

legislation providing that cigarettes imported in original packages on entering any State shall become subject to its laws—to the Committee on the Judiciary.

Also, petition of 350 citizens of Williamstown, Pa., in favor of the passage of a bill to prohibit the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of 350 citizens of Williamstown, Pa., for the passage of a bill to forbid interstate transmission of lottery and other gambling matter by telegraph—to the Committee on Interstate and Foreign Commerce.

Also, petition of 350 citizens of Williamstown, Pa., for the enactment of a Sunday-rest law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHERMAN: Petitions of the Boonville Board of Trade, and Oneida County Board of Trade, State of New York, asking that cheese be made an Army ration—to the Committee on Ways and Means.

By Mr. STEPHENS of Texas: Petition of citizens of El Paso, Tex., in favor of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, June 21, 1898.

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

On motion of Mr. GALLINGER, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 5880) to vest in the Commissioners of the District of Columbia control of street parking in said District;

A bill (H. R. 6148) to amend the charter of the Eckington and Soldiers' Home Railway Company, of the District of Columbia, the Maryland and Washington Railway Company, and for other purposes;

A bill (H. R. 8581) for the protection of the people of the Indian Territory, and for other purposes; and

A bill (H. R. 10209) to repeal an act of Congress, approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10280) to require the Brightwood Railway Company to abandon its overhead trolley on Kenyon street, between Seventh and Fourteenth streets, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BABCOCK, Mr. CURTIS of Iowa, and Mr. RICHARDSON managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendment of the Senate to the concurrent resolution of the House providing for the distribution of the Official Records of the Union and Confederate Armies, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PERKINS, Mr. CHICKERING, and Mr. RICHARDSON managers at the conference on the part of the House.

The message also announced that the House had passed the following bills and joint resolution:

A bill (S. 1726) concerning attorneys and marshals of the United States;

A bill (S. 4798) to authorize the Kansas, Oklahoma and Gulf Railway Company to construct and operate a railway through the Chilocco Indian Reservation, Territory of Oklahoma, and for other purposes;

A bill (S. 4750) granting right of way through the Pikes Peak Timber Land Reserve and the public lands to the Cripple Creek District Railway Company;

A bill (S. 4759) to authorize the Missouri, Kansas and Texas Railway Company to straighten and restore the channel of the South Canadian River, in the Indian Territory, at the crossing of said railroad; and

A joint resolution (S. R. 168) to authorize and direct the Secretary of the Treasury to refund and return to the Chicago, Milwaukee and St. Paul Railway Company \$15,335.76, in accordance with the decision of the Secretary of the Interior dated March 3, 1898.

The message further announced that the House had passed a bill (H. R. 10691) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

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

A bill (S. 484) granting an increase of pension to Carlton W. Muzzy;

A bill (S. 914) to compel street-railway companies in the District of Columbia to remove abandoned tracks, and for other purposes;

A bill (S. 1475) granting an increase of pension to Elijah N. Parkhurst;

A bill (S. 2541) granting a pension to Clara R. Rogers;

A bill (S. 2588) increasing the pension of Corriassanda L. McGuire;

A bill (S. 3350) granting an increase of pension to Blanch E. Barlow;

A bill (S. 3515) granting an increase of pension to Mary L. Page;

A bill (S. 4533) to increase the pension of Lucinda Booth;

A bill (H. R. 619) granting an increase of pension to Frank Rockwith;

A bill (H. R. 3243) for the relief of Cordell B. Green, Company D, Sixteenth Michigan Infantry;

A bill (H. R. 4961) granting an increase of pension to George W. Osborn;

A bill (H. R. 6098) to correct the military record of N. Ward Cady, late major, Second Mounted Rifles, New York Volunteers, and to grant him an honorable discharge;

A bill (H. R. 6379) granting an increase of pension to Joseph C. Berry, alias Joseph White;

A bill (H. R. 6388) granting an increase of pension to Joseph R. Mathers;

A bill (H. R. 7314) for the relief of John B. Tyre;

A bill (H. R. 7321) granting an increase of pension to Lauritz Olsen;

A bill (H. R. 7696) granting an increase of pension to William Christenberry;

A bill (H. R. 7844) to increase the pension of Mary Broggan;

A bill (H. R. 8181) granting a pension to John A. Bingham;

A bill (H. R. 8861) granting an increase of pension to George H. Givens;

A bill (H. R. 9338) to restore to the State of New York the flag carried by the One hundred and fourth New York Volunteer Infantry; and

A bill (H. R. 9729) granting an increase of pension to William L. Smithson.

MEMORIAL.

Mr. PLATT of Connecticut presented the memorial of Sarah W. Bulkeley and sundry other members of the National Society, Daughters of the American Revolution, of Connecticut, remonstrating against the use of the national flag for advertising purposes; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 9195) granting a pension to Foster C. Carl, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9140) granting an increase of pension to Felix Tait, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4977) granting a pension to Mary Hannah Clark, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8670) granting a pension to Pryor Perkins, reported it with an amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom the subject was referred, submitted a report, accompanied by an amendment, relative to the claim of Jeronemus S. Underhill for further compensation for the construction of the ironclad steam battery *Modoc*, etc., intended to be proposed to the bill (S. 3546) for the reference of certain claims against the Government of the United States to the Court of Claims; which was ordered to be printed.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the amendment submitted by himself April 19, 1898, relative to the appropriation of \$280,000 for the payment of awards under condemnation for land taken for the extension of Connecticut avenue and Florida avenue to the Waterside drive, etc., intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

PAY OF STENOGRAPHER.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by Mr. MORGAN, reported it with-

out amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the stenographer employed to report statements before the Select Committee on the Construction of the Nicaragua Canal June 15, 16, and 17, 1898, be paid from the contingent fund of the Senate.

MARY J. BROWN.

Mr. GALLINGER. On Friday last I reported adversely from the Committee on Pensions the bill (H. R. 4973) for the relief of Mary J. Brown, and it was indefinitely postponed. I move a reconsideration of the vote whereby the bill was postponed.

The motion to reconsider was agreed to.

Mr. GALLINGER. I move that the bill be recommitted to the Committee on Pensions.

The motion was agreed to.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 4796) granting a pension to Seymour F. Burlingame; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 4797) to provide for a volunteer division of colored troops in the United States Army specially adapted to tropical climates; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HARRIS introduced a bill (S. 4798) granting a pension to Louisa H. Delahay; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 4799) granting a pension to Harriet V. Gridley; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. PLATT of Connecticut submitted an amendment relative to the claim of Clark & Bill, for damages done their stock of goods by Army officers in 1873, in the Territory of Dakota, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Claims.

Mr. MANTLE submitted an amendment providing for the disposal of the abandoned Fort Shaw Military Reservation in Montana, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT of New York submitted an amendment authorizing the Secretary of the Treasury to pay to J. & W. Seligman & Co. \$1,794.56 in full payment for coupons of bonds lost on the Cunard steamship *Oregon* March 14, 1886, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ECKINGTON AND SOLDIERS' HOME RAILWAY.

Mr. McMILLAN submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the enrolling clerk of the House be, and he is hereby, authorized to number consecutively the sections in the act (H. R. 6148) to amend the charters of the Eckington and Soldiers' Home Railway Company, of the District of Columbia, the Maryland and Washington Railway Company, and for other purposes.

JOHN L. SMITHMEYER AND PAUL J. PELZ.

Mr. STEWART. I move that the bill (S. 3901) for the relief of John L. Smithmeyer and Paul J. Pelz be recommitted to the Committee on Claims.

The motion was agreed to.

INTERNATIONAL AMERICAN BANK.

Mr. FORAKER. I move that Senate bill No. 3414, to carry into effect the recommendations of the International American Conference by the incorporation of the International American Bank, be printed as it passed the Senate.

The motion was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 10691) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1898, and for prior years, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

ANNEXATION OF THE HAWAIIAN ISLANDS.

Mr. DAVIS. I move that the Senate proceed to the consideration of House joint resolution 259.

The VICE-PRESIDENT. Is there any objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. Res. 259) to provide for annexing the Hawaiian Islands to the United States.

Mr. MITCHELL. Mr. President—

Mr. ROACH. Will the Senator from Wisconsin yield to me a moment?

Mr. MITCHELL. Certainly.

Mr. ROACH. Mr. President, I rise to a question of privilege somewhat personal to myself. My attention has been called to

an alleged interview in yesterday's Evening Star of this city. It is in the column headed as follows:

On annexation—Senators express their views on the Hawaiian question—A majority favor the resolution—Many think the opposition will soon break down—Few will filibuster.

Among the interviews, or alleged interviews, is the following:

AN ABSOLUTE NECESSITY.

Senator ROACH (Democrat, North Dakota): "My own opinion is that the annexation of Hawaii is an absolute necessity for this country at the present time. We have practically destroyed the neutrality of this little Republic by coaling there, and must fight for it under any circumstances; and as that is the case, we had better own it when it comes as a free gift. The Nicaragua Canal, which will be built in the near future, makes the ownership of these islands a necessity for the United States. The Philippine Islands is another matter. We are taking possession of them as a war measure, and that can be considered in the future. My own feeling is in favor of staying here all summer, if that is necessary, to secure the annexation of the Hawaiian Islands."

Mr. President, I rise for the purpose of commenting on this interview. The alleged statements are not mine. I never made use of any such expression, for the very good reason that I have spoken to no one, newspaper man or other, in that way. Those with whom I have conversed, my colleagues here on the floor and persons outside, know that I have always been opposed to the annexation of Hawaii.

Now, I am not inclined to charge and I do not wish to think that this is a willful misrepresentation. I would rather think that a journal such as the Evening Star has always been supposed to be would not descend to any such misrepresentation of a person in my position. I would rather think that it is the mistake, probably, of some raw interviewer who has mistaken the sentiments of some other Senator for my own. In that view of the case I make this statement and let the matter drop.

Mr. MITCHELL. Mr. President, just before the outbreak of the present war it was loudly claimed by the advocates of Hawaiian annexation that a majority of the people of this country were with them. If this was really the condition, it came through feeding the people on fine phrases until there was no room left for the hard food of truth. They were not convinced by argument. They had been carried away by catch-words: "Manifest destiny," "the logic of events," "now is the golden hour," "the mastery of the Pacific." The simile of "ripe fruit falling into the lap" has been a favorite with many, unmindful of the warning of the poet in the matter of sea fruit:

The Dead Sea fruit that tempts the eye
But turns to ashes on the lips.

The serious study of public questions is a good deal like work. It is easier to float gayly along on an intoxicating tide of sentimental gush.

And now the Philippines be upon us. The nation, shorn of its judgment, is led captive by its emotions. We are to establish ourselves permanently in the far East, and must have a coaling station in mid-Pacific as a basis for aggressive action. Under a passing stress of war we are to be pressed into taking a first step in imperialism—a policy which may benefit the favored few, but to the ordinary mortal it means the path to the barracks or possibly the poorhouse. All this at the precise time when we should avoid compromising ventures. Europe already questions our sincerity in the declaration touching Cuba. The seizure of Hawaii would remove any doubt as to our all-round land-grabbing intentions. Giving no heed to the war whoop, we should consider this subject dispassionately.

Annexation might help Hawaii itself. But our duty requires us to look at this question from a purely selfish standpoint. Unless this measure is clearly to the advantage of the United States, we must cast it out.

While annexation ought not to be permitted without a full and free expression on the part of the Hawaiians, still it is not material whether the Hawaiian population, in mass or in any proportion, desire annexation or not. It is for them to show a clean bill of political health as a condition precedent to admission. The men in the bowels of the wooden horse were anxious to enter Troy, but they proved undesirable citizens after they were let in. Are we bound to admit to our domestic circle every wanderer who raps at our door? Before we enter into a business partnership we scrutinize. Before entering into a political partnership we should be more careful still, for the bonds are more difficult to dissolve. We owe the Hawaiians much. In times past they have sent us bananas and we have returned them fleas and gunpowder. They have sent us pineapples and we have returned them muskets, mosquitoes, and the measles. There is an uncomfortable balance against us, but to demand annexation to square accounts is asking too much.

Putting aside all considerations of the constitutionality of this resolution and pinning ourselves down strictly to the question of expediency, are there any common-sense grounds for the acquisition of these islands? Will the diverse peoples which inhabit them bring a strengthening element to our body politic? Are they of sufficient commercial and strategic value to warrant a large outlay of money? I believe that all these questions may be safely answered in the negative.

The area of the islands is not extensive, a little over 6,000 square miles. Of this only about one-quarter is fit for cultivation. The interior of the islands is devoted to raising volcanoes. If the United States is in search of mountain property, they can not do better. But one would think that the "Rockies" ought to suffice in this line. A narrow strip along the shore, of intermittent fertility, is devoted to raising cane—sugar cane. In the sea grow an abundance of fish and tidal waves. The climate is mild and equable. There is an inviting stanza that touches our sensibilities:

Come to this land of the sunset sea,
Where the year is wrapped in golden weather,
Where the months are strung on sunbeam threads
And clasped with roses and pinks together.

Nothing but sunbeams and flowers becomes monotonous to distraction. They cloy like a steady diet of sugar candy. For nine months of the year the wind is constantly in the northeast—no fitful breeze, but a steady blow; something between a zephyr and a typhoon. During the rest of the year, by way of compensation, it blows from the southwest.

In trying to take this Hawaiian rainbow apart, I have not confined my reading to the special pleas of the pamphleteers. From what appears to be an unprejudiced source, I quote words written some years ago, before sugar had become king, and before the importation of Mongolian and Portuguese laborers:

The Hawaiian Islands can hardly be regarded as a field for emigration. Farming, as we understand it, is unknown. The dearth of insectivorous birds seriously affects the cultivation of the soil. The narrow gorges, in which terraced "patched cultivation" is so successful, offers no temptations to a man with the world before him. The larger areas require labor, and labor is not to be had. Though wheat and other cereals mature, attacks of weevils prevent their storage, and all the grain and flour consumed is imported from California. Beef is plentiful and sells for enough to pay for cutting up the carcass. Cacao, cinnamon, and allspice are subject to an apparently ineradicable blight. The blight which has attacked the coffee shrub is so severe that the larger plantations have been dug up, and coffee is now raised by patch culture, mainly among the guava shrub which fringes the forest. Oranges suffer from blight also, and some of the finest groves have been cut down. Cotton suffers from the ravages of a caterpillar.

The mulberry tree, which, from its rapid growth, would be invaluable to silk growers, is covered with a black and white blight. Sheep are at present very successful, but in some localities the spread of the pestilent oat burr is depreciating the value of their wool. The forests, which are essential to the well-being of the island, are disappearing in some quarters, owing to the attacks of a grub as well as the ravages of cattle. Coconuts, bananas, yams, sweet potatoes, and kalo are free from blight, and so are potatoes and rice. While everyone can live abundantly and without the sweat of the brow, but few can make money, owing to the various forms of blight, the scarcity of labor, and the lack of a profitable market. Settlements are disappearing, valley lands are falling out of cultivation, and hilo grass and guava scrub are burying the traces of a former population.

In 1896 the total value of imports into Hawaii was about \$7,000,000. Of this the United States contributed a little less than \$5,000,000. This is a commerce in which other countries can not compete with us, and no change in the political condition of the islands would deprive us of it. In 1896 there was exported of rice, \$195,000; bananas, \$125,000; hides, \$60,000; coffee, \$53,000. Leaving out sugar, these figures show the relative importance of the chief products of the islands and also the insignificance of the coffee crop.

The total value of exports for 1896 was \$15,515,000, of which sugar figures for \$14,932,000. With the exception of \$162 worth, all this sugar came to the United States. If the sugar imported into the United States had paid a duty of 2 cents a pound, some \$7,000,000 would have gone into the United States Treasury. Speaking roundly, in 1896, of the fifteen and a half million dollars of exports, but half a million was made up of products other than sugar. It is evident that sugar is supreme in Hawaii. All other industries are insignificant. In the production of sugar large capital is essential to pecuniary success. Some forty capitalists control the sugar industry of the islands. There were in their employ in 1896, 23,780 laborers. Of these, there were 1,615 Hawaiians, 2,268 Portuguese, 12,893 Japanese, 6,289 Chinese, 115 South Sea Islanders, and 600 of all other nationalities. About half of all these men are contract laborers, living under a condition of virtual chattel slavery, a condition that the present Republic has not seen fit to remedy.

These men are paid from \$12.50 to \$15 per month, without board. Practically the Mongolians produce the sugar of the islands. They work for wages that white men would not accept, and they suffer hardships and privations that white men could not endure. American laborers who may migrate to Hawaii in the hope of betterment, if they continue to exist at all, would rapidly degenerate. They would succumb to their surroundings, stained like the dyer's hand by the element it works in.

The Mongolian is essential to the profitable production of sugar. It is admitted that the undertaking would be a financial failure without him. Broadly speaking, sugar is all there is to the Hawaiian Islands commercially, and the Mongolian is all there is to sugar, except the big capitalist. The big capitalist is afraid of the abrogation of the present treaty; hence the annexation project, which is a clumsy cover for a mercenary scheme. Saccharine trickles out all around it; the trail of sugar is over it all. It is quite time that this assertive commodity gave this Legislature a respite.

But lands, imports, exports, manufactures, money do not make a nation. It is men—men strong in their ability to toil, firm set in those civic virtues that alone make self-government possible. In the words of an eminent divine:

The greatness of America is in her democracy. America, as no other nation, honors manhood, consecrates its rights and gives it the freedom to develop its powers and satisfy its ambition. America is the nation of the people, and to become of the people of America it suffices to be man.

Do the inhabitants of Hawaii rise to the high requirements of American citizenship? In 1896 there were 109,020 inhabitants in the Hawaiian Islands. Of these there were 31,019 full-blooded Hawaiians, 8,435 part Hawaiians, 24,407 Japanese, 21,616 Chinese, 15,191 Portuguese, 2,266 Americans, and 1,538 subjects of Great Britain. From these figures it will be seen that the three important races, numerically, in the islands are the Hawaiians proper, the Mongolians, and the so-called Portuguese.

These three races figure 100,000 out of a population of 109,000. The Hawaiian is an insouciant, indolent creature. With him a longing for repose is a gift of nature. He is more inclined to æsthetics than to ethics. He delights in flowers that grow without cultivation, in listening to music, and in seeing other people dance. Intellectually and industrially he lags superfluous on the scene. After a century's contact with civilization his race has dwindled from 400,000 to 40,000. The white man has stamped out his religion, his traditions. His lands have slipped away from him. He no longer has a voice in the Government. It does not lie in human nature for him to be friendly to the white man, and he would prove a permanent menace to our Government.

The Mongolian—the gentle heathen—we are already acquainted with. Such a citizen is he that we have thought fit to deal with him after the Draconian method.

There was a provision in the treaty now withdrawn, which is tacked onto this resolution, seeking to prevent the Chinese now in Hawaii from removing to other parts of the United States in the event of annexation. In other words, persons safely within our borders and guiltless of any offense against our laws are forbidden from moving freely throughout our territory. I would like to be a Chinaman—not for a great while—just long enough to test this monstrous doctrine. It looks very much like a return to the days when the serfs were part and parcel of the soil.

The so-called Portuguese is a mixture of many bloods, and all inferior. He came from the Island of Madeira and not from Portugal. He is a degraded peon, without a single quality that goes to make up the acceptable American citizen.

Senators on this floor have lately taxed their ingenuity in framing bills to exclude from the United States the compatriots of Hofer, Kosciusko, Kossuth, and Garibaldi, and now they ask us to swallow at a gulp this variegated agglomeration of the fag-ends of humanity. But this unsavory population is not all that we will have to swallow. At the foot of an insurmountable cliff there juts out from the Island of Molokai a low-lying, narrow peninsula, girt about by the impassable ocean. On this strip of land are segregated some fourteen hundred lepers—doomed beings, who have shut to themselves the doors of their own sepulcher.

Stevenson writes from personal experience:

On landing on Molokai you behold the stairs crowded with abominable deformations of our common manhood, and find yourself in the midst of such a population as only now and then surrounds us in the horror of delirium. As we move on, every fourth face forms a blot upon the landscape. We visit the hospital and see the butt ends of human beings lying there almost unrecognizable, but still breathing, still thinking, still remembering. It is a pitiful place to visit and a hell to dwell in. Here one breathes the atmosphere of affliction, disease, and physical disgrace.

Molokai is neglected by travelers. None of the gentlemen who recently went from Washington to Hawaii for investigation visited it. This is strange, because this leper colony is unique the world over. It is the most interesting point in the island, pathologically speaking. Leprosy is a mysterious disease, about which but two things are definitely known: It is not hereditary and it is contagious. Dr. Morrow, in the North American Review, writes:

That in addition to the lepers in Molokai there are probably two or three times as many at large in whom the disease is latent or in the incubative stage, yet none the less sure to develop. It is probable that with the relaxation of our strict regulations on the Pacific coast, which may be assumed would follow annexation, many lepers would, in their desire to escape Molokai, emigrate to this country. The principal danger would come from the establishment of more intimate commercial relations, the opening of new enterprises inviting capital and labor, and consequent thereon the influx of Americans into the islands and their exposure to contact with the tainted population.

That such contact is not devoid of danger is evident from the number of foreigners who contract the disease. In the event of annexation it would be idle to think of confining leprosy to the islands, or rather excluding it from this country, by quarantine measures. In its earlier stage leprosy defies detection, and no system of quarantine has ever been devised which would exclude the importation of a disease so little manifest on ordinary inspection as leprosy; only the more advanced cases could be detected. There would seem to be no reasonable doubt that the annexation of Hawaii would create conditions favorable to the dissemination of the seeds of leprosy in this country. Experience shows that in all countries where leprosy has become epidemic its advance is insidious. It spreads slowly, and before the health authorities awaken to the realization of danger it has made such headway that its further progress can not be arrested. All of these facts should be carefully considered and their importance from a sanitary point of view

carefully weighed by our legislative authorities before deciding upon the annexation of Hawaii with its leprosy population.

Dr. Morrow estimates that more than 10 per cent of the Hawaiian race is affected with leprosy. Another writer puts it at 5 per cent of the total population. Of course accurate leper statistics are not to be obtained. The Hawaiian officials are dumb on this subject, and Government publications are significantly silent.

That portion of the President's annual message which treats of Hawaii is a feat in composition. How carefully he has lifted the English language over the rough spots—the many difficulties that beset this question. Out of verbal confusion rings one clear utterance:

Every consideration of dignity and honor requires the confirmation of the treaty.

Dignity is a matter of taste, and need not be discussed. If honor requires annexation, conversely those who oppose confirmation are lacking in the point of honor. This is a grave charge, but one which neither history nor the humanities will sustain. A handful of aliens have traded the natives out of their birthright, and we are asked in the name of honor to confirm their title. A few conspirators, aided by a United States minister, acting without specific authority, have overthrown the accepted, legitimate Government of the islands. They have substituted an oligarchy of their own, and now, in the name of honor, we are asked to stamp with our approval their proceedings. Since the advent of the white man every leaf in the history of Hawaii is either red with blood or black with intrigue and jobbery. In the name of honor we are asked to bind up these tarnished pages in the book of records of this Republic. It is travesty to dress up this political manikin of the further seas in the garb of honor. It is a misfit, a waste of good material.

If annexation is to harden into fact, one of two things will happen: Either Hawaii will become a State, a rotten borough, with two representatives on this floor, or it will remain a Territory in perpetuity, a proconsulate, a condition repugnant to our institutions. If such a political programme is to prevail, our idea of manhood equality before the law is simply a passing show, a piece of theatrical machinery to be relegated to the "property room," never again to be trundled out upon the stage.

I am not here in a narrow spirit. I propose to legislate for the welfare of the whole nation. Still I can not refrain from asking myself this question: In the region of country from which I come, universal political contamination aside, what direct interest have the people in this mirage of the Pacific? That some Mercutio of ours may lay down his life in this masquerade of mock democracy is probable. That we will throw away good money in this venture is certain. Beyond these things, Hawaii will have no more existence for us than the Island of Monte Christo.

In his message the President implies that three-quarters of a century of American diplomacy has ripened into a necessity for annexation. I do not read history in that light. In 1842 President Tyler wrote:

Hawaii should be respected and all its rights strictly and conscientiously regarded. It is deemed not unfit to make the declaration that our Government seeks no peculiar advantages, no exclusive control over the Hawaiian Government, but is content with its independent existence, and anxiously wishes for its security and prosperity.

In 1843 Mr. Webster, as Secretary of State, entered into a treaty agreement with England and France to keep their hands off the Hawaiian Islands. He writes:

We seek no control over the Hawaiian Government, nor any undue influence whatever. Our only wish is that the integrity and independence of the Hawaiian territory may be scrupulously maintained.

In 1849 President Taylor said:

We desire that the islands may maintain their independence and that other nations may concur with us in this sentiment.

In 1850 Mr. Clayton, Secretary of State, agreed with this view. On July 14, 1851, Mr. Webster wrote:

In acknowledging the independence of the islands and of the government established over them it (namely, the United States) was not seeking to promote any peculiar object of its own. What it did, and all that it did, was done openly in the face of day, in entire good faith, and known to all nations. * * * This Government still desires to see the nationality of the Hawaiian Government maintained, its independent administration of public affairs respected, and its prosperity and reputation increased. But while thus disposed to exercise sinister influence itself over the councils of Hawaii, or to overawe the proceedings of its government by the menace or the actual application of superior military force, it expects to see other powerful nations act in the same manner.

In 1851 President Fillmore declared:

The islands should not pass under the control of any great maritime state, but should remain in an independent condition, and so be accessible and useful to the commerce of all nations.

Mr. Blaine wrote on November 19, 1881:

The Government of the United States has, with unvarying consistency, manifested respect for the independence of the Hawaiian Kingdom and an earnest desire for the welfare of its people. * * * The Government of the United States has always avowed, and now repeats, that under no circumstances will it permit the transfer of the territory or sovereignty to any of the great European powers.

In 1887 Secretary Bayard said to our Minister Merrill:

As is well known, no intent is cherished or policy entertained by the United

States which is otherwise than friendly to the anatomical control and independence of Hawaii.

James A. Garfield declared:

Hawaiian annexation would weaken the power of our people and Government.

In this unbroken chain of opinion there is not one word which suggests annexation. "Hands off all round" has been our consistent policy in the past, and autonomy ought to be our plan in the future.

The conduct of the friends of annexation has been somewhat reprehensible. Not content with importing the President of a sister Republic to awe this Legislature, not long ago they brought into this Chamber a map of the Pacific Ocean. This confronted us day after day like a threatening cloud. On their map they painted lurid streaks "that did the multitudinous sea incarnadine"—streaks that burnt into the retina a bloodshot vision not to be dispelled. But this day and night mare has not been without its uses. How edifying to watch lines scurrying from all over the globe, concentrating irresistibly on this magnetic speck in midocean! The shooting star of empire at last has found a resting place. And then these converging lines form a web which recalls our happy childhood and the recitation:

"Will you walk into my parlor?"

Said the spider to the fly;

"Tis the prettiest little parlor

That ever you did spy."

And what a walk it is! Hawaii is farther from anywhere else than any other spot on earth. Falkland is 6,379 miles away; the Nicaragua Canal, 4,210; Auckland, 3,350; Sitka, 2,395; while Japan, our rival for the Hawaiian hand, is in the seductive proximity of 3,399 miles.

But it seems that it is distance that lends enchantment to the strategic eye. From the Washington Post of December 10, 1897, I quote:

There are few men in the country as well qualified to speak in regard to Hawaiian matters as Lieut. Col. Charles P. Egan, United States Army, one of the most accomplished gentlemen in Uncle Sam's service. Speaking with friends at the Ebbitt yesterday, Colonel Egan said: "Now is the golden opportunity of the United States to annex Hawaii. The time may never be so favorable again if we let the present chance pass. The argument that the country is too far away is absurd; in fact, the distance is rather an advantage. It will give an opening for our ships of war and will be an additional reason for the upbuilding of our Navy."

Other Army and Navy officers have expressed themselves in the same strain. It is natural they should do so. On any proposition looking toward an increase of either branch of the service their answer is ready-made. I do not accept professional soldiers as my guides in public policy. It is true we are a fighting people—our graveyards attest it. But we are not a belligerent power. May Heaven preserve us from such a fate. What makes England great is her formidable navy. What has made us great in the past is the absence of heavy armaments. It is the one undisputed advantage that we have over all civilized nations. Thomas Jefferson does not agree with Colonel Egan in the doctrine of dispersal. He wrote to President Monroe, in 1809, touching the proposed annexation of Cuba:

It will be objected to our receiving Cuba that no limit can be drawn to our future acquisitions. Cuba can be defended by us without a navy; and this develops the principle which ought to limit our views. Nothing should ever be accepted which would require a navy to defend it.

Secretary Frelinghuysen wrote to Mr. Langston under date of June 20, 1883:

The policy of this Government, as declared on many occasions in the past, has tended toward a avoidance of possessions disconnected from the main continent.

In 1884 he said to the same minister:

A conviction that a fixed policy, dating back to the origin of our constitutional Government, was considered to make it inexpedient to attempt territorial aggrandizement which would require maintenance by a naval force in excess of any yet provided for our national uses, has led this Government to decline territorial acquisitions. Even as simple coaling stations such territorial acquisitions would involve responsibilities beyond their utility. The United States has never deemed it needful to their national life to maintain impregnable fortresses along the world's highways of commerce.

William E. Gladstone writes of the destiny of this Republic in his *Kin Beyond the Seas*:

The United States has the natural base of the greatest continuous empire that has ever been established by man, and the distinction between a continuous empire and one dispersed over the sea is vital. America will probably become what we are now, the head servant in the great household of the world, because her service will be most and the ablest; for the growth in one century from 3,000,000 to 65,000,000 encourages the belief that in 1990 America will have 500,000,000 of people.

On the subject of naval expansion I quote from an able paper written by M. S. Stuyvesant, of St. Louis:

I do not believe that we need what is known as "sea power" for use outside of our own waters. To put it in another way, we will not have to keep pace with England and the continental powers in this expensive matter of building battle ships if our coasts are impregnable, because—

1. We have no foreign colonies to defend.
2. We are not in the business of appropriating the lands of defenseless people and have no "zones of influence" to squabble over.
3. We have no coaling stations scattered all over the world to fortify and maintain connection with.
4. Our chances of having to go to war would be materially lessened. No nation would be anxious to quarrel with us if they could not hurt us. We

can safely leave the struggle for preponderant sea power to other nations less fortunately situated, if only our coast defenses are in condition to repel attack.

On the strategic advantages of Hawaii Capt. A. T. Mahan has been appealed to and has dutifully come to the front. He says:

Too much stress can not be laid on the immense disadvantage to us of any maritime enemy having a coaling station well within 2,500 miles, as this is, of every point of our coast line from Puget Sound to Mexico. Were there many others available we might find it difficult to exclude them all. There is, however, but one. Shut out from the Sandwich Islands as a coal base, an enemy is thrown back for supplies of fuel to distances of 3,500 or 4,000 miles, or between 7,000 and 8,000 miles going and coming, an impediment to sustained maritime operations well-nigh prohibitive. * * * It is rarely that so important a factor in the attack or defense of a coast line—of a sea frontier—is concentrated in a single position, and this circumstance renders it doubly imperative upon us to secure it if we righteously can.

According to Captain Mahan, with these islands in our possession a navy seeking to attack our coast would have to steam some 7,000 miles without re-coaling. He speaks of an enemy being thus thrown back for supplies. What possible enemies have we to encounter in the Pacific? There are but two—England and Japan. Frowning over our frontier, near the southern extremity of Vancouver Island, is the first-class naval arsenal of Esquimault. With this and her master navy England is indifferent as to whether we hold Hawaii or not. The Japanese are a long-headed people. They are not given to running on quixotic errands. They do not dream of attacking our Pacific coast. If they ever attempt it, their ships would have no need of re-coaling on the return trip.

Captain Mahan's opinion and my crude notions of strategy do not agree. I have always understood that in war the more one spreads out the more one is weakened, the more one concentrates the more one is strengthened. The advocates of annexation constantly refer to Hawaii as an outpost. An outpost is a detachment from the main body thrown forward for purposes of observation, retreating and reinforcing the main body when occasion requires. In the event of war Hawaii could not fall back, it could not fall forward, and it would refuse to sink into the sea. It would have to be defended by fortifications and guarded by a fleet.

