

By Mr. PERKINS: Resolutions of the Board of Trade of Manhattan, Kans., for legislation prohibiting the adulteration of food and food products—to the Committee on Agriculture.

By Mr. PLUMB: Petition of Local Assembly No. 3092, of Seneca, Ill., for the passage of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. REED: Memorial of the Grand Army of the Republic, of Maine, for an appropriation to build a monument to the regular troops at Gettysburg—to the Committee on the Library.

By Mr. RICE: Memorial of the Board of Trade of Minneapolis, Minn., for an appropriation of \$150,000 for the improvement of the Mississippi River between St. Paul and Minneapolis, and for prosecution of surveys for further improvements—to the Committee on Rivers and Harbors.

By Mr. ROWLAND: Papers in the claims of John H. Smith, of Martin L. Covington, son of James P. Covington; of Mrs. C. M. Banks, widow of David Banks; of Marcellus J. Edwards, and of Elizabeth Covington, of Richmond County; of Arthur J. Hill, Jr., of New Hanover County; and of H. K. Ruark, agent for heirs of William Grissam, of Brunswick County, North Carolina—to the Committee on War Claims.

By Mr. RYAN: Resolution of Farmers' Institute, of Manhattan, Kans., in regard to food adulterations—to the Committee on Agriculture.

By Mr. STAHLNECKER: Resolution of the National Woman's Christian Temperance Union, for the entire repeal of the internal-revenue taxes on alcoholic beverages—to the Committee on Ways and Means.

Also, resolutions of the chamber of commerce in reference to the bill creating a commission to supervise the waters of New York Harbor and its tributaries—to the Committee on Rivers and Harbors.

By Mr. STEELE: Petition of S. H. Sheaver and 500 others, for a post-office building at Huntington, Ind.—to the Committee on Public Buildings and Grounds.

By Mr. STONE, of Kentucky: Memorial of cigar-makers and others, citizens of Paducah, Ky., against the repeal of the internal-revenue tax on cigars and cheroots—to the Committee on Ways and Means.

By Mr. E. B. TAYLOR: Memorial of the Hubbard, Ohio, branch of the Amalgamated Association of Iron and Steel Workers, against a reduction of the tariff—to the Committee on Ways and Means.

By Mr. WARNER: Papers in the case of Lydia A. Magill, administratrix, for relief—to the Committee on War Claims.

By Mr. WASHINGTON: Petition of Mary Klooz, executrix of Frederick Klooz, of Davidson County; of Nashville School Board, and of the heirs of Mrs. Tennessee Boyd, of Nashville, Tenn., for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. W. L. WILSON: Papers in the case of John W. Kennedy—to the Committee on Claims.

By Mr. YOST: Papers in the claim of John R. Buchanan and of Richard Anderson, of Augusta County, and of John R. Buchanan, son of David Buchanan, of Craigsville, Va.—to the Committee on War Claims.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. J. S. HENDERSON: Petition of J. M. Lawing and 40 others, of Logan Conrad and 51 others, of W. Y. Jaratt and 17 others, of C. L. Little and 17 others, of J. M. Drum and 37 others, and of D. A. Johnson and 49 others of Catawba County, and of J. R. Lane and 67 others, of Chatham County, North Carolina.

By Mr. HERBERT: Of R. F. Wilson and others, and of Francis Ford and others, citizens of Alabama.

By Mr. MCRAE: Of citizens of Baker, Polk County, Arkansas.

By Mr. STONE, of Kentucky: Of citizens of Kansas, Graves County, Kentucky.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. ATKINSON: Of citizens of Perry County, Pennsylvania.

By Mr. BAYNE: Of the National Encampment Union Veteran Legion, held at Youngstown, Ohio.

By Mr. DORSEY: Of ex-soldiers and sailors of Jackson, Nebr.

By Mr. GIFFORD: Of D. G. Butts and other ex-Union soldiers of Dakota.

By Mr. NUTTING: Of Montgomery Fuller and 75 others, ex-Union soldiers, of Oswego County, New York.

By Mr. E. B. TAYLOR: Of ex-soldiers of Gustavus, of Vienna, and of Orangeville, Ohio.

By Mr. A. C. THOMPSON: Of California Post No. 375, Department of Ohio, Grand Army of the Republic.

The following petitions, praying for the enactment of a law provid-

ing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. ATKINSON: Of 337 citizens of Perry County, Pennsylvania.

By Mr. COOPER: Of 129 citizens of Delaware County, Ohio.

By Mr. CUTCHEON: Of 97 citizens of Charlevoix County, Michigan.

By Mr. GEAR: Of Mrs. W. E. Elliott and 22 others, citizens of Iowa.

SENATE.

MONDAY, March 19, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D. The Journal of the proceedings of Friday last was read and approved.

MEXICAN ZONA LIBRE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate of the United States:

I herewith transmit, in compliance with the resolution of the Senate of the 16th ultimo, a report from the Secretary of State, accompanied by certain correspondence, in regard to the Mexican Zona Libre.

GROVER CLEVELAND.

EXECUTIVE MANSION,

Washington, March 16, 1888.

The PRESIDENT *pro tempore*. The accompanying correspondence is very voluminous. What disposition will the Senate make of the same? The resolution was offered by the Senator from Alabama [Mr. MORGAN].

Mr. HALE. I move that the message, with the accompanying papers, be referred to the Committee on Printing.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

PETITIONS AND MEMORIALS.

Mr. WILSON, of Iowa. I present a joint resolution of the General Assembly of Iowa, favoring the passage of the bill for the relief of the settlers upon what are commonly known as the Des Moines River lands. I ask that the joint resolution may be printed in the RECORD, and as the bill has been reported from the committee and is now on the Calendar, the resolution may lie on the table.

The resolution was ordered to lie on the table and be printed in the RECORD, as follows:

Whereas the Fifteenth, Sixteenth, Eighteenth, Nineteenth, and Twentieth General Assemblies of the State of Iowa, by joint resolutions, duly approved by the governor, petitioned the Congress of the United States for relief to the settlers upon what are commonly known as the Des Moines River lands; and

Whereas grievous litigation is now pending in the court of the United States, relating to the title and rights of the settlers to and upon said lands, upon which said settlers located in good faith, and have made valuable improvements and have for many years made their homes; and

Whereas, on account of the very great hardship that has been brought about by the conflicting decisions aforesaid, great disturbance and trouble has already risen, and is likely to arise unless some satisfactory and just action be taken by the State and General Government relating to this subject: Therefore,

Be it resolved by the senate of Iowa (the house of representatives concurring), That our Senators and Representatives in Congress are hereby requested to favor the immediate passage of the bill lately introduced in the Senate of the United States by Hon. JAMES F. WILSON, and now pending in Congress, in so far as it has for its object to provide that the Attorney-General of the United States to immediately commence proceedings, or cause such proceedings to be instituted by suit, either in law or in equity, or both, as may be necessary, and appear in the name of the United States so as to remove all clouds from the title to said lands, in which suits any person or persons in possession of, or claiming title to, any tract or tracts of land under the United States involved in such suits may, at his or their expense, unite with the United States in the prosecution of such suits, to the end that the title or titles of any person or persons claiming said lands may be forever settled.

I hereby certify that the foregoing concurrent resolution passed the senate and house of representatives of the Twenty-second General Assembly of the State of Iowa.

[SEAL.]

FRANK D. JACKSON.

Secretary of State.

Mr. WILSON, of Iowa, presented a petition of 58 male citizens of Anamosa, Jones County, Iowa, praying for better legal protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of 32 citizens of Iowa, and a petition of 113 ex-Union soldiers and sailors, citizens of Albia, Iowa, and vicinity, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. GORMAN presented the petition of A. T. Lloyd and other citizens of Maryland, praying Congress to repeal the duty on salt; which was referred to the Committee on Finance.

Mr. VOORHEES presented a petition of Connerville Post, No. 126, Grand Army of the Republic, Department of Indiana, praying for the repeal of the limitation clause in regard to arrearages in the pension laws; which was referred to the Committee on Pensions.

He also presented a petition of Blankenship Post, No. 77, Grand Army of the Republic, located at Martinsville, Ind.; a petition of ex-Union soldiers and sailors, citizens of Washington and Clark Counties; a petition of ex-Union soldiers and sailors, citizens of Numa and vicinity, and a petition of ex-Union soldiers and sailors, citizens of Knox County, all in the State of Indiana, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. MORRILL presented a petition of ex-Union soldiers and sailors, citizens of Vermont, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. SHERMAN presented five petitions of 197 ex-Union soldiers and sailors, citizens of Ohio, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions, as follows:

A petition of citizens of Orangeville;
A petition of citizens of Vienna;
A petition of citizens of Gustavus;
A petition of citizens of Cecil; and
A petition of citizens of Castalia, Venice, and Clyde.

Mr. SHERMAN presented the petition of J. M. Dalzell, a citizen of Ohio, praying that a monument be placed over the grave of John Gray, who died at the age of one hundred and four years, the last surviving soldier of the Revolutionary war, and that a statue of that soldier be placed in the Capitol; which was referred to the Committee on the Library.

Mr. WILSON, of Maryland, presented the petition of James Carey Thomas, M. D., and 220 other male citizens of Baltimore, Md., praying for better legal protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which was referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of the Commercial Exchange of Philadelphia, Pa., praying for the adoption of the proposed amendment to the interstate-commerce law to prohibit underbilling, and also that the penalties of the law may include imprisonment; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Lake Carriers' Association, located at Buffalo, N. Y., praying for the enforcement of the wrecking laws; which was referred to the Committee on Commerce.

He also presented a memorial of the Lake Carriers' Association of Buffalo, N. Y., remonstrating against the passage of House bill 4977, which forbids any steamer to leave port without a full complement of licensed officers; which was referred to the Committee on Commerce.

He also presented a petition of the Lake Carriers' Association of Buffalo, N. Y., praying for the passage of Senate bill 1821, making an appropriation for the improvement of the Sault Ste. Marie lock and its approaches; which was referred to the Committee on Commerce.

He also presented a memorial of the Lake Carriers' Association of Buffalo, N. Y., remonstrating against the passage of House bill 6135, for the better protection of human life on merchant vessels; which was referred to the Committee on Commerce.

He also presented a petition of 39 ex-Union soldiers and sailors, citizens of Blandinsville, Ill., and a petition of 20 ex-Union soldiers and sailors, citizens of Bond and Montgomery Counties, Illinois, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. SAULSBURY. I present sundry petitions from citizens of Delaware, praying that the salaries of the keepers of the Life-Saving Service be increased to \$1,000 a year, and that the pay of the surfmen of that service be raised to \$75 a month. These petitions are numerously signed by those who are familiar with the character of service rendered by these men. I move that the petitions be referred to the Committee on Commerce, and I ask that committee to give the subject due and careful consideration.

The motion was agreed to.

Mr. CAMERON presented a petition of the Lake Carriers' Association of Buffalo, N. Y., praying for the enforcement of the wrecking laws; which was referred to the Committee on Commerce.

He also presented a memorial of the Lake Carriers' Association of Buffalo, N. Y., remonstrating against the passage of House bill 4977, forbidding steamers from leaving port without a full complement of licensed officers; which was referred to the Committee on Commerce.

He also presented a memorial of the Lake Carriers' Association of Buffalo, N. Y., remonstrating against the passage of House bill 6135, for the better protection of human life on merchant steam-vessels; which was referred to the Committee on Commerce.

He also presented a petition of the Lake Carriers' Association of Buffalo, N. Y., praying that an appropriation be made for the improvement of Sault Ste. Marie lock and approaches; which was referred to the Committee on Commerce.

He also presented a memorial of Sligo Lodge, Amalgamated Association of Iron and Steel Workers, of Pittsburgh, Pa., remonstrating against any reduction of existing tariff duties; which was referred to the Committee on Finance.

He also presented a petition of 650 ex-Union soldiers, citizens of Bradford County; a petition of ex-Union soldiers and sailors, citizens of Mount Carmel, Northumberland County, and a petition of ex-Union soldiers and sailors, citizens of New Castle, all in the State of Pennsylvania, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. MANDERSON. I present a petition, signed by the officers of all the commercial banks of the city of Washington, setting forth the difficulty of the transaction of business upon inauguration day, and praying for legislation making inauguration day a legal holiday in the Dis-

trict of Columbia. I move that the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. MANDERSON presented a petition of the Military Board of Nebraska, praying for an increase of the annual appropriation for the militia of the United States to \$1,000,000; which was referred to the Committee on Military Affairs.

He also presented a petition of 51 veterans of the Nineteenth Ohio Volunteer Infantry, citizens of Trumbull and other counties in Nebraska; a petition of ex-Union soldiers and sailors, citizens of Nora, Bostwick, and Superior, Nebr.; and a petition of ex-Union soldiers and sailors, citizens of Davenport, Nebr., praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. DAVIS presented a petition of ex-Union soldiers, citizens of Rochester, Minn., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. STOCKBRIDGE presented the petition of C. H. Allen and other citizens of Henderson, Mich.; the petition of William Horton, Jr., and 80 other citizens of Hartford, Mich.; the petition of Samuel A. Fuller and other citizens of Michigan; and the petition of Samuel T. Cantelon and other citizens of Port Austin, Mich., praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

Mr. PALMER presented a petition of Francis Strobridge, Arnold Allen, and 34 other ex-Union soldiers and sailors, citizens of Lapeer County, Michigan; a petition of Moses Swadling, Cornelius L. Smith, and 24 other ex-Union soldiers and sailors, citizens of Lapeer County, Michigan; a petition of W. B. Fox and 30 other ex-Union soldiers and sailors, citizens of Bancroft, Mich.; a petition of Henry C. McLeod and 36 other ex-Union soldiers and sailors, citizens of St. Clair, Mich., praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented the petition of W. F. Atkinson and 39 other male citizens of Detroit, Mich., and a petition of J. C. Lampman, M. D., and 14 others, male citizens of Hastings, Mich., praying for better legal protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which were referred to the Committee on the Judiciary.

