Improving the League Island Navy-Yard; which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Pittsburg, Pa., and a petition of the Young People's Society of Christian Endeavor and sundry members of the Presbyterian church of Hazleton, Pa., praying for the enactment of legislation to relieve the suffering Armenians in Turkey; which were referred to the Committee on Foreign Relations.

He also presented a petition of George G. Meade Post, No. 1, Grand Army of the Republic, of Philadelphia, Pa., praying Congress to recognize the independence of Cuba; which was referred to the Committee on Foreign Relations.

Mr. BERRY presented a petition of sundry citizens of Arkansas, praying for the passage of a bankruptcy bill; which was referred to the Committee on the Judiciary.

Mr. ALLEN presented a petition of sundry citizens of Valentine, Nebr., praying for the passage of Senate bill No. 2455, granting the incorporated town of Valentine, in the county of Cherry and State of Nebraska, certain lands, and for other purposes; which was referred to the Committee on Public Lands.

Mr. MITCHELL of Wisconsin presented a petition of the Superior Commercial Club, of Superior, Wis., praying that the harbor of Duluth and Superior be improved at as early a date as possible; which was referred to the Committee on Commerce.

Mr. HILL presented a petition of sundry woolgrowers of Onondaga County, N. Y., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. BURROWS presented the petitions of James B. Cobb and 36 other citizens of Kalamazoo, of D. S. French and 4 other citizens of St. Johns, and of G. W. Vanaken and 16 other citizens of Coldwater, all in the State of Michigan, praying for the passage of the so-called Dingley tariff bill; which were referred to the Committee on Finance.

Mr. BRICE presented a petition of the Strong, Carlisle & Turney Company, of Cleveland, Ohio, praying for the enactment of

legislation reforming the postal laws in regard to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Ministerial Association of Springfield, Ohio, praying for the enactment of legislation prohibiting the transportation of obscene matter from State to State; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Ministerial Association of Springfield, Ohio, praying for the enactment of legislation providing for the appointment of an impartial commission to investigate the labor problem and to suggest a solution; which was referred to the Committee on Education and Labor.

He also presented a petition of the Ministerial Association of Springfield, Ohio, praying for the enactment of legislation to forbid the mails to papers publishing details of suicides, except on police order for identification; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Rev. Edward C. Dinwiddie, secretary of the American Anti-Saloon League of Springfield, Ohio, praying for the passage of House bill No. 7083, prohibiting the sale of intoxicating liquors in the Capitol building; which was referred to the Committee on Public Buildings and Grounds.

Mr. VEST presented a petition of the Board of Trade of Kansas City, Mo., praying Congress to recognize the independence of Cuba and also to give material aid to the Cuban people; which was referred to the Committee on Foreign Relations.

Mr. CULLOM presented a petition of sundry citizens of Illinois, praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. THURSTON. I present a petition signed by 10,000 representative colored citizens of the United States, praying for the passage of a bill to provide a home for aged and infirm colored people. I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. JONES of Arkansas presented the petition of Robert L. Owen, of Muscogee, Ind. T., praying Congress to consider his claim for services rendered in the settlement of the Old Settler Cherokee claim; which was referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

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. 7127) granting a pension to Samuel D. Gilman;

A bill (H. R. 5710) granting a pension to Eleanor L. Curtiss;

A bill (H. R. 5787) for the relief of Henry A. F. Worth;

A bill (H. R. 158) granting a pension to Mary Collins;

A bill (H. R. 3890) granting a pension to George William Hodgdon; and

A bill (H. R. 1511) for the relief of Lydia Boynton Ferris.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 4281) granting pension to George Johnson, of Lenox, Iowa, reported it with amendments, and submitted a report thereon.

Mr. CANNON, from the Committee on Pensions, to whom was referred the bill (S. 3252) to increase the pension of Esther Brown, reported it without amendment.

Mr. HALE. I report back without amendment, from the Committee on Appropriations, with a report accompanying it, the annual pension appropriation bill, being the bill (H. R. 9473) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1898, and for other purposes.

I give notice that to-morrow morning, after the routine morning business, I shall ask the Senate to take up the bill and pass it. It is the only appropriation bill that has reached the Senate from the House.

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

HOLIDAY RECESS.

Mr. HALE. I also report back from the Committee on Appropriations, without amendment, the House resolution proposing an adjournment for the holidays; and I ask that it be put on its passage.

The concurrent resolution of the House of Representatives was considered by unanimous consent, and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring). That when the two Houses adjourn on Tuesday, the 22d day of December, they stand adjourned until 12 o'clock meridian on Tuesday, January 5, 1897.

BILLS INTRODUCED.

Mr. BRICE introduced a bill (S. 3383) granting a pension to William H. Junkin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 3384) to authorize and empower

the governor of Alaska to appoint justices of the peace and constables in and for the District of Alaska; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Territories.

He also introduced a bill (S. 3385) to refer certain claims for Indian depredations to the Court of Claims; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Depredations.

Mr. BLACKBURN introduced a bill (S. 3386) for relief of Leo L. Johnson; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3387) to complete the military record of James Hicks, formerly captain Company M, Twelfth Regiment Ohio Cavalry Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McMILLAN introduced a bill (S. 3388) to further regulate the sale of milk in the District of Columbia, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. PALMER introduced a bill (S. 3389) to amend an act granting pensions to the survivors of the Indian wars from 1832 to 1842, inclusive, known as the Black Hawk war, the Creek war, the Cherokee disturbances, and the Seminole war; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WALTHALL introduced a bill (S. 3390) for the relief of the Roman Catholic Church of St. Peters, at Jackson, Miss.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ALLEN introduced a bill (S. 3391) directing the Secretary of the Interior to make surveys for and determine and report on the cost of erecting reservoirs on certain rivers in the United States and their tributaries, and making appropriation therefor, and for other purposes; which was read twice by its title, and referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also introduced a bill (S. 3392) for the relief of Daniel C. Hefferman, of Dakota County, Nebr.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PERKINS introduced a bill (S. 3393) to increase the pension of Wesley C. Sawyer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BAKER introduced a bill (S. 3394) for the relief of Capt. John T. Bruen, late of the Tenth Independent Battery New York Volunteers; which was read twice by its title, and referred to the Committee on Claims.

Mr. NELSON introduced a bill (S. 3395) to amend an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3396) to authorize and direct the Secretary of the Treasury to pay the moneys herein specified to the respective bands of Chippewa Indians in the State of Minnesota, according to their respective rights and interests; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HARRIS (by request) introduced a bill (S. 3397) granting a pension to Etta S. Stillson, widow of Philo B. Stillson, lieutenant-colonel One hundred and ninth Regiment New York Volunteers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. QUAY introduced a bill (S. 3398) to provide an American register for the bark *E. C. Mowatt*, of Philadelphia, Pa.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GEAR introduced a bill (S. 3399) granting a pension to John W. Pennell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KYLE introduced a bill (S. 3400) granting an increase of pension to John A. Worswick; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a joint resolution (S. R. 173) to permit railroads in the District to occupy additional parts of streets to accommodate the traveling public attending the inaugural ceremonies; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

He also introduced a joint resolution (S. R. 174) to suspend the operation of an act approved February 13, 1895, entitled "An act to amend an act entitled 'An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes,' approved June 16, 1890;" which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

PRINTING OF A PAPER ON THE SENATE.

Mr. COCKRELL. I ask for an order that a paper on the Senate published in the Youth's Companion of November 13, 1890, and quoted in my speech in the Senate in January, 1892, be printed as a document. It will cost only a few dollars, and it is a very excellent article. I hope it may be printed for the use of the Senate.

The PRESIDENT pro tempore. Is the order in writing?

Mr. COCKRELL. No, I have not written the order.

The PRESIDENT pro tempore. The Senator from Missouri asks that a certain paper of which he informs the Senate may be printed as a document. Is there objection? The Chair hears none, and it will be so ordered.

USE OF MONEY IN ELECTIONS.

Mr. ALLEN. I submit a resolution, which I ask may be read. The resolution was read, as follows:

Resolved, That a committee of nine Senators be elected by the Senate to constitute a committee on the use of money in elections, and that said committee be instructed to thoroughly investigate the extent to which money, if any, was used in connection with the recent Presidential election, either in promoting the nominations or in influencing in any manner the choice of Presidential electors, and to inquire whether or not any such expenditures were excessive, illegitimate, corrupt, or unlawful, and especially to inquire and ascertain to what extent for such purposes the owners of silver mines, gold mines, the bankers, the manufacturers, the railroads, or other corporations and millionaires of all classes made contributions, and what contributions, if any, were made by persons and corporations residing abroad, and to report to the Senate all the facts, and whether or not, in the opinion of the committee, any legislation by Congress is expedient and necessary to lessen or prevent the use of money in elections. Said committee shall have power to act by full or sub committees, to send for persons and papers, and sit during the present session of Congress and until the first Monday of December, A. D. 1897, the expenses thereof to be paid out of the contingent fund of the Senate.

The PRESIDENT pro tempore. Under the law the resolution will go to the Committee on Contingent Expenses.

Mr. ALLEN. Before the resolution is referred, I desire the indulgence of the Senate just a moment to have two articles read, showing the necessity for the passage of the resolution. I will occupy the attention of the Senate but a moment. I send to the desk and ask to have read an editorial from the New York Tribune of December 11, 1896.

The PRESIDENT pro tempore. If there be no objection, the Secretary will read the paper at the request of the Senator from Nebraska.

The Secretary read as follows:

[New York Tribune, December 11, 1896.]

THE SILVER OUTBREAK.

Senator ALLEN and the bolters who have practically annexed themselves to the Populists are doing a public service unintentionally. Their attempt to revive agitation and uncertainty on the question of money is heartily condemned by business men of all shades of opinion, and its injurious influences on industry are resented by workmen. The right of these people to demand a popular decision on the question was not denied. But their attempt to keep the whole country in the slough of despond for an indefinite time because the popular decision was against them, and by a factious resistance to that decision, is rightly considered indecent and in its purpose revolutionary. The country will presently be prepared to resist it with the same grand union of loyal feeling which crushed the attempt of Altgeld & Co. to promote free rioting.

Loyalty in this country means obedience to the legal decisions of the nation, the source of all authority. The man who is beaten after a fair hearing is not bound to abandon his opinion. He is at liberty to strive to the utmost to convince men so that a future decision may be in his favor. But he is bound, if he has any sense of loyalty, to respect the verdict of the people until a new one has been rendered. Anything like factious opposition to such a decision is dishonorable, and is certain to arouse a popular resentment which will go very far toward deciding future contests. But when the solvency and the honor of the nation are at stake, and in purely factious opposition to measures for the maintenance of public honor a man imperils national prosperity and national credit, he marks himself as a rebel. Arms are not needed to make him an enemy of the people. He is a foe to be crushed before self-government can do its legitimate work.

When the highwayman's style of behavior was first adopted by the bolting silver Senators the Tribune repeatedly warned them that they were arousing a popular feeling which would overwhelm them and the cause they had at heart. They did not believe, and persisted. The result is that some of them have been sent back to the obscurity of private life, and others will be. The silver cause is much further from success than it has been at any time for twenty years. Yet the same conspiracy of Popocrats with the Senators who are merely the tools or hirelings of silver monopolists now attempts to resist the decision of the people at the last election. These people may well take warning that public opinion will go very much further against them than it has yet gone, and will be prepared to sustain stronger measures than they have ever contemplated as possible, if they persist in their course.

The attitude of Democratic Senators just now is uncertain. At least a dozen of them supported Bryan more or less earnestly because he was the candidate of their party, though they had no sympathy whatever with the monetary notions he advocated. Within a short time some of these Senators will begin to shape their course with reference to future elections. The silver conspirators may rest assured that men like Hill and Murphy, Smith and Gorman, Faulkner, Turpie, and Mitchell are not going to cut their own throats for the sake of the silver millionaires. It will not take much more of the highwayman's tactics to bring about a state of public opinion which every one of these Senators will respect and obey, unless he chooses to bury himself.

Mr. ALLEN. I ask also to have read an article that is marked, from the Farm, Field, and Fireside, published at Chicago, dated December 5, 1896.

The PRESIDENT pro tempore. If there be no objection, the Secretary will read as requested.

Mr. ALLEN. The article is short.

The Secretary read as follows:

[Farm, Field, and Fireside, December 5, 1896]

ELECTION ECHOES.

The following table gives the popular vote for President in 1892 and 1896, leaving out the Prohibition vote in both cases. This vote shows a most remarkable and problematical increase in those States known as pivotal, an increase in voting strength far beyond any reasonable increase in population.

States.	Popular vote, 1892.			Vote for President in 1896.		
	Democrat.	Republican.	Populist.	McKinley.	Bryan.	Palmer.
Alabama	138,138	9,197	85,181	54,737	107,137	5,671
Arkansas	87,752	46,974	11,831	37,512	110,103	.....
California	118,151	118,927	25,311	146,217	142,923	.....
Colorado	.....	38,620	53,584	22,735	151,970	500
Connecticut	82,395	77,082	8,809	110,288	56,734	4,334
Delaware	18,521	18,077	.....	20,367	16,671	967
Florida	30,143	.....	4,843	11,257	29,981	1,772
Georgia	129,386	43,905	42,939	60,091	94,232	2,788
Idaho	.....	8,599	10,520	5,031	15,754	.....
Illinois	426,281	399,288	22,207	604,467	463,299	6,195
Indiana	262,740	255,615	22,198	327,739	309,318	2,143
Iowa	196,307	219,373	20,616	289,640	224,338	4,362
Kansas	.....	157,241	163,111	158,541	171,819	1,209
Kentucky	175,461	135,441	23,500	218,055	217,797	5,018
Louisiana	87,922	13,311	13,332	21,627	76,883	1,810
Maine	48,024	62,878	2,045	80,425	32,217	1,864
Maryland	113,896	92,736	796	136,659	102,754	2,507
Massachusetts	176,813	202,814	3,210	267,737	102,655	11,510
Michigan	202,296	222,708	19,892	293,327	237,251	6,930
Minnesota	100,579	122,736	90,368	193,455	139,477	3,309
Mississippi	40,237	1,406	10,259	4,849	55,933	1,021
Missouri	268,628	226,762	41,183	804,940	363,652	2,355
Montana	17,534	18,838	7,259	10,100	41,275	.....
Nebraska	24,943	87,227	83,134	102,565	115,025	2,797
Nevada	711	2,822	7,297	1,756	6,751	.....
New Hampshire	42,081	45,658	293	57,444	21,271	3,420
New Jersey	171,066	156,089	985	221,367	139,675	6,373
New York	654,899	609,350	16,429	795,271	543,839	18,829
North Carolina	132,951	100,846	44,732	155,222	174,488	578
North Dakota	.....	17,519	17,650	23,325	18,175	.....
Ohio	404,115	405,187	14,850	525,389	474,880	1,857
Oregon	14,243	35,062	26,875	48,689	46,618	851
Pennsylvania	452,264	516,011	8,714	728,300	427,127	11,000
Rhode Island	24,335	27,069	227	36,437	14,459	1,186
South Carolina	54,698	13,284	.....	9,313	58,801	824
South Dakota	9,081	94,888	26,512	45,100	45,275	2,500
Tennessee	136,477	99,973	23,622	148,773	163,651	1,951
Texas	239,148	81,444	69,638	166,182	291,270	4,940
Vermont	16,325	87,922	43	18,461	64,851	.....
Virginia	163,977	193,256	1,274	51,127	10,179	1,331
Washington	29,844	36,470	19,105	135,361	155,968	2,216
West Virginia	84,468	80,285	4,165	39,495	50,927	2,750
Wisconsin	177,335	170,791	9,909	102,000	90,000	.....
Wyoming	.....	8,454	7,772	295,656	162,909	3,000
Utah	.....	.....	.....	10,073	10,359	.....
Total	5,553,165	5,196,086	1,030,630	7,053,102	6,344,463	132,583

McKinley's popular plurality over Bryan 708,639.

Cleveland carried California in 1892 by 147, and Bryan received 24,000 more votes than Cleveland received, and yet McKinley carried California.
 Cleveland carried Illinois in 1892 by 29,993, and Bryan received 47,000 more votes than Cleveland received, yet McKinley carried Illinois.
 Cleveland carried Indiana in 1892 by 7,125, and Bryan received 47,000 more votes than Cleveland received, yet McKinley carried Indiana.
 Harrison carried Iowa in 1892 by 23,729, and Bryan received 4,541 more votes than Harrison received, yet McKinley carried Iowa.
 Cleveland carried Kentucky in 1892 by 40,020, and Bryan received 42,338 more votes than Cleveland received, yet McKinley carried Kentucky.
 Harrison carried Michigan in 1892 by 20,412, and Bryan received 4,000 more votes than Harrison received, yet McKinley carried Michigan.
 Harrison carried Minnesota in 1892 by 21,903, and Bryan received 16,714 more votes than Harrison received, yet McKinley carried Minnesota.
 Harrison carried Ohio in 1892 by 1,072, and Bryan received 69,000 more votes than Harrison received, yet McKinley carried Ohio.
 Harrison carried Oregon in 1892, and Bryan received 9,000 more votes than Harrison received, yet McKinley carried Oregon.
 The vote of Illinois was nearly 250,000 in excess of the vote of 1892; that of Ohio 200,000, and of Kentucky 100,000. From whence have these States gained so largely in population during four years?

At the same time Kansas, a growing Western State, only shows 10,000 gain. The great State of Texas, which has been a theater of immigration, only shows 40,000 gain; Alabama shows 5,000 loss; New York only shows 40,000 gain; Massachusetts, 1,000; Virginia shows 15,000 loss; while West Virginia, a State the Republicans were particularly anxious to carry, shows a gain of 20,000; Arkansas, a State to which immigration has been directed, only gained 1,000, while Indiana, a pivotal State, shows 90,000 gain.
 These figures are inexplicable. Why have the pivotal States made such tremendous gains in voting strength? Is it legitimate, or has there been some new secret—fraudulent—device for making and swelling majorities where they are most needed put into operation? This subject is worthy of further consideration.

Mr. ALLEN. I now ask that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and request that it may be promptly reported back, so that it can be considered by the Senate.

The PRESIDENT pro tempore. The resolution will be so referred.

THE WATER HYACINTH.

Mr. PASCO. I submit a resolution, and ask that it be now considered.

The resolution was read, as follows:

Resolved, That the Secretary of War be directed to communicate to the Senate any information of a recent date upon the files of the Department relating to the obstruction of the navigable waters of Florida or the other South Atlantic or Gulf States by the aquatic plant known as the water hyacinth, and to inform the Senate whether any efforts have been made to remove such obstruction to commerce and with what results, and whether in his judgment any additional legislation is desirable to provide against the closing of any such navigable waters by the continued growth and spreading of such plant.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. CALL. Mr. President, I have an amendment upon this subject to offer to the proper appropriation bill, of which I desire to give notice.

The waters of the St. Johns River is my own immediate region in Florida—my own home. They embrace the only portion of the State which is infected by this very destructive growth. It almost destroys the navigation of the great St. Johns River, which is in part an estuary of the sea, opens the larger part of the interior of south Florida to navigation, and making accessible the production of phosphates and the tropical fruits, vegetables, and lumber of that country. This is a subject of very great importance, as this growth, imported from a foreign country and transplanted in the waters of the St. Johns, threatens to almost entirely close the river for navigation.

I hope that the resolution will be passed, and at a later day, when the subject shall come before the Senate, I give notice that I shall ask for a considerable appropriation for the improvement of that river, to prevent it from being entirely closed. Captain Shaw, an experienced and capable navigator of many years on the river, is now gathering the information necessary for Congress, and I am only awaiting its receipt to urge Congress to appropriate the money.

Mr. PASCO. It is with a view of getting information before the Senate for intelligent action that I introduced the resolution. There is some such information at the War Department. I desire to get it in an official form, so that we may make some effort to remove this obstruction to navigation and commerce.

I understand that this obstruction exists not only in the State which my colleague and I represent, but in some of the other South Atlantic and Gulf States, particularly in the State of Louisiana. I have consulted with the Senators from that State and learn that some of their navigable waters have been obstructed by the continuous growth of this water hyacinth, which is a very beautiful aquatic plant, but it is practically shutting up the mouths of some important navigable streams in these States.

It was for the purpose of getting this information that the resolution was prepared and introduced.

The resolution was agreed to.

RIVER AND HARBOR IMPROVEMENTS IN OREGON.

Mr. MITCHELL of Oregon. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Whereas it was provided in the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," passed by Congress June 3, 1896, as follows:

"Improving Yaquina Bay, Oregon: Continuing improvement, \$25,000: Provided, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete the project as recommended by the Board of Officers of the Engineer Corps October 11, 1895, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate \$1,000,000, exclusive of amount herein and heretofore appropriated."

Also, "improving Willamette and Yamhill rivers, Oregon, \$40,000, to be expended in accordance with report submitted February 21, 1896, for Willamette River from Portland to Eugene, and in accordance with report of survey, dated March 6, 1895, for lock and dam on Yamhill River: Provided, That contracts may be entered into by the Secretary of War for such materials and work as may be necessary to complete said improvements, or said materials may be purchased and work may be done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not exceeding in the aggregate \$200,000, including the amount herein appropriated: And provided further, That the sum of \$10,000, or so much thereof as may be necessary, shall be available for the purchase or construction of a snag boat with suitable appliances: Provided further, That the Secretary of War may, in his discretion, use so much of the money herein appropriated as may be necessary to prevent the erosion of the west bank of the Willamette River opposite Salem, Ore., and to maintain the river channel at that point:" Therefore

Resolved, That the Secretary of War be, and he is hereby, directed to advise the Senate at his earliest convenience as to what steps, if any, have been taken looking to the placing of said proposed improvements at Yaquina Bay, Oregon, and the Willamette and Yamhill rivers, Oregon, under contract, as provided in said provisions, respectively; and if no steps have been taken, then the reason for delay.

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent for the present consideration of the resolution which has just been read. Is there objection? The Chair hears none.

Mr. SHERMAN. I should like to have it read.

Mr. MITCHELL of Oregon. It is simply a call for information.

Mr. GORMAN. Let it be read.

The PRESIDENT pro tempore. The Senator from Ohio asks that the resolution may again be read.

Mr. SHERMAN. I understand that it is merely a resolution

calling for information. If that is the case I do not care to have it read.

Mr. MITCHELL of Oregon. That is all it is. I will state to the Senator from Ohio it is simply a resolution calling for information.

Mr. GORMAN. Let it be read, Mr. President. I should like to know what it is. Its reading was not heard on this side.

Mr. MITCHELL of Oregon. I will state to the Senator from Maryland what the resolution is. There was provision in the river and harbor act which passed at the last session for the placing under contract of three several proposed improvements in the State of Oregon. This resolution simply calls upon the Secretary of War to advise the Senate as to what steps, if any, have been taken. That is all.

The PRESIDENT pro tempore. Does the Senator from Maryland desire the resolution to be again read?

Mr. GORMAN. No. I merely wished to know what it is.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to

ISSUE OF BONDS IN NEW MEXICO.

Mr. WOLCOTT. I ask unanimous consent to call up the amendment of the House of Representatives to the amendment of the Senate to the bill (H. R. 4052) approving certain acts of the legislative assembly of the Territory of New Mexico authorizing the issue of certain bonds of said Territory, which came over from the House a day or two since and which was read. An objection was then made by the Senator from Missouri [Mr. COCKRELL], who now withdraws his objection, I understand. He has examined the bill. It is identical with the bill which passed both Houses of Congress before the adjournment in June and received the veto of the President because of certain restrictive language at the close of the measure, which has been eliminated from it. With that exception, the bill stands exactly as it did when it passed the two Houses of Congress before. The amendment was read by the Secretary the other day, before the objection was made by the Senator from Missouri, and I should be glad if the Senate would vote upon it.

The PRESIDENT pro tempore. The Senator from Colorado asks unanimous consent for the present consideration of the bill named by him. Is there objection? The Chair hears none, and the action of the House of Representatives will be stated.

The Secretary read as follows:

Resolved, That the House agrees to the amendments of the Senate to House bill 4052, entitled "A bill approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory," numbered 1 and 4, disagrees to amendment numbered 3, and agrees to amendment numbered 2, with an amendment as follows:

"Also the certain bonds and indebtedness, together with interest coupons thereto attached, of the county of Santa Fe, Territory of New Mexico, dated September 29, 1891, issued under the provisions of an act of the Territorial general assembly of the Territory of New Mexico, entitled 'An act for the financial relief of counties and municipalities,' approved February 26, 1891.

"Such bonds having been issued in refunding and in lieu of \$150,000 of bonds, overdue interest, and a judgment rendered thereon, of said county of Santa Fe, theretofore, in the year 1880, issued and outstanding, are hereby validated, approved, and confirmed. Also the certain bonds and indebtedness, \$56,000 in amount, together with the interest coupons thereto attached, of the county of Grant, Territory of New Mexico, dated July 1, 1883, being the unretired part of an issue of \$96,500 in bonds issued by said county of Grant under the provisions of an act of the Territorial general assembly dated February 1, 1872, are hereby validated, approved, and confirmed. Also the certain bonds and indebtedness, \$50,000 in amount, together with the interest coupons thereto attached, of the city of Silver City, county of Grant, Territory of New Mexico, dated March 1, 1893, issued under the provisions of an act of the Territorial general assembly of the Territory of New Mexico entitled 'An act enabling the authorities having charge of the finances of any town or city of the Territory of New Mexico to refund any bonds or other obligations of said town or city by the issuance of similar obligations, bearing a less rate of interest,' approved February 11, 1891, such bonds having been issued in refunding and in lieu of bonds and indebtedness to the amount of \$50,000 of said city of Silver City, county of Grant, theretofore issued and outstanding, are hereby validated, approved, and confirmed.

"It is intended hereby to validate, approve, and confirm any and all laws, ordinances, and proceedings, and bonds relating to the matter necessary to the validation of the said bonds of the Territory of New Mexico and of the said Santa Fe County, Grant County, and town of Silver City bonds, but no further and for no other purpose.

"The said county of Santa Fe is hereby authorized and empowered to again refund all or any portion of the indebtedness thereof by this act validated within one year from the passage of this act, in accordance with the terms and provisions of an act of the legislature of the Territory of New Mexico, being chapter 79, entitled 'An act for the financial relief of counties and municipalities' (House bill No. 192), approved February 26, 1891, except that such refunded bonds shall bear interest at the rate of 4 per cent per annum, payable semiannually, and shall become due twenty-five years from the date of the issue of such refunded bonds, and shall be issued for the amount of unpaid principal of the bonds of said county by this act validated, with interest thereon from the date thereof, to wit, September, 1891, and March, 1892, respectively, at the rate of 4 per cent per annum until the date when the sum shall be refunded as herein provided, less the amount of interest heretofore paid on such bonds; and when said bonds shall be so refunded they shall be subject in all other respects to all the provisions, liabilities, rights, obligations, benefits, and advantages of said act of the legislature herein referred to. In case said bonds shall not be refunded by said county of Santa Fe upon the terms and conditions in this section set forth, then the bonds validated by this act shall remain as the legal obligation of said Santa Fe County.

"If said bonds shall be refunded as herein provided, the holders of the bonds herein validated shall, upon actual notice given by said county, deliver to said county the bonds herein validated, and shall receive in lieu thereof the refunded bonds provided for in this section: *Provided*, That any of said bonds which shall not be delivered for refunding to said county of Santa Fe

within six months after said notice shall be given as herein required shall not bear a rate of interest greater than 4 per cent per annum from date of issue: *Provided*, That nothing in this act shall be so construed as to make the Government of the United States liable or responsible for the payment of any of said bonds by this act approved, confirmed, and made valid."

The PRESIDENT pro tempore. The question is on concurring in the amendment of the House of Representatives.

Mr. PEPPER. I ask the Senator from Colorado to explain how this change affects the original bill.

Mr. WOLCOTT. In no way except that it removes a restrictive clause to which the President objects, and which he thought might invalidate the bill.

The amendment was concurred in.

The PRESIDENT pro tempore. The House of Representatives has also disagreed to Senate amendment numbered 3.

Mr. WOLCOTT. I move that the Senate recede from that amendment.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. PALMER. I ask for the present consideration of the bill (S. 894) granting a pension to Nancy G. Allabach. I was not present yesterday when pension bills were considered, and I now ask the immediate consideration of the bill I have named, which was returned to the Senate with the objections of the President.

The PRESIDENT pro tempore. The Chair will announce that morning business is concluded. The Senator from Illinois asks unanimous consent for the present consideration of the bill named by him. Is there objection? The Chair hears none.

Mr. PALMER. If the bill is now before the Senate, I ask for the reading of the report.

Mr. MORGAN. Did I understand the Chair to announce that the morning business had been closed?

The PRESIDENT pro tempore. The Chair so announced.

Mr. MORGAN. I was waiting to get a chance to call up a resolution which comes over from yesterday, which is a part of the morning business, and which I announced on yesterday I should ask the Senate to allow me this morning to make some observations upon. I hope the Senator from Illinois will not insist upon the point that the morning business is closed, for I submit respectfully that that resolution comes over as part of the morning business.

The PRESIDENT pro tempore. The Chair will recognize the Senator from Alabama as soon as the bill referred to by the Senator from Illinois shall have been disposed of. The report will be read.

The Secretary proceeded to read the report submitted by Mr. PALMER from the Committee on Pensions May 9, 1896, but was interrupted by

Mr. JONES of Arkansas. What is it that is being presented by the Secretary?

The PRESIDENT pro tempore. The Senator from Illinois [Mr. PALMER] called up a bill for consideration.

Mr. CULLOM. A vetoed pension bill.

The PRESIDENT pro tempore. It is a bill which has not received the sanction of the President of the United States.

Mr. JONES of Arkansas. Does it require unanimous consent to take it up?

The PRESIDENT pro tempore. No; it does not necessarily, although unanimous consent was asked.

Mr. JONES of Arkansas. In view of the fact that the Senator from Alabama [Mr. MORGAN] had yesterday given notice that at the conclusion of the morning business this morning he would ask to occupy the attention of the Senate for the purpose of submitting remarks on a resolution of interest to the Senate, I do not think that anything should be interposed in his way.

Mr. PALMER. I certainly did not desire to interfere with the Senator from Alabama; and, with the understanding that the bill to which I have referred can be disposed of after he has concluded his remarks, I will yield to him.

The PRESIDENT pro tempore. It was partly owing to a misunderstanding on the part of the Chair that the resolution referred to by the Senator from Alabama was not laid before the Senate as morning business. The resolution was submitted yesterday, and at the request of the Senator from Alabama laid upon the table, and therefore did not come into the hands of the presiding officer.

Mr. GALLINGER. I trust that at the conclusion of the remarks of the Senator from Alabama, by unanimous consent the vetoed pension bill may be taken up for consideration.

The PRESIDENT pro tempore. The Chair will then recognize the Senator from Illinois.

AFFAIRS IN CUBA.

Mr. MORGAN. I ask for the reading of the resolution which I submitted yesterday.

The Secretary read the resolution submitted yesterday by Mr. MORGAN, as follows:

Resolved, That the President is requested, if it is not in his opinion incompatible with the public service, to send to the Senate copies of the papers relating to the condition of affairs in the Island of Cuba, which are referred to in the report of the Secretary of State that accompanies his last annual

message as papers collected in the annual volume entitled "Foreign Relations of the United States."

And also a statement of the several amounts of the claims lodged in the Department of State by citizens of the United States against Spain, growing out of the alleged insurrection now existing in the Island of Cuba.

And also all correspondence with the Spanish Government relating to the vessel called the *Competitor*, and the persons captured with or near that vessel; with a statement of the charges pending in any court in Spain or Cuba against said persons and the proceedings of such court in those cases; and the place of their imprisonment, the character of their treatment while in prison, and the condition of their health; whether said prisoners have had the privilege of counsel of their own selection on any trial that has taken place on such charges, or were represented by any consul, attorney, or other agent of the United States.

Mr. MORGAN. Mr. President, in the discussion of the present phase of our relations with Spain and Cuba I will confine my remarks to comments upon the facts stated in the recent annual message of the President and the report of the Secretary of State, to which the President refers as a part of that message.

I am not able to discover that the President has made any specific recommendation or indication as to any action he deems it proper or expedient for Congress to take with reference to Spain or Cuba, nor that he has indicated any course, except a still patient waiting, that the Executive proposes to take. Congress, thus left to its own initiative, must assume its own responsibilities in a matter of the most serious gravity.

Congress must give to the statements of the President unhesitating acceptance as to matters that are committed by the Constitution to his especial charge. When he undertakes to state the facts that affect our relations with other powers we must accept those facts, unless the disproof of them is overpowering. This message, therefore, is of the most impressive importance as a statement of the leading facts and conclusions that bear upon our duties in respect of the conflict of arms that has raged for nearly two years in the Island of Cuba, and it has the support of nearly all American belief. I have not heard that Spain controverts any statement of the President in his message, and I can find no ground for the conjecture that any material issue of fact will be raised as to any important statement the President has made.

The evidence that comes from private sources relating to the condition of Cuba and the horrors of persecution, rapine, and extermination visited upon the people of Cuba admits of no doubt as to its credibility; yet it presents pictures so incredibly inhuman and so disgraceful to the civilization of this age that it stuns the mind into disbelief that such things can be true. But I do not now present such proofs.

Congress is relieved from seeking proofs as to the actual situation in Cuba by the statements of the President's message, upon which, alone, I predicate the judgment I am required to form and to act upon along with other Senators under circumstances of great responsibility and extreme pressure.