It is but fair to admit that Hawaii has its attractive features, its allurements. To the world-stroller it offers a blissful sojourn—a life with something of the Garden of Eden about it—plenty of leisure and few clothes. Here the traveler breathes the fragrance of flowers, regales himself on rich fruits, and revels in the ever-tepid sea. When the sensuous palls upon him, there is subject for moralizing. He can climb Mount Kilauea, peep into its crater, which does the most active business on the islands, and ponder over the possibilities of the future.

At nightfall he seeks the shelter of the lanai, a shed with live trees for posts and interwoven palm leaves for a roof. Here, seated on the grass, his neck encircled with a lei, a wreath of flowers, he joins in the luau, a native banquet. The food is served on leaves of aromatic plants by way of tablecloth. With his fingers he dips pot out of a calabash. He partakes of sucking pig, roasted in a umu, an underground oven. He devours raw fish, live shrimps, yams, and watermelon, washing the whole down with copious draughts of awa, the alcoholic beverage of Polynesia. Satiated, with a parting aloha, he retires to some opening among the palm trees and takes a moonshine bath, meanwhile conning the Kanaka, if he is an American with aspirations, knowing that an acquaintance with that dialect will be a requirement in the next catechism of the Civil Service Commission.

Uncle Sam may long for relaxation of this kind; but, after all, he will be wise to imitate the sage Ulysses. As he approached the island of the Sirens, whose song was death, Ulysses filled his sailors' ears with beeswax to dull their hearing and had himself bound to the mast for fear that he might weaken. Then, signaling his men to bend to their oars, he swiftly fled the dangerous coast.

Mr. WHITE obtained the floor.

Mr. JONES of Arkansas. Mr. President, there are very few Senators in the Senate Chamber, and I suggest the absence of a quorum.

The VICE-PRESIDENT. The absence of a quorum being suggested by the Senator from Arkansas, the Secretary will call the roll.

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

- | | | | |
|-----------|-------------|--------------|-------------|
| Bacon, | Fairbanks, | McBride, | Sewell, |
| Baker, | Foraker, | McEnery, | Shoup, |
| Bate, | Frye, | McLaurin, | Spooner, |
| Berry, | Gallinger, | McMillan, | Stewart, |
| Burrows, | Gear, | Mallory, | Teller, |
| Butler, | Hale, | Martin, | Thurston, |
| Carter, | Hanna, | Mitchell, | Tillman, |
| Chilton, | Hansbrough, | Morgan, | Turley, |
| Clark, | Harris, | Pasco, | Warren, |
| Clay, | Hawley, | Perkins, | Wellington, |
| Cockrell, | Heitfeld, | Pettus, | Wetmore, |
| Cullom, | Jones, Ark. | Platt, Conn. | White, |
| Daniel, | Jones, Nev. | Platt, N. Y. | Wilson. |
| Davis, | Kyle, | Pritchard, | |
| Deboe, | Lindsay, | Rawlins, | |
| Elkins, | Lodge, | Roach, | |

The VICE-PRESIDENT. Sixty-one Senators have answered to their names. A quorum is present. The Senator from California is recognized.

Mr. WHITE addressed the Senate. After having spoken for an hour and five minutes,

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from California will suspend. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3698) for the restoration of annuities to the Sisseton and Wahpeton bands of Dakota or Sioux Indians.

Mr. DAVIS. I ask that the unfinished business be temporarily laid aside and that the Senate proceed with the consideration of the pending joint resolution.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The Senator from California will proceed.

Mr. WHITE resumed his speech. After having spoken fifty minutes,

Mr. PASCO. Mr. President, I wish to suggest that there is not a quorum of the Senate present.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

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

- | | | | |
|------------|-------------|--------------|-------------|
| Baker, | Gorman, | Mantle, | Shoup, |
| Bate, | Hanna, | Mills, | Spooner, |
| Berry, | Harris, | Money, | Stewart, |
| Burrows, | Hawley, | Morgan, | Sullivan, |
| Butler, | Heitfeld, | Nelson, | Teller, |
| Carter, | Hoar, | Pasco, | Thurston, |
| Chilton, | Jones, Nev. | Penrose, | Tillman, |
| Clark, | Kyle, | Perkins, | Turley, |
| Cullom, | Lindsay, | Pettus, | Warren, |
| Davis, | Lodge, | Platt, Conn. | Wellington, |
| Elkins, | McBride, | Platt, N. Y. | White, |
| Fairbanks, | McEnery, | Pritchard, | Wilson. |
| Foraker, | McLaurin, | Rawlins, | |
| Frye, | McMillan, | Roach, | |
| Gallinger, | Mallory, | Sewell, | |

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. A quorum of the Senate is present. The Senator from California will proceed.

Mr. WHITE resumed his speech; and after having spoken for an hour and a half, he said:

I desire to inquire of the Senator from Minnesota [Mr. DAVIS] if it would be agreeable to him to take the usual adjournment now? I have occupied the floor for quite a while, and I am rather tired.

Mr. DAVIS. I am perfectly willing that we shall proceed to the transaction of some other business.

Mr. WHITE. Certainly. I do not wish that the Senate should adjourn; but, if agreeable, I should like to desist for the evening.

THE INDIAN TERRITORY.

Mr. PETTIGREW. I submit a conference report on the bill (H. R. 5381) for the protection of the people of the Indian Territory, and for other purposes, and ask that it may be considered at the present time.

Mr. DAVIS. I should like to inquire whether the report will lead to debate?

Mr. PETTIGREW. I think not.

Mr. DAVIS. If it does, I shall have to object to its consideration at this time.

Mr. JONES of Arkansas. I am very sure there will be no debate on the adoption of the report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5381) for the protection of the people of the Indian Territory, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 5, 6, 11, 19, 23, 27, 42, 43.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 9, 12, 13, 14, 15, 16, 17, 20, 22, 24, 25, 28, 29, 30, 31, 32, 33, 35, 38, 44, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the words struck out, insert:

"SEC. 3. That said courts are hereby given jurisdiction in their respective districts to try cases against those who may claim to hold as members of a tribe and whose membership is denied by the tribe, but who continue to hold said lands and tenements notwithstanding the objection of the tribe; and if it be found upon trial that the same are held unlawfully against the tribe by those claiming to be members thereof, and the membership and right are disallowed by the commission to the Five Tribes or the United States court, and the judgment has become final, then said court shall cause the parties charged with unlawfully holding said possessions to be removed from the same and cause the lands and tenements to be restored to the person or persons or nation or tribe of Indians entitled to the possession of the same: Provided always, That any person being a noncitizen in possession of lands, holding the possession thereof under an agreement, lease, or improvement contract with either of said nations or tribes, or any citizen thereof, executed prior to January 1, 1898, may, as to lands not exceeding in amount 160 acres, in defense of any action for the possession of said lands, show that he is and

has been in peaceable possession of such lands, and that he has, while in such possession, made lasting and valuable improvements thereon, and that he has not enjoyed the possession thereof a sufficient length of time to compensate him for such improvements. Thereupon, the court or jury trying said cause shall determine the fair and reasonable value of such improvements and the fair and reasonable rental value of such lands for the time the same shall have been occupied by such person, and if the improvements exceed in value the amount of rents with which such person should be charged, the court, in its judgment, shall specify such time as will, in the opinion of the court, compensate such person for the balance due, and award him possession for such time, unless the amount be paid by claimant within such reasonable time as the court shall specify. If the finding be that the amount of rents exceeds the value of the improvements, judgment shall be rendered against the defendant for such sum, for which execution may issue."

And the Senate agree to the same.
That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the words struck out insert:

"SEC. 6. That the summons shall not issue in such action until the chief or governor of the tribe, or person or persons bringing suit in his own behalf, shall have filed a sworn complaint, on behalf of the tribe or himself, with the court, which shall, as near as practicable, describe the premises so detained, and shall set forth a detention without the consent of the person bringing said suit or the tribe, by one whose membership is denied by it: *Provided*, That if the chief or governor refuse or fail to bring suit in behalf of the tribe then any member of the tribe may make complaint and bring said suit."

And the Senate agree to the same.
That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the words struck out insert:

"SEC. 9. That all actions for restitution of possession of real property under this act must be commenced by the service of a summons within two years after the passage of this act, where the wrongful detention or possession began prior to the date of its passage; and all actions which shall be commenced hereafter, based upon wrongful detention or possession committed since the passage of this act must be commenced within two years after the cause of action accrued. And nothing in this act shall take away the right to maintain an action for unlawful and forcible entry and detainer given by the act of Congress passed May 2, 1890 (26 U. S. Stat., page 95)."

And the Senate agree to the same.
That the Senate recede from its amendment numbered 10. In lieu of the words struck out insert: "*Provided*, That nothing herein contained shall in any way affect any vested legal rights which may have been heretofore granted by act of Congress, nor be so construed as to confer any additional rights upon any parties claiming under any such act of Congress;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the words struck out insert: "*Provided*, That nothing herein contained shall impair the rights of any holder or owner of a leasehold interest in any oil, coal rights, asphalt, or mineral which have been assented to by act of Congress, but all such interest shall continue unimpaired hereby, and shall be assured to such holders or owners by leases from the Secretary of the Interior for the term not exceeding fifteen years, but subject to payment of advance royalties, as herein provided, when such leases are not operated, to the rate of royalty on coal mined and the rules and regulations to be prescribed by the Secretary of the Interior, and preference shall be given to such parties in renewals of such leases: *And provided further*;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In addition to the words inserted, insert also: "and the clerk of said court shall record all papers and perform all the acts required of the recorder of the county, or the clerk of the county court, or the secretary of state, necessary for the incorporation of any city or town, as provided in Mansfield's Digest; and such city or town government, when so authorized and organized, shall possess all the powers and exercise all the rights of similar municipalities in said State of Arkansas;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 23, and agree to the same with an amendment as follows: In lieu of the words struck out insert: "SEC. 15. That there shall be a commission in each town for each one of the Chickasaw, Choctaw, Creek, and Cherokee tribes, to consist of one member to be appointed by the executive of the tribe, who shall not be interested in town property, other than his home; one person to be appointed by the Secretary of the Interior, and one member to be selected by the town. And if the executive of the tribe or the town fail to select members as aforesaid, they may be selected and appointed by the Secretary of the Interior."

Said commissions shall cause to be surveyed and laid out town sites where towns with a present population of 200 or more are located, conforming to the existing survey so far as may be, with proper and necessary streets, alleys, and public grounds, including parks and cemeteries, giving to each town such territory as may be required for its present needs and reasonable prospective growth; and shall prepare correct plats thereof, and file one with the Secretary of the Interior, one with the clerk of the United States court, one with the authorities of the tribe, and one with the town authorities. And all town lots shall be appraised by said commission at their true value, excluding improvements; and separate appraisements shall be made of all improvements thereon; and no such appraisement shall be effective until approved by the Secretary of the Interior, and in case of disagreement by the members of such commission as to the value of any lot said Secretary may fix the value thereof.

"The owner of the improvements upon any town lot, other than fencing, tillage, or temporary buildings, may deposit, in the United States Treasury, St. Louis, Mo., one-half of such appraised value; 10 per cent within two months and 15 per cent more within six months after notice of appraisement, and the remainder in three equal annual installments thereafter, depositing with the Secretary of the Interior one receipt for each payment, and one with the authorities of the tribe, and such deposit shall be deemed a tender to the tribe of the purchase money for such lot.

"If the owner of such improvements on any lot fails to make deposit of the purchase money as aforesaid, then such lot may be sold in the manner herein provided for the sale of unimproved lots; and when the purchaser thereof has complied with the requirements herein for the purchase of improved lots he may, by petition, apply to the United States court within whose jurisdiction the town is located for condemnation and appraisement of such improvements, and petitioner shall, after judgment, deposit the value so fixed with the clerk of the court; and thereupon the defendant shall be required to accept same in full payment for his improvements or remove same from the lot within such time as may be fixed by the court.

"All town lots not improved as aforesaid shall belong to the tribe and shall be in like manner appraised and, after approval by the Secretary of the Interior, and due notice, sold to the highest bidder at public auction by said commission, but not for less than their appraised value, unless ordered by the Secretary of the Interior; and purchasers may in like manner make deposits of the purchase money with like effect as in case of improved lots.

"The inhabitants of any town may, within one year after the completion

of the survey thereof, make such deposit of \$10 per acre for parks, cemeteries, and other public grounds laid out by said commission with like effect as for improved lots; and such parks and public grounds shall not be used for any purpose until such deposits are made.

"The person authorized by the tribe or tribes may execute or deliver to any such purchaser, without expense to him, a deed conveying to him the title to such lands or town lots, and thereafter the purchase money shall become the property of the tribe; and all such moneys shall, when titles to all the lots in the towns belonging to any tribe have been thus perfected, be paid per capita to the members of the tribe: *Provided, however*, That in those town sites designated and laid out under the provisions of this act where coal leases are now being operated and coal is being mined, there shall be reserved from appraisement and sale all lots occupied by houses of miners actually engaged in mining, and only while they are so engaged, and in addition thereto a sufficient amount of land, to be determined by the appraisers, to furnish homes for the men actually engaged in working for the lessees operating said mines and a sufficient amount for all buildings and machinery for mining purposes: *And provided further*, That when the lessees shall cease to operate said mines, then, and in that event, the lots of land so reserved shall be disposed of as provided for in this act."

And the Senate agree to the same.
That the Senate recede from its amendment numbered 34, and agree to the same with an amendment as follows: In lieu of the words struck out insert: "Until their rights under said treaty shall be determined, in such manner as shall be hereafter provided by Congress;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the words adopted by the Senate insert: "Made after the 1st day of January, 1898, by the tribe, or any member thereof, shall be absolutely void, and all such grazing leases;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In line 15 strike out the word "shall;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the amended clause substitute the following: "prior to said date shall terminate;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Change the amended clause so that it shall read as follows: "on the 1st day of April, 1899, and all such agricultural leases shall terminate on January 1, 1900; but this shall not prevent individuals from leasing their allotments when made to them as provided in this act, nor from occupying or renting their proportionate shares of the tribal lands until the allotments herein provided for are made;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 41, and agree to same with an amendment as follows: Omit a portion of the words struck out, so that it shall read:

"SEC. 26. That before any allotment shall be made of lands in the Cherokee Nation there shall be segregated therefrom by the commission heretofore mentioned, in separate allotments or otherwise, the 157,600 acres purchased by the Delaware tribe of Indians from the Cherokee Nation under agreement of April 8, 1867, subject to the judicial determination of the rights of said descendants and the Cherokee Nation under said agreement. That the Delaware Indians residing in the Cherokee Nation are hereby authorized and empowered to bring suit in the Court of Claims of the United States, within sixty days after the passage of this act, against the Cherokee Nation, for the purpose of determining the rights of said Delaware Indians in and to the lands and funds of said nation under their contract and agreement with the Cherokee Nation dated April 8, 1867; or the Cherokee Nation may bring a like suit against said Delaware Indians; and jurisdiction is conferred on said court to adjudicate and fully determine the same, with right of appeal to either party to the Supreme Court of the United States."

And the Senate agree to the same.
That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: Omit a portion of the amendment, so that it shall read as follows:

"SEC. 30. That the Secretary of the Interior is authorized to locate one Indian inspector in Indian Territory, who may, under his authority and direction, perform any duties required of the Secretary of the Interior by law relating to affairs therein."

And the Senate agree to the same.
That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: Omit a portion of the amendment and amend the remainder so that the amendment shall read as follows:

"SEC. 31. That on the 1st day of July, 1898, all tribal courts in Indian Territory shall be abolished, and no officer of said courts shall thereafter have any authority whatever to do or perform any act theretofore authorized by any law in connection with said courts, or to receive any pay for same; and all civil and criminal causes then pending in any such courts shall be transferred to the United States court in said Territory by filing with the clerk of the court the original papers in the suit: *Provided*, That this section shall not be in force as to the Chickasaw, Choctaw, and Creek tribes, or nations, until the 1st day of October, 1898."

And the Senate agree to the same.
That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with amendments as follows: Strike out the first paragraph of the amendment, including lines 16 to 25, inclusive, on page 30, and lines 1 to 14, inclusive, on page 31, and insert the following in lieu thereof:

"SEC. 32. That the agreement made by the commission to the Five Civilized Tribes with commissions representing the Choctaw and Chickasaw tribes of Indians on the 23d day of April, 1897, as herein amended, is hereby ratified and confirmed, and the same shall be of full force and effect if ratified before the 1st day of December, 1898, by a majority of the whole number of votes cast by the members of said tribes at an election held for that purpose; and the executives of said tribes are hereby authorized and directed to make public proclamation that said agreement shall be voted on at the next general election, or at any special election to be called by such executives for the purpose of voting on said agreement; and at the election held for such purpose all male members of each of said tribes qualified to vote under his tribal laws shall have the right to vote at the election precinct most convenient to his residence, whether the same be within the bounds of his tribe or not: *Provided*, That no person whose right to citizenship in either of said tribes or nations is now contested in original or appellate proceedings before any United States court shall be permitted to vote at said election: *Provided further*, That the votes cast in both of said tribes or nations shall be forthwith returned duly certified by the precinct officers to the national secretaries of said tribes or nations, and shall be presented by said national secretaries to a board of commissioners consisting of the principal chief and national secretary of the Choctaw Nation, the governor and national secretary of the Chickasaw Nation, and a member of the commission to the Five Civilized Tribes, to be designated by the chairman of said commission; and said board shall meet without delay at Atoka, in the Indian Territory, and canvass and count said votes and make proclamation of the result; and if said agreement,

as amended, be so ratified, the provisions of this act shall then only apply to said tribes where the same do not conflict with the provisions of said agreement; but the provisions of said agreement, if so ratified, shall not in any manner affect the provisions of section 14 of this act, which said amendment is as follows:

And the Senate agree to the same.

Insert, after the word "further," at the end of line 4, page 34, the following: "That the commissioners to the Five Civilized Tribes shall make a correct roll of Chickasaw freedmen entitled to any rights or benefits under the treaty made in 1866 between the United States and the Choctaw and Chickasaw tribes and their descendants born to them since the date of said treaty, and 40 acres of land, including their present residences and improvements, shall be allotted to each, to be selected, held, and used by them until their rights under said treaty shall be determined in such manner as shall hereafter be provided by act of Congress;" and the Senate agree to the same.

Strike out all after the word "land," in line 17, page 37, down to the second word "and," in line 1, page 38.

Strike out, in lines 9 and 10, page 39, the words "member of the Commission to the Five Civilized Tribes to be designated by the chairman thereof" and insert in lieu thereof the words "to be appointed by the President of the United States."

Strike out, in line 4, page 40, the words "the same" and insert in lieu thereof the words "one residence and one business lot at 50 per cent of the appraised value of such improved property, and the remainder of such improved property."

Strike out, in line 13, page 40, the words "they shall select a third person" and insert in lieu thereof the words "or the limit or extent of said town, either of said commissioners may report any such disagreement to the judge of the district in which such town is located, who shall appoint a third member to act with said commission."

And the Senate agree to the same.

Strike out, in line 9, page 42, the words "Choctaw or Chickasaw constitutions."

Insert, after the word "States," in line 10, page 42, the words "in force in said Territory."

Insert, after the word "Nations," in line 24, page 44, the following: "each of whom shall make full report of all his acts to the Secretary of the Interior quarterly. All such acts shall be subject to the approval of said Secretary."

Insert, after the word "agreement," in line 22, page 45, the words "subject, however, to payment of advance royalties herein provided for."

Strike out all after the word "void," in line 17, page 45, down to and including the word "agreement," in line 22, and insert in lieu thereof the following: "Provided, That nothing herein contained shall impair the rights of any holder or owner of a leasehold interest in any oil, coal rights, asphalt, or mineral which have been assented to by act of Congress, but all such interests shall continue unimpaired hereby and shall be assured by new leases from such trustees of coal or asphalt claims described therein, by application to the trustees within six months after the ratification of this agreement."

The proviso beginning in line 6, page 46, is amended to read as follows: "Provided, That the Secretary of the Interior may reduce or advance royalties on coal and asphalt when he deems it for the best interests of the Choctaws and Chickasaws to do so. No royalties shall be paid except into the United States Treasury as herein provided."

Strike out, in line 5, page 46, the words "on asphalt."

Insert, in line 9, page 48, after the word "embracery," the words "breaches or disturbances of the peace and carrying weapons."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with amendments as follows: In lieu of the first paragraph of section 33 of the amendment insert the following:

"SEC. 33. That the agreement made by the commission to the Five Civilized Tribes with the commission representing the Muscogee (or Creek) tribe of Indians on the 27th day of September, 1897, as herein amended, is hereby ratified and confirmed, and the same shall be of full force and effect if ratified before the 1st day of December, 1898, by a majority of the votes cast by the members of said tribe at an election to be held for that purpose; and the executive of said tribe is authorized and directed to make public proclamation that said agreement shall be voted on at the next general election, to be called by such executive for the purpose of voting on said agreement; and if said agreement as amended be so ratified, the provisions of this act shall then only apply to said tribe where the same do not conflict with the provisions of said agreement; but the provisions of said agreement, if so ratified, shall not in any manner affect the provisions of section 14 of this act, which said amended agreement is as follows."

Insert, after the word "made," in line 13, page 53, the following: "All citizens of said nation, from and after the passage of this act, shall be entitled to select from the lands of said nation an amount equal to 160 acres, and use and occupy the same until the allotments therein provided are made."

Strike out paragraph 7 of section 33, page 59, and insert the following in lieu thereof:

"7. The residue of the lands, with the improvements thereon, if any there be, shall be appraised separately, under the direction of the Secretary of the Interior, and said lands and improvements sold in tracts of not to exceed 160 acres to one person, to the highest bidder, at public auction for not less than the appraised value per acre of land, and after deducting the appraised value of the lands the remainder of the purchase money shall be paid to the owners of the improvement."

Strike out all on page 61 between the word "land," in line 4, and the word "the," where it occurs the second time in line 12.

Strike out, in line 3, page 62, the words "an officer of the United States to be designated," and insert in lieu thereof the word "appointed."

Strike out, in line 5, page 65, the words "said nation of."

And the Senate agree to the same.

R. F. PETTIGREW,
O. H. PLATT,
JAMES K. JONES,

Managers on the part of the Senate.

J. S. SHERMAN,
CHARLES CURTIS,
JOHN S. LITTLE,

Managers on the part of the House.

The report was agreed to.

On motion of Mr. JONES of Arkansas, it was

Ordered, That H. R. 8581, "An act for the protection of the people of the Indian Territory, and for other purposes," be printed as agreed to in conference.

BRIGHTWOOD RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10280) to require the Brightwood Railway Company to abandon its overhead trolley on Kenyon street,

between Seventh and Fourteenth streets, and requesting a conference on the disagreeing votes of the two Houses.

Mr. McMILLAN. I move that the Senate agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. McMILLAN, Mr. GALLINGER, and Mr. FAULKNER were appointed.

NIAGARA RIVER BRIDGE.

Mr. PLATT of New York. I ask unanimous consent to call up the bill (H. R. 1073) to provide for the construction of a bridge across Niagara River.

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

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

STREET PARKING IN THE DISTRICT OF COLUMBIA.

Mr. McMILLAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5880) to vest in the Commissioners of the District of Columbia the control of the street parking in said District, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted strike out all after the enacting clause and insert the following:

"The jurisdiction and control of the street parking in the streets and avenues of the District of Columbia is hereby transferred to and vested in the Commissioners of the District of Columbia.

"SEC. 2. That the park system of the District of Columbia is hereby placed under the exclusive charge and control of the Chief of Engineers of the United States Army, under such regulations as may be prescribed by the President of the United States through the Secretary of War.

"The said park system shall be held to comprise:

"(a) All public spaces laid down as reservations on the map of 1894 accompanying the annual report for 1894 of the officer in charge of public buildings and grounds;

"(b) All portions of the space in the streets and avenues of the said District, after the same shall have been set aside by the Commissioners of the District of Columbia, for park purposes: *Provided*, That no areas less than 250 square feet between sidewalk lines shall be included within the said park system, and no improvements shall be made in unimproved public spaces in streets between building lines or building lines prolonged until the outlines of such portions as are to be improved as parks shall have been laid out by the Commissioners of the District of Columbia: *And provided further*, That the Chief of Engineers is authorized temporarily to turn over the care of any of the parking spaces included in class "b" above to private owners of adjoining lands under such regulations as he may prescribe and with the condition that the said private owner shall pay special assessments for improvements contiguous to such parking under the same regulations as are or may be prescribed for private lands: *And provided further*, That where in any portion of a street more than one-half of the front is occupied and used for business purposes, the Commissioners are authorized and directed to designate such portion of the street as a business street and shall authorize the use for business purposes by abutting property owners of so much of the sidewalk and parking as may not be needed, in the judgment of the said Commissioners, by the general public, under such general regulations as the said Commissioners may prescribe.

"SEC. 3. This act shall not affect in any manner the provisions in the act of March 3, 1891, entitled 'An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes,' that no permits for projections beyond the building line on the streets and avenues of the city of Washington shall be granted except under special application and with the concurrence of all said Commissioners and the approval of the Secretary of War; and the operation of said provision is hereby extended to the entire District of Columbia.

"SEC. 4. That when, in the judgment of the Commissioners of the District of Columbia, the public necessity or convenience require them to enter upon any of the spaces or reservations under the jurisdiction of the Chief of Engineers, for the purpose of widening the roadway of any street or avenue adjacent thereto or to establish sidewalks along the same, the Chief of Engineers, with the approval of the Secretary of War, is authorized to grant the necessary permission upon the application of the Commissioners.

"SEC. 5. That when in accordance with law or mutual legal agreement spaces or portions of public land are transferred from the jurisdiction of the Chief of Engineers of the United States Army, as established by this act, to that of the Commissioners of the District of Columbia, or vice versa, the letters exchanged between them of transfer and acceptance shall be sufficient authority for the necessary change in the official maps and for record when necessary.

"SEC. 6. That the said Chief of Engineers and the said Commissioners are hereby authorized to make all needful rules and regulations for the government and proper care of all the public grounds placed by this act under their respective charge and control, and to annex to such rules and regulations such reasonable penalties as will secure their enforcement.

"SEC. 7. All acts or parts of acts inconsistent with this act are hereby repealed, but nothing contained in this act shall be construed to affect in any way any pending litigation involving the validity or invalidity of the occupation of any public space or reservation in the District of Columbia."

And the Senate agree to the same.

JAMES McMILLAN,
REDFIELD PROCTOR,
A. P. GORMAN,

Managers on the part of the Senate.

W. S. COWHERD,
JOHN J. JENKINS,
G. M. CURTIS,

Managers on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had passed the bill (S. 2678) for the relief of Lizzie Hagny, as administratrix of the estate of Frank B. Smith, deceased.

ENROLLED BILLS SIGNED.

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

A bill (S. 125) granting an increase of pension to George W. Palmer;

A bill (S. 156) to increase the pension of John H. Mullen;

A bill (S. 166) granting an increase of pension to Samuel A. Smith;

A bill (S. 949) granting a pension to Levi R. Long;

A bill (S. 1090) to pension Susan M. Sessford;

A bill (S. 1539) granting a pension to Paul Carr;

A bill (S. 2112) granting a pension to Jesse O. Davy;

A bill (S. 2114) granting a pension to Rebecca E. Kutz;

A bill (S. 2219) granting a pension to Thomas Madden;

A bill (S. 2247) granting a pension to Charles E. Mann;

A bill (S. 3209) making Sabine Pass, in the State of Texas, a subport of entry and delivery;

A bill (S. 3474) granting a pension to John C. Brown;

A bill (S. 3722) granting a pension to William J. Williams;

A bill (S. 4004) granting a pension to Julia E. Warner; and

A bill (S. 4451) granting a pension to Nancy Barger.

SUBURBAN HIGHWAYS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10200) to repeal an act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

J. H. GALLINGER,
JAMES McMILLAN,
CHARLES J. FAULKNER,
Managers on the part of the Senate.
J. W. BABCOCK,
G. M. CURTIS,
JAMES D. RICHARDSON,
Managers on the part of the House.

The report was agreed to.

SELECTION OF GRANTED LANDS BY UTAH.

Mr. CANNON. I ask unanimous consent for the present consideration of the bill (S. 4694) to permit the State of Utah to select certain granted lands.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments, in line 3, before the word "granted," to insert "lands;" and after the word "granted" to strike out "lands" and insert "in quantity;" so as to make the bill read:

Be it enacted, etc., That in its selection of lands granted in quantity under the terms and restrictions of an act entitled "An act to enable the people of Utah to form a constitution and State government and to be admitted into the Union on an equal footing with the original States," approved July 16, 1894, the said State of Utah shall be, and is hereby, permitted to select such lands in legal subdivisions of not less than one-sixteenth section, subject, however, to all the other conditions and obligations of such grant or grants of land imposed by said act of July 16, 1894; and the grant or grants of lands made by said act of July 16, 1894, are hereby ratified to such lands as may be selected in legal subdivisions of not less than one-sixteenth section, according to the terms of this act.

The amendments were agreed to.

Mr. CANNON. I move to further amend the bill by inserting after the word "quantity," in line 3, the words "or in lieu."

Mr. PLATT of Connecticut. How will the bill then read?

The SECRETARY. As proposed to be amended the bill will read:

That in its selection of lands granted in quantity or in lieu under the terms and restrictions of an act entitled "An act to enable the people of Utah to form a constitution and State government and to be admitted into the Union on an equal footing with the original States," approved July 16, 1894, the said State of Utah shall be, and is hereby, permitted to select such lands in legal subdivisions of not less than one-sixteenth section, etc.

The amendment was agreed to.

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

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

THOMAS PAUL.

Mr. WILSON. I ask unanimous consent for the present consideration of the bill (S. 3557) for the relief of Thomas Paul.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Interior to sell the following-described tract of land, to wit: Lot 6, section 34; lot 7, section 34; the northeast quarter of the southeast quarter of section 34; lot 6, section 35; lot 7, section 35; all in township 8 north, of range 35 east of the Willamette meridian, aggregating 132.15 acres, to Thomas Paul for \$1.25 per acre.

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

ASSIGNMENTS OF VOLUNTEER OFFICERS.

Mr. HAWLEY. I ask unanimous consent for the consideration at this time of the bill (H. R. 10606) to amend section 10 of an act

approved April 22, 1898, entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes." It is a bill much desired by the War Department.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to repeal so much of section 10 of the act approved April 22, 1898, entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," as provides that "officers appointed or assigned to the staff of commanders of Army corps, divisions, and brigades shall serve only in such capacity, and that when relieved from such staff service such appointments or assignments shall terminate," and that assignments of the officers of the volunteer staff shall be governed by the same rules and regulations as those of the Regular Army.

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

LETTERS PATENT TO MARY J. DAY.

Mr. PLATT of Connecticut. I move that the bill (H. R. 6512) granting an extension of letters patent No. 20694 to Mary J. Day, inventor, be recommitted to the Committee on Patents.

The motion was agreed to.

HARBOR DEFENSES AND FORTIFICATIONS.

Mr. HAWLEY. I beg leave to ask for the consideration at this time of the bill (S. 4714) to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes. The necessity for it will be seen when the bill is read.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

Mr. SPOONER. Is not five years' imprisonment a tremendous punishment for a misdemeanor?

Mr. HAWLEY. I have no objection to the term of imprisonment being less. We do not know how much the damage may be. It may be a fatal injury to a very important defense. There has been already a great deal of injury to telegraph lines, etc.

Mr. SPOONER. I am not speaking of the fine. I am speaking of the imprisonment.

Mr. HAWLEY. I have no objection to that being reduced.

Mr. PLATT of Connecticut. These words ought to be stricken out—"shall be guilty of a misdemeanor." An offense of this kind is something more than a misdemeanor. It is punished by an imprisonment of five years. It is a felony, an infamous crime; and the words I have read ought to be stricken out.

Mr. SPOONER. I suggest to the Senator that the offense is a very grave one, as I understand, and it should be declared to be a felony instead of a misdemeanor.

Mr. PLATT of Connecticut. I suggest that we should strike out the language "shall be deemed guilty of a misdemeanor," and that it should read: "shall be punished, on conviction," etc.

Mr. SPOONER. That is all right. The offense is an enormous one; but here it is made a misdemeanor, and a punishment of five years' imprisonment is provided for.

Mr. HAWLEY. Does my colleague move to strike out the words "shall be deemed guilty of a misdemeanor?"