He also presented the petition of J. W. Hibbard and 30 other citizens of Michigan, praying for the passage of the bill to extirpate contagious pleuro-pneumonia among cattle; which was ordered to lie on the table.

Mr. PADDOCK presented a petition of ex-Union soldiers, citizens of Davenport, Iowa, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. VANCE presented a petition of 885 citizens of Goldsborough, Fremont, Summerfield, and other towns of North Carolina, praying for better legal protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which was referred to the Committee on the Judiciary.

Mr. TURPIE presented a petition of Jefferson K. Scott, and other ex-Union soldiers, citizens of Morgan County, Indiana, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. HISCOCK presented a memorial of 448 members of the New York State Agricultural Society, remonstrating against the passage of the Palmer Cattle Commission bill; which was ordered to lie on the table.

He also presented a petition of Rev. Andrew Schriver and 32 other citizens of Chester, N. Y., and a petition of 26 male citizens of High Falls, N. Y., praying for better protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which were referred to the Committee on the Judiciary.

He also presented a petition of 975 veterans, citizens of the State of New York, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. COCKRELL presented a petition of ex-Union soldiers, citizens of Missouri, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. COCKRELL. I present the affidavits of William H. Shivers and Dr. E. C. Royston, and a letter of P. D. Lane, touching the bill (S. 1658) granting a pension to William H. Shivers. I move the reference of these papers to the Committee on Pensions, to accompany the bill.

The motion was agreed to.

Mr. CALL. I present the petition of P. O. Knight, Jr., and other citizens of Lee County, Florida, numerously signed, praying for the passage of a bill appropriating \$25,000 for the improvement of San Carlos Bay, in Charlotte Harbor, and the Caloosahatchie River, above the town of Fort Myers. This petition presents facts of great importance in reference to communication through the Caloosahatchie River to the Atlantic Ocean. I ask its careful consideration by the Committee on Commerce. I move that the petition be referred to that committee. The petition is signed by P. O. Knight, Jr., a leading citizen and lawyer of character and ability, and S. E. Titus, and many other prominent citizens of that community.

The motion was agreed to.

Mr. CALL presented a communication from Edward P. Lull, United States Navy, captain commandant, United States navy-yard, Pensacola, Fla., forwarding a petition of citizens of the naval reservation adjacent to the navy-yard at that place, praying for the right of schooling, etc.; which was referred to the Committee on Education and Labor.

Mr. FARWELL presented the petition of James Riggs and other ex-Union soldiers and sailors, citizens of Frankfort, Ill., and the petition of Charles R. Hume and other ex-Union soldiers and sailors, citizens of Blandinsville, Ill., praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on pensions.

He also presented a petition of the Board of Trade of Chicago, Ill., praying for the passage of House bill 8064, proposing the construction of a ship-canal around Niagara Falls, in the State of New York; which was referred to the Committee on Commerce.

He also presented a petition of the Lake Carriers' Association of Buffalo, N. Y., praying for the rejection of House bill 6135, for the better protection of human life on merchant steam-vessels of the United States; which was referred to the Committee on Commerce.

Mr. PLUMB presented a petition of citizens of Atchison, Kans., and a petition of citizens of Leavenworth, Kans., praying for the passage of a bill to prevent the adulteration of food articles, and to compel all dealers in produce and food merchandise to sell their goods for just what they are; which were referred to the Committee on Agriculture and Forestry.

Mr. MCPHERSON presented a petition of Joseph R. Westcott and 7 other male citizens of Salem, N. J., and a petition of 55 male citizens of Salem, N. J., praying for the better legal protection of women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which were referred to the Committee on the Judiciary.

He also presented a petition of the State board of agriculture of New Jersey, praying for a reduction of postage on seeds, etc., and for the issue of fractional currency and the abolition of postal-notes; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Elisha M. Luckett, late second lieutenant Company B, Second Pennsylvania Volunteers, Mexican war, praying for arrears of pension; which was referred to the Committee on Pensions.

Mr. EVARTS presented a petition of 64 ex-Union soldiers and sailors, citizens of the State of New York; a petition of 20 ex-Union soldiers and sailors, citizens of the State of New York, and a petition of 47 ex-Union soldiers and sailors, citizens of Spencer, Tioga County, State of New York, praying for the passage of the per diem rated service-pension bill; which were referred to the Committee on Pensions.

He also presented the petition of Rev. C. W. Dibble and six other male citizens of Perry, N. Y., praying for better legal protection for women and girls within the Territorial, admiralty, and maritime jurisdiction of the United States; which was referred to the Committee on the Judiciary.

INVESTMENT OF TREASURY FUNDS.

Mr. MERRILL. I move that a letter received from the Secretary of the Treasury, addressed to myself as chairman of the Committee on Finance, stating the opinion of the Secretary in regard to Senate bill No. 1216, providing for the investment of certain funds in the Treasury, be printed, and referred to the Committee on Finance.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. REAGAN, from the Committee on Post-Offices and Post-Roads, to whom was referred the petition of citizens of Franklin, W. Va., praying for an issue of fractional currency, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

Mr. FAULKNER, from the Committee on Claims, to whom was referred the bill (S. 661) for the relief of Charles Murphy, reported it with an amendment, and submitted a report thereon.

Mr. WILSON, of Maryland, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 484) for the relief of Thomas C. Dickey, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom was referred the bill (S. 294) granting a pension to Mrs. Elizabeth M. Newman, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 90) for the relief of William Clift, reported it without amendment, and submitted a report thereon.

Mr. TELLER. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 1860) to grant the Boisé Basin Bed-Rock Flume Company the right of way to construct a bed-rock flume in Idaho, to report it adversely. I would say that I introduced this bill by request, although it was not so marked on the bill. I move that it be indefinitely postponed.

The motion was agreed to.

Mr. TELLER, from the Committee on Public Lands, to whom was referred the bill (H. R. 3300) to amend an act to enable the city of Denver to purchase certain land for cemetery purposes, reported it with an amendment.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1064) for the relief of L. J. Worden, reported it without amendment.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 1793) releasing the title of the United States in a certain parcel of land to John D. Thorne, the assignee of John Cutler, reported adversely thereon, and the bill was postponed indefinitely.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (H. R. 4907) for the relief of John M. Higgins, Jr., submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. GEORGE. The bill (S. 1067) relating to imported liquors was referred to the Committee on the Judiciary for the purpose of examining the constitutional questions involved. The committee instruct me to report the bill adversely with a written report. There is a minority report.

The PRESIDING OFFICER (Mr. PLATT in the chair). The bill will be placed on the Calendar.

Mr. WILSON, of Iowa. I desire, on behalf of the minority of the committee, to present their views in writing with regard to that bill, in which there is a general dissent from the propositions of the majority of the committee; and in connection with it we present an amendment to the bill. I ask that the amendment be printed, and also that the views of the minority be printed in connection with the report of the majority of the committee.

I also desire to state that the Senator from Massachusetts [Mr. HOAR], who is now absent from his seat, dissents from the views of the majority and will present at an early day his views separately, which I presume he will desire to have printed also in connection with the views now submitted by the majority and the minority.

The PRESIDING OFFICER. The Senator from Iowa, on behalf of a minority of the committee, submits the views of the minority, which he asks to have printed with the report of the majority. That order will be made.

Mr. HOAR subsequently said: I ask unanimous consent to present my views on Senate bill No. 1067, relating to imported liquors, which was reported adversely by the Senator from Mississippi [Mr. GEORGE] from the Judiciary Committee this morning.

The PRESIDENT *pro tempore*. The views will be received and printed.

Mr. MITCHELL, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1820) for the relief of L. A. Davis, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, submitted a report accompanied by its title.

Mr. PALMER, from the Committee on Commerce, to whom was referred the bill (H. R. 1923) providing for the establishment of a life-saving station at the harbor of Kewaunee, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1856) to establish a life-saving station on the Atlantic coast between Indian River Inlet, Delaware, and Ocean City, Md., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 705) to establish additional life-saving stations, reported it with amendments, and submitted a report thereon.

Mr. PALMER. I am also directed by the same committee, to whom was referred the bill (S. 559) making an appropriation for the establishment of a life-saving station, and providing for a life-saving crew at Yaquina Bay, in the State of Oregon, to submit an adverse report thereon, and recommend that it be indefinitely postponed, the essence of it having been incorporated in the other bills by amendment.

The bill was indefinitely postponed.

Mr. EVARTS, from the Committee on the Judiciary, to whom was referred the bill (H. R. 4375) to create a board of arbitration to settle and determine the controversy between the United States and the State of Texas, relating to certain territory by them respectively claimed, reported it with amendments.

Mr. DANIEL, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1177) for the erection of a public building at Fortress Monroe, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 347) to provide for the erection of a public building in the city of Youngstown, Ohio, reported it with amendments, and submitted a report thereon.

Mr. STANFORD, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1554) to increase the appropriation for the erection of the public building at Sacramento, Cal., reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 21) to provide for the construction of a public building at Salem, Oregon, reported it with an amendment, and submitted a report thereon.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 7315) to divide the great Sioux Indian reservation into separate smaller reservations, and for other purposes, reported it with amendments.

Mr. EDMUND. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 514) for the relief of Dr. A. Sidney Tebbs, to ask to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs, to which it should have gone originally.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 1442) for the relief of C. A. Williams and others, owners of the schooner Era, submitted a report accompanied by a bill (S. 2411) for the relief of C. A. Williams and others; which was read twice by its title.

PRINTING OF BUREAU OF ANIMAL INDUSTRY BILL.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred a Senate resolution authorizing the printing of 1,000 extra copies of the bill creating a Bureau of Animal Industry, to report it with a recommendation that it pass. I ask for its present consideration.

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

Resolved, That 1,000 extra copies of Senate bill 2083, known as the bill for the establishment of a Bureau of Animal Industry, and for other purposes, be printed for the use of the Committee on Agriculture and Forestry.

WASHINGTON CITY POST-OFFICE.

Mr. SAWYER. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 5617) to provide for the leasing of premises for the Washington city post-office, to report it favorably without amendment. It is a very short bill, and I ask for its immediate consideration.

Mr. MCPHERSON. Let the bill be read.

The PRESIDING OFFICER (Mr. PLATT in the chair). The bill will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, etc. That the Postmaster-General be empowered to lease suitable premises in the city of Washington for the purposes of the Washington city post-office.

Mr. SAWYER. I will state that the Postmaster-General is now authorized to lease post-offices of the first and second class in every place in the United States except the city of Washington; but there is a law which provides that the Government shall not lease any building in this city unless an appropriation is first made especially for that purpose. The present city post-office is a very bad affair, and the owners have doubled up on the rent from the 1st of January. The Postmaster-General is entirely powerless to do anything unless we pass this bill, and I have therefore asked for its present consideration.

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

The bill was reported to the Senate without amendment.

Mr. VEST. I should like to inquire whether there is any limitation as to this lease. Is there any time fixed in the bill?

Mr. SAWYER. No, there is not. It simply puts the post-office in the city of Washington on the same footing and in the same condition with the rest of the post-offices in the United States of the first and second class. It allows the Department to rent a post-office building.

Mr. VEST. There is a limitation in the general law, however, is there not?

Mr. SAWYER. No; there is no limitation, except a provision that the Postmaster-General shall not rent a building beyond the time appropriated for; and of course the office here would come under the same law. The Postmaster-General can not rent a building for a longer period than is covered by an appropriation; nor can he do so under this bill.

Mr. VEST. We have passed a bill for the erection of a post-office building here, and I should not like to give the Department authority to run a lease for ten or twenty years.

Mr. SAWYER. This will only bring the Washington city post-office under the same law as the other first and second class post-offices throughout the country.

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

SALMON FISHERIES.

Mr. MANDERSON. I am directed by the Committee on Printing to report back a letter of the Secretary of War, in response to a Senate resolution of January 27, on the subject of salmon fisheries in the Columbia River. By direction of the committee I ask that the letter be ordered to be printed, the usual number only, with the accompanying report.

The PRESIDING OFFICER. That order will be made if there be no objection.

STATISTICAL ABSTRACT OF THE UNITED STATES.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed 15,000 additional copies of the Statistical Abstracts of the United States for the year 1887, of which 5,000 copies shall be for the use of the Senate and 10,000 copies for the use of the House of Representatives.

BRIDGES OVER STREAMS WITHIN STATE LIMITS.

Mr. VEST. The following resolution was referred to the Committee on Commerce:

Resolved, That the Committee on Commerce be instructed to inquire into the right and expediency of Congress assuming control of the erection of bridges over navigable waters or streams within State limits, and to report by bill or otherwise.

I am instructed by that committee to submit a report in writing, and I ask that it be printed and lie upon the table.

The PRESIDING OFFICER. That order will be made.

REPORT ON FORTIFICATIONS.

Mr. DOLPH. I submit a written report on the bill (S. 62) to provide for fortifications and other seacoast defenses, which was reported from the Committee on Coast Defenses on the 15th instant, and I ask that 1,000 extra copies of the report be printed. I understand from investigation the cost will be only \$8 or \$10.

The PRESIDING OFFICER. The Senator from Oregon submits a written report upon the bill named by him, which has already been reported, and asks that 1,000 extra copies of the report be printed.

Mr. MANDERSON. I will say that I have investigated the matter, and am satisfied that the cost will be less than the amount fixed by the law, so that it will be within the power of the Senate to order the printing.

The PRESIDING OFFICER. If there be no objection, such will be the order of the Senate.

BILLS INTRODUCED.