No feature of the situation is more trying than that which requires prompt action, if any action is to be taken, to save a country from utter devastation, and many thousands of innocent people, including citizens of the United States, from cruel and deliberate butchery at the hands of the Spaniards.

This situation in Cuba is no surprise to me, nor are the motive and purpose that have driven Spain to wholesale massacre of the Cubans without anticipation on my part or on the part of many who have seen that Spain is compelled for the security of the home Government to abandon her grasp on Cuba. When we were forced at the last session of Congress to consider whether our people would tolerate the conditions of the war in Cuba, that violated every principle of humanity and civilized warfare, I then stated that if we listened to the appeals of the Cubans for justice and manifested for them any sympathy or forbearance that Spain would seek occasion to provoke war with the United States in order to salve her wounded pride by a surrender of Cuba to a superior force rather than acknowledge the independence of the native population.

The fierce hand of devastation is now working in Cuba for the purpose of satisfying the Spanish people that their money could be better expended and their lives could be saved with more honor and benefit to Spain than they can be if thrown away in the effort to subjugate a people who can never become honestly loyal to the Crown and a country that is destroyed in its practical value.

If war with the United States is necessary to reconcile the Spanish people to the loss of Cuba by foreign conquest, we shall be compelled to meet that emergency. If the destruction of Cuba is enough to satisfy the popular sentiment of revenge upon the inhabitants, we can avoid a war with Spain by remaining inactive, while our own people are being ruined or slaughtered along with the Cubans.

If we take any action toward stopping this war of annihilation and extermination we have no time to lose.

The President says that both parties in Cuba have adopted and are acting upon the same theory, namely:

That the exigencies of the contest require the wholesale annihilation of property, that it may not prove of use to the enemy. It is to the same end that, in pursuance of general orders, Spanish garrisons are now being with-

drawn from plantations and the rural population required to concentrate itself in the towns. The sure result would seem to be that the industrial value of the island is fast diminishing, and that, unless there is a speedy and radical change in existing conditions, it will soon disappear altogether. * * *

It is reliably asserted that should these interruptions continue during the current year and practically extend, as is now threatened, to the entire sugar-producing territory of the island, so much time and so much money will be required to restore the land to its normal productiveness that it is extremely doubtful if capital can be induced to even make the attempt.

The crisis of the destruction of the island is imminent, and the duty of saving the country from "complete devastation" is the motive that—

will constrain our Government to such action as will subserve the interests thus involved and at the same time promise to Cuba and its inhabitants an opportunity to enjoy the blessings of peace.

Thus the inciting cause, the motive, and the action that must result are grouped together in the President's message, and Congress should not hesitate to declare that, for the reasons stated in the message of the President, the independence of Cuba is recognized. In the last session Congress adopted the following resolution by votes nearly unanimous in both Houses. I will read that solemn declaration:

Resolved by the Senate (the House of Representatives concurring therein). That, in the opinion of Congress, a condition of public war exists between the Government of Spain and the Government proclaimed and for some time maintained by force of arms by the people of Cuba; and that the United States of America should maintain a strict neutrality between the contending powers, according to each all the rights of belligerents in the ports and territory of the United States.

Resolved further. That the friendly offices of the United States should be offered by the President to the Spanish Government for the recognition of the independence of Cuba.

That declaration left the President to his choice whether he would concur in the policy thus announced by Congress. He chose to delay any declaration on his part until facts had more fully developed the purposes of Spain toward Cuba and the ability of the Cubans to defend themselves against the whole power of the Kingdom. The war has continued until it has reached the final and desperate stage of a war of devastation and extermination, in which the people and the fruits of the land are converted into a prey to the commissioned guerrillas, who have abandoned honorable warfare and have become robbers, cutthroats, assassins, ravishers, and pirates. All these crimes will be found to have been authentically stated to our Government when the seals of secrecy are broken and they are brought to the knowledge of the world for the vindication of our action, if we are compelled to engage in war to put an end to this saturnalia of blood and fire.

Congress has already the most profound reasons for regretting that our executive department did not act in accordance with the resolution I have read. A firm declaration that the conflict in Cuba had reached the stage of open public war would have admonished Spain that the United States at least would hold her and the Cubans to obedience to the laws of civilized warfare, and the world would have been spared—

the spectacle of the utter ruin of an adjoining country, by nature one of the most charming and fertile in the world.

But our supposed business interests were in the way, and, in the effort to secure their damages and losses, we have permitted Spain, in her despair of reducing the Cubans to submission, to make the war a revel of vengeance and the people of Cuba the victims of every horrid and brutal passion of infuriated men.

As the message of the President is the sole basis of fact on which I rest the conclusions I have reached as to my duty as a Senator in a crisis that is forced upon the country because of our just and natural sympathy for the Cubans, and as the laws of nations stand to support those conclusions, as I believe, I will enter upon a more careful statement of those facts as I will quote them from the message, and of those laws as I understand them.

Taken as a whole, the President's message is an affirmative and substantial concurrence in the resolution heretofore adopted by Congress, which I have read, which commits that body to the declaration that public civil war exists in Cuba.

It is that fact, and not its declaration in any selected form of words or by any tribunal, that defines the rights of our citizens residing in Cuba under the laws of nations, by which they are to be ascertained, admeasured, and enforced, in the absence of treaty stipulations. The existence of a state of war is not determined merely by a declaration of its existence, but by the existence of the facts which constitute a state of war under the laws of nations.

A citizen of the United States, or of any country, when absent from his own Government, is placed under the protection of the laws of nations, by the common consent of mankind. Such protection often justifies interference in his behalf by powers to which he is an alien and a stranger. In Christian countries this sort of shelter is given to those who are wronged by the local government as a duty to the stranger, thus illustrating the divine benevolence that inspires the Christian creed. This high duty is expressed in the mutual guaranties of the great European powers for the protection of humanity in Turkey, and, in that connection,

is reiterated in burning eloquence in the following extracts from the last annual message of President Cleveland:

While none of our citizens in Turkey have thus far been killed or wounded, though often in the midst of dreadful scenes of danger, their safety in the future is by no means assured. Our Government at home and our minister at Constantinople have left nothing undone to protect our missionaries in Ottoman territory, who constitute nearly all the individuals residing there who have a right to claim our protection on the score of American citizenship. Our efforts in this direction will not be relaxed; but the deep feeling and sympathy that have been aroused among our people ought not to so far blind their reason and judgment as to lead them to demand impossible things. The outbreaks of blind fury which lead to murder and pillage in Turkey occur suddenly and without notice, and an attempt on our part to force such a hostile presence there as might be effective for prevention or protection would not only be resisted by the Ottoman Government, but would be regarded as an interruption of their plans by the great nations who assert their exclusive right to intervene in their own time and method for the security of life and property in Turkey.

I do not believe that the present somber prospect in Turkey will be long permitted to offend the sight of Christendom. It so mars the humane and enlightened civilization that belongs to the close of the nineteenth century that it seems hardly possible that the earnest demand of good people throughout the Christian world for its corrective treatment will remain unanswered.

The commander of an American warship lying in a port of Turkey who would refuse to protect with his guns the people of any country who were being massacred as were the Christians in Harpoot and Marash would be disgraced in the estimation of every American citizen and would deserve to be dismissed from the Navy.

The laws of nations follow a citizen of the United States into places where the laws of the United States have no local recognition and where its flag has no influence. They give him the right to recognize a government de facto, for his protection and for the regulation of his conduct, and justify his obedience to "the powers that be," even when the de facto existence of that government is denied by the titular sovereign of the country and that sovereign is supported in such denial by the silence or the indifference of the United States. I could go still further in the statement of the rights of an American citizen who is found in Cuba, in time of insurrection, but that is unnecessary for the purposes of this argument. What I now assert is that our people in Cuba have rights under the laws of nations that the courts of all neutral countries and of our own country will protect and enforce, despite the opposition even of the President of the United States, if he should oppose them.

These laws are silent in Cuba, so far as any attention to them is given by our Government, either in behalf of the people of other countries or our own. What I feel bound and authorized to do, though it is not all that I would like to do, is to give to the laws of nations full scope and enforcement in Cuba in behalf of our own people. If the Island of Cuba is still at peace, and is not enveloped in war, in the contemplation of the laws of nations, as peace and war are defined by those laws, our people there must look first to the protection of Spain for safety and for the redress of the wrongs they are suffering.

If public war prevails in Cuba, by whatever name Spain may choose to call such hostilities, our people there have all the rights and immunities that the laws of nations give to neutrals in time of war, and they have the right to obey and even to assist in the support of the armies that, for the time being, have the power to command and enforce their submission. When our Government gets its consent to enforce these rights of our people in Cuba which are supported by the laws of nations, it must do so either by recognizing the existence of war and by holding each party engaged in war to its responsibility for wrongs done to our people through its conduct or by still recognizing the existence of a state of peace in Cuba and demanding of Spain the reparation due for acts of the titular Government and also for the acts of those who are claimed by Spain to be only a warring faction engaged in insurrection.

It is a choice between giving to the lives, liberty, freedom, and property of our people in Cuba the direct and immediate support of our national power, whether it is active or merely moral, or whether it is through diplomacy or arms on the one hand and on the other the passive, dilatory, theoretic method of waiting for a more convenient season for entering suit against Spain for damages through the endless palavers of diplomatic correspondence. We must go unarmed into the ministerial courts, where verbose enigmas of speech suspend justice and reason alike, and there create a war of words to settle the controversies that are now arising daily from an unchristian and horrible war of blood, rapine, murder, and cruelty in which our people are innocently involved.

What the rights of our people are pleading, with hot breath and tears of anguish into the dull ears of the Government, whose Executive assumes the mastery over their fate, is that the powers of prevention shall be summarily applied to these abuses, with the quick resistance that responds with sufficient force to the quick and fatal blows that are assailing them.

They are not content to suffer these wrongs, within earshot of our frontier, and to pile up claims, petitions, and proofs to be brought before Spain, in long years of discussion, after she has bankrupted a kingdom to wreak blind revenge on a province.

If Spain is liable to our people, both for her own wrongs and for wrongs done by Cubans, let that liability be met as soon and as often as it arises without delay. The compensation is due on demand, and not at the end of a diplomatic lawsuit, to be commenced, conducted, and ended when it may suit the convenience of Spain.

When we know that wrongs have been done to our people who are innocent sojourners in Cuba, and that other wrongs still more serious will be done them if this war is to continue, our Government is in the most humiliating state of innocuous desuetude if it interposes no helping hand to the sufferers and refuses to forbid the further devastation and death that a cruel Government is now inflicting upon them.

Never in the history of man did a question of money, of dollars and cents, of business interests, stand so squarely against human life and personal safety, or affect a people so seriously, as those baneful influences and deeds of violence are now affecting our people in Cuba.

Spain, in the pride of her arrogance and in her contempt for the common people who are her subjects, refuses to acknowledge that they are morally or physically able to wage open war against the Crown, and persists in the declaration that their uprising is only a factious and criminal insurrection. The United States, on the other hand, to fortify her money demand against Spain for injuries suffered by our "business interests" at the hands of the Cubans, winks at the arrogant folly of Spain and joins her in the declaration, which every intelligent man in the world knows to be a travesty of the truth, that there is no war in Cuba.

It makes no difference to us, it seems, if life and liberty are destroyed; each death and each wound increases the damages in money, and Spain is expected to foot the bills. This cent per cent speculation in the horrors and sufferings of warfare is derogatory to every sympathy that any virtuous American ever permitted to find a lodgment in his heart.

If the war is to continue in Cuba without our intervention to protect the rights of our people, the money question involved may triumph over the question of life and liberty, but its triumph, long delayed, will destroy its hopes of reward in the bankruptcy of Spain. While the war continues there under our recognition that it is only a civil commotion, we are bound to rely upon the good intentions and the power of Spain to protect our people in Cuba against both the Spaniards and the Cubans. This at best is a very unsafe reliance.

The debt is very doubtful of collection and we are not justifiable in throwing away good lives to increase the volume of a bad debt that our people will probably lose in the outcome.

In my view of the situation, our duty is plain and imperative that we must secure and preserve our people in Cuba against the outrages stated in the message of the President.

In tracing the history of the struggle in Cuba the President goes back twenty-eight years to the rising at Yarra in 1868, "which was followed by an insurrection that lasted for ten years." He asserts that the conduct of Spain in that war tested in a severe manner the patience and forbearance of the Government of the United States, "the most pacific of powers," to such an extent that "no other great power, under circumstances of similar perplexity, would have manifested the same restraint and the same patient endurance."

This open reproach would be extremely unjust and cruel to Spain if in that ten years of violence she had only been engaged in quelling an insurrection in Cuba that was fomented and carried on for purposes that were base and disloyal and were not justified by the most strenuous demands for redress.

In that connection the President further states that—

Neither the Government nor the people of the United States have shut their eyes to the course of events in Cuba, nor have failed to realize the existence of conceded grievances which have led to the present revolt from the authority of Spain—grievances recognized by the Queen Regent and by the Cortes, voiced by the most enlightened of Spanish statesmen, without regard to party, and demonstrated by reforms proposed by the executive and approved by the legislative branch of the Spanish Government.

Thus, the President connects the two Cuban wars by asserting the continuance of the same grievances for a period that is longer than a third of this century, and contended against by constant resistance to wrong.

The whole world agrees with the President that this is a struggle for liberty demanded by a distinct people, who have long been held in a bondage to a foreign power that has forced them, by grievances that can not be endured, to sacrifice everything in a just cause, and he has, in kindness, tendered our good offices to bring it to a close.

The President further concludes, justly, that the dimensions of the war and its destructive character have rapidly increased, and are far beyond those of the first revolution of 1868 to 1878.

He says:

If the determination of Spain to put down the insurrection seems but to strengthen with the lapse of time, and is evinced by her unhesitating devotion of largely increased military and naval forces to the task, there is much reason to believe that the insurgents have gained in point of numbers and character and resources, and are none the less inflexible in their resolve not

to succumb without practically securing the great objects for which they took up arms. * * * If Spain has not yet reestablished her authority, neither have the insurgents yet made good their title to be regarded as an independent State.

It is the independence of Cuba and not her belligerent rights that he thinks important. No intelligent person can read the President's account of these hostilities, their character and progress, without concluding at once that war is open, flagrant, and desperate between the native Cubans and the foreign Spaniards in the Island of Cuba, and requires no act of recognition to make it a public war. Nor can anyone escape the conclusion from what the President states, that, unless Spain concedes to Cuba the rights of an independent state and withdraws from the conflict, or is driven from the island, the virtual extermination of the native population is to be the fatal doom of Cuba. It is a marked feature of the message of the President that he assumes that the issue, as it is now presented, between Cuba and Spain is either independence or extermination.

The President evidently regards the insurrection in Cuba as having advanced to the stage of open public war, so far, indeed, as to dispense with the necessity of according belligerent rights "to the insurgents." He says that the proposition is "no longer urged (he does not say by whom) because untimely." He assumes in this statement the existence of a fact that contradicts the records of Congress if he means to say that Congress has abandoned its ground. But he says that belligerent rights to the people of Cuba are "untimely." If such rights are untimely, it must be because it is either too soon or too late to accord them, and he fails to state upon which horn of the dilemma he would have us lay our hands. If it is too late, it is because he is about to determine that we, as a people, under his lead, intend to free Cuba from Spanish sovereignty, and will do it quickly, or because he is convinced that the arms of Cuba will prevail over those of Spain at an early day, in either of which events belligerent rights would be of no service to the Cubans, and would possibly be "untimely." I will not pause now to attempt to undo this puzzle. The President thus admits the right of the Cubans to recognition as lawful belligerents, but refuses to grant it because it is, "in practical operation, clearly perilous and injurious to our own interests."

It is not because of the fact that the conflict of arms in Cuba is a mere insurrection that the President claims that it is "untimely and in practical operation clearly perilous and injurious to our own interests" to acknowledge that they are entitled to belligerent rights. If it is only an insurrection, the concession of such rights would violate the laws of nations. If it is a war, justice demands that we should recognize its existence and the rights that attend it, and the President has no authority to say for the American people that they no longer urge that belligerent rights shall be accorded to Cubans, because such a high national duty is "clearly perilous and injurious to our own interests."

No one can afford to do the President the injustice of saying that he attributes to the Cubans the vile attitude of merely factious rebellion or insurrection. He speaks of them as a people who have earnest longings for liberty and the resolution to perish in the effort to gain independence. No one can misunderstand the pure and elevated motives of the American people in the exhibition of their sympathy for the Cuban patriots. It is treason to truth and justice to impute any selfish motive to the American people in their feelings or their conduct toward the people of Cuba. It is an insult to tell them that it is perilous and injurious to their interests to ask their Government to apply to the Cubans the benefit of the laws of nations, so that in fighting for their liberty and independence they should not fight as outlaws, with halters about their necks.

The peril to "our own interests" that is at the bottom of this statement must be the danger that some of our people at home may lose money if the Republic insists that the spirit of liberty shall not be suppressed in the souls of men who aspire to the blessings we enjoy. It is money against humanity, self against justice, riches against liberty.

It is "untimely" that our own people and the natives who inhabit Cuba should have the benefit of our honest statement that war exists there, so that they may escape the laws that condemn them to death or imprisonment for life for offenses that are venial under the laws of war; only because it is untimely to make any declaration that might weaken the security of our "business interests" for the bill of damages that we are piling up against Spain. We—

Crook the pregnant hinges of the knee where thrift may follow fawning.

Although I believe that the recognition of the belligerent rights of the Cubans would lead directly to the relief of our people in Cuba, and would soon result in Cuban independence, inasmuch as the President seems to prefer a more coercive policy and warns Spain that the time is near at hand for decisive action, I will support him in any movement that will save our people on that island from further outrage and give a real "promise to Cuba and its inhabitants of an opportunity to enjoy the blessings of peace."

I will not obstruct his course with questions of propriety under the laws of nations as to belligerent rights, but will follow the colors when planted by the President on the advanced ground that the concession of belligerent rights has become "untimely" and that our duty now demands active intervention.

If that ground crumbles away, I will again fall back to the position that a just care for our own people requires us to declare an armed neutrality, ready to assail either belligerent that inflicts wrongs on our people. Assuming that the subjunctive conditions and "ifs" have disappeared, or will soon vanish, and that we are lifted above the low plane of subterfuges, I will now undertake to justify this threatened advance to the high ground of national duty which the President is contemplating as being near at hand.

If he should say that the time has arrived, "the hour has struck," would any American be so base as not to hold up his hands while the battle is raging?

If he shall, indeed, execute the will of the people and the demands of humanity, let us prepare to sustain him by justifying his action with reference to the declarations of the great statesmen and publicists whose teachings are a guide for nations that never leads to dishonor.

The President having justly stated that this "insurrection," as he calls it, is for the redress of grievances of long standing and acknowledged injustice and severity, that have been the cause of two great conflicts of arms, one lasting for ten years and the other to last indefinitely; that it has spread until the Cubans dominate two-thirds of the Island of Cuba, confining the Spaniards to the seaports and larger towns; that it employs the Spanish navy and "vast bodies of men sent across thousands of miles of ocean;" that it has already cost Spain "an enormous debt;" that it presents "the spectacle of the utter ruin of a country, by nature one of the most charming and fertile in the world;" that "the passions of the combatants grow more and more inflamed, and excesses on both sides become more frequent and more deplorable;" that "the original policy of the Spanish Government" has been apparently abandoned and it "is now acting upon the same theory as the insurgents, namely, that the exigencies of the contest require the wholesale annihilation of property, that it may not prove of use and advantage to the enemy;" that "Spanish garrisons are now being withdrawn from plantations and the rural population required to concentrate itself in the towns;" and that "the industrial value of the island is fast diminishing;" and that "unless there is a speedy and radical change in existing conditions, it will soon disappear altogether." It is a matter of surprise that the President should hesitate to pronounce this terrible condition a public war and to recognize it as such. True, it is not civilized warfare. It is mercenary and without just cause on the part of the aggressor—Spain—and so cruel on both sides, according to the President's statement, that it is out of the pale of Christian toleration and is massacre, rapine, and extermination.

The President then states the unavoidable connection of our country with this savage holocaust. He says:

These inevitable entanglements of the United States with the rebellion in Cuba, the large American property interests affected, and considerations of philanthropy and humanity in general have led to a vehement demand in various quarters for some sort of positive intervention on the part of the United States.

There is no color of remonstrance or reproach to our people in this reference to their attitude or their sympathy for the suffering people of Cuba. The President seems to consider it as rational and commendable, and as having weight in a country where the will of the people, even if it is not always thought to be wise, is the law to our public servants, when it is constitutionally expressed.

In further justification of our people, the President says:

In point of fact, they have a concern with it which is by no means of a wholly sentimental or philanthropic character. It [the Island of Cuba] lies so near to us as to be hardly separated from our territory. Our actual pecuniary interest is second only to that of the people and Government of Spain. It is reasonably estimated that at least from \$30,000,000 to \$50,000,000 of American capital are invested in plantations and in railroad, mining, and other business enterprises on the island. The volume of trade between the United States and Cuba, which in 1888 amounted to about \$64,000,000, rose in 1893 to about \$103,000,000, and in 1894, the year before the present insurrection broke out, amounted to nearly \$96,000,000.

He does not state what it is at this time. The report of the Secretary of State adds some statements in general terms as to a part of the wrongs that our people have suffered in Cuba, the details of which are probably withheld because they might excite the people to some rash acts of resentment or retaliation.

These acts, which I will proceed to read, as they are stated, in the report of the Secretary of State are treated by him and the President as matters of serious concern to the Government, while their redress, for the benefit of the people or for their security, is summed up in pecuniary demands that already exceed \$19,000,000. The cash account of our losses is evidently kept carefully. Congress is still left responsible, it seems, for devising some means of correcting or preventing these wrongs which is more effective than the filing of claims for damages in our Department of State.

On the international question the President says:

Besides this large pecuniary stake in the fortunes of Cuba, the United States finds itself inextricably involved in the present contest in other ways, both vexatious and costly.

This grave declaration seems fatal to peace.

Then the Secretary adds a more specific statement of the facts of this vexatious, costly, and inextricable involvement. He specifies in his statements the following:

(a) To illustrate these conditions, the insurgent chiefs assert the military power to compel peaceable citizens of the United States within their reach to desist from planting or grinding cane, under the decreed penalty of death and of destruction of their crops and mills; but the measure is one of sheer force without justification under public law. The wrongs so committed against the citizens of a foreign State are without an international forum of redress to which the Government of the United States may have recourse as regards its relation to the perpetrators. The acts are those of anarchy, and in default of the responsibilities of de facto Statehood in the case there remains only the territorial accountability of the titular sovereign within the limits of its competency to repress the wrongs complained of.

He might well have added that such wrongs are not the subjects of civil litigation. They are war topics.

(b) The nature of the struggle, however, deserves most earnest consideration. The increased scale on which it is waged brings into bolder relief all the appalling phases which often appear to mark contests for supremacy among the Latin races of the Western Hemisphere. Excesses before confined to a portion of the island become more impressive when wrought throughout its whole extent, as now. The insurgent authority, as has been seen, finds no regular administrative expression; it is asserted only by the sporadic and irresponsible force of arms. The Spanish power, outside of the larger towns and their immediate suburbs, when manifested at all, is equally forceful and arbitrary.

(c) The only apparent aim on either side is to cripple the adversary by indiscriminate destruction of all that by any chance may benefit him. The populous and wealthy districts of the center and the west, which have escaped harm in former contests, are now ravaged and laid waste by the blind fury of the respective partisans. The principles of civilized warfare, according to the code made sacred by the universal acquiescence of nations, are only too often violated with impunity by irresponsible subordinates, acting at a distance from the central authority and able to shield themselves from just censure or punishment by false or falsified versions of the facts.

The killing and summary execution of noncombatants is frequently reported, and while the circumstances of the strife are such as to preclude accurate or general information in this regard, enough is known to show that the number of such cases is considerable. In some instances, happily few, American citizens have fallen victims to these savage acts.

A large part of the correspondence of the State Department with its agents in Cuba has been devoted to these cases of assault upon the rights of our citizens. In no instance has earnest remonstrance and energetic appeal been omitted. But the representatives of the Spanish power often find it easily practicable to postpone explanations and reparation on the ground of alleged ignorance of facts or for other plausible reasons.

Its effect upon the personal security of our citizens in Cuba is not the only alarming feature of the reign of arbitrary anarchy in that island. Its influence upon the fortunes of those who have invested their capital and enterprise there, on the assumed assurance of respect for law and treaty rights, is no less in point.

(d) A gross estimate of \$50,000,000 would be more likely to fall under than over the mark. A large proportion of these investments is now exposed to the exceptional vicissitudes of the war. Estates have been desolated and crops destroyed by the insurgents and Spaniards alike. Upon those not actually ravaged operations have been compulsorily suspended owing to the warnings served by the revolutionists or the withdrawal of protection by the Spanish authorities, often accompanied by a similar prohibition against continuing work thereon or by forbidding communication and residence, thus entailing enforced abandonment of the premises. Provisions and stock have been seized by either force for military use without compensation. Dwellings have been pillaged.

In short, the cessation of all remunerative production accompanies actual or probable loss of the invested capital. Numerous claims on these several accounts have been filed, but in many instances the sufferers are known to abstain from formal claim or complaint for prudential reasons, lest worse should befall them at the hands of the insurgents and the Spaniards in turn, accordingly as either may gain temporary control of their property. A partial estimate of material claims and injuries of this class already aggregates a trifle under \$19,000,000.

Nor does the loss fall upon capital alone. Large numbers of the agricultural laboring classes are driven from the fields to the nearest towns, partly by the peremptory orders of the local military commanders and partly by the cessation or destruction of their only means of livelihood. They are well nigh destitute. Among them are many citizens of the United States. Some idea of the extent of this calamitous condition is given by the reports which reach the Department from a single district. It is officially reported that there are in one provincial city alone some 4,000 necessitous refugees from the surrounding country to whom the municipal authorities can afford little or no relief. Over 300 of these are American citizens, engaged in prosperous farming and stock raising at the beginning of the outbreak, whose employment and resources have been swept away by eighteen months of civil strife, reducing them from affluence to penury and throwing them upon the charity of an exhausted community in a devastated land.

All these disastrous conditions, with the evils and disorders necessarily following in their train, are interfering with the insular avenues of trade and very gravely impairing the business operations of Cuba.

This indictment of Spain by the Secretary of State is indorsed "a true bill" by the President, and it charges a capital offense in every count.

The Congress of the United States has never been presented with a stronger or more moving statement of facts, demanding the immediate and determined intervention of the United States, than the President has thus solemnly laid before the political and war-making department of the Government.

The Constitution enjoins upon the President that "he shall from time to time give to the Congress information of the state of the Union and recommend to their consideration such measures as he shall judge necessary and expedient." Congress has also

required the President, as soon as practicable, to communicate to Congress all the facts and proceedings relative to any case in which a citizen of the United States has been unjustly deprived of his liberty by, or under the authority of, any foreign government; and has made it his duty forthwith to demand of such government the reasons of such imprisonment.

The official and conclusive statement of the cruel death of some innocent and unarmed citizens of the United States in Cuba, and the taking of others from their homes in the country and their virtual imprisonment in the towns and villages, and their outlawry, if they fail to inscribe their names on rosters kept for the purpose, within a short period of time, creates the emergency that requires the President to give information of the facts, and equally requires Congress to act with reference to them. As the President has omitted to state the facts in detail, Congress is not so informed as to be enabled to act with certainty, and is left in doubt as to the propriety of further delay, which the President seems to advise, in taking measures to relieve our people in Cuba from this inhuman treatment.

Another case, of more marked significance, is thus stated in the report of the Secretary of State, which is made a part of the President's message to Congress:

In April last, the *Competitor*, a small schooner of American registry, eluding the vigilance of the Federal authorities, took on board men and supplies presumably intended to aid the Cuban insurrection, and reached the coast of that island near San Cayetano. Being discovered by the Spanish coast guard, a conflict ensued, resulting in the capture of a number of those on board as well as the seizure of the vessel. The prisoners, among them several American citizens, were subjected to a summary military trial, which, although conducted by an admiralty court, alleged to be competent, appeared to have lacked the essential safeguards of procedure stipulated by the existing conventions between the United States and Spain. This Government promptly intervened to secure for its implicated citizens all the rights to which they were clearly entitled, including appeal from the pronounced sentence of death. Their cases were subsequently carried to the higher tribunal at Madrid, which has set the conviction aside and remanded the cases for retrial.

At the first session of this Congress the Senate, having been informed only by common rumor of the existence of the facts above stated, and having awaited with due respect the action of the President under the mandatory law in section 1001 of the Revised Statutes, was anxious, for reasons of grave public importance, to be officially informed as to that transaction.

The Senate therefore sent the President a respectful resolution requesting him to inform this body as to that unpleasant event.

The President declined to inform the Senate as to the facts in the case, and what is above quoted is all the information that he has sent to Congress touching the *Competitor* case. The Senate had neither the right nor the purpose to relieve the Executive from the duty of communicating the facts in the *Competitor* case to Congress, in obedience to the statute.

The above indefinite outline of a terrible wrong to "several American citizens," whose names and places of residence are not stated in the report of the Secretary of State, on its face requires the prompt and decisive action of Congress.

The facts should be again demanded by a resolution of the Senate, which I now have the honor to present to this body.

No crime is stated in this report against any law, for it is the right of the people of the United States, under our laws and our treaties with Spain, to visit the Island of Cuba and to sell supplies not contraband to Cubans. If they are only "presumably intended to aid the Cuban insurrection," or if that intention is proven, our citizens are not subject under our treaties with Spain to the outlawry of a summary military trial "and a conviction and sentence to death," as was done for an offense that is not capital, even upon a presumable intention to aid the Cuban insurrection. We are told by the Secretary of State that "the particulars of many of these cases" (presumably including the *Competitor* case) "will be found in the collected annual volume entitled 'Foreign Relations of the United States.'" This collected volume may not be printed before this Congress is ended, so that we can not act advisedly in this grave matter until we make another effort to get a knowledge of the facts.

It needed no judgment of an appellate Spanish court to determine that under our treaties with Spain and under the laws of nations applicable in time of peace a summary military trial before a court of admiralty could not condemn a citizen of the United States to death for the offense described in the report of the Secretary.

Such a court could not have jurisdiction to try a citizen of the United States for such an offense, and his death, if it follows such a sentence, would be murder of the same description as that inflicted in the case of the people found on board the *Virginia*. "The appeal from the pronounced sentence of death" was an appeal by the otherwise helpless Americans to the mercy of Spain. This was not the right to which they were entitled from Spain or from their own Government. They were entitled to the whole power of the United States, in accordance with our treaties, for their protection against a trial by a tribunal that had no right to arraign them or try them for the offense with which they were charged, and Congress is not yet informed of the charges against them.

We are told that a higher tribunal at Madrid has set aside their conviction "and remanded the cases for trial." So far as we are furnished with any light on this grave dilemma the cases against these American citizens are remanded for trial to the same military tribunal that is without jurisdiction to hear them. If they are remanded to some other tribunal, why has not the President informed Congress of the fact, that they shall decide what is required by the country to be done for the security of their rights and the safety of their lives?

The Senate has not been indifferent or remiss in its duty toward these American citizens in their imprisonment in foul Spanish dungeons during the long months of anguish through which they have lingered under sentence of death. Although their case has not been thought worthy of mention by the President, and their names or other means of identification are not given by the Secretary in his report, the Senate has taken the testimony of credible witnesses, some of whom were present at that "summary military trial," and has proven that it was as hasty and as unfair as a drumhead court-martial, and that the prisoners were not represented by their chosen counsel; that they had no witnesses in their defense; that they did not understand the accusation against them, which, with the testimony for the Government, was in the Spanish language, and that no consul or representative of the United States was present to witness the trial. The youngest of these men, who had scarcely attained to his manhood, is a person of excellent family and of good character, who went as a newspaper correspondent to Cuba only for the purpose of gaining the information about the war the want of which has caused the Government serious perplexity.

This unnamed noncombatant sufferer is still immured in some Spanish prison to await a trial that is now as tardy, when a conviction is uncertain, as it was hasty when a death sentence was preordained by Spanish vengeance.

The "business interests" are using this shining beacon of Spanish wrath to warn Americans from selling food and medicines to Cuban insurgents, while they are growing rich in selling horses, cattle, coal, and military and naval supplies to the Spaniards to aid in the extermination of the native Cubans.

It is for such purposes that, in the language of the President, "the United States is compelled to actively police a long line of seacoast against unlawful expeditions." If war exists in Cuba those people could freely trade with ours. Being an insurrection, to trade with them is death according to Spanish law, and we are standing by to witness this tragedy with composure, because it is "perilous and injurious to our own interests" to interrupt our business interests in controlling and supplying the Spanish markets in Cuba.

It is a most unfortunate mistake to say that anything that will save American life is "a proposition no longer urged" by those who demand the rights of our people in trading with Cuba or in the offices of humanity toward those oppressed people.

The President turns toward Congress with hesitating doubts as to their having anything to do with any question arising in this grave situation, and excuses himself for the allusion he makes to that departure by saying, after some cautionary advice about "undue stimulation and ill-timed expression of feeling:"

But I have deemed it not amiss to remind Congress that a time may arrive when a correct policy and care for our interests * * * will constrain our Government to such action as will subserve the interests thus involved and at the same time promise to Cuba and its inhabitants an opportunity to enjoy the blessings of peace.

Why this precautionary reminder is given to Congress is not very apparent. I assume that a President will not threaten war with a foreign power and remind Congress of its duty in that regard unless he believes that sufficient grounds exist for the open and fearless discussion of the subject. Among the remedies for the great wrongs which he charges up to Spain—if our proposed friendly intervention is not accepted—war is the only one left, since the President rejects the recognition of belligerent rights, which only means neutrality between the warring parties.