The VICE-PRESIDENT. The amendment proposed by the Senator from Connecticut [Mr. PLATT] will be stated.

The SECRETARY. In line 9, after the words "shall be," it is proposed to strike out "deemed guilty of a misdemeanor;" and in line 10, after the word "conviction," to insert "thereof;" so as to read:

Shall be punished, on conviction thereof, in a district court of the United States for the district in which the offense is committed.

Mr. SPOONER. By fine and imprisonment. What is the penalty here?

The Secretary read as follows:

By a fine of not less than \$100 nor more than \$5,000, or with imprisonment for a term not exceeding five years, or both, in the discretion of the court.

Mr. HAWLEY. Let us dispose of the pending amendment.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Connecticut [Mr. PLATT], which has been stated.

The amendment was agreed to.

Mr. HAWLEY. What was the suggestion of the Senator from Wisconsin?

Mr. SPOONER. I am entirely satisfied with the bill as it stands.

Mr. HAWLEY. I now ask that the amendments of the Committee on Military Affairs may be stated.

The first amendment of the Committee on Military Affairs was, in section 1, line 3, after the word "maliciously," to insert "trespass upon;" so as to read:

That any person who shall willfully or maliciously trespass upon, injure, or destroy any of the works or property or material of any submarine mine or torpedo, or fortification or harbor-defense system owned or constructed or

in process of construction by the United States, or shall willfully or maliciously interfere with the operation or use of any such submarine mine, torpedo, fortification, or harbor-defense system, shall be punished, etc.

The amendment was agreed to.

The next amendment was, in section 2, line 9, after the word "State," to insert "or is occupied upon the written consent of the owner of the land;" and in line 11, after the word "building," to insert "or structure;" so as to make the section read:

SEC. 2. That when any offense is committed in any place jurisdiction over which has been retained by the United States or ceded to it by a State, or which has been purchased with the consent of a State, or is occupied upon the written consent of the owner of the land, for the erection of a fort, magazine, arsenal, dockyard, or other needful building or structure, the punishment for which offense is not provided for by any law of the United States, the person committing such offense shall, upon conviction in a circuit or district court of the United States for the district in which the offense was committed, be liable to and receive the same punishment as the laws of the State in which such place is situated now provide for the like offense when committed within the jurisdiction of such State, and the said courts are hereby vested with jurisdiction for such purpose; and no subsequent repeal of any such State law shall affect any such prosecution.

The amendment was agreed to.

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

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

ESTATE OF SAMUEL MILLIKEN.

Mr. FAIRBANKS. I ask unanimous consent for the present consideration of the bill (S. 2388) for the relief of the Marion Trust Company, administrator of the estate of Samuel Milliken, deceased, of Indianapolis, Ind., for services rendered as mail contractor on route No. 9704, between Paducah, Ky., and Iuka, Miss., in the year 1861.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to the Marion Trust Company, administrator of the estate of Samuel Milliken, deceased, of Indianapolis, Ind., \$901.92, being the amount now standing to the credit of said Samuel Milliken on the books of the Auditor of the Treasury for the Post-Office Department for services rendered by him as contractor in carrying the United States mails on route No. 9704, between Paducah, Ky., and Iuka, Miss., from April 1 to June 6, 1861, inclusive.

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

HUFF JONES.

Mr. SPOONER. I ask unanimous consent for consideration at this time of the bill (S. 4200) for the relief of Huff Jones for breach of contract with Indian agent.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay Huff Jones, of Oconto, Wis., \$1,226.39, in full for money expended under an agreement with William T. Richardson, United States Indian agent at Greenbay, Wis., in November, 1872, by which agreement Huff Jones was to cut pine on the Menominee Indian Reservation, in Wisconsin, and build shanties, stables, and roads, and a supply road 5 miles in length, when he was ordered to stop work by Indian Agent Boardman, who succeeded Agent Richardson; and the buildings and roads were subsequently used by Agent Boardman in cutting and hauling lumber on the reservation for a number of winters, and the said Jones has never been reimbursed any part of the amount he so expended under the agreement.

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

On motion of Mr. SPOONER, the title was amended so as to read: "A bill for the relief of Huff Jones."

EXECUTIVE SESSION.

Mr. WILSON. I had intended to ask unanimous consent for the consideration of a bridge bill, but it is somewhat lengthy and many Senators express a desire to go into executive session, and I therefore withhold the request.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 22, 1898, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 21, 1898.

APPOINTMENTS IN THE VOLUNTEER ARMY.

FIRST REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be lieutenant-colonel.

Harper H. McCaleb, of Texas,

To be majors.

Robert A. Rogers, of Texas.
William T. Levy, of Texas.

To be surgeon with the rank of major.

William F. Starley, of Texas.

To be assistant surgeon with the rank of first lieutenant.

Henry A. Ingalls, of Texas.

To be chaplain.

James M. Kirwin, of Texas.

To be captains.

Bryant K. Goree, of Texas.
Frederic J. Cooke, of Texas.
Juan S. Hart, of Texas.
William D. Anderson, of Texas.
Grant R. Bennett, of Texas.
Frank A. Ryan, of Texas.
Amos D. Sparkman, of Texas.
Etienne de P. Bujac, of Texas.
Stephen P. Allen, of Texas.
Edwin K. Marrast, of Texas.
Green W. Butler, of Texas.
Jesse L. Hall, of Texas.

To be first lieutenants.

Charles F. Neill, of Texas.
Joseph Y. Johnson, of Texas.
John O'Keeffe, of Texas.
Benjamin C. Riely, of Texas.
Horace Booton, of Texas.
Charles S. Dulin, of Texas.
John F. Melton, of Texas.
Thomas E. Blackmore, of Texas.
Taylor M. Reagan, of Texas.
Arthur F. Symms, of Texas.
Frank D. Tompkins, of Texas.
Thomas N. Devine, of Texas.

To be second lieutenants.

David C. McCaleb, of Texas.
Duble Chubb, of Texas.
Joseph McA. Power, of Texas.
William S. Sinclair, of Texas.
George H. Dakin, of Texas.
John W. B. Smith, of Texas.
Francis P. Tiernan, of Texas.
John S. Hoover, of Texas.
Joseph T. Maloney, of Texas.
John J. Tierney, of Texas.
Frederick E. Matley, of Texas.
John U. Rogers, of Texas.

THIRD REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be majors.

Frank Gordon, of Georgia.
Thomas S. Wylly, of Georgia.

To be chaplain.

Daniel H. Parker, of Georgia.

To be assistant surgeon with the rank of first lieutenant.

Joseph A. Guinn, of Georgia.

To be second lieutenants.

William Nehu, Company D, Eighth United States Infantry.
John H. Estell, jr., of Georgia.

SIXTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be surgeon with the rank of major.

Frank P. Robinson, of Tennessee.

EIGHTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be chaplain.

Benjamin W. Arnett, jr., of Illinois.

TENTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be captains.

Crandall Mackay, of South Carolina.
Albert J. Woude, of Louisiana.

To be second lieutenant.

Winfield S. Brown, of Ohio.

FIRST REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be captains.

Samuel Rodman, of New York.
Richard Esmond, of New York.

To be first lieutenants.

Alexander Dow, of New York.
William Robinson Molinard, of Maryland.

Joseph R. Haskin, of New York.
 Frederick R. Slater, of New York.
 John Griswold Livingston, of New York.
 James Elliott Hewes, of Maryland.
 Archibald R. Livingston, of New York.
 Allan A. Robbins, of New York.
 Lanford Lockwood Cluett, of New York.

To be second lieutenants.

John George Morgan, of Pennsylvania.
 Mathew Maury Corbin, of Maryland.
 Daniel Green Morton, of Maryland.
 Louis Birely Hamilton, of the District of Columbia.
 William Hopkins, of the District of Columbia.

SECOND REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be first lieutenant.

Robert Stewart Brooks, of New Jersey.

TENTH REGIMENT UNITED STATES VOLUNTEER INFANTRY.

To be captain.

Charles L. Beatty, of the District of Columbia.

THIRD REGIMENT UNITED STATES VOLUNTEER ENGINEERS.

To be captain.

Lewis H. Mattair, of Florida.

To be first lieutenant.

Michael S. Murray, commissary sergeant, United States Army.

To be second lieutenant.

William D. Pasco, of Florida.

TO BE ADDITIONAL PAYMASTERS.

John R. Lynch, of Mississippi.

Webster C. Weiss, of Pennsylvania. The nomination of Webster C. Wise, of Pennsylvania, for the above-named office, which was delivered to the Senate on the 13th instant, is hereby withdrawn.

Frederic C. Lord, of Nevada.

John C. Krause, of Ohio.

Henry J. May, of Ohio.

Edward A. Bigelow, of Illinois.

TO BE CHIEF QUARTERMASTER WITH THE RANK OF MAJOR.

Otto H. Falk, of Wisconsin. Mr. Falk was nominated to the Senate on the 8th instant, and confirmed on the 10th instant, under the name of Otto Falk. This message is to correct error in name of the nominee.

TO BE BRIGADE SURGEON WITH THE RANK OF MAJOR.

Ernest Taylor Tappay, of Michigan.

UNITED STATES ATTORNEY.

David F. Jones, of Wisconsin, to be attorney of the United States for the western district of Wisconsin, vice Henry E. Briggs, whose term expired May 3, 1898.

INDIAN AGENT.

Edward Mills, of Everett, Wash., to be agent for the Indians of the Tulalip Agency in Washington, vice Daniel C. Govan, term expired.

POSTMASTER.

Ella B. Elliott, to be postmaster at Hamilton, in the county of Butler and State of Ohio, in the place of R. M. Elliott, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 21, 1898.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be chief quartermaster.

Otto H. Falk, of Wisconsin.

To be assistant adjutant-general with the rank of major.

Charles H. Mills, of Texas.

COLLECTOR OF INTERNAL REVENUE.

Charles C. Cole, of New York, to be collector of internal revenue for the Twenty-first district of New York.

POSTMASTER.

Ossian D. Knox, to be postmaster at Manchester, in the county of Hillsboro and State of New Hampshire.

REJECTION.

Executive nomination rejected by the Senate June 21, 1898.

POSTMASTER.

Collin P. Anthony, to be postmaster at Scotland Neck, in the county of Halifax and State of North Carolina.

HOUSE OF REPRESENTATIVES.

TUESDAY, June 21, 1898.

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

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

CHANGE OF REFERENCE.

Mr. WADSWORTH. Mr. Speaker, I am instructed by the Committee on Agriculture to ask that that committee be discharged from the further consideration of the bill (S. 4124) for the protection of song birds and that the same be referred to the Committee on Ways and Means.

The SPEAKER. Without objection, the change of reference will be made as indicated by the gentleman from New York.

There was no objection.

LIZZIE HAGNY, ADMINISTRATRIX.

Mr. SIMPSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2678) for the relief of Lizzie Hagny, as administratrix of the estate of Frank B. Smith, deceased.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lizzie Hagny, as administratrix of the estate of Frank B. Smith, deceased, the sum of \$1,237.52, being the amount expended by said Frank B. Smith for clerk hire in excess of his allowance during his incumbency as postmaster at Wichita, Kans., from October 1, 1886, to June 30, 1887.

Mr. LOUD. I would like to ask if there is a report accompanying this bill?

The SPEAKER. Is there objection to its present consideration?

Mr. LOUD. Unless the report is read, or some satisfactory explanation is given, I shall be compelled to object.

The SPEAKER. The gentleman from California asks that the report be read.

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

The Committee on Claims, to whom was referred the bill (S. 2678) for the relief of Lizzie Hagny, as administratrix of the estate of Frank B. Smith, deceased, have carefully considered the same and respectfully submit the following report:

The bill authorizes and directs the Secretary of the Treasury to pay, out of any moneys in the Treasury not otherwise appropriated, to Lizzie Hagny, as administratrix of the estate of Frank B. Smith, deceased, the sum of \$1,237.52, being the amount expended by said Frank B. Smith for clerk hire in excess of the allowance during his incumbency as postmaster at Wichita, Kans., from October 1, 1886, to June 30, 1887.

The committee find that Frank B. Smith submitted vouchers to the Department for clerk hire from October 1, 1886, to June 30, 1887, as follows:

October 1 to December 31, 1886.....	\$1,567.28
January 1 to March 31, 1887.....	1,595.35
April 1 to June 30, 1887.....	1,832.41
Total.....	4,995.02

The amount allowed during the period was—

October 1 to December 31, 1886.....	\$650.00
January 1 to March 31, 1887.....	1,332.50
April 1 to June 30, 1887.....	1,775.00
Total.....	3,757.50

The amount expended, as shown by vouchers on file, in excess of amount allowed was \$1,237.52.

Mr. Smith took charge of the post-office at Wichita, Kans., October 1, 1886. The population of Wichita had begun to increase at an extraordinary rate about this time, and the business of the post-office increased and continued to increase to an enormous extent during the first year of the incumbency of the said Frank B. Smith.

The city was in the midst of what is called a "boom" of extraordinary proportions. Thousands of people from all parts of the country were flocking to the city. The streets and hotels were filled with strangers and proposed settlers month after month during this time.

The demands upon the post-office officials were extraordinary, and were far beyond the capacity of the regular force allowed to the office.

It was not unusual to see hundreds of people in line, reaching not only out of the office, but far down the street, waiting for their turn at the delivery windows to obtain their mail.

The amount of mail received and distributed during this period was beyond all precedent, both on account of the increase in the legitimate population and the extraordinary influx of strangers at this time.

During this period Mr. Smith was not only at work night and day, and all his clerical force allowed by the Department, but also a considerable clerical force employed by Mr. Smith in excess of what the Department paid for. This state of affairs continued for a considerable period of time, and finally the matter was presented to the Department. A special agent was sent there, and an allowance was finally made to cover future necessities, but no provision was made for reimbursement for the large outlay which Mr. Smith was compelled to make prior to the time the special agent made his investigation. This bill is for reimbursement for that outlay.

The committee has on file the following communication from the First Assistant Postmaster-General, to whom this bill was referred for recommendation in the Fifty-fourth Congress:

Hon. E. O. WOLCOTT,
 Chairman of Committee on Post-Offices and Post-Roads,
 United States Senate.

SIR: Referring to Senate bill No. 3084, as above described, I have the honor to advise you that from an examination of the records of this Department it would appear that the claim of the late Frank B. Smith for reimbursement in the sum of \$1,237.52, expended by him in excess of regularly

authorized clerk-hire allowance during his incumbency as postmaster at Wichita, Kans., from October 1, 1886, to June 30, 1887, is a meritorious one, and the same is hereby approved.

A report similar to this was made on H. R. bill 8252, under date of April 24, 1896.

Very respectfully,

F. H. JONES,

First Assistant Postmaster-General.

Believing that this is a meritorious bill, the committee recommend that it be passed without amendment.

Mr. SIMPSON. This, Mr. Speaker, is a Senate bill, and has the unanimous report of the Senate and House committees.

Mr. LOUD. I wish to state, Mr. Speaker, that I wanted some information on the subject covered by the bill, inasmuch as there are hundreds of these bills now before Congress. The Department having recommended the enactment of this legislation, and the bill having received the approval of the committees, there is no objection on my part.

The SPEAKER. Is there further objection?

There being no further objection, the bill was considered, and ordered to a third reading; and being read the third time, was passed.

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

OWNERS OF SHIP ACHILLES.

Mr. DINGLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4629) for the relief of the owners of the ship *Achilles*.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read at length.

Mr. DINGLEY. I desire to say, Mr. Speaker, that the passage of this bill is regarded as somewhat important as an act of comity to a British ship that went very much out of its way, and at large expense, to rescue twenty-eight seamen from an American vessel.

Mr. LOUD. Why does not the general law—

Mr. DINGLEY (continuing). The general law, I will state, does not reach the particular case, and the Department has referred it to us for consideration.

Mr. ROBB. I object.

Mr. DINGLEY. The amount is so small, ordinarily—

The SPEAKER. The gentleman from Missouri has made objection.

Mr. DINGLEY. Very well.

COURT OF PRIVATE LAND CLAIMS.

Mr. FERGUSSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10290) to amend an act entitled "An act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March 13, 1891, and the act amendatory thereto, approved February 21, 1893, with a view to concurring in the amendment of the Senate, and also the amendment offered to the title of the bill.

The SPEAKER. The amendment of the Senate will be read.

The Senate amendment was read; also the amendment to the title.

There being no objection, the amendments were considered, and concurred in.

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

RESTORATION OF CHANNEL OF THE SOUTH CANADIAN RIVER, INDIAN TERRITORY.

Mr. CURTIS of Kansas. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill No. 4759, to authorize the Missouri, Kansas and Texas Railway Company to straighten and restore the channel of the South Canadian River, in the Indian Territory, at the crossing of said road.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

An act to authorize the Missouri, Kansas and Texas Railway Company to straighten and restore the channel of the South Canadian River, in the Indian Territory, at the crossing of said railroad.

Whereas the Missouri, Kansas and Texas Railway Company, heretofore, under and pursuant to authority conferred upon it by an act of Congress of the United States, built and constructed its line of railroad through the Indian Territory and through the Creek and Choctaw nations, and pursuant to said Congressional authority, as a part of its said line of railroad, many years since, at great expense, built and constructed a railroad bridge across the South Canadian River; and

Whereas the said South Canadian River, at the point it is crossed by said railroad bridge, and for a long distance on both sides, forms the established boundary line between the said Creek and Choctaw nations; and

Whereas recently unprecedented floods occurred in the South Canadian Valley, resulting in that river overflowing its banks at many points and flooding the contiguous territory and also resulting in the diversion of that river from its old channel at the point it was so bridged by the Missouri, Kansas and Texas Railway Company and for some distance above and below, and the formation of a new course some distance to the north of said bridge, washing away the railroad and railroad bed for a distance of about 2 miles, seriously interrupting and impeding the transportation of the mails, troops, munitions of war, and interstate commerce generally; and

Whereas it is important that the course of said river be restored to the old

channel at and below the bridge of said Missouri, Kansas and Texas Railway Company, and so established immediately above said bridge as to prevent as far as practicable any further shiftings of the channel of the river and breaking of the railway embankments and overflows of adjoining farm lands, and make possible the continued and uninterrupted use of said railroad and said railroad bridge: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said Missouri, Kansas and Texas Railway Company be, and it is hereby, authorized, at its sole expense, to restore the said river to its original channel, under and below said railroad bridge, and to that end to straighten and shorten the river above said bridge by excavating and constructing a channel for the river, commencing at said bridge and extending thence across sections 23 and 29 of township 9 north, of range 15 east, to the South Canadian River, at or near the northwest corner of said section 29, and for that purpose the said railway company is authorized to enter upon lands adjacent to said railroad.

SEC. 2. That before said channel shall be excavated and constructed through any lands held by individual occupants according to the laws, customs, and usages of the Creek and Choctaw nations full compensation shall be made to such occupants for all property to be taken or damaged by reason of the construction of said channel. In case of failure to make amicable settlements with any occupant, the railway company may file its petition in the United States court in the Indian Territory for the district in which the lands lie, reciting its failure to make such amicable settlement, and thereupon said court shall appoint a commission of three disinterested persons, having the qualifications of jurors in said court, to review the premises and appraise the damages to be sustained by such occupant, who, before entering upon their duties, shall take and subscribe before said courts or the clerk thereof an oath that they will faithfully and impartially discharge the duties imposed by their appointment, which oath, duly certified, shall be returned with their award. The award of a majority of said commissioners shall be the award of the commission, and such award shall be filed within ten days after the appointment of said commission. Either party being dissatisfied with the award may file exceptions in said court thereto within ten days from the filing of the same, and a trial of the issues raised by such exceptions shall be had in said court as in other cases. If neither party files exceptions the railway company shall pay into court, before entering upon the land condemned, the amount of said award, together with all costs, assessed as in ordinary cases in said court: *Provided*, That said commissioners shall be allowed and paid \$4 per day, with mileage at 5 cents per mile. If either party files exceptions, then the railway company shall pay into court double the amount of the award to abide the judgment thereof, and may at once proceed with the construction of said channel.

SEC. 3. That the boundary line between the Creek and Choctaw nations shall be and remain unchanged by reason of the work hereinbefore authorized to be done by said railway company.

SEC. 4. That the Missouri, Kansas and Texas Railway Company by such condemnation proceedings and the construction of said channel, and the diversion of the river through same, shall have no other or further rights in and to said river than it now has.

Mr. McEWAN. Mr. Speaker, reserving the right of objection, I would like to hear some statement made with reference to this proposition.

Mr. CURTIS of Kansas. I will take pleasure in making a statement to the House.

Mr. McEWAN. There are two questions that I would like to ask the gentleman. The first question is, How are the rights of the Government to be safeguarded? The usual practice is through the Secretary of War by the Corps of Engineers.

Mr. CURTIS of Kansas. This, I will state to the gentleman, is an unnavigable river in the Indian Territory, and the lands belong to two Indian tribes, and the Government has no interest in it except as the trustee of the Indians. The bill provides for the protection of the rights of the Indians by condemnation proceedings and full payment for any lands that may be taken in straightening and restoring the channel of the stream.

This legislation is consented to by all the chiefs of both of the tribes affected, and the passage of the bill will be a great benefit to all those living along the river at this particular point, as it will prevent all future overflows of the South Canadian River at that place.

Mr. McEWAN. My second question is, Has it received the recommendation of the appropriate committee of this House?

Mr. CURTIS of Kansas. It has. It was unanimously reported by the Senate committee and passed the Senate. It has been unanimously reported by the House committee, and, I am informed, was submitted to and approved by the Department.

Mr. McEWAN. If the land, as it would seem, belongs to two of the Indian tribes, and they ask for the grant, and this is a non-navigable stream, I have no objection, especially as it is shown to give nothing but the privilege of straightening the channel and thus benefiting the people of the Territory at the cost of the railroad.

Mr. CURTIS of Kansas. A nonnavigable stream.

Mr. McEWAN. I withdraw my objection.

The SPEAKER. Is there further objection?

There was no objection.

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

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

PRINTING OF COPIES OF DIGEST AND MANUAL.

Mr. PERKINS. Mr. Speaker, I desire to present a privileged resolution.

The resolution was read, as follows:

Resolved, That there be printed 2,600 copies of the Digest and Manual of the Rules and Practice of the House of Representatives for the second session of the Fifty-fifth Congress, the same to be bound and distributed under the direction of the Speaker and Clerk of the House.

Mr. CLARK of Missouri. Was there not a resolution like this passed at the extra session?

Mr. PERKINS. No; a resolution was presented upon the floor, but objection was made, and nothing further was done with the matter.

Mr. CLARK of Missouri. I thought if it was passed some other gentleman got my copies of the Manual.

Mr. RICHARDSON. I wish to ask my colleague, if I may be permitted, whether this is the usual distribution?

Mr. PERKINS. Oh, yes.

The resolution was agreed to.

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

RIGHT OF WAY THROUGH PIKES PEAK TIMBER LAND RESERVE.

Mr. BELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4750) granting right of way through Pikes Peak Timber Land Reserve and the public lands to the Cripple Creek District Railway Company.

The bill was read, as follows:

Be it enacted, etc., That the Cripple Creek District Railway Company, a corporation created and existing under the laws of the State of Colorado, be, and it hereby is, authorized to construct and maintain a railway over and through the Pikes Peak Timber Land Reserve (heretofore reserved from entry or settlement and set apart as a public reservation by Executive order), said railway to enter said Pikes Peak Timber Land Reserve at such a point on the eastern or northern boundary thereof in El Paso County, Colo., as may be found to be the most feasible for the route of said railway, running in a westerly direction from Colorado Springs, Colo., thence proceeding by the most practicable route through the reserve to the western boundary thereof; also, to proceed by such side tracks, extensions, switches, and spurs as may be necessary to reach any groups of mines in said forest reserve, all in said El Paso County; and the said railway company is hereby also granted right of way through the public lands to the town of Cripple Creek, in the said State of Colorado; said right of way being granted subject to the rules and restrictions and carrying all the rights and privileges of an act entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875, said act being hereby made applicable to the right of way hereby granted: *Provided,* That no timber shall be cut by said railroad company for any purpose outside of the rights of way herein granted.

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

There was no objection.

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

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

PORT OF DELIVERY AT TITUSVILLE, PA.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10585) designating Titusville, Crawford County, Pa., a subport of entry in the customs collection district of Erie, Pa.

The bill was read, as follows:

Be it enacted, etc., That Titusville, Pa., be, and is hereby, designated a subport of entry in the customs collection district of Erie, Pa., and that the privileges of the seventh section of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisal be, and the same are hereby, conferred upon said port.

The following amendment, recommended by the Committee on Ways and Means, was read:

In line 4 strike out the words "subport of entry" and insert in lieu thereof the words "port of delivery."

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

Mr. DOCKERY. Has this been reported by the committee?

Mr. DALZELL. It has been unanimously reported by the Committee on Ways and Means.

Mr. DOCKERY. How many new offices does it create?

Mr. DALZELL. It does not create any new offices and involves no expense. It simply makes Titusville a port of delivery.

The amendment recommended by the committee was agreed to.

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

By unanimous consent, the title was amended so as to read:

A bill designating Titusville, Crawford County, Pa., a port of delivery in the customs district of Erie, Pa.

On motion of Mr. DALZELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

SAN JOAQUIN RIVER, ETC., CALIFORNIA.

Mr. DE VRIES. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 221, for the survey of and improvement of San Joaquin River and Stockton and Mormon channels, California.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to expend for improvements and surveys of the waterways hereinafter named and their tributaries any sums of money now to the credit of and heretofore appropriated for the improvement of the San Joaquin River and Stockton and Mormon channels, California, as and where, in his discretion, will best improve the commercial capacity of said waterways.

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

Mr. DE VRIES. I desire to say that this resolution is supported by a favorable report of the Chief of Engineers, is unanimously recommended by the Committee on Rivers and Harbors, and reported by them. On a previous occasion I asked unanimous consent to have this resolution considered, and it was objected to by the chairman of the Committee on Appropriations [Mr. CANNON], who has now investigated the matter, and assures me that upon that investigation he has no further objection to offer, and that the resolution ought to pass.

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

There was no objection.

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendment to the bill (H. R. 8299) granting an increase of pension to Thomas S. Tefft, disagreed to by the House of Representatives, had agreed to the conference asked by the House of Representatives, and had appointed Mr. GALLINGER, Mr. HANSBROUGH, and Mr. MITCHELL as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 6411) granting an increase of pension to Henry K. Opp, disagreed to by the House of Representatives, had agreed to the conference asked by the House of Representatives, and had appointed Mr. GALLINGER, Mr. HANSBROUGH, and Mr. MITCHELL as the conferees on the part of the Senate.

The message also announced that the Senate had further insisted upon its amendments to the bill (H. R. 6148) to amend the charter of the Eckington and Soldiers' Home Railway in the District of Columbia, and the Maryland and Washington Railway Company, and for other purposes, disagreed to by the House of Representatives, had agreed to the further conference asked for by the House of Representatives, and had appointed Mr. McMILLAN, Mr. FAULKNER, and Mr. GORMAN as the conferees on the part of the Senate.

The message also announced that the Senate had concurred in the amendments of the House of Representatives to bills of the following titles:

- S. 125. An act granting a pension to George W. Palmer;
- S. 4451. An act granting a pension to Nancy Barger;
- S. 4004. An act granting a pension to Julia E. Warner;
- S. 3722. An act granting a pension to William J. Williams;
- S. 3474. An act granting a pension to John C. Brown;
- S. 2247. An act granting a pension to Charles E. Mann;
- S. 2219. An act granting a pension to Thomas Madden;
- S. 2112. An act granting a pension to Jesse O. Davy.
- S. 2114. An act granting a pension to Rebecca E. Kutz;
- S. 1539. An act granting a pension to Paul Carr;
- S. 1090. An act to pension Mrs. Susan M. Sessford;
- S. 947. An act granting a pension to Levi R. Long;
- S. 166. An act granting an increase of pension to Samuel A. Smith;

S. 156. An act to increase the pension of Capt. John H. Mullen; and

S. 3209. An act making Sabine Pass and Port Arthur, in the State of Texas, subports of entry and delivery.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8541) to define the rights of purchasers of the Belt Railway, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6148) to amend the charter of the Eckington and Soldiers' Home Railway Company of the District of Columbia and Maryland and Washington Railway Company, and for other purposes.

The message also announced that the Senate had passed with amendments joint resolution (H. Res. 251) to limit section 3 of "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal years ending June 30, 1898 and 1899, and for other purposes;" in which the concurrence of the House of Representatives was requested.

HIGHWAYS IN THE DISTRICT OF COLUMBIA.

Mr. BABCOCK. Mr. Speaker, I desire to present a conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10200) to repeal an act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes, having met, after full and free conference

have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

J. W. BABCOCK,
G. M. CURTIS,
JAMES D. RICHARDSON,
Managers on the part of the House.
J. H. GALLENGER,
JAMES McMILLAN,
CHARLES J. FAULKNER,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

The House bill repealed the highway act of 1886 and provided that future extensions of streets in the District of Columbia be made under the law of 1888. The Senate amended the House bill by repealing those sections in the act of 1893 which had given rise to trouble and expense, and provided for the continuation of the maps on the unshared property in the District of Columbia. By this arrangement all reasonable objections—and, in fact, all but one or two individual objectors—have been accommodated, and the District will retain the benefit of the maps, which have cost something over \$50,000, while at the same time the people owning unshared property will have the great advantage of knowing where the streets and avenues are to run as the city expands and their property comes into the market. This advantage is enjoyed by the people of New York, Brooklyn, Philadelphia, and other cities, and has proved to be of great benefit to the owners of lands on the outskirts of those cities.

The conference report was agreed to.

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

J. HENRY RIVES.

Mr. WALKER of Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4918) for the relief of J. Henry Rives.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be authorized to pay to J. Henry Rives, of Virginia, out of any money in the Treasury not otherwise appropriated, the sum of \$885.57, being the amount of the attorney's fees and expenses necessarily incurred and paid by him in the arrest of John C. Henry, deputy collector, for embezzlement.

The following amendments recommended by the Committee on Claims were read:

Strike out the words "eight hundred and eighty-five dollars and fifty-seven cents" and insert in place thereof the words "two hundred and ninety-three dollars and ninety cents;" and strike out, in line 7, the words "attorney's fees and."

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

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I should like to hear the report read.

The SPEAKER. The Clerk will read the report.

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

The Committee on Claims, to whom was referred the bill (H. R. 4918) for the relief of J. Henry Rives, respectfully report the same with an amendment and recommend that it do pass when amended as indicated.

Amend by striking out the words "eight hundred and eighty-five dollars and fifty-seven cents" and inserting in place thereof the words "two hundred and ninety-three dollars and ninety cents;" and by striking out, in line 7, the words "attorney's fees and."

This claim was before the Forty-sixth Congress, and has been before each Congress since that time. It was reported upon favorably by the Committee on Ways and Means of the House of Representatives of the Forty-sixth Congress (House Report No. 604) and by the Committee on Claims of the House of Representatives of the Forty-ninth Congress (House Report No. 2325). It has several times been reported favorably to the Senate by the Committee on Claims, and has twice passed the Senate.

Your committee adopt and submit as a part hereof the report made by this committee during the first session of the Fifty-first Congress.

[Senate Report No. 451, Fifty-first Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 863) for the relief of J. Henry Rives, having carefully examined the same, respectfully report:

We adopt the report made by this committee during the first session of the Fifty-first Congress and recommend the passage of the bill.

The bill passed the Senate last Congress.

This claim was before the Forty-sixth, Forty-seventh, Forty-eighth, and Forty-ninth Congresses. There was a favorable report on the claim made to the second session of the Forty-sixth Congress. No report was made in the House at the Forty-seventh Congress, but at the Forty-eighth Congress there was a favorable report, and the bill passed the Senate.

The report made to the Senate by Mr. Cameron, of Wisconsin, during the first session of the Forty-eighth Congress fully and fairly presents all the facts bearing upon the right of the claimant to relief, and is adopted by your committee.