Mr. HISCOCK introduced a bill (S. 2412) granting a pension to Haskell A. Evarts; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2413) granting a pension to Ernst Hein; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLACKBURN (by request) introduced a bill (S. 2414) granting a pension to Paulina Barbara, formerly widow of John Pitman; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 2415) restoring Frances Paul to the pension-roll; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VOORHEES introduced a bill (S. 2416) granting a pension to Jane Devines; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 2417) for the relief of Sylvanus Sandford; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. SPOONER introduced a bill (S. 2418) granting a pension to Jarret Spencer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BERRY introduced a bill (S. 2419) granting a pension to Lemuel B. Rea; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SHERMAN (by request) introduced a bill (S. 2420) granting arrears of pension in certain cases; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PALMER introduced a bill (S. 2421) to transfer Rear-Admiral James E. Jouett to the retired-list of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. ALDRICH introduced a bill (S. 2422) granting a pension to Elvira A. Pierce; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2423) to increase the rank of Maj. Joseph B. Collins, United States Army, retired; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. GORMAN introduced a bill (S. 2424) for the relief of non-residents who have paid license taxes to the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 2425) for the relief of Henrietta V. Minix; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. CAMERON introduced a bill (S. 2426) to remove the charge of desertion from the military record of Andrew A. Keen; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BOWEN introduced a bill (S. 2427) to establish a public park to be called and known as the Royal Arch Park; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MCPHERSON (by request) introduced a bill (S. 2428) granting a pension to Mary F. Danby; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 2429) for the relief of Charles F. Holly; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2430) explanatory of an act entitled "An act to settle certain accounts between the United States and the State of Mississippi and other States," and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HAWLEY introduced a bill (S. 2431) for the relief of Nathan Burnham; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2432) concerning the militia of the District of Columbia; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2433) to remove the charge of desertion against Daniel C. Lewis; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. WILSON, of Iowa (by request), introduced a bill (S. 2434) for the relief of John P. T. Davis; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2435) granting a pension to D. G. Scooten; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2436) granting a pension to Alvia D. Tomlinson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2437) granting a pension to James G. W. Hardy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. EVARTS introduced a bill (S. 2438) to regulate the salaries and expenses of the judges of the circuit and district courts of the United States within the State of New York; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CULLOM introduced a bill (S. 2439) granting a pension to Charlotte T. Alderman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DOLPH introduced a bill (S. 2440) for the relief of the State of Oregon; which was read twice by its title, and referred to the Committee on Claims.

Mr. JONES, of Arkansas, introduced a bill (S. 2441) to refund the illegal internal-revenue tax collected of James R. Berry as late auditor of the State of Arkansas; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. STEWART submitted an amendment intended to be proposed by him to the bill (S. 8) to provide for the retirement of United States legal-tender and national-bank notes of small denominations, and the issue of coin certificates in lieu of gold and silver certificates, and for other purposes; which was ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed by him to the bill (H. R. 3300) to amend an act to enable the city of Denver to purchase certain land for cemetery purposes; which was ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. HAWLEY, it was
Ordered, That leave be granted Lewis D. Allen to withdraw from the files of the Senate the papers in his case.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 92) for the relief of Morgan Rawls;

A bill (H. R. 183) granting a pension to the minor children of William Clark;

A bill (H. R. 314) authorizing the Secretary of War to place the name of James L. Henderson on the roll of Company B, Sixteenth Kentucky Volunteers;

A bill (H. R. 417) granting a pension to David Strunk;

A bill (H. R. 518) for the relief of T. J. Edwards, administrator of David Edwards, deceased;

A bill (H. R. 610) for the relief of William Lavery;

A bill (H. R. 742) for the relief of John F. Cadwallader;

A bill (H. R. 807) for the relief of Horatio R. Maryman;

A bill (H. R. 816) granting a pension to Charlotte Broad;

A bill (H. R. 822) granting a pension to Miles S. Scribner;

A bill (H. R. 824) granting a pension to Isaiah G. Mayo;

A bill (H. R. 878) for the relief of John D. Maxted and Robert J. B. Newcombe;

A bill (H. R. 1050) for the relief of Charles M. Kennerly;

A bill (H. R. 2078) granting a pension to Charlotte T. Clark;

A bill (H. R. 2259) to grant a pension to John M. Haley;

A bill (H. R. 2416) granting a pension to Hannah F. Brock;

A bill (H. R. 2498) granting a pension to Alonzo Higley;

A bill (H. R. 2518) granting an increase of pension to John Rowe;

A bill (H. R. 2694) granting a pension to Julia A. Griffen;

A bill (H. R. 3490) granting a pension to James M. Berry;

A bill (H. R. 3603) to increase the pension of Maxwell Carroll;

A bill (H. R. 3682) to pension Emily Goodall;

A bill (H. R. 3870) granting a pension to Albert Nevin;

A bill (H. R. 4106) granting a pension to Olive Wallace;

A bill (H. R. 4110) granting a pension to Mehitable Wheelock;

A bill (H. R. 4534) for the relief of Emily G. Mills;

A bill (H. R. 4550) granting a pension to Chloe Quiggle, widow of Philip Quiggle;

A bill (H. R. 4633) granting a pension to Morris T. Mantor;

A bill (H. R. 4672) granting an increase of pension to Mrs. Emily M. Wyman;

A bill (H. R. 4685) granting a pension to Lizzie F. Reed;

A bill (H. R. 5176) granting a pension to Thomas J. Parker;

A bill (H. R. 5233) granting a pension to William F. Randolph;

A bill (H. R. 5363) granting a pension to David Johnson;

A bill (H. R. 5388) granting a pension to Elizabeth Buffington;

A bill (H. R. 5984) for the relief of James Gaster;

A bill (H. R. 6586) granting a pension to Nancy O. Gray;

A bill (H. R. 6789) granting a pension to Mary S. Wells;

A bill (H. R. 6974) for the relief of Mary E. Hawn, widow of Emanuel R. Hawn, late surgeon of the Forty-ninth Regiment Indiana Volunteers, deceased;

A bill (H. R. 6984) granting a pension to Margaret E. Graves;

A bill (H. R. 7171) to restore to the pension-roll the name of Isaac Dilley;

A bill (H. R. 7891) for the relief of Cynthia J. Leroy;

A bill (H. R. 8002) for the relief of Elizabeth Mulvehill;

A bill (H. R. 8044) to change the time of the sessions of the circuit and district courts of the northern division of the eastern district of Missouri; and

A bill (H. R. 8464) for the relief of the Merchants' National Bank, of Poughkeepsie, N. Y.

The message also announced that the House had passed the bill (S. 1665) granting a pension to Theresa B. Hoffman.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. Res. 117) to enable the Secretary of the Interior to utilize the hot water now running to waste on the permanent reservation at Hot Springs, Ark., and for other purposes.

PURCHASE OF BONDS.

Mr. MORRILL. I desire to give notice that to-morrow, in the morning hour, I shall call up for consideration the bill (H. R. 5034) to provide for the purchase of United States bonds by the Secretary of the Treasury.

PRESIDENT'S ANNUAL MESSAGE.

Mr. SAULSBURY. I understand that the order of business to-day and also to-morrow will be the Calendar under Rule VIII. I desire to give notice that on Wednesday next, with the leave of the Senate, I shall ask to take up for consideration the resolution offered by the Senator from Ohio [Mr. SHERMAN] referring the President's message to the Finance Committee, in order that I may submit some remarks upon it.

BUREAU OF ANIMAL INDUSTRY.

The PRESIDING OFFICER. If there are no concurrent or other resolutions, the Calendar is in order under Rule VIII, and the first bill on the Calendar will be announced.

Mr. PALMER. I move that 2 o'clock one week from to-day be fixed as the hour when the Senate shall take up for consideration the bill (S. 2083) to provide for the establishment of a Bureau of Animal Industry, and to facilitate the exportation of live-stock and their products, to extirpate contagious pleuro-pneumonia and other diseases among domestic animals, and for other purposes.

The PRESIDING OFFICER. The Senator from Michigan moves that the bill indicated by him be made the special order of the day for next Monday at 2 o'clock. The title of the bill will be read at the desk.

The CHIEF CLERK. A bill (S. 2083) to provide for the establishment of a Bureau of Animal Industry, and to facilitate the exportation of live-stock and their products, to extirpate contagious pleuro-pneumonia and other diseases among domestic animals, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Michigan. [Putting the question.] The motion is agreed to; and the order is made, two-thirds of the Senate concurring therein.

Mr. SHERMAN. I hope we shall now go on with the Calendar by unanimous consent.

Mr. CALL. I did not understand that that question was to be voted on at the moment. I understood the Chair simply to state the question, that it was moved that the bill in relation to pleuro-pneumonia

be made the special order of the day. I do not think the vote was understood.

The PRESIDING OFFICER. The bill was made the special order for one week from to-day.

Mr. CALL. I do not think Senators generally understood the question.

Mr. PLATT. The order was for one week from to-day, and the then occupant of the chair put the motion. I do not know whether the Senate understood it or not.

Mr. CALL. I did not understand it. I think the vote should be taken over again.

The PRESIDENT *pro tempore*. If there be any general misunderstanding, by unanimous consent the question will be again taken.

Mr. SHERMAN. It was very plainly announced. Everybody on this side understood it.

Mr. ALLISON. The title of the bill was read at the Secretary's desk.

Mr. SHERMAN. At any rate a majority of the Senate can at any time postpone the bill when it comes up. It is not a matter of great moment.

ORDER OF BUSINESS.

Mr. HARRIS. Just before the adjournment on Friday evening I moved that the bill (H. R. 2927) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn., be made the special order for Wednesday next at 2 o'clock. The motion was misconstrued and misunderstood by two or three Senators. The Senator from Massachusetts [Mr. DAWES] was kind enough to make some rather uncharitable comments upon my having made such a motion, in view of the fact that a few evenings before I had given notice that I should insist upon the execution of Rule VIII, which devotes the morning hour up to 2 o'clock every day to the consideration of bills and resolutions on the Calendar.

My motion was to make a special order, beginning at 2 o'clock on Wednesday, and not to interfere with the morning hour of any day.

No one knows better than the Senator from Massachusetts that there are a large number of bills on the Calendar that can not be considered under Rule VIII, which limits debate to five minutes and limits every Senator to one speech of five minutes upon each question.

My object was simply to make that bill a special order, because it is very important as a question of time, if the bill is to pass at all, that it pass at a very early day.

The Senator from Connecticut [Mr. PLATT] considered that my proposition was in conflict with a notice that he had given, or rather with a reservation of a right that he had given notice of, to move that the Senate proceed to consider a certain bill, the Dakota bill, which he had reported. My motion was not in the slightest degree in conflict with the Senator's reservation. I simply proposed to make a special order. The Senator from Connecticut might have moved the next moment that the Senate proceed to consider the bill to which he referred.

I simply ask now that the Senate may make a special order for Wednesday at 2 o'clock of Order of Business 557, being House bill 2927.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the bill (H. R. 2927) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn., be made the special order for Wednesday at 2 o'clock.

Mr. DAWES. That is not debatable, but I think the Senate will indulge me in response to the Senator from Tennessee.

Mr. PLATT. It is debatable.

Mr. DAWES. I have not the slightest objection to fixing the special order, but I desire to set myself right with the Senator from Tennessee, with whom I should dislike as much as anybody I know in this world to have any difference.

It was not on Friday last that I did not feel the force of the Senator's new view of the best way to dispose of the Calendar. I did feel the full force of it. I anticipated it when the Senator served the notice on us a few days before that from that time forth he should insist upon the observance of the Calendar.

Mr. HARRIS. Within the morning hour.

Mr. DAWES. I anticipated that any change of views as to the best method of conducting business would come with such force that I should be obliged to yield to that also; and therefore I say now that I yield to this new view of disposing of business on the Calendar, which is to take up matters on it and make them special orders. Experience here will show that picking up bills out of the Calendar and making them special orders will be the best way to dispose of the whole Calendar. Every Senator who has been here any length of time will know that that is the best way to dispose of the Calendar, and therefore I yield again to the Senator's new view of this matter, assuring him that I will co-operate with him as fast as his views change and I can keep up with them, for the Calendar ought to be disposed of.

Mr. SHERMAN. We are acting now upon an order agreed to by unanimous consent, to proceed to the Calendar under a certain rule, and I hope the Chair will enforce the agreement.

Mr. PLATT. If in order at this time, I should like to move that the Senate proceed to the consideration of the bill for the admission of

South Dakota, and I should like to make a statement before submitting that motion.

Last Tuesday I supposed it was understood by the Senate that that motion should prevail, and then that the bill should be laid aside informally for the execution of the order of the Senate for two days with reference to the Calendar. I shall be entirely willing that that course shall be pursued if the bill shall be taken up at this time. I think it is a matter of such importance that it ought to be taken up, so that it will remain as the unfinished business and have the right of way when the Calendar is concluded. I make that motion.

Mr. HARRIS. I had made a motion that preceded it, but I suggest to my friend from Connecticut that I will withdraw my motion, and I ask him not to press his at present, and let us go on with the execution of the consent order, and at the end of the two days I will renew my motion to make a special order. He can make his motion, of course, whenever he chooses, but let us not consume the time of the Senate this morning in any discussion or consideration of these questions.

Mr. PLATT. I have no objection to withdrawing my motion, except that during these two days, when I shall not be in the Senate perhaps, I do not want some other matter to get precedence of the bill for the admission of South Dakota. In the hope that that may not be done in my absence I withdraw the motion, and shall allow the Calendar to proceed.

Mr. HARRIS. The Senator from Maryland [Mr. WILSON] gave notice two or three days ago that he would call up a certain matter with a view of submitting some remarks this morning. I appeal to the Senator, as to-day and to-morrow have been by unanimous consent given over to the consideration of the Calendar, to forego his intention to make remarks this morning and postpone them until Wednesday morning.

Mr. WILSON, of Maryland. I shall yield to that request, Mr. President.