The attitude of the President is not consistent with neutrality. It means war with Spain, or the acceptance by Spain and Cuba of his friendly intervention to give autonomy to Cuba, sovereignty to Spain, and peace to both countries. So I read the President's message, and in that light I must take my attitude as a Senator.

I am not willing to assist the President in the project of intervention by duress or threats of war. If we must intervene, I prefer open war to the sort of intrusive policy that was tried and failed in Hawaii. Here are resolutions of honorable Senators which demand open war with Spain or such a declaration of the independence of Cuba as will doubtless cause Spain to make war against the United States. I am required to vote on these propositions, and I owe it to Alabama, the Senate, and myself that I shall be able to justify my vote upon the facts as they exist, and the laws of nations as I understand them, and the feeling I entertain for the oppressed, who lift up appealing hands and call for help against despotic cruelty and misrule.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Senator from Alabama will please suspend. The Chair

lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 7864) to amend the immigration laws of the United States.

Mr. CHANDLER. It will be agreeable to the committee to have the bill remain as it is until the Senator finishes his remarks.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the bill be laid informally aside, that the Senator from Alabama may conclude his remarks. Is there objection? The Chair hears none, and the Senator from Alabama will proceed.

Mr. MORGAN. I find in the President's message statements of fact (to which I have already referred by quoting therefrom) which demand that the Government of the United States, in justice to our own people, should command and enforce the peace in Cuba.

If the United States can do this, as was done in 1878 by Spanish recognition of the Republic of Cuba as a treaty-making power, no one can complain of the adjustment they may make; but it does not follow that the United States shall not have full "indemnity for the past and security for the future" upon the basis of the solemn statement made in the message of the President. These great wrongs must be compensated, and the future peace of our own border must be guaranteed through our own strength rightfully exerted, and not be left dependent upon promises made by Spain alone, or else we are bound to adopt the resolution of the Senator from Texas. Now, what hope is there that this comprehensive plan of settlement can be secured? I answer to my own judgment and conscience and in accord with the convictions of my constituents, who are near neighbors to Cuba, that it is utterly hopeless.

If the pacification of Cuba is accomplished through the intervention of the United States, it will not be by peaceable intervention, nor can the wrongs done to our people ever be redressed by any other means than compulsion. Spain can not plead guilty to the barbarities against our people, as they are stated in the President's message, without confessing to inveterate and malignant hatred toward them and the United States, which would make her an unsafe neighbor in Cuba. If she pleads, in avoidance, her inability to prevent these cruel and destructive wrongs and injuries, she must confess her inability and unfitness to provide permanent and just government in Cuba. With us this is an evil that reaches out through the ages to come, and it challenges this generation of our people to the duty of saving their posterity from this terrible infliction.

Spain must see, as Europe sees, that the despotic severity of Bourbon rule, as it has been manifested in all her history, can not be maintained by sheer force against the native Cubans, whose eyes are constantly fixed upon the flag that represents the personal and political liberties of our great Republic, and whose dearest hopes are excited in their free and welcome association with our prosperous and happy people. We can not become the propagandists or the defenders of absolutism in government; neither can we withhold our sympathies from those who seek the liberties we enjoy and suffer in the support of the right of the Cuban people to throw off the galling yoke of bondage to a foreign people 3,000 miles distant from them, who hold them as feudatories of the Spanish Crown.

If, for just cause, Spain has been compelled to abdicate her sovereignty in all the twelve great States in Spanish America, there is no reason why we should deny to Cuba the right of home rule and sovereign independence, for reasons more just and causes more imperative than any other Spanish-American State has ever claimed as the ground of revolt.

No State in Spanish America was ever forced to endure such oppressions, in peace or war, as the President in his message has justly charged to Spanish rule in Cuba.

Will the United States, in order to protect her own people in Cuba, or to promote or protect their commerce with that island, engage with Spain to hold those people to their allegiance or submission to the Spanish Government? If the Cubans refuse to accept our friendly intervention and reject the olive branch that the President is seemingly ready to extend to them, what will we do about it?

We can not be hereafter more indifferent to their fate than we have proven ourselves to be, in the executive department of our Government. We can not be more active and vigilant than we have been in shutting them off from the assistance of our people. Our ears can not be more deaf than they have been to the pleadings of humanity in their behalf. We can let them alone, declare and maintain our neutrality in the war, and that is all they ask at our hands. But we can never interfere with arms for the overthrow of the Cubans or their Republic, or to compel their surrender to Spain.

In this condition of impotency to establish permanent peace in Cuba and permanent security for our own people while the Spanish Monarchy is dominant in that island, we have no alternative left to us but the single choice between the continuous

repetition of the terrible evils portrayed in the message of the President or a base, humiliating, and cruel delay on our part while rapine and destruction are rampant in Cuba, in the hope that some fortunate turn in events may relieve us from a duty that we owe to humanity, to Christian civilization, to the spirit and traditions of our country and our people, and to the lives and liberties of our people in Cuba who are now held beneath the cruel power of Spanish jealousy and revenge.

I had gathered a few great authorities found in the writings of our most eminent statesmen and our highest court to support the conclusions I have stated to the Senate, but I find that they need no other support than that sense of justice and national duty which is instinctive in the hearts and minds of all Americans. I do not rely upon any authority for the facts I have recited, except those stated in the message of the President and the report of the Secretary of State. That is enough. The facts are incontrovertible and our duty is plain. If we fail to act upon them, we take the responsibility of a delay to perform a plain duty at the expense of our people whose lives are in constant peril.

Mr. President, I ask for the adoption of the resolution.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The resolution was read, and agreed to.

MRS. ELIZA G. PYNE.

Mr. GALLINGER. Yesterday the bill (H. R. 3990) granting a pension to Mrs. Eliza G. Pyne was passed by the Senate. I will state that the beneficiary under the bill is now drawing a pension; and although there is some informality in the matter, which I will not stop to explain, I move that the votes whereby the bill was ordered to a third reading and passed be reconsidered, and that the bill be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, the votes will be reconsidered. The Chair hears no objection, and it is so ordered. The Senator from New Hampshire moves that the bill be indefinitely postponed.

The motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 1888) to further amend an act entitled "An act regulating the sale of intoxicating liquors in the District of Columbia," approved March 3, 1893, was read twice by its title, and referred to the Committee on the District of Columbia.

The joint resolution (H. Res. 209) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1896, on the 18th day of said month was read twice by its title, and referred to the Committee on Appropriations.

NANCY G. ALLABACH—VETO MESSAGE.

Mr. PALMER. I ask for the benefit of the unanimous consent given a while ago to call up the bill (S. 894) granting a pension to Nancy G. Allabach.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent that the unfinished business may be informally laid aside and that the Senate proceed to the consideration of the bill indicated by him. Is there objection?

The Senate, by unanimous consent, proceeded to reconsider the bill.

The PRESIDENT pro tempore. The reading of the report was called for by the Senator from Illinois.

Mr. PALMER. Let the report be read.

The PRESIDENT pro tempore. The Secretary will read the report in this case.

The Secretary read the report, submitted by Mr. PALMER May 9, 1896, as follows:

The Committee on Pensions, to whom the bill (S. 894) granting a pension to Nancy G. Allabach was recommitted, together with the objections of the President thereto, beg leave to report:

The committee have reconsidered said bill, and considered the objections of the President thereto, and recommend its passage notwithstanding his objections.

The facts of the case, as found by the committee, are that Peter H. Allabach was a soldier in the Mexican war, and participated in the battles of Palo Alto, Resaca, and the military operations on the line of the Rio Grande. He conducted himself with conspicuous gallantry. He married the proposed beneficiary of this bill on the 30th of September, 1851. She is now 67 years of age, and unable to earn her own support.

During the late civil war he was colonel of the One hundred and thirteenth Regiment of Pennsylvania Volunteers, and commanded a brigade in one or more severe battles. His conduct won the approbation of Gen. W. S. Hancock, Gen. A. A. Humphrey, and Gen. Henry S. Briggs, his immediate commanders. The letters of General Hancock, General Humphrey, and General Briggs are made part of this report.

After the close of the war of the rebellion Colonel Allabach returned to and engaged in the pursuits of civil life. He died in this city on the 11th of February, 1892.

This bill proposes to pay to Mrs. Nancy G. Allabach a pension of \$30 per month, which is the pension allowed by the general law to disabled officers of the rank Colonel Allabach held in the service of the United States. All the facts before the committee prove that Colonel Allabach was an officer of great merit, and rendered most valuable services to the country. His conduct as a citizen was exemplary, and he left his widow, the beneficiary of the bill before the committee, without other means of support than the small pension allowed by the general law. Upon these facts, the committee reported the bill,

"An act granting a pension to Nancy G. Allabach," to the Senate, and recommended its passage. It passed both the Senate and House of Representatives; was laid before the President; was disapproved by him, and was returned to the Senate with his objections and recommitted to the Committee on Pensions for reconsideration.

Your committee recognizes the constitutional right and the duty of the President to refuse to sign any bill which has passed both Houses of Congress which he does not approve. "If he approve, he shall sign it, but if not, he shall return it with his objections to that House in which it shall have originated."

Your committee would give emphasis to that provision of the Constitution which makes the President a sharer with Congress in responsibility to the country for all legislation.

Recognizing this imperative obligation imposed upon the President by the Constitution, your committee proceed to a respectful consideration of the objections of the President to this bill.

The President, in his message containing his objection to this bill, correctly recites some of the facts which led your committee to recommend its passage, but he does not allude to the eminent and distinguished services rendered by the husband of the beneficiary in the war with Mexico and in the late civil war, in which the integrity of the Union as well as the peace of the continent and the existence of popular constitutional government was involved. He says truly that "Colonel Allabach did not at any time apply for a pension," to which it may well be answered that no services rendered to the country, however brilliant or useful, are pensionable.

General pension laws are passed to make provision for the unfortunate; but the brave and patriotic soldier, who on many occasions imperiled his life in defense of his country or for the maintenance of its just authority, may well have hoped that, though he passed through the perils of the battlefield without personal harm, those who control the treasury of a grateful country would, when appealed to directly, make provision for the dependent, loved wife whom he left poor and can no longer support or protect.

It is further stated by the President as a ground of objection to this bill (and the committee quote his language):

"I do not see how the same relief as is contained in this bill can be denied to many thousand widows who, in a similar situation, are now on the pension rolls under general laws."

Your committee beg to say that if, upon all the facts of this case, Mrs. Allabach is entitled to the relief afforded to her by this bill, it is no objection to its passage that it does not afford equal or ample relief to the many thousands of widows who are on the pension rolls under general laws. If the bill upon its own facts is just and proper, it will only be a precedent for like just and proper special legislation.

Your committee admit without hesitation that the general pension laws are liberal and make provision for the large class of soldiers and those who are or were dependent upon them; but the committee would regret that a precedent should be established by Executive action which would, in effect, operate to deprive both Houses of Congress of the right, in the exercise of their discretion, to make provision for special cases of exceptional merit.

Mr. GALLINGER. The veto message which is embodied in the report and follows the part which the Secretary has just read has been already read to the Senate. I ask that it may be passed over.

The PRESIDENT pro tempore. Without objection, it will be so ordered. There are some letters commending Colonel Allabach attached to the report. Does the committee desire to have the letters read?

Mr. GALLINGER. It might be well to have them read.

Mr. COCKRELL. Has the President's veto message been read?

The PRESIDENT pro tempore. It has been heretofore read, the Chair is informed.

Mr. BATE. The veto message has not been read with the report.

Mr. PALMER. I am content that it shall be again read.

Mr. COCKRELL. I should like to have it again read. Is the Senator from Illinois seeking to overthrow the veto of the President?

Mr. PALMER. I am certainly seeking to have this bill passed notwithstanding the President's objections.

The PRESIDENT pro tempore. The remainder of the report will be read.

The Secretary read as follows:

[Senate Document No. 225, Fifty-fourth Congress, first session.]

Message from the President of the United States, returning, without his approval, Senate bill No. 894, entitled "An act granting a pension to Nancy G. Allabach."

To the Senate:

I herewith return without my approval Senate bill No. 894, entitled "An act granting a pension to Nancy G. Allabach."

This bill provides for the payment of a pension of \$30 a month to the beneficiary named as the widow of Peter H. Allabach.

This soldier served for nine months in the Army during the war of the rebellion, having also served in the war with Mexico.

He was mustered out of his last service on the 23d day of May, 1863, and died on the 11th of February, 1892.

During his life he made no application for pension on account of disabilities. It is not now claimed that he was in the least disabled as an incident of his military service, nor is it alleged that his death, which occurred nearly twenty-nine years after his discharge from the Army, was in any degree related to such service.

His widow was pensioned after his death under the statute allowing pensions to widows of soldiers of the Mexican war, without reference to the cause of the death of their husbands. Her case is, also, indirectly, one of those provided for by the general act passed in 1890, commonly called the dependent pension law.

It is proposed, however, by the special act under consideration to give this widow a pension of \$30 a month without the least suggestion of the death or disability of her husband having been caused by his military service, and solely, as far as is discoverable, upon the ground that she is poor and needs the money.

This condition is precisely covered by existing general laws; and if a precedent is to be established by the special legislation proposed, I do not see how the same relief as is contained in this bill can be denied to the many thousand widows who, in a similar situation, are now on the pension rolls under general laws.

GROVER CLEVELAND.

EXECUTIVE MANSION, April 21, 1896.

[Fifty-fourth Congress of the United States of America: at the first session, begun and held at the city of Washington on Monday, the 2d day of December, 1895.]

An act granting a pension to Nancy G. Allabach.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nancy G. Allabach, widow of Peter H. Allabach, late colonel One hundred and thirty-first Pennsylvania Volunteers, and pay her a pension at the rate of \$30 per month, in lieu of that she is now receiving.

THOMAS B. REED,

Speaker of the House of Representatives.

A. E. STEVENSON,

Vice-President of the United States and President of the Senate.

I certify that this act originated in the Senate.

WM. R. COX, Secretary.

GOVERNORS ISLAND, NEW YORK HARBOR, April 26, 1879.

Col. P. H. Allabach is known to me as a brave and faithful soldier, who has served the Government as an officer of the Army during the Mexican war and the late rebellion. In the latter war he was colonel of the One hundred and thirty-first Pennsylvania Volunteers and a brigade commander in the division of Gen. A. A. Humphreys.

His services to the country commend him for the position he now seeks.

WINF'D S. HANCOCK,

Major-General, United States Army.

WASHINGTON, November 6, 1866.

SIR: Understanding that Col. P. H. Allabach, of Washington (late of the One hundred and thirty-first Pennsylvania Volunteers), is an applicant for the appointment of naval storekeeper at the Washington Navy-Yard, I beg leave to state that Colonel Allabach served under my command in the Army of the Potomac as commander of the Second Brigade of the Third Division (my division) of the Fifth Corps from the 14th September, 1862, until the middle of May, 1863, when his regiment and brigade were mustered out of service, their term having expired. During all this time Colonel Allabach's brigade took a conspicuous part in the operations of the Army. At the battle of Fredericksburg, on the 13th December, he was especially distinguished for the gallant manner in which he led his brigade against the stone wall on the right of our Army. It is generally conceded that the attack of my division was the most spirited made that day on our right. At Chancellorsville he exhibited the same zeal and spirit; in fact, his conduct throughout all the operations of the Army was of the same character. This brigade was noted on all occasions for promptitude and good discipline, the result of his devotion to duty, his good judgment, and fine soldierly qualities.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,

Major-General Volunteers, Brigadier and Brevet Major-General, U. S. A.

Hon. GIDEON WELLES,
Secretary of the Navy.

PITTSFIELD, MASS., January 28, 1863.

MY DEAR COLONEL: I am just in receipt of your favor of the 26th instant, for which please accept my acknowledgments. I assure you that you and your noble command have been much in my mind during my long and discouraging separation from you, and you may well imagine that I have had a very large share in the admiration which your gallant charge at Fredericksburg excited throughout the country. I congratulate you and the officers and brave men of the brigade upon such distinguished conduct. My brief but pleasant acquaintance with the command gave me the assurance that it would never be found wanting in the hour of conflict, but I must confess that I was not prepared to learn that in their first engagement they have eclipsed the veteran regiments of the old Army of the Potomac.

My second thought after that of exultation was that the officer who had led such a command so creditably was entitled to retain the command; and as I wrote to Lieutenant Whittlesey, I had determined, in justice to you, to request at headquarters that I might be transferred to some other position in order that you might be retained in command. But before I was able to get to Washington, and without any suggestion on my part, I received about a week since an order from Headquarters of the Army directing me to report for duty as soon as my health would permit to Major-General Schenk, commanding Middle Department, at Baltimore. So it seems that my connection with the gallant Pennsylvanians is dissolved before an acquaintance has been fairly formed. I am sincerely grateful to you for your kind expression of a desire for my return. Nothing but the considerations before mentioned respecting your own claims would have induced me to have suggested a change, and now that the change has been effected without suggestion on my part, I can but hope that it is an indication that you are not to be disturbed.

I regret exceedingly any difficulty with Lieutenant Whittlesey. I am confident that any fault that he may have committed has resulted from a misconception of his duties. I would write more at length did it not occur to me that perhaps you might not wish to pursue the matter further, now that his connection with the brigade is to be terminated.

Captain Porter has arrived at his home in Springfield, about 50 miles from here. He has written me once. He was then suffering considerably from an acute inflammation, caused by his long journey from Washington.

I have no intimation where precisely my new command is to be; very likely somewhere on the line of the Potomac.

Please present my sincere regards to the officers of your command with whom I am acquainted, and be assured that I shall follow and remember with the liveliest interest the brave men with whom to have been associated for only so brief a period will always be esteemed by me a high honor.

Very truly, your obedient servant,

HENRY S. BRIGGS.

Mr. PALMER. Mr. President, I have been content to submit this message of the President, together with the report of the committee and the testimonials which have been read of the distinguished merit of Colonel Allabach, and have no desire to discuss the questions which are involved.

The Senator from Missouri [Mr. COCKRELL] asked me rather significantly if I desired to have this bill passed notwithstanding the objections of the President. I have the most profound respect for the President, and I have a respect equally profound for the position of a Senator. I think the President ought at all times to discharge his own duties with absolute fearlessness, and I think that the Senate ought with equal fearlessness to discharge its

duties. It involves no reproach on either side, and no controversy need arise between the President and the Senate when the Senate chooses to discharge its own duties. I have earnestly, however, opposed the views of the President in one particular. In my judgment, where the Congress of the United States determines upon the amount of a pension to be paid to any meritorious pensioner the President ought not to interfere in determining the mere amount. I am not willing that a precedent shall be established by which the President shall, for such reasons as he gives in this veto message, decline to sign a pension bill. I recognize it to be his right to do so, and in a proper case he ought to do so—I mean in a case that is proper in his judgment he ought to do so—but I am not willing that the President shall prescribe a rule for the Congress of the United States in regard to the amount of pension to be paid to any person who may be the object of the national bounty.

Colonel Allabach served in two wars. He discharged his duty in both; he discharged his duty brilliantly in the civil war, so much so as to secure the encomiums, the thanks, the complimentary notices of distinguished public men.

I have insisted, therefore, that this bill is a proper one, and that it ought to be passed notwithstanding the objections of the President.

The PRESIDENT pro tempore. The question before the Senate is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. BACON. Will the Senator from Illinois allow me to ask him—I was not in the Chamber during the reading of the report—whether this is a case in which the President recognizes the right to a pension, but simply questions the amount?

Mr. PALMER. As I understand it, it is.

Mr. COCKRELL. This claimant is receiving all the general law allows. There is no question about that.

Mr. PALMER. The widow is receiving that amount. This bill proposes to give her, instead of \$8 a month, which I believe she is now receiving, \$30 a month. Is not that the amount?

Mr. GALLINGER. That is the amount; and I will say, in answer to the suggestion of the Senator from Missouri, that it is precisely what we are doing almost every day in the Senate of the United States. The bill recognizes the rank this officer held, the rank of colonel, and proposes to give his widow the pension of the widow of a colonel, instead of that of a widow of a private. Colonel Allabach served five years.

Mr. HARRIS. May I ask the Senator if that practice of the Senate, as the Senator states it, be correct, would it not be wise for his committee to report a general law covering such cases and regulating the amount of pension by rank?

Mr. GALLINGER. Mr. President, the question of regulating this matter by general law is an easy point to suggest to the Senate, but it has not been done and will not be done. We consider these cases as individual cases.

Colonel Allabach served for five years in the Mexican war, having service that was brilliant in the extreme. I had in my desk when I left the Senate at the close of the first session of this Congress a letter written by this soldier to his wife from Mexico detailing a certain service which he performed in one of the great battles of the Mexican war when his horse was shot from under him and he received a wound. I regret that I can not now find that letter. I did not know that this matter was to come up to-day. Very likely I returned the letter to the widow. It was a very pathetic letter, in which Colonel Allabach expressed to his wife the dangers and sufferings he was enduring in the Mexican war, but still his willingness to continue until the honor of the United States had been demonstrated and achieved.

In the late civil war he enlisted, and served the period for which he enlisted with marked distinction. It will be observed that General Briggs, who was his superior in command, when at his home in Pittsfield, Mass., in consequence of illness, wrote a letter to Colonel Allabach, after he had made a most brilliant charge at the head of a brigade, expressing to him his regret that he had not been appointed as a brigadier-general to command that brigade, and his regret that he himself had been recalled to again assume the command.

I have no doubt from evidence which has come to me, largely oral, it is true, that Colonel Allabach might himself have been pensioned for a long series of years if he had applied for a pension; and that is one of the points on which the President bases his veto message—that the soldier himself had not been pensioned. I have in mind a multitude of soldiers who performed most conspicuous service in the late war, who could have been pensioned from the moment they left the service to the present time, but they have been patriotic enough, having means of support, not to ask the Government to bestow any of its bounty or its funds upon them. I have no doubt that Colonel Allabach belonged to that class of patriotic men.

His widow is in destitute circumstances. Her husband had the rank of colonel. He performed important, conspicuous, and

patriotic service in two wars, and we simply propose to give her the pension of the widow of a colonel, a thing which has been done over and over again since I have been a member of the National Legislature, in cases of much less conspicuous merit than the one which is now before us.

It does seem to me that the veto message was written upon a misapprehension of the facts in this case, and that the duty of the National Congress in this matter, without any reflection upon the President of the United States—because I certainly shall utter no word of reflection or suggestion in that direction—is plain to do this just act, generous, it may be, but just, nevertheless, and give to this widow a pension commensurate with the rank which her distinguished husband held.

Mr. BATE. Mr. President—

Mr. PALMER. I doubt somewhat, Mr. President, whether there is a quorum present.

Mr. BATE. I was just going to correct a statement of the Senator from New Hampshire as to the time Colonel Allabach served in the Mexican war. The Senator spoke of five years' service in that war. I wish to say that the Mexican war lasted only two years. So, of course, the Senator is mistaken in that statement. I know nothing about the services of Colonel Allabach in the last war.

Mr. GALLINGER. Then, on that point it may be that somebody has made a mistake in writing a report. In a report written by Mr. McCLELLAN, of the House of Representatives, I think the son of the late distinguished General McClellan, he says:

The military record of Peter H. Allabach, who served as colonel One hundred and thirty-first Pennsylvania Volunteers, and also in the Mexican war, is as follows:

Peter H. Allabach was mustered into service as colonel One hundred and thirty-first Pennsylvania Infantry Volunteers August 18, 1862, to serve nine months; was in command of the Third Provisional Brigade from August 22, 1862, to October 10, 1862, and of the Second Brigade, Third Division, Fifth Army Corps, from October 16, 1862, to May 14, 1863; and was mustered out of service with the field and staff of his regiment May 23, 1863.

The records on file in the office of the Adjutant-General of the Army show that Peter H. Allabach was enlisted in Company K, Third United States Infantry—

He was in the Regular Army, I take it—

at Philadelphia, Pa., November 25, 1844, was transferred to Company E, same regiment, September, 1849, and was discharged from the latter company, as a sergeant, at Paso del Norte, N. Mex., November 25, 1849, by reason of expiration of term of service.

I will say that a portion of this five years' service was in the Regular Army and not all of it in the Mexican war. It was a slip of the tongue when I said he was five years in the Mexican war.

Mr. BATE. The Mexican war began in May, 1846, and terminated in 1848.

Mr. GALLINGER. I am very glad to be corrected by the distinguished soldier from Tennessee on that point. I was aware of that historical fact quite as well as the Senator, but am glad to have the record correct. Colonel Allabach served five years, nevertheless.

The PRESIDENT pro tempore. The Senator from Illinois [Mr. PALMER] suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Davis,	Mitchell, Oreg.	Roach,
Allen,	Elkins,	Mitchell, Wis.	Sewell,
Bacon,	Faulkner,	Morgan,	Sherman,
Baker,	Frye,	Morrill,	Shoup,
Bate,	Gallinger,	Nelson,	Smith,
Berry,	Gear,	Palmer,	Stewart,
Blanchard,	Gorman,	Pasco,	Teller,
Burrows,	Harris,	Peffer,	Vest,
Butler,	Hawley,	Perkins,	Vilas,
Call,	Hoar,	Pettigrew,	Walthall,
Cameron,	Kyle,	Platt,	Wilson,
Chandler,	McBride,	Pritchard,	Wolcott.
Clark,	McMillan,	Proctor,	
Cockrell,	Mantle,	Pugh,	
Cullom,	Mills,	Quay,	

The PRESIDENT pro tempore. Fifty-seven Senators have answered to their names. There is a quorum present. The question before the Senate is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. TELLER. What is the bill?

The PRESIDENT pro tempore. The title of the bill will be stated.

The SECRETARY. A bill (S. 894) granting a pension to Nancy G. Allabach.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the Senator from Delaware [Mr. GRAY]. He not being present, I do not feel at liberty to cast my vote; but if I had that liberty, I should vote "yea."

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. GEAR (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. GORDON]. Not seeing

him in the Chamber, I withhold my vote. If he were present, I should vote "yea."

Mr. McBRIDE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. GEORGE]. I do not know how he would vote if he were present, but I should vote "yea."

Mr. SHOUP (when his name was called). I have a general pair with the Senator from California [Mr. WHITE]. Not knowing how he would vote on this question, I withhold my vote. I should "yea" if he were present.

Mr. THURSTON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. TILLMAN]. If he were present, I should vote "yea."

Mr. CLARK (when Mr. WARREN's name was called). My colleague [Mr. WARREN] is unavoidably detained from the Chamber by severe illness. I make this announcement for the day.

The roll call was concluded.

Mr. BACON. I have a general pair with the junior Senator from Rhode Island [Mr. WETMORE], but I have already voted "yea" under the assurance of his colleague, the senior Senator from Rhode Island [Mr. ALDRICH], that his colleague, if present, would vote "yea." Therefore my vote may stand.

Mr. COCKRELL. I am paired with the senior Senator from Iowa [Mr. ALLISON].

The result was announced—yeas 41, nays 11; as follows:

YEAS—41.

Aldrich,	Chandler,	Mitchell, Oreg.	Pugh,
Allen,	Clark,	Mitchell, Wis.	Quay,
Bacon,	Elkins,	Morrill,	Roach,
Baker,	Frye,	Nelson,	Sewell,
Blackburn,	Gallinger,	Palmer,	Sherman,
Burrows,	Gorman,	Peffer,	Teller,
Butler,	Hawley,	Perkins,	Vilas,
Call,	Hoar,	Pettigrew,	Wilson.
Cameron,	Kyle,	Platt,	
Cannon,	McMillan,	Pritchard,	
Carter,	Mantle,	Proctor,	

NAYS—11.

Bate,	Chilton,	Mills,	Vest,
Berry,	Faulkner,	Morgan,	Walthall.
Blanchard,	Harris,	Pasco,	

NOT VOTING—37.

Allison,	George,	Lindsay,	Tillman,
Brice,	Gibson,	Lodge,	Turpie,
Brown,	Gordon,	McBride,	Voorhees,
Caffery,	Gray,	Martin,	Warren,
Cockrell,	Hale,	Murphy,	Wetmore,
Cullom,	Hansbrough,	Shoup,	White,
Daniel,	Hill,	Smith,	Wolcott.
Davis,	Irby,	Squire,	
Dubois,	Jones, Ark.	Stewart,	
Gear,	Jones, Nev.	Thurston,	

The PRESIDENT pro tempore. The bill is passed, notwithstanding the objections of the President, two-thirds of the Senators present having voted therefor.

EXECUTIVE SESSION.

Mr. VEST. I move that the Senate proceed to the consideration of executive business.

Mr. CHANDLER. I should like to address a word to the Senator from Missouri. As the Senator knows, an agreement has been entered into that the immigration bill shall be voted upon at 4 o'clock on Thursday. It seems to be the duty of the committee to see to it that Senators wishing to debate the bill shall have such time as is available between now and that hour. If there are Senators here who desire to speak upon the bill this afternoon, I certainly think the Senate ought to remain and hear the debate. If there is no Senator who desires to speak, of course, Mr. President, I do not wish to prevent the adoption of the motion of the Senator from Missouri.

Mr. VEST. I can answer only for myself. I do not wish to debate the bill. I understood that we fixed the hour of 4 o'clock Thursday for taking a vote upon the measure, in order to enable the junior Senator from Maryland [Mr. GIBSON], who is now ill, to speak. I do not know of any Senator who desires to speak at this time. I ask for a vote on my motion.

The PRESIDENT pro tempore. The Senator from Missouri moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 2 o'clock and 58 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 16, 1896, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 15, 1896.

POSTMASTERS.

Charles C. Collier, to be postmaster at Blocton, in the county of Bibb and State of Alabama, the appointment of a postmaster

for the said office having, by law, become vested in the President on and after October 1, 1896.

James R. Crowe, to be postmaster at Sheffield, in the county of Colbert and State of Alabama, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Amelia H. Bates, to be postmaster at Sonoma, in the county of Sonoma and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

David Macartney, to be postmaster at Antioch, in the county of Contra Costa and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

Ralph W. Putnam, to be postmaster at Paso Robles, in the county of San Luis Obispo and State of California, in the place of Briggs C. Farnum, whose commission expired July 18, 1896.

Ole C. Vinzent, to be postmaster at Berkeley, in the county of Alameda and State of California, in the place of John McCarthy, whose commission expired April 4, 1896.

Willard Wells, to be postmaster at Eureka, in the county of Humboldt and State of California, in the place of Fletcher A. Cutler, resigned.

George F. Gardner, to be postmaster at Lake City, in the county of Hinsdale and State of Colorado, in the place of James F. Steinbeck, whose commission expired July 22, 1896.

Lillian T. Oviatt, to be postmaster at Longmont, in the county of Boulder and State of Colorado, in the place of A. C. Oviatt, deceased.

Nehemiah Jennings, to be postmaster at Southport, in the county of Fairfield and State of Connecticut, in the place of Nehemiah Jennings, whose commission expired July 2, 1896.

William C. Kinsella, to be postmaster at Fairfield, in the county of Fairfield and State of Connecticut, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

William A. Lowry, to be postmaster at East Hartford, in the county of Hartford and State of Connecticut, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

William H. Smith, to be postmaster at Newark, in the county of New Castle and State of Delaware, in the place of Stephen R. Choate, whose commission expired July 22, 1896.

James F. Corbett, to be postmaster at Punta Gorda, in the county of De Soto and State of Florida, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

L. Moreton Murray, to be postmaster at Daytona, in the county of Volusia and State of Florida, in the place of John M. Jolley, whose commission expired January 6, 1896.

William A. Sloan, to be postmaster at St. Petersburg, in the county of Hillsboro and State of Florida, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

John C. Stowers, to be postmaster at West Palmbeach, in the county of Dade and State of Florida, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

David J. Bailey, jr., to be postmaster at Griffin, in the county of Spalding and State of Georgia, in the place of William B. Hudson, resigned.

Mary Kirtley, to be postmaster at Salmon, in the county of Lemhi and State of Idaho, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

John Beard, to be postmaster at Danville, in the county of Vermilion and State of Illinois, in the place of William R. Jewell, whose commission expired December 21, 1893.

Julia Buckmaster, to be postmaster at Alton, in the county of Madison and State of Illinois, in the place of John Buckmaster, deceased.

Adam A. Funk, to be postmaster at Rantoul, in the county of Champaign and State of Illinois, in the place of Henry M. Morris, whose commission expired July 18, 1896.

Judd Hartzell, to be postmaster at Laharpe, in the county of Hancock and State of Illinois, in the place of Mary Figley, whose commission expired July 18, 1896.

Marcellus Keene, to be postmaster at Atlanta, in the county of Logan and State of Illinois, in the place of John W. Barr, removed.

Charles A. Keyes, to be postmaster at Springfield, in the county of Sangamon and State of Illinois, in the place of Redick M. Ridgely, removed.

William A. Melody, to be postmaster at Waukegan, in the county of Lake and State of Illinois, in the place of E. B. McClanahan, removed.

Charles Raymond, to be postmaster at Evanston, in the county of Cook and State of Illinois, in the place of David P. O'Leary, removed.

Charles H. Rolston, to be postmaster at Hillsboro, in the county of Montgomery and State of Illinois, in the place of James E. Y. Rice, resigned.

David Shunick, to be postmaster at Alexis, in the county of Warren and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Malbern M. Stephens, to be postmaster at East St. Louis, in the county of St. Clair and State of Illinois, in the place of Daniel C. Marsh, deceased.