That report is as follows:

Mr. Rives was collector of internal revenue for the Fifth district of Virginia, and John C. Henry his deputy. February 5, 1874, it was discovered that his deputy was an embezzler to the extent of \$36,241, and that he had fled. Thereupon Mr. Rives took prompt and efficient measures for his arrest and the recovery of the funds. The deputy was arrested, tried, convicted, and sentenced to four years in the Albany Penitentiary, and there was recovered from him in money and by sale of property over \$31,000, leaving a balance of deficit of about \$5,234, which was ultimately paid by his sureties. It is evident that this result was very largely due to the promptness, energy, and fidelity of Mr. Rives.

The expenses attendant upon the arrest and prosecution of the defaulting deputy were \$885.57, which were paid by Mr. Rives from his own funds. No appropriation, it seems, was available to reimburse him. The claimant asks to be reimbursed the amount expended by him.

Under date of February 17, 1880, the Commissioner of Internal Revenue

said relative to this claim, in a letter to the Committee on Ways and Means of the House:

"Mr. Rives is entitled to commendation for the promptness and energy displayed in the arrest and prosecution of this defaulting officer and the recovery of the money, which was all deposited in a reasonable time. * * * Under the circumstances I think this claim is entitled to your favorable consideration."

Under date of February 1, 1884, the Commissioner, answering a letter of inquiry from this committee, said:

"In reply to the questions asked by the committee, I would state: First, that it does not appear from the records of this office that the embezzlement of Deputy Henry occurred through any carelessness or negligence on the part of Collector Rives; but, on the contrary, it was reported that his deputy conducted his fraudulent transactions so skillfully as to deceive the collector and evade the checks which had been established by the collector to prevent such frauds."

"It further appears from the Commissioner's letter that it was Rives's duty, under the practice of the service, to cause to be arrested and prosecuted the defaulting deputy, such duty not forming a part of the duties of the special agents of the Department."

The following is a statement of the expenses incurred by Collector Rives: Bills for telegrams sent to insure the capture of J. C. Henry..... \$63.90 Paid J. P. Parrant \$50 and S. H. Carrick \$50, for arresting Henry..... 100.00 Expenses in pursuit of deputy collector..... 100.00 Paid different attorneys in civil suits to recover amount embezzled... 581.67

Total..... 885.57

"The committee are of opinion that Collector Rives should be reimbursed for the amount expended by him in the capture and conviction of Henry, as it was, as appears from the letter of the Commissioner of Internal Revenue, his duty to cause Henry's arrest. The amounts paid to attorneys in the civil suits, however, should not be allowed, because such suits were brought by the collector to protect himself, as he was responsible for the amount of the embezzlement."

"The committee therefore report back the bill with the following amendments: Strike out the words 'eight hundred and eighty-five dollars and fifty-seven cents,' in lines 5 and 6, and insert in place thereof the words 'two hundred and ninety-three dollars and ninety cents;' in line 8 strike out the words 'prosecution and conviction;' in lines 9 and 10 strike out the words 'and the recovery of the money embezzled;' and recommend that the bill do pass as amended."

Your committee would therefore report Senate bill 517 favorably, and recommend that it do pass.

Mr. UNDERWOOD. Mr. Speaker, I should like to ask the gentleman from Virginia if this includes payment of attorney fees that the marshal spent in protecting himself?

Mr. WALKER of Virginia. It does not. Those words are all stricken out. It only includes the expenses of arresting and prosecuting this man.

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

Mr. DOCKERY. I desire to ask the gentleman from Virginia if this is not a bill that was presented on a former occasion?

Mr. WALKER of Virginia. The same bill was presented on a former occasion.

Mr. DOCKERY. And I objected?

The SPEAKER. It was presented April 7.

Mr. WALKER of Virginia. It was not objected to by the gentleman from Missouri.

Mr. DOCKERY. I think I objected.

Mr. WALKER of Virginia. You did not object. Objection was made by the gentleman from Virginia and he withdrew it, and then the regular order was called for.

Mr. DOCKERY. This is for a very small amount, and I do not like to interpose an objection; but the precedent, it seems to me, is a very vicious one. I do not think this bill ought to pass and this official ought not to come here to ask for this relief.

Mr. WALKER of Virginia. It has been reported three or four times.

Mr. DOCKERY. This man was involved in a defalcation of \$30,000 by his deputy, and is getting out of it with a loss of \$300. The report thanks him for his diligence for protecting his own interests.

Mr. WALKER of Virginia. No, sir; he did not protect his own interest, because no attorney fees have been allowed. It is only for prosecution and arrest of the criminal.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

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

On motion of Mr. WALKER of Virginia, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. MAHON. Regular order!

ECKINGTON AND SOLDIERS' HOME RAILWAY.

Mr. BABCOCK. Mr. Speaker, I desire to submit a conference report. I desire to say that this report is on the Eckington and Soldiers' Home Railway bill, that the House rejected yesterday. The Senate has receded from the objectionable amendment No. 5, and has passed the bill in accordance with the views of the House. I do not think it will be necessary to read the report again, as it has been read twice and printed in the RECORD.

Mr. LOVE. Will the chairman just explain the report without having it read?

The SPEAKER. The Chair thinks the report should be read. The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 6148, "An act to amend the charter of the Eckington and Soldiers' Home Railway Company of the District of Columbia, the Maryland and Washington Railway Company, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered from 1 to 4, inclusive, 6 to 9, inclusive, 11, 13, 16 to 18, inclusive, 20 to 24, inclusive, and 26, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In the matter proposed to be inserted, after the word "lighting," in line 6, insert the words "and propelling;" and in the same line, after the word "cars," insert the words "and other machinery;" and at the end of said matter add the following: "Provided, however, That the Commissioners of the District of Columbia are hereby authorized to permit street-railway companies using the underground electric system to construct conduits not exceeding five blocks in length to connect their existing conduits for the purpose of conveying electric current to be used for street-railway purposes only;" and that the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same amended by inserting, after the words "from the opening," the words "and grading;" and that the Senate agree to the same.

That the Senate recede from its amendments numbered 5 and 14. That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same amended as follows: On page 3, line 7, strike out the words "unless the roadway of;" all of lines 8, 9, and 10, and in line 11 the words "between New York avenue and G street," and insert "the roadway shall be widened to a width of 45 feet, one-half at the expense of said company and one-half at the expense of any District of Columbia appropriation available for such work;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same amended as follows: In lieu of the matter proposed to be stricken out and inserted on page 4, line 13, strike out all after the word "act" to the end of the section and insert the following: "Or otherwise: *Provided*, That such stock and bonds shall be issued to such an amount and upon such terms as may be agreed upon by the majority stockholders of such company: *And provided further*, That the issue of such bonds and stock shall not in the aggregate exceed the amount necessary for effecting any such purchase, lease, or acquisition and for the construction, reconstruction, and equipment aforesaid, and the total outstanding bonds and stock shall in no event exceed the sum of \$150,000 per mile of single track."

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same amended as follows: In line 3 of the matter proposed to be inserted strike out the word "Company" and insert the words "of Washington;" and the Senate agree to the same.

J. W. BABCOCK,
G. M. CURTIS,
JAMES D. RICHARDSON,
Managers on the part of the House.
JAMES McMILLAN,
CHAS. J. FAULKNER,
A. P. GORMAN,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

Mr. PAYNE. Is there any statement accompanying the report?

Mr. BABCOCK. The statement has been read.

Mr. PAYNE. It has not been read this morning.

Mr. BABCOCK. I think not.

The SPEAKER. The Clerk will read the statement. [After a pause.] The Chair is informed that there is no statement here.

Mr. BABCOCK. The statement was attached to the papers, and it was printed in the RECORD on Saturday.

Mr. PAYNE. This is a new report.

Mr. BABCOCK. No, sir. The Senate simply recedes from the amendment numbered 5 that was discussed on the floor and rejected by the House yesterday. That is the only change in the report.

Mr. DALZELL. That is the amendment on which the point of order was made?

Mr. BABCOCK. Yes. They have receded from that amendment.

Mr. RICHARDSON. The House has had its way.

Mr. BABCOCK. I ask for a vote.

The conference report was agreed to.

On motion of Mr. BABCOCK, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

PARKING IN THE DISTRICT OF COLUMBIA.

Mr. COWHERD. Mr. Speaker, I call up a conference report on the bill H. R. 5880, on the parking of the District of Columbia. It is on the Speaker's table.

[For report of committee of conference see proceedings of June 10.]

Mr. COWHERD. Mr. Speaker, this matter was presented to the House some two or three weeks ago. The House will remember at that time the gentleman from Illinois [Mr. CANNON] made some objection to the bill as reported. The report was withdrawn, and after further conference the bill was reported in its present shape. As it is now reported the bill proposes to put the control of street parking under the District Commissioners. That, as gentlemen know, is a portion of the street, but under the law there is some dispute as to who is entitled to control it. The bill proposes to put the control of parks under the Chief Engineer, and it sets out what shall be the parking system of the District. Since re-

porting it before we have eliminated that portion of the bill that puts the parks acquired under the highway act of 1893 under the park system.

We have also eliminated that clause of the bill that made the intersections of street parkings, triangles, and trapezoids a part of the system. If this should be enacted into a law, the park system will consist only of the parks laid down as reservations in the map of 1894, which was a map accompanying the report of the Chief of Engineers, and intended to represent the parks then under his control. The system will comprise in addition to that only such portions of the spaces in the street as shall be set aside by the District Commissioners as a part of the park system. The other features of the bill will meet, I think, with no opposition; they only provide necessary regulations for street parkings and the entering of parks for laying gas mains and things of that kind.

Mr. CANNON. Do I understand the gentleman to say that the triangle at the street intersections, like the park in which the Rawlins statue is situated, is under the District Commissioners or under the Chief of Engineers?

Mr. COWHERD. I do not know anything about the triangle where the Rawlins statue is situated. These triangles and trapezoids at the intersections of streets, unless they are contained in the map of 1894, marked as a part of the public parks, or unless set apart by the District Commissioners, will not be in the park system.

Mr. CANNON. I understand. That is as I thought the report was, but I misunderstood the gentleman's statement. If I understand the report, the map he refers to designates all the 100 parks, triangles, trapezoids, etc., in the city of Washington proper as being under the jurisdiction of the Chief of Engineers.

Mr. COWHERD. The gentleman does not mean that it designates all of them. It designates all that were under the control of the Chief of Engineers in 1894, as laid down in the map accompanying his report.

Mr. CANNON. That is substantially all of them. Now, I understand that the report goes further, and while it eliminates the parks under the highway act, yet it does include all parks in the District of Columbia designated hereafter by the District Commissioners.

Mr. COWHERD. I beg the gentleman's pardon, it does not. It does not include any parks except those set out in the map of 1894, and the only thing the District Commissioners can designate are the spaces in the streets, not the public parks.

Mr. CANNON. That would be the triangles, trapezoids, and so on.

Mr. COWHERD. Yes; but none of the large parks.

Mr. CANNON. Oh, I understand that. I have no doubt the gentleman is correct about that. Now, take these triangles and trapezoids, etc., in the Woodley addition, away out northwest 3 or 4 miles, or at Petworth—I merely speak of these places because I happen to know where they are—and out beyond the Soldiers' Home. It is in the power of the District Commissioners, as to all such triangles in the streets and adjacent thereto, to designate them as parks that shall be under the Chief of Engineers' Office. Now, that is new. There is no park under the jurisdiction of the Engineer Office outside of the city of Washington proper, and others may be added.

I do not know that I could succeed, if I would, in antagonizing the gentleman's report, but I take this opportunity to say that if nobody else does, I will to the best of my ability, when we come to appropriate for the maintenance of the government in the District of Columbia, do what is in my power to put all the hundreds of reservations in Washington proper, and the hundred more that are to follow, which are under the Chief of Engineers—to put their care and improvement precisely as other District appropriations are cared for, viz, payable one-half from the District revenue and the other half from the Treasury of the United States, and not all from the Treasury of the United States.

Mr. COWHERD. I hope the gentleman will do so.

Mr. CANNON (continuing). Because, while in theory the District revenues pay one-half of these expenses, yet in practice they lack a great deal of doing so. I think they ought to pay absolutely one-half.

It is quite immaterial to me whether the District Commissioners have jurisdiction or the Chief of Engineers. It is quite competent for Congress to give either or both jurisdiction. Both are servants of the public as the law shall provide. So that I do not see that there is any point involved here except the point of expense, which somebody seems to have had in mind—not the gentleman from Missouri [Mr. COWHERD]—in seeking to put these new triangles and trapezoids ad infinitum under the jurisdiction of the Chief of Engineers—no doubt with the hope and probably the expectation that as to those new points the improvement would be exclusively at the expense of the general Treasury.

Mr. DOCKERY. I am very glad the chairman of the Committee on Appropriations has made this statement. I hope he will jog the memory of the subcommittee on the District of Columbia appropriation bill at the next session, so that the reform he suggests may be carried out.

Mr. CANNON. I will do it now. [Laughter.]

Mr. DOCKERY. I accept the gentleman's notice.

Mr. COWHERD. I heartily agree with the gentleman from Illinois in his statement as to how these expenses should be borne, but it is unquestionably true that the control of parks and parking ought to be vested in some officer of the General Government, and that is all that this bill attempts to do. It does not affect the question of how the expenses shall be paid. I call for a vote.

The SPEAKER. The question is on agreeing to the conference report.

The report was adopted.

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

BRIGHTWOOD RAILWAY COMPANY.

The SPEAKER. The Chair will lay before the House business on the Speaker's table.

The bill (H. R. 10280) to require the Brightwood Railway Company to abandon its overhead trolley on Kenyon street, between Seventh and Fourteenth streets, was laid before the House, with the amendment of the Senate, which was read.

Mr. RICHARDSON. The Committee on the District of Columbia recommend nonconcurrence in this amendment. I move that the House nonconcur and ask a conference with the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. BABCOCK, Mr. CURTIS of Iowa, and Mr. RICHARDSON as conferees on the part of the House.

PERSONAL EXPLANATION.

Mr. LEWIS of Washington. Mr. Speaker, I desire to make a slight correction. In a colloquy the other day between the distinguished gentleman from Texas [Mr. SAYERS] and myself I seem to have done injustice to a Senator from my State, who calls to my attention—

The SPEAKER. Perhaps the gentleman had better withhold his statement for the present.

Mr. LEWIS of Washington. I ask unanimous consent to insert in the RECORD a statement making the correction which seems to be proper.

The SPEAKER. The Chair prefers that the present order of business should not be interrupted.

PURCHASE OF BOOKS, ETC., FOR WAR DEPARTMENT.

Joint resolution (H. Res. 251) to limit section 3 of "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1898 and 1899, and for other purposes," was laid before the House, with the amendments of the Senate, which were read.

Mr. DOCKERY. This resolution was reported by the Committee on Military Affairs. I think the amendments are proper; but perhaps it might be well—

Mr. PAYNE. As the gentleman from Iowa [Mr. HULL], the chairman of the Committee on Military Affairs, is not here, I suggest that the bill remain on the Speaker's table.

The SPEAKER. Without objection, the bill will remain on the Speaker's table.

There was no objection.

REBELLION RECORDS.

The SPEAKER laid before the House, with an amendment of the Senate, the following House concurrent resolution:

Resolved by the House of Representatives (the Senate concurring). That the Secretary of War is hereby authorized and directed to furnish one complete set of the Official Records of the Union and Confederate Armies to each Senator, Representative, and Delegate of the Fifty-fifth Congress not already entitled by law to receive the same; and he is further authorized to use for this purpose such incomplete sets as remain unsold or uncalled for by the beneficiaries designated to receive them under the authority contained in the several acts of Congress providing for the distribution and sale of this publication: *Provided,* That the Secretary of War may call upon the Public Printer to print and bind such parts of said work as will enable him to complete the sets herein provided for.

The Senate amendment was read.

Mr. PERKINS. I move that the House nonconcur in the Senate amendment and ask for a conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. PERKINS, Mr. CHICKERING, and Mr. RICHARDSON as conferees on the part of the House.

KANSAS, OKLAHOMA AND GULF RAILWAY.

The SPEAKER. There is on the Speaker's table Senate bill 4738. An equivalent House bill has been reported and is on the Calendar.

Mr. SHERMAN. I ask that the Senate bill be taken up and passed.

The bill was read, as follows:

A bill (S. 4738) to authorize the Kansas, Oklahoma and Gulf Railway Company to construct and operate a railway through the Chilocco Indian Reservation, Territory of Oklahoma, and for other purposes.

Be it enacted, etc., That a right of way 100 feet in width through the Chilocco Indian Reservation, in the Territory of Oklahoma, is hereby granted to the

Kansas, Oklahoma and Gulf Railway Company, a railway corporation organized and existing under and by virtue of the laws of said territory; and also is hereby granted to said company, where there are heavy cuts or fills, the right to use such additional grounds as may be necessary for the construction and maintenance of the roadbed, not exceeding 50 feet in width on each side of the said right of way, or so much thereof as shall be included in the cuts or fills: *Provided,* That no part of the lands herein granted shall be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railway and telegraph and telephone lines, and when any portion thereof shall cease to be used for such purposes the same shall revert to the United States: *And provided further,* That a map of definite location, showing the entire route of said railway through the said Indian reservation, shall be filed with and approved by the Secretary of the Interior before any part of the said railway shall be constructed through or into said reservation.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

PROTECTION FOR GIRLS IN THE DISTRICT OF COLUMBIA.

The SPEAKER. The call of committees rests with the Judiciary Committee.

Mr. HENDERSON. Mr. Speaker, when this call was last under consideration before the House the Judiciary Committee had presented the bill H. R. 1136, which had passed to the question on the final passage of the bill. Upon that the point of no quorum was made; and so it stands now for a vote upon the passage.

The SPEAKER. Were the yeas and nays ordered?

Mr. HENDERSON. They were not.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 1136) to raise the age of protection for girls in the District of Columbia to 18 years.

Mr. HENDERSON. The gentleman from Kansas [Mr. BRODERICK] has charge of the bill.

Mr. BRODERICK. I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRODERICK. When this bill was before the House a few days ago for consideration the amendments of the committee were adopted and the bill passed a third reading, and on the final passage the question of a quorum was raised. Now, I desire to know if by unanimous consent I could offer an amendment at this time?

The SPEAKER. Was the House dividing when the question was up for consideration?

Mr. BRODERICK. I think it was. I think a division was called for.

Mr. HENDERSON. On a standing vote no quorum appeared, whereupon the point was made, and an adjournment was carried.

The SPEAKER. It is too late now to offer an amendment except by reconsidering the motion by which the engrossment and third reading of the bill were ordered—if that is not now too late.

But, without objection, the motion by which the bill was ordered to be engrossed and read a third time will be considered as vacated.

There was no objection.

Mr. UNDERWOOD. I would like to ask my colleague the nature of the amendment proposed to be offered?

Mr. BRODERICK. I will send it to the desk and have it read for the information of the House.

The Clerk read as follows:

Insert in line 11, page 1, after the word "imprisonment," the following: "*Provided,* That the uncorroborated evidence of the female involved shall not be sufficient to warrant a conviction under this act."

Mr. RAY of New York. Mr. Speaker, I ask to have the bill read as it will stand after the amendments are incorporated.

Mr. SHAFROTH. Let us have the bill read as it will stand if amended.

The SPEAKER. Without objection, the bill will be read as it will read if amended as proposed.

The bill was read at length with the proposed amendments.

Mr. McMILLIN. If the gentleman from Kansas will permit me, it seems to me that this amendment is not fortunately worded. It ought to be that the uncorroborated evidence shall not be "conclusive," not that it shall not be "sufficient," because there may be instances where it might be entirely sufficient, but the jury would not be permitted to consider it as sufficient or conclusive under the wording of the amendment as proposed.

Mr. BRODERICK. I will say to the gentleman that a similar statute exists in many of the States of the Union. They are differently worded in the different States. This amendment is substantially in the language of the statute of the State of New York.

Mr. McMILLIN. But under this provision, if the testimony in question were the only evidence offered, then the jury, even if they were absolutely convinced of the guilt of the party, could not find a conviction under it; whereas by changing the phraseology and using the word "conclusive" in place of "sufficient" you leave the question for the determination of the jury.

Mr. BRODERICK. Does the gentleman suggest an amendment?

Mr. McMILLIN. I would simply make that modification.

Mr. RAY of New York. No kind of evidence can ever be "conclusive" in a criminal case, because, even if it is uncontradicted testimony, it is a question of fact for the consideration of the jury.

Mr. McMILLIN. But here, even if the jury is convinced, and if they are satisfied of the guilt of the party, all the evidence must be set aside and no conviction can follow unless the testimony is corroborated in some other way.

Mr. RAY of New York. But this is a proposition simply that the uncorroborated evidence of one of the parties shall not be sufficient to warrant conviction.

Mr. McMILLIN. That is just the point I am making. That under no circumstances could a conviction follow, in the language of that amendment, even in a case where the jury and the community and all are satisfied that the evidence is ample and sufficient to warrant conviction. Now, you do not leave to the determination of the jury the question of the conclusiveness of the evidence, but you provide explicitly that this uncorroborated evidence shall not be sufficient to warrant the conviction. You should provide, if you are going to amend it in this way, that such evidence shall not be conclusive—not that it shall not be sufficient, because in many cases it may be entirely sufficient.

Mr. BRODERICK. This is in substance the language of the statute of many of the States.

Mr. McMILLIN. That may be—

Mr. MORRIS. Let me ask the gentleman from Tennessee a question. How could a case arise where the uncorroborated testimony of one of the parties involved could be conclusive or sufficient unless there were other corroborating circumstances?

Mr. McMILLIN. Oh, there are many convictions on the testimony of one witness only. Many murder cases have been determined upon the testimony of a single witness, and many murderers have been hung and many men punished for the crime of arson and other crimes on the testimony of a single witness.

Mr. BRODERICK. There are, Mr. Speaker, as I have already said, statutes similar to this in nearly all of the States of the Union as to perjury and some other crimes, and this is substantially the statute as it reads now in three or four of the great States of the Union on this subject and seduction. But every lawyer knows that the testimony of the woman involved in a trial charging rape or seduction may be corroborated by circumstances. This amendment does not mean that there shall always be another living witness placed upon the stand. It is differently worded in the different statutes. I think this is substantially the New York statute. I examined it some time ago, but did not have it before me when I drew the amendment. I drafted it from my recollection of that statute.

Mr. McMILLIN. Your statute will amount to but little if framed in the form in which you propose this.

Mr. PAYNE. I want to say to my friend from Tennessee that the statute of the State of New York has worked very well for a great many years. We never have had any trouble in convicting guilty parties under it.

Mr. McMILLIN. You will have no trouble from convictions under this, I am inclined to think.

Mr. PAYNE. In an ordinarily intelligent community like the State of New York there is no trouble about convicting in cases where the party is guilty. Corroborating evidence, of course, may be circumstantial entirely. It is generally circumstantial, but no such result as my friend contemplates takes place in the State of New York. We have another provision in our statute which I do not see in this, and which I think ought to be here, and that is that in case of seduction under promise of marriage—

Mr. BARNEY. I should like to ask if under this amendment corroborative evidence of a circumstantial kind will be sufficient?

Mr. BRODERICK. Oh, yes; there can be no question upon that point.

Mr. PAYNE. There is no doubt about that.

Mr. BARNEY. It does not involve the necessity of another witness.

Mr. BRODERICK. No; not at all.

Mr. BARNEY. Then I do not see how it changes the law to a very large extent.

Mr. PAYNE. In most of the States a person can not be convicted on the evidence of an accomplice unless that evidence is corroborated, and in all those cases the corroboration may be circumstantial. The reason for the rule is that the interested party shall not have all the say before the jury. This proceeds upon the same principle.

Mr. BARNEY. I think the history of that kind of cases in this country will show that there has been very few cases in which a conviction has been obtained without some corroborative evidence, circumstantial or otherwise.

Mr. SHAFROTH. If there is no evidence to corroborate the complaining witness, it tends to show bad character, and for that reason I think the amendment is a proper one.

Mr. RAY of New York. I should like to ask what is the effect of this bill? It reads:

That if any person shall seduce and carnally know any female of previous chaste character between the ages of 16 and 21 years, out of wedlock, in the District of Columbia, such seduction and carnal knowledge shall be deemed a misdemeanor.

I should like to ask what the effect would be, supposing a man should seduce and carnally know a woman under 16 years of age out of wedlock?

Mr. McMILLIN. That is provided for already.

Mr. RAY of New York. What is provided for?

Mr. BRODERICK. A statute which we passed three or four years ago, and which this does not modify or interfere with, provided that carnally knowing a female under 16 years of age under any circumstances shall be rape.

Mr. RAY of New York. I should like to ask the gentleman if there is any law applicable to the District of Columbia which makes it an offense to seduce and carnally know a female of previously chaste character who is upward of 21 years of age?

Mr. BRODERICK. There is not. I looked it up carefully. Fearing that I might have overlooked some statute, I referred the matter, with a copy of the bill, to the attorney of the District of Columbia, Mr. S. T. Thomas, and he says in reply:

We have no law making seduction a criminal offense. I quite agree with you that the bill should be amended so as to extend protection to females up to the age of 21 years.

This is signed by F. T. Thomas, attorney, District of Columbia.

Mr. RAY of New York. Why should it not be a criminal offense to seduce and carnally know a female of previously chaste character who is upward of 21 years of age?

Mr. BRODERICK. I think it should; but you know the trouble we had in committee to get it through in this form.

Mr. PAYNE. I suggest to the gentleman from Kansas that if he amended his bill so as to make seduction under promise of marriage punishable, he might eliminate the age of consent entirely.

Mr. BRODERICK. It has been amended, and I now think we had better pass it as it is. If there are no further observations to be made upon the bill, I call for a vote on the amendment.

The SPEAKER. It requires unanimous consent to vacate the action of the House in ordering the bill to be engrossed. Is there objection to that?

Mr. McMILLIN. Mr. Speaker, as I understood, the gentleman asked consent to offer this notwithstanding the previous question—letting the previous question remain.

Mr. DALZELL. No; the engrossment and third reading have been ordered.

Mr. HENDERSON. I think the first thing to do is to submit the question suggested by the Speaker.

Mr. BABCOCK. I desire to reserve the right to object until I can ask the chairman of the committee a question.

Mr. BRODERICK. Let us have a vacation of the order, adopt my amendment, and then pass the bill. It is in the interests of good government and correct conduct.

The SPEAKER. The matter is not up for unanimous consent; it is before the House on its passage, the previous question not having been ordered. The House was dividing. If the gentleman from Kansas desires to offer an amendment, it is necessary to vacate the action of the House ordering the bill to be engrossed. Is there objection?

Mr. BABCOCK. I object.

The SPEAKER. Objection is made. The question, then, is on the passage of the bill.

The question was taken; and the bill was passed.

Mr. BRODERICK. Mr. Speaker, I desire to have the title amended.

The Clerk read as follows:

Amend the title of the bill so as to read:

"A bill for the punishment of seduction in the District of Columbia."

The SPEAKER. If there be no objection, the title will be amended as read. [After a pause.] The Chair hears no objection.

On motion of Mr. BRODERICK, a motion to reconsider the vote by which the bill was passed was laid on the table.

CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY.

Mr. HENDERSON. Mr. Speaker, I am directed to call up the House joint resolution 262, and yield to the gentleman from Iowa [Mr. UPDEGRAFF] who reported the resolution.

The Clerk read as follows:

Joint resolution (H. Res. 262) to authorize and direct the Secretary of the Treasury to refund and return to the Chicago, Milwaukee and St. Paul Railway Company \$15,335.76, in accordance with the decision of the Secretary of the Interior dated March 3, 1898.

Whereas the Chicago, Milwaukee and St. Paul Railway Company, in 1880, being duly authorized by the Secretary of the Interior, entered into negotiations with the Sioux Indians for right of way for a railroad through the Sioux Reservation in Dakota Territory; and

Whereas an agreement was entered into by said railway company and certain chiefs and headmen of the Sioux Nation of Indians, and pending the

ratification of said agreement the said railway company deposited or paid to the Secretary of the Interior \$15,335.76 to be applied as said right of way, depot grounds, etc., in case the same were obtained for said company; and

Whereas the Secretary of the Interior deposited said money in the Treasury of the United States and sent said agreements to Congress for ratification, which said agreements were never ratified and none of the lands or rights of way were ever secured by said railroad company, but all of the said lands remained a part of the reservation until ceded by the said Indians subsequently to the United States; and

Whereas application was made to the Secretary of the Interior for the return of said money to said company, and on March 3, 1898, the said Secretary decided that said \$15,335.76 should be returned to said company and ordered an account to be stated therefor, which requisition for repayment and return of the money was sent to the Treasury; and

Whereas it is claimed by the Auditor for the Interior Department of the Treasury that no authority exists for the repayment and return of the same: Therefore,

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund, return, and pay to the Chicago, Milwaukee and St. Paul Railway Company the amount paid or deposited by said company with the Secretary of the Interior, and by him covered into the Treasury of the United States, as shown by Executive Document No. 20, Forty-eighth Congress, first session, to wit, the sum of \$15,335.76, and for which no consideration was received by said company, said repayment to be on the account stated and in accordance with the decision of the Secretary of the Interior dated March 3, 1898, ordering a refund thereof.

Mr. UPDEGRAFF. Mr. Speaker, the Senate has passed a joint resolution identical with this, and it is now on the Speaker's table. It is Senate joint resolution 168. I ask that the House joint resolution 262 do lie on the table and that the House now take up the Senate joint resolution 168.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the House joint resolution do lie on the table and that the Senate resolution be taken up in its stead. Is there objection? [After a pause.] The Chair hears none, and the House resolution will lie on the table; and the question is upon the third reading of the Senate joint resolution.

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

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

CIRCUIT COURTS OF APPEALS.

Mr. HENDERSON. Mr. Speaker, I call up the bill H. R. 8279. The Clerk read as follows:

A bill (H. R. 8279) to amend the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891.

Be it enacted, etc., That the sixth section of the act of Congress entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, be, and the same is hereby, amended to read as follows:

"SEC. 1. That the circuit courts of appeals established by this act shall exercise appellate jurisdiction to review by appeal or by writ of error final decision in the district court and the existing circuit courts in all cases other than those provided for in the preceding section of this act, unless otherwise provided by law, and shall have appellate jurisdiction to hear and determine an appeal or writ of error, from interlocutory orders and decrees appointing or refusing to appoint receivers, or allowing or refusing to allow injunctions, notwithstanding an appeal in such case upon final decree would, under the statutes regulating such cases, go direct to the Supreme Court of the United States, and the judgments or decrees of the circuit courts of appeals shall be final in all cases in which the jurisdiction is dependent entirely upon the opposite parties to the suit or controversy, being aliens and citizens of the United States or citizens of different States; also, in all cases arising under the patent laws, under the revenue laws, and under the criminal laws and in admiralty cases, excepting that in every such subject within its appellate jurisdiction the circuit court of appeals at any time may certify to the Supreme Court of the United States any questions or propositions of law concerning which it desires the instruction of that court for its proper decision. And thereupon the Supreme Court may either give its instruction on the questions and propositions certified to it, which shall be binding upon the circuit courts of appeals in such case, or it may require that the whole record and cause may be sent up to it for its consideration, and thereupon shall decide the whole matter in controversy in the same manner as if it had been brought there for review by writ of error or appeal.

"And excepting also that in any such case as is hereinbefore made final in the circuit court of appeals it shall be competent for the Supreme Court to require, by certiorari or otherwise, any such case to be certified to the Supreme Court for its review and determination with the same power and authority in the case as if it had been carried by appeal or writ of error to the Supreme Court.

"In all cases not hereinbefore in this section made final there shall be of right an appeal or writ of error or review of the case by the Supreme Court of the United States where the matter in controversy shall exceed \$1,000 besides costs. But no such appeal shall be taken or writ of error sued out unless within one year after the entry of the order, judgment, or decree sought to be reviewed."

SEC. 2. That section 7 of said act as amended by act of February 13, 1895, 28 Statutes at Large, pages 686 and 687, be, and the same is hereby, amended to read as follows:

"That where, upon a hearing in equity in a district court or a circuit court, an injunction shall be granted, continued, refused, or dissolved by an interlocutory order or decree, or an application to dissolve an injunction shall be refused, or where an application for the appointment of a receiver shall be either granted or refused, in a case in which an appeal from a final decree may be taken under the provisions of this act to the circuit court of appeals, an appeal may be taken from such interlocutory order or decree granting, continuing, refusing, dissolving or refusing to dissolve an injunction, or the appointment or refusal to appoint a receiver, to the circuit court of appeals: *Provided*, That the appeal must be taken within thirty days from the entry of such order or decree, and it shall take precedence in the appellate court; and the proceedings in other respects in the court below shall not be stayed unless otherwise ordered by that court during the pendency

of such appeal: *And provided further*, That the court below may in its discretion require as a condition of the appeal an additional bond."