The PRESIDENT *pro tempore*. If there is no further morning business that order is closed, and the Senate proceeds to the consideration of the Calendar under Rule VIII, in pursuance of the agreement made on Wednesday last. The consideration of the Calendar under this rule will continue for two consecutive days. The first bill on the Calendar will be stated.

GEORGE W. BOLTON, ALIAS CHARLES W. ANDREWS.

The bill (S. 547) for the relief of George W. Bolton, alias Charles Andrews, was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to consider it.

The Committee on Military Affairs reported the bill with an amendment in line 5, by changing the name "Charles Andrews" to "Charles W. Andrews," so as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby directed to remove the charge of desertion from the record of George W. Bolton, alias Charles W. Andrews, late a private in Company B, Eleventh Regiment Indiana Volunteers, and to grant him an honorable discharge as of the date when his said regiment was mustered out.

The amendment was agreed to.

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

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

The title was amended so as to read:

A bill for the relief of George W. Bolton, alias Charles W. Andrews.

ORIN R. M'DANIEL.

The bill (S. 768) for the relief of Orin R. McDaniel was considered as in Committee of the Whole. It provides for placing the name of Orin R. McDaniel, late an enrolled soldier of Company H, Sixty-fourth Regiment Illinois Volunteers, upon the records of that company as enrolled December 26, 1863, and discharged February 14, 1864, for disability, and for granting him an honorable discharge accordingly, as of date February 14, 1864, for disability.

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

DESERTION IN TIME OF PEACE.

The bill (S. 254) to amend article 103 of the Rules and Articles of War was considered as in Committee of the Whole.

The Committee on Military Affairs reported an amendment, in line 7, after the word "desertion" to insert "in time of peace and not in the face of an enemy;" so as to make the bill read:

Be it enacted, etc., That the one hundred and third of the Rules and Articles of War be, and the same is hereby, amended by adding thereto the following words:

"No person shall be tried or punished by a court-martial for desertion in time of peace and not in the face of an enemy, committed two years before the arraignment of such person for such offense, unless he shall meanwhile have absented himself from the United States, in which case the time of his absence shall be excluded in computing the period of the limitation: *Provided*, That said limitation shall not begin until the end of the term for which said person enlisted."

The amendment was agreed to.

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

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

OFFENSES AGAINST POSTAL LAWS.

Mr. SAULSBURY. I desire to make a report at this time.

The PRESIDENT *pro tempore*. The Chair will receive the report, if there be no objection.

Mr. SAULSBURY. I am instructed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 7052) relating to postal crimes and amendatory of the statutes therein mentioned, to report it with an amendment. I ask that the amendment may be read and adopted. I understand it is a very important matter to the Department that the bill should be passed promptly.

Mr. COCKRELL. Let the bill be read for information.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore*. The Senator from Delaware asks unanimous consent for the consideration of the bill at this time.

Mr. CALL. I object.

Mr. SAULSBURY. I desire to say to the Senator that it is a very important bill.

The PRESIDENT *pro tempore*. The Senator from Delaware can only proceed by unanimous consent. Is there objection? The Chair hears none.

Mr. SAULSBURY. It is to correct an abuse of the mails by persons who desire to use them for purposes of their own. They inclose an envelope to a person against whom they have a claim. He is informed of their demand, and on an envelope of that character the words are sometimes marked "bad debt." Some of the persons thus addressed may not owe the money, and persons who owe money and are unable to pay are exposed to the public gaze as bad debtors. It is to correct abuses of that kind that the bill is offered. I hope the Senate will pass the bill.

Mr. HALE. How does the committee propose to reach the difficulty and remedy it?

Mr. SAULSBURY. By amending the House bill.

The PRESIDENT *pro tempore*. The bill has gone to the Calendar. The next bill in order will be stated.

The bill (S. 300) granting a pension to Miss Juliet G. Howe was announced as next in order.

Mr. PADDOCK. Mr. President—

Mr. SAULSBURY. Was there objection to the consideration of the bill I reported?

The PRESIDENT *pro tempore*. The Senator from Tennessee and the Senator from Florida both objected.

Mr. CALL. I withdraw the objection so far as I am concerned.

Mr. HARRIS. I understand it is important in matter of time, and I withdraw my objection.

The PRESIDENT *pro tempore*. The bill has already passed from the consideration of the Senate and has gone to the Calendar, and the Senate is engaged in the consideration of other business, pending which the Senator from Delaware moves—

Mr. PADDOCK. Do I understand the Senator from Delaware to object to the consideration of Senate bill 300?

Mr. HOAR. I ask unanimous consent that the bill of the Senator from Delaware be restored to its place on the Calendar and taken up in order after Senate bill 300 is disposed of.

Mr. MANDERSON. I hope the bill pending will be disposed of, and then there will be no objection to the bill proposed by the Senator from Delaware being considered.

The PRESIDENT *pro tempore*. The pending bill will be reported.

JULIET G. HOWE.

The Senate, as in Committee of the Whole, resumed the consideration of bill (S. 300) granting a pension to Miss Juliet G. Howe, the pending amendment being, in line 6, to strike out "Miss" and insert "Mrs;" so as to read, "Mrs. Juliet G. Howe."

The amendment was agreed to.

The PRESIDENT *pro tempore*. It was also moved, in line 7, before the word "dollars," to strike out "twenty-five" and insert "twelve;" so as to read:

And pay her a pension at the rate of \$12 per month.

Mr. PADDOCK. I hope that amendment will not prevail. The amount of \$25 has been reported by the Pension Committee. It is in accordance with our rule to pension a hospital nurse at \$25. This is a particularly and specially meritorious case, and I hope the amendment will not be agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment.

Mr. CULLOM. May I inquire whether the amendment which has been read is the report of the Pension Committee?

Mr. PADDOCK. No, sir; the bill was reported at \$25 per month by a unanimous vote of the committee.

Mr. CULLOM. The committee report in favor of \$25 per month?

Mr. PADDOCK. Yes, sir.

Mr. CULLOM. This is an individual amendment.

Mr. PADDOCK. Yes; and the case is especially meritorious.

The PRESIDENT *pro tempore*. The Chair will ascertain the state of the amendment.

Mr. HARRIS. Let the amendment be stated again. It is not understood on this side of the Chamber.

The PRESIDENT *pro tempore*. The Chair finds that the proposed amendment was offered by the Senator from Missouri [Mr. COCKRELL]. It will be read.

The SECRETARY. In line 7, before the word "dollars," it is proposed to strike out "25" and insert "12;" so as to read:

And pay her a pension at the rate of \$12 per month.

The PRESIDENT *pro tempore*. The bill was previously under consideration, and went over under objection. The question is on the amendment just read.

Mr. HAMPTON. I suggest that the bill be passed over informally until the Senator from Missouri [Mr. COCKRELL] returns. I will say in addition that the question of pensioning all these nurses is now before the Military Committee.

The PRESIDENT *pro tempore*. Unless formal objection be made to the consideration of the bill, the question must be taken on the amendment. The question is on the amendment proposed by the Senator from Missouri, on which a division has been called for.

The amendment was rejected, there being, on a division—ayes 16, noes 26.

The bill was reported to the Senate as amended, and the amendment made as in Committee of the Whole was concurred in.

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

The title was amended so as to read: "A bill granting a pension to Mrs. Juliet G. Howe."

GEORGE PARK.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1299) granting a pension to George Park. It proposes to place on the pension-roll the name of George Park, dependent father of William C. Park, Company H, Fifty-seventh Massachusetts Volunteers.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the report, submitted by Mr. DAVIS January 10, 1888, as follows:

The Committee on Pensions, to whom was referred the petition of George Park, praying for a pension, have examined the same, and report:

The petitioner, George Park, alleges that his two sons, H. L. Park and William C. Park, both minors, enlisted in Company H, Fifty-seventh Massachusetts Volunteers. H. L. Park, the eldest, was killed in the battle of North Anna River, June 24, 1864, aged nineteen years. William C. Park was wounded in the battle of the Wilderness; returned to his regiment from hospital; was taken prisoner at the springing of the mine at Petersburgh, and sent to the prison at Danville, N. C., where he died January 6, 1865, aged eighteen years.

The mother is drawing a pension on account of the death of the eldest son, and the petitioner is advised that he can not be allowed a pension under existing laws because the mother is receiving a pension on account of the death of one of their deceased sons.

Petitioner is seventy-three years old; is unable to support himself without outside help; is troubled with varicose veins in his limbs and rheumatism in his shoulder-joints. The Commissioner of Pensions writes to the chairman of this committee in regard to this case:

"The parents had two sons, who were killed or died in the service. Unless the parents are living apart or at variance, the father can not be pensioned under the laws as they now exist."

F. Wessen deposes, August 22, 1866, that William C. Park worked for him for the last two years previous to enlistment, and that deponent paid his wages to the petitioner, amounting to about \$40 a month.

October 13, 1866, said Wessen and one F. F. Hopkins made a joint affidavit, Wessen deposing that he employed William C. Park from July, 1860, to December, 1863, at which time he enlisted, and that he, Wessen, paid the father the son's wages, at the rate of \$25 to \$30 a month, the father being in delicate health and nearly dependent on the earnings of his son for support of his family of wife and four children.

Hopkins deposes that he has known the father and family four years, and that the above statement is true in all respects.

Both deponents also state that the soldier left surviving one sister (Theresa), whose age on January 3, 1866, was five years.

This claim was rejected by the following indorsement:

"May 13, 1867. Rejected. The mother alive."

In view of all the facts in this case, your committee recommend the passage of the bill which is herewith submitted.

Mr. COCKRELL. As far as I am concerned, I make no objection.

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

OFFENSES AGAINST POSTAL LAWS.

Mr. SAULSBURY. The bill which I reported from the Post-Office Committee, and which I understood was to come up immediately after the passage of the bill last considered, I move be now taken up.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The Senator from Delaware asks that the Senate proceed to the consideration of a bill the title of which will be stated.

The CHIEF CLERK. A bill (H. R. 7052) relating to postal crimes and amendatory of the statutes therein mentioned.

The bill was read.

Mr. SAULSBURY. I ask that the amendments of the Committee on Post-Offices and Post-Roads be read and adopted.

The PRESIDING OFFICER. The amendments reported by the committee will be stated.

The CHIEF CLERK. It is proposed to add to the bill:

And all matter otherwise mailable by law, upon the envelope, or outside cover or wrapper of which, or postal-card, upon which indecent, lewd, lascivious, obscene, libelous, scurrilous, or threatening delineations, epithets, terms, or lan-

guage, or reflecting injuriously upon the character or conduct of another may be written or printed, are hereby declared to be non-mailable matter and shall not be conveyed in the mail, nor delivered from any post-office nor by any letter-carrier, and any person who shall knowingly deposit, or cause to be deposited for mailing or delivery anything declared by this section to be non-mailable matter, and any person who shall knowingly take the same or cause the same to be taken from the mail for the purpose of circulating, or disposing of, or of aiding in the circulation or disposition of the same, shall be deemed guilty of a misdemeanor, and shall for each and every offense be fined not less than \$100, nor more than \$5,000, or imprisoned at hard labor not less than one year nor more than ten years, or both, at the discretion of the court.

Mr. PLATT. How does this get in?

The PRESIDING OFFICER. By unanimous consent.

Mr. PLATT. This is not a bill in regular order on the Calendar.

The PRESIDING OFFICER. It was reported this morning and its consideration suspended, and the Senator from Delaware [Mr. SAULSBURY] asked unanimous consent to have it considered at this time.

Mr. PLATT. It seems to me it is too important a bill to be acted on now.

Mr. HOAR. I think that was misunderstood. I do not suppose anybody who had given unanimous consent to going on with the Calendar at this time expected that we should take up that important measure.

The PRESIDING OFFICER. The Chair will submit the matter to the Senate. The Senator from Delaware made the motion and no objection whatever was made. The Senator from Delaware moves to proceed to the consideration of this bill.

Mr. SAULSBURY. I made the statement—

Mr. SHERMAN. It can only be done by unanimous consent, because we are now acting under a special order that sets apart two days for the consideration of a certain class of bills in their order. If Senators want to break this up it is very easy to do it. If one bill of this kind gets in, that is the end of the order.

Mr. SAULSBURY. As I find there is objection, I withdraw my motion.

The PRESIDING OFFICER. The motion is withdrawn, and the consideration of the Calendar will proceed.

LEGAL REPRESENTATIVE OF ROBERT J. BAUGNESS.

The bill (S. 1033) for the relief of the heirs or legal representatives of Robert J. Baugness, deceased, was considered as in Committee of the Whole.

It is a direction to the Secretary of War to correct the record of Robert J. Baugness, late a private in Company I, Thirty-seventh Illinois Volunteers, so as to remove the charge of desertion; and to the proper accounting officers of the Treasury to pay to the heirs or legal representative of Baugness the bounty and allowances that would have been due him had not such charge of desertion appeared against him on the rolls.

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

ALBERT H. EMERY.

The bill (S. 495) for the relief of Albert H. Emery was announced as next in order.

Mr. HOAR. I think that bill had better stand over, if the Senate will consent, without losing its place on the Calendar under this rule. There is a similar bill pending in the other House, and my opinion is that it would be better to await the action of the House on that bill.

The PRESIDING OFFICER. The Senator from Massachusetts asks that the bill be passed over, retaining its place on the Calendar. The Chair hears no objection to that course.

SARAH E. E. PERINE.

The bill (S. 396) for the relief of Sarah E. E. Perine, widow and administratrix of William Perine, deceased, was considered as in Committee of the Whole.