Cornelius Sullivan, to be postmaster at Riverside, in the county of Cook and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

James A. Frost, jr., to be postmaster at Orleans, in the county of Orange and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

Mary A. Mitchell, to be postmaster at Batesville, in the county of Ripley and State of Indiana, in the place of George Mitchell, deceased.

Samuel J. Nicoles, to be postmaster at Walkerton, in the county of St. Joseph and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

George E. Oberholtzer, to be postmaster at Clay City, in the county of Clay and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

Anthony C. Blohm, to be postmaster at Walnut, in the county of Pottawattamie and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Edward F. Douglass, to be postmaster at Dysart, in the county of Tama and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

John G. Duff, to be postmaster at Britt, in the county of Hancock and State of Iowa, in the place of Thomas A. Way, whose commission expired April 18, 1896.

William H. Healy, to be postmaster at Fonda, in the county of Pocahontas and State of Iowa, in the place of George Sanborn, whose commission expired April 23, 1896.

John Hornstein, to be postmaster at Boone, in the county of Boone and State of Iowa, in the place of W. C. Bremerman, removed.

John F. Huntington, to be postmaster at Oakland, in the county of Pottawattamie and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Richard H. Mobley, to be postmaster at Williamsburg, in the county of Iowa and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

E. Duke Naven, to be postmaster at Laporte City, in the county of Blackhawk and State of Iowa, in the place of C. W. Ravlin, removed.

Miss Imo Yowell, to be postmaster at Sidney, in the county of Fremont and State of Iowa, in the place of Moses R. Yowell, removed.

Jacob Descombes, to be postmaster at Chickasha, in Chickasaw Nation County, Ind. T., the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

James Rennil, to be postmaster at Pauls Valley, in Chickasaw Nation County, Ind. T., the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Hugh L. Lourey, to be postmaster at Frankfort, in the county of Marshall and State of Kansas, in the place of William J. Granger, resigned.

George A. Van Atta, to be postmaster at Clay Center, in the county of Clay and State of Kansas, in the place of Charles E. Gifford, deceased.

Salem H. Ford, to be postmaster at Owensboro, in the county of Daviess and State of Kentucky, in the place of John M. Simmons, removed.

Mrs. Jennie Curtis, to be postmaster at Thibodeaux, in the parish of Lafourche and State of Louisiana, in the place of Mrs. Jennie Curtis, whose commission expired February 8, 1896.

Albert F. Derouen, to be postmaster at Jennings, in the parish of Calcasieu and State of Louisiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Eben A. Poole, to be postmaster at Boothbay Harbor, in the county of Lincoln and State of Maine, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

Howard Melvin, to be postmaster at Denton, in the county of Caroline and State of Maryland, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

William H. Jordan, to be postmaster at Brockton, in the county of Plymouth and State of Massachusetts, in the place of Joseph M. Hollywood, whose commission expired January 6, 1896.

John R. Mackessy, to be postmaster at Waverley, in the county of Middlesex and State of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

James H. O'Toole, to be postmaster at Amesbury, in the county of Essex and State of Massachusetts, in the place of Daniel W. Davis, whose commission expired May 27, 1896.

Joseph St. John, to be postmaster at Cohasset, in the county of Norfolk and State of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

Albert C. Cross, to be postmaster at Bangor, in the county of Van Buren and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

Joseph Gauntlett, to be postmaster at Milan, in the county of Washtenaw and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

John P. Gerardy, to be postmaster at Durand, in the county of Shiawassee and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

George H. Gilbert, to be postmaster at Reed City, in the county of Osceola and State of Michigan, in the place of William A. Strong, removed.

Blendina Hicok, to be postmaster at Flint, in the county of Genesee and State of Michigan, in the place of John H. Hicok, deceased.

Edgar Nichols, to be postmaster at Benton Harbor, in the county of Berrien and State of Michigan, in the place of Roman I. Jarvis, removed.

Robert M. Porter, to be postmaster at Williamston, in the county of Ingham and State of Michigan, in the place of William L. Robson, whose commission expired July 22, 1896.

William P. Christensen, to be postmaster at Olivia, in the county of Renville and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

John H. Hanson, to be postmaster at Lake Benton, in the county of Lincoln and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Annie Leaser, to be postmaster at Wheaton, in the county of Traverse and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

John McCabe, to be postmaster at St. Peter, in the county of Nicollet and State of Minnesota, in the place of William G. Gresham, whose commission expired December 21, 1893.

Patrick H. O'Hara, to be postmaster at Graceville, in the county of Bigstone and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

Oliver H. Phillips, to be postmaster at Dodge Center, in the county of Dodge and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Robert A. Smith, to be postmaster at St. Paul, in the county of Ramsey and State of Minnesota, in the place of Henry A. Castle, whose commission expired February 4, 1896.

Sadie E. Truax, to be postmaster at Breckenridge, in the county of Wilkin and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

John T. Barnett, to be postmaster at Iuka, in the county of Tishomingo and State of Mississippi, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

John S. Saunders, to be postmaster at Starkville, in the county of Oktibbeha and State of Mississippi, in the place of F. H. Powers, whose commission expired July 2, 1896.

John W. Duncan, to be postmaster at Adrian, in the county of Bates and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

Rella C. Harber, to be postmaster at Trenton, in the county of Grundy and State of Missouri, in the place of Thomas B. Harber, deceased.

Gideon B. Hart, to be postmaster at Breckenridge, in the county

of Caldwell and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

Charles Q. Hardman, to be postmaster at Edina, in the county of Knox and State of Missouri, in the place of Robert F. Schofield, whose commission expired July 2, 1896.

Edward C. Meehan, to be postmaster at Norborne, in the county of Carroll and State of Missouri, in the place of George F. Crutchley, removed.

Luke W. Morris, to be postmaster at Mexico, in the county of Audrain and State of Missouri, in the place of John W. Mason, removed.

Alva H. O'Dowd, to be postmaster at Weston, in the county of Platte and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

J. W. Overstreet, to be postmaster at La Plata, in the county of Macon and State of Missouri, in the place of William E. Cole, removed.

Barbeau A. Roy, to be postmaster at Bonne Terre, in the county of St. Francis and State of Missouri, in the place of Thomas H. Walker, deceased.

Kate E. Sullivan, to be postmaster at Excelsior Springs, in the county of Clay and State of Missouri, in the place of Kate E. Kidd, change of name by marriage.

Addison M. Gooding, to be postmaster at Hartington, in the county of Cedar and State of Nebraska, in the place of Thomas B. A. Watson, whose commission expired July 18, 1896.

Allen T. Hill, to be postmaster at Lyons, in the county of Burt and State of Nebraska, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

Robert Pohl, to be postmaster at Austin, in the county of Lander and State of Nevada, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Frank B. Dailey, to be postmaster at Bloomfield, in the county of Essex and State of New Jersey, in the place of Frank G. Tower, deceased.

James J. Davidson, to be postmaster at Swedesboro, in the county of Gloucester and State of New Jersey, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

Michael A. Devine, to be postmaster at Atlantic City, in the county of Atlantic and State of New Jersey, in the place of Richard W. Sayre, removed.

John W. Goddard, to be postmaster at Bayonne, in the county of Hudson and State of New Jersey, in the place of Edward O'Farrell, resigned.

Michael J. Hickey, to be postmaster at Raritan, in the county of Somerset and State of New Jersey, in the place of Patrick Burns, deceased.

George McCracken, to be postmaster at Dover, in the county of Morris and State of New Jersey, in the place of William Pollard, removed.

May J. Munson, to be postmaster at Millington, in the county of Morris and State of New Jersey, in the place of Annie M. Baker, whose commission expired July 18, 1896.

Charles H. Pierson, to be postmaster at Bridgeton, in the county of Cumberland and State of New Jersey, in the place of Samuel A. Laning, removed.

William Pintard, to be postmaster at Redbank, in the county of Monmouth and State of New Jersey, in the place of William T. Corlies, whose commission expired July 18, 1896.

Charles W. Scott, to be postmaster at Cramer Hill, in the county of Camden and State of New Jersey, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1896.

R. Howard Thorn, to be postmaster at Ocean City, in the county of Cape May and State of New Jersey, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1896.

William J. Whelan, to be postmaster at Elizabeth, in the county of Union and State of New Jersey, in the place of Patrick Sheridan, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 15, 1896.

CHIEF JUSTICE COURT OF CLAIMS.

Charles C. Nott, of New York, to be chief justice Court of Claims.

UNITED STATES ATTORNEY.

William B. Childers, of New Mexico, to be attorney of the United States for the Territory of New Mexico.

JUSTICE OF THE PEACE.

Lewis I. O'Neal, of the District of Columbia, to be justice of the peace in the county of Washington, in the District of Columbia, to be assigned to the city of Washington.

DISTRICT JUDGES.

Andrew Kirkpatrick, of New Jersey, to be United States district judge for the district of New Jersey.

John H. Rogers, of Arkansas, to be United States district judge for the western district of Arkansas.

Arthur L. Brown, of Rhode Island, to be United States district judge for the district of Rhode Island.

John E. Carland, of South Dakota, to be United States district judge for the district of South Dakota.

COLLECTOR OF CUSTOMS.

Hiram P. Mackintosh, of Massachusetts, to be collector of customs for the district of Newburyport, in the State of Massachusetts.

APPOINTMENT IN THE MARINE-HOSPITAL SERVICE.

William M. Jordan, of Alabama, to be an assistant surgeon in the Marine-Hospital Service of the United States.

PROMOTION IN THE MARINE-HOSPITAL SERVICE.

P. A. Surg. Charles E. Banks, of Maine, to be a surgeon in the Marine-Hospital Service of the United States.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

First Lieut. Henry B. Rogers, of Massachusetts, to be a captain in the Revenue-Cutter Service of the United States.

APPOINTMENT IN THE REVENUE-CUTTER SERVICE.

Waller Taylor, of Florida, to be a second assistant engineer in the Revenue-Cutter Service of the United States.

HOUSE OF REPRESENTATIVES.

TUESDAY, December 15, 1896.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

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

ADAM HAND.

Mr. PRINCE. I ask unanimous consent for the consideration of the bill which I send to the Clerk's desk.

The bill (H. R. 7906) to grant an honorable discharge to Adam Hand, as first lieutenant of Company B, One hundred and eighty-fourth Regiment Pennsylvania Infantry Volunteers, was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to grant an honorable discharge, of date May 29, A. D. 1865, to Adam Hand, as first lieutenant of Company B, One hundred and eighty-fourth Regiment Pennsylvania Infantry Volunteers.

Mr. McCLELLAN. Reserving the right to object, I ask for the reading of the report.

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

The Committee on Military Affairs, to whom was referred the bill (H. R. 1090) granting an honorable discharge to Adam Hand, having considered the same, would report the following as a substitute therefor:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to grant an honorable discharge, of date May 29, A. D. 1865, to Adam Hand, as first lieutenant of Company B, One hundred and eighty-fourth Regiment Pennsylvania Infantry Volunteers.

Your committee find that at the second session of the Fifty-third Congress the Committee on Military Affairs submitted a favorable report upon a similar bill for the benefit of said Adam Hand, which report is in part as follows:

"It appears from the record of this soldier that he was mustered into the service on the 23d of April, 1861, as a private in Company H, Tenth Regiment Pennsylvania Volunteers, to serve three months, and was mustered out as such with the company July 30, 1861; that he again enlisted and was enrolled October 30, 1862, and mustered in to date November 1, 1862, as sergeant of Company F, One hundred and seventy-third Regiment Pennsylvania Volunteers, to serve nine months, and was mustered out as such with his company August 16, 1863. Said soldier again enlisted and was enrolled on May 12, 1864, as a private in Company B, One hundred and eighty-fourth Pennsylvania Volunteers, to serve three years. He appears on the muster roll of the company for May and June, 1864, as sergeant, and was mustered in as first lieutenant of same company.

"On the 9th of March, 1865, he was granted leave of absence to enable him to attend his family. But while at home said Hand was taken sick, and, although he forwarded the affidavits of physicians to show his sickness and asking for an extension of furlough, it appears from the record that his colonel reported him for absence without leave and had such proceedings taken as resulted in his dismissal from the service.

"Your committee have carefully examined the record relating to the dismissal of Lieutenant Hand, and are of the opinion that an injustice was done to him by his colonel. The colonel admits that he had received one or two notes from doctors as certificates of disability, but says they were improper in form and unauthenticated, and the fact is that he did not take the pains to find out whether the officer was really sick or not, but proceeded to have him dismissed from the service, when he was a worthy officer and had a good record as a soldier from his enlistment.

"Your committee respectfully refer to the affidavits of said Lieutenant Hand, and of Charles Kleckner, the lieutenant-colonel of said last-mentioned regiment, and make them a part of this report. Said Kleckner fully shows that said Adam Hand was a good officer.

"Charles Kleckner, of Philadelphia, Pa., of date May 29, 1863, under oath says:

"I was formerly lieutenant-colonel in command of the One hundred and

eighty-fourth Regiment Pennsylvania Volunteers, and so continued up to January 1, 1865, when Col. John H. Stover joined the regiment and assumed command, but I continued with the regiment until its final muster out of service. I remember the above-named Adam Hand, of Company B, said regiment, and at my recommendation he had, about December, 1864, been commissioned and mustered in as first lieutenant of said company, and about March, 1865, he was granted leave of absence, after which date I do not remember seeing him. That up to that time said Hand had always proven himself to be a good, faithful soldier, and I never heard any thing detrimental of him, and I would furthermore say that he would never have been commissioned first lieutenant had he been guilty of any act of cowardice. In addition to this I would say that I never heard or knew said Adam Hand to make any remarks other than those of loyalty to his country and the command. I testify to these facts from actual personal knowledge, and, having known the soldier while in said regiment, if any of the facts were otherwise I would surely know it."

"Adam Hand, of Sterling, Ill., of date August 22, 1863, makes oath that he served as a private in Company H, Tenth Pennsylvania Infantry, from April 23, 1861, to July 30, 1861, when the term of service of said regiment expired.

"That he served as sergeant in Company F, One hundred and seventy-third Pennsylvania Infantry, from November 1, 1862, to August 16, 1863, when the term of said last-named regiment expired, and was never absent from duty from either of said services one day.

"That he enlisted as private in Company B, One hundred and eighty-fourth Pennsylvania Infantry, on May 12, 1864, was promoted to sergeant soon after, and on December 14, 1864, was promoted to first lieutenant.

"On March 9, 1865, he was granted leave of absence for sickness, the regiment then lying in winter quarters, when he got worse at home, as stated by him in former affidavit.

"That up to this sickness he had not missed a day's duty with his last command, which had been in the front all the time.

"He further says that he has read a copy of the report on him made by Col. John H. Stover on April 26, 1865, and solemnly swears that everything in that statement derogatory of deponent, or deprecative of deponent's standing as a soldier, is an unfeeling and absolute falsehood, and that none of the disgraceful, insubordinate expressions charged to this deponent in said report were ever uttered or even thought of by this deponent.

"He further says that the animus of said colonel in making such false statements and insinuations may be ascertained from the following facts:

"That said One hundred and eighty-fourth Regiment was mustered in at Harrisburg, Pa., in May, 1864, and went straight to the front and joined the Second Corps at Belle Plaine and fought with said corps through the remaining battles of the Wilderness, Cold Harbor, Spotsylvania, and around to the front of Petersburg, Va.

"That said Colonel Stover remained at Harrisburg, Pa., on recruiting service, and did not go with his regiment to the field, and did not join said regiment until January 1, 1865, when the latter had gone through the campaign and was lying in winter quarters (the regiment thus far having been under the command of Lieut. Col. Charles Kleckner, and said Company B having then been continuously under the command of deponent, first as a sergeant and afterwards as lieutenant, after Lieutenant Brown was wounded, in July, 1864).

"When Colonel Stover came to his regiment, as aforesaid, he brought with him three personal friends to fill vacancies among the line officers. He had a relation named McCartney for Company B, but Company B was then so reduced by battles and sickness as to be entitled to only one commissioned officer, and thereupon said colonel began and continued to treat deponent as though the latter was in the way of his plans, and deponent believes that this was the reason he did not forward the medical certificates of deponent's home illness, and made the aforesaid false and injurious report in reference to deponent, and had deponent dropped from the rolls without deponent's knowledge and while he was lying very sick at home as aforesaid."

Your committee accept and approve such former report, and recommend the passage of the substitute herein reported.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

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

PUBLIC BUILDING, NEWPORT, KY.

Mr. BERRY. I ask unanimous consent for the consideration of the bill (H. R. 9472) to amend chapter 111 of the acts of the third session of the Fifty-third Congress.

The bill was read, as follows:

Be it enacted, etc., That chapter 111 of the acts of the third session, Fifty-third Congress, is hereby amended by striking out the first proviso therein and inserting the following: "Provided, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys."

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

Mr. McMILLIN. I hope the gentleman from Kentucky [Mr. BERRY] will explain whether this bill involves any increased expense.

Mr. BERRY. No; it is really a saving to the Government.

Mr. DINGLEY. Is this a public-building bill?

Mr. BERRY. No, sir; it simply provides that the distance between the public building in course of construction at Newport, Ky., and the adjacent buildings be reduced from 50 feet, as originally provided, to 40 feet, which is the uniform rule adopted by the Government.

Mr. DINGLEY. Does the bill involve any increased expenditure?

Mr. BERRY. No, sir.

Mr. DINGLEY. As I understand, 40 feet is the usual rule in these cases.

Mr. BERRY. Yes, sir. If 50 feet should be between the expense to the Government would be greater.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

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

VESSELS PROPELLED BY GAS, NAPHTHA, ETC.

Mr. BENNETT. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (S. 1646) providing for certain requirements for vessels propelled by gas, fluid, naphtha, or electric motors was read, as follows:

Be it enacted, etc., That all vessels of above 15 tons burden, carrying freight or passengers for hire, propelled by gas, fluid, naphtha, or electric motors, shall be, and are hereby, made subject to all the provisions of section 4423 of the Revised Statutes of the United States, relating to the inspection of hulls and boilers and requiring engineers and pilots; and all vessels so propelled, without regard to tonnage or use, shall be subject to the provisions of section 4412 of the Revised Statutes of the United States, relating to the regulation of steam vessels in passing each other; and to so much of sections 4233 and 4234 of the Revised Statutes, relating to lights, fog signals, steering and sailing rules, as the Board of Supervising Inspectors shall, by their regulations, deem applicable and practicable for their safe navigation.

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

Mr. HOPKINS. I wish to inquire whether the bill has been considered by the appropriate committee of the House?

Mr. BENNETT. It has been considered by the Committee on Interstate and Foreign Commerce, and reported favorably, and, in addition to that, its passage is recommended by the Treasury Department in the letter appended to the report.

Mr. BAKER of New Hampshire. Reserving the right to object, I wish to inquire of the gentleman whether he has had an understanding on this question with the gentleman from New Jersey [Mr. GARDNER], who at the last session asked me in his absence to object to the consideration of this bill if unanimous consent should be asked.

Mr. BENNETT. The gentleman from New Jersey [Mr. GARDNER] is aware that this bill was to be called up at the first opportunity.

Mr. BAKER of New Hampshire. Then I have no objection.

Mr. COOPER of Florida. I should like to hear the report read.

Mr. HOPKINS. Allow me to ask whether there is any reason why this bill should not have gone to the Committee on the Merchant Marine and Fisheries, instead of the Committee on Interstate Commerce.

Mr. BENNETT. This bill was sent by the Speaker to the Committee on Interstate and Foreign Commerce, and was referred to the subcommittee on ships, shipping, and sanitation, and the matter was fully considered.

Mr. HOPKINS. But why did it not go to the Committee on Merchant Marine and Fisheries?

Mr. BENNETT. Because such a reference would have been improper. It was properly referred to the Committee on Interstate and Foreign Commerce.

The SPEAKER. Does the gentleman from Florida ask for the reading of the report?

Mr. BARTLETT of New York. I ask for the reading of the report.

The report (by Mr. BENNETT) was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CUMMINGS. I object.

WEAR CRAWFORD.

Mr. JOHNSON of Indiana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 514) to remove the charge of desertion from the military record of Wear Crawford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Wear Crawford, late of Company G, Fifty-second Regiment of Indiana Infantry Veteran Volunteers, and to issue to the said Crawford an honorable discharge from said service: *Provided,* That no back pay or allowance shall become due or payable by reason of the passage of this act.

The Committee on Military Affairs recommend the following amendment:

Add at the close of the bill the words "Said discharge to be dated June 28, 1865: *Provided,* That no pay, bounty, or allowance shall become due or payable by virtue of this act."

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, the amendment agreed to, and the bill as amended ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

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

ADVERSE REPORT.

Mr. TERRY. Mr. Speaker, on yesterday an adverse report was submitted from the Committee on the Judiciary by the gentleman from New York [Mr. RAY] with reference to the bill (H. R. 4057) in relation to cigarettes, which was laid on the table. I desire to

have that bill, with the accompanying report and the views of the minority, referred to the House Calendar under the rule.

The SPEAKER. It can be done at the request of any member.

Mr. TERRY. I make that request.

The SPEAKER. The report, with the views of the minority, at the request of the gentleman from Arkansas, will be referred to the House Calendar.

ORDER OF BUSINESS.

Mr. POWERS. Mr. Speaker, I call for the regular order, but first yield to the gentleman from New York, who wishes to make a request.

COMMITTEE ON AGRICULTURE.

Mr. WADSWORTH. Mr. Speaker, pending the demand for the regular order, I wish to ask unanimous consent that the Committee on Agriculture may have leave to sit during the sessions of the House.

There was no objection, and it was so ordered.

ALCOHOL USED IN THE ARTS.

The SPEAKER announced the appointment of the following conferees on the disagreeing votes of the two Houses on the joint resolution (S. R. 162) continuing in force section 2 of the act approved June 3, 1896, entitled "An act to repeal section 61 of 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,' which became a law August 28, 1894: Mr. EVANS, Mr. RUSSELL of Connecticut, and Mr. MCMILLIN.

MRS. JANE STUART WHITING.

The SPEAKER laid before the House the bill (S. 1511) granting a pension to Mrs. Jane Stuart Whiting, with House amendment disagreed to by the Senate, and request for a conference between the two Houses on the disagreeing votes thereon.

Mr. PICKLER. Would it be in order to move that the House insist on its amendment, and agree to the conference?

The SPEAKER. That motion would be in order.

Mr. PICKLER. I desire to make that motion.

The motion was agreed to.

CELESTE A. BOUGHTON.

The SPEAKER also laid before the House the bill (S. 1291) granting an increase of pension to Celeste A. Boughton, widow of Bvt. Brig. Gen. Horace Boughton, with House amendment disagreed to by the Senate, and request for a conference thereon.

Mr. PICKLER. I move that the House further insist on its amendment, and agree to the conference asked by the Senate.

The motion was agreed to.

ATLANTIC AND PACIFIC RAILROAD COMPANY.

The SPEAKER. The gentleman from Vermont is recognized.

Mr. POWERS. I now insist upon the regular order, and call up the bill (S. 1832) to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company. I send to the Clerk's desk the report of the committee, which I ask to have read.

Mr. McRAE. Mr. Speaker—
The SPEAKER. For what purpose does the gentleman from Arkansas rise?

Mr. McRAE. To inquire if the Committee on Pacific Railroads has been called. Is this the committee hour, and has that committee been called?

The SPEAKER. This is the committee hour, and the Chair recognized the gentleman from Vermont [Mr. POWERS] because of an arrangement which was made in the House that whenever the time came for calling committees he should be recognized.

Mr. McRAE. Then it is to be treated as if the committee had been regularly called.

The SPEAKER. As if the committee had been called.

Mr. RICHARDSON. In the morning hour.

Mr. POWERS. I ask to have the report read.

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

The Committee on Pacific Railroads, having considered the bill (S. 1832) entitled "An act to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871, concerning the Atlantic and Pacific Railroad Company," respectfully report that they adopt House Report No. 1598, upon a House bill identical in terms with said Senate bill, which is hereto annexed, and recommend the passage of said Senate bill.

[House Report No. 1598, Fifty-fourth Congress, first session.]

The Committee on Pacific Railroads, having considered the bill (H. R. 6398) entitled "A bill to define the rights of purchasers under mortgages authorized by an act of Congress approved April 20, 1871," respectfully report:

Your committee recommend that the bill be amended by striking out all after the nacting clause and inserting in lieu thereof the substitute as proposed, and that as thus amended the bill be passed.

The committee adopt the report (No. 737) made by the Senate Committee on the Judiciary April 20, 1896, in reference to Senate bill 1832, being a bill identical with House bill 6398.

[Senate Report No. 737, Fifty-fourth Congress, first session.]

The Committee on the Judiciary, having considered the bill (S. 1832) entitled "A bill to define the rights of purchasers under mortgages authorized by the act of Congress approved April 20, 1871," respectfully report:
By special act of July 27, 1866 (14 Stat. L., 232), Congress incorporated the

Atlantic and Pacific Railroad Company, with usual corporate powers, and authorized the company to construct, maintain, and operate a line of railroad and telegraph on prescribed route, substantially along the thirty-fifth parallel, from Springfield, Mo., across the Indian, New Mexico, and Arizona Territories, and California to the Pacific. To aid construction thereof grants of public lands, right of way, and material therefor were made (secs. 2 and 3). In addition to the plain purpose of thereby promoting settlement of the country through which the road would pass, the Government use and purpose therein was, as expressed by section 11 of the charter act, "that said Atlantic and Pacific Railroad, or any part thereof, shall be a post route and military road, subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation."

It was then assumed that the road would be built by popular subscription, and the sole direct authority given to raise funds for that purpose was the authorized issuance of \$100,000,000 of its capital stock. By section 8 construction was to commence within a prescribed period and proceed annually for prescribed distance until entire completion of the road; and by section 9, on default therein and its continuance for one year, "then in such case, at any time hereafter, the United States may do any and all acts and things which may be needful and necessary to insure a speedy completion of the said road." It appears that such popular subscription failed to materialize, and there being no express authority in the charter act whereby the company could mortgage its franchises (in addition to its tangible property), and default in construction having occurred, whereby the reserved power of the United States, reserved by section 9, supra, had accrued, the company applied to Congress and obtained the passage of an act, on April 20, 1871, authorizing mortgage of its franchises and property, which act reads as follows:

"Be it enacted, etc., That the Atlantic and Pacific Railroad Company, organized under act of Congress of July 27, 1866, is hereby authorized to make and issue its bonds in such form and manner, for such sums, payable at such times, and bearing such rate of interest, and to dispose of them on such terms as its directors may deem advisable; and to secure said bonds the said company may mortgage its road, equipment, lands, franchises, privileges, and other rights and property, subject to such terms, conditions, and limitations as its directors may prescribe. As proof and notice of the legal execution and effectual delivery of any mortgage hereafter made by said company, it shall be filed and recorded in the office of the Secretary of the Interior: *Provided*, That if the company shall hereafter suffer any breach of the conditions of the act above referred to, under which it is organized, the rights of those claiming under any mortgage made by the company to the lands granted to it by said act shall extend only to so much thereof as shall be coterminous with or appertain to that part of said road which shall have been constructed at the time of the foreclosure of said mortgage."

Thereupon the road from Springfield to the eastern boundary of the Indian Territory was constructed, and on subsequent default upon its mortgage that portion of the line was sold years ago, and is now operated as part of the St. Louis and San Francisco Railway. The line constructed in the Indian Territory (some 112 miles), and extending thence to Albuquerque, N. Mex., was mortgaged as the Central Division, and the line extending from Albuquerque into California was mortgaged as the Western Division. The line from Albuquerque westward has since been constructed and is operated through to California, finding its outlet east by connection at Albuquerque through the rails of the Atchison, Topeka and Santa Fe Railway.

Default has been made upon the bonds of both the Central and Western divisions, and foreclosure proceedings are pending.

While the purpose of the mortgage act of 1871, supra, was undoubtedly to subject all the franchises of the company thereto, including the right to be a corporation, as the broad terms of the act fully import, the United States Supreme Court has since ruled that the franchise to be a corporation does not so pass, in the absence of positive provision therefor, accompanied by express provisions as to the mode in which such sale and transfer of the right to be a corporation may be effected. (*Memphis Railroad Co. vs. Commissioners*, 112 U. S., 609-619; *New Orleans, etc., Railroad Co. vs. Delamore*, 114 U. S., 501-508.)

Because of this defect the pending bill is presented while all franchises of the company were intended to be thus mortgaged, including the right to be a corporation, the act of 1871 is silent in providing a mode therefor.

The road extends through separate jurisdictions, to wit, the Indian Territory, New Mexico, Arizona, and California.

Your committee is advised that no laws exist in New Mexico, Arizona, or California authorizing such reincorporation, and, of course, none such exist in the Indian Territory. Hence the purchasers at these foreclosure sales properly ask further legislation making the authority to mortgage given by the act of 1871 operative according to its intent and to enable such purchasers themselves to become a corporation.

Mr. POWERS. Mr. Speaker, the report so far read covers the entire ground, and unless some gentleman desires the balance of it, it will save some time to omit the further reading.

Now, Mr. Speaker, as the report states, this bill simply provides that the mortgage bondholders of the Atlantic and Pacific Railroad Company may reorganize into a corporation—in other words, may have the right to be a corporation. The necessity for this bill arises from the fact that the Supreme Court in two cases has decided that the mortgage of a railroad company, together with its franchises, does not carry the right to be a corporation. Everybody connected with this original company supposed that the right to mortgage, given them by Congress in 1871, which in terms embraced the franchises, was broad enough to enable them, on a foreclosure sale, to organize as a corporation; but the Supreme Court says no; hence the necessity for the passage of this bill.

The House will remember that this company was started in 1866, was given a mammoth land grant of 42,000,000 acres, and that in 1871 it became necessary for the company, in order to build its road, to issue a mortgage. That mortgage was issued, covering the property and franchises of the road, but lacking this essential, vital point—the franchise to be a corporation.

Now, when this question was before the House on a former occasion it was said that this land grant was a monstrous land grant, that it was fraudulent, that great wrong was done to the Government in the amount of land granted to the railroad. Concede that to be true for the purposes of this argument; what has that to do with the pending question? Congress enacted the law.

It became a part of the rights of that company to take those lands; but it turns out upon investigation that the lands are in the arid region; they are good for nothing. The company itself, out of the 42,000,000 acres, has only succeeded in selling seven hundred thousand and odd acres. A great proportion of the land has been forfeited to the Government, and a suit is now pending, and is up for argument in court to-day, to determine the right of the Government to forfeit the balance.

But be that as it may, this is the practical question that is presented to the House: This company, however fraudulent it may have been, however disproportionate its land grant may have been to its right to build a railroad to the California coast, nevertheless that wrongdoing is not to be imputed to the applicants for this charter. The applicants for this charter are the innocent parties who advanced their money upon a mortgage of this road. That money built the road. It could not have been built otherwise. As the report shows, it was supposed that private subscriptions along the line of the road would be ample to build the road, but those hopes proved to be delusive. The company were obliged to borrow money. They did borrow it, and A, B, C, innocent parties who had nothing whatever to do with any wrongdoing connected with the making of the land grant, advanced their money and the road was completed.

Now, it is highly improper to visit upon these innocent parties any wrongdoing that may have been practiced by the original promoters of the enterprise. There is no justice or propriety in that. These mortgage bonds are held by guardians, by trustees, by women, and by other parties, and the proposition of the gentleman from Arkansas [Mr. MCRÆ] is that they be visited with the consequences and be made to suffer for that former wrongdoing, for which they are in no wise responsible. But now, Mr. Speaker, there was not any wrongdoing. The gift on the part of the Government of this 42,000,000 acres of land did not amount to anything to this company. As I have already said, they have sold only 708,000 acres out of the 42,000,000 acres given to them, for the simple reason that you might turn a razor-back pig loose on the land in that country and it could not get a living.

Mr. STEELE. That being the case, how did they expect to get subscribers along the line of the road to build this road?

Mr. POWERS. Because in those days there was a great fever for building these roads, especially to the Pacific. The Union Pacific was being built. Everybody turned his attention to the project of building railroads to the Pacific Ocean, and everybody who put his money in these roads going out West was sadly disappointed.

Mr. FOOTE. Where are these arid lands?

Mr. POWERS. They are in Arizona, the Indian Territory, New Mexico, etc., on the line of the road.

Now, the Government has already forfeited about 18,000,000 or 14,000,000 acres of the land, and claims the right to forfeit the balance; and there is no reason in the world why these people who have advanced their money and taken a mortgage upon this road and have purchased the property or are about to purchase it in the foreclosure sale should not have the right to be organized into a corporation. Supposing you have the right to say they shall not have the right to do so, how do you leave the property and how do you leave the parties? You leave these mortgagees who have invested their money in these great properties without any right as a corporation and of continuing the railroad in the interests of the people along its lines.

Mr. BLACK of Georgia. Will the gentleman state to the House the difference between the bill he has offered and the substitute offered by the gentleman from Arkansas?

Mr. POWERS. The substitute offered by the gentleman from Arkansas provides very many things that nobody can live under. The gentleman, of course, will unfold his plan when he comes to it. It is a very objectionable plan. He has injected a penalty, consequent on what he says is the wrongdoing on the part of the original parties on these innocent parties. I say that the House of Representatives ought to be above that kind of legislation.

Mr. FLYNN. Is it not a fact that there is no new authority conferred upon this company that the old company did not have?

Mr. POWERS. There is no new authority whatever. If anybody will take the trouble to read the bill they will see that the only provision in it which is operative is to simply give these parties the right to be organized into a corporation.

Mr. FLYNN. Another question. Is it not a fact that the railroads can not operate in the Indian Territory without a charter from Congress?