The amendments recommended by the committee were read, as follows:

In line 3, page 1, before the word "That," insert "Sec. 1."
In line 9, page 1, after the word "Sec.," strike out "1" and insert "6."
On page 2, line 17, after the word "receivers," insert "or vacating or refusing to vacate such an order or decree."

On page 4, line 11, after the word "receiver," insert "or for the vacation of such appointment."

On page 4, line 16, after the word "receiver," insert "or for the vacation of such appointment."

Mr. HENDERSON. Mr. Speaker, the first question is on the amendments to the bill.

The question was taken; and the amendments were agreed to.

Mr. TERRY. Mr. Speaker, it strikes me this is a rather important bill, and I do not recollect to have gone over that matter carefully. I would like to hear the reading of the report.

Mr. HENDERSON. Mr. Speaker, if my colleague will allow me, I will remind him that this is the bill of the National American Bar Association, drawn by that association, and on which a committee was sent here to bring it to the attention of the Committees on the Judiciary of the House and Senate.

Mr. TERRY. It seems more lengthy than I thought it was.

Mr. HENDERSON. In the act creating the circuit courts of appeals, by an oversight, as it is believed, it failed to make any provision for granting a review in cases where receivers were appointed or the appointment of receiver was refused.

Mr. TERRY. Let me ask you this: Most of the language employed in this bill just sets out the law now existing, and you put in the amendments?

Mr. HENDERSON. It is read as amended.

Mr. TERRY. The object is as you have stated?

Mr. HENDERSON. That, and that only. That is the whole purpose.

Mr. TERRY. Then I do not care for the reading of the report.

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

On motion of Mr. HENDERSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ATTORNEYS AND MARSHALS OF THE UNITED STATES.

Mr. HENDERSON. Mr. Speaker, I call up the bill S. 1726 and yield to the gentleman from New York [Mr. ALEXANDER] who has charge of the bill.

The Clerk read as follows:

A bill (S. 1726) concerning attorneys and marshals of the United States.

Be it enacted, etc., That the attorneys and marshals of the United States, including the District of Columbia and the Territories, shall continue to discharge the duties of their respective offices, unless sooner removed by the President, until their successors shall be appointed and qualify in their stead. But they shall be appointed and commissioned for the term of four years as now provided by law.

SEC. 2. That in case of a vacancy in either of said offices, the district court of the United States for the district where such vacancy exists, the supreme court of the Territory, and the supreme court of the District of Columbia may appoint persons to exercise the duties of such offices within their respective jurisdictions until such vacancy shall be filled.

Mr. HENDERSON. There are no amendments to this bill, Mr. Speaker.

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

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the bill was passed was laid on the table.

TRANSFER OF MENARD COUNTY, STATE OF TEXAS, TO NORTHERN DISTRICT.

Mr. HENDERSON. Mr. Speaker, I call up the bill H. R. 9955.

The Clerk read as follows:

A bill (H. R. 9955) to transfer the county of Menard, in the State of Texas, from the western district of Texas to the northern district of Texas, and for other purposes.

Be it enacted, etc., That the county of Menard, in the State of Texas, now included in and a part of the western district of Texas, shall be hereafter in, and constitute part of, the northern district of Texas.

SEC. 2. That all offenses committed in said county of Menard prior to the time this act goes into operation, of which the district court of said western district had jurisdiction, and upon which proceedings had been taken, shall be tried and prosecuted as if this act had not been passed; and all civil suits and proceedings now pending in the circuit or district courts in said State shall not be affected by this act.

SEC. 3. That from and after the passage of this act all causes of criminal or civil nature, originating in said county of Menard and heretofore returnable to the Federal district court of the western district of Texas, at Austin, Tex., shall be returnable to the Federal district court of the northern district of Texas at San Angelo, Tex.

SEC. 4. That this act shall take effect from and after its passage; and all laws and parts of laws in conflict with this act are hereby repealed.

Mr. HENDERSON. Will the Clerk read the report on this bill? It is very brief.

The report (by Mr. PARKER of New Jersey) was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 9955) entitled "A bill to transfer the county of Menard in the State of Texas,

from the western district of Texas to the northern district of Texas, and for other purposes," beg leave to submit the following report, and recommend that said bill do pass without amendment:

The title clearly states the object of the bill. Sections 2, 3, and 4 provide for pending cases and that cases originating in Menard County and heretofore returnable at Austin, Tex., shall hereafter be returnable in the northern district at San Angelo, Tex.

Austin is 180 miles from Menardville, the county seat of Menard County, and to go to Austin requires a stage journey of 80 miles to Llano and 100 miles by rail thence to Austin. The distance from Menardville to San Angelo is 58 miles.

A numerous signed petition from Menard County advocates the change, the signatures including those of the judge, sheriff, tax collector, clerk, county treasurer, tax assessor, county surveyor, and county commissioners, and the bill is urged by the Representative of the district in which Menard County is situated.

The Representative of the district in which Austin is situated files his consent that Menard County, which is now returnable at Austin, should be returnable to San Angelo, which is nearer to Menard.

The committee respectfully report the bill and recommend its passage.

Mr. HENDERSON. There are no amendments, Mr. Speaker, to this bill.

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

On motion of Mr. HENDERSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

BONDS REQUIRED OF CONSULS AND VICE-CONSULS.

Mr. HENDERSON. I now call up the bill H. R. 8925 and yield to the gentleman from Wisconsin [Mr. OTJEN] who introduced the bill.

The Clerk read as follows:

A bill (H. R. 8925) to amend sections 1698 and 1734 of the Revised Statutes of the United States.

Be it enacted, etc., That section 1698 of the Revised Statutes of the United States be, and the same is, amended by inserting after the word "every" the words "vice-consul-general or;" and after the word "sureties" the words "who shall be permanent residents of the United States;" so that said section, when so amended, shall read as follows:

"SEC. 1698. Every vice-consul-general or vice-consul shall, before he enters on the execution of his trust, give bonds, with such sureties, who shall be permanent residents of the United States, as shall be approved by the Secretary of State, in a sum not less than \$2,000 nor more than \$10,000, conditioned for the true and faithful discharge of the duties of his office according to law, and for truly accounting for all moneys, goods, and effects which may come into his possession by virtue of his office. The bond shall be lodged in the office of the Secretary of the Treasury."

SEC. 2. That section 1734 of the Revised Statutes of the United States be, and the same is, amended by inserting after the words "succeeding quarter" the following words: "Or who shall receive money, property, or effects belonging to a citizen of the United States and shall not, within a reasonable time after demands made upon him by the Secretary of State or by such citizen, his executor, administrator, or legal representative, account for and pay over all moneys, property, and effects, less his lawful fees, due to such citizen," and by striking out of said section, after the word "embezzlement," the words "of the public moneys;" and after the words "not more than" the word "one," and insert in lieu thereof the word "five;" so that said section, when so amended, shall read as follows:

"SEC. 1734. Every consular officer who willfully neglects to render true and just quarterly accounts and returns of the business of his office, and of moneys received by him for the use of the United States, or who neglects to pay over any balance of said moneys due to the United States at the expiration of any quarter, before the expiration of the next succeeding quarter, or who shall receive money, property, or effects belonging to a citizen of the United States and shall not within a reasonable time after demand made upon him by the Secretary of State or by such citizen, his executor, administrator, or legal representative, account for and pay over all moneys, property, and effects, less his lawful fees, due to such citizen, shall be deemed guilty of embezzlement, and shall be punishable by imprisonment for not more than five years, and by a fine of not more than \$2,000, and shall be forever disqualified from holding any office of trust or profit under the United States."

The amendments recommended by the committee were read, as follows:

On page 1 strike out lines 5, 6, 7, and 8, to the word "read," in line 8, and insert the word "to" before the word "read" in said line 8.

Amend section 2, on page 2, by striking out all after the word "amended," in line 3, to the word "read," in line 14, and insert the word "to" before the word "read" in said line 14, on page 2.

On page 2, line 18, after the word "Treasury," insert:

"In case of a breach of any such bond, any person thereby injured may institute in his own name and for his sole use a suit on said bond, and thereupon recover such damages as shall be legally assessed, with costs of suit, for which execution may issue for him in due form; but if such party fails to recover in the suit, judgment shall be rendered and execution may issue against him for costs in favor of the defendant, and the United States shall in no case be liable for the same.

Said bonds shall remain after any judgment rendered thereon as a security for the benefit of any person injured by a breach of the condition of the same until the whole penalty has been recovered, and the proceedings shall always be as directed in this section."

Mr. OTJEN. Mr. Speaker, this is simply a bill to correct an obvious omission in the general law. Some two years ago Mr. Francis Hinton, a citizen of Wisconsin, died in Paris. He had upon his person several thousand dollars in money. This money was turned over to the vice-consul at Paris, who embezzled the money, and never a dollar has been recovered from him. This matter was called to the attention of the State Department, and that Department, after a thorough examination of the law, notified the representatives of Mr. Hinton that there was no law upon the statute books under which a consul or vice-consul could be punished for embezzling the funds of a private citizen.

This consul had also given a bond of \$2,000, but those on the bonds were foreign sureties; so that the bond is worthless and

there is no law by which the vice-consul can be prosecuted criminally. This act simply amends the law in two particulars. First, those who make the bond are required to be American citizens; second, to amend the law so that any consul or vice-consul can be criminally punished in case of embezzlement.

The amendments were agreed to.

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

On motion of Mr. OTJEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will call the next committee.

The Clerk called the Committee on Banking and Currency.

Mr. DINGLEY. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency be passed without prejudice.

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

The Clerk proceeded with the call of committees.

REVENUE-CUTTER SERVICE.

When the Committee on Interstate and Foreign Commerce was called,

Mr. BENNETT. Mr. Speaker, I am authorized by the committee to call up the bill (H. R. 10379) to promote the efficiency of the Revenue-Cutter Service.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby empowered to convene boards of inquiry and boards of survey for the enforcement of discipline and promoting the efficiency of the Revenue-Cutter Service, such boards to be composed of such convenient numbers of officers of the Revenue-Cutter Service as the exigencies of the service will permit; and the Secretary shall formulate regulations and prescribe methods of procedure for the general and specific government of all boards that may be convened by his order under the provisions of this act: *Provided,* That boards of survey may also be convened by officers commanding vessels of the Revenue-Cutter Service to examine and report upon public property in their charge and for other purposes, and boards of investigation to examine into and report upon offenses committed by enlisted men, when so ordered by the Secretary of the Treasury or provided in the regulations of the Revenue-Cutter Service.

SEC. 2. That if an officer subject to examination for promotion shall be absent on duty, and by reason of such absence or other cause not involving fault on his part shall not be so examined, but shall afterwards be examined and found qualified for promotion, the increased rate of pay to which his promotion will entitle him shall commence from the date of the occurrence of the vacancy to which he would have been promoted had he been present for examination and found qualified for such promotion.

SEC. 3. That all persons composing the enlisted force of the Revenue-Cutter Service shall be enlisted to serve for a term not to exceed three years, in the discretion of the Secretary of the Treasury, who shall prepare regulations governing such enlistments and for the general government of the Revenue-Cutter Service. And any person enlisted in the Revenue-Cutter Service shall be physically sound and be examined, to ascertain his physical condition, by a medical officer of the Marine-Hospital Service or by a physician in good standing in the profession, who shall certify the condition of the candidate for enlistment to the commanding officer of the vessel of the Revenue-Cutter Service whereon the person is to be enlisted.

SEC. 4. That the monthly pay or wages of the person so enlisted shall begin upon the date of his enlistment and terminate upon his discharge for cause, or by order of the Treasury Department, or upon the expiration of his term of enlistment.

SEC. 5. That in event of the death or desertion of an enlisted person from the Revenue-Cutter Service the commanding officer of the vessel shall take charge of all moneys, clothes, and effects which he leaves on board and shall cause all or any of such clothes or effects to be sold by auction at the mast, and shall, at the conclusion of such sale, make a full and detailed report to the Secretary of the Treasury, embracing the following particulars:

First. A statement of the amount of money left by the deserter or deceased.

Second. In case of sale, the sum received for each article sold.

Third. A statement of the sum due the deceased or deserter on the pay roll of the vessel.

SEC. 6. That in cases embraced in the preceding section the following rules shall be observed:

First. Within one week from the date of the decease or desertion of an enlisted person the commanding officer of the vessel upon which the deceased or deserter was serving shall, if practicable, deposit any money of which he has taken charge or received from such sale with the collector of the port whereat the vessel may for the time being be stationed, take his receipt therefor, and forward the same to the Department.

Second. Out of any money due the deceased or deserter under the provisions of the preceding section the Secretary of the Treasury shall cause to be paid any just debts he may have contracted, as far as the sum in hand may be adequate; the residue, if any there be, in the case of a deceased person, to be paid to his legal representatives.

SEC. 7. That any person who shall have been lawfully enlisted under the provisions of this act who shall commit any of the following offenses shall be punishable as follows:

First. For desertion, by imprisonment for not more than six months and forfeiture of all money due and all clothes and effects he may leave on board the vessel upon which he may have been in service, and be entered upon the ship's journal as a deserter from the date of desertion.

Second. For willful disobedience of any lawful command or commands of an officer, by imprisonment for not more than thirty days or by forfeiture to the Government of not more than ten days' pay, or both.

Third. For continued disobedience of lawful commands, by imprisonment for not more than sixty days or discharge from the service.

Fourth. For assaulting a commissioned or other officer, by imprisonment for not more than two years or discharge from the service, or both.

Fifth. For combining with others of the crew of any vessel of the Revenue-Cutter Service to disobey lawful commands, or to neglect duty, or impede the navigation of the vessel, by imprisonment for not more than twelve months or forfeiture to the United States of all money due as pay or wages, or discharge from the service, or all said penalties.

Sixth. For willfully damaging the vessel, its boats, or any property or appurtenances belonging thereto, by forfeiture out of his pay of a sum equal in amount to such loss or damage, and also, in the discretion of the court, by imprisonment for not more than twelve months.

SEC. 8. That in all cases of imprisonment of enlisted men, as hereinbefore provided, such enlisted person may be at once discharged from the service of the United States and the vacancy thus created shall be filled by promotion and enlistment.

SEC. 9. That for the enforcement of the provisions of this act it shall be lawful for the commanding officer of a vessel of the Revenue-Cutter Service to apprehend, or cause to be apprehended by the force under his command, a deserter from the Revenue-Cutter Service, wherever found, and shall have authority to call on all persons to assist in such arrest, and all persons so assisting are hereby invested with the power and authority of deputy United States marshals, to be dealt with according to the provisions of this act governing such cases, and may detain him in custody or at once convey him on board the vessel from which he deserted.

SEC. 10. That absence without leave, in case of an enlisted person, for a period of three days, shall be regarded as desertion.

SEC. 11. That no officer of the Revenue-Cutter Service who has been dismissed, or suffered to resign in order to escape such dismissal, shall again become an officer of the Revenue-Cutter Service.

SEC. 12. That the Secretary of the Treasury is authorized to purchase, from the appropriation for the maintenance of the Revenue-Cutter Service, uniform clothing for the enlisted men of said service, the same to be issued to the crews of vessels in service: *Provided*, That the actual cost of the clothing thus sold to the enlisted men shall be withheld from their pay and repaid to said appropriation.

SEC. 13. That section 2757 of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

"The revenue cutters shall, whenever the President so directs, cooperate with the Navy, during which time they shall be under the direction of the Secretary of the Navy and the laws and regulations governing the Navy, and the expenses thereof shall be defrayed by the Navy Department. Officers of the Revenue-Cutter Service serving on such vessels in cooperation with the Navy shall receive the same pay, emoluments, and privileges as officers of the Navy, with whom they hold the relative rank prescribed by law."

SEC. 14. That no officer of the Revenue-Cutter Service shall be dismissed except by the President of the United States.

Mr. BENNETT. Mr. Speaker, I ask for the reading of the report.

The Clerk read the report, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred several bills to promote the efficiency of the Revenue-Cutter Service, unanimously report the accompanying bill as a substitute therefor and recommend the passage of the same for the benefit of the Government and the improvement of the Revenue-Cutter Service.

There is nothing in existing law covering even remotely the provisions of this bill.

As an organized integral arm of the public service, similar in features and duties to the organized Navy, it is obvious to your committee that it is imperative that the safeguards of law should be thrown around it, not only for the protection and well-being of the service itself, but as well for the advancement and promotion of its efficiency in matters of discipline and good administration.

The provisions of this bill are largely extensions of existing laws governing the kindred branches of the national services, the Army, Navy, and Marine Corps.

That the Revenue-Cutter Service should have the safeguards of law thrown around it, as have the kindred services, must be evident from its past and present status as an arm of the national defense. The service itself is as old as the Government, having been organized in 1790, and has taken an active and meritorious part in every war in which the nation has been involved from the quasi French war to the present war with Spain. Without going into the history of the service, and recounting its deeds in past wars, it is enough to show that since the beginning of the present war its vessels have taken a conspicuous and gallant part with the blockading and fighting fleets.

The revenue cutter *Hamilton* was the first of them to draw the fire of the enemy, when she landed a party of Cubans on a mission to the Cuban generals in the field, and in doing so was compelled to shell the coast and drive out Spanish soldiers. When the *Hamilton* first approached the shore the Spaniards opened a hot fire upon her, but she silenced them and landed her party without mishap.

The cutter *Morrill*, on the 6th instant (May, 1898), was in a lively fight off the Santa Clara batteries, when she, in company with the gunboat *Vicksburg*, attempted to capture a schooner which the Spaniards had sent out as a decoy from Havana. The *Morrill* and *Vicksburg* ran dangerously close to the Cuban coast, when the guns of Santa Clara battery opened on them with 10 and 12 inch shell, to which the American vessels replied with their smaller guns.

The revenue cutter *Manning*, another cutter, was with the Dorst expedition in its attempt to land United States soldiers, arms, and ammunition for the Cuban insurgents on the coast of Cuba, and shelled the woods, thus covering the landing of the troops.

The fight at Cardenas, where Ensign Bagley and four of the crew of the naval torpedo boat *Winslow* lost their lives, was participated in by the cutter *Hudson* from the beginning to the end. After the *Winslow* was disabled by the enemy's fire, her commanding officer severely wounded, one of her officers and four of her crew dead on her deck, the cutter *Hudson*, under a shower of shot, shell, and shrapnel from the enemy's batteries, got a line to the *Winslow* and towed her to a place of safety, thus rescuing her wounded commander, the remainder of her crew, and saving the *Winslow* itself.

The revenue cutter *Windom* was in the fight at Cienfuegos when the boats' crews from the gunboats *Nashville* and *Marblehead* cut the telegraph cables at that place, and it was the guns of the *Windom* which demolished the light-house, the rallying point of the Spanish forces on shore, scattered them, and ended the fight.

Section 13 of this bill provides for the amendment of section 2757, Revised Statutes, in order that the officers of the Revenue-Cutter Service may at least be entitled to receive the same compensation as naval officers while in cooperation with them under the provisions of existing law.

Your committee unanimously submit a favorable report on the bill, with the recommendation that it be enacted into law.

Mr. TERRY. Mr. Speaker, the report makes a very commendable showing for the Revenue-Cutter Service in the present war, but I would like to inquire of the gentleman what is the real object and purpose of this bill?

Mr. BENNETT. The real object and purpose of it is to give a standing to enlisted men in the Revenue-Cutter Service, and place the deserters from that service under the same law that governs the men who enlist in the Navy. It does not add one cent of appropriation for the Revenue-Cutter Service.

Mr. TERRY. How much change does it make in existing law?

Mr. BENNETT. In most all of the provisions it is a change of

the law or an extension of it. It would be impossible for me to detail just what was a slight change or what was simply an extension. There is not a provision in this bill that is unfair or unjust, and it has been recommended by every Secretary of the Navy for a number of years.

Mr. TERRY. Is it the unanimous report of the committee?

Mr. BENNETT. It is the unanimous report of the committee.

Mr. LEWIS of Washington. The practical effect of the bill, as I understand it, is to make the Revenue-Cutter Service honorable, and to make dishonorable and disreputable desertions from that service.

Mr. BENNETT. Exactly.

Mr. RAY of New York. Has the bill been submitted to the Attorney-General of the United States?

Mr. BENNETT. It has been reported on favorably by the Secretary of the Treasury and by the Assistant Secretary having charge of this division.

Mr. RAY of New York. Has it been submitted to the Attorney-General?

Mr. BENNETT. I can not say about that; it has been reported favorably upon by the Treasury Department.

Mr. RAY of New York. It is a very important bill.

Mr. BENNETT. I can not see any provisions in it that would require attention on the part of the gentleman.

Mr. RAY of New York. It creates new offenses and imposes heavy punishment.

Mr. TERRY. I want to call the gentleman's attention to one that seems a little extreme. On page 4 or 5, for assaulting a commissioned or other officer, a punishment is imposed of imprisonment for not more than two years or discharge from the service or both. Of course a subordinate ought never to assault an officer, but there are times when a subordinate is right in the altercation. That has been known to be the case in the Regular Army at times.

Mr. BENNETT. The penalties are no more severe than exist in other arms of the public service.

Mr. TERRY. I know; you are trying to assimilate this to the Navy, but it is well understood that it does not belong there, and you ought not to be quite so Draconian in your penalties.

Mr. RAY of New York. What is the legitimate purpose of the Revenue-Cutter Service?

Mr. BENNETT. The legitimate purpose is for the protection of the customs service, to protect vessels at sea during storms and to offer shelter to those shipwrecked, and to carry out the general orders of the Treasury Department at sea; to look out for the protection of its revenue and to guard against the violation of its customs laws.

Mr. RAY of New York. It is under the direction of the Secretary of the Treasury?

Mr. BENNETT. Unless in case of war, as at present, the President orders so many of the vessels as he deems requisite under the command of the Secretary of the Navy, and the vessels then are, to all intents and purposes, naval vessels.

Mr. RAY of New York. By whom are they commanded?

Mr. BENNETT. By officers of the Revenue-Cutter Service, under the command of the commander of the squadron or of the fleet.

Mr. RAY of New York. Are they naval officers?

Mr. BENNETT. They are only put under charge of the Navy Department.

Mr. RAY of New York. What are they before that time?

Mr. BENNETT. They are Treasury officers. They have the right to search and the right to bring a vessel to that refuses to show her manifest.

Mr. BRODERICK. The President may at any time call them into active service, and then they are under the charge of the Navy Department.

Mr. MAHON. Yes; under an act of Congress.

Mr. BRODERICK. That has been done in every war that we have had.

Mr. TERRY. I think a measure of this importance ought to have a little more careful examination. I do not see present the principal member on the minority side of this committee—

Mr. MANN. For the information of the gentleman from Arkansas I will say, in the absence of the leading members of the minority of the committee, that this matter was considered in the committee quite fully upon several different days, and the bill as reported was perfectly satisfactory to all the members of the minority.

Mr. KING. Will the gentleman permit a question which goes to the merits of the bill? The purpose of this measure, as I understand, is to raise the standard of the Revenue-Marine Service to the dignity of the naval service.

Mr. MANN. Well, the particular purpose at this time is that the sailors in the Revenue-Cutter Service shall be subject to some kind of discipline—

Mr. KING. Have they not performed faithful service under the superintendence which now controls them?

Mr. MANN. Complaint has been made by the Treasury Department that there was no method—

Mr. KING. I understood that your report was very laudatory of the conduct of the men engaged in that service; and if the report is true (as I have no reason to doubt it is), the services which those men have performed have been just as efficient under the present management as they would be if a change were made.

Mr. MANN. The Treasury Department has made some complaint. But the gentleman must remember that in time of war there is a very different status of affairs from a time of peace. The Revenue-Cutter Service is now practically under the control of the Navy Department, and most of the revenue-cutter boats are in the Navy.

Mr. DOCKERY. And they are subject to naval regulations, are they not?

Mr. TERRY. If this bill were limited to times of war, when the Revenue-Cutter Service is transferred to the control of the Navy Department, it might be very proper. But the gentleman has spoken of "discipline." We all recollect the time when humanity was outraged by the "discipline" of flogging the sailors, even in the American Navy as well as in the merchant marine, and by other cruel forms of "discipline." I do not know how much of that kind of thing we are to get under this bill.

Mr. MANN. There is nothing of that sort in the bill.

Mr. TERRY. I do not believe in "discipline" of the kind we have had in times past, except in time of war, when, of course, discipline can scarcely be too strict.

Mr. MANN. I repeat, there is nothing of that sort in the bill.

Mr. BENNETT. The gentleman from Louisiana [Mr. DAVEY] represents the minority of the committee—

Mr. TERRY. I did not see him present at the time I made the remark.

Mr. BENNETT. If he had been here, I should not have had anything to say. This bill was under consideration by our committee for several days. The bill as first presented to us was unsatisfactory, and was amended by the committee. As thus amended it has been unanimously reported, the minority as well as the majority members joining in the report.

Mr. TERRY. I did not like the statement brought into this debate a while ago that the object of the bill is to "discipline" these men of the Revenue-Cutter Service. If you want to "discipline" them in time of war, that is all right; but I would not have such strict rules applied in time of peace.

Mr. RAY of New York. I wish to raise a point of order against this bill. I insist that it is not in order under this call, and that it must be considered in Committee of the Whole.

Mr. BENNETT. The bill does not carry any appropriation on its face—

Mr. RAY of New York. I call attention to section 12.

Mr. BENNETT. Well, Mr. Speaker, I will ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

Mr. UNDERWOOD. I wish to say to the gentleman from New York that I think a bill of such importance as this ought not to be considered in the hasty method now proposed. There are very few members here, and I ask the gentleman to let the bill go over without prejudice so that we may have a chance to look into it.

Mr. BENNETT. If our committee can be passed without prejudice, I am perfectly willing to allow the bill to go over.

The SPEAKER. The gentleman asks unanimous consent that the bill be passed over without prejudice.

Mr. BENNETT. And also that the committee be passed without prejudice, owing to the circumstances.

The SPEAKER. The Chair hears no objection.

Mr. RAY of New York. I do not understand the request.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On June 15, 1898:

H. R. 10682. An act making an appropriation to pay the Bering Sea awards;

H. R. 2425. An act for the relief of the legal representatives of John W. Branham, late an assistant surgeon in the United States Marine-Hospital Service;

H. R. 9075. An act to authorize the construction of a bridge across the Missouri River at or near Quindaro, Kans., by the Kansas City, Northeastern and Gulf Railway Company;

H. R. 2430. An act removing charge of desertion from military record of W. H. Cohorn;

H. R. 1287. An act for the relief of Dr. John R. Hall, of Louisville, Ky.;

H. R. 5149. An act to amend the charter of the Capital Railway Company; and

H. R. 5523. An act to authorize the establishment of a life-saving station at or near Charlevoix, Mich.

On June 16, 1898:

H. R. 10089. An act to authorize the construction of a bridge across St. Francis Lake, at or near Lake City, State of Arkansas;

H. Res. 7. Joint resolution directing the Secretary of War to submit estimates for work upon Wallabout Channel, New York;

H. R. 5040. An act for the relief of Isaac N. Babb;

H. R. 4239. An act to complete the military record of James Hicks, formerly captain Company M, Twelfth Regiment Ohio Volunteer Cavalry; and

H. R. 8871. An act for a survey for a channel leading from Ship Island Harbor, Mississippi, to the railroad pier at Gulf Port, Miss., and to Biloxi, Miss., and for survey of Ship Island Pass.

On June 17, 1898:

H. R. 10220. An act to organize a hospital corps of the Navy of the United States; to define its duties and regulate its pay.

On June 18, 1898:

H. R. 4073. An act authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital;

H. R. 10420. An act for the relief of Miss M. O. Chapman, of Paulding, Jasper County, Miss.;

H. R. 10293. An act to incorporate the East Washington Heights Traction Railroad Company in the District of Columbia;

H. R. 6954. An act to regulate plumbing and gas fitting in the District of Columbia;

H. R. 6460. An act for the relief of Galen E. Green;

H. R. 10423. An act to amend an act entitled "An act to promote the administration of justice in the Army," approved October 1, 1890, and for other purposes; and

H. R. 1307. An act to correct the naval record of G. K. Knowlton, late of the United States Navy.

On June 20, 1898:

H. R. 3391. An act for the relief of W. H. Barnard and Robert Thomas;

H. R. 1271. An act granting a pension to Clara A. Short;

H. R. 8680. An act granting an increase of pension to William Tompkins;

H. R. 2669. An act granting an increase of pension to Henry H. Tucker;

H. R. 4672. An act granting an increase of pension to Alfred D. Johnson;

H. R. 7007. An act to increase the pension of Samuel B. Davis;

H. R. 3141. An act increasing the pension of Price W. Hawley;

H. R. 4488. An act granting an increase of pension to Peter Castle;

H. R. 378. An act granting an increase of pension to Lowell H. Hopkinson;

H. R. 6679. An act to repeal an act entitled "An act to perfect the military record of James T. Hughes;" and

H. R. 2080. An act to correct the military record of Edward P. Jennings.

APPEALS, UNITED STATES COURT, ALASKA.

Mr. HENDERSON. Mr. Speaker, I inadvertently omitted to call up a little bill from my committee which ought to be considered and passed at this time.

The SPEAKER. The bill which has just been withdrawn will be in order on the next call of the committee.

Mr. BENNETT. And the committee will also be in order on the call, under the peculiar circumstances, I presume, Mr. Speaker?

The SPEAKER. It will.

Without objection, the gentleman from Iowa will present a bill from the Committee on the Judiciary.

There was no objection.

Mr. DOCKERY. We reserve all rights in connection with the matter.

Mr. HENDERSON. I desire to call up the bill (H. R. 10510) providing for the transfer from the circuit court of appeals for the ninth circuit to the Supreme Court of certain appeals from the district court for Alaska.

I overlooked this bill when responding to the call of committees, and yield to the gentleman from Oregon [Mr. TONGUE].

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, etc. That all cases, civil and criminal, filed on appeal from the district court of the United States for the District of Alaska in the United States circuit court of appeals for the ninth judicial circuit, and pending on appeal therein on and prior to the 30th day of December, 1897, of which the Supreme Court of the United States would have had jurisdiction under the then existing law, if a proper appeal had been taken thereto at the time said cases were filed on appeal in said circuit court of appeals, be, and the same are, deemed and treated as regularly filed on appeal in the Supreme Court of the United States as of the date when filed in said circuit court of appeals. The clerk of said circuit court of appeals is directed to transmit to the Supreme Court of the United States, as soon as practicable, the records of such cases, and the clerk of said Supreme Court is directed to receive and file the same for hearing and determination in the Supreme Court of the United States when regularly reached on the docket, subject to any rules made or to be made by said court which may be applicable.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. LEWIS of Washington. Will the gentleman from Iowa yield to me for a moment?

Mr. HENDERSON. I have yielded the floor to the gentleman from Oregon [Mr. TONGUE].

Mr. LEWIS of Washington. At any other time, when convenient, I ask the gentleman to yield to me for a few moments. It is immaterial whether it be before or after the gentleman from Oregon has been heard.

Mr. TONGUE. Mr. Speaker, this bill is a substitute for one introduced by the gentleman from Washington [Mr. LEWIS] and one introduced by myself, covering substantially the same point.

Prior to December, 1897, the court of appeals located at San Francisco, Cal., had assumed to entertain jurisdiction of appeals from the Alaskan court in common-law cases. About that time the Supreme Court of the United States decided on a case appealed to it that such cases could not properly be appealed to the appellate court at San Francisco, but should have been appealed directly to the Supreme Court of the United States.

This bill is to authorize the transfer of the appeals then pending to the Supreme Court of the United States as if the appeal had been made at that time.

The substitute as drawn, and which is now before the House for consideration, was drawn after a consultation with the Attorney-General of the United States and has the approval of that official. I trust there will be no objection to its passage.

I yield now such portion of my time as the gentleman may desire to my friend from Washington.

Mr. LEWIS of Washington. Mr. Speaker, I desire only to supplement the explanation of the gentleman from Oregon by saying to the House, if I may be permitted to make a personal allusion, that I participated in the case out of which the decision grew which makes necessary the passage of this legislation.