It proposes to authorize the Court of Claims to take jurisdiction and hear the case of Sarah E. E. Perine, widow and administratrix of William Perine, deceased, against the United States, on application of the claimant, if made within six months, with jurisdiction to hear and determine the increased cost of the construction of the iron-clad monitor Naubuc and the iron tug-boats Maria and Triana, and which increased cost was caused by delays occasioned in such construction by the acts of the Government, or its duly authorized officers or agents, beyond the periods specified in the contracts for the construction and completion of the steam iron-clad batteries. The court is to give judgment for such increased cost, if any, as shall be established by the evidence, any statutes of limitation to the contrary notwithstanding; but such recovery, if any, is to be limited to the increased cost which shall be shown to have resulted from delays caused by the Government, or its duly authorized officers and agents, in fulfilling the original contracts and alterations or modifications of the plans, and which increased cost could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor.

Mr. PLATT. Let the report be read.

The PRESIDING OFFICER. The report will be read.

Mr. HOAR. I do not believe it will be necessary to read the report. This bill has passed the Senate two or three times. It is one of those cases where ironclads were built under a contract whereby the Navy Department might order such changes and additional work as it

saw fit. It has been recommended by a commission of the Navy Department and has passed the Senate three or four times. I do not think anybody will care about having the report read, as the case is very familiar to the Senate.

Mr. PLATT. I do not insist on the reading of the report; but I want to say that I do not think there is the slightest claim against the Government in this case. This case is thirty or forty years old.

Mr. HOAR. Oh, no; it only arose during the war.

Mr. PLATT. Thirty years now, nearly. I simply say that this is a claim which has been before Congress in one way or another since the early period of the war. The claim has been the subject at one time and another of a good deal of scandal, and has been the subject of several reports. I do not believe that it is a claim which ought to be considered by Congress, to say the least. Latterly, within the past session or two, the claimants have adopted a different plan, and have asked to go to the Court of Claims. I do not know that I have any objection to their going to the Court of Claims unless the bill concludes the Government in the matter of recovery in some way. As has been suggested, there has been so much noise and confusion while this bill was being read that I was utterly unable to determine whether the bill concluded the Government on any point or not. If the bill can be read again and we can have sufficient order in the Senate so that I can understand it, perhaps I shall have no objection to the parties going to the Court of Claims.

The PRESIDING OFFICER. The Senator from Connecticut asks that the bill be read again. It will be read.

The Chief Clerk read the bill.

Mr. MCPHERSON. Let the report be read.

The PRESIDING OFFICER. The report will be read.

Mr. COCKRELL. As that report will consume half or three-quarters of an hour, had not the bill better be passed over?

Mr. EVARTS. I would suggest to the Senator from Missouri that the last page of this report, which contains the conclusions of the committee, would satisfy him of the public merits and propriety of the measure.

Mr. COCKRELL. I have the report here. I did not call for the reading of the report. The Senator from New Jersey [Mr. MCPHERSON] called for it.

Mr. EVARTS. The last page will show the conclusions of the committee on the situation of this claim.

Mr. MCPHERSON. Very well, that will do.

Mr. HOAR. I think, if the Senator from New Jersey will permit me to state to him my understanding before the report is read, he will catch the points in the report perhaps a little more understandingly, and he can then have it read in full or in part, as he prefers.

Mr. MCPHERSON. Perhaps it will be totally unnecessary to read the report if the Senator from Massachusetts will give an explanation of the case; but before he explains it I desire to ask a question.

I know there were very many naval vessels, so called, which were constructed during the war, in the construction of which delays were made necessary by reason of changes of plan, and also by the impossibility of obtaining materials at the proper time of a proper character to be put into the vessels; but I do know that there was settlement made in most cases between the parties and the Government, that they received in full for all debts and demands of every nature and character, and took a sum of money awarded them by the Government, and that afterwards some of the cases were opened and a new board of investigation was ordered, and a new award was made and another receipt was given. In short, the Government settled twice and secured a receipt twice for all debts and demands due by the Government; and now if this is one of the cases that stands in that position, and it is proposed to send it to the Court of Claims for another adjudication after thirty years have elapsed, it seems to me the bill is not proper. There ought to be some time in the history of these cases when they shall be considered closed.

Mr. HOAR. I have never heard of any second receipt given by this party. I do not think there was anything of that kind in this case.

Mr. MCPHERSON. I know of cases in which a second receipt was given.

Mr. HOAR. No such fact appears in this case. It must apply to some other case. It is not true in this case, so far as I am informed at least. There are some six or seven cases like this, of which two or three bills providing for relief have become laws, providing relief directly to the claimants. One was the case of Chouteau & Co. All stand alike and all stand on this same statement of facts in substance.

The Navy Department made contracts early in the war for the construction of what they called iron batteries and iron-clad vessels for war purposes, and it was reserved in the contract, the invention being entirely new in naval construction, that the Government should have the right to vary the contract in any respect as it should see fit, and the contractor thereupon should proceed to execute the work according to the new requirement of the Government, and that if he did not do it the Government should have the right to take the vessel as it stood, with all his work, and execute the rest itself. In other words, it was, as I said in stating the Chouteau case in the Senate, very much as if a builder who had contracted to build a cottage for the Senator from New

Jersey at Newport should be liable by his contract to enter into obligation to build a mansion in New York—a distinct class of building. There were the most repeated and important changes, varying the character of the whole work. The Secretary of the Navy in one of his reports said that the United States had spent millions of dollars for changes in the ironclads.

It followed that a contract which could have been completed by the contractors within six to nine months, and which was required by its terms to be so completed, did not in fact get completed, and could not be completed under the new demands of the Government, for two or three years. In the mean time labor and iron and other materials, owing to the change of the value of our currency, had become three times as costly as when the contract was made.

These contractors had three classes of claims. First, they were entitled to their claim under the original contract for what they executed in pursuance of that. Next, they were entitled to extras occasioned by the variations which the Government made in the contract in accordance with the reserved right as it went on. Third, in the execution of their original contract they had a claim by reason of the delay caused by the Government in postponing for two or three years the execution of a contract which was to be completed in a few months, less than one year. They were put to a great increase of cost of material and labor in the execution of so much of the work as was within the original contract.

Mr. MCPHERSON. What is the amount?

Mr. HOAR. Some hundreds of thousands of dollars. I think the contracts rise to as much as \$395,000 in some cases.

When the work was done these people came to the Navy Department for their pay, and the Navy Department had a question about the authority of the Secretary to pay. They ordered a board, of which Mr. Cragin, formerly a Senator of the United States from New Hampshire, was a member, and some other gentlemen of high character, naval officers; I have forgotten their names.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

Mr. HOAR. I ask unanimous consent to complete my statement.

The PRESIDING OFFICER. The Senator from Massachusetts asks the liberty to complete his statement. Is there objection? The Chair hears none.

Mr. HOAR. The Government, however, had made a payment under circumstances which I have stated, under the original contract. The board recommended a payment of a very large sum in satisfaction of the claims of the contractors, that were well founded, holding that they were entitled to a large additional sum. Thereupon they were permitted to go to the Court of Claims, and the Court of Claims held, and the Supreme Court of the United States also held in one of the cases, that while they were entitled to recover what was provided in the original contract as the original cost and extras, there was no authority to allow them for the increase in the cost of the original work by reason of the higher price of labor and material caused by the Government prolonging the time. This bill is to allow this party to go to the Court of Claims and recover that additional sum.

In several of these cases—I am not certain whether in this one or not—there was a further question; and that was whether the original payment which had been made to the parties operated as a receipt in full. That came up in the Chouteau case; but whether in this case or not, I can not tell without looking at the papers.

The contractors gave a receipt which the Supreme Court held operated as a receipt in full; but it was the ordinary case where the parties authorized a banker or business agent in New York to collect the payments as they became due; and when they collected the final one on the completion of the work they gave the form of receipt required, but there is abundant evidence that the naval officer under whose direction the receipt was given told the agent of these parties that that would not in fact operate to cut them off from claiming for the extra work, and that the agent of these parties protested that it should not cut them off. Under these circumstances the committee held that these parties should be at liberty to go again to the Court of Claims to establish, if they could, their claim, the obligation of the Government by reason of this increased cost of the work which I have stated, and that the receipt should not conclude their right.

Now, the Senator from Connecticut understands that this is a claim which has given rise to some difficulty, or scandal as he expressed it. I have only to say that I have been upon the Committee on Claims for the last five or six years, and we have reported this claim once or twice and the other claims which became laws, but they have always been explained to the Senate, or several times have been explained to the Senate, and unless I am altogether at fault in my memory no human being has ever suggested an objection to the justice and equity of these claims. The Senator from Missouri [Mr. COCKRELL] will remember about the Chouteau case, which came from his State, and I think on the explanation which was made these cases have always passed the Senate without objection. Certainly I have never heard from any quarter of any objection.

Mr. MCPHERSON. Has any case ever passed except the Chouteau case?

Mr. HOAR. There are two cases; I have forgotten the names of them now.

Mr. MCPHERSON. I know there are some ten or twelve of them altogether, fully as many as that, which have been before the Committee on Naval Affairs for the last ten or twelve years, and in no case has one of them been reported favorably. I have some information somewhere, I think, perhaps in the committee-room of the Committee on Naval Affairs, that will give me the facts touching all these claims, and included among them are several in which there has been a second settlement and a second receipt given. I should like to have this bill go over until to-morrow, to retain its place on the Calendar, in order that I may investigate and see exactly what the status is.

Mr. HOAR. I have no objection to that course, and I further desire to say that any Senator who knows of any fact bearing upon these matters that has not come to the knowledge of the Committee on Claims is a public benefactor and a benefactor of that committee when he discloses it. Of course, sometimes, with the utmost diligence, the committee may make a mistake. This matter has been fully known to the Navy Department always, and never has been brought to the attention of the committee except in the way I have stated. All we do is to send the claim to the Court of Claims.

Mr. MCPHERSON. If the Court of Claims makes an award to meet the demands of the petitioners in these bills, as near as I can now remember, it will take several million dollars to pay all the claims, and in every case they have received to the Government in full for all debts and demands due them, and twenty-five years have already elapsed; and during that period of time there has not been a single session of Congress that they have not been here asking relief.

The PRESIDING OFFICER. The Senator from New Jersey asks that the bill go over until to-morrow, retaining its place on the Calendar.

Mr. EVARTS. I merely wish to make a single observation. I have no objection to its going over.

The persons relieved here represent Mr. Perine, a very reputable ship-builder in the city of New York, a man in regard to whose character no suspicion has ever been raised. He came into this duty and service for the Government and put his whole fortune into it. He was bankrupted by it. All that he has left to his estate, represented by his widow, is what this Government, under the limitations of this allowance by the Court of Claims, if it shall be approved by the Senate and House, may grant. If there was any scandal in the matter, it was the scandal that his whole fortune was wasted in attempting to serve his country.

The PRESIDING OFFICER (Mr. HARRIS in the chair). There being no objection to that course, the bill will go over, retaining its place on the Calendar. The next bill will be stated.

NATHANIEL M'KAY AND DONALD M'KAY'S EXECUTORS.

The bill (S. 4) for the relief of Nathaniel McKay and the executors of Donald McKay was announced as next in order.

Mr. HOAR. That bill is one of the same class.

The PRESIDING OFFICER. Without objection, the bill goes over also under the same order.

WILLIAM B. GROFF.

The bill (S. 178) for the relief of William B. Groff, of Newport, R. I., was considered as in Committee of the Whole. It provides for the payment to William B. Groff, of Newport, R. I., of \$25 for damages sustained by his sail-boat Doctor, through collision with the United States tug Cohasset, in Newport Harbor, July 4, 1884.

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

R. G. HUSTON & CO.

The bill (S. 309) for the relief of R. G. Huston & Co. was considered as in Committee of the Whole. It provides for the payment to R. G. Huston and John B. Neely, partners as R. G. Huston & Co., \$7,572.48, for replacing earth and material washed away from the levees from Milton to Raleigh, in the State of Louisiana, by the extraordinary floods of February, 1883, the same being in full payment for all extra work done by them in connection with their contract with the United States under date of October 3, 1882.

Mr. CALL. I should like the Senator reporting that bill to explain it.

Mr. SPOONER. The report is somewhat lengthy, but I can state in a moment what the facts of the case are.

These claimants entered into a contract with the Government for the construction of the works at Raleigh, Wilton, and other levees on the Mississippi River in 1882.

Under the specifications of the contract the contractors were responsible for damages by freshets and floods, but in drawing up the specifications no extraordinary floods were contemplated, nor further damage than by ordinary high water, such as damage by waves and ripples.

The claimants submitted their proposal for the work on the 25th of September, 1882, and the contract was awarded them on the 23d day of October following. Notice of the approval of this contract was not sent until the 9th day of November, 1882, and did not reach them until the 24th of the same month. This delay in giving notice to the contractors

of the approval of the contract prevented the commencement of their operations for at least six weeks. The report shows that—

Immediately upon receiving the notice, Messrs. R. G. Huston & Co. proceeded with the work, employing a large number of men and teams, and continued to prosecute it with diligence and energy and to the entire satisfaction of the Government engineers in charge. During the month of February, 1883, and while a portion of the work was yet unfinished, a sudden and very extraordinary rise of the Mississippi River took place, threatening the destruction of the completed and uncompleted work, whereupon the Government engineer in charge directed Messrs. Huston & Co. to erect certain protection levees, intended to secure not only the uncompleted work but especially the Government work which had been already completed and paid for, which they immediately did, and for that purpose necessarily drew off their force from the levee then in process of construction by them. While the contractors were engaged in erecting the protection levees the river rose so rapidly as to sweep away portions of the protection levee and also of the main levee, which had not been completed, and for the portion of the main levee so swept away, and which the contractors were compelled to rebuild, they asked payment at the same rate as for the rest of the work.

It is stated by Colonel Marshall that the quantity of material which the contractors were thus obliged to replace, and which was not paid for, amounted to 31,552 cubic yards, amounting to \$7,572.48. Colonel Marshall says:

The contractors did everything in their power to prevent loss by floods, working a large force by day and night. The damage could not have been foreseen or provided against, and in my opinion they can not equitably be held responsible for this loss.