Mr. POWERS. They can not. There is no other way in which the road can be operated. It does not pay its current expenses now.

Mr. KNOX. As to this portion of the road which was the St. Louis and San Francisco, was not there a land grant which went with that road?

Mr. POWERS. Very likely. I do not know how that is.

Mr. KNOX. Did not the whole road pass to that corporation, and is it not now operated by it? Is it not that way?

Mr. POWERS. I presume that is so. I am not familiar with that.

Mr. KNOX. That is a corporation.

Mr. MOODY. Will the gentleman permit me to ask him a question?

Mr. POWERS. Certainly.

Mr. MOODY. My question is, Is it not a fact that this road at the present time is not worth any more than the mortgage upon it?

Mr. POWERS. Probably not.

Mr. MOODY. Why should any new corporation be permitted to issue stock in excess of the amount of the mortgage?

Mr. POWERS. On the question of stock, the gentleman will notice on page 4 it is to be assessed for money, labor, or property that may be necessary.

Mr. MOODY. I understand that perfectly; but it is provided that the amount of new issue of stock shall not exceed the aggregate amount which the old company had issued.

Mr. POWERS. Exactly.

Mr. MOODY. Now, the old company may have issued without consideration a hundred millions of stock.

Mr. POWERS. The old company, as the gentleman will see from the report of the Commissioner of Railroads, issued a capital of \$79,000,000, which was mortgaged.

Mr. MOODY. What is the amount of the mortgage?

Mr. POWERS. The first mortgage \$18,000,000, the second \$20,000,000, and other bills payable \$13,000,000.

Mr. MOODY. Are those secured by this mortgage?

Mr. POWERS. They will be secured by this mortgage if this additional stock is issued.

Mr. BARTLETT of New York. Does your bill restore any rights that have been forfeited?

Mr. POWERS. It does not touch the right of the Government to forfeit these lands. It expressly reserves to the Government all rights that it now has. And, Mr. Speaker, in this connection I wish to say that the United States Government has in its employ a special counsel to look after its land-grant interests, Mr. Joseph H. Call, and when the original bill was introduced into the Senate and was there pending Mr. Call wrote a letter to Senator WHITE in relation to this subject, in pursuance of which Senator WHITE made sundry amendments to the bill then pending. Those amendments having been made, and being acceptable to the counsel of the United States, this bill passed the Senate unanimously, and I will now ask the Clerk to read the letter of Mr. Call.

Mr. FOOTE. As I understand, this new bill does not deprive the Government of any rights that it had under the old law?

Mr. POWERS. Of none whatever.

Mr. PARKER. May I ask the gentleman whether the Government has not some right of free transportation over this road, and whether there is anything in the pending bill preserving that right?

Mr. POWERS. The Government does have a preferential right of transportation over the road for its own business, and this bill expressly retains that right.

Mr. PARKER. I do not find it in the bill.

Mr. TERRY. I would like the gentleman from Vermont to point that out in this bill.

Mr. POWERS. Well, if it is not there, we are perfectly willing to have it put in the bill.

Mr. TERRY. I know, but the gentleman has stated several times that this bill preserves all the existing rights of the Government, and now I want him to point out that provision.

Mr. POWERS. I supposed that the bill did contain that provision; but if it does not, let it be amended.

Mr. DOCKERY. Then the provision is not in the bill.

Mr. POWERS. I ask that the Clerk read the letter of Mr. Call. The letter was read, as follows:

WASHINGTON, D. C., March 23, 1896.

DEAR SIR: As special counsel for the United States, having charge of the litigation in southern California which is seeking to enforce the rights of the Government to lands claimed to have been granted to various railroad companies, I am naturally interested on behalf of the Government in any legislation which may affect the rights of the Government in such lands as it is now seeking to recover from the claims of the various railroad companies.

I therefore carefully read the bill introduced by yourself (No. 1832) on January 29 for the purpose of authorizing a reorganization of the Atlantic and Pacific Railroad Company, and it seemed to me at the time that I first read it (and upon reflection I still adhere to the conclusion) that this bill did not sufficiently guard the rights of the Government. Hence I wrote to you, as you will remember, concerning it. Since that time, and within a few days, the representatives of the parties interested in the passage of the bill and myself have been in conference for the purpose of drawing up such a substitute as would be perfectly satisfactory to them and would fully protect every interest of the Government. I am happy to say that we have agreed upon a substitute which in my judgment clearly obviates any criticism, so far as the Government's interests and rights are concerned, and which is perfectly acceptable to the people who are interested in the Atlantic and Pacific Railroad and its indebtedness. I therefore inclose you copy of the bill so agreed upon, with the suggestion and request that, if it meets your approval, you will have it presented by the Judiciary Committee as a substitute for the original bill.

I think that you will quite agree with me, upon reading it, that this bill fully guards every interest of the Government and yet gives to the Atlantic

and Pacific bondholders and parties interested all that they would be fairly entitled to under the various mortgages made by the road.

Owing to the fact that it is of a great deal of importance to the section of country through which the Atlantic and Pacific runs, and to the interests of southern California, to have the road reorganized as quickly as it may be, I very cheerfully suggest that you use your influence to procure the speedy passage of this bill.

Very truly, yours,

JOSEPH H. CALL.

HON. STEPHEN M. WHITE,
United States Senate.

Mr. POWERS. Now, Mr. Speaker, to obviate the objection made by the gentleman from Arkansas and to prevent any possibility of doubt upon the point raised by him, I propose to amend the bill, in line 14 of page 2, by adding, after the word "corporation," the words "and be under the same obligations to the Government of the United States;" so that it will provide that the new company "shall be entitled to hold and possess the franchises and property so sold, and to exercise the same rights, powers, privileges, grants, and franchises, including the franchise to be a corporation, and be under the same obligations to the Government of the United States specified in the act of Congress approved July 27, 1866," and so on.

Mr. TERRY. Now, Mr. Speaker, with the permission of the gentleman from Vermont, I want to call attention to this point: We have just had read from the Clerk's desk a letter or report from the attorney representing the United States, stating that this bill protects every right of the Government. There is an official statement from an official of the United States to Congress that this bill protects every right of the Government, and yet in the very next breath we find the gentleman in charge of the bill proposing an amendment to protect certain rights of the Government. It shows how much reliance is to be placed on that report from a Government official whom the gentleman quotes as an authority on this subject.

Mr. GROUT. I think the gentleman from Arkansas misapprehends. I think my colleague does not believe this amendment necessary, but merely offers it to satisfy the gentleman from Arkansas.

Mr. TERRY. Here is the provision in the old law:

That said Atlantic and Pacific Railroad, or any part thereof, shall be a post route and military road, subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation.

That important provision in the original law is entirely left out here.

Mr. GROUT. It is not written into this bill, but it is left unchanged as it stands.

Mr. POWERS. I did not yield to the gentleman from Arkansas for a speech, but merely to ask a question.

Mr. TERRY. The gentleman yielded to me to make a suggestion, if I understood him, and I simply wanted to show the House how much reliance could be placed on the report of this Government officer as to the merits of this bill.

Mr. POWERS. I decline to yield further, Mr. Speaker. I proposed the amendment not because I thought it necessary, for it is not necessary, not because I distrusted the report of the Government counsel, for I do not, but because I wanted to make the bill satisfactory to the House. Now, if the amendment I proposed is not satisfactory to the gentleman from Arkansas, let him draw any amendment, in language as strong as he pleases to use, that will cover the rights of the United States Government, and I shall be glad to accept it. I desire to accept any amendment which will get rid of the technical objections of the gentleman from Arkansas to this bill.

Mr. TERRY. I do not think that an objection that seeks to protect the rights of the United States is simply "technical." This is not a technical objection, the gentleman will permit me to say.

Mr. POWERS. As I have already said, this bill is entirely unobjectionable on its merits to any fair-minded man. Objection, if made, is made upon technical grounds, and I think it is below the dignity of this Congress to throttle a body of gentlemen who have put their money into an enterprise to build a railroad, by saying that they shall not have the poor boon of organizing themselves into a corporation so that they can operate their property.

Mr. MOODY. How much stock does the gentleman understand this bill authorizes the new corporation to issue?

Mr. DOCKERY. That is a very pertinent inquiry.

Mr. POWERS. It authorizes the company to issue stock enough to put itself in a condition to operate the road.

Mr. MOODY. I do not think that the gentleman's answer is specific enough for the House to act upon. We want to know how much stock this company is authorized to issue.

Mr. POWERS. No man can tell how much it will take for the purpose I have named; but the restriction is that the company shall issue stock only for actual property received.

Mr. MOODY. Oh, no; I beg the gentleman's pardon. The provision of the bill is that two classes of stock may be issued. The second class is to be issued in return for property; but the

first class may be issued in an amount "not to exceed the aggregate amount which the Atlantic and Pacific Railroad Company has already issued and is now outstanding."

Mr. POWERS. Exactly.

Mr. MOODY. Now, why should Congress authorize this corporation to organize itself upon a broader stock basis than the debt which has been foreclosed on this property?

Mr. POWERS. For the simple reason that the road as it is operated to-day is operated at a loss, and it can not be operated successfully without a further capitalization and the issue of new stock. It is proposed that this company be allowed to issue stock up to the amount of the outstanding stock, share for share, and that a further amount may be issued for actual money or property received by the company.

Mr. MOODY. I ask the gentleman whether he would agree to an amendment in substantially this form:

Amend by striking out from the word "Provided," on page 2, line 32, to the word "value," on page 3, line 41, and inserting the following:

"The capital stock of the corporation herein authorized shall be divided into shares each of the par value of \$100, and shall not exceed the amount of the mortgage debt due and unpaid at the time of the decree of foreclosure: *Provided*, That additional stock and bonds may be issued by the corporation upon the payment into its treasury therefor the full par value thereof in cash. No stock shall be issued until the Secretary of the Interior shall approve its issue and certify that it is issued in conformity to the provisions of this act. The total stock issued under the provisions of this act shall not exceed \$100,000,000."

That would permit this corporation to make any new investments that they may desire.

Mr. POWERS. Does the gentleman offer that as an amendment?

Mr. MOODY. I will do so with the assent of the gentleman.

Mr. POWERS. I am willing to accept that amendment.

Several MEMBERS. Let it be read.

The amendment as just proposed by Mr. MOODY was read.

Mr. POWERS. Now, I reserve the balance of my time.

Mr. MOODY. Is that amendment accepted?

Mr. POWERS. Yes, sir; I accept it.

Mr. MITCHELL. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. The amendment sent to the desk by the gentleman from New York [Mr. MITCHELL] will be read.

The Clerk read as follows:

Strike out, in lines 31 and 32, page 3, after the word "not," the following: "Expressly assumed in their contract of purchase at said judicial sale"—
And insert:
"Legally chargeable against said old corporation;"
So as to read:
"But nothing in this act shall make such purchasers and their associates or such new corporation liable for any debts or claims or contracts of the old corporation not legally chargeable against said old corporation."

Mr. POWERS. There is no objection to the amendment of the gentleman from New York [Mr. MITCHELL].

Mr. TAWNEY. I have not been able to obtain a copy of this bill. I wish to ask whether it contains any provision for the protection of persons who bought lands from the original company in the event their title should fail. Is there any provision for the protection of persons who now hold lands under contract from the old company?

Mr. POWERS. The bill leaves any creditor of the old corporation with all the legal rights that he now has. We do not undertake to legislate here in behalf of creditors or against them.

Mr. TAWNEY. I am not speaking of creditors, but of persons holding lands under warranty deeds or under land contracts.

Mr. POWERS. This does not interfere with any obligation (including warranty) which may have been assumed by the former corporation. All such obligations remain intact. The bill does not affect them at all.

Mr. BRUMM. As a matter of information, I would like to ask the gentleman a question. Under the original incorporation there were, I presume, land grants from the Government. The original company evidently sold some of those lands.

Mr. POWERS. I have already answered the point that the gentleman is evidently coming to. If he will look at the report of the Commissioner of Railroads he will see—

Mr. BRUMM. The gentleman undertakes to anticipate my inquiry; he may not do so correctly. I say the original company evidently sold some of the lands embraced in their land grants. When the mortgage was foreclosed, was not the title of individuals holding such lands wiped out by the sale under the mortgage?

Mr. TAWNEY. The gentleman means their rights under the warranty.

Mr. BRUMM. I do not care whether we call it warranty or title.

Mr. TAWNEY. The title would not be wiped out.

Mr. BRUMM. It would be if the interest of the mortgagee had vested before the land was sold.

Mr. POWERS. I do not quite understand the suggestion of my friend from Pennsylvania. But I will state to him that we could not, by any act of legislation here, destroy the vested rights of the purchasers of the land. Those who purchased the land

from the company in the first instance we could not cut out of their rights even if we so desired. But there is no such proposition in the pending bill.

Mr. BRUMM. I think we can make a condition that the land grant originally awarded to this corporation, and sold by them to bona fide purchasers, shall not be reinvested in the hands of this new corporation.

Mr. POWERS. That is expressly provided against. Let me call the attention of my friend from Pennsylvania to the last provision of the bill, which reads:

Provided further, That nothing herein contained shall be construed as making any additional grant of lands or other franchises to such successor corporation, or as a waiver of any rights of the United States now existing to enforce any forfeiture of lands heretofore granted to the said Atlantic and Pacific Railroad Company, or as in any manner affecting the vested rights of any settler or settlers on any of the lands heretofore granted to the Atlantic and Pacific Railroad Company or of any purchaser or purchasers of said lands from said company.

Mr. BRUMM. Then the rights that have already vested under the previous corporation are to be protected. If that is the intent and meaning of the clause, that answers the proposition.

Mr. POWERS. That is the meaning of it.

Mr. KNOX. Will the gentleman yield to me for a moment?

Mr. POWERS. I dislike to refuse, but I do not propose to have my time exhausted in catechism. I will answer any question with respect to the bill, but prefer for the present to reserve the remainder of my time.

Mr. MCRAE. Mr. Speaker, as a general proposition I am opposed to the granting of Federal charters at all. I think such should be done by the States. In this case it does not appear to me that there is any necessity for it. Beyond all question the bill as presented should not pass unless amended in several particulars.

The original act of July 27, 1866, granted to the Atlantic and Pacific Railroad Company 42,000,000 acres of land, and authorized 175 private individuals, named in the granting act, scattered all the way from Maine to California, upon the conditions that they should build something over 2,000 miles of railroad from Springfield, Mo., to the Pacific Ocean, before July 4, 1878. That is to say, that before the title finally passed from the Government this construction was to be fully completed. Within the time fixed by the granting act for the completion of the entire road they built only 125 miles of it. They came to Congress and asked Congress to give them the right to mortgage the road. That authority brought them no money. They then asked and obtained authority to mortgage the lands, franchises, privileges, and other rights and property. They executed the mortgages, but, as I have said, they completed only 125 miles of the road within the time fixed in the granting act.

The mortgagees deliberately, with the full knowledge of the terms of the grant as to the time prescribed for the completion of the road, made the mortgages due at a later day. There was inserted in the act authorizing the mortgage a provision that any forfeiture should extend only to as much thereof as shall be coterminous with or appertain to that part of said road which shall have been constructed at the time of the foreclosure of said mortgage. These mortgagees, at every meeting of the committee when the forfeiture bill was being considered, and when Congress sought to forfeit the grant, contended that Congress had no authority to do so under the law. The act of July 6, 1886, was passed with the understanding that it would restore to the public domain 10,795,480 acres of land. And yet in the face of the record they have made, after they have violated every condition imposed on them by the granting act, they still deny the power to forfeit. Congress on the 6th day of July, 1886, declared a forfeiture of all lands adjacent to and coterminous with the uncompleted portions of the road at that time, and attempted in this manner to exercise its sovereign right and power to restore to the public domain something over 10,000,000 acres of the lands granted. These mortgagees and this faithless corporation in the courts of law have ever since been fighting the Government and the settlers, and are to-day contesting in the Supreme Court of the United States for these lands upon the same old contention that the Congress of the United States had no authority to declare the forfeiture. And yet the mortgagees of this corporation come to us with its record of broken pledges and asks that we give them the same rights and powers and privileges granted by the grant of July 27, 1866. Thirty years have elapsed since the grant was made, and yet more than one-half of the road is unconstructed, the corporation bankrupt and now in the hands of a receiver, being unable to pay interest on its bonds. Across the great Mojave desert, where it was expected that by this grant we would secure railroad facilities, no road has yet been constructed, and there is but little prospect of any by this concern.

Now, if any relief is to be given to these debtors who come here as mortgagees—and I will grant for the sake of argument that some of them have acted honestly and in good faith in the investment of their money—we should see to it (1) that no relief

is given to the men who acquired this charter and afterwards violated every promise made by them and broke every condition imposed upon them by the grant; (2) that the terms of the forfeiture act of July 6, 1886, shall be first accepted by the new corporation as a condition precedent, and that this act shall not take effect until they reconvey the lands thus forfeited; (3) that the settlers shall have the lands which have been earned and not sold at the minimum Government price of \$1.25 per acre, and those who have purchased fully protected in their titles; (4) that the bona fide debts due for work, labor, material, etc., shall be paid, and (5) the stock should be limited to the actual value of the road, so as to prevent the watering of the stock, and that the interest shall not exceed 4 per cent. The substitute which I have offered will secure all of this. If it is not adopted, I hope amendments will be that will secure the same things.

Mr. Speaker, shall we, by breathing into this corporation a new life, permit it to repudiate the honest debts of those who have performed labor for it? I have provided that all the debts, except those due to the old Atchison, Topeka and Santa Fe and to the St. Louis and San Francisco railroad companies, shall be paid. As for these railroad corporations who have wrecked the Atlantic and Pacific and themselves, and reorganized, I have no concern. They have second mortgages, and as they have been relieved of the payment of a part of their debts by similar reorganizations. So, if Congress sees fit to give the Atlantic and Pacific relief against them, I have no objection, but as to the laborer and the mechanic, and those who have legitimate claims growing out of the operation of the road, I say it would be legalized repudiation to permit these mortgage creditors to defeat the payment of their debts or be preferred to them, even though they may have originally invested their money in good faith. So I have endeavored to provide for the protection of these men.

I think that the settlers along the line of the road should be protected in their purchases already made, and also by reducing the price for which these lands may be sold, so that the price shall be no more than the Government price. These lands have been withheld from settlement for thirty years. The act of forfeiture of 1886 reduced the Government price of land along this grant to \$1.25 an acre, and I think the railroad lands should not exceed that sum. Let us say to this corporation, "If you are to be reorganized under authority from Congress, you shall first accept as a condition precedent the terms imposed by the forfeiture act of 1886; and you shall sell the lands you have earned or acquired to actual settlers at the price at which the Government sells its public lands;" and further, that purchasers shall be protected, as the gentleman from Minnesota [Mr. TAWNEY] suggested a moment ago, as to sales already made.

Mr. POWERS. Will the gentleman yield to me for a moment?

Mr. McRAE. Certainly.

Mr. POWERS. I wish to say to the gentleman that if he has any amendment providing that the land shall be sold at \$1.25 an acre, it will be entirely acceptable, for you can not sell them for 50 cents an acre.

Mr. GROUT. All that have been sold so far have brought only 50 cents an acre.

Mr. McRAE. Vote for my substitute and you will get it. If you will not do that, then perfect the bill in that respect. Why should there be any objection to my proposition to limit the stock to be issued by this company as reorganized to the actual amount due upon mortgages and other just indebtedness such as that provided for by section 4 of my substitute? Why should we give this new corporation authority from the Congress of the United States to do what the old one did, water its stock and enrich its stockholders at the expense of the Government and people? The old incorporators contributed nothing to the building of this road. These do not propose to contribute anything to it. I question whether the old set honestly and in good faith appropriated the money they borrowed from the bondholders. The most that ought under any circumstances to be done is to protect the honest bonded debt; but so far as the outstanding stock is concerned, I appeal to Congress to study the history of this grant before authorizing a reissue of any part of it with a charter to go forth and rob shippers and settlers. We should also provide for a low rate of interest upon the bonds and stock, say not exceeding 4 per cent.

Mr. Speaker, I propose the substitute which I send to the Clerk's desk, and I ask that it be now read. It embodies every provision that I have referred to, and will, I think, protect every valid interest involved. While I dislike to vote for a charter to reorganize or to organize a Federal corporation by authority of the Congress of the United States, I am willing to do so in this case if gentlemen will accept these conditions; but I want it understood that the forfeiture which was declared ten years ago must be made a condition precedent to the reorganization. They shall not, with my consent, stand in one branch of this Government denying the right of Congress to make a forfeiture, and in the other branch asking permission from Congress to live. I ask the Clerk to read the substitute which I now offer for the bill and amendments.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:
 "That the purchasers of the railroad property of the Atlantic and Pacific Railroad Company which may at any time hereafter be sold at judicial sale in any suit or suits for the foreclosure of any of the mortgages heretofore executed by said company thereon by authority of Congress may organize anew by filing in the office of the Secretary of the Interior and in the office of the secretary of state of each State through or into which said Atlantic and Pacific Railroad may run a copy of the deed or deeds conveying said railroad and property, with a certificate, signed by them, setting forth the name adopted by them, the names, number, and residences, respectively, of its directors, and a copy of any plan of reorganization adopted by said purchasers or pursuant to which such purchase shall have been made. Upon filing such certificate such purchasers, their associates, successors, and assigns shall, by the name specified in said certificate, possess the franchise to be a corporation with the same limitations and powers as the Atlantic and Pacific Railroad Company, and shall be subject to all the obligations and duties heretofore imposed by Congress upon said company, and may acquire and hold any property of the Atlantic and Pacific Railroad Company: *Provided*, That as a condition precedent to reorganization the purchasers of the railroad property and their associates shall relinquish in writing all claim, right, title, and interest to all lands granted to the Atlantic and Pacific Railroad Company embraced within both the granted and indemnity limits, which are adjacent to and coterminous with the uncompleted portions of the road, on the 6th day of July, 1886. That nothing herein shall be held to revive any right heretofore forfeited or to extend to said purchasers at said foreclosure sale any other rights than those mentioned in the original granting act and not forfeited by the terms of the act approved July 6, 1886; and it may from time to time issue bonds, secured by mortgage upon its tangible property and franchises or otherwise, not exceeding in the aggregate the sums due upon the mortgages heretofore executed by authority of Congress at the time of the foreclosure sale, and the debts, demands, and liabilities protected and provided for by section 4 of this act, and \$15,000 additional per mile for railroad hereafter constructed, the interest on any of which bonds shall not exceed 4 per cent per annum, and stocks not exceeding in the aggregate the amount bid and paid or credited for property acquired under such foreclosure proceedings, and the debts, demands, and liabilities protected and provided for by section 4 of this act; but additional stock may be issued for money, labor, or tangible property, at its actual cash value, to the par or face value of the stock, which may be common stock or preferred stock, or both, as may be authorized at stockholders' meetings; and any stock issued contrary to the provisions hereof shall be void; and that any such mortgage shall be filed and recorded in the office of the Secretary of the Interior and in the office of the register of deeds of each county through and into which said railroad may run as sufficient proof and notice of its legal execution and effectual delivery and of the lien thereby created.

"Sec. 2. That such successor company, its successors and assigns, and any purchaser of lands at such foreclosure sale under such mortgages heretofore executed by said company other than bona fide purchasers for actual settlement and cultivation, shall sell to any applicant therefor, for purposes of actual settlement and cultivation by such applicant, in tracts of not less than 40 nor more than 160 acres each, at a price not exceeding \$1.25 per acre, any agricultural land then unsold heretofore granted by Congress to the Atlantic and Pacific Railroad Company and acquired by purchasers at said foreclosure sale as aforesaid: *Provided*, That said company may reserve to itself, its successors and assigns, in the sale of any lands applied hereunder, all coal necessary for use in the maintenance and operation of said railroad which may be found therein and open for mining prior to such foreclosure sale, and the right to take therefrom gravel for its own uses: *Provided, however*, That said company shall have the right to reserve from sale hereunder and to otherwise dispose of such tracts or bodies of arid lands as it shall deem necessary or advisable for use in any way in promoting and developing irrigation, through companies or associations organized under and subject to the laws of the States in which such lands are situated.

"Sec. 3. That neither the Atlantic and Pacific Railroad Company nor such successor corporation, its successors or assigns, shall consolidate its stock, or the stock at any time by it held in any subsidiary corporation, with, or sell, convey, or lease said railway, or by other corporate action give control or management over and of the same, to any corporation, company, person, or association of persons whatever without the consent of Congress; and any contract entered into by said successor company in violation of the provisions hereof shall be null and void, and may be enjoined at the suit of the United States or any State in which said road or any part thereof is situated in any court of competent jurisdiction: *Provided*, That nothing herein contained shall be construed as making any additional grant of land to such successor corporation, or a waiver of any right of the United States now existing to enforce any further forfeiture of lands heretofore granted to the said Atlantic and Pacific Railroad Company, or as in any manner affecting the vested rights of any settler or settlers on any of the lands heretofore granted to the Atlantic and Pacific Railroad Company, or of any purchaser or purchasers of any such lands from said company, or to extend to any purchasers at said foreclosure sale, or any subsequent foreclosure sale under the mortgages hereby authorized, any other or different rights than those heretofore granted to said Atlantic and Pacific Railroad Company.

"Sec. 4. That all debts, demands, and liabilities due or owing by said Atlantic and Pacific Railroad Company, which were contracted, accrued, or incurred in any State or Territory through or into which its line of railroad extends to any resident thereof other than railroad corporations, for ticket or freight balances, or for work, labor, material, machinery, fixtures, and supplies of every kind done, performed, or furnished in the repair, equipment, or operation, construction, or extension of said railroad or branches, and all liabilities by said railroad company in the transportation of freight and passengers, including damages for injuries to employees or others, and to property, which accrued, or upon which suit has been brought and is now pending, or upon which judgments against said railroad company have been rendered and remain unsatisfied in any such State, and all liabilities on appeal, or supersedeas, or cost bonds, or in garnishment proceedings, without regard to the date of such bonds, together with all debts and liabilities which such receiver may have incurred in operating said Atlantic and Pacific Railroad and its branches, including claims for injuries to person and property, shall be paid by such reorganized company; and judgments rendered thereon against such receiver, and remaining unsatisfied, shall have full force and effect against such reorganized company, and be enforced by execution or other proper final process directly against such reorganized company and its property, and shall be a prior lien thereon: *And provided further*, That if the holders of bonds secured by the first mortgages of the Atlantic and Pacific Railroad Company shall surrender their bonds and accept in lieu thereof bonds or stock or both from the purchasers at such foreclosure sale, then said first mortgage shall be held to be extinguished: *And provided further*, That in every case of failure of the title to any lands conveyed or contracted to be sold by said Atlantic and Pacific Railroad Company, any and all rights of such purchaser or his assigns, in respect of such land, or in respect of the failure of such title, or in respect to the liability of said Atlantic and Pacific Railroad Company on said contracts for the sale of lands, shall survive and may be enforced against

such successor company with the same force and effect and in the same manner as against the Atlantic and Pacific Railroad Company; and such successor company, upon making compensation for such loss of title or failure to comply with the conditions of such land contracts, shall be subrogated to the rights of such purchaser in respect of the lands for which such compensation shall have been made: *And provided further*, That the reorganized railroad company provided for in this act shall, for all purposes of judicial jurisdiction, be held and deemed to be a citizen and corporation of the respective States into which its line of railway, or any branch or spur thereof, may extend, or in which any such corporation may conduct or carry on any business, and the service of process upon such corporation may be made according to the laws of the respective States in which suits shall be brought: *And provided further*, That nothing herein shall be held or construed to impair or in any manner to affect the rights of any unsecured creditors of the Atlantic and Pacific Railroad Company, or to change or impair the lien of any judgments or demands, if otherwise effective, against any property of said company not embraced in prior and superior liens or passing to the purchasers at such foreclosure sale. And it being the purpose and intent of this act to authorize the creation of a corporation for railroad rather than for land-owning purposes, it is provided further that all lands herein referred to should be sold from time to time when a reasonable price is offered therefor; and if, after five years from the date of the passage of this act, it shall be ascertained by any court of competent jurisdiction, subject to the right of appeal, that any such lands, except such as may rightfully be reserved by said newly organized corporation, under the provisions hereof, for which a reasonable price, to be determined by the Secretary of the Interior, has been offered, shall be held or reserved, first, by such newly organized corporation; or, second, held by any other corporation, person, persons, or association for the use or benefit of such newly organized corporation; or, third, held by any corporation or association in which any stockholder, officer, or member of such newly organized corporation shall be a member, officer, or stockholder; or, fourth, held by any stockholder, officer, director, or member of such newly organized corporation, then such land, or any part of it, so held or reserved shall immediately revert to the United States; and such holding or reservation may be ascertained in a suit by any person asking to make preemption, homestead, or cash entry of any tract or tracts of such land; and such person, if successful, shall be entitled to take the contested land according to the entry made; but no forfeiture under the third subdivision above shall take place, provided the stock in the newly organized company, on account of the ownership of which a forfeiture might be worked, shall be forfeited and canceled on the books of the company as soon as a knowledge of such ownership reaches the president or board of directors of the said newly organized corporation; and the power to make such forfeiture and cancellation and appropriate the stock is hereby conferred on the said newly organized corporation.

"SEC. 5. That stockholders in said successor corporation shall possess the same rights, privileges, duties, and obligations in respect to the management of the business affairs of said corporation as were enjoyed and possessed by the stockholders of said original Atlantic and Pacific Railroad Company. The time and manner of holding elections for officers and directors of said successor corporation, the number of said directors, and the making of by-laws and transferring and voting stock shall be the same as existed under the original act incorporating said Atlantic and Pacific Railroad Company and any and all acts amendatory thereto.

"SEC. 6. That Congress shall at all times have the power to alter, amend, or repeal this act."

Mr. McRAE. Mr. Speaker—

Mr. POWERS. Now, Mr. Speaker—

Mr. McRAE. Mr. Speaker, I believe I have the floor.

The SPEAKER. The gentleman from Arkansas.

Mr. McRAE. Mr. Speaker—

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Before the gentleman proceeds, if he will allow me, I should like to ask the chairman of the committee if he will permit me to introduce the legislative bill, that it may be printed and referred.

Mr. POWERS. Certainly.

Mr. BINGHAM, from the Committee on Appropriations, reported a bill (H. R. 9643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes; which was read a first and second time, and, with the accompanying report, ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

ATLANTIC AND PACIFIC RAILROAD COMPANY.

Mr. McRAE. Mr. Speaker, this proposed substitute is identical in many respects with the resolution passed by the House and reported from the Committee on the Judiciary at the last session for the reorganization of the Northern Pacific Railroad Company. Except as to the condition as to the forfeiture act, the price of land, and the limitations upon the issue of stock to be issued and the interest on it, I think it is identical. I do not understand why we should give the Atlantic and Pacific any greater privileges in the matter of a reorganization than we did the Northern Pacific. The debts provided for are those which the courts usually direct receivers to consider as preferred claims. The bill, unless amended, would put in the power of the new corporation the right to deny the payment of them. Although the gentleman who presents this bill talks very long and loud about the righteousness of the bondholders' claims, he has not said anything about these small debts that may be due to laborers and employees of the railroads, and whose rights should be sacred with us.

Mr. HARRISON. Why take that power from the courts and embody it in this act?

Mr. McRAE. Because these mortgagees have come here and ask to be taken out of court by a new scheme of reorganization which involves the repudiation of some debts due from the old concern.

Mr. HARRISON. Can the court give them power to exist as a corporation?

Mr. McRAE. But when we give them the right to exist and be a corporation and grant them all the rights of the old corporation we should give them that power with the emphatic declaration that they shall pay their laborers and other debts for improving and operating the road, and that they can not have it until they do pay them.

Mr. HARRISON. Would not the courts protect them anyway?

Mr. McRAE. The courts can not protect them when we say in this bill, which permits them to be organized, that they shall not be held liable for any debts "not expressly assumed in their contract of purchase at said judicial sale."

Mr. HARRISON. I understand an amendment has been offered and adopted legally only requiring them to assume the debts that they legally assume on the sale.

Mr. McRAE. I do not know of any amendment that has been adopted. We have not yet closed debate. Here is what the act says:

But nothing in this act shall make such purchasers and their associates or such new corporation liable for any debts or claims or contracts of the old corporation not expressly assumed in their contract of purchase at said judicial sale.

Mr. MITCHELL. Will the gentleman allow me to interrupt him and ask that the Clerk be allowed to read an amendment which I have offered, and which has been accepted, which substitutes the words "legally chargeable against said old corporation" for the words "expressly assumed in their contract of purchase at said judicial sale." This amendment cures the defect he refers to.

Mr. McRAE. I do not care to have it read in my time. The gentleman can have it read in his. If he wants to protect this class of debts, I suggest that he should join us in the effort to put the protection in the charter. If you want the laboring men and honest creditors of the old concern protected, put it into the act and leave nothing to construction. Almost this entire grant has been lost to the people by construction.

Mr. Speaker, I am familiar with this grant and the efforts to forfeit it, and I say to you that the history of the corporation for thirty years has been that of broken pledges and an effort to get all it could and give as little return as possible to the people. Now, I yield ten minutes to my colleague, Judge TERRY.

Mr. TERRY. I desire to send up an amendment and wish it read.

The SPEAKER. The gentleman from Arkansas presents the following amendment. The Chair thinks there are quite a number of amendments pending which ought to be disposed of before any more are considered.

Mr. TERRY. I want it read and considered pending, to be voted on at the proper time.