The circuit court of appeals act of 1891 repealed all legislation on the subject of appeals from the Territorial courts. Previously the appeals from the Territorial court was to the Supreme Court of the United States. But in an appeal in the Coquitlam case and in Noyes case the Supreme Court held that because of the act of 1891, repealing all prior legislation on the subject and omitting the Territory of Alaska, there was a casus omissus, and therefore there was no provision for an appeal from the district court of Alaska.

The provision of the pending bill remedies this defect, and the bill simply names Alaska and locates appeals from the district court of Alaska to the circuit court of appeals; and the legislation proposed is necessary because of the decision of the Supreme Court of the United States to the effect that the effort to appeal to the circuit court of appeals was void by reason of the legislative omission, to which I have referred, and that the appeals should be taken directly to the Supreme Court. All appeals heretofore taken are to remain in the Supreme Court of the United States. All other cases are to go to the circuit court of appeals for the ninth circuit, held at San Francisco. I assure the House that no rights attach to any litigant that without it would not have followed. I trust no objection may be urged.

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

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

ORDER OF BUSINESS.

Mr. MAHON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MAHON. Would it be in order to move that the House resolve itself into the Committee of the Whole on the state of the Union to consider bills on the Union Calendar? The call of committees has proceeded for over an hour.

The SPEAKER. An hour has elapsed, and it is in order for the House to do it upon motion.

Mr. MAHON. I make that motion.

The SPEAKER. The gentleman moves that the House resolve itself into the Committee of the Whole for the consideration of business upon the Union Calendar.

The question being taken, on a division (demanded by Mr. TERRY) there were—ayes 23, noes 17.

Mr. TERRY. I ask for tellers.

Tellers were refused, 21 members, not a sufficient number, rising in support of the demand.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of business on the Union Calendar, with Mr. PAYNE in the chair.

The CHAIRMAN. The Clerk will report the first bill.

CLAIMS OF CERTAIN CITIZENS OF PENNSYLVANIA.

The first business on the Union Calendar was the bill (H. R. 20) to provide for the adjudication and payment of damages sustained by citizens of the United States in the border counties of York,

Adams, Cumberland, Franklin, Fulton, Bedford, Somerset, and Perry, in the State of Pennsylvania, from Union and Confederate troops during the late war of the rebellion.

Mr. MAHON. Mr. Chairman, in order to save the time of the House, I should like to make a brief statement.

The CHAIRMAN. The bill has not yet been read.

Mr. DOCKERY. Let us have the bill read.

The CHAIRMAN. The bill will have to be read, unless the reading is dispensed with by unanimous consent.

Mr. MAHON. I want to substitute another bill and have it read in place of this one, and I feel confident that the House will do it after I make a short statement. It is a bill of the same nature, relating to the same claim.

The CHAIRMAN. That motion would not be debatable unless by unanimous consent.

Mr. MAHON. I ask unanimous consent to make a statement.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to make a statement. Is there objection?

There was no objection.

Mr. MAHON. Mr. Speaker, House bill 20 was drawn up and offered to the House, but some of the best lawyers of the House thought that bill did not sufficiently protect the Government in the investigation of these claims which we will come to after a while. Another bill was drawn up, which is No. 10371. I will say frankly that this bill was drawn under the supervision of my colleague [Mr. DALZELL]. This bill fully protects the interests of the Government and is a much better bill than the first one. In order to save the time of the House, I ask to substitute the bill H. R. 10371 in place of the bill H. R. 20.

Mr. DOCKERY. How much does the last bill carry?

Mr. MAHON. It does not carry a dollar. The object of the bill is that the cases shall go to the Court of Claims, and finally to the United States Supreme Court, to settle a long-standing question as to the legality of these claims.

Mr. DOCKERY. With power to enter judgment.

Mr. MAHON. Well, yes; the Supreme Court of the United States may—

Mr. TERRY. As I read that bill, while professing to submit this matter to the discretion and judgment of the court, it virtually, by direction of the bill, is a command that, upon certain evidence, the finding shall be so and so.

Mr. DALZELL. Mr. Chairman, I should like to make a statement to the gentleman. I think he has reference to another bill, the one which we have just taken up from the Calendar.

Mr. TERRY. I have sent for the bill.

Mr. DALZELL. I want to make a statement to the gentleman. Every old member of the House knows that these claims have been presented to every Congress for the last eight or ten Congresses, always in the shape of a bill providing for the payment of the claims. Now, in this present Congress my colleague [Mr. MAHON] introduced a bill authorizing the reference of these claims to the Court of Claims. That is the bill to which the gentleman refers. Now, in examining that bill it occurred to me that it did provide just as the gentleman from Arkansas has stated—

Mr. TERRY. That is my reading of it.

Mr. DALZELL. That rather than a submission to the Court of Claims for a finding it was an order to the Court of Claims to find. Therefore, with the permission of my colleague, I took his bill and drew a new bill, which is the one that he wants to substitute now, which submits the whole matter to the Court of Claims under such safeguards that it seems to me the Treasury is fully protected. The question of law is submitted to the court, and even as to the matter of testimony I cut out of the bill the provision that made competent certain testimony heretofore taken.

Mr. TERRY. I want to say to the distinguished gentleman from Pennsylvania that I have no objection whatever to the payment of any legal claims of the citizens of Pennsylvania against the United States that are just and proper.

Mr. MAHON. That is all we want.

Mr. TERRY. There is a great big question in this, and that is this: Suppose that a party of Spaniards were to land on our coast or bombard our coast, would the Government of the United States be responsible for the damage inflicted by the Spaniards?

Mr. MAHON. No, sir; that is a different case.

Mr. TERRY. Well, now, in the very report—

Mr. MAHON. Will the gentleman allow me to ask him a question?

Mr. TERRY. Certainly.

Mr. MAHON. Let us substitute this bill, and then we will go on with the discussion.

Mr. TERRY. I want the House to understand what is the real merit or demerit of this bill and why I am raising the question. It is not that I am in opposition to the gentleman from Pennsylvania in the assertion of any just and legal claim against the Government of the United States.

Mr. DALZELL. Will my friend allow me? It seems to me that the question here now to be determined is not the merits of

the claims. That is a matter to be referred to the Court of Claims. I want to call the attention of the gentleman to the last section of this bill that is proposed to be substituted, to which is added, after all the other safeguards had been provided, section 13:

That nothing in this act contained shall be construed as an admission upon the part of the United States of the validity of the said alleged claims or of the liability of the United States for the payment thereof, it being the true intent of this act merely to secure to said claimants an opportunity to have their legal rights determined in the courts.

Now, it does not seem to me—

Mr. TERRY. When was this substitute put in?

Mr. DALZELL. It was reported on the 24th of May.

Mr. DOCKERY. Is the substitute reported?

Mr. MAHON. Yes.

Mr. TERRY. I will continue my statement for a moment, for I feel that it is proper for me to explain to the House why I have made any objection whatever to this Pennsylvania claim. As I was going on to say, and as the distinguished gentleman from Pennsylvania, the chairman of the committee, has admitted, the Government of the United States could not be held liable for any damage that might be inflicted by bombardment or the landing of Spaniards; now, while the war between the States was not between foreign foes, the Supreme Court, in the opinion that you quote from in your own report, has based and assimilated its decisions and holdings in regard to what took place during the war and put them upon precisely the same basis as if the Confederate States had been a foreign enemy; and the same regular consequences would follow, it occurs to me. I just say that now, in order that the gentleman from Pennsylvania, for whom I have the kindest regard, may understand the point of my objection.

Mr. MAHONY. I would like to have the substitute read. If there is no objection to the bill being substituted, we will then have it read.

Mr. DOCKERY. I would like to know the amount of these claims.

Mr. MAHON. If the Supreme Court of the United States declares that under the Constitution, on account of the peculiar circumstances in this case—and there are no others like it in this country—if they decide under the Constitution the United States is legally bound to pay these claims, we will come back and ask for an appropriation of \$3,000,000. Now, if the Supreme Court says there is no legal liability on the part of the Government, you will never hear of this case again.

Mr. CLARK of Missouri. I would like to ask the gentleman a question.

Mr. DOCKERY. Does this provide for them finding a judgment?

Mr. MAHON. Of course if you go to the Supreme Court and we are given a judgment, then the claims come back here for the money.

Mr. TERRY. Now, as to the analogy to a case of landing or bombardment by the Spaniards, it has been held, and I quote now from the language of the report:

It has been held by this court—

That is, the United States Supreme Court, in the case of Pacific Railroad against The United States (120 United States Reports)—

It has been held by this court in repeated instances that, though the late war was not between independent nations, yet, as it was between the people of different sections of the country, and the insurgents were so thoroughly organized and formidable as to necessitate their recognition as belligerents, the usual incidents of a war between independent nations ensued. The rules of war as recognized by the public law of civilized nations became applicable to the contending forces.

Now, apply that to the other question and you will see that, though it was not a foreign war, the same principles would govern as if it were a case of bombardment or raid by Spain. And I tell you that unless this bill submits this case squarely to the judgment of the Supreme Court in a proper way and on purely a question of law, it is a very dangerous matter to enter into.

Mr. MAHON. It does submit it to the Supreme Court.

Mr. TERRY. I have not had time to examine the new bill so as to see whether it submits it on purely a question of law. Confessedly the first bill you introduced on this subject would have tied the hands of the courts.

Mr. MAHON. I surrendered that bill. I would like to get the bill up, and then we can proceed with the consideration of it.

Mr. CLARK of Missouri. I would like to ask the gentleman from Pennsylvania a question.

Mr. MAHON. Certainly.

Mr. CLARK of Missouri. I want to know, if it is legitimate to consider this claim, why every time we bring up a claim of Missouri or other border States where property was destroyed during the war, or where Union men's property was taken for the use of the United States Government, some of you gentlemen over there treat them as if the claimants were enemies of the country?

Mr. MAHON. I am not one of those who have done so.

Mr. CLARK of Missouri. I do not say that you are one of them, but your colleague, the distinguished gentleman from

Pennsylvania [Mr. DALZELL], stood up here and voted against a \$10,000 claim that was as just a claim as was ever presented to this House, and I think the gentleman who is presiding over the House now helped him with it.

Mr. DALZELL. It was defeated?

Mr. CLARK of Missouri. It was defeated.

Mr. DALZELL. Then the House defeated it.

Mr. MAHON. This bill affects the people of my Congressional district, and no other county in the State.

Mr. CLARK of Missouri. I understand that.

Mr. MAHON. I have always favored the payment of a claim that was adjudicated by the courts of the United States, and where the courts have passed upon the fact that this Government has been liable legally for the payment I have always stood for the payment, and I intend to do so.

There is no question about the fact. This bill provides that the Court of Claims shall ascertain all the facts surrounding the case and the appeal shall go to the Supreme Court, and one question alone is to be decided and that is under the fourth section of the Constitution of the United States.

Mr. CLARK of Missouri. The situation is this: Pennsylvania was invaded once, and there was a good deal of property destroyed. Missouri was invaded constantly, and property of thousands of Union men taken as liberally as if they were the rations out of the storehouses of the Government, and every time we come in to get a Union man reimbursed some gentleman over on that side fights it, and I am tired of the whole business.

Mr. DALZELL. We passed a bill allowing millions of these claims recently, and the gentleman knows it.

Mr. CLARK of Missouri. I know we did pass some.

Mr. DALZELL. If any claims are defeated here, the House is responsible.

Mr. CLARK of Missouri. I am holding the House responsible.

Mr. NORTHWAY. The State of Pennsylvania has paid none of these losses.

Mr. MAHON. Eight hundred thousand dollars of them.

Mr. NORTHWAY. But none of these in this bill. Is the bill broad enough so Ohio can come in under it?

Mr. MAHON. I am not representing Ohio; I am representing my own people. My predecessor in this House for seven years had a unanimous report of the Committee on War Claims making appropriation of \$3,000,000. I declined to offer any such bill, and I have been here six years and never have. I represent the people under peculiar circumstances, and we think at least that we ought to have the right to go to the Court of Claims and then to the Supreme Court, and if the Supreme Court says that we have no legal standing, that ends it. We are not here begging money, but only to ask what is just and right.

Mr. TERRY. Mr. Chairman, I want to make a suggestion to the gentleman. I say the bill should be properly guarded, but it is very hard to determine points of this kind in a casual reading of the bill. Now, why would it not be well to let the bill be referred to the Judiciary Committee on one question alone, whether or not it is so properly guarded that it will submit to the Supreme Court solely the question of law?

Mr. MAHON. With all due respect to the Judiciary Committee, under the rules of this House it can not go there except by unanimous consent. With all due respect to that committee and the lawyers on it, this bill has been carefully drawn by lawyers, and I am satisfied they are amply able to do it. The Committee on War Claims has jurisdiction here of this bill alone.

Mr. TERRY. Were the lawyers who drew it members of the committee or outside lawyers?

Mr. MAHON. Both.

Mr. TERRY. Was it not drawn by the lawyers outside?

Mr. MAHON. I put a provision in the bill that no attorney should get one penny of the amount appropriated.

Mr. TERRY. We have a committee appointed and organized for the purpose of considering matters pertaining to the jurisdiction and reference of questions of that sort to the Supreme Court of the United States. Now, a matter involving millions of dollars, involving a great principle, which is especially important at this time when we have a foreign war on our hands, it seems to me we should guard very carefully the passage of such a bill.

Mr. MAHON. Let the gentleman have the substitute read and then we can discuss it.

Mr. MOODY. Is there any precedent for the appropriation of money for a claim arising out of the destruction of property in the actual operations of war?

Mr. MAHON. Yes; I have hundreds of them. The British in 1812 pushed up as far as Hagerstown and burnt all the property, and it was paid for by Congress. But my claim does not stand on that footing.

Mr. TERRY. You admitted that the claim was not binding—

Mr. MAHON. I claim that Pennsylvania has furnished all of her troops—

Mr. TERRY. You admitted that if Spain were to bombard the

coast of the United States, the United States would not be responsible.

Mr. MAHON. If the gentleman will let the bill be read, I will state my position.

Mr. KING. Do I understand the gentleman to say that he has 200 or 300 precedents, or any precedent, to the effect that the Government is responsible for property destroyed by fighting in time of war?

Mr. MAHON. I say that Congress has appropriated in 300 cases for property destroyed by the British. I do not say that it is in accordance with the Constitution or the law, but Congress has paid it. But my claim does not rest on that foundation. We want to go to the Supreme Court of the United States under the fourth clause of the Constitution, and if the people are not entitled to remuneration under that clause of the Constitution, we do not want it. Now, if gentlemen will not let us substitute the bill, why, we will go on with the original bill.

The CHAIRMAN. What is the gentleman's request?

Mr. TERRY. Mr. Chairman, I ask for the regular order.

Mr. MAHON. The regular order is reading the old bill.

The CHAIRMAN. The House in Committee of the Whole granted the gentleman from Pennsylvania, by unanimous consent, the privilege of making a statement, and he has been making it.

Mr. MAHON. But the call for the regular order brings up the first bill.

Mr. TERRY. I call for the regular order.

The CHAIRMAN. The Clerk will report the bill which is before the committee.

The Clerk read as follows:

A bill (H. R. 20) to provide for the adjudication and payment of damages sustained by citizens of the United States in the border counties of York, Adams, Cumberland, Franklin, Fulton, Bedford, Somerset, and Perry, in the State of Pennsylvania, from Union and Confederate troops during the late war of the rebellion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the jurisdiction which now is, or may hereafter be, conferred upon the Court of Claims, said court shall have and possess jurisdiction and authority to inquire into and finally adjudicate, in the manner provided in this act, all damages and claims of the following classes, namely:

First. All damages and claims for property of citizens of the United States taken or destroyed by the Confederate troops in their several invasions into the border counties of York, Adams, Cumberland, Franklin, Fulton, Bedford, Somerset, and Perry, in the State of Pennsylvania, during the late war, in the years 1861, 1862, 1863, 1864, and 1865.

Second. Such jurisdiction shall also extend to all claims of citizens of the United States for property taken or destroyed in said counties by Union troops during the late war in the years 1861, 1862, 1863, 1864, and 1865.

Third. All just offsets and counterclaims to any claim of either of the preceding classes which may be before such court for determination, and no claim shall be allowed or judgment entered in favor of claimant if the original holder of claim was disloyal.

SEC. 2. That all questions of limitations as to time and manner of presenting claims are hereby waived, and no claim shall be excluded from the jurisdiction of the court because not heretofore presented to the Quartermaster-General or other officer or Department of the Government; that all claims existing at the time of the taking effect of this act shall be presented to the court by petition, as hereinafter provided, within five years after this act becomes a law, or shall be thereafter forever barred.

SEC. 3. That all claims shall be presented to the court by petition, setting forth in ordinary and concise language, without unnecessary repetition, the facts upon which such claims are based, by whom the property was taken or destroyed, and the actual value thereof at the time same was taken or destroyed, and any other facts connected with the transactions and material to the proper adjudication of the case involved. The petition shall be verified by the affidavit of the claimant, his agent, administrator, or attorney, and shall be filed with the clerk of the court. It shall set forth the full name and residence of the claimant, the damages sought to be recovered, and an itemized schedule setting forth property taken or destroyed. And the value of each item of property taken or destroyed shall be attached to said petition and made a part of the same, praying the court for a judgment upon the facts and the law.

SEC. 4. That the service of the petition shall be made upon the Attorney-General of the United States in such manner as may be provided by the rules or orders of said court. It shall be the duty of the Attorney-General of the United States to appear and defend the interests of the Government in the suit, and within sixty days after the service of the petition upon him, unless the time shall be extended by order of the court made in the case, to file a plea, answer, or demurrer on the part of the Government, and to file a notice of any counterclaim, set-off, claim of damages, demand, or defense whatsoever of the Government: *Provided*, That should the Attorney-General neglect or refuse to file the plea, answer, demurrer, or defense as required, the claimant may proceed with the case under such rules as the court may adopt in the premises; but the claimant shall not have judgment for his claim, or for any part thereof, unless he shall establish the same by proof satisfactory to the court.

SEC. 5. That in considering the merits of claims presented to the court under this act, any testimony, affidavits, schedules, and papers on file in the State departments of the State of Pennsylvania, taken and received by the officers and commissioners appointed by the State to adjudicate said claims under the following acts passed by the legislature of the State of Pennsylvania, to wit: Act of 18th of April, 1862, act of 22d of April, 1863, act of 9th of April, 1868, and the act of 22d of May, 1871, as well as all reports and findings of all officers and commissions created by said acts of assembly, shall be considered by the court as legal and competent evidence of such weight given thereto as in its judgment is right and proper.

SEC. 6. That the said court shall make rules and regulations for taking testimony in the causes herein provided for, by deposition or otherwise, and such testimony shall be taken in the county where the witness resides, when the same can be conveniently done, and no person shall be excluded as a witness because he is a party to or interested in said suit, and any claimant or party in interest may be examined as a witness on the part of the Government; that the court shall determine in each case the value of the property taken or destroyed at the time and place of the loss or destruction, and by

whom taken or destroyed, and shall render judgment in favor of the claimant or claimants and against the United States.

SEC. 7. That all judgments of said court shall be a final determination of the causes decided and of the rights and obligations of the parties thereto, and shall not thereafter be questioned unless a new trial or rehearing shall be granted by said court, or the judgment reversed or modified upon appeal as hereinafter provided.

SEC. 8. That immediately after the beginning of each session of Congress the Attorney-General of the United States shall transmit to the Congress of the United States a list of all final judgments rendered in pursuance of this act in favor of claimants and against the United States, and not paid as hereinafter provided, which shall thereupon be appropriated for in the proper appropriation bill.

SEC. 9. That all sales, transfers, or assignments of any such claims heretofore or hereafter made, except such as have occurred in the due administration of decedents' estates, and all contracts heretofore made for fees and allowances to claimants' attorneys, are hereby declared void, and all warrants issued by the Secretary of the Treasury, in payment of such judgments, shall be made payable and delivered only to the claimant or his lawful heirs, executors, or administrators, or transferees under administrative proceedings, except so much thereof as shall be allowed the claimants' attorneys by the court for prosecuting said claim, which may be paid direct to such attorneys, and the allowances to the claimants' attorneys shall be regulated and fixed by the court at the time of rendering judgment in each case and entered of record as part of the findings thereof; but in no case shall the allowance exceed 15 per cent of the judgment recovered, except in case of claims of less amount than \$500, or where unusual services have been rendered or expenses incurred by the claimant's attorney, in which case not to exceed 20 per cent of such judgment shall be allowed by the court.

SEC. 10. That the claimant, or the United States or other party thereto interested in any proceeding brought under the provisions of this act, shall have the same rights of appeal as are or may be reserved in the statutes of the United States in other cases, and upon the conditions and limitations therein contained. The mode of procedure in claiming and perfecting an appeal shall conform in all respects, as near as may be, to the statutes and rules of court governing appeals in other cases.

SEC. 11. That all papers, reports, affidavits, evidence, records, and proceedings relating to said claims now on file in the departments of the State of Pennsylvania shall be deposited and filed with the Quartermaster-General of the United States before the claim or claims are taken up by the court, and the same shall in every case be furnished to the court upon its order at the request of the claimant or his or her attorney, or of the Attorney-General or the Assistant Attorney-General of the United States.

SEC. 12. That to facilitate the speedy disposition of the cases herein provided for in said Court of Claims, there shall be appointed, in the manner prescribed by law for the appointment of Assistant Attorney-Generals, one additional Assistant Attorney-General of the United States, who shall receive a salary of \$2,500 per annum.

Mr. MAHON. I offer the following substitute—

Mr. DOCKERY. I thought the gentleman from Arkansas called for the regular order.

Mr. MAHON. This is the regular order.

The CHAIRMAN. The regular order, if demanded, would be the consideration and disposition of the first bill.

Mr. MAHON. Let us have the substitute read.

Mr. TERRY. That can not be done until general debate is closed.

Mr. DOCKERY. There is no objection to its being read for information.

The CHAIRMAN. It can be read in the time of the gentleman from Pennsylvania. Does the gentleman from Pennsylvania desire to have it read?

Mr. MAHON. Yes; because it is the bill I am going to offer as a substitute.

Mr. TERRY. It is read for information?

The CHAIRMAN. For information, of course.

The Clerk read as follows:

A bill (H. R. 10871) conferring on the Court of Claims jurisdiction with respect to certain claims.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the jurisdiction which now is or may hereafter be conferred upon the Court of Claims said court shall have and possess jurisdiction and authority to inquire into certain alleged claims for property of citizens of the United States alleged to have been taken or destroyed by the Confederate troops in their several invasions into the border counties of York, Adams, Cumberland, Franklin, Fulton, Bedford, Somerset, and Perry, in the State of Pennsylvania, during the civil war, in the years 1861, 1862, 1863, 1864, and 1865; and also certain alleged claims of citizens of the United States for property alleged to have been taken or destroyed in said counties by Union troops during the civil war, in the years 1861, 1862, 1863, 1864, and 1865: *Provided*, That suit is brought as herein provided within five years after the approval of this act.

SEC. 2. That all questions of limitations as to time and manner of presenting claims are hereby waived, and no claim shall be excluded from the jurisdiction of the court because not heretofore presented to the Quartermaster-General or other officer or department of the Government.

SEC. 3. That all claims shall be presented to the court by petition, setting forth in ordinary and concise language, without unnecessary repetition, the facts upon which such claims are based, by whom the property was taken or destroyed, and the actual value thereof at the time same was taken or destroyed, and any other facts connected with the transactions and material to the proper adjudication of the case involved. The petition shall be verified by the affidavit of the claimant, his agent, administrator, or attorney, and shall be filed with the clerk of the court. It shall set forth the full name and residence of the claimant, the damages sought to be recovered, and an itemized schedule setting forth property taken or destroyed; and the value of each item of property taken or destroyed shall be attached to said petition and made a part of the same.

SEC. 4. That the service of the petition shall be made upon the Attorney-General of the United States in such manner as may be provided by the rules or orders of said court. It shall be the duty of the Attorney-General of the United States to appear and defend the interests of the Government in the suit, and within sixty days after the service of the petition upon him, unless the time shall be extended by order of the court made in the case, to file a plea, answer, or demurrer on the part of the Government, and to file a notice of any counterclaim, set-off, claim of damages, demand, or defense whatsoever of the Government: *Provided*, That should the Attorney-General

neglect or refuse to file the plea, answer, demurrer, or defense as required the claimant may proceed with the case under such rules as the court may adopt in the premises.

SEC. 5. That in considering the merits of claims presented to the court under this act any testimony and papers on file in the State departments of the State of Pennsylvania taken and received by the officers and commissioners appointed by the State to adjudicate said claims under the following acts passed by the legislature of the State of Pennsylvania, to wit, act of 16th of April, 1862, act of 22d of April, 1863, act of 9th of April, 1863, and the act of 22d of May, 1871, shall be considered by the court as legal and competent evidence; but only such weight shall be given thereto as in the judgment of the court is right and proper.

SEC. 6. That the said court shall make rules and regulations for taking testimony in the cases herein provided for, by deposition or otherwise, and such testimony shall be taken in the county where the witness resides, when the same can be conveniently done; and no person shall be excluded as a witness because he is a party to or interested in said suit, and any claimant or party in interest may be examined as a witness on the part of the Government.

SEC. 7. That in case the court, upon hearing, shall find the claimant to have been a loyal citizen and his claim duly proven, and shall also find that the United States is liable for the payment thereof, in every such case, but in no other, judgment shall be entered for the claimant for the amount of his said claim so proven.

SEC. 8. That all judgments of said court shall be a final determination of the causes decided, and of the rights and obligations of the parties thereto, and shall not thereafter be questioned unless a new trial or rehearing shall be granted by said court, or the judgment reversed or modified upon appeal as hereinafter provided.

SEC. 9. That immediately after the beginning of each session of Congress the Attorney-General of the United States shall transmit to the Congress of the United States a list of all final judgments rendered in pursuance of this act in favor of claimants and against the United States and not paid.

SEC. 10. That all sales, transfers, or assignments of any such claims heretofore or hereafter made, except such as have occurred in the due administration of decedents' estates, and all contracts heretofore made for fees and allowances to claimants' attorneys, are hereby declared void, and all warrants issued by the Secretary of the Treasury in payment of such judgments shall be made payable and delivered only to the claimant or his lawful heirs, executors, or administrators, or transferees under administrative proceedings.

SEC. 11. That the claimant or the United States, or other party thereto interested in any proceeding brought under the provisions of this act, shall have the same rights of appeal or writ of error as are or may be reserved in the statutes of the United States in other cases, and upon the conditions and limitations therein contained. The mode of procedure in claiming and perfecting an appeal or writ of error shall conform in all respects, as near as may be, to the statutes and rules of court governing writs of error or appeals in other cases.

SEC. 12. That all papers, reports, affidavits, evidence records, and proceedings relating to said claims now on file in the departments of the State of Pennsylvania shall be deposited and filed with the Quartermaster-General of the United States before the claim or claims are taken up by the court, and the same shall in every case be furnished to the court upon its order at the request of the claimant, or his or her attorney, or of the Attorney-General or the Assistant Attorney-General of the United States.

SEC. 13. That nothing in this act contained shall be construed as an admission upon the part of the United States of the validity of the said alleged claims or of the liability of the United States for the payment thereof, it being the true intent of this act merely to secure to said claimants an opportunity to have their legal rights determined in the courts.

Mr. MAHON. Mr. Chairman, the bill just read fully protects, as we believe, the interests of the Government. It has been drawn by one of the best lawyers of my State, a member of this House. I do not think a bill could be drawn which would more fully protect the Government; but if any gentleman on this floor thinks the Government is not fully protected under the provisions of this bill, I shall have no objection to any reasonable amendment.

Mr. Chairman, I do not want to enter into any legal argument of this case. Such an argument, which would be long and very interesting, must and will be addressed to the Supreme Court of the United States by gentlemen fully able to handle the questions involved. Under our present Constitution, as all gentlemen who are familiar with it are aware, the States surrendered to the General Government the right to control their military power. When this question was before the constitutional convention—and I want to say that this case is not governed by any laws or decisions of other nations—the question which naturally came up was, What will the Government do in return for this concession of the States?

The States were about to surrender their military power; they were about to place in the hands of the President of the United States the power to denude every State of all her military power—to make her, in one sense of the word, helpless. If you will read the debates in that convention you will find that this power would not have been conceded except in return for some very substantial advantage which was to be enjoyed by the States. In order to secure to the States a recompense for this concession to the General Government (which was granted by a very close vote), section 4 of Article IV of the Constitution was drawn up, reading as follows:

The United States shall guarantee to every State in this Union a republican form of government and shall protect each of them against invasion; and on application of the legislature, or of the executive when the legislature can not be convened, against domestic violence.

We do not put this claim on the ground of "domestic violence," but on the ground of invasion. Here is a solemn compact made between the Government of the United States and the States that the Government, if in its power, would protect them against invasion.

Mr. TERRY. Does the gentleman claim that the Government of the United States was derelict in the discharge of its duty to protect the State of Pennsylvania?

Mr. MAHON. Yes. I am coming to that in a moment.

Mr. TERRY. I thought the Government protected that State pretty effectually.

Mr. MAHON. Now, Mr. Chairman, if the people of this Union did not intend to see that the section of the Constitution I have just read should be enforced, whether the State concerned was Pennsylvania, Missouri, Arkansas, or any other State, it would have been far better that that provision had never been written.

When the war of the rebellion broke out, Pennsylvania, like the rest of the States remaining in the Union, was called upon to fill its quota of troops for the defense of the Government. Pennsylvania furnished some 371,000 men—one-third of the million men who went into the field at that time in defense of the Union.

The five counties skirting the borders of the State of Pennsylvania, and constituting my Congressional district, are what is called the throat of the North into the South, running up the Cumberland Valley, with great mountains on both sides, and opening through the Shenandoah Valley down into Virginia and the South. That was an inviting field for Confederate raiders. After we had filled our quota, Governor Curtin put 7,000 men and two batteries at that point, only 10 miles wide—a sufficient force to protect the people of that State from the Confederate raiders. But although the quota of our State was full, yet when the Confederate raiders were on the confines of the District of Columbia—when this city with its Capitol and other public buildings and its Government archives was in danger of capture—the United States Government, against the protest of the governors of Pennsylvania and Maryland, exercised its power under the Constitution, and those 7,000 men with those two batteries were ordered here to protect this city.

That resulted in General Stuart's sweeping down through the valley and inflicting a loss on that people amounting to hundreds of thousands of dollars. Afterwards the governor organized another force of 18,000 men, known as the Pennsylvania Reserves. That, originally, was organized, armed, equipped, and put on the border for the purpose of protecting the people living on the border line of the State. Another time this capital was threatened by the Confederate raiders, and that magnificent body of men, organized especially to protect these people on the line, was by the command of the President of the United States brought not only to the District of Columbia, but with the other 7,000 was swept into the fields of the Southland and remained there until the close of the war.

Mr. LOUD. But they became a part of the regular quota of the State.

Mr. MAHON. Afterwards. But just wait a moment.

We again organized a force of 22,000 men for the protection of the border. Now, sir, although the Government was able, and she was bound under this clause of the Constitution, to protect the people from invasion, because there is no sane man in this country who will say that it was not an invasion—an invasion by armed forces—yet, notwithstanding that fact, the third time, on the 23th day of July, 1864, after this force had been organized for protection, the President took that home-defense force and brought it to the defense of the Capitol at Washington; and two days afterwards, that is to say, on the 30th day of July, the moment these troops had been removed, McCausland, commanding several thousand of the Confederate cavalry, entered the valley and destroyed my city of Chambersburg, wiping it from the face of the earth; and not a solitary Union soldier was left there for its protection.

Mr. TERRY. Now, right there, on that particular part of the gentleman's argument, I would like to ask a question. Can it not be well conceived, and does not the gentleman himself believe honestly, that if the National Government had not taken charge of that situation and concentrated the Pennsylvania troops, along with the troops from all the other States which were loyal to the Federal Government, that the march of Lee's army might have caused far greater damage to the people of Pennsylvania than that which they actually suffered? Would they not have suffered, in fact, a much greater damage had it not been for the force and efforts of the National Government collecting its troops at Gettysburg to meet the Confederates?