The flood was almost unprecedented. Colonel Marshall further says: I have no hesitation in advising the justice of payment for the first item, \$7,572.48.

The Second Comptroller of the Treasury, considering the matter, said:

If not restricted by the express terms of the contract, I should deem that the circumstances afforded strong reasons for allowing for the work so nearly completed, and I think it to be regretted that the interests of the contractors were not more carefully guarded in preparing the contract.

This claim was considered carefully by Senator Jackson, as a sub-committee of the Committee on Claims, but was reported by him to the full committee before his resignation. He returned the bill and accompanying papers to the committee-room, with a draught of report on the case, which coincides with the recommendation of the committee.

It is asking too much of these claimants to ask them to stand loss occasioned by such a flood under the circumstances.

There were some items in this claim which were disallowed, but the item for which the appropriation is proposed is that recommended by the Engineer Department, and is one to which the committee could see no just objection.

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

LUCINDA M'GUIRE.

The bill (S. 102) for the relief of Lucinda McGuire was considered as in Committee of the Whole. It proposes to pay to Lucinda McGuire, of Memphis, Tenn., \$10,260, in full compensation for the use of her premises, Nos. 195 and 197 Main street, in the city of Memphis, from March 24, 1863, until June 1, 1865.

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

CHARLES MURPHY.

The bill (S. 660) for the relief of Charles Murphy was considered as in Committee of the Whole. By its terms the Secretary of the Treasury is to adjust and settle, on the principles of equity, the claims of Charles Murphy arising under his contract with the United States for the supply of material for the erection of the appraiser's stores at San Francisco, Cal., and the money necessary to pay the amount found due is appropriated, not exceeding \$3,000.

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

SUPERINTENDENT OF INDIAN SCHOOLS.

The consideration of the bill (S. 1227) authorizing the appointment of a superintendent of Indian schools and prescribing his duties was resumed as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, which was, at the beginning of section 3 to strike out "the said superintendent shall have power" and insert "it shall be the duty of said superintendent;" after the word "discharge," at the end of line 3, to insert "superintendents;" and in line 4, after the words "teachers and," to insert "any other person connected with such schools and;" so as to make the section read:

SEC. 3. It shall be the duty of said superintendent, subject to the approval of the Secretary of the Interior, to employ and discharge superintendents, teachers, and any other person connected with such schools, and to make such rules and regulations for the conduct of the schools as in his judgment the good of such schools may require. He shall embody in detail his doings under this section, with the reasons for his action in each case, in his annual report to Congress.

The amendment was agreed to.

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

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

TIMBER ON MENOMONEE RESERVATION.

The bill (S. 358) to authorize the sale of timber on certain lands reserved for the use of the Menomonee tribe of Indians, in the State of Wisconsin, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, in section 4, line 9, after the word "President," to strike out "with the assent of the chiefs and headmen of said tribe;" so as to make the section read:

SEC. 4. That the sum of \$5,000, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of the expenses of survey, appraisal, and sale thereof, which expenses shall be reimbursed to the Treasury of the United States from the first proceeds of the sale of timber as hereinbefore provided that the residue of such proceeds shall be paid to or funded for the benefit of said tribe, in such manner as the President may determine.

The amendment was agreed to.

Mr. DAWES. I offer another amendment, on the second page, in section 1, lines 14 and 15, to strike out the words in parentheses and insert in place thereof the words:

Which shall not be less than \$4 per thousand feet, board measure.

The PRESIDENT *pro tempore*. The proposed amendment will be read from the desk.

The CHIEF CLERK. Section 1, line 14, after the word "lot," it is proposed to strike out the words in parentheses, as follows:

(Except as herein provided, which exception shall be stated in the appraisal.)

And insert in lieu thereof:

Which shall not be less than \$4 per thousand feet, board measure.

So as to read:

Such appraisal shall state the quality, quantity, and value of the pine timber growing or being on each lot (which shall not be less than \$4 per thousand feet, board measure), and shall be returned at the land office at Menasha, Wis., and shall be subject to public inspection for at least sixty days before the day appointed for the sale of said timber as herein provided.

The amendment was agreed to.

Mr. DAWES. I move to strike out the fifth section.

The PRESIDENT *pro tempore*. The words proposed to be stricken out will be read.

The CHIEF CLERK. It is proposed to strike out section 5 in the following words:

SEC. 5. That this act shall be and remain inoperative until full and satisfactory evidence shall have been placed on the files of the office of the Commissioner of Indian Affairs that the sales of timber herein authorized have the sanction of the tribe, evidenced by orders or agreement taken in full council.

The amendment was agreed to.

Mr. COCKRELL. What is the object of that last amendment?

Mr. DAWES. It was once thought best by the committee that it should be left to the Indians to say what disposition should be made of the timber on their land. It is thought that it would be better to have that done by the discretion of the President and the Secretary of the Interior.

The title of these Indians to this land is very peculiar. It is perhaps worth while to call attention to it. I do not know that I have ever noticed such a title anywhere. They had a large tract of land in Wisconsin which they ceded to the United States, and the United States in exchange ceded them this land. My eye does not fall on the words at this moment, but they are these, "to be held by such title as Indian lands are held." That was the treaty. Then they made another treaty in which they distinctly subjected themselves, in the management of their whole reservation, to the President of the United States. After having taken a title which is such as Indians usually hold, they then agreed to submit the whole management to the President of the United States, and that renders it unnecessary to do anything but what Congress and the President shall deem wise.

Mr. CALL. I should be glad to know from the chairman of the Committee on Indian Affairs whether the Indians are satisfied with the proposed arrangement.

Mr. DAWES. The Indians are desirous of disposing of this timber. It is very important, in the opinion of everybody, that it should be disposed of. The chiefs of the tribe, however, desire to manage their own affairs, and have the money put into their hands. It is not thought to be wise that it should be done so; but this bill provides that it shall be put in the Treasury to be disposed of for their benefit under the direction of the President and the Secretary of the Interior. That is the only difference. I think the Indians as a body approve of this, but the chiefs of the tribe cling to the old idea of managing the affairs themselves.

Mr. CALL. I ask also whether the bill authorizes establishments to be set up for the manufacture of lumber?

Mr. COCKRELL. That is satisfactorily provided for.

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.

COL. JAMES C. DUANE.

The bill (S. 45) for the relief of Col. James C. Duane, was considered as in Committee of the Whole. It proposes to appropriate \$648 to reimburse Col. James C. Duane, brevet brigadier-general, for losses in

curred in his office as engineer of the third light-house district through the forgeries committed by a clerk in his office, Henry J. Buete (who has fled the country), in raising his official checks to amounts greater than those for which they were drawn and signed, between the 1st day of January and the 23d day of June, 1879, without any negligence or fault on the part of the said Colonel Duane.

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

HEIRS OF PETER DELLA TORRE.

The bill (S. 498) for the relief of Frank Della Torre and Susan F. Della Torre, heirs of Peter Della Torre, deceased, was announced as next in order.

Mr. COCKRELL. I object to that and the succeeding bill. We can not discuss them under the five-minute rule.

Mr. STEWART. I think we can dispose of the Della Torre bill and the other one, too. I hope the Senator will not object to the Della Torre bill. If I am given one moment, I think I can satisfy the Senate as to the facts.

The PRESIDENT *pro tempore*. The bill, being objected to, goes over.

Mr. COCKRELL. One bill proposes to pay the heirs of a United States district attorney in California for services in 1856 and 1857, \$50,000, an absolute payment of \$50,000 for extraordinary services for doing his duty. We can not discuss that within the limit of five minutes.

Mr. STEWART. That is not the proposition in the committee's amendment. Will the Senator allow the amendment to be read and let me say one word, and then he can object if he chooses?

Mr. COCKRELL. Let me understand. Here is Senate bill 498 reported by the Senator from Nevada [Mr. STEWART] "without amendment," proposing to give \$50,000.

Mr. STEWART. No; "with an amendment."

Mr. COCKRELL. "Without amendment," the print before me says.

Mr. STEWART. Let the amendment be read.

Mr. COCKRELL. I want to show what we have on our Calendar. We have Senate bill 498 reported by the Senator from Nevada [Mr. STEWART] "without amendment."

Mr. STEWART. I ask the Senator—

The PRESIDENT *pro tempore*. Senators will pause. Does the Senator from Missouri object?

Mr. STEWART. I ask the Senator from Missouri—

The PRESIDENT *pro tempore*. Does the Senator from Missouri object to the consideration of the bill?

Mr. STEWART. Will the Senator from Missouri allow me a word?

Mr. COCKRELL. One moment.

Mr. STEWART. Will the Senator from Missouri give me his attention?

Mr. COCKRELL. I will in a moment.

The PRESIDENT *pro tempore*. Does the Senator from Missouri object to the consideration of the bill?

Mr. COCKRELL. When I make an explanation.

The PRESIDENT *pro tempore*. That can not be allowed.

Mr. COCKRELL. Then I object.

Mr. STEWART. Will the Senator from Missouri allow the amendment proposed by the committee to be read? I do not like to have the bill denounced in this way.

Mr. COCKRELL. If the Chair had permitted me to make an explanation, I should have made it; but if I can not make it, I object to the consideration of the bill.

The PRESIDENT *pro tempore*. The Chair is bound to enforce the rule.

Mr. STEWART. The committee has reported an amendment.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. HARRIS. If the bill is objected to, I insist on the regular order.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks for the regular order. The next order of business will be stated.

Mr. STEWART. I do not think it is fair in objecting to a bill to make an erroneous statement without knowing the facts of the case. If the Senator objects, we have to submit to that under the rule; but I object to an argument being made when it can not be replied to. I ask that the amendment reported by the committee be read. This bill does not propose to pay \$50,000. It proposes to refer the matter to the Department of Justice to ascertain the amount due, not exceeding \$10,000, not for services as district attorney, but for services outside of his office, which he performed at the request of the Attorney-General, and which the Attorney-General said he ought to be paid for. Both Attorneys-General Stanton and Black said he ought to be paid a much larger sum than is provided in this bill, for it is limited to \$10,000. I think it is fair to allow the amendment of the committee to be read before objection is made.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be stated.

Order of Business No. 62, being the bill (S. 670) to increase the efficiency of the infantry branch of the Army, was announced as next in order.

Mr. MANDERSON. What has become of Order of Business No. 60?

The PRESIDENT *pro tempore*. It was objected to.

Mr. MANDERSON. I did not understand that there was any objection to Order of Business No. 60.

The PRESIDENT *pro tempore*. The Senator from Missouri—

Mr. COCKRELL. I have not entered any objection to what has not been called.

Mr. MANDERSON. I ask that it be reported. It is next in order.

Mr. SPOONER. I ask unanimous consent that Order of Business No. 59 may be gone through with. I think the Senator from Missouri [Mr. COCKRELL] was perhaps laboring under a misapprehension.

The PRESIDENT *pro tempore*. The Senator from Missouri stated that he objected to Orders of Business 59 and 60, and under that objection the Chair announced that they were passed over.

Mr. COCKRELL. My Calendar shows, as my red mark on the Calendar before me indicates, "Order of Business 59." I did not intend to object to Order of Business 60. Let that be called.

Mr. SPOONER. Does the Senator from Missouri object to Order of Business 59?

Mr. COCKRELL. I have objected to it, and shall object to it until I can get the floor. When I can get the floor I will give my reasons.

Mr. MANDERSON. I ask that Order of Business No. 60 be considered.

The PRESIDENT *pro tempore*. It will be stated.

W. L. PARVIN AND H. A. GREENE.

Order of Business No. 60, being the bill (S. 180) for the relief of Washington L. Parvin and Henry A. Greene, was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to consider it. It proposes to make it the duty of the proper accounting officers of the Treasury to examine and determine the amounts justly due Washington L. Parvin for expenses incurred by him in recruiting, transporting, and subsisting Company F, First Regiment California Infantry Volunteers, in the year 1861, in the State of California; also what is justly due Henry A. Greene for expenses incurred by him in recruiting, transporting, and subsisting Company G, First Regiment California Infantry Volunteers, in the year 1861, in the State of California; but in no case shall the amount allowed thereon to Parvin exceed \$991.10, nor shall the amount allowed to Greene exceed \$3,303; and the sums so found to be due shall be paid.

Mr. COCKRELL. When Order of Business No. 59 was called upon the Calendar, Senate bill 498, Report No. 33, I had on my original file of papers that bill "introduced by Mr. PLATT December 12, 1887," and "reported by Mr. STEWART without amendment" on January 12, 1888. That bill as reported without amendment proposed to pay to the heirs \$50,000. On turning over I found "Calendar No. 59, Senate bill 498, Report No. 33, reported January 12, 1888, by Mr. STEWART with an amendment" striking out all after the enacting clause and inserting the parts printed in italics. Both bills appear to have been reported on the same day, one of them without amendment and one of them to strike out all of it and insert.

Mr. STEWART. That is a mistake. I only made one report.

Mr. COCKRELL. I am entitled to the floor. These are the bills themselves here before me. I am not responsible for the mistake that the printer may have made. I supposed they were printed right, and that the bills as printed and laid before us were correct, and therefore I said that here were two bills, and here they are, one to pay \$50,000 and another to pay \$10,000.

Now, as I understand the Senator from Nevada, the first bill was not intended to be reported without amendment, and the second bill was intended to be reported with a substitute proposing to pay \$10,000, or, rather, to authorize the Attorney-General to do it. That is a very different case from the \$50,000 case, and if both bills were here, one to pay \$50,000 and the other to pay \$10,000, I should insist on my objection. At the proper time I shall withdraw my objection.