The Clerk read as follows:

Amend by adding, after the word "sale," in line 28, page 3, the following: "But such new company shall be subject to all the obligations and debts to which said Atlantic and Pacific Railroad Company was subject under its charter or act of incorporation, and nothing in this act shall be held to deprive the United States of any right or remedy they may at any time have had against said Atlantic and Pacific Railroad Company."

Mr. TERRY. Mr. Speaker, I desire to call the attention of the House to what is the real effect of this bill reported by the Committee on Pacific Railroads. It in effect gives the purchasers by sale all the rights, privileges, and immunities of the old company, and does not impose upon the new company a single one of the obligations of the old company either to the Government of the United States or to anybody else.

Mr. POWERS. Will the gentleman yield to me a moment? I can relieve my friend, although the House would be greatly entertained by hearing him. I will accept that amendment.

Mr. TERRY. That is all right. I am glad you are in that frame of mind; but I do not propose to be cut off by what you may accept at the present time. [Laughter.] Now, let us look at the bill. It is not often that a man can get the floor, but when he does he does not want to be shut off by such an offer of concession as that made by my friend from Vermont. Here is the provision of the original bill:

Shall constitute a new company, which shall be entitled to hold and possess the franchises and property so sold and to exercise the same rights, powers, privileges, grants, and franchises, including the franchise to be a corporation, granted by the act of Congress approved July 27, 1866.

Not a word said about any of its obligations, or its debts, or its duties.

Now, I want to call the attention of this House to the very words of the section in the original charter, which the people of the United States have an interest in:

SEC. 20. *And be it further enacted*, That to better accomplish the object of this act, namely, to promote the public interests and welfare by the construction of said railroad and telegraph lines and keeping the same in working order, and to secure to the Government at all times, particularly in times of war, the use and benefits of the same for postal, military, and other purposes, Congress may at any time, having due regard to the rights of said Atlantic and Pacific Railroad Company, alter, amend, or repeal this act.

Now, I want this charter of this new company to be subject to the same kind of restrictions or provisions for the benefit or in behalf of the people of the United States. And yet, Mr. Speaker, we have the astonishing spectacle of an officer of the United States Government, who it is said has examined this measure, allowing to go unprotected the rights of the United States and recommending to this House a bill that does not protect a single one of these important rights.

Mr. POWERS. Will the gentleman yield a moment?

Mr. TERRY. Certainly.

Mr. POWERS. If the gentleman will take the trouble to look at the bill, he will find that section 2 reads as follows:

That Congress at all times shall have power to alter, amend, or repeal this act.

Mr. TERRY. Yes, sir; but there is no provision with the same power and strength of language as that contained in section 20 of the existing law, and I want that preserved, and I want the right of the United States to regulate the rates of transportation of Government troops, supplies, etc., preserved. It is true that the gentleman has made a concession upon that point, but that is a matter to be passed on by the House, and I would rather have the amendment in the language that I have proposed. I have called the attention of the House to these matters to show how this bill was brought in originally with a certificate by a Government officer that the rights of the Government would be perfectly protected under it. It may be, sir, that it is considered by such officials that the Government of the United States, whilst it may have rights against individuals, has none against such a corporation as this. It simply shows the representatives of the people how carefully they must scan legislation of this kind.

And now, Mr. Speaker, I say that this House ought not to pass this bill in any haste. I have presented the suggestions that have occurred to me, and I also recommend to every Representative here who desires to protect the people of the United States to examine this bill carefully and see to it that it is not railroaded through here at the speed that is proposed.

One other thing: Another part of the bill proposes to relieve the new company from existing debts and claims. As suggested by my colleague [Mr. McRAE], it is usual for the courts in appointing receivers to provide that certain debts shall be preferred and shall be a lien upon the property, and that provision is contained in the substitute of my colleague. In some instances the courts appointing receivers have not put such a provision in their orders, and where the courts have failed to protect the rights of the people I think the Congress of the United States ought to step in and do what the courts have failed to do. The courts failed to protect the rights of the people in the order appointing a receiver for the Northern Pacific Railroad, and we stepped in and tried to do it. Let us step in here and try to protect them in this case. I do not know whether the court did its duty in the matter or not, but if it did this provision will not do any harm.

I yield back the time to my colleague [Mr. McRAE].

Mr. McRAE. Mr. Speaker, I yield to the gentleman from Illinois [Mr. COOKE].

Mr. COOKE of Illinois. Mr. Speaker, I desire to ask if it is in order to offer an amendment to the substitute of the gentleman from Arkansas?

The SPEAKER. The substitute can be amended, but the vote must be taken first on the original bill.

Mr. McRAE. Mr. Speaker, I desire to say that the amendment proposed by the gentleman from Illinois [Mr. COOKE] is entirely satisfactory to me, and if the House will consent, I am willing that it shall become a part of the substitute.

The SPEAKER. It can be accepted only by the House.

Mr. McRAE. I say that if the House will consent I am willing that it shall be made a part of the substitute.

Mr. COOKE of Illinois. I ask that the amendment be read.

The SPEAKER. The Clerk will report the amendment proposed by the gentleman from Illinois, which will be pending.

The amendment was read, as follows:

In section 1 of the substitute, after the words "shall relinquish in writing," insert the following: "and convey to the United States, by a proper deed or instrument, to be filed with and approved by the Secretary of the Interior within six months after the passage of this act, and before this act shall take effect."

Mr. McRAE. Now, Mr. Speaker, I yield one minute to the gentleman from New Jersey [Mr. McEWAN].

Mr. McEWAN. Mr. Speaker, the amendment that I wish to offer is for the purpose—

The SPEAKER. Is it an amendment to the original bill?

Mr. McEWAN. It is an amendment striking out from the bill all that relates to releasing this proposed purchaser from debts and claims.

The SPEAKER. The Chair desires to say that amendments would not be in order under the rule until the pending amendments are disposed of.

Mr. McEWAN. Mr. Speaker, I have watched the matter closely,

and I submit that there is but one amendment to that particular part of this bill.

The SPEAKER. There can be only one amendment pending at a time.

Mr. McEWAN. All the others have been accepted.

The SPEAKER. But they have not been accepted by the House. They have been accepted by the proposer of the bill; but that is not a binding acceptance until the House ratifies it.

Mr. McEWAN. I ask that my amendment be considered as pending.

The SPEAKER. That can not be done, except by unanimous consent.

Mr. McEWAN. Then I ask unanimous consent.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that his amendment be considered as pending, to be taken up in its regular order.

There was no objection, and it was so ordered.

Mr. McEWAN. Mr. Speaker, the gentleman from Arkansas has kindly yielded me one minute, and I use it merely to say that if the payment of wages for labor be now protected by the courts and given a lien superior to this mortgage, then it is not becoming on the part of Congress to change that law in this respect and to impose a greater burden upon labor than it now bears by ordering the courts in their decree not to include unpaid wages. If labor be not protected by law, then certainly there is no occasion for the insertion of the provision in the bill, for then the law will operate to relieve the purchasers from the payment of wages. So, either way, this clause of the bill ought to be stricken out—I mean the words beginning in line 29 and extending down to line 32:

But nothing in this act shall make such purchasers and their associates or such new corporation liable for any debts or claims on contracts of the old corporation not expressly assumed in their contract of purchase at said judicial sale.

Mr. McRAE. Mr. Speaker, I reserve the remainder of my time.

The SPEAKER. The question will now be taken on the amendments as they will be read by the Clerk. The first amendment to be voted on is that of the gentleman from Iowa [Mr. LACEY].

The Clerk read the amendment, as follows:

Add as a new section the following:

"Sec. 3. Where the line of such railway is now located within the limits of any State, or where such line is now located within a Territory which may hereafter become a State, such State, or such Territory when it shall become a State, shall be empowered to require such corporation to become incorporated within such State or States as may be provided by the laws thereof."

Mr. POWERS. There is no objection to that amendment.

The amendment was agreed to.

The next amendment (offered by Mr. MOODY) was read, as follows:

Amend by striking out from the word "Provided," on page 2, line 32, to the word "value," on page 3, line 41, and inserting the following:

"The capital stock of the corporation herein authorized shall be divided into shares each of the par value of \$100, and shall not exceed the amount of the mortgage debt due and unpaid at the time of the decree of foreclosure; Provided, That additional stock and bonds may be issued by the corporation upon the payment into its treasury thereof the full par value thereof in cash. No stock shall be issued until the Secretary of the Interior shall approve its issue and certify that it is issued in conformity to the provisions of this act. The total stock issued under the provisions of this act shall not exceed \$100,000,000."

The amendment was agreed to.

The next amendment (offered by Mr. MITCHELL) was read, as follows:

Strike out after the word "not," in line 31, page 2, the following: "Expressly assumed in their contract of purchase at said judicial sale;" and insert "Legally chargeable against said old corporation."

The amendment was agreed to.

Mr. POWERS. I now call for the previous question.

Mr. TERRY. I have an amendment pending.

Mr. POWERS. I believe the gentleman from Kansas [Mr. BRODERICK] desires to offer an amendment.

Mr. TERRY. I have an amendment pending.

The SPEAKER. Is it an amendment to the substitute or to the bill?

Mr. TERRY. It is an amendment to the original bill, which I understand we have a right to perfect before the vote is taken on the substitute.

The SPEAKER. Certainly. The Clerk will report the amendment of the gentleman from Arkansas [Mr. TERRY].

The Clerk read as follows:

Amend by adding after the word "sale," in line 28, page 3, the following: "But such new company shall be subject to all the obligations and duties to which said Atlantic and Pacific Railroad Company was subject under its charter or act of incorporation; and nothing in this act shall be held to deprive the United States of any right or remedy they may at any time have had against said Atlantic and Pacific Railroad Company."

The amendment was agreed to.

The SPEAKER. There is another amendment—that of the gentleman from New Jersey [Mr. McEWAN]—which the Clerk will read. This amendment is pending by order of the House.

The Clerk read as follows:

Strike out the following words after the word "sale," in line 23, page 2, down to and including the word "sale," in line 32, page 2:
"But nothing in this act shall make such purchasers and their associates or such new corporation liable for any debts or claims or contracts of the old corporation not expressly assumed in their contract of purchase at said judicial sale."

Mr. POWERS. The whole object of this amendment has been accomplished by the adoption of the amendment of the gentleman from New York [Mr. MITCHELL]. I hope, therefore, that this amendment will be voted down.

Mr. McEWAN. I disagree with the gentleman from Vermont [Mr. POWERS]. The intent of my amendment has not been accomplished. The purpose of that amendment is to remit this whole matter to the courts, in order that it may be decided in accordance with the law as it now stands. My amendment will strike from the bill all reference to existing debts or claims, and will leave that whole matter to be decided by the courts in accordance with the law. My hope is that the courts will find some way to enforce the payment of wages.

There must be some purpose in putting into the bill the words which I propose to strike out. That purpose must be to change existing law. If the words do not change existing law, they are superfluous; and if they do, they should not be in this bill. If the House wishes to be safe in this matter, it ought to adopt my amendment striking out those words, and allow the courts to decide the whole question in accordance with the present law. Let the courts determine whether the debts incurred for labor should or should not be paid under the law as it now stands. I am quite certain that my purpose was not accomplished by the other amendments.

Mr. MITCHELL. I wish to ask the gentleman how the courts can enforce anything that is not legally enforceable? The amendment proposed by me and already adopted makes all claims which are legally chargeable against the old corporation binding upon the new corporation. If the gentleman has in view debts which can not be enforced in the courts, I presume we do not wish to enforce their collection. I believe the aforesaid amendment will absolutely protect the wage earners, and it was for their protection and the protection of other similar creditors that I offered the amendment taking away from the reorganized company the power to assume or not, as they elected, the debts of the old company.

Mr. McEWAN. In answer to the gentleman, I would say that if the House wants to accomplish the apparent purpose of the gentleman from New York it will undoubtedly accomplish that purpose and my own in a better way by leaving out all reference to debts and claims and contracts. There is no doubt about that.

If it be for the purpose of having something put before the court to be construed, all right; have it as the gentleman from New York has it. But if you want to say to the court, "Construe it according to the statutes on the statute book, or, in case there is no statute, then according to the common law," that is a different question. The best way to accomplish the gentleman's purpose, if that is what he wants, is to strike out all the words to which I have referred.

Mr. POWERS. The import of my friend's suggestion is that you instruct the court how they shall decide a question. Now, it seems to me that we had better leave it to the court and not hamper them by saying, "You must decide so and so."

Mr. McEWAN. Let me ask the gentleman: Is this a new law so far as the debts and claims involved are concerned?

Mr. POWERS. Not at all. The Supreme Court of the United States, in the case of *Fosdick vs. Schall*, have preserved all the rights of laborers on railroads, in an opinion delivered by Chief Justice Waite, and which has been confirmed a half dozen times since. There is no trouble about that, as far as their protection is concerned.

Mr. McEWAN. Then the gentleman quite agrees with me in my assertion that there is no reason for these words appearing in the bill. That being the case, let us strike them out.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from New Jersey.

Mr. HARRISON. Let us have the amendment and that portion of the bill read.

The amendment proposed by Mr. McEWAN was again reported. The question being taken on the amendment, the House divided; and there were—ayes 23, noes 36.

So the amendment was rejected.

Mr. TAWNEY. Mr. Speaker, I desire to offer the amendment I send to the desk, to be added to the first section of the bill.

The Clerk read as follows:

And provided further, That in every case of failure of the title to any lands conveyed or contracted to be sold by said Atlantic and Pacific Railroad Company, any and all rights of such purchaser or his assigns, in respect of such land, or in respect of the failure of such title, or in respect to the liability of said Atlantic and Pacific Railroad Company on said contracts for the sale of lands, shall survive and may be enforced against such successor company with the same force and effect and in the same manner as against the Atlantic and Pacific Railroad Company; and such successor company, upon making compensation for such loss of title or failure to comply with the conditions of such land contracts, shall be subrogated to the rights of such purchaser in respect of the lands for which such compensation shall have been made.

Mr. POWERS. That amendment is entirely acceptable.

The amendment was agreed to.

The SPEAKER. The question now is on the amendment proposed to the substitute, by the gentleman from Illinois [Mr. COOKE].

The amendment was agreed to.

The SPEAKER. The question is on the substitute as amended. Mr. POWERS. Mr. Speaker, I think the House has perfected the bill so that there is no need for the substitute, and I hope it will be voted down.

Mr. McRAE. On the adoption of the substitute, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 71, nays 163, not voting 121; as follows:

YEAS—71.

Abbott,	Cooke, Ill.	McCormick,	Shuford,
Aldrich, T. H.	Cooper, Tex.	McCulloch,	Sparkman,
Allen, Miss.	Corliss,	McDearnon,	Spencer,
Bailey,	Cox,	McEwan,	Stewart, N. J.
Baker, Kans.	Cummings,	McLaurin,	Stokes,
Baker, N. H.	Dinsmore,	McRae,	Strait,
Bankhead,	Dockery,	Meyer,	Strowd, N. C.
Barham,	Hall,	Money,	Swanson,
Bartlett, Ga.	Howard,	Moses,	Talbert,
Bartlett, N. Y.	Hutcheson,	Murphy,	Tate,
Bell, Colo.	Latimer,	Neill,	Terry,
Bowers,	Lawson,	Noonan,	Thorp,
Brumm,	Little,	Ogden,	Towne,
Buck,	Maddox,	Otey,	Tyler,
Clardy,	Maguire,	Otjen,	Turner, S. C.
Cockrell,	Marsh,	Pendleton,	Woodard,
Colson,	Martin,	Richardson,	Yoakum.
Connolly,	McClure,	Sayers,	

NAYS—163.

Adams,	Ellis,	Knox,	Sauerhering,
Anderson,	Erdman,	Kyle,	Sherman,
Arnold, Pa.	Evans,	Lacey,	Simpkins,
Arnold, R. I.	Faris,	Lefever,	Smith, Ill.
Avery,	Fletcher,	Linney,	Snover,
Barney,	Foote,	Long,	Southard,
Barrett,	Foss,	Lorimer,	Spalding,
Beach,	Gardner,	Loud,	Sperry,
Bell, Tex.	Gibson,	Low,	Stahle,
Bennett,	Gillet, N. Y.	Mahany,	Steele,
Berry,	Gillet, Mass.	Mahon,	Stephenson,
Bingham,	Graff,	McCall, Mass.	Stewart, Wis.
Bishop,	Griffin,	McCleary, Minn.	Stone, C. W.
Black, Ga.	Griswold,	McClellan,	Stone, W. A.
Blue,	Grout,	McLachlan,	Strode, Nebr.
Brewster,	Grow,	Mercer,	Strong,
Broderick,	Hager,	Miller, W. Va.	Sulloway,
Brosius,	Hainer, Nebr.	Milnes,	Taft,
Bull,	Halterman,	Minor, Wis.	Tawney,
Burrell,	Hardy,	Mitchell,	Taylor,
Burton, Mo.	Harrison,	Mondell,	Thomas,
Burton, Ohio	Hart,	Moody,	Tracewell,
Cannon,	Hatch,	Morse,	Tracey,
Chickering,	Heatwole,	Mozley,	Treloar,
Clark, Mo.	Heiner, Pa.	Northway,	Turner, Ga.
Clarke, Ala.	Hemenway,	Odell,	Udegraff,
Codding,	Henry, Ind.	Owens,	Van Voorhis,
Cook, Wis.	Hermann,	Payne,	Walker, Mass.
Cooper, Fla.	Hooker,	Perkins,	Washington,
Cousins,	Hopkins,	Phillips,	Watson, Ind.
Crowther,	Howell,	Pickler,	Watson, Ohio
Culberson,	Hubbard,	Pitney,	Wellington,
Curtis, Iowa	Huff,	Powers,	Williams,
Curtis, Kans.	Hulick,	Prince,	Willis,
Curtis, N. Y.	Hunter,	Pugh,	Wilson, Idaho
Dalzell,	Hurley,	Raney,	Wilson, Ohio
Daniels,	Jenkins,	Ray,	Wood,
Dingley,	Johnson, Cal.	Reeves,	Woodman,
Dooliver,	Johnson, N. Dak.	Rinaker,	Woomer,
Dovener,	Kerr,	Royse,	Wright.
Draper,	Kirkpatrick,		

NOT VOTING—121.

Acheson,	Doolittle,	Kem,	Reyburn,
Aitken,	Eddy,	Kendall,	Robertson, La.
Aldrich, W. F.	Ellett,	Kiefer,	Robinson, Pa.
Aldrich, Ill.	Fairchild,	Kieberg,	Rusk,
Allen, Utah	Fenton,	Kulp,	Russell, Conn.
Andrews,	Fischer,	Layton,	Russell, Ga.
Apsley,	Fitzgerald,	Leighty,	Scranton,
Atwood,	Fowler,	Leisenring,	Settle,
Babcock,	Gamble,	Leonard,	Shafroth,
Baker, Md.	Goodwyn,	Lester,	Shannon,
Bartholdt,	Grosvenor,	Lewis,	Shaw,
Belknap,	Hadley,	Linton,	Skinner,
Black, N. Y.	Hanly,	Livingston,	Smith, Mich.
Boatner,	Harmer,	Loudenslager,	Sorg,
Boutelle,	Harris,	McCall, Tenn.	Southwick,
Bronwell,	Hartman,	McCreary, Ky.	Stallings,
Brown,	Henderson,	McMillin,	Sulzer,
Calderhead,	Hendrick,	Meiklejohn,	Tucker,
Catchings,	Henry, Conn.	Meredith,	Turner, Va.
Clark, Iowa	Hicks,	Miles,	Van Horn,
Cobb,	Hilborn,	Miller, Kans.	Wadsworth,
Coffin,	Hill,	Milliken,	Walker, Va.
Cooper, Wis.	Hitt,	Minor, N. Y.	Wanger,
Cowen,	Howe,	Murray,	Warner,
Crowley,	Huling,	Newlands,	Wheeler,
Crump,	Hull,	Overstreet,	White,
Danford,	Hyde,	Parker,	Wilber,
Dayton,	Johnson, Ind.	Patterson,	Wilson, N. Y.
De Armond,	Jones,	Pearson,	
Denny,	Joy,	Price,	
De Witt,		Quigg,	

So the substitute was rejected.

Mr. LIVINGSTON. Mr. Speaker, I desire to vote.

The SPEAKER pro tempore (Mr. PAYNE). Was the gentleman in the Hall of the House, and did he fail to hear his name?

Mr. LIVINGSTON. I did not hear my name called.

The SPEAKER pro tempore. Was the gentleman in the Hall of the House at the time his name should have been called?

Mr. LIVINGSTON. I do not know whether I was or not. I came out of the barber shop while the roll was being called.

The SPEAKER pro tempore. Under the gentleman's statement the Chair can not entertain the request.

The Clerk announced the following pairs:

For this day:

Mr. GROSVENOR with Mr. SULZER.

Mr. HENDERSON with Mr. McMILLIN.

Mr. LOUDENSLAGER with Mr. LIVINGSTON.

Mr. LEISENRING with Mr. LESTER.

Mr. PARKER with Mr. KENDALL.

Mr. PITNEY with Mr. KLEBERG.

Mr. SCRANTON with Mr. CROWLEY.

Mr. ANDREWS with Mr. ELLETT.

Mr. MCCALL of Tennessee with Mr. DE ARMOND.

Mr. ROBINSON of Pennsylvania with Mr. CATCHINGS.

Mr. HARMER with Mr. JONES.

Until further notice:

Mr. EDDY with Mr. MINER of New York.

Mr. HYDE with Mr. HENDRICK.

Mr. HULING with Mr. COWEN.

Mr. CRUMP with Mr. SORG.

Mr. HILL with Mr. STALLINGS.

Mr. LEWIS with Mr. ROBERTSON of Louisiana.

Mr. REYBURN with Mr. WHEELER.

Mr. SMITH of Michigan with Mr. TUCKER.

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

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. COOKE of Illinois. Mr. Speaker, I offer the following amendment to the first section of the bill.

The SPEAKER pro tempore. The gentleman from Illinois offers an amendment, which the Clerk will report.

Mr. POWERS. I believe the previous question has been ordered.

Mr. COOKE of Illinois. I did not understand that the previous question had been ordered.

The SPEAKER pro tempore. The Chair is informed that the previous question has not been ordered.

Mr. POWERS. I moved it, and I supposed it was ordered by the House. No objection was made.

The SPEAKER pro tempore. The Chair thinks the amendment is in order.

The Clerk read as follows:

After section 1 insert:

"Provided further, That as a condition precedent to reorganization the purchasers of the railroad property and their associates shall relinquish in writing and convey to the United States (by a proper deed or instrument to be filed with and approved by the Secretary of the Interior within six months after the passage of this act and before the act shall take effect) all claim, right, title, and interest to all lands granted to the Atlantic and Pacific Railroad Company embraced within both the granted and indemnity limits which were adjacent to and coterminous with the uncompleted portions of the road on the 6th day of July, 1886."

Mr. COOKE of Illinois. Mr. Speaker, in support of the amendment, I would say that I understand there are millions of acres of unearned land grants involved here; that the original company has neglected to complete the road in accordance with its original charter; that it has not earned the land grants, and that there is litigation pending concerning it. Yet the purchasers are here asking us practically to give a new charter, to give them a standing whereby they may claim this unearned land to the extent of millions of acres. It seems to me only a wise and proper precaution to require them to relinquish that land grant upon those portions of the road which have been practically abandoned by the old corporation, and that the purchasers under the foreclosure should not and could not acquire any equitable right to such unearned grants. They at least ought to drop that much.

Mr. POWERS. Mr. Speaker—

Mr. LACEY. I should like to ask the gentleman a question.

The SPEAKER pro tempore. The gentleman from Vermont [Mr. POWERS] is recognized.

Mr. POWERS. I yield to the gentleman from Iowa.

Mr. LACEY. I should like to ask the gentleman from Illinois why the act of Congress declaring a forfeiture of all unearned land grants coterminous with uncompleted portions of the railroad, which act is already a law—why that does not dispose of this whole question?

Mr. COOKE of Illinois. Mr. Speaker, the act in question is an act which we shall simply be following and carrying into effect by the adoption of this amendment. Our action in adopting this amendment will be in entire consonance with the provision of law now in force, to which the gentleman has referred. There is every reason, in other words, to make our legislation in such a

case as this entirely consistent with the existing law, which would forfeit these land grants because the company has not earned them and has abandoned those portions of the road.

Mr. POWERS. Mr. Speaker, the Government of the United States has already instituted a suit to declare a forfeiture of these very lands. The suit is now pending. It is being argued in the Supreme Court of the United States to-day, and it seems to me we should not undertake to blackmail this company as the condition upon which they shall have the right to organize into a corporation.

The SPEAKER pro tempore. The question is on the amendment of the gentleman from Illinois [Mr. COOKE].

The question being taken, on a division (demanded by Mr. COOKE of Illinois) there were—ayes 78, noes 43.

Mr. POWERS. I demand the previous question on the passage of the bill.

The previous question was ordered.

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

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 1891) granting a pension to Celestia R. Barry;

A bill (H. R. 1178) granting a pension to Sarah Weedon Jones;

A bill (H. R. 2969) to grant a pension to Mrs. Lucy A. Allen;

A bill (H. R. 1827) granting a pension to Nancy B. Prince, widow of Elbert Prince;

A bill (H. R. 1599) granting a pension to Phoebe M. Woolley Palmeter;

A bill (H. R. 5393) for the relief of Lucinda Rickards, widow, and the minor children of John D. Rickards, deceased;

A bill (H. R. 4361) to pension William H. Nesbitt;

A bill (H. R. 3152) granting a pension to Charlotte A. Welton;

A bill (H. R. 6468) to increase the pension of Andrew R. Ladd;

A bill (H. R. 986) for the relief of Hiram P. Pauley;

A bill (H. R. 5400) to increase the pension of Mary L. Bacon;

A bill (H. R. 5311) granting a pension to Sarah Ann Wible;

A bill (H. R. 1825) granting a pension to Mary Prince, widow of Ellis Prince;

A bill (H. R. 2405) granting a pension to Maria Gibbons;

A bill (H. R. 5050) granting a pension to Ransom C. Hazelip;

A bill (H. R. 1062) to grant a pension to Armstead M. Rawlings, of Arkansas;

A bill (H. R. 979) granting a pension to Frances E. Helfenstein;

A bill (H. R. 2358) for the relief of Armida White, widow of Israel White;

A bill (H. R. 1820) granting a pension to Neil McNeil;

A bill (H. R. 4721) granting an increase of pension to Orleina J. Clark, of Louisville, Ky.;

A bill (H. R. 4720) granting an increase of pension to Isaac H. Whetsel, of Louisville, Ky.;

A bill (H. R. 950) granting increase of pension to John Coombs;

A bill (H. R. 2359) granting a pension to Katherine Zeigenheim, of Louisville, Ky.;

A bill (H. R. 4604) granting a pension to Jane Fisher;

A bill (H. R. 1022) to increase the pension of Byron Cotton;

A bill (H. R. 6466) to increase the pension of George V. Barnard;

A bill (H. R. 3755) to increase the pension of Mary C. Thompson;

A bill (H. R. 1892) granting a pension to Catharine Darragh;

A bill (H. R. 4405) granting a pension to Augustus G. Cary;

A bill (H. R. 9139) granting a pension to Margaret J. Young;

A bill (H. R. 1874) to place the name of Robert Smalls on the pension roll;

A bill (H. R. 1890) granting a pension to Mary Martin; and

A bill (H. R. 4355) to increase the pension of Theresa Peebles, of Jefferson County, Ga.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3151) granting a pension to Alice V. Cook, of St. Paul, Nebr., invalid daughter of John Y. Cook, deceased, late of Company B, Eighth Regiment Kansas Volunteer Infantry;

A bill (S. 2481) granting a pension to Charles Edson;

A bill (S. 3210) granting a pension to Anna P. Johnson;

A bill (S. 2126) granting a pension to Mrs. Laura A. Nelson;

A bill (S. 3199) granting a pension to Jackson Osborn;

A bill (S. 3198) granting a pension to Edward Stanley;

A bill (S. 2949) granting an increase of pension to William H. Wright, of McPherson, Kans.;

A bill (S. 1690) granting a pension to Richard Brookins;

A bill (S. 2267) granting a pension to Alvah A. Eaton;

A bill (S. 2605) granting an increase of pension to James M. Simeral;

A bill (S. 2445) increasing the pension of Celia A. Jeffers to the sum of \$30 per month;

A bill (S. 950) granting increase of pension to Franklin C. Plantz;

A bill (S. 2702) granting an increase of pension to Samuel A. Smith;

A bill (S. 1976) granting a pension to Catherine E. O'Brien;

A bill (S. 1881) granting a pension to Lydia Chapman;

A bill (S. 2916) granting an increase of pension to Mary Sprague;

A bill (S. 3094) granting an increase of pension to George W. Palmer;

A bill (S. 877) granting an increase of pension to Oliver P. Silvey;

A bill (S. 3152) granting an increase of pension to Ransom S. Angell, late private of Company G, First Regiment Wisconsin Cavalry;

A bill (S. 396) granting a pension to Henry Farmer; and

A bill (S. 3381) granting a pension to Lena D. Smith.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill (H. R. 3771) for the relief of Stratton H. Bencoter.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the amendment of the Senate numbered 2 to the bill (H. R. 4052) approving certain acts of the legislative assembly of the Territory of New Mexico authorizing the issue of certain bonds of said Territory, and recedes from its amendment numbered 3 disagreed to by the House.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Tuesday, the 22d day of December, they stand adjourned until 12 o'clock meridian on Tuesday, January 5, 1897.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the President of the United States having returned to the Senate, with his objections, the bill (S. 894) granting a pension to Nancy G. Allabach, the Senate had proceeded to reconsider said bill and had resolved that the bill pass, two-thirds of the Senate agreeing thereto, and had directed that the said bill be transmitted with the message of the President to the House of Representatives for its action.

ENROLLED BILLS SIGNED.

Mr. HAGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 3245) granting a pension to Elvira Bachelder; and

A bill (S. 724) granting an increase of pension to Helen M. Mallery.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, the following Senate bills were taken from the Speaker's table and referred as follows:

A bill (S. 396) granting a pension to Henry Farmer—to the Committee on Pensions.

A bill (S. 877) granting an increase of pension to Oliver P. Silvey—to the Committee on Invalid Pensions.

A bill (S. 950) granting an increase of pension to Franklin C. Plantz—to the Committee on Invalid Pensions.

A bill (S. 1690) granting a pension to Richard Brookins—to the Committee on Invalid Pensions.

A bill (S. 1881) granting a pension to Lydia Chapman—to the Committee on Invalid Pensions.

A bill (S. 1976) granting a pension to Catherine E. O'Brien—to the Committee on Invalid Pensions.

A bill (S. 2126) granting an increase of pension to Mrs. Laura A. Nelson—to the Committee on Invalid Pensions.

A bill (S. 2267) granting an increase of pension to Alvah A. Eaton—to the Committee on Invalid Pensions.

A bill (S. 2445) increasing the pension of Celia A. Jeffers to the sum of \$30 per month—to the Committee on Invalid Pensions.

A bill (S. 2481) granting an increase of pension to Charles Edson—to the Committee on Invalid Pensions.

A bill (S. 2605) granting an increase of pension to James M. Simeral—to the Committee on Invalid Pensions.

A bill (S. 2702) granting an increase of pension to Samuel A. Smith—to the Committee on Invalid Pensions.

A bill (S. 2916) granting an increase of pension to Mary Sprague—to the Committee on Invalid Pensions.

A bill (S. 2949) granting an increase of pension to William H. H. Wright, of McPherson, Kans.—to the Committee on Invalid Pensions.

A bill (S. 3094) granting an increase of pension to George W. Palmer—to the Committee on Invalid Pensions.

A bill (S. 3151) granting a pension to Alice V. Cook, of St. Paul, Nebr., invalid daughter of John Y. Cook, deceased, late of Company D, Eighth Regiment Kansas Volunteer Infantry—to the Committee on Invalid Pensions.

A bill (S. 3152) granting an increase of pension to Ransom S. Angell, late private of Company G, First Regiment Wisconsin Cavalry—to the Committee on Invalid Pensions.

A bill (S. 3198) granting an increase of pension to Edward Stanley—to the Committee on Invalid Pensions.

A bill (S. 3199) granting an increase of pension to Jackson Osborn—to the Committee on Invalid Pensions.

A bill (S. 3210) granting a pension to Anna P. Johnson—to the Committee on Invalid Pensions.

A bill (S. 3381) granting pension to Lena D. Smith—to the Committee on Invalid Pensions.

SECOND-CLASS MAIL MATTER.

Mr. LOUD. Mr. Speaker, in accordance with the instructions of the Committee on the Post-Office and Post-Roads, I now move that the House resolve itself into Committee of the Whole for the consideration of the bill (H. R. 4566) to amend the laws relating to second-class mail matter.

Mr. QUIGG. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from California moves that the House resolve itself into Committee of the Whole, and pending that, the gentleman from New York moves that the House do now adjourn.

The question was taken; and the Speaker pro tempore announced that the yeas seemed to have it.

Mr. QUIGG. Division, Mr. Speaker.

The House divided; and there were—ayes 85, noes 62.

Mr. LOUD. Mr. Speaker, at this early hour of the day I shall have to ask the House to give me the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 103, nays 133, not voting 119; as follows:

YEAS—103.