Mr. MAHON. I am glad the gentleman has asked me that question. It has not only been settled by all of the civil courts of the country but by the military law as well, and I defy any gentleman to state a case in contradiction to what I shall now suggest, that when a people have given to the General Government, in common with all the rest of the country, its forces raised for its own defense, and contributed men and money, whenever they were called upon and under any circumstances, to sustain the cause of the General Government, it is the duty of the General Government to protect them in their rights and in their property;

and when such sacrifices are made not alone by the common people but by all, there is no nation on earth that has ever deserved the name of a government that has refused to pay such losses.

Mr. TERRY. But that is in case of damages provided for in the fundamental law; that is to say, for property which is taken for public uses—because the Constitution provides that no private property shall be taken for public uses without just compensation. But that does not apply to the case the gentleman has in mind.

Mr. MAHON. But the constitutions of other governments do not fit a republican form of government. Here is a solemn provision of the Constitution to which I have called your attention. Here is the condition of affairs in the State of Pennsylvania, where you have denuded that State of the military power which could protect itself in time of invasion—denuded it of every man capable of bearing arms—and in return for that you pledged yourselves to protect our people not only from violence at home but from invasion by armed forces.

Mr. TERRY. But does that not apply to Ohio, which was raided by Morgan? Would it not apply to Kentucky?—for there hundreds of millions of dollars' worth of property were destroyed by the Confederate army.

Mr. DOCKERY. Would it not apply to Missouri?

Mr. TERRY. And to Missouri and Maryland?

Mr. CURTIS of Kansas. And to Kansas?

Mr. TERRY (continuing). And to all other States that suffered similar losses?

Mr. MAHON. But no other State was situated as was Pennsylvania. No State provided State troops to take care of itself. We did not ask the Government for anything in the way of aid in the hour of our peril, but we undertook to defend ourselves under that section of the Constitution. But by the interference of the President of the United States, taking the troops which did not belong to the General Government, although they afterwards became part of the quota of the State, that interference, instead of protecting the people of the State against invasion, absolutely gave free way and invited it.

Now, the gentleman talks of Maryland and of Missouri. I have before me the data showing that Missouri has already received—and I call the attention of the gentleman from Missouri [Mr. DOCKERY] to the fact—over \$8,000,000 in payment of State losses. Tennessee has received over \$4,000,000, and all of the border States have received more or less of compensation.

Mr. TERRY. Losses inflicted by the Confederate forces?

Mr. MAHON. Partly; but where property was used by the United States forces.

Mr. DINGLEY. Has there been any case where the Government has paid any damages inflicted by the Confederate forces?

Mr. MAHON. In some cases, I will say to the gentleman from Maine, where the Government took possession of property and was using it for military purposes and it was destroyed by the Confederates, the courts have held that the United States Government is liable.

Mr. TERRY. That is a different question. There the property had once passed into the charge and custody of the Government of the United States.

Mr. MAHON. I now place myself squarely upon the question under the Constitution. That question has never been raised in the Supreme Court of the United States, and the time has come in the history of this Government when the question should be decided whether this Government proposes to keep its compact. If it has failed to keep it with the State of Missouri or with any other State, I care not how great the amount, this Government owes it to its people to accord the protection which it promised.

Now, Mr. Chairman, I say there is no other case growing out of the war like that of these five border counties of Pennsylvania. For four long years those people were intensely loyal to the Government. They furnished as many troops as any other section of similar population, if not more, because the feeling upon the border between the South and the North was more bitter, perhaps, than in other parts of the country.

For four long years the United States Government allowed 280,000 men to sweep over those five magnificent counties of southern Pennsylvania, with never a gun lifted in their defense and never an offer made to defend them, but, on the contrary, withdrawing all the power they had to defend themselves.

The culmination of this trouble happened on the 30th of July, 1864, when the most of these losses, amounting to over two and one-half millions of dollars, were inflicted. Against the protest of the governor of Maryland, against the protest of the governor of Pennsylvania, that the withdrawal of that force would mean disaster to the people of that valley for the fifth time, on the 29th of June the President arbitrarily withdrew the troops, and on the morning of the 30th of July, at daybreak, Confederate troopers, with torch in hand, wiped out the Queen City of the Cumberland Valley.

On that very day 30 men from that little city of 10,000 lay dead upon the battlefield in front of Petersburg, killed by the explosion

of the mine. Men from those counties were in every hospital and buried on every battlefield. Those citizens paid all their taxes.

Now, pray tell me why these unfortunate people should bear the burden of war beyond the common burdens which were borne by the other people of this great country? The people a few miles to the north were prospering, were harvesting their crops and receiving enormous prices for them, but that country for four years was paralyzed. No crops were harvested, and I can point you to instances in that city and in that country of men who had lost two or three of their sons, who were buried in graves on Southern battlefields, and when the war ended in 1865, when this destruction was complete, those men were found in the poorhouses of that country and died in them.

Now, our contention is that these extraordinary losses, over and above the common losses, losses not borne by the people of the country, should, under the laws and decisions of the courts of all civilized governments, be paid for by the General Government.

I know, Mr. Chairman, that the old doctrines of Grotius and Vattel, written three hundred years ago, have been urged in this House, and will be urged again, against the responsibility of the Government. The conditions that existed in those days were different. When Grotius wrote, the Seventeen Years' War had been on. Fifty-nine cities had been destroyed. If gentlemen will read those writers, they will see that they only give their opinion that the governments in which those losses occurred had been hopelessly bankrupted and were unable to pay.

But we have come to another day. Three hundred years have rolled away and justice and equity toward all have taken the place of harshness. After the Franco-Prussian war, that deadly struggle in which France was almost destroyed as a nation, when her military power had been almost annihilated, when her treasury was bankrupted, nevertheless that magnificent people, realizing that her subjects were entitled to be defended by her Government, appropriated over \$120,000,000 to pay the people along the battle line, not for property taken or destroyed by French troops, but for property destroyed by the German army during that great war.

France not only paid a great war indemnity demanded by Germany, but her Government, wiping away as if they were chaff the doctrines of Grotius and Vattel and all the war writers of the early days, said to her people, "You have stood in the breach. You have been loyal to your Government, and although you cannot legally compel this Government to pay your claims, yet notwithstanding we have paid over \$200,000,000 war indemnity to the German people, we will pay you your claims." I have here the record before me, and have a letter from the secretary of the legislative body which appropriated \$120,000,000 to pay for losses inflicted by the German army upon the citizens of France.

The great English Government, which is now growing in sympathy toward this Government, so that it looks as though we are to become the two great English-speaking peoples that will control the destinies of the world—that magnificent Government, with her magnificent people, after the war of the Revolution, made an appropriation to pay the men who remained loyal to the Crown during the Revolutionary war for property destroyed by the Revolutionary army of the Americans. And you go all along, and you will find that as to these old, rigid, unjust laws, that have come down from the days of barbarians, all civilized nations are wiping them out.

Now, Mr. Chairman, I ask but one thing. I stand here for the people who on the morning of the 30th of July—and I know men who were in the Confederate army and I know that citizens who sustained the Confederate cause will join with me in giving commendation to that people. The intensely loyal people of my city on the 30th day of July requested the mayor to call sixty of the most prominent citizens of the town in his office. He did so. The Confederate general informed them that if they would pay into the Confederate treasury \$500,000 in gold as a ransom, that city should be spared. After a consultation of five minutes the verdict was made, and it was a unanimous statement to General McCausland:

Our people are a loyal people. They have their boys in the battlefield. They have contributed to the support of the Government. We are loyal to our Government, and much as we love our city, and as much as we love our homes, and inasmuch as we know what will follow, we will not pay a dollar into the Confederate treasury.

Ten minutes after that decision was given the torch was applied, and by 9 o'clock the last vestige of the city had disappeared.

Now, tell me, Mr. Chairman, people that have been so loyal, and who believed that this Government interfered and took from them directly what they had a right to expect to protect them, and allowed that city to be invaded, invaded intentionally, to withdraw the Confederate army from the capital of the nation—I pray you, will you not grant to them, after thirty-five years, a simple request to go to the Supreme Court of the United States and ask that court for a decision under that section of the Constitution of the country?

Now, if the court says the contention of the gentleman from

Arkansas is right, and that these claimants ought not to be paid, well and good. This war has been over for thirty-five years, and these men, who were loyal, have been walking in poverty and will continue to walk in poverty if the court, in the highest tribunal of this Government, says that under the Constitution and laws of this country they have no legal claim against the United States. The moment that verdict is given by that court our people will say "Amen!" I have always favored the payment of legal claims against the Government, and I have never allowed State lines, North or South, to interfere with my espousal of a claim.

I am one of those who believe that if this Government owes a claimant under the Constitution and the laws, it was in equity due that the Government should pay him. It has never been a question of amount with me. This Government to-day is a great deal richer than it was in 1865, as I have said before, notwithstanding the struggle of four years between two great armies of the bravest and best men that God Almighty ever breathed the breath of life into—men that I believe no other race or nation can ever conquer when united. I say, after all this, Will you not allow us to go into the court and have this matter decided? Now, I ask nothing that is unfair.

Mr. TERRY. I desire to say to the gentleman, as he seems to make an appeal to me in the matter, that I have nothing to say against the fairness that he has always manifested upon this floor in matters of claims, no matter what State they come from. I have nothing to say against the great Keystone State of Pennsylvania.

Mr. MAHON. I know that.

Mr. TERRY. She is a great old State. I have nothing to say against the record and conduct of her people in the war between the States; but it strikes me that a matter of this kind, involving millions upon millions of dollars—

Mr. MAHON. Three millions.

Mr. TERRY (continuing). That if the door is opened here it will be opened in Maryland, Kentucky, Missouri, and all those other States and places, for numberless claims based upon the same proposition for which the gentleman himself now is contending, namely, that the Government of the United States, in case it fails to repel foreign invasion, thereby becomes liable to its citizens for the property destroyed. I say this because if a bill of this kind is to be framed, it can not be properly done unless it is carefully guarded by the Judiciary Committee. Now, if they want to do what is the square thing in this matter, let this bill be referred to the Committee on the Judiciary. You have a great majority on your side in control of that committee.

Mr. MAHON. That probably would be the end of it.

Mr. TERRY. Then you would have your own people to thank for it. All I ask is that a purely legal question like this ought to be carefully guarded, and that it ought to be submitted to the law committee of this House.

Mr. DALZELL. Are you not willing to trust the Supreme Court of the United States?

Mr. TERRY. I am, if the bill is properly guarded. Now, having said this much, I want simply to say that, having their attention called to the magnitude of this question, if this House wishes to permit a bill of this character, on a purely legal question that ought to go to the law committee of this House—if they are willing to permit it to go through, I have nothing more to say. I shall interpose, so far as I am concerned, no factious opposition.

Mr. BURKE. Will the gentleman let me ask him a question?

Mr. TERRY. The gentleman from Pennsylvania [Mr. MAHON] has the floor.

Mr. BURKE. I want to ask you just one question. I understand that this bill simply provides for the reference of this claim to the Court of Claims. Now, with that distinctly understood, I ask my friend from Arkansas if he does not believe that the law governing this class of claims will receive all the consideration in that court that it would in the House?

Mr. TERRY. The gentleman from Texas must recollect that preceding this bill was one so adroitly drawn that, while it professed to leave the matter to the Supreme Court, it did not do so, and confessedly, by the admission of the gentleman from Pennsylvania [Mr. MAHON], did not. That being true, had we not better have the law committee of the House first pass upon this question?

Mr. DALZELL. I want to call the gentleman's attention to the last paragraph of this bill:

Sec. 13. That nothing in this act contained shall be construed as an admission upon the part of the United States of the validity of the said alleged claims or of the liability of the United States for the payment thereof, it being the true intent of this act merely to secure to said claimants an opportunity to have their legal rights determined in the courts.

In other words, all we ask here to-day is that we be allowed to go to the Supreme Court of the United States and find out what are our legal rights.

Mr. BURKE. I think that is a reasonable request, and so far as I am concerned I wish to distinctly state that I have never yet

seen the time, and God forbid that I shall ever see the time, when I am afraid to trust the courts of my country. [Applause.]

Mr. MOODY. I would like to ask the gentleman from Pennsylvania [Mr. DALZELL] a question. Do you personally have any doubt whatever about the legal rule governing the relations of the claimants and the Government in this class of cases?

Mr. DALZELL. I have not.

Mr. MOODY. Have you any idea that the court will declare that the Government is liable for this class of damages?

Mr. DALZELL. I doubt it.

Mr. WILLIAM A. STONE. Still, doubting it, it seems almost unjust to deny these people the right to have the question decided when some of them think they are in the right and have just claims.

Mr. DALZELL. I suggest to my friend from Massachusetts if it is not better to have this question relegated to the tribunal where it will be properly decided than to have it coming up here year after year and year after year to be dealt with, and taking up the time that could better be devoted to other business?

Mr. KNOX. It seems to me the question is this, whether it is just to allow these claims to be determined before the bill is properly guarded. A bill was introduced in the House and reported by the Committee on Claims which did confer power on the court to adjudicate these claims independent of the question whether there was any legal liability upon the part of the Government.

Mr. DALZELL. That is not the bill we are now considering or asking for.

Mr. KNOX. That is the bill that is here.

Mr. MAHON. I deny the charge that there was any duplicity about this business. I stated that the Committee on War Claims made a unanimous report, and reported a bill backed up by a strong report. When I came to represent these people, I told them that they should go to the court, and I prepared that first bill, and I would stand by it and defend it now, because it is a broader bill, but in the end it means the same thing. If you read it, you will see that it says that an appeal shall be taken to the Supreme Court of the United States, and if they say we have no claim, that is the end of it. The only difference is in the verbiage of the two bills. Both amount to the same thing, although they were drawn by different persons.

When it was suggested to me by two gentlemen that perhaps the bill was not clear in two or three particulars—and the gentleman from Pennsylvania will bear me out in this—I said I did not wish to take any advantage, and they might prepare a bill; and a modified bill was prepared, and I accepted it. Now, Mr. Chairman, as I was stating, after the great struggle of four years was over, this Government, unlike other governments, did not come out of the war impoverished, but in a few years was richer and greater than she ever was, notwithstanding the four years of war. Now, after thirty-five long years these claims come up here. In 1865, under a legislative enactment of the State of Pennsylvania, under commissioners appointed by the governor of the State, counsel employed by the State and the General Government, when everything was fresh in the memory of the people, these claims were adjudicated by a careful court of adjudication, gone over the third time, and then filed in the Quartermaster's Department of the United States, and they are in that Department to-day.

Now, this bill does not only cover losses suffered at the hands of Confederates. There were hundreds and thousands of dollars' worth of property destroyed by the Union troops. As my colleague has said, the proceeding here proposed will settle the question involved for all time. A large number of claims of this kind are pending here from various States. The State of Maryland has her bill in committee; the State of Arkansas and other border States have their bills pending. Now let us settle once for all the question whether under the section of the Constitution I have read there is any liability on the part of the Government. I make a final appeal to this House. This is a carefully prepared bill, which distinctly says that its passage shall fix no liability or responsibility upon the Government.

If members of this Congress are afraid to let my people under a bill of this kind go to the highest court created by our Constitution—a court that should be open to every man in the country, rich or poor—and secure from that great tribunal a settlement of this important legal question, which has never yet been settled under this Government, then let this bill be defeated. If, on the other hand, you are fair-minded men, willing to accord to my people the justice to which they are entitled and which they demand, then pass this bill, which simply opens the Supreme Court of the United States to the hearing of a great constitutional question; permit that question to be settled by that tribunal once for all, and let these claims be either paid or put to sleep forever.

Mr. RICHARDSON. I ask the gentleman from Pennsylvania [Mr. MAHON] to yield me five minutes.

Mr. MAHON. I do so cheerfully.

Mr. RICHARDSON. Mr. Chairman, this bill, as I understand, without adjudicating any question whatever by legislative decree

refers the whole matter here involved to the Court of Claims that there may be a full and fair investigation as to whether the Government of the United States is liable for this loss of property. This question will first go to the Court of Claims, with a right of appeal to the Supreme Court of the United States. I have not examined the bill carefully, but will say what I have to say on the presumption that proper care has been taken to protect the United States.

Mr. BRUCKER. If the gentleman will examine section 7, I think he will make his construction of the bill a little broader than his last statement would imply.

Mr. RICHARDSON. What is the gentleman's point?

Mr. BRUCKER. The bill not only provides for a determination of the question of legal right, but section 7 declares—

That in case the court upon hearing shall find the claimant to have been a loyal citizen and his claim duly proven, and shall also find that the United States is liable for the payment thereof, in every such case, but in no other, judgment shall be entered for the claimant for the amount of his said claim so proven.

Now, I will ask my friend this question: If the Supreme Court of the United States, upon an appeal from the Court of Claims, finds that the claimant was loyal and that his claim is a proper and just claim against the United States, shall we not have to pay it?

Mr. RICHARDSON. Certainly; and that is exactly what we should do. The bill simply provides, in the first place, for a trial in the Court of Claims; it provides further that either party may appeal to the Supreme Court of the United States; and if the Supreme Court says that the Government is indebted to the claimant and that he is loyal, I for one am willing to pay him.

Mr. BRUCKER. Then, under this bill, all that would be left for Congress to do would be to appropriate the money?

Mr. RICHARDSON. Yes; and that is all we ought to want to do. All that any honest man ought to want to do, when it has been ascertained by a proper court that he owes a certain amount of money, is to pay it, if he has the money. In the present case we provide that the court shall ascertain whether the money is due, and from the first decision, that of the Court of Claims, there is allowed to either party an appeal; and if the court of last resort says that the Government owes the money, why should the question come back here to Congress as an open one as to whether we will pay the money or not?

Mr. Chairman, I did not intend to say a word on this question. But having taken the position that in cases like this where the Court of Claims has decided Southern war claims in favor of the claimants, they should be paid, I have felt it my duty to say this much in favor of these Northern claims. I do not think any distinction ought to be made between claims from the North and claims from the South.

While on the floor I wish to bear testimony to the fact that we are largely indebted to the fairness of my friend from Pennsylvania [Mr. MAHON], the chairman of the Committee on War Claims, for the honest, generous, and just treatment which this House has awarded to Southern war claims. There is but one other member on the floor, so far as I know, who is entitled to as much credit.

I refer to his colleague on the committee, the gentleman from Texas [Mr. COOPER], who has done, as I think, his whole duty in his effort to advance these Southern war claims. Without the able service rendered by Mr. COOPER the claim of the Book Agents of the Methodist Church would never have passed, nor would the bill to pay the Bowman Act claims have been so far advanced toward its passage. These two gentlemen have undertaken to do their full duty toward claimants, whether from the North or the South. I hope the time will come, Mr. Chairman—I hope the time has come—when no American citizen will be denied the right to invoke from the Supreme Court of the United States a fair and honest judgment upon his claim, especially after the Court of Claims (composed now of four Republican judges and one Democratic judge) has passed upon the claim and found that the party is loyal and the claim just. If in such a case, upon an appeal taken to the Supreme Court, the highest tribunal in the land, that court finds no irregularity or error in the trial below and affirms the judgment, it seems to me that ought to be an end of the litigation and the money be paid to the claimant.

And for one, Mr. Chairman, I am frank to say that I can not give—I never have given, and never expect to give—as much care and time to the investigation of these cases as the court can give them. I can not give one-third of the time that the court can give, or that any honest man would necessarily have to give to the investigation of them before he can say he understands them better than the court. It would be utterly impossible for me to do this in connection with other public duties. I am, therefore, not willing to put my judgment, after the cursory and casual investigation I am able to give to these claims, against that of the court and say that the judges who have investigated and passed on the claims and found in favor of them were erroneous or careless in their investigation or judgment. Nor would I undertake to override or overrule, by reason of the force or power that I

may possess as a member of Congress, their decisions and refuse appropriations. I am not going to do it.

I yield to the gentleman from Wisconsin for a question.

Mr. JENKINS. I want to ask the gentleman if the Supreme Court should hold that the United States is liable, on the facts stated by the gentleman from Pennsylvania, would there not be just as much ground for fault-finding as the gentleman now finds with reference to the decision of the court in the income-tax cases—

Mr. RICHARDSON. I do not want to do any injustice to the Supreme Court in any respect—

Mr. JENKINS (continuing). And therefore if the gentleman does not think that the Attorney-General of the United States would be justified in asking Congress for fifty additional attorneys to help him with the duties of the office if this proposition shall become a law?

Mr. RICHARDSON. If the Attorney-General of the United States has not sufficient force to assist him to investigate honest claims, it is time that the Government should come to his aid and give him that support, even if it required fifty assistants, but it will not. We are now, and have been for years, giving him what seemed to be an ample force for the investigation of all claims arising of this character.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAM A. STONE. There will be only one test case, I will say to the gentleman from Tennessee.

Mr. RICHARDSON. If the gentleman from Pennsylvania will yield to me for a few moments.

Mr. MAHON. Certainly.

Mr. RICHARDSON. For many years we have been appropriating in the legislative appropriation bill from \$25,000 to \$50,000 to be used by the Attorney-General in such investigations. He has ample assistance for that purpose, and if he has not we owe it to the claimants to give them the right to be heard in the courts, and we owe it to ourselves, and to all parties involved, to keep up the necessary force for the purpose.

That is all I have to say.

Mr. MOODY. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOODY. Are we proceeding now under the rule of general debate in Committee of the Whole?

The CHAIRMAN. That is correct.

Mr. MOODY. So that each member is recognized in his own time?

The CHAIRMAN. Certainly. The general debate has not been closed, but the gentleman from Pennsylvania has the floor.

Mr. DOCKERY. I would ask to be recognized after the gentleman has concluded, or after my friend from Massachusetts has had the floor, if he desires to be heard now.

Mr. MOODY. I should like to be heard for a short time.

Mr. DOCKERY. I want an hour.

Mr. MAHON. Well, the gentleman can have two, if he wants them.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to retain the floor?

Mr. MAHON. Yes, sir. I yield five minutes to the gentleman from Michigan [Mr. BRUCKER].

Mr. BRUCKER. Mr. Chairman, by the questions which I propounded to the gentleman from Tennessee [Mr. RICHARDSON] I do not wish it to be understood that I oppose this bill generally. But I wanted to bring out clearly the facts and the general scope and effect of the bill. As I understood the reading of section 7, to which I asked the gentleman's attention, that section would seem to indicate that when these claims were referred to the Court of Claims, and that court had passed on their validity, not only the question of legal liability of the Government to pay, but the question as to the amount due was taken from the Congress of the United States, and this would be determined by the court which had power to pass upon the validity of the claim, and the only service left then for Congress to perform would be to appropriate money to pay the award or judgment.

There are some provisions of the bill which, in my judgment, could be improved by amendment. The first provision to which I desire to call your attention is section 4. The bill itself gives to the claimants four years after the passage of the act in which to file their claims; or, rather, that is my recollection of the provision.

Mr. MAHON. Five years.

Mr. BRUCKER. Five years, then. The time is limited, after the service of the petition on the Attorney-General of the United States, to sixty days within which it shall be his duty to appear and defend the interests of the Government in the suit—

Mr. MAHON. Well, that is time enough.

Mr. BRUCKER (continuing). But he may get an order of extension by consent of the court in order to file a plea, answer, or demurrer on the part of the Government, or give notice of any counterclaim.

Mr. BURKE. Why not make that ninety days?

Mr. MAHON. I have no objection.

Mr. BRUCKER. Section 4 provides as follows:

SEC. 4. That the service of the petition shall be made upon the Attorney-General of the United States in such manner as may be provided by the rules or orders of said court. It shall be the duty of the Attorney-General of the United States to appear and defend the interests of the Government in the suit, and within sixty days after the service of the petition upon him, unless the time shall be extended by order of the court made in the case, to file a plea, answer, or demurrer on the part of the Government, and to file a notice of any counterclaim, set-off, claim of damages, demand, or defense whatsoever of the Government: *Provided*, That should the Attorney-General neglect or refuse to file the plea, answer, demurrer, or defense as required the claimant may proceed with the case under such rules as the court may adopt in the premises.

Now, Mr. Chairman, I think that proviso ought to be amended, giving more time.

Mr. MAHON. But suppose the Attorney-General declines to file his defense? You must give the court the right to bring him in. If you do not, the claims will never get to trial.

Mr. BRUCKER. I think, especially where the claims as presented will aggregate millions of dollars, that it ought to be the duty of the Attorney-General to appear, and there ought not to be any "proviso" whatever about his appearing; he should appear and represent the Government.

Mr. MAHON. The gentleman is a lawyer by profession, is he not?

Mr. BRUCKER. Well, somewhat; yes.

Mr. MAHON. Now, it is the place of the court to fix rules of practice and not the place of the men who appear before it.

Mr. BRUCKER. Yes; but it ought to be the duty of the Attorney-General, and this bill ought to make it imperative upon him to appear in all these cases, which aggregate millions of dollars.

Mr. MAHON. You can do that; you can make it imperative, if you want to.

Mr. BRUCKER. Now, section 5 contains a remarkable provision with reference to the rule of evidence which shall govern in these cases. It provides that all of the depositions, all of the affidavits, and all of the proofs that have been heretofore submitted to the State of Pennsylvania in years gone by shall be filed in support of these claims in the Court of Claims.

Mr. MAHON. Read that section.

Mr. BRUCKER. I will read it:

That in considering the merits of claims presented to the court under this act any testimony and papers on file in the State departments of the State of Pennsylvania, taken and received by the officers and commissioners appointed by the State to adjudicate said claims under the following acts passed by the legislature of the State of Pennsylvania, to wit, act of 16th of April, 1862, act of 22d of April, 1863, act of 9th of April, 1868, and the act of 22d of May, 1871, shall be considered by the court—

That is, by the Court of Claims—

Mr. MAHON. Yes.

Mr. BRUCKER (reading)—

as legal and competent evidence; but only such weight shall be given thereto as in the judgment of the court is right and proper.

Mr. MAHON. That is the rule in all courts where witnesses are dead.

Mr. BRUCKER. I do not think any affidavit, deposition, or proof heretofore taken where the United States was not a party—

Mr. MAHON. They were a party.

Mr. BRUCKER (continuing). Should be considered as competent evidence in support of a claim against the Government before the Court of Claims.

Mr. MAHON. They were represented by counsel in all these cases.

Mr. BRUCKER. Who were represented?

Mr. MAHON. The United States.

Mr. BRUCKER. The State of Pennsylvania was represented and the claimants were represented, but the United States Government was not a party to any of these proceedings wherein these depositions were taken, and none of these affidavits and depositions ought to be received or filed in the Court of Claims, because the United States Government, through the Attorney-General, ought to have an opportunity to examine all of these witnesses and cross-examine them, and the only competent proof in support of these claims should be taken under the authority and jurisdiction which this act confers.

[Here the hammer fell.]

Mr. MAHON. Mr. Chairman, briefly replying to the statement of the gentleman from Michigan [Mr. BRUCKER], I wish to say that the State of Pennsylvania paid the best lawyers in the country, not to represent the claimants or the State, but to represent the General Government, and the depositions were taken under all the rules and regulations of law. Now, many of these witnesses are dead and in eternity, and in every court in this land where depositions have been taken under the rules of law and witnesses are dead, those depositions can be read.

Mr. BRUCKER. Do you say the United States Government was represented?

Mr. MAHON. Yes; represented by able counsel.

Mr. BRUCKER. In what way?

Mr. MAHON. In these hearings.

Mr. BRUCKER. Were these claims being pressed against the United States Government?

Mr. MAHON. Yes; from the very beginning. They have been in the Quartermaster's Department since 1864.

Mr. CLARK of Missouri. I should like to ask the gentleman from Pennsylvania a question. Suppose you sue me and depositions are taken in that case, and afterwards you sue Governor Stone about the same subject-matter. Do you think these same depositions would be admitted in evidence in any court that was ever created in the United States, even if the case was about the same subject-matter exactly?

Mr. MAHON. In another case?

Mr. CLARK of Missouri. Yes.

Mr. MAHON. No; but it is the same case; begun in 1864 and still being pressed.

Mr. CLARK of Missouri. But do you not change the parties to the case?

Mr. MAHON. Not at all; they are the same parties.

Mr. CLARK of Missouri. That was the case of these claimants against the State of Pennsylvania.

Mr. MAHON. No, sir; not at all.

Mr. CLARK of Missouri. How did they come to take depositions in the case of these claimants against the United States Government when there was no such case?

Mr. MAHON. These people did have a case, and have got one to-day. It has been in the Quartermaster's Department ever since 1864.

Mr. LOUD. And they hired men to represent the Government!

Mr. CANNON. I want to ask my friend as to a question of fact. The bill reads:

That in considering the merits of claims presented to the court under this act any testimony and papers on file in the state departments of the State of Pennsylvania, taken and received by the officers and commissioners appointed by the State to adjudicate said claims under the following acts passed by the legislature of the State of Pennsylvania, to wit, act of 16th of April, 1862, act of 22d of April, 1863, act of 9th of April, 1868, and the act of 22d of May, 1871, shall be considered by the court as legal and competent evidence.

Now, then, commencing in 1862, down as late as 1870 there seems to have been a Pennsylvania State commission, and they seem to have had hearings under the Pennsylvania State law, and you now intend by the proposition of this bill to make whatever of evidence, ex parte or otherwise, was taken under the Pennsylvania law evidence in the United States court as against the United States in this proposed litigation. Is that correct?

Mr. MAHON. That is correct. I want to say to the gentleman that in the great Oregon case we appropriated \$3,000,000 for Indian wars, and in all troubles of this kind this question came up in seven or eight bills that have passed Congress. Now, there is no doubt in this case as to the facts. The court can examine this evidence and see how it is taken, and how the Government was represented and how the people were represented, and they can give just such weight to it as the court sees proper.

The gentleman from Illinois will find that from the beginning the State made demand in 1864 on the General Government for payment, and from that day to this we have pressed the matter before the Quartermaster's Department. Now, this commission was selected by act of the legislature. The claimants appeared before the commissioners, and to protect the Government the State employed men like Mr. McDowell and some of the best lawyers of the State, so as to see that the evidence should be properly taken, under a cross-examination, and as the money is to be paid by the Government, they represented the United States Government; so that the evidence was prepared in such a manner that it could be submitted to the court, so that it should have all the marks that it was taken with care and under the rules employed by a court of inquiry.

Now the gentleman can understand it. Thirty-five years have gone by, and many of these citizens have become quite old or are dead. Now, suppose that evidence satisfies the court that a certain man lost \$1,000. The matter submitted to the court in this bill is the legal question. If a man did lose \$1,000 under certain circumstances, the question is, Is the Government responsible? The Supreme Court will settle that question. Now, we have settled this question, and this evidence has been taken two or three times; but the Court of Claims can go over it again and take it the fourth time.

Mr. CANNON. If I read this bill aright, it gives these people a status in the Court of Claims. It waives the statute of limitation.

Mr. MAHON. I do not think the statute bars them.

Mr. CANNON. It waives the statute of limitation, and then, in addition to that, it absolutely, in the event that the legal question should be found in favor of the claimant or the plaintiff, makes this legal evidence that was taken by a commission under the laws of the State of Pennsylvania. Now, then, I never would vote for that proposition.

Mr. MAHON. Let me put the proposition.

Mr. CANNON. Let me finish my proposition. I never would consent to that proposition if I were to consent to the bill otherwise; but let me say to my friend, and ask him why in all these years, if this constitutes a claim against the Government of the United States, has not suit been brought? The courts have been open.

Mr. MAHON. No, sir; you can not have a suit without the law. We filed a claim in 1864 in the Quartermaster's Department under the act of July 4, 1864. I was the commissioner of the State of Pennsylvania for my people on this claim, and after long and careful adjudication there the Quartermaster-General stated under the law they had no law to consider them. We have been in the Quartermaster-General's Department, and that cuts out any question of the statute of limitation. And more than that, from 1864 the State of Pennsylvania, representing these people, has been thundering at the doors of the Department to get recognition of their citizens, and finally had to come to Congress.

Mr. CANNON. Has there ever been any suit brought in the Court of Claims?

Mr. MAHON. No; we could not bring a suit without a law for it.

Mr. CANNON. The general law allows any citizen of our Government, and has from 1862 and prior thereto, to present legal claims against the Government. The courts have always been open, and the law has always permitted it.

Mr. MAHON. Then what harm will this bill do?

Mr. CANNON. The trouble is, there is no legal claim in this matter.

Mr. MAHON. Then you can not be harmed.

Mr. CANNON. There is no equitable claim in it.

Mr. MAHON. Then you can not be harmed.