Mr. MANDERSON. I ask that the bill before the Senate (S. 180) for the relief of Washington L. Parvin and Henry A. Greene be acted on.

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

HEIRS OF PETER DELLA TORRE.

Mr. COCKRELL. I now withdraw my objection to the bill that proposes to allow \$10,000.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 498) for the relief of Frank Della Torre and Susan F. Della Torre, heirs of Peter Della Torre, deceased.

The bill was reported from the Committee on Claims with an amendment to strike out all after the enacting clause and in lieu thereof to insert:

That the Attorney-General be, and is hereby, authorized and required to examine the claim of Frank Della Torre and Susan F. Della Torre, heirs of Peter Della Torre, deceased, for extraordinary services rendered by said Peter Della Torre during the years 1857, 1858, and 1859, while United States district attorney for the State of California, in defending the title of the United States to public lands in said State against fraudulent claims under pretended Mexican grants, and allow to the heirs of said Peter Della Torre what said extraordinary services were reasonably worth, not exceeding the sum of \$10,000; and whatever sum shall be found due on such examination shall be paid to said heirs out of any money in the Treasury of the United States not otherwise appropriated.

Mr. STEWART. Let me say a word, in explanation, as the report is somewhat long.

Mr. Della Torre was district attorney during most of the time when the board of land commissioners was in operation in California. It was not his duty to appear before that board. The Attorney-General, Mr. Black, asked him to attend to the Government interests. A large number of fraudulent claims were presented. He was a very intelligent and competent man, one of the best officers we ever had on the Pacific Coast. He understood the Spanish language, and was peculiarly fitted for the duty. He undertook to perform this service and worked about three years at it thoroughly. The Attorney-General did not pay him at the time, giving as an excuse therefor that he did not think he had authority to pay it out of the contingent fund, or that the contingent fund was pretty nearly exhausted.

Mr. Stanton also had correspondence with him, as the report shows, and as the record shows, and fully understood the case. I will read a very short letter from Mr. Stanton, which will show his view of the case:

WAR DEPARTMENT, WASHINGTON CITY, January 23, 1867.

DEAR MADAM: Your recent note was duly received. Mr. Bidwell informs me that he has received and filed with the committee a statement of the cases conducted by Colonel Della Torre. I have made an application to the committee to permit me to appear before them and give my testimony in relation to the valuable services of the colonel and the justice of his claim. I shall do all in my power to bring the case to a favorable and speedy termination, and shall not cease in my interest and anxiety for the welfare of yourself and your children.

With sincere regard, I am ever, truly yours,

EDWIN M. STANTON.

MRS. DELLA TORRE.

I need not go into the previous correspondence; it is too lengthy. The bill that was introduced proposed \$50,000. The committee were unable to estimate the value of these services satisfactorily, or to give such explanation as would be likely to secure the passage of the bill. The services at that time of attorneys in California were extremely high. We thought that a bill for a larger amount would be delayed, as it has been already delayed for a generation; and rating it at \$10,000, which would be less than \$5,000 a year for the work done, and leaving it to the Department of Justice to determine what he shall have, not exceeding \$10,000, so as to give some compensation for his services, we thought would be likely to receive the approbation of Congress.

The amendment was agreed to.

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

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

EFFICIENCY OF INFANTRY BRANCH OF ARMY.

The bill (S. 670) to increase the efficiency of the infantry branch of the Army was announced as next in order.

Mr. COCKRELL. I suggest that that will lead to discussion. It had better retain its place on the Calendar.

Mr. MANDERSON. I hope that may be done. I presume it can not be considered under the five-minute rule.

The PRESIDENT *pro tempore*. The bill will retain its place on the Calendar, being passed over.

ROBERT H. MONTGOMERY.

The bill (S. 939) for the relief of Robert H. Montgomery was considered as in Committee of the Whole. It provides that Robert H. Montgomery, captain in the Fifth Regiment of Cavalry, shall be entitled to credit, for all purposes of pay and allowances, for the period of time from the 19th of November, 1863, to the 16th of February, 1865, during which time he was a prisoner of war in the hands of the enemy, the same as though he had actually been in the military service as a second lieutenant of cavalry during that period.

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

FORT PEMBINA. MILITARY RESERVATION.

The bill (S. 1003) granting the right of way to the Duluth and Manitoba Railroad Company across the Fort Pembina military reservation, in Dakota Territory, was considered as in Committee of the Whole.

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

LANDS IN DENVER.

The bill (S. 1157) to correct an error in the description of certain lands entered and patented to the city of Denver, in the State of Colorado, by authority of an act of Congress approved May 21, 1872, was announced as next in order.

Mr. TELLER. That bill may be indefinitely postponed, the House having passed a bill of similar import, and I shall ask the consideration of the House bill.

The bill was postponed indefinitely.

MRS. HETTIE K. PAINTER.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 434) granting a pension to Mrs. Hettie K. Painter. It proposes to place on the pension-roll the name of Mrs. Hettie K. Painter, a volunteer nurse during the late war, at the rate of \$25 per month.

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

DEPOSITORS OF FREEDMAN'S SAVINGS AND TRUST COMPANY.

The bill (S. 1138) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company was announced as next in order.

Mr. COCKRELL. I think that will lead to discussion. It had better retain its place on the Calendar. It is a very important bill.

Mr. SHERMAN. The bill has passed the Senate at least once, when the attention of the Senate was called to it and the facts stated. It is recommended by the Secretary of the Treasury, and by the Comptroller of the Currency, who is also *ex officio* the manager of this fund. I think it is simply an act of justice. I do not think there is any disputed fact connected with it. The whole thing is in the hands of the Government. The Government—I think unwisely; I have always thought it was done unwisely—chartered a corporation under the name of the Freedman's Bank. The persons having charge of the bank, which was looked upon as a kind of Government institution, collected from the freedmen in various parts of the United States large sums of money, which were there deposited. The money was wasted by the managers of the bank, who were, many of them, persons in responsible positions, largely on account of bad investments, making insecure loans, and the like, so that it requires a million dollars to make good the deficiency to the depositors without interest. The matter has been pending here for several years, and finally the Secretary of the Treasury and the Comptroller of the Currency recommended that these ignorant and poor depositors be reimbursed from the Treasury by the Government. It is an act of charity of the highest kind. Nearly all these people lived in the South—all of them, I believe—and they are colored people from almost every city in the South.

I think a general public sentiment throughout those States, so far as I have heard, favors the passage of this bill, and we have had some resolutions in favor of it from public bodies, recommending the appropriation of this sum of money. Any Senator can decide for it or against it on a moment's consideration. All I wish is to have a vote. If I remember aright, the Committee on Finance reported it unanimously, with the exception of the Senator from Tennessee [Mr. HARRIS]. At any rate, we all agreed that the money ought to be paid. That is all there is of it.

Mr. VEST. I have supported some such bill before, but I do not know that I shall do so now. There is one expression in this bill that in my judgment controls its entire operation, and that is the use of the words "legal representatives." If I believed this money would go to the poor depositors, the deceived and deluded negroes, no man would vote for it more readily; but in my judgment, from what I have seen in regard to claims of this class, I believe this money will not go to the negroes, but will go to the speculators, who have bought up the claims and are urging the bill to a passage.

Mr. SHERMAN. If the Senator will draw an amendment in stronger language than the bill employs against the misapplication of the money, I shall be glad to accept it. The Committee on Finance have expressly provided that no assignment shall be regarded as valid, and if you can express the idea of the words "legal representatives" in a more limited way than we have done, I shall be glad to accept the amendment.

I say now, to place it on the record, that the object of this bill is to reimburse the persons who trusted the Freedman's Bank, not any assignee, not any speculator, not any purchaser of claims; and if the language of the bill is not strong enough on that point, I should be glad to have the Senator take the bill and make it stronger, because I certainly would not pay to any assignee or any other persons except the depositor a single dollar.

Mr. VEST. I do not know that any language I could use would improve the bill; but I know very well that these claims have been purchased by claim agents in the city of Washington, who are urging that this bill should be passed as an act of justice on the part of the Government. We all know how these things go on. I have an impression in regard to where the money will go, and therefore I am opposed to the bill.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Missouri [Mr. COCKRELL] to object to the consideration of the bill.

Mr. COCKRELL. I think it will lead to debate, and I must therefore object.

The PRESIDENT *pro tempore*. The bill will be passed over.

Mr. COCKRELL. I have no objection to its retaining its place on the Calendar.

Mr. SHERMAN. The objection I suppose carries it over.

Mr. EVARTS. If the Senator from Missouri who last addressed us will permit me to make a single observation, I suppose we should all feel that the benefit of this bill should go to those who suffered and their personal representatives, those who succeed them, and not to any agent. If the words "legal representatives" are thought to include possible assignees, the use of the words "personal representatives" would answer the purpose.

Mr. SHERMAN. But there is an express clause in the bill excluding assignees.

Mr. VEST. As a lawyer I suppose the words "legal representatives" would include any assignee, any person who came with a power of attorney.

Mr. EVARTS. But "personal representatives" would not.
Mr. VEST. "Personal representatives" would not do it.

Mr. EVARTS. I move to substitute "personal," and then we can pass the bill.

Mr. VEST. I should vote for that.

The PRESIDENT *pro tempore*. The bill goes over under objection.

Mr. SHERMAN. Without losing its place on the Calendar?

The PRESIDENT *pro tempore*. The bill retains its place on the Calendar.

Mr. SHERMAN. I hope the proposed amendment of the Senator from New York will be noted, and I will look at it, to insert "personal representatives" instead of "legal representatives."

BESSIE S. GILMORE.

The bill (S. 352) for the relief of Bessie S. Gilmore was considered as in Committee of the Whole. It proposes to direct the Secretary of the Treasury to redeem certain United States 5 per cent. coupon bonds in favor of Bessie S. Gilmore, who claims to have been the owner thereof on September 14, 1876, at which time it is alleged they were stolen from her, and who further claims that they were afterward destroyed by the thief or thieves, upon Bessie S. Gilmore furnishing to the Treasury Department a bond of indemnity, with good and sufficient sureties, subject to the approval of the Secretary of the Treasury, to secure the United States against loss or damage in consequence of the redemption of the bonds.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. SHERMAN January 17, 1888:

The Committee on Finance, to which was referred the bill (S. 352) for the relief of Bessie S. Gilmore, respectfully reports:

That it is clearly shown by the papers on file that Mrs. Bessie S. Gilmore was the owner of the bonds described in the bill, amounting to \$2,000; that they were in her possession on board the Bremen steamer Neckar in September, 1876; that while on the voyage they were either lost or stolen and have never been recovered; that active efforts were made by the officers of the boat, by the police officers on the arrival of the steamer at Bremen, and by the German authorities to recover the bonds, without success; and that all the circumstances indicate that the bonds were destroyed to avoid detection. They were called in due course by the Treasury Department prior to July 1, 1881, but neither bonds nor coupons have been presented. Mrs. Gilmore applied to the Treasury Department for relief under existing law on or about June, 1880, and established to the satisfaction of the Comptroller her ownership of the bonds and their loss. The Comptroller adds:

"It does not sufficiently appear that these bonds, or any of them, are destroyed. Under the provisions of the Revised Statutes, sections 3702, 3703, and 3704, no relief in the present condition of the case can be granted to Mrs. Gilmore. Whenever the bonds have been outstanding a sufficient length of time it is probable that she may obtain relief from Congress."

More than four years having elapsed since the date of the Comptroller's report, and it appearing that neither bonds nor coupons have been presented for payment, and it being clearly established that the claimant has a right to the bonds and the proceeds, your committee is of the opinion that she is entitled to relief by the payment of the amount of the bonds and the coupons maturing to the date of the call, upon her furnishing to the Treasury Department a bond of indemnity in the usual form.

Your committee therefore recommends the passage of the bill with an amendment in the nature of a substitute more accurately describing the bonds.

Mr. COCKRELL. I believe it was in the Forty-fourth Congress that a case similar to this came before the Committee on Finance and was reported adversely. In that or the succeeding Congress a similar bill was referred to the Committee on Claims, of which I was then a member, and I made an adverse report on it. I think this is a very dangerous class of legislation. Coupon bonds may pass by delivery just as greenbacks do, and there are instances now on record in the Treasury Department where the loss or supposed destruction of bonds has been satisfactorily proved apparently, and the law now provides that where they are totally destroyed and the owners can make the proper proof before the Treasury Department they may get payment. I say that where proof has been made, yet the bonds have afterwards turned up and been presented to the Treasury Department. It opens a wide door for fraud and false swearing in every direction.

I am opposed to the principle involved in this bill. I do not think the United States should pay any of these bonds which have been lost, any more than they should pay for lost legal-tender notes. There is no obligation on the Government, and it is dangerous because proof can be made. It is easy to make proof that a person had certain bonds. The securities in the course of a few years will be scattered or dead, and the United States will have no recourse. The bonds may be presented twenty or thirty years hereafter. They may be laid aside purposely until all the securities have died. It opens a wide door for fraud.

Mr. JONES, of Arkansas. I ask the Senator in charge of the bill from the committee if the Treasury Department has been consulted in regard to the propriety of redeeming these bonds?

Mr. SHERMAN. In this case not only does the Department recommend it, but the Comptroller at the time—I have forgotten who it was—six or seven years ago, thought the case came very nearly within the general law as it stood, but in this case the claimant was not able to show the actual destruction of the bonds by fire or the like, and the Comptroller thought that the lapse of time would show that they had been probably destroyed. This bill received the approval of the Treasury Department, and also passed the Senate at the last Congress.

I do not think with the Senator from Missouri that the Government

of the United States ought to refuse to pay bonds when there is a moral certainty that they have been lost or destroyed. Any citizen of the United States might be compelled in any tribunal of the United States to pay these bonds if they were his, under the precise circumstances given here, and the United States ought not to shield itself behind the uncertain proof of the loss of these securities and avoid payment.