- | | | | |
|-----------------|---------------|----------------|----------------|
| Abbott. | Cook, Wis. | Hurley. | Owens. |
| Aldrich, T. H. | Cooke, Ill. | Hutcheson, | Poole. |
| Allen, Utah | Cooper, Wis. | Jenkins, | Quigg. |
| Anderson, | Corliss, | Johnson, Cal. | Reeves, |
| Arnold, Pa. | Crowther, | Joy, | Royse. |
| Arnold, R. I. | Cummings, | Knox, | Russell, Ga. |
| Babcock, | Dovener, | Lawson, | Sauerhering, |
| Baker, N. H. | Erdman, | Linney, | Shannon, |
| Bankhead, | Fairchild, | Little, | Sherman, |
| Barney, | Faris, | Long, | Stephenson, |
| Barrett, | Foote, | Lorimer, | Stewart, N. J. |
| Bartholdt, | Foss, | Low, | Stewart, Wis. |
| Bartlett, Ga. | Gibson, | Marsh, | Strait, |
| Bartlett, N. Y. | Gillet, N. Y. | McClellan, | Sulloway, |
| Belknap, | Goodwyn, | McCormick, | Towne, |
| Bell, Colo. | Griffin, | McEwan, | Tracey, |
| Bennett, | Hager, | McLaurin, | Treloar, |
| Bingham, | Hardy, | Miller, W. Va. | Turner, Ga. |
| Black, Ga. | Harmer, | Minor, Wis. | Van Voorhis, |
| Blue, | Hart, | Mitchell, | White, |
| Brosius, | Heatwole, | Morse, | Wilson, Idaho |
| Burrell, | Hilborn, | Mozley, | Wilson, S. C. |
| Burton, Mo. | Hooker, | Murphy, | Wood, |
| Calderhead, | Hopkins, | Noonan, | Woodman, |
| Chickering, | Howell, | Odell, | Yoakum. |
| Colson, | Hubbard, | Otey, | |

NAYS—133.

- | | | | |
|--------------|------------------|----------------|---------------|
| Acheson, | Evans, | Martin, | Snover, |
| Adams, | Fletcher, | McCall, Mass. | Southard, |
| Aitken, | Gardner, | McClure, | Spalding, |
| Allen, Miss. | Gillett, Mass. | McCreary, Ky. | Sparkman, |
| Avery, | Graff, | McCulloch, | Spencer, |
| Bailey, | Groat, | McDearmon, | Sperry, |
| Baker, Md. | Grow, | McLachlan, | Stable, |
| Barham, | Hainer, Nebr. | McRae, | Steele, |
| Bell, Tex. | Hall, | Meyer, | Stokes, |
| Bishop, | Harrison, | Miles, | Stone, C. W. |
| Bowers, | Hatch, | Miller, Kans. | Stone, W. A. |
| Broderick, | Henderson, | Milnes, | Strode, Nebr. |
| Bromwell, | Henry, Conn. | Money, | Strong, |
| Brumm, | Henry, Ind. | Moody, | Strowd, N. C. |
| Buck, | Hepburn, | Nell, | Taft, |
| Burton, Ohio | Hermann, | Ogden, | Talbert, |
| Catchings, | Howard, | Otjen, | Tate, |
| Clardy, | Huling, | Overstreet, | Tawney, |
| Clark, Mo. | Hunter, | Payne, | Taylor, |
| Coddig, | Johnson, Ind. | Pearson, | Terry, |
| Connolly, | Johnson, N. Dak. | Pendleton, | Thomas, |
| Cooper, Fla. | Kerr, | Perkins, | Tracewell, |
| Cooper, Tex. | Kiefer, | Pitney, | Updegraff, |
| Cousins, | Kirkpatrick, | Prince, | Walker, Mass. |
| Cox, | Kyle, | Pugh, | Washington, |
| Culberson, | Lacey, | Raney, | Williams, |
| Dalzell, | Latimer, | Richardson, | Willis, |
| Daniels, | Layton, | Rinaker, | Wilson, Ohio |
| Dayton, | Linton, | Russell, Conn. | Woodard, |
| De Armond, | Livingston, | Sayers, | Woomer, |
| Denny, | Lond, | Shuford, | Wright. |
| Dingley, | Maddox, | Simpkins, | |
| Dockery, | Mahony, | Smith, Ill. | |
| Ellis, | Mahon, | | |

NOT VOTING—119.

Aldrich, W. F.	Doolittle,	Kleberg,	Robertson, La.
Aldrich, Ill.	Draper,	Kulp,	Robinson, Pa.
Andrews,	Eddy,	Lefever,	Rusk,
Apsley,	Ellett,	Leighty,	Scranton,
Atwood,	Fenton,	Leisenring,	Settle,
Baker, Kans.	Fischer,	Leonard,	Shafroth,
Beach,	Fitzgerald,	Lester,	Shaw,
Berry,	Fowler,	Lewis,	Skinner,
Black, N. Y.	Gamble,	Loudenslager,	Smith, Mich.
Boatner,	Griswold,	Maguire,	Song,
Boutelle,	Grosvenor,	McCall, Tenn.	Southwick,
Brewster,	Hadley,	McCleary, Minn.	Stallings,
Brown,	Halterman,	McMillin,	Sulzer,
Bull,	Hanly,	Meiklejohn,	Swanson,
Cannon,	Harris,	Mercer,	Thorp,
Clark, Iowa	Hartman,	Meredith,	Tucker,
Clarke, Ala.	Heiner, Pa.	Milliken,	Turner, Va.
Cobb,	Hemenway,	Miner, N. Y.	Tyler,
Cockrell,	Hendrick,	Mondell,	Van Horn,
Coffin,	Hicks,	Moses,	Wadsworth,
Cowen,	Hill,	Murray,	Walker, Va.
Crowley,	Hitt,	Newlands,	Wanger,
Crump,	Howe,	Northway,	Warner,
Curtis, Iowa,	Huff,	Parker,	Watson, Ind.
Curtis, Kans.	Hulick,	Patterson,	Watson, Ohio
Curtis, N. Y.	Hull,	Phillips,	Wellington,
Danford,	Hyde,	Powers,	Wheeler,
De Witt,	Jones,	Price,	Wilber,
Dinsmore,	Kem,	Ray,	Wilson, N. Y.
Dolliver,	Kendall,	Reyburn,	

The following additional pair was announced:

Mr. WELLINGTON with Mr. FITZGERALD, for this day.

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

The SPEAKER pro tempore. The House determines not to adjourn. The question now recurs on the motion of the gentleman from California that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill mentioned.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. QUIGG. Division, Mr. Speaker.

The House divided; and there were—ayes 91, noes 49.

Mr. QUIGG. I ask for the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 142, nays 84, not voting 129; as follows:

YEAS—142.

Acheson,	Draper,	Linney,	Richardson,
Adams,	Ellis,	Linton,	Rinaker,
Aldrich, T. H.	Eriman,	Little,	Royce,
Aldrich, W. F.	Evans,	Loud,	Russell, Conn.
Aldrich, Ill.	Fletcher,	Maddox,	Sayers,
Avery,	Gardner,	Mahany,	Shafroth,
Bailey,	Gillett, Mass.	Marsh,	Simpkins,
Baker, Md.	Goodwyn,	McCall, Mass.	Snover,
Barham,	Graff,	McCleary, Minn.	Spaulding,
Bishop,	Grow,	McClure,	Spencer,
Black, Ga.	Hager,	McCulloch,	Sperry,
Blue,	Hainer, Nebr.	McDearmon,	Stahle,
Bowers,	Hall,	McLachlan,	Steele,
Bromwell,	Halterman,	Miles,	Stokes,
Brosius,	Hanly,	Miller, Kans.	Stone, C. W.
Bull,	Harrison,	Milnes,	Stone, W. A.
Burton, Ohio	Hart,	Mondell,	Strode, Nebr.
Calderhead,	Hatch,	Moody,	Strong,
Clardy,	Henderson,	Moses,	Taft,
Clark, Mo.	Henry, Ind.	Neill,	Talbert,
Cockrell,	Hepburn,	Ogden,	Tawney,
Coddling,	Hermann,	Otey,	Taylor,
Connolly,	Hilborn,	Otjen,	Tracewell,
Cooper, Tex.	Hubbard,	Overstreet,	Tracey,
Cooper, Wis.	Huling,	Owens,	Tyler,
Cox,	Hunter,	Payne,	Udegraff,
Culberson,	Johnson, Ind.	Pearson,	Washington,
Curtis, Iowa	Johnson, N. Dak.	Perkins,	Williams,
Curtis, Kans.	Kiefer,	Pickler,	Willis,
Dalzell,	Kirkpatrick,	Pitney,	Wilson, Idaho
Daniels,	Kyle,	Powers,	Wilson, Ohio
De Armond,	Lacey,	Price,	Woodard,
Denny,	Latimer,	Pugh,	Wright,
Dingley,	Lawson,	Raney,	
Dockery,	Layton,	Reeves,	
Dolliver,	Lefever,		

NAYS—84.

Abbott,	Burrell,	Johnson, Cal.	Sherman,
Aitken,	Chickering,	Joy,	Shuford,
Allen, Utah	Crowther,	Knox,	Sparkman,
Anderson,	Cummings,	Lorimer,	Stephenson,
Arnold, Pa.	Dinsmore,	Loudenslager,	Stewart, N. J.
Arnold, R. I.	Dovener,	Maguire,	Strait,
Baker, Kans.	Fairchild,	Martin,	Strowd, N. C.
Baker, N. H.	Faris,	McClellan,	Sulloway,
Bankhead,	Foote,	McLaurin,	Sulzer,
Barney,	Gibson,	Meyer,	Tate,
Barrett,	Gillet, N. Y.	Miller, W. Va.	Terry,
Bartholdt,	Griffin,	Minor, Wis.	Thomas,
Bartlett, Ga.	Hardy,	Mitchell,	Towne,
Bartlett, N. Y.	Harmer,	Mozley,	Treloar,
Belknap,	Heatwole,	Murphy,	Van Horn,
Bell, Colo.	Hopkins,	Odell,	White,
Bennett,	Howard,	Poole,	Wilson, S. C.
Berry,	Howell,	Quigg,	Wood,
Bingham,	Hurley,	Ray,	Woodman,
Brumm,	Jenkins,	Sauerhering,	Woomer.
Buck,			

NOT VOTING—120.

Allen, Miss.	Doolittle,	Kulp,	Rusk,
Andrews,	Eddy,	Leighty,	Russell, Ga.
Apsley,	Ellett,	Leisenring,	Scranton,
Atwood,	Fenton,	Leonard,	Settle,
Babcock,	Fischer,	Lester,	Shannon,
Beach,	Fitzgerald,	Lewis,	Shaw,
Bell, Tex.	Foss,	Livingston,	Skinner,
Black, N. Y.	Fowler,	Long,	Smith, Ill.
Boatner,	Gamble,	Low,	Smith, Mich.
Boutelle,	Griswold,	Mahon,	Song,
Brewster,	Grosvenor,	McCall, Tenn.	Southwick,
Broderick,	Grout,	McCormick,	Stallings,
Brown,	Hadley,	McEwan,	Swanson,
Burton, Mo.	Harris,	McMillin,	Thorp,
Cannon,	Hartman,	Meiklejohn,	Tucker,
Catchings,	Heiner, Pa.	Mercer,	Turner, Ga.
Clark, Iowa	Hemenway,	Meredith,	Turner, Va.
Clarke, Ala.	Hendrick,	Milliken,	Van Voorhis,
Cobb,	Henry, Conn.	Miner, N. Y.	Wadsworth,
Coffin,	Hicks,	Money,	Walker, Mass.
Colson,	Hill,	Morse,	Walker, Va.
Cook, Wis.	Hitt,	Murray,	Wanger,
Cooke, Ill.	Hooker,	Newlands,	Warner,
Cooper, Fla.	Huff,	Noonan,	Watson, Ind.
Corliss,	Hulick,	Northway,	Watson, Ohio
Cousins,	Hull,	Parker,	Wellington,
Cowen,	Hutcheson,	Patterson,	Wheeler,
Crowley,	Hyde,	Pendleton,	Wilber,
Crump,	Jones,	Phillips,	Wilson, N. Y.
Curtis, N. Y.	Kem,	Prince,	Yoakum.
Danford,	Kendall,	Reyburn,	
Dayton,	Kerr,	Robertson, La.	
De Witt,	Kleberg,	Robinson, Pa.	

So the motion was agreed to.

The following additional pairs were announced for the rest of this day.

Mr. WILBER with Mr. YOAKUM.

Mr. GROSVENOR with Mr. JONES.

Mr. CORLISS with Mr. COWEN.

Mr. SOUTHWICK with Mr. MONEY.

The SPEAKER. Upon this question the yeas are 142 and the nays are 84. The House decides to resolve itself into Committee of the Whole on the state of the Union for the consideration of House bill No. 4566, and the gentleman from New York [Mr. PAYNE] will please take the chair.

SECOND-CLASS MAIL SERVICE.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the consideration of House bill No. 4566, which the Clerk will report.

The bill (H. R. 4566) to amend the postal laws relating to second-class mail matter was read, as follows:

Be it enacted, etc., That mailable matter of the second class shall embrace all newspapers and other periodical publications which are issued at stated intervals and as frequently as four times a year, and are within the conditions named in sections 3 and 4 of this act: *Provided*, That nothing herein contained shall be so construed as to admit to the second-class rate publications purporting to be issued periodically and to subscribers, but which are merely books, or reprints of books, whether they be issued complete or in parts, whether they be bound or unbound, whether they be sold by subscription or otherwise, or whether they purport to be premiums or supplements or parts of regular newspapers or periodicals.

SEC. 2. That publications of the second class, except as provided in section 25 of the act of March 3, 1879, when sent by the publisher thereof, and from the office of publication, excluding sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall be entitled to transmission through the mails at 1 cent a pound or fraction thereof, such postage to be prepaid as now provided by law: *Provided, nevertheless*, That news agents shall not be allowed to return to news agents or publishers at the pound rate unsold periodical publications, but shall pay postage on the same at the rate of 1 cent for 4 ounces.

SEC. 3. That all periodical publications regularly issued from a known place of publication at stated intervals as frequently as four times a year, by or under the auspices of benevolent or fraternal societies, trades unions, or orders organized under the lodge system, and having a bona fide membership of not less than 1,000 persons, shall be entitled to the privilege of second-class mail matter: *Provided*, That such matter shall be originated and published to further the objects and purposes of such society or order.

SEC. 4. That the conditions upon which a publication shall be admitted to the second class are as follows:

First. It must regularly be issued at stated intervals as frequently as four times a year, bear a date of issue, and be numbered consecutively.

Second. It must be issued from a known office of publication, which shall be shown by the publication itself.

Third. It must be formed of printed paper sheets, without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications.

Fourth. It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and must have a legitimate list of subscribers who voluntarily order and pay for the same: *Provided*, That nothing herein contained shall be so construed as to admit to the second-class rate regular publications, or any particular issue of any regular publication, designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates: *And provided*, That all extra numbers of second-class publications sent by the publishers thereof, acting as the agent of an advertiser or purchaser, to addresses furnished by the latter, shall be subject to pay postage at the rate of 1 cent for every 4 ounces or fraction thereof: *And provided further*, That it shall not be permissible to mail any given article or articles, or any part of any particular number of a newspaper or periodical, segregated from the rest of the publication, except at the third-class rate of postage.

SEC. 5. That publishers and others, whose publications shall be admitted as mail matter of the second class under the provisions of this act, shall be required, before depositing such mail matter in the post-office, to separate the same into United States mail sacks or bundles by States, cities, towns, and counties, as the Postmaster-General may direct.

SEC. 6. That the act of Congress in regard to second-class mail matter approved July 15, 1894, be, and the same is hereby, repealed.

SEC. 7. That this act shall take effect and be in force from and after July 1, 1896.

Mr. LOUD. Mr. Chairman—

The CHAIRMAN. The gentleman from California is recognized.

Mr. QUIGG. Mr. Chairman, I should like to hear the report on this bill.

The CHAIRMAN. The gentleman from California is entitled to the floor.

Mr. QUIGG. Is not this committee entitled to have the report read?

The CHAIRMAN. Not unless some gentleman asks to have it read in his time for debate. The gentleman from California [Mr. LOUD] is recognized.

Mr. LOUD. Mr. Chairman, I had hoped, after the discussion which has taken place with regard to this measure through the public press and through the correspondence addressed to members of this body, that we could approach its discussion here at least with calmness and consideration. I have felt regarding this measure as I feel regarding all measures coming before us, that if the House desires to pass this or any other bill it should have an opportunity to do so without factious obstruction by any member of this body.

Mr. Chairman, without assuming special credit to myself—because this bill does not originate with me alone—I have no hesitation in saying that this is, without exception, the most important measure that has been brought before this body and the most important without doubt that will be presented before it shall adjourn.

Mr. QUIGG. Allow me to ask the gentleman whether, in view of the great importance of this bill, he will not consent at this time to have the report of the committee read for the information of members.

Mr. LOUD. Mr. Chairman, with all due respect and courtesy to the gentleman from New York, I hope he will endeavor to confine himself quietly to his seat until I shall have at least got started in the few remarks that I propose to submit. The gentleman will evidently have abundant time before this question comes to a vote to have that report—which I commend to his very careful consideration—read in his own time, if he so desires. Satisfied in the justice of our cause, we would be content to rest the case upon the calm judgment of any and all who will give it their thoughtful consideration. Meanwhile, I hope I may be permitted, even by the gentleman from New York, to pursue in my remarks the course that I have laid out for myself, and I shall cheerfully accord to him the same courtesy.

Mr. Chairman, many gentlemen here may assume, perhaps, that I have magnified the importance of this measure, but this measure received the commendation of the Post-Office Department ten years ago. The officers of that Department whose duty it is to carefully investigate the working of our postal system saw the gross abuses that had grown out of the laws of 1879 and 1885 and presented the question to Congress in 1887, and each year since that time they have begged and pleaded with Congress in no uncertain tones to give the administration of the Post-Office Department some relief. The abuse has so grown in magnitude of late years that even the President of the United States in his last message called attention to the grievous evil which confronts us in the handling and carriage of second-class mail matter. I hope the House will pardon me while I read a few words from the report of the present Postmaster-General, a gentleman who has given this matter careful attention and study, aided and guided by the opinions of the officers who have gone before him for eight years. With that experience to draw upon, he took up the question and brought it down to the present time, and on page 6 of the report he uses this language:

So disheartening is it for the responsible head of the Department to see this waste of its earnings, with its resulting impairment of the efficiency of the postal service, its absorption of the fruits of good management and of careful economies, that but for the hope that Congress would enact the bill now on the House Calendar I should have taken the responsibility to modify and reverse the successive rulings through which this inroad on the service has been effected, and to exclude from the benefit of second-class rates the serial libraries and other publications not in the policy of the law, even if within the letter of its rather loose phraseology. This would have imposed upon those who profit at the public expense by existing practices the necessity of seeking through the courts or otherwise the restoration of their special privileges.

Mr. Chairman, I am satisfied that if the present Postmaster-General had another year to serve he would carry into execution the purpose set forth in this part of his annual report. For my part I do not believe that it was ever intended by Congress that serial novels should pass through the mails at pound rates, a privilege originally vested in the newspapers of this country, and confined to them up to 1879, when by a ruling of the Attorney-General at that time, General Devens, it was held that a book issued in serial numbers was entitled to be carried at second-class rates under the rather loose phraseology of the law. With all due respect to the learning of the gentleman and to his honesty and integrity,

I think he erred, because in the advertisements of these so-called serials throughout the land even to-day they are not referred to as serial publications, but in their proper sphere, as books, and books alone.

We all admit that this country is to-day in an unfortunate condition financially. While perhaps we may not all agree as to the remedy for the cure of the existing evil, we do all admit that from a financial standpoint this country is in an unfortunate position. Now, this bill presents to this body the opportunity to relieve the country from a deficiency of \$10,000,000 already existing in the service of the Post-Office Department, and to give to it in addition a revenue of \$10,000,000 more. At the lowest calculation there is involved in this bill a saving to the Government of \$20,000,000 per annum, and if we may take the figures of Postmaster-General Wanamaker, acknowledged to be a good business man, and who was at that time in a position to know whereof he spoke—if we may take his estimate made in 1892, we must come to the conclusion that this iniquity—I will term it iniquity—costs our people more than \$40,000,000 annually. That is not much money, gentlemen, I am willing to admit, to us who deal with hundreds of millions as some people deal with dollars.

Mr. BINGHAM. Will the gentleman state on what page of the Postmaster-General's report I can find the statement to which he has just referred?

Mr. LOUD. The gentleman will find it on page 11 of our report. We have copied a portion of the report of Postmaster-General Wanamaker, in which he says:

It is stated that a single publisher in Maine sent through the mail in one year 1,600 tons of books. A number of publishers at certain seasons of the year issue a new book every week, and some of them mail 2 tons a day. There are probably 50,000 tons of so-called serials passing through the post-offices every year at a penny a pound.

Mr. BINGHAM. The gentleman refers me to page 11 of his report—

Mr. LOUD. Now, if the gentleman will allow me—

Mr. BINGHAM. I merely wanted to be correct in my understanding of the gentleman's statement. As I read the statement on the middle of the page referred to, it is that "there are probably 50,000 tons of so-called serials passing through the post-offices every year at a penny a pound, causing a million dollars per year"—\$1,000,000, the gentleman will observe—"to be added to the deficit."

Mr. LOUD. Those figures—\$1,000,000—as the gentleman can easily ascertain, are either an error of the Postmaster-General or a typographical error, because 50,000 tons of matter means 100,000,000 pounds, which would cost us for transportation alone \$8,000,000, for which we receive in return but \$1,000,000, and to that you must add handling, which is at least \$4,000,000 more.

Mr. BINGHAM. The gentleman called my attention to a certain page of his report. I have read the statement on that page, and have asked him to inform me whether the sum stated as the estimated deficit was meant to be \$1,000,000 or \$10,000,000. The gentleman tells me now that the statement as printed is an error, and that it means \$10,000,000. I merely desired to be informed whether I was correct in reading the gentleman's own record.

Mr. LOUD. Mr. Chairman, as I have stated, this bill will be opposed upon sentimental and educational grounds. Before the debate on this question closes we shall hear of the great advantages derived from the transportation through the mails of these serial novels and sample copies. Now, I should like to put a question to this House—whether, admitting every statement that can be made in favor of the present system, this House would be willing to-day to vote for the next ten years a sum of money equaling \$240,000,000 for educational purposes, and those educational purposes not within the control of Congress or anybody else. That is what you have done by your law in the last ten years. I say that the present system within the last ten years has cost this country \$240,000,000, which has come by taxation from the sweat of the faces of the people of our whole land, and which has gone to support a few publishers of books and newspapers, or so-called newspapers.

Mr. FOOTE. Will the gentleman give us the figures?

Mr. LOUD. I will insert the figures in my remarks as they will appear in the RECORD; I dislike to take up time now in reading them. Beginning in 1887, when the second-class matter transmitted through the mails was 126,000,000 pounds a year, the amount has grown until in 1896 it is 296,000,000 pounds. Even during the depression of 1893-94—the most serious period this country has gone through for many years—second-class matter increased at the rate of 15 per cent a year, while first-class matter increased at the rate of 2½ per cent a year. Postmasters-General for years have been prophesying that within a year, or two years at the furthest, there would be no deficiency in the Post-Office Department. Permit me to say, with due respect to them, that they have been chasing a phantom. Let us see what the estimated deficiencies have been and what the actual deficiencies are.

In 1891 the estimated deficiency, in round numbers, was \$5,500,000; the actual deficiency was \$6,200,000. In 1892 the estimated deficiency was \$3,978,000, and the actual deficiency was \$5,503,793.

In 1893 there was an estimated deficiency of \$1,500,000 and an actual deficiency of \$5,177,000; and without going through with the table, which I will publish in full, I want to say, what the present Postmaster-General will sustain me in saying, that so long as our law remains as it is the receipts of the Post-Office Department never, by any possibility, can equal the expenditures.

For the convenience of members who wish to examine this matter in detail, I append, at this point three tables, showing the weights and receipts from the several classes of mail matter, the estimated and actual deficiencies in the service, and the weight and amount of deficiency in transporting second-class matter.

The tables are as follows:

Weights and receipts of several classes of matter during 1896.

Class.	Weight.	Revenue.
	<i>Pounds.</i>	
First class.....	65,837,843	\$60,624,464
Second class.....	348,988,648	2,966,403
Third class.....	78,701,148	10,324,069
Fourth class.....	19,950,187	3,129,321
Government, free.....	94,480,189	

Chasing a delusion.

Year.	Estimated deficiency.	Actual deficiency.
1891.....	\$5,581,615.19	\$6,160,205.19
1892.....	3,978,392.38	5,503,793.87
1893.....	1,532,423.17	5,177,171.74
1894.....	7,830,473.07	9,243,935.11
1895.....	5,971,736.89	9,807,044.63
1896.....	6,404,219.42	8,127,083.44

To these deficiencies must be added the amounts earned by the Pacific railroads, which average about \$1,700,000 a year.

Deficiencies in transportation of second-class matter.

Year.	Amount transported.	Year.	Amount transported.
	<i>Pounds.</i>		<i>Pounds.</i>
1887.....	128,000,000	1896.....	296,640,300
1888.....	143,000,000		
1889.....	162,000,000	Total.....	2,067,640,300
1890.....	174,000,000		
1891.....	197,000,000	Cost of handling, at 8 cts.	\$167,811,224
1892.....	223,000,000	Receipts for handling,	
1893.....	256,000,000	at 1 cent per pound.....	20,976,403
1894.....	255,000,000	Deficiency.....	146,834,821
1895.....	265,000,000		

To this should be added county free matter, which has averaged 50,000,000 pounds a year; also the cost of handling, which will amount to at least \$75,000,000, making a total deficiency on transmission and handling second-class matter of \$222,000,000. Adding 500,000,000 pounds of county free matter, at 4 cents a pound, \$20,000,000 (a low estimate), and you have a grand total of \$242,000,000.

Now, Mr. Chairman, this bill proposes two reforms in the service of the Post-Office Department. While the bill covers four pages, there are but two propositions advanced in it that are of any vital concern to this House. This bill denies the right of admission to the mails, at second-class rates, of serial novels. That is to say, they are denied admission to the mails at the rate of 1 cent a pound. It costs the Government to transport and handle this class of mail matter at least 12 cents a pound.

A MEMBER. At what rate would they go?

Mr. LOUD. They would go at the rate of any other book, I will say in answer to the gentleman; that is to say, the same rate that would be charged on any other book or publication of like character—8 cents a pound.

But some gentlemen say that this is a bill, as it now stands, in the interest of the express companies, and that we are driving this matter out of the hands of the Government to be carried by the express companies. I do not care. I do not care who does the business. If we can not do it successfully then it is our duty, I believe, to get out of it, and if anybody else can carry it profitably at less than 8 cents a pound I am perfectly willing that they shall have the entire business.

But, Mr. Chairman, what is making this condition more serious to the House is the fact that the Government of the United States is now getting all the long-haul matter, and the express companies, which some of our friends seem so much to fear, are getting the advantage of all the concentrations of weight and short-haul matter. Within a radius of 500 miles the express companies to-day are carrying the matter for a fraction under a cent a pound. Beyond the radius of 500 miles of course they dump it all on the United States Government for transportation.

I remember a little scene in the city of Chicago, threethree or years ago, when there was a train load of second-class mail matter to be shipped to Boston. The express companies there, alive to business, wanted to get the transportation of the matter to its destination, and made a bid for that purpose. But the party desiring to send it said: "Why, we can do much better than that

with the Government. The Government will carry it to Boston for 1 cent a pound. Why should we pay you more?" And the express companies asked Mr. Hesing, then and now the postmaster there, the question, "Can you afford to carry it to Boston for 1 cent a pound? We can not." He said: "But I would carry it to the North Pole, if there was a postal route there, under the laws of the Government, at that price." And, as a matter of fact, Mr. Chairman, he would have been required to carry it to Circle City, Alaska, at the rate of 1 cent a pound, if there had been a route, although it would cost the Government \$185 a pound for the service.

Mr. STEELE. A hundred and eighty-five dollars a pound!

Mr. LOUD. Yes, sir. We had a contract for carrying the mails there, which cost the Government \$95 a pound; but the contractor could not afford to perform the service at that rate, and the contract was finally canceled and a new contract entered into at something like double, or more than double, the former rate.

The other provision in the bill denies to the newspapers of the country the sample-copy privilege which they have heretofore enjoyed. Now, there is the only serious objection that we are going to meet with on the floor of the House in regard to this bill. Some portion of the press of the country are not willing to surrender the sample-copy privilege which they now enjoy. I recognized this difficulty when the measure was brought before Congress. I knew that we must have, as we usually have in support of any other measure that is passed by this body, the support of the metropolitan press of the country. I know how members of Congress themselves are sometimes controlled, and that some of us even fear the great press of the country. Now, then, I want to say that the great press of the country have indorsed this measure from the first letter to the last.

I remember meeting with the press association in New York a year ago. I remember how tenaciously they desired to hang on to the sample-copy privilege. But when the matter was presented to them, and the serious wrongs that the Government was suffering from explained, the American Newspaper Publishers' Association, be it said with credit and lasting honor to themselves, arose patriotically, and without the single exception of a man in the body, stated that they were willing to surrender the sample-copy privilege that they now enjoy in order that this loss might hereafter be prevented to the Government. Some of you perhaps do not know who compose the American Newspaper Publishers' Association. Let me say that this paper which I hold in my hand is a list of them, and that it embraces most all of the large daily newspapers published throughout the length and breadth of our country. Probably 95 per cent of the great daily newspapers—the great metropolitan journals of this country—have given their official indorsement to this in the following manner:

AMERICAN NEWSPAPER PUBLISHERS' ASSOCIATION.

[Officers: President, Charles W. Knapp, St. Louis Republic; vice-president, J. A. Butler, Buffalo News; secretary, W. C. Bryant, Brooklyn Times; treasurer, Herbert F. Gunnison, Brooklyn Eagle. Executive committee: M. A. McRae, Cincinnati Post, St. Louis Chronicle, and Cleveland Press; S. H. Kaufmann, Washington Star; Frederick Driscoll, St. Paul Pioneer Press; Chas. H. Taylor, jr., Boston Globe; W. H. Seif, Pittsburg Times. Address all communications to the secretary, care New York office, 323 Potter Building.]

NEW YORK, March 9, 1896.

DEAR SIR: I beg to notify you officially that at the regular annual meeting of this association held at the Hotel Brunswick, New York City, on February 21, a resolution was unanimously adopted indorsing House bill No. 4566, to amend the postal laws relating to second-class mail matter.

Very truly, yours,

WM. C. BRYANT, Secretary.

Hon. E. F. LOUD,

House of Representatives, Washington, D. C.

List of members.

Albany, N. Y., Argus, Express, Journal, Press and Knickerbocker, and Times-Union; Augusta, Ga., Chronicle; Augusta, Me., Kennebec Journal; Baltimore, Md., American, Herald, and News; Bangor, Me., Commercial; Boston, Mass., Daily Standard, Globe, Herald, Journal, Post, Transcript, and Traveller; Brooklyn, N. Y., Citizen, Eagle, Standard-Union, and Times; Buffalo, N. Y., Courier, Express, and News; Burlington, Vt., Free Press; Chattanooga, Tenn., Times; Chicago, Ill., Inter Ocean, Journal, News, Record, Post, Times-Herald, and Tribune; Cincinnati, Ohio, Commercial-Gazette, Enquirer, Post, Times-Star, Tribune, and Volksblatt; Cleveland, Ohio, Farmer, Leader, Plain Dealer, and Press; Columbus, Ohio, Dispatch and Ohio State Journal; Dayton, Ohio, Herald; Denver, Colo., Republican, Rocky Mountain News, and Times; Detroit, Mich., Journal, Evening News, Tribune, and Free Press; Evansville, Ind., Courier; Galveston, Tex., News; Grand Rapids, Mich., Herald and Press; Hartford, Conn., Courant; Houston, Tex., Post; Indianapolis, Ind., Journal, News, and Sentinel; Jacksonville, Fla., Times-Union; Jamestown, N. Y., Journal; Jersey City, N. J., Journal; Joliet, Ill., News; Kansas City, Mo., Journal and Star; Lincoln, Nebr., Nebraska State Journal; Los Angeles, Cal., Times; Louisville, Ky., Commercial and Courier Journal; Lynn, Mass., Item; McKeesport, Pa., News; Meriden, Conn., Journal; Milwaukee, Wis., Herald, Evening Wisconsin, Journal, and Sentinel; Minneapolis, Minn., Journal, Times, and Tribune; Montgomery, Ala., Advertiser, Nashville, Tenn., Banner; Newark, N. J., News; New Bedford, Mass., Standard; New Haven, Conn., Journal and Courier, News, and Register; New Orleans, La., Picayune and Times-Democrat; New York, N. Y., Commercial Advertiser, Evening Post, Journal, Mail and Express, Press, Staats-Zeitung, Sun, Times, and World; Oil City, Pa., Derrick; Omaha, Nebr., Bee; Oshkosh, Wis., Northwestern; Philadelphia, Pa., Call, Evening Bulletin, Inquirer, North American, Press, Record, Star, and Times; Pittsburg, Pa., Commercial Gazette, Chronicle-Telegraph, Dispatch, Leader, Post, Press, and Times; Portland, Me., Advertiser, Argus, and Express; Portland, Oreg., Oregonian; Providence, R. I., Journal and Telegram; Reading, Pa., Eagle and Herald; Richmond, Va., Dispatch; Rochester, N. Y.,

Democrat and Chronicle, Herald, and Union and Advertiser; Sacramento, Cal., Bee; San Francisco, Cal., Examiner; Savannah, Ga., Morning News; Scranton, Pa., Truth; Sioux City, Iowa, Tribune; Springfield, Mass., Republican and Union; Springfield, Ohio, Farm and Fireside and Republic-Times; St. Joseph, Mo., Herald and News; St. Louis, Mo., Chronicle, Globe-Democrat, Republic, Star, and Westliche Post; St. Paul, Minn., Dispatch, Globe, and Pioneer Press; Syracuse, N. Y., Herald; Tacoma, Wash., News; Toledo, Ohio, Bee and Express; Topeka, Kans., Capital and State Journal; Utica, N. Y., Press; Washington, D. C., Post and Star; Waterbury, Conn., American; Wilmington, Del., Every Evening; Wichita, Kans., Eagle; Woonsocket, R. I., Reporter; Worcester, Mass., Spy; Montreal, Quebec, Star; Toronto, Ontario, Globe and Mail and Empire.