Mr. CANNON. There is no just claim in it.

Mr. MAHON. I differ with the gentleman.

Mr. CANNON. The gentleman seeks, not so direct in this bill as he did in the former bill, under the terms of which these parties would have gone to the court, and the court would have been directed to find a judgment—he seeks now by the terms of his bill to send these parties under certain conditions to the courts to establish a claim which in the history of the world never has been established under any government.

Mr. MAHON. Oh, yes; I beg to differ with the gentleman.

Mr. CANNON. And ought never to be established.

Mr. MAHON. No; I beg to differ with the gentleman. Now, I simply wish to say this. I have before me a carefully prepared argument, which it would take two hours to read, that demonstrates that under this section of the Constitution this Government is responsible, and it is backed up by such great jurists as Jeremiah Black and other great constitutional lawyers. I say again that other governments, true to their people, have paid them an enormous amount of money. Great heaven! can not this great and rich Government give these people the right to have the Supreme Court say whether they have any legal rights or not?

Mr. KING. Can I ask the gentleman just one question?

Mr. MAHON. Yes.

Mr. KING. If there is a liability on the part of the Government, that presupposes the justice of these claims. That being conceded, why did not the gentleman make the bill broad enough so that all persons in all States who have suffered by reason of the depredations during the war would have the same opportunity for the presentation of their claims for adjudication and not confine it to a few inhabitants in his own State?

Mr. MAHON. If any gentleman on the floor takes the same interest in his constituents that I do in mine, let him bring in such a bill. I never have opposed one and I never will oppose it. Bring on your claims if you have them. If your State or any other State has a claim standing on the same foundation, then let us pass this bill and have the law settled one way or the other.

Mr. KING. My State is not situated the same as the gentleman's, but it seems to me, if the gentleman will permit me to interrupt him again, that if this committee is acting in the interest of the people and carrying out what he believes to be a proper duty of obligation to all the people, it is their duty, it is the duty of the committee, not to discriminate against any section of the country, but to bring in a bill broad enough to afford ample opportunity for the same redress to every man who has been damaged in his property in this way.

Mr. MAHON. There is not another case in the United States like this one.

Mr. CANNON. Why not? Take the State of Kentucky, never out of the Union, yet the armies fought back and forth over the territory of that State a score of times. The flame and the sword absolutely destroyed property of every State and of loyal men, and of States occupying exactly the same legal position as to its people that the State of Pennsylvania occupied. The same was the case in many parts of Missouri and the same in the District of Columbia. Now, does my friend claim for a moment that a prin-

ciple should be established, or even admitted so far as to be sent to the court, that the Treasury of the United States is responsible for the ravages of war? The moment you do, then necessarily your principle must apply everywhere.

Mr. MAHON. I want to give the gentleman a great principle of law that controls the courts of this nation as well as all civilized governments, and I defy the gentleman to find me a decision contrary to the principle I am about to state. That is, that when the Government compels a people to bear extraordinary losses for the common good, over and above their proper share, it is the duty of the Government to reimburse the people who have lost that amount for the common good. That has been held to be a correct principle by the courts in Germany, in England, and in France and by the courts in this country. It has been so held by every writer on military law or on the regulation of military affairs.

Here is a people situated not like any other people in the United States. There is not a similar case to it. A little strip of land running into the South 10 miles wide. After she had filled her quota and put there 7,000 men, and afterwards 12,000 men, and afterwards 22,000 men—not United States troops; we had filled our quota—we did not ask the General Government to protect us; we had furnished our quota, and still as a great State we were mighty. When the Confederate raider rode his horse into the District of Columbia, and this great building and this magnificent property here was threatened, with its great archives, the President of the United States arbitrarily took what we had put there for our common defense. Then we prepared and organized the great Pennsylvania Reserves.

They were originally militiamen, to defend the five counties. When the Confederate raider again threatened this city, these magnificent troops were taken into the field, and afterwards credited to the State in the general Army, and made a magnificent record during the war. Again, on the 28th of June, 1864 we had mustered 22,000 militiamen; placed them in that narrow strip of land with two batteries—not to defeat the Confederate army, but to keep the Confederate raider away. On the 28th of June your President, under the authority lodged in him, brought them into this District, and two days afterwards the Confederate raider McCausland entered my city, applied the torch, and swept it out of existence.

Now, I do not believe that there is another case parallel to this. Over 150,000 Confederate troops swept over the five counties, and you can imagine what the result was. I defy you to point out in this great broad land any other spot that was situated and devastated like the five southern counties of my State.

Mr. CANNON. Now, from the gentleman's line of argument, if this bill is to pass, there ought to be an amendment, and he ought to offer it himself.

Mr. MAHON. What amendment?

Mr. CANNON. That as this claim is grounded upon the fact that the General Government took the citizens of Pennsylvania and used them in the Army for the purpose of defending other places, the United States ought to be allowed to plead in set-off the fact that troops from Illinois, New York, and other States defended the State of Pennsylvania. Oh, what nonsense that sort of talk is!

Mr. MAHON. In reply to that, let me say that during the four years of war the gentleman's home was on the broad prairies of Illinois; and a soldier wearing the gray uniform never got within 600 miles of it. His people were filling profitable contracts with the Government; they were raising great crops, for which they realized war prices; and when the war was ended his constituency came out of it rich. [Laughter.] The gentleman's State was not situated during the war as was the great State of Pennsylvania. Now, I put alongside of the 150,000 brave troops that Illinois supplied—and no braver men ever wielded a sword or pointed a musket—I put alongside of them the 371,000 Pennsylvanians, the full quota of that State, outside of these troops which the President took from us—

[Here the hammer fell.]

Mr. WHEELER of Kentucky. Mr. Chairman, I rise to a parliamentary inquiry. Is this bill subject to amendment?

The CHAIRMAN. Not now. It is still open to general debate.

Mr. WHEELER of Kentucky. It will be read by sections for amendment after the general debate closes?

The CHAIRMAN. It must be under the rule.

Mr. MOODY. Mr. Chairman, I should not have supposed that a bill of this nature would have been seriously urged on this floor unless I had heard the earnest and eloquent argument of the gentleman from Pennsylvania [Mr. MAHON], who has supported the bill with a sincerity which commands our respect and challenges our attention.

But I think before we pass this bill we should at least see exactly what it does and where it leads us. As the gentleman from Illinois [Mr. CANNON] has very well pointed out, this bill means something. If there is an existing obligation on the part of the

United States, under the section of the Constitution which has been cited, to pay claims of this description, I understand that the courts have for many years been open for the enforcement of that obligation.

Mr. EVANS. Under what statute?

Mr. MOODY. I refer the gentleman to the gentleman from Illinois who made that statement.

Mr. MAHON. We in Pennsylvania could never find any such statute.

Mr. MOODY. I am not familiar with the practice in the Court of Claims. I do not make the statement upon my own authority, but accept it as true upon the authority of the gentleman from Illinois.

The danger in this bill is that the courts will seek and find in some of its provisions the creation of a liability which did not exist before.

Now let us consider exactly what is the subject-matter concerning which we are debating. The Confederate forces made three raids into the loyal State of Pennsylvania. In the course of those invasions and in the course of the battles which ensued a great deal of property belonging to loyal citizens was destroyed. This is not a case where either the Union Army or the invading army took supplies for their armies; but it is a case where the claims arise out of a destruction incidental to the operations of war. These claims, according to the report of the committee, amount to \$3,450,565. We all know that when they come to be presented to the courts the claims will probably exceed the amount named.

Mr. MAHON. No; they can not exceed it, because the amount is fixed by certificates of the State.

Mr. MOODY. Well, the gentleman corrects me upon that point—

Mr. MAHON. The amount can not be increased; it may be decreased.

Mr. MOODY. When we consider the amount involved in this bill we can not doubt that the gentleman from Pennsylvania is right in saying this is an important question both in respect to the amount involved and the principle concerned.

Now, Mr. Chairman, let us consider upon what ground these claims are based. They rest upon section 4 of Article IV of the Constitution. In that section the United States enters into three guarantees. It in terms guarantees to every State in the Union a republican form of government. It enters into the obligation to protect each of them from invasion and, upon the application of the legislature or the executive, against domestic violence. If there is an obligation on the part of the United States arising out of a failure to perform one of those guarantees, there is an obligation arising out of the failure to perform either of the other two. And in case the United States at any future time should fail to guarantee to every State of the Union a republican form of government, then under the argument of the gentleman from Pennsylvania a case of damages would arise.

Mr. MAHON. That section has never been construed by any court in this land. Will the gentleman please give us his construction? What does it mean? The United States undertakes to protect the States against invasion. No sane man in this country will deny, in view of all the facts, that our State was invaded.

Mr. MOODY. There is no doubt about that.

Mr. MAHON. Then what does that provision mean?

Mr. MOODY. I will endeavor to make myself perfectly clear.

Mr. MAHON. I hope the gentleman will do so.

Mr. MOODY. I am not quite ready to give my judgment on a constitutional question which I have never heard raised before to-day. I do not think, excepting perhaps the gentlemen from Pennsylvania, that anybody has ever conceived that there was a pecuniary obligation resting upon the United States Government under this section of the Constitution. I repeat, Mr. Chairman, that if there is an obligation to pay damages for a failure to protect the State of Pennsylvania against invasion, there is an equal obligation to pay damages for a failure to give to the State of Pennsylvania a republican form of government or to protect her against domestic violence when she has lawfully invoked the protection of the United States.

Why, Mr. Chairman, I do not believe outside of the State of Pennsylvania that any such obligation on the part of the General Government was ever dreamed of.

Now, that is all there is of the case. It has been pointed out again and again. If that section of the Constitution gives rise to a claim for damages to the State of Pennsylvania, it must give rise to an equal claim for damages to every State which was invaded. If the Government is bound, at its pecuniary peril, to protect the citizens of one State from the citizens of another State engaged in an armed insurrection, then the Government is equally bound to protect these same citizens against invasions from a foreign enemy. And, as pointed out by the gentleman from Arkansas [Mr. TERRY], if the Spanish fleet should assume to assault any part of our coast, and the Government fails to protect it, the people whose property was injured or destroyed would

have a valid claim against the Government under the argument advanced by the gentleman from Pennsylvania.

It can not be, Mr. Chairman, that anybody in the House can seriously argue that Congress ought to pass such a bill as this.

Mr. MAHON. Will the gentleman allow me a question before he takes his seat?

Mr. MOODY. Certainly. I regret that I have quite a cold and can not continue the argument as I desired.

Mr. MAHON. If the gentleman from Massachusetts is satisfied that there is nothing in the case, and no validity—and I am not objecting to the gentleman for differing with me; he has a perfect right to do so. But in view of the fact that the ablest jurists in this country, like Judge Black, of my own State, who was on the supreme bench of our State for many years, hold to the contrary, I desire to ask him this question, admitting, as I have already admitted, that there is some controversy about the liability of the Government: Here is a section of the Constitution which has never been construed by any of the courts of our land. Now, if your contention is right, and you are absolutely assured that there is no claim, practically, against the Government, why not allow us to go to the Supreme Court for their decision and settle the matter at once? The gentleman claims to be entirely satisfied with that view of the case. All we ask is the privilege of going before the court and taking its decision as final and binding.

But the gentleman says that the court may find some liability. Mr. Chairman, that is their duty. That is what they are there for, to protect the citizens and the Government alike.

Mr. MOODY. The gentleman from Pennsylvania has misunderstood one expression I used. My statement was that the court, in construing the statute conferring jurisdiction, might find in that statute something creating a liability that did not exist before. That is all.

Now, the gentleman asks why we are not willing to pass the bill and let the matter go before the court? Well, I will take the amended bill; I will take that bill and give one or two reasons which occur to me, after a hasty reading of it, why it ought not to pass; in any event, in its present form. It ought to go, as the gentleman from Arkansas has well suggested, to the Committee on the Judiciary for consideration. We ought to have their report and advice on this great subject.

But now take section 7 of the amended bill. If this bill were to pass it ought to be amended somewhat in this particular section. Section 7 provides:

That in case the court upon hearing shall find the claimant to have been a loyal citizen, and his claim is duly proven, and shall also find that the United States is liable, etc.

Now, just there this section should be amended by inserting, if it is to be passed at all—

That the United States is liable by virtue of the obligation imposed on the General Government by section 4 of Article IV of the Constitution of the United States.

Mr. MAHON. But if we have no case under that section we have nothing whatever.

Mr. MOODY. That is the only ground on which the claim can stand.

Mr. MAHON. We admit that.

Mr. MOODY. And it should be clear in the bill itself that no other question is to be submitted except the direct question of the obligation of the Government under this clause of the Constitution to pay the damages to the persons injured by the failure of the General Government to meet the obligation arising out of this section.

Mr. MAHON. That is the fact, and that is all there is in the bill.

Mr. MOODY. You could take this bill and go all through it and find opportunity for criticism which would require an answer. The fact is that the bill has been drawn by the friends of this claim and of the claimants. There is no criticism due on that account. That is perfectly proper. It would not be likely to be drawn by anybody else. It has been sent to the committee over which the gentleman from Pennsylvania [Mr. MAHON] presides with so much ability and distinction, and the claims are largely within his own Congressional district. Before we go further with it, I say to him, as a fair man, that the bill ought to go to a committee which is entirely disinterested—a committee whose duty is to consider questions relating to the law and the Constitution.

Mr. MAHON. Will the gentleman allow me to interrupt him?

Mr. MOODY. Certainly.

Mr. MAHON. I did not ask the Speaker of this House where he would refer this bill.

Mr. MOODY. I hope the gentleman does not understand me as making any reflection upon him at all.

Mr. MAHON. I do not so understand the gentleman.

Mr. MOODY. I want to say to the gentleman that the ability, earnestness, and sincerity of his speech impressed me very strongly.

Mr. MAHON. The bill was referred under the rule which provides that claims arising in any war in which the United States has been engaged shall be referred to the Committee on War Claims. Now, why should this bill be made an exception? The Committee on War Claims have absolute jurisdiction over it under the rules of the House. Why should any other committee come in here and ask that it be sent to them? There are lawyers on that committee, and, excluding myself from this remark, as good lawyers as any on the floor of this House. As good lawyers as any on the floor of this House helped frame this bill, and I am so well satisfied that this bill protects the Government that the Committee on the Judiciary might hatch over it for three months without making it any better in that respect, and I have no disrespect for the Judiciary Committee.

Mr. MOODY. I hope the gentleman did not understand me as making any reflection upon him because the bill went to his committee?

Mr. MAHON. Oh, no; I did not so understand the gentleman.

Mr. MOODY. The bill properly went there under our rules, but the gentleman himself admits that this bill is utterly unprecedented, and before I act upon it I should like not only the opportunity of considering it more thoroughly myself, but I should like the advice of that great committee upon the law and Constitution which has been appointed by order of this House.

Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. BROWN].

Mr. CANNON. Will the gentleman from Massachusetts allow me a minute before he yields to the gentleman from Ohio?

Mr. MOODY. Certainly.

Mr. CANNON. I wish to modify a statement that I made a few minutes ago, and made without much consideration, in a colloquy with the gentleman from Pennsylvania [Mr. MAHON]. I do so because the matter was referred to by the gentleman from Massachusetts [Mr. MOODY]. I said that these parties could have brought their action in the Court of Claims. That was my general recollection. Of course, everybody understands that you can not sue the sovereign unless the sovereign permits himself to be sued; but on examining the act conferring jurisdiction on the Court of Claims I find that while it provides that the Government may be sued in all claims founded upon the Constitution of the United States or any law of Congress, and so forth, an exception is made:

Provided, That nothing in this act shall be construed as giving to either of the courts herein mentioned jurisdiction to hear and determine claims growing out of the late civil war.

Now, it may be that this matter would be barred under that exception. And perhaps, recollecting in a general way the act conferring jurisdiction upon the Court of Claims, I might have made my statement too broad. In justice to myself, and in justice to the gentleman from Pennsylvania—

Mr. MOODY. And in justice to me, because I was misled.

Mr. CANNON. It is apt that I should make this statement. The gentleman from Massachusetts is, however, too good a lawyer to be misled by me. I am not much of a lawyer; but I do not aim to purposely misstate a matter or to state a matter as a fact unless I think it is that way.

Mr. MAHON. I did not give the gentleman a broad denial, because while the Quartermaster's Department informed us that they had no jurisdiction and we came to the conclusion long ago that we could not bring suit under the law, still I thought perhaps the gentleman from Illinois was right.

Mr. MOODY. I yield ten minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN. Mr. Chairman, I am not greatly interested in the constitutional question which is sought to be raised in the passage of this bill. I may say, however, that I do not believe any court in the United States will ever hold to the principle that claims of this kind—claims for property destroyed by an enemy in war—are legitimate demands against the Government. The thing about this bill that attracts my attention is that it proposes that certain claims held by the people of certain counties in the State of Pennsylvania shall be preferred over all other similar claims, and that those claims shall be put, if possible, in process of adjudication and payment.

Mr. MAHON. I beg the gentleman's pardon. This bill does not preclude any other claim against the Government. Because I offer a bill here to pay the people of my district, how does that preclude you from offering a bill for your people? If you bring in a claim here which is a good claim, I will vote for it.

Mr. BROWN. I wish to state the reason why I can not possibly vote for this bill as I understand it. Like the gentleman from Massachusetts [Mr. MOODY], I have been impressed with the earnestness of the author of this bill, and I respect him for that earnestness and for the energy with which he expresses his views.

But Pennsylvania was not the only State that was invaded by the forces of the Confederacy. Ohio was invaded by John Morgan and his troops. I have now in my desk, Mr. Chairman,

claims coming from loyal citizens of southern Ohio for property that was taken not only by the raiders—the Confederate raiders—but by the Union forces that were thwarting those raiders. Now, I would like for my friend from Pennsylvania, or some other eloquent gentleman who addresses the House in behalf of this bill, to state on what ground it is proposed that certain claims held by certain people in certain counties in Pennsylvania shall be preferred over similar claims held by citizens of southern Ohio, which was invaded by the Confederates in the war of the rebellion in 1861.

Why, Mr. Speaker, I can not understand on what ground these gentlemen talk of fairness and justice between the States, or between the citizens of those States, when they invite me as a Representative of a Congressional district in southern Ohio to give a preference to their claims, as they do by a bill of this nature. If the gentleman desired to do the fair thing between Ohio and Pennsylvania, between Pennsylvania and Missouri, and between Pennsylvania and Kentucky, why does he not introduce a bill general in its character, so that the claims of all loyal men, whether they reside in the State of Pennsylvania or in the State of Ohio, may have an equal show? I say to my friend from Pennsylvania, not doubting his motives for a moment, that he is here inviting the Representatives of Ohio to vote for a measure which, as I understand it, is absolutely and grossly unfair.

Mr. MAHON. I would like to ask the gentleman how it is unfair?

Mr. BROWN. Unfair in this, that he invokes the action of the Congress of the United States in behalf of claimants living in five or six counties in Pennsylvania which he has especially named.

Mr. MAHON. Is it unfair for me to represent my own people and my own district?

Mr. BROWN. The gentleman knows, as a matter of history, that we have claims of that kind just the same as Pennsylvania has.

Mr. MAHON. Have you pressed those claims for consideration?

Mr. BROWN. He knows that southern Ohio suffered from Confederate invasion, and he knows that loyal men in a dozen States suffered the loss of their property. If the gentleman wishes to do the fair thing, let him amend this bill and bring in one for the adjudication of the claims of all loyal men in the State of Ohio as well as of the State of Pennsylvania, and then, it seems to me, he can come to us with a good face and ask us to support his bill.

Mr. MOODY. I would like to ask the gentleman from Ohio if it has ever been believed by anybody in Ohio who lost property as the result of military operations there that he had any claim against the Government?

Mr. BROWN. I never heard such a notion broached, that a man had a valid claim for property destroyed by the enemy, much less did I ever hear of any prominent lawyer who claimed that such a demand was a legal claim against the Government of the United States.

Mr. MAHON. Had the State of Ohio put over 50,000 troops in the field to protect that State, State militia, specially enlisted and put in the field by the State? Did you ever do that and have them withdrawn by the General Government? You have no such state of things in Ohio, and no such state of things occurred in any State in the Union.

Mr. BROWN. The gentleman talks about Pennsylvania troops that were withdrawn by order of the President.

Mr. MAHON. Militia.

Mr. BROWN. Militia; and which troops, according to his view, if they had not been so withdrawn, could have protected Pennsylvania from this loss.

Mr. MAHON. Or this capital would have been destroyed.

Mr. BROWN. Now, Mr. Chairman, I ask the gentleman to remember that the soldiers of Ohio helped to drive back that Confederate invasion of Pennsylvania.

Mr. MAHON. They did not when these raiders were there.

Mr. BROWN. And it seems to me the gentleman comes here with a very poor argument to this House, to the effect that because the Pennsylvania militia was withdrawn from some particular point that thereby the General Government has incurred a liability to these counties that he especially names in this bill.

Mr. MAHON. I will ask the gentleman from Ohio the question which I asked the gentleman from Massachusetts about this constitutional section and the meaning of the section. What does this word "invasion" mean? Was that an invasion or not an invasion?

Mr. BROWN. I will say that it is the first time I have ever heard that, as a constitutional principle, claims of this nature are entitled to payment—claims for property destroyed by an enemy in war.

Mr. MAHON. It ought to be settled by the courts.

Mr. BROWN. I never heard of it before. But that does not meet the objection I was urging. What do gentlemen say, and

what will other eloquent gentlemen say, when I call their attention to the fact that I represent a part of the country that suffered from Confederate invasion? The horses of our Ohio farmers were taken, and the products of their farms were taken to feed both armies—both the Confederates and the Union. And I repeat my question, On what theory is it that these Pennsylvania gentlemen come here and say that a little district, defined by the names of certain counties, in the State of Pennsylvania, shall be preferred in this matter, when other parts of the country suffered, though not in perhaps the same degree, from the same kind of invasion, in the same war?

I simply say, Mr. Chairman, that the bill is narrow. It is framed in worse than a sectional spirit. It is unfair and unjust. I want to add that I do not believe the Supreme Court, or any other competent court, will ever hold that these claims, or any claims like these, become a legitimate demand against a Government like ours. But whether that be so or not, I do stand upon the ground, and I do assert, and I do put it squarely to our Pennsylvania friends, that they are asking something here of us that they ought not to ask of us. They are asking that the Congress of the United States shall go out of its way; that it shall forget other sections of the country—Kentucky, Missouri, Ohio, Indiana—that it shall forget other loyal men everywhere, and give certain privileges to these particular men in the State of Pennsylvania. It is wrong, and, as I understand it, I can not vote for it.

Mr. MOODY. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The Chair is unable to state at this moment. Mr. DINGLEY. I would suggest to the gentleman from Pennsylvania [Mr. MAHON] that he make a motion that the committee rise, as it is very evident that we can not complete the bill to-night.

Mr. MOODY. I reserve the balance of my time, Mr. Chairman.

Mr. MAHON. Mr. Chairman, I move that the committee now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PAYNE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20) conferring on the Court of Claims jurisdiction with respect to certain claims, and had come to no resolution thereon.

OWNERS OF THE SHIP ACHILLES.

Mr. DINGLEY. Mr. Speaker, this morning I asked unanimous consent for the consideration of the bill (H. R. 4629) for the relief of the owners of the ship *Achilles*, and objection was made. I understand the objection then made will not be persisted in, and I now ask for its present consideration.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and hereby is, authorized and directed to pay the owners of the British ship *Achilles* \$1,543, for expenses incurred in rescuing, provisioning, and landing at Montevideo the crew of the wrecked American ship *Arabia*, in June, 1895.

Mr. DINGLEY. Mr. Speaker, I desire to say that this is a case that can not be reimbursed under the general law because of the peculiar conditions under which it arose, and it seems to those who are familiar with the facts that there ought to be action on the part of Congress with reference to it. The British ship *Achilles* was on her way from the Pacific to Hamburg and fell in near Cape Horn with the wrecked American ship *Arabia*, water-logged, with twenty-eight seamen on board, whom she rescued, going out of her way to take them from the wreck; and instead of keeping on her course to Hamburg and landing the seamen at that place, which would have been at great expense to the Government and delay to the rescued men, this British vessel changed its course and went out of her course to Montevideo for the purpose of landing these seamen and putting them in the way of reaching this country at the earliest possible moment. Indeed, I understand that she had not sufficient provisions for both her own and the rescued crew.

In doing this she added to her expenses a considerable amount which can not be reimbursed to her under the general law, which contemplates the transportation of wrecked seamen by the regular route of a vessel; and it seemed to the Committee on Claims and to the officials that not only justice and the interest of humanity but comity toward another nation which is now doing this country special service required that we should pay the actual expenses of this vessel (about \$1,500) in going out of its way to rescue, feed, and transport these shipwrecked American seamen to a South American port.

Mr. LOUD. If these sailors had been carried to Hamburg, where this vessel was bound, the Government would have been liable for their transportation to this country?

Mr. DINGLEY. Certainly; and in that case the expenses would have largely exceeded the sum appropriated in this bill.

Mr. LOUD. Exactly; that is what I was about to say.

Mr. DINGLEY. It seems to me that in justice to the owners of this British vessel and in the interest of humanity this Government ought to pay the actual extra expenses of this vessel in going out of its way to rescue, feed, and transport these twenty-eight American wrecked seamen, it appearing by the papers transmitted to Congress by the Treasury officials that these extra expenses were a little over \$1,500, which this bill proposes to pay.

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

Mr. ROBB. I object.

Mr. DINGLEY. Well, I have done all I could in the matter. Mr. Speaker, I now move that the House adjourn.

The motion was agreed to.

Pending the announcement, leave of absence was granted to Mr. LANHAM, indefinitely, on account of sickness in his family.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3209. An act making Sabine Pass, in the State of Texas, a subport of entry and delivery;

S. 125. An act granting an increase of pension to George W. Palmer;

S. 156. An act granting an increase of pension to John H. Mullen;

S. 166. An act granting an increase of pension to Samuel A. Smith;

S. 949. An act granting an increase of pension to Levi R. Long;

S. 2114. An act granting a pension to Rebecca E. Kutz;

S. 1090. An act to pension Mrs. Susan M. Sessford;

S. 1539. An act granting an increase of pension to Paul Carr;

S. 2112. An act granting a pension to Jesse O. Davy;

S. 2219. An act granting a pension to Thomas Madden;

S. 2247. An act granting a pension to Charles E. Mann;

S. 4004. An act granting a pension to Julia E. Warner;

S. 4451. An act granting a pension to Nancy Barger;

S. 3474. An act granting an increase of pension to John C. Brown; and

S. 3722. An act granting a pension to William J. Williams.

And then (at 4 o'clock and 44 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FISCHER, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 10509) to authorize the Missouri and Kansas Telephone Company to construct and maintain lines and offices for general business purposes in the Ponca, Otoe, and Missouri reservations, in the Territory of Oklahoma, reported the same with amendment, accompanied by a report (No. 1598); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GIBSON, from the Committee on Revision of the Laws, to which was referred the bill of the House (H. R. 10428) to codify the laws relating to pensions, reported the same with amendment, accompanied by a report (No. 1605); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. YOST, from the Committee on Claims, to which was referred the bill of the Senate (S. 3226) for the relief of Alfred C. Brown, reported the same without amendment, accompanied by a report (No. 1599); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1005) for the relief of F. R. Lanson, reported the same without amendment, accompanied by a report (No. 1600); which said bill and report were referred to the Private Calendar.

Mr. ROBB, from the Committee on Claims, to which was referred the bill of the Senate (S. 242) for the relief of Moses Pendergrass, of Missouri, reported the same without amendment, accompanied by a report (No. 1601); which said bill and report were referred to the Private Calendar.

Mr. YOST, from the Committee on Claims, to which was referred the bill of the Senate (S. 3703) for the relief of George W.

Graham, reported the same without amendment, accompanied by a report (No. 1602); which said bill and report were referred to the Private Calendar.

Mr. CARMACK, from the Committee on Claims, to which was referred the bill of the House (H. R. 8765) for the relief of Mary A. Swift, reported the same without amendment, accompanied by a report (No. 1603); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1622) for the relief of John H. Fralick, reported the same without amendment, accompanied by a report (No. 1604); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 10741) granting a pension to Mrs. Rebecca J. Jones; and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

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

By Mr. CURTIS of Iowa: A bill (H. R. 10764) to extend Sixteenth street, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BROMWELL: A bill (H. R. 10765) to provide for the organization of a division of colored immune volunteers—to the Committee on Military Affairs.

By Mr. BELL: A bill (H. R. 10766) granting right of way through the Pikes Peak Timber Land Reserve and the public lands to the Cripple Creek Short Line Railway Company—to the Committee on the Public Lands.

By Mr. TODD: A bill (H. R. 10774) to equalize the pay of the enlisted men in both the military and naval forces of the United States—to the Committee on Military Affairs.

By Mr. GARDNER: A bill (H. R. 10775) to provide for military, naval, and industrial insurance, and for other purposes—to the Committee on Pensions.

By Mr. SPARKMAN: A bill (H. R. 10776) to authorize the establishment of a fish-cultural and biological station on the Gulf of Mexico within the limits of the State of Florida—to the Committee on the Merchant Marine and Fisheries.

By Mr. CARMACK: A concurrent resolution (House Con. Res. No. 39) relative to an alliance with any European power—to the Committee on Foreign Affairs.

By Mr. HENDERSON: A resolution (House Res. No. 328) relative to the appointment of a Select Committee on the Twelfth Census—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

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

By Mr. BRENNER of Ohio: A bill (H. R. 10767) to remove the charge of desertion from the record of James L. Lanum, late Company D, One hundred and fourteenth Ohio Volunteer Infantry—to the Committee on Military Affairs.

By Mr. BROMWELL: A bill (H. R. 10768) granting a pension to Mary A. Burgess—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 10769) granting an increase of pension to Emidio Brindisi—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10770) granting an increase of pension to Charles A. Wyeth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10771) for the relief of Eudora Hill—to the Committee on Indian Affairs.

By Mr. SPRAGUE: A bill (H. R. 10772) for the relief of Carl B. Peterson—to the Committee on Claims.

By Mr. WISE: A bill (H. R. 10773) granting a pension to Elizabeth Bent Cooper, of Yorktown, Va.—to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

By Mr. BARNEY: Resolutions of the Plymouth Dairy Board of Trade, of Plymouth, Wis., asking that American cheese be placed on the list of rations in the Army—to the Committee on Military Affairs.

By Mr. HENDERSON: Resolutions of the Travelers' Protective Association of America, favoring the passage of the anti-scalping bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HILBORN: Resolution of the Chamber of Commerce of San Francisco, Cal., urging the enactment of a law covering the inspection and supervision of sailing vessels engaged in the coast trade—to the Committee on the Merchant Marine and Fisheries.

By Mr. WISE: Papers to accompany House bill granting a pension to Mrs. Elizabeth Bent Cooper—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, June 22, 1898.

Prayer by Rev. JOSEPH C. HARTZELL, D. D., LL. D., of Africa, bishop Methodist Episcopal Church.

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

OFFICIAL RECORDS OF UNION AND CONFEDERATE ARMIES.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the concurrent resolution of the House providing for the distribution of the Official Records of the Union and Confederate Armies, and asking for a conference on the disagreeing votes of the two Houses thereon.

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

The motion was agreed to.

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

CREDENTIALS.

Mr. WELLINGTON presented the credentials of Louis E. McComas, chosen by the legislature of the State of Maryland a Senator from that State for the term beginning March 4, 1899; which were read, and ordered to be filed.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting supplemental estimates of appropriations required by the several Departments of the Government to complete the service of the fiscal year ending June 30, 1898, and for prior years, amounting to \$143,275.59, and for the postal service, payable from postal revenues, amounting to \$7,355.55; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 17th instant, a list of all judgments rendered against the United States by the circuit and district courts of the United States under the provisions of the act of March 3, 1887, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the clerk of the Court of Claims, transmitting the findings filed by the court in the cause of Henry R. Walton, administrator of John Walton, deceased, vs. The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 17th instant, a list of the judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases since December 6, 1897; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 17th instant, a list of judgments rendered by the Court of Claims not heretofore reported to Congress, amounting to \$323,446.04; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Navy, submitting an item of appropriation for inclusion in the general deficiency appropriation bill under "Pay of the Navy," fiscal year 1895, \$27.19; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.