Mr. COCKRELL. Will the Senator permit a question?

Mr. SHERMAN. Yes.

Mr. COCKRELL. Could not this party have gone into court after the bonds were called and sue for the money?

Mr. SHERMAN. Not at all.

Mr. COCKRELL. Why not?

Mr. SHERMAN. The law expressly forbids it.

Mr. COCKRELL. I have never seen such a law. I should like the Senator to show it.

Mr. SHERMAN. If this was against a private person—if these bonds were issued by the Senator from Missouri—the owner might sue him and make him pay them; but the Government can not be sued on a question of this kind.

Mr. COCKRELL. In the Court of Claims on any contract of the United States suit can be brought.

Mr. SHERMAN. Not in this case. A suit can not be brought for bonds. There are dozens of cases of the kind. This is a case where a lady traveling with these bonds to pay her expenses, lost them in a steamer sixteen years ago—in 1871. They were five-twentieths, and were subsequently called, and neither bonds nor coupons have ever been produced, and she has lost this money and been without it from that time to this. She has also lost the interest, as a matter of course, ever since the date of the call.

It seems to me that under the circumstances the Government of the United States ought to pay this money on its bonds that are lost, taking such security as may be reasonable, and the bill requires that before she can get the money she has to give ample security to the United States to pay back any damage that may be done to the United States by the payment of these bonds to her.

I believe but one case has ever occurred where bonds supposed to be lost under these circumstances were finally presented, but there it was very easy to recover upon the bond required by the Government before payment was made.

I think it is a clear case of equity and that we ought not to refuse to pay this money. All I wish is a vote.

Mr. COCKRELL. I move to amend by inserting, in line 27, "double the amount of the face of said bonds."

Mr. SHERMAN. I have no objection. She can give bond in five times the amount—any bond that is desired.

Mr. COCKRELL. Then I move to insert, in line 27, after the words "a bond of indemnity," the words "in double the amount of the face of said bonds."

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. In line 27, after the word "indemnity," it is proposed to insert—

In double the amount of the face of said bonds.

Mr. COCKRELL. Mr. President—

Mr. SAULSBURY. The Senator will allow me to make a statement. It is provided that the bond of indemnity shall be double the amount of the face of the bonds lost. How much interest has accrued?

Mr. COCKRELL. Interest stopped when the bonds were called in.

Mr. SHERMAN. The calling in stopped the payment of coupons. The coupons may have been attached.

Mr. COCKRELL. I was very much astonished at the statement of the Senator from Ohio. I read section 1059 of the Revised Statutes:

SEC. 1059. The Court of Claims shall have jurisdiction to hear and determine the following matters:

First. All claims founded upon any law of Congress, or upon any regulation of an Executive Department, or upon any contract, expressed or implied, with the Government of the United States, and all claims which may be referred to it by either House of Congress.

There can be no question that the Court of Claims has jurisdiction, and if these bonds have been lost, it would be the tribunal in which to establish that fact, not by *ex parte* evidence, as in this case, but by competent legal testimony, subject to cross-examination. If the party was to go into the Court of Claims, and the Court of Claims was to decide that it did not have jurisdiction, and Congress was the only hope of relief, it would be different. These bonds are due. If they are due they are like any other contract.

Mr. SHERMAN. I am not able to turn to the statute, but I am sure there is no question about that. The law provides when these bonds may be paid by the Secretary of the Treasury. There is no authority to sue on a bond of the United States that has been lost or destroyed. In that respect the law is defective, because we have several times proposed to make a general law on the subject, and did pass a law authorizing the Secretary of the Treasury to act in certain cases where the proof of destruction of the bond was absolute and conclusive. In that case he can act, but in all other cases a bill must be presented to Congress. I can not turn at once to the law, but there is no doubt about it. We have had case after case pending before us.

Mr. COCKRELL. If the mere loss of the bond prevents the bring-

ng of an action in the Court of Claims, then we should by a general law remove that objection and let the parties go to the Court of Claims.

Mr. SHERMAN. That would be proper enough, perhaps.

Mr. COCKRELL. I shall therefore be compelled for the present to object to this until such a bill as that can be prepared; and let us pass a general law and get these cases out of Congress. It is not the place for them.

Mr. SHERMAN. We pass such bills every session, and the Senator now denies justice to this poor woman who has waited sixteen years for her money. Congress will never pass such a law as he suggests. I would not vote for such a law, because I think cases of this kind should be brought to Congress unless the law specially provides some other way. It would not be safe.

Mr. COCKRELL. In other words, it is safe to trust Congress to pass a bill upon *ex parte* testimony of the claimants and their friends and relatives, and not safe to trust the Court of Claims for these same parties to go in and bring suit, and the United States with the Attorney-General and his assistants to appear there and cross-examine them and make them introduce competent legal testimony to establish the loss or destruction of a bond and the ownership of it.

The PRESIDENT *pro tempore*. The Chair reminds Senators that this debate is by unanimous consent. The consideration of the bill has been objected to.

Mr. COCKRELL. Let the bill retain its place on the Calendar for the present.

The PRESIDENT *pro tempore*. The bill will be passed over, retaining its place on the Calendar.

LANDS IN DENVER.

Mr. TELLER. I asked awhile ago to have Order of Business 65, being the bill (S. 1157) to correct an error in the description of certain lands entered and patented to the city of Denver, in the State of Colorado, by authority of an act of Congress approved May 21, 1872, indefinitely postponed. I ask unanimous consent that that bill be placed back on the Calendar.

The PRESIDENT *pro tempore*. The order by which the bill was indefinitely postponed will be reconsidered, if there be no objection, and the bill restored in its place on the Calendar.

Mr. PLUMB. The desire of the Senator from Colorado is that the bill may be informally placed on the Calendar, subject to be called up again.

The PRESIDENT *pro tempore*. That was the order.

Mr. TELLER. I ask now that we take up Senate bill 1157, and substitute for it the House bill reported to-day by the Committee on Public Lands.

The PRESIDENT *pro tempore*. Order of Business 65, being the bill (S. 1157) to correct an error in the description of certain lands entered and patented to the city of Denver, in the State of Colorado, by authority of an act of Congress approved May 21, 1872, having been passed over, the Senator from Colorado asks that the Senate now proceed to consider the same.

The Chair hears no objection.

Mr. TELLER. I desire to substitute the House bill, which is in the hands of the Secretary, for the Senate bill.

The PRESIDENT *pro tempore*. Is the House bill on the Calendar?

Mr. TELLER. No, sir; but it was reported this morning from the Committee on Public Lands. It is the bill (H. R. 3300) to amend an act to enable the city of Denver to purchase certain lands for cemetery purposes, reported with amendments.

The PRESIDENT *pro tempore*. The Senator from Colorado asks that this bill be considered in lieu of Senate bill 1157?

Mr. TELLER. Yes, sir.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider House bill 3300.

The preamble recites that at the second session of the Forty-second Congress an act approved May 21, 1872, entitled "An act to enable the city of Denver to purchase certain lands in Colorado for a cemetery," erroneously describes a tract of land as the northwest quarter of the southwest quarter of section 1 and the north half of the southeast quarter of section 2 and the southwest quarter of the southeast quarter of section 2, township 4 south, range 68 west, sixth principal meridian; and that Denver City has paid for and received a patent for the northwest quarter of the southwest quarter of section 1 and the north half of the southeast quarter of section 2 and the southwest quarter of the northeast quarter of section 2, township 4 south, range 68 west, sixth principal meridian, which latter description is correct, and in accordance with the land actually occupied by the city for a cemetery. The bill therefore proposes that the act of May 21, 1872, shall be amended by striking out the words "the southwest quarter of the southeast quarter" and inserting in lieu thereof "the southwest quarter of the northeast quarter," so that the description of the land shall read: "The northwest quarter of the southwest quarter of section 1 and the north half of the southeast quarter of section 2 and the southwest quarter of the northeast quarter of section 2, township 4 south, range 68 west of the sixth principal meridian."

The first amendment of the Committee on Public Lands was in sec-

tion 2, line 14, after the word "grounds," to strike out "and for such other legitimate and proper purposes;" so as to read:

That the said city of Denver be, and it is hereby, authorized to vacate the use of the said land, or any portion thereof, as a cemetery, and to appropriate and use the same or any part thereof for a public park or grounds, as the corporate authorities of the said city of Denver may hereafter determine.

The amendment was agreed to.

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

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. It is proposed to add to the bill:

SEC. 3. That all selections of land as school indemnity in the State of Colorado may be made in quantities equal to the loss of school lands or deficiency therein, and anywhere in the land district in which the bases of selection are situated: *Provided*, That if non-mineral vacant public lands are not obtained for such indemnity in the district in which the bases are situated, the selections may be made in any land district in the State containing such lands and in subdivisions of 40 acres or more.

SEC. 4. That selections of the school indemnity heretofore made in the State of Colorado under the provisions of the seventh section of an act entitled "An act to enable the people of Colorado to form a constitution and State government, and for the admission of said State into the Union on an equal footing with the original States," approved March 3, 1875, and sections 2275 and 2276 of the United States Revised Statutes, which have been suspended by the Commissioner of the General Land Office because not made in tracts of not more than one quarter-section, and as "contiguous as may be" to the bases of the same, as required by the said section of the said act of 1875, are hereby confirmed to the extent that they shall be found valid in all other respects, and it shall be the duty of the said Commissioner and the Secretary of the Interior to cause them to be approved and certified as by law provided in other cases of school selections.

SEC. 5. That said State shall be allowed to select lands in lieu of the sixteenth and thirty-sixth sections in patented private land claims and the Ute Indian reservations within said State of Colorado, comprehended in an act entitled "An act to accept and ratify the agreement submitted by the confederate bands of Ute Indians in Colorado, for the sale of their reservation in the said State, and for other purposes, and to make the necessary appropriations for carrying out the same," approved June 15, 1880.

SEC. 6. That it shall be the duty of the Secretary of the Interior, without awaiting the extension of the public surveys, to ascertain and determine, by protraction or otherwise, the number of townships that will be included within the late Ute Indian reservation in the State of Colorado, and thereupon the State shall be entitled to select indemnity lands to the extent of two sections for each of said townships, for school purposes, in any land districts in the State: *Provided*, That said selections shall not be made within the boundaries of said reservation, and in subdivisions of not less than 160 acres.

SEC. 7. That upon a determination by the Interior Department that a portion of the smallest legal subdivision in a section numbered 16 or 36 in Colorado is mineral land, and that the United States was not divested of its title thereto in its entirety by the grant to the State for schools, the State shall be allowed to select indemnity for the entire section subdivision under the act entitled "An act to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands," and for other purposes, approved April 2, 1884, and thereupon the subdivisions mentioned, or such portions of them as remain after segregation of the mineral lands or claims, shall be treated as other public lands of the United States.

Mr. COCKRELL. I ask the Senator from Colorado if that amendment is precisely the same bill that the Committee on Public Lands passed on favorably.

Mr. TELLER. It is *verbatim*. There is no change whatever in it. It has the unanimous approval of the committee, and the Senator himself looked at it with me.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

The PRESIDENT *pro tempore*. The question is on agreeing to the preamble.

The preamble was agreed to.

On motion of Mr. TELLER, the title was amended so as to read:

A bill to enable the State of Colorado to select indemnity lands, and for other purposes.

The PRESIDENT *pro tempore*. The bill (S. 1157) to correct an error in the description of certain lands entered and patented to the city of Denver, in the State of Colorado, by authority of an act of Congress approved May 21, 1872, will be indefinitely postponed.

BATTLE-GROUNDS IN MAUMEE VALLEY.

The bill (S. 354) to provide for the survey of certain historic grounds, locations, and military works was considered as in Committee of the Whole. It proposes to direct the Secretary of War to cause to be made, by an officer of the Engineer Corps, in co-operation with the Maumee Valley Monumental Association, an examination and inspection of each of the following-named historic grounds, locations, and military works:

The burial place on Put-in-Bay Island of the sailors of the Navy in the war of 1812.

Fort Industry, at the mouth of Swan Creek, on the Maumee River.

Fort Miami, on the north and west side of the Maumee River, 7 miles above Fort Industry.

Fort Meigs, and the burial grounds of the soldiers of the war of 1812, near the same, on the south and east bank of the Maumee River, 10 miles above the mouth of Swan Creek.

A suitable portion of the battle-field of Fallen Timber, on the north and west bank of the Maumee River, 4 miles above Fort Meigs, where Anthony Wayne defeated the allied Indian nations under Turkey Foot August 20, 1794.

Fort Defiance, at the confluence of the Auglaize and Maumee Rivers, erected by General Wayne in August, 1794.

Fort Wayne, at Fort Wayne, Ind., at the confluence of the St. Joe and St. Mary's Rivers, which was erected by General Wayne in October, 1794.

A survey and full report shall be made to Congress of the location, situation, and condition of the same, and the amount of grounds necessary for the proper protection and improvement of the works, forts, battle-fields, and burial places in and near the same, as well as the probable cost thereof. One hundred and fifty dollars is appropriated for the expense of the examination and inspection provided for.

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

NATIONAL CEMETERY AT CORINTH, MISS.

The bill (S. 643) to construct a road to the national cemetery at Corinth, Miss., was considered as in Committee of the Whole. It proposes to appropriate \$10,000 for the purpose of constructing a macadamized or gravel road, or a road partly of gravel and partly of stone, from the town of Corinth, Miss., to the national cemetery near that town, to be expended under the direction of the Secretary of War.

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

MILITARY RECORD OF WILLIAM CLARK.

The bill (S. 1118) to remove the charge of desertion from the military record of William Clark, deceased, was considered as in Committee of the Whole. It is a direction to the Secretary of War to remove the charge of desertion standing against the record of William Clark, deceased, who was a private in Company K, Fourteenth Regiment Illinois Volunteer