Mr. QUIGG. Will the gentleman print in his remarks the names of the newspaper publishers and associations indorsing that action?

Mr. LOUD. I shall be pleased to do so, with the consent of the House. I have the list of the newspapers, and it will afford me great pleasure to print them, if it can be done.

Mr. SHERMAN. I wish to say to the gentleman that it is impossible to get any more reports. The reports and the copies of the bill itself are both exhausted.

Mr. LOUD. I have a number of reports here which I shall be glad to give to gentlemen who desire them.

Mr. JOHNSON of Indiana. Has the gentleman any copies of the bill?

The CHAIRMAN. The Doorkeeper will take charge of those reports and the House will be in order.

Mr. LOUD. Mr. Chairman, following that is the indorsement of the Illinois State Press Association, comprising nearly every paper in the State of Illinois. Following that we have the indorsement of the American Trade Press Association of New York City, embracing a large majority of that large and influential class of trade journals centered in New York City. It is as follows:

AMERICAN TRADE PRESS ASSOCIATION.

[President, David Williams, Iron Age, New York; first vice-president, E. C. Brown, Progressive Age, New York; second vice-president, W. E. Redding, Harness, New York; third vice-president, D. O. Haines, New York Shipping and Commercial List; treasurer, C. T. Root, Dry Goods Economist, New York; secretary, W. M. Lawton, The Upholsterer, New York. Board of directors: R. P. Rothwell, Engineering and Mining News, New York; L. J. Mulford, Jewelers' Circular, New York; L. D. Gallison, American Hatter, New York, and Col. Clifford Thomson, The Spectator, New York.]

OFFICE OF THE SECRETARY, No. 160 FIFTH AVENUE,
New York, February 7, 1896.

DEAR SIR: At a meeting of the directors of the American Trade Press Association held this day the following resolution was unanimously adopted: "Resolved, That the board of directors of the American Trade Press Association desire to express their approval of the provisions of the bill (H. R. 4566) introduced in the House of Representatives by Mr. LOUD, of California. "This approval is based particularly on its provisions excluding from the mails a class of printed matter not in any sense publications based upon a list of bona fide subscribers, but which is made to assume some of the characteristics of legitimate periodical publications for the purpose of securing the advantage of second-class postage.

"As publishers of established newspapers, whose business is based upon a legitimate constituency of paying subscribers, they are entirely willing to forego the advantage of mailing sample copies at pound rates, and gladly advocate the change proposed, believing that in no other way can the abuses which have injured the Post-Office revenue and the business of reputable publishers be overcome."

DAVID WILLIAMS,
R. P. ROTHWELL,
L. J. MULFORD,
L. D. GALLISON,
CLIFFORD THOMSON,
Directors.

W. M. LAWTON,
Secretary.

Manufacturers' Record, Southern States Magazine, Iron Age, Boot and Shoe Recorder, American Wool and Cotton Reporter, United States Investor, Paper and Press, Bonfort's Wine and Liquor Circular, Fire and Water, Contract News, Druggists' Circular, Oil, Paint, and Drug Reporter, Fire Service Review, Water Works Statistics and Fire Department Equipment, American Hatter, Millinery Trade Review, Cloaks and Furs, United States Tobacco Journal, The Upholsterer, American Silk Journal, Wall-Paper News, Shipping and Commercial List and New York Price-Current, The Pharmaceutical Era, Engineering and Mining Journal, Metal Worker, Carpentry and Building, Coal Trade Journal, Safety Valve, Clothing Gazette, Haberdasher, Harness, Spectator, Jewelers' Circular, Architectural and Building, New York Lumber Journal, Boot and Shoe Weekly, Blacksmith and Wheelwright, Amateur Sportsman, Lumber, Cloak and Suit Review, Wheeland Cycling Trade Review, Weekly Underwriter, Confectioners' Gazette, Electrical World, Electric Railway Gazette, Dry Goods Economist, Progressive Age, Paper Mill, Western Brewer, Ice and Refrigeration, American Miller, American Elevator and Grain Trade Journal, The Painters' Magazine.

We have also the following indorsement of the Agricultural Press League, embracing almost all the great agricultural papers of the country:

THE AGRICULTURAL PRESS LEAGUE.

[Officers: M. J. Lawrence, president, Ohio Farmers, Cleveland, Ohio; J. W. Wilson, vice-president, Farm, Field, and Fireside, Chicago, Ill.; J. B. Connor, treasurer, Indiana Farmer, Indianapolis, Ind.; E. W. Chandler, secretary, Farmers' Review, 172 Washington street, Chicago, Ill. Executive committee: F. P. Holland, Texas Farm and Ranch, Dallas, Tex.; J. J. Dillon, Rural New Yorker, New York; W. F. T. Bushnell, Dakota Farmer, Aberdeen, S. Dak.]

CHICAGO, ILL., April 25, 1896.

DEAR SIR: At a meeting of the Agricultural Press League held in Chicago, April 14, the following resolution was unanimously adopted:

"Resolved, That we heartily favor and indorse the bill known as the Loud bill to amend postage on second-class matter."

I inclose herewith a list of the members of the Agricultural Press League. Wishing you success in your efforts to secure this legislation, I am,

Yours, truly,

E. W. CHANDLER, Secretary.

Hon. Mr. LOUD,
House of Representatives, Washington, D. C.

List of members.

W. F. Baum, Chicago Stockman; Harry L. Baynes, American Swineherd; James Baynes, American Swineherd; J. P. Blake, Coleman's Rural World; George B. Briggs, American Agriculturist; L. C. Brown, Prairie Farmer; W. F. T. Bushnell, Dakota Farmer; T. Butterworth, Western Agriculturist and Live Stock Journal; E. W. Chandler, Farmers' Review; H. H. Chandler, Farmers' Review; P. V. Collins, Northwestern Agriculturist; J. B. Conner, Indiana Farmer; A. S. Core, Farmers' Call; E. E. Critchfield, Agricultural Advertising; H. P. De Clerque, German-American Farmer; John J. Dillon, Rural New Yorker; J. L. Draper, Wool, Markets, and Sheep; E. P. Harris, Fruit; H. A. Heath, Kansas Farmer; H. E. Heath, Nebraska Farmer; C. M. Heintz, Rural Californian; F. P. Holland, Texas Farm and Ranch; A. D. Hosterman, Farm News; O. H. Howard, Farm, Field, and Fireside; Charles V. Jenkins, Farm Journal; L. B. Kuhn, Western Plowman; M. J. Lawrence, Ohio Farmer; M. J. Lawrence, Michigan Farmer; H. F. McIntosh, Cultivator; N. W. Neal, Farmers' Home Journal; T. E. Orr, National Stockman and Farmer; Miller Purvis, Illinois Farm and Fireside; N. A. S. Ross, Practical Farmer; Andrew Simonson, Wisconsin Agriculturist; J. M. Stahl, Farmers' Call; W. H. Sutherland, Rocky Mountain Husbandman; J. P. Wallace, Wallace's Farmer; J. Q. Williams, Farmers' Voice; J. W. Wilson, Western Rural.

Associate members.

George Batten, advertising agent; C. N. Page, Iowa Seed Company; A. L. Thomas, Lord & Thomas; F. B. White, Frank B. White Company.

I refer to this, Mr. Chairman, to ease the minds of some of my friends as to how the press of this country stand toward this measure. I know it will relieve the minds of some of us. The only class of papers that oppose this bill are those which, if I may be permitted to use the word, are criminally participants of this bounty.

Mr. COX. Will the gentleman yield for a question?

Mr. LOUD. Certainly, for a question.

Mr. COX. I want to know how it happened that the copies of the bill and report were alone in your hands, when we could not get hold of them at all?

Mr. LOUD. Oh, well, Mr. Chairman, I will state that this bill has been reprinted twice or three times. The committee, under the rule of the House, had the right to print for its own use a number of copies of this bill and report, which we have harbored until the present time. That is all.

Mr. COX. I understand that the gentleman has harbored them until the discussion came up on his bill. I do not like that kind of harboring.

Mr. LOUD. Well, Mr. Chairman, I have harbored this for a day to come, and the day has come, and the bills are at the disposal of the members of the House.

Mr. CUMMINGS. As I understand it, these are the committee's bills and the committee's copies of the report, and you extend the courtesy to the House of distributing them.

Mr. LOUD. That is all. There have been over 15,000 of these printed up to the present time.

Mr. COX. Who had them?

Mr. LOUD. There has been a great demand for them. There have been three reprints.

Mr. COX. I am very much inclined to favor your bill, but I should like to know where the harboring came in.

Mr. LOUD. Mr. Chairman, probably a strenuous fight will be made on this floor to amend this bill in relation to sample copies, because that is the only method by which the illegitimate journals—and I term them so—can gain admission to the mails at second-class rates. I regard the sample-copy provision of this bill as of greater moment than the provision relating to the serial novel, because you can not anticipate the magnitude of the growth of this sample-copy abuse. Do you know how it is done? Let me read to you something, just to give you an insight into this abuse. I hold in my hand a paper assumed to have the largest circulation of any journal in the United States, and yet I will venture to say that there are not ten men in this House who ever heard of it. I refer to a paper called Comfort, which has a guaranteed circulation of 1,250,000 copies. How does it gain its circulation? I have in my hand a letter from an advertising agent at South Bend, Ind., in which he says:

Hon. EUGENE F. LOUD,
House of Representatives, Washington, D. C.

DEAR SIR: Appreciating your valuable efforts in bringing to time the fraudulent papers and periodicals, I take pleasure in mailing to you, under separate cover, four copies of that kind of frauds, Comfort, published at Augusta, Me.

These four copies were all received in this morning's mail, and all to the same address.

Mr. OWENS. Cold comfort!
Mr. LOUD. Now, this is not the only one. There are thousands of them in the country that are published solely for advertising purposes. You will find in going through them many advertisements which read like this, "Send a postage stamp and you will learn something to your advantage," or something of that character. If you send a postage stamp, what do you learn? You get a copy of this paper, you have become a subscriber until the resurrection morn, and that is the way they get their lists of subscribers.

Here is another sample letter that was given to me by a member of this House:

MAJESTIC MANUFACTURING COMPANY,
OFFICE AND FACTORY, Nos. 2014 TO 2020 MORGAN STREET,
St. Louis, December 9, 1896.

DEAR SIR: To give you a little idea of the workings of the Post-Office Department regarding newspaper matter, will say that this concern undertook to do some advertising in papers throughout the country nearly three

years ago, most of which was discontinued a year ago. Notwithstanding in many instances we have written the papers two, three, and four times to stop sending us their copies, they daily pour in upon us at the rate of about 100 pounds per week, simply because the cost of sending them is nominal and it counts in their circulation.

We lay this matter before you in order that you may strengthen yourself in placing it before the proper department as an outrage on the Post-Office Department.

Respectfully, yours,

Hon. SETH COBB,
Washington, D. C.

MAJESTIC MFG. CO.,
R. H. STOCKTON, Vice-President.

Mr. WILLIAM A. STONE. I want to ask the gentleman right here a question upon that particular point. Is it not true that the circulation of a newspaper is the guide by which it charges for advertising?

Mr. LOUD. Why, certainly.

Mr. WILLIAM A. STONE. And by representing the circulation in that way, where they send out copies gratuitously, they get their price from their advertisers.

Mr. LOUD. Certainly; the price of advertising is regulated by the circulation.

Mr. WILLIAM A. STONE. And that is called circulation.

Mr. LOUD. That is called circulation. I do not know anything about this paper Comfort, but it is a much better paper than many of these others. It is first-class of this class of material; but I will venture to assert that Comfort has not a thousand bona fide subscribers in this country who voluntarily order and pay for the same, yet it has a circulation, sworn to, of 1,250,000 every issue.

Now, then, this bill does not take away from any newspaper in the country any right that it legitimately enjoys to-day, except the right of sending out sample copies. If the sample copy could be confined to its legitimate intent, I do not think your committee would have recommended striking off this sample-copy abuse; but let me say that the only means by which this class of journals can exist is through the sample-copy privilege.

Mr. HALL. May I ask my colleague a question?

Mr. LOUD. Let me illustrate. Here is an advertising journal seeking admission to the Post-Office Department's second-class privileges. Its nominal list of subscribers, of patrons, permit me to say, is 250—250 copies. It secures certain advertising and then circulates through "sample copies" as many as a million and a half or two million copies, an unlimited number, if you please, at the expense of the United States Government and the people. Now I yield to a question of my colleague.

Mr. HALL. I would like to ask my colleague on the committee if he can tell us what that copy of Comfort weighs?

Mr. LOUD. I have not weighed it.

Mr. HALL. Have you weighed it, that and some of the other periodicals, so as to estimate what it costs the United States Government to send that matter out?

Mr. LOUD. It will weigh about 2 ounces. I have not figured that out. I think the Postmaster-General has figured it out.

There is another phase of this case, Mr. Chairman—the book phase—that I do not care to refer to to-night. I expect as this debate proceeds to have my amiable friend from New York [Mr. QUIGG] present to you, as he did once before in this House, copies of Shakespeare and Dickens as representing this great class of serial novels that go through the mail now at pound rates. After the gentleman shall have taken that position, I will bring upon the floor of this House samples of books which I believe represent—and I say so honestly—95 per cent of the class of serial novels sent through the mail, which you will find is not quite of the high class and character that the gentleman will present on the other side. But I prefer leaving that portion until we shall have progressed further with the consideration of this bill; and I will not even present them then unless this question is presented on the other side.

How much time have I used, Mr. Chairman?

The CHAIRMAN. The gentleman has used thirty-seven minutes.

Mr. LOUD. If any gentleman desires to ask any question, I will be pleased to yield to him for that purpose.

Mr. BINGHAM. I would ask the gentleman having charge of the bill a question. The consideration of this legislation at this time is somewhat of a surprise to myself, and I speak for myself, and to a number of gentlemen of the House. The gentleman now stands recognized, and under the rules of the House his bill is unfinished business, and this legislation, unless it is decided by a vote of the House to take up an appropriation bill, will stand for consideration until concluded. There are some gentlemen who desire to discuss this bill, I presume upon both sides of the proposition; and I would therefore suggest to the gentleman, as he does not lose his standing, that the House adjourn, so that gentlemen having data and matter that they desire to read or bring together can have an opportunity to do so, unless some other gentleman desires to speak on the gentleman's own side. I am making this suggestion largely in the interest of gentlemen who have statements they desire to make. The gentleman does not lose anything either technically or parliamentarily.

Mr. LOUD. Of course, theoretically, "the gentleman" loses nothing; but let me explain to the House the position that the gentleman in charge of the bill and the bill is placed in on account of crowding out. You well understand, under the morning hour for the call of committees to present matters, this committee is liable to be placed in just the same position it was to-day. While it is unfinished business, it is true, every day until the close of this session, it may go so far that the committee may be recognized—and I want to emphasize that—to call this matter up at half past 2 or 3, or half past 3 o'clock, and still be subject to the inevitable hour and a half of filibustering—permit me to use that word, because I think it was filibustering—subject to the same hour and a half every day of filibustering, which brings us up close to the time of adjournment.

Mr. BINGHAM. So far as I am concerned, I think this measure of so much importance that it should receive the fullest deliberation and discussion, now that it has got its standing in the House, and whatever may have been my votes with regard to it, they went simply to the question of taking it up to-day. I would have voted with the gentleman to take it up to-morrow. I will vote with him at any time to take up for consideration legislation on this subject. I am simply asking him now that, unless some one desires to speak upon the bill this evening, he consent to let it go over until to-morrow. It is only about half an hour before the usual hour of adjournment. I will say to the gentleman further that there has been no filibustering on my part, because I want this matter settled.

Mr. QUIGG. If the gentleman from California will permit me, I will say, so far as my part of the "filibustering" is concerned, that I do not desire to filibuster against this bill. I am perfectly willing that it shall come forward and be considered and disposed of. All I desired was that it should not come forward to-day. I heard only this morning of the purpose to bring it before the House to-day. I knew that the gentleman from California was aiming to get a rule, and I should have been very glad to have had him get a rule. So far as I am concerned, I have received a vast mass of papers in relation to this bill, and my desire for delay was simply to get an opportunity to study them during the evening. That was the only point I had in view, and if the gentleman will now consent to the proposition made by the gentleman from Pennsylvania, I assure him that, so far as I am concerned, there will be no effort made to delay the consideration of his bill from day to day.

Mr. LOUD. I should like very much to have this bill made a special order for to-morrow.

Mr. QUIGG. So should I.

Mr. WILLIAM A. STONE. Ask unanimous consent.

Mr. BINGHAM. I will state to the gentleman from California, in all frankness, that I have been instructed by the Appropriations Committee to bring up the legislative, executive, and judicial appropriation bill at the earliest practicable moment, so that I should be compelled to object to unanimous consent unless my committee should determine otherwise. I will further say to the gentleman that I believe the legislative bill will be disposed of in a day or two days at the longest. The gentleman in charge of the military appropriation bill has informed me within a very few minutes that he thinks that bill will be disposed of in two hours. Now, as the House does not enter upon the holiday recess until Tuesday noon, and as there are no other appropriation bills on the Calendar, and I do not know of any purpose to bring any others forward before the holiday recess, the gentleman will evidently have several days for the consideration of his bill.

Mr. LOUD. Mr. Chairman, let me make a brief statement to show the House the position into which gentlemen are forcing me. Thursday has been set aside for the business of the District of Columbia. The gentleman from Pennsylvania [Mr. BINGHAM] and the Military Committee propose to take to-morrow, and perhaps some other day during the week, for appropriation bills.

Mr. BINGHAM. Well, Mr. Chairman, I withdraw all that I have said. Let the gentleman go on until the usual hour of adjournment.

Mr. LOUD (continuing). Friday is Private Calendar day, and almost everybody goes home toward the end of the week. It was not my purpose to ask the committee to proceed further with the consideration of this bill this evening unless some gentlemen on our side desired to speak.

A MEMBER. Then let the committee rise now.

Mr. LOUD. I am perfectly willing to accept the gentleman's proposition, but, as I have said, I would like to have this bill made a special order. Let me say to the committee that this bill is not a matter of any special moment to me, but it is a matter of great importance to this Government. I believe that the passage of this bill will save us from fifteen to twenty million dollars a year, and there is no other proposition to make any such saving that can be brought before this House upon which we can hope for unanimity but this. Perhaps we shall not be compelled to pass a revenue measure. Perhaps we shall not have any revenue legislation. Perhaps we shall be saved from the necessity of

the issuance of bonds on the eve of the incoming of our Republican Administration by the passage of this bill. This is a measure of such importance that I think it ought to be considered and passed upon even before the gentleman from Pennsylvania calls up the legislative appropriation bill; which might very well wait a few days.

Mr. BINGHAM. This bill does not change newspaper postage. The great daily and weekly newspapers will go through the mails after this bill is passed at the same rates as now.

Mr. LOUD. Mr. Chairman, I reserve the balance of my time, and if no gentleman desires to proceed this evening, I move that the committee rise.

The CHAIRMAN. The gentleman has fifteen minutes remaining.

Mr. LOUD. Does all this controversy and colloquy come out of my time? [Laughter.]

The CHAIRMAN. If the present occupant of the chair should be presiding when that question arises, he will try to treat the gentleman indulgently. [Laughter.]

The motion of Mr. LOUD was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAYNE, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 4566) to amend the postal laws relating to second-class mail matter, and had come to no resolution thereon.

Mr. LOUD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Pending the announcement of the result, the Speaker appointed Mr. CROWTHER, Mr. KIRKPATRICK, and Mr. BAKER of Kansas to act as House conferees on the bills S. 1291 and S. 1511.

LEAVE OF ABSENCE.

By unanimous consent, Mr. HILL obtained leave of absence on account of important business.

The House then (at 4 o'clock and 30 minutes p. m.) adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Interior recommending an increase of the salary of the Commissioner of Education and of certain other employees of the Bureau of Education and of the Interior Department proper—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a copy of the report of the Columbia Railway Company for the fiscal year ending June 30, 1896, together with a statement of the cost of the cable-railway plant—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting, in accordance with the provisions of the Indian appropriation act approved June 10, 1896, a communication from the Commissioner of Indian Affairs, with inclosures, relating to certain leases entered into by the Seneca Nation of Indians—to the Committee on Indian Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a list of cases (disposed of since the last former return) wherein the court has found upon preliminary inquiry that those in whose names the claims are made were not loyal throughout the war—to the Committee on War Claims, and ordered to be printed.

ADVERSE REPORTS ON PUBLIC BILL AND RESOLUTION REFERRED TO CALENDARS.

Under clause 2 of Rule XIII, the bill of the House (H. R. 4057) in relation to cigarettes and to limit the effect of the regulation of commerce between the several States and with foreign countries in certain cases, reported adversely (Report No. 2324) by Mr. RAY from the Committee on the Judiciary, December 14, 1896, and said report was, upon request of Mr. TERRY, taken from the table and referred to the House Calendar, and House Report No. 2289, submitted by Mr. TERRY June 11, 1896, and erroneously referred to the House Calendar, being the views of the minority of said committee on said bill, is hereby withdrawn and ordered printed as part 2 of House Report No. 2324.

Under clause 2 of Rule XIII, Mr. BINGHAM, from the Committee on Appropriations, to which was referred the resolution of the House (House Res. No. 200) requesting certain information from the Secretary of the Treasury relative to expenditures for public works, and also directing the Clerk of the House to submit to the House a statement of certain claims against the United States, reported the same adversely, accompanied by a report (No. 2332); which said resolution and report were, upon the request of Mr. WALKER of Massachusetts, referred to the House Calendar, pursuant to said rule.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PUGH, from the Committee on War Claims:

The bill (H. R. 9593) for the relief of W. H. Wade, late captain and acting regimental quartermaster Thirty-first Ohio Volunteers. (Report No. 2326.)

The bill (S. 482) entitled "An act for the relief of the estate of Thomas Sherwin, deceased." (Report No. 2327.)

By Mr. MAHON, from the Committee on War Claims:

A resolution (House Res. No. 442) to refer the joint resolution (H. Res. 40) authorizing Musadora, Victoria, Ella, and Frank Wasson, of Tennessee, to present their claim, with all the accompanying papers, to the Court of Claims, reported in lieu of House Joint Resolution No. 40. (Report No. 2328.)

The bill (H. R. 9503) for the relief of David D. Smith. (Report No. 2329.)

By Mr. WILSON of Ohio, from the Committee on War Claims:

The bill (H. R. 2049) to reimburse Louis Benecke for arms furnished the United States. (Report No. 2330.)

By Mr. WOOD, from the Committee on Invalid Pensions: The bill (H. R. 9592) to amend an act entitled "An act granting a pension to Jessie McMillan," received by the President May 27, 1896. (Report No. 2333.)

PUBLIC BILLS AND RESOLUTIONS.

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

By Mr. WOODMAN: A bill (H. R. 9639) to preserve and enhance the patriotism of the Navy of the United States—to the Committee on Naval Affairs.

By Mr. ALLEN of Utah: A bill (H. R. 9640) to authorize every United States district judge to appoint a stenographic reporter, and to fix the duties and compensation of such reporter—to the Committee on the Judiciary.

By Mr. QUIGG: A bill (H. R. 9641) to provide for the removal of the Library collections from the Capitol to the new Library building, and for their custody and management therein, and for other purposes—to the Committee on the Library.

By Mr. SULZER: A bill (H. R. 9642) to restore pensions in certain cases—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 9644) to abolish the office of Commissioner of Indian Affairs and the office of Assistant Commissioner of Indian Affairs, and to create in lieu thereof a board of Indian commissioners—to the Committee on Indian Affairs.

By Mr. BABCOCK: A bill (H. R. 9645) to further regulate the sale of milk in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. BERRY: A bill (H. R. 9646) to further higher theatrical interests—to the Committee on the Library.

By Mr. BABCOCK: A bill (H. R. 9647) to authorize the extension of the lines of the Metropolitan Railroad Company of the District of Columbia—to the Committee on the District of Columbia.

By Mr. TRACEY: A bill (H. R. 9648) for the adjustment and correction of the land grant to Missouri for the benefit of the agricultural college—to the Committee on the Public Lands.

By Mr. MEYER: A bill (H. R. 9667) to establish the department of commerce, manufactures, and labor—to the Committee on Interstate and Foreign Commerce.

By Mr. WOODMAN: A joint resolution (H. Res. 210) directing the President to act in Cuban affairs—to the Committee on Foreign Affairs.

By Mr. HARMER: A joint resolution (H. Res. 211) providing for a comprehensive index to Government publications from 1881 to 1893—to the Committee on Printing.

By Mr. BABCOCK: A joint resolution (H. Res. 212) to suspend the operation of an act approved February 13, 1895, entitled "An act to amend an act entitled 'An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes, approved June 16, 1880'"—to the Committee on the District of Columbia.

Also, a joint resolution (H. Res. 213) to permit railroads in the District to occupy additional parts of streets to accommodate the traveling public attending the inaugural ceremonies—to the Committee on the District of Columbia.

Also, a joint resolution (H. Res. 214) authorizing the Secretary of War to grant permits to the executive committee on inaugural ceremonies for use of reservations or public spaces in city of Washington on the occasion of the inauguration of the President-elect on March 4, 1897, etc.—to the Committee on the District of Columbia.

By Mr. ANDREWS: A resolution (House Res. No. 443) to pay J. C. Hiatt for services in the Clerk's document room—to the Committee on Accounts.

By Mr. HALL: A resolution (House Res. No. 444) to have printed 8,000 additional copies of the annual report of the Secretary of the Interior for the current year for the use of the House—to the Committee on Printing.

By Mr. QUIGG: A resolution (House Res. No. 445) providing for the consideration of House bill No. 9641—to the Committee on Rules.

By Mr. ALDRICH of Illinois: A resolution (House Res. No. 446) to pay Kendall Lee \$100 for caring for room of Committee on Accounts—to the Committee on Accounts.

By Mr. McCALL of Tennessee: A resolution (House Res. No. 447) to discharge the Committee on Ways and Means from further consideration of Senate bill No. 2889 and fix a time when the same shall be considered and voted upon by the House—to the Committee on Rules.

PRIVATE BILLS, ETC.

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

By Mr. WILLIAM F. ALDRICH: A bill (H. R. 9649) for the relief of the personal representatives of Thomas F. Wilson, late of Shelby County, Ala.—to the Committee on War Claims.

By Mr. BARTHOLDT: A bill (H. R. 9650) granting a pension to John O'Brien—to the Committee on Invalid Pensions.

By Mr. BLUE: A bill (H. R. 9651) for the relief of the heirs and legal representatives of Lindsay Ridgway—to the Committee on War Claims.

By Mr. BROSIUS: A bill (H. R. 9652) to remove the charge of desertion standing against Andrew Laukhoff—to the Committee on Military Affairs.

By Mr. BURRELL: A bill (H. R. 9653) to increase the pension of John D. Craig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9654) for the relief of David Bolling—to the Committee on Claims.

By Mr. FLYNN: A bill (H. R. 9655) granting a pension to Absolom Newberry—to the Committee on Invalid Pensions.

By Mr. MEREDITH: A bill (H. R. 9656) for the relief of Eme-line F. Mitchell—to the Committee on Pensions.

By Mr. NOONAN: A bill (H. R. 9657) granting an increase of pension to Lafayette Nichols—to the Committee on Invalid Pensions.

By Mr. PRICE: A bill (H. R. 9658) for the relief of estate of Jean Constantin, of Lafayette, La.—to the Committee on War Claims.

Also, a bill (H. R. 9659) for the relief of Augustin Broussard, of Vermilion Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9660) for the relief of Mrs. Catherine Hilbert, of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9661) for the relief of Arvillien Broussard, of Vermilion Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9662) for the relief of Natalie Bondrean, of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9663) for the relief of the estate of Mrs. Celestine Vavasseur, deceased, late of Lafayette Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9664) for the relief of Valivien Martin, of St. Martin Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 9665) for the relief of the estate of John A. Rignes, deceased, late of Lafayette Parish, La.—to the Committee on War Claims.

By Mr. RANEY: A bill (H. R. 9666) to correct and amend the military record of John Long, late private Company H, Thirty-first Regiment Missouri Volunteers—to the Committee on Military Affairs.

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. WILLIAM F. ALDRICH: Papers to accompany House bill for the relief of the personal representatives of Thomas F. Wilson, deceased, late of Shelby County, Ala.—to the Committee on War Claims.

By Mr. BARTHOLDT: Petition of John O'Brien, of St. Louis, Mo., to accompany House bill granting him a pension—to the Committee on Invalid Pensions.

By Mr. CROWTHER: Petition of citizens of Easton, Mo., praying that a bill be passed granting a pension to Capt. John N. Smith—to the Committee on Invalid Pensions.

By Mr. CURTIS of Iowa: Resolutions of the Iowa and Illinois Central District Medical Association, against the bill to prohibit vivisection in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DRAPER: Resolutions of the National Board of Trade, for the enactment of a national trade-mark registration law—to the Committee on Patents.

By Mr. FLETCHER: Resolution of the St. Paul (Minn.) Chamber of Commerce, favoring the establishment of a department of commerce and manufactures—to the Committee on Manufactures.

Also, petition of Rev. William Wilkinson and other citizens of Minneapolis, Minn., protesting against the Armenian outrages—to the Committee on Foreign Affairs.

By Mr. FLYNN: Papers to accompany House bill granting a pension to Absolom Newberry—to the Committee on Invalid Pensions.

By Mr. HOWELL: Petition of the Board of Trade of Asbury Park, N. J., to grant the rights of belligerents to the Cubans in their struggle for freedom—to the Committee on Foreign Affairs.

By Mr. LONG: Petition of Thomas Guthrie, of Helena, Okla., for reimbursement for property taken during the war of the rebellion—to the Committee on War Claims.

By Mr. MAGUIRE: Petition of Edmund P. Tierney, in favor of the passage of House bill No. 2425, for his relief—to the Committee on Invalid Pensions.

By Mr. MONEY: Memorial of Robert L. Owen, for the payment of an "Old Settler" Cherokee claim—to the Committee on Indian Affairs.

By Mr. REEVES: Resolutions adopted at a public meeting of the citizens of Pontiac, Ill., relative to the outrages perpetrated upon the Armenians in Turkey—to the Committee on Foreign Affairs.

By Mr. RICHARDSON: Petition of M. C. Vick, of Liberty, Tenn., for the payment of a claim for secret service in the late war—to the Committee on War Claims.

By Mr. RUSSELL of Connecticut: Papers to accompany House bill No. 8487, granting a pension to Esther Jackson—to the Committee on Pensions.

By Mr. TRACEWELL (by request): Petition of John H. Trapp, A. G. Cotton, Henry Hinchman, and other citizens of Vernon, Ind., for the recognition of God in the preamble of the Constitution of the United States—to the Committee on the Judiciary.

By Mr. WOOPER: Resolutions of Quittaphilla Council, No. 748, Junior Order United American Mechanics, of Lebanon, Pa., in favor of recognizing the independence of Cuba—to the Committee on Foreign Affairs.

SENATE.

WEDNESDAY, December 16, 1896.

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

The VICE-PRESIDENT resumed the chair.

ARTHUR BROWN, a Senator from the State of Utah, appeared in his seat to-day.

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

DISTRICT TELEGRAPH AND TELEPHONE SERVICE.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting a statement supplemental to their communication of the 12th instant, in response to the requirement of the District appropriation act for the current fiscal year, relative to charges made in the District of Columbia to the public and to the Government for the use of telephones, and also for the use of telephones in other cities operated by underground and overhead wires; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Lincoln Club, of Monroe County, N. Y., praying Congress to recognize the independence of Cuba; which was referred to the Committee on Foreign Relations.

Mr. BLANCHARD presented a petition of sundry citizens of Louisiana, praying for the adoption of an amendment to the Constitution of the United States recognizing the Deity; which was referred to the Committee on the Judiciary.

Mr. PEPPER presented the petition of L. D. Gleason and sundry other citizens of Wakeeney, Kans., praying for the passage of the so-called Dingley tariff bill; which was referred to the Committee on Finance.

Mr. CALL presented a petition of sundry citizens of Florida, praying for the enactment of legislation for the relief of Robert Meacham, postmaster at Punta Gorda, Fla., in 1892; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. QUAY presented a petition of the Trades League of Philadelphia, Pa., praying that an appropriation be made to provide for the transfer of foreign mails with a view to expediting their delivery in Philadelphia; which was referred to the Committee on Appropriations.

He also presented a petition of Quittaphilla Council, No. 748, Junior Order of United American Mechanics of Pennsylvania, praying Congress to recognize the independence of Cuba; which was referred to the Committee on Foreign Relations.

Mr. COCKRELL presented a memorial of the association of the alumni of the St. Louis Medical College, of St. Louis, Mo., remonstrating against the passage of Senate bill No. 1552, for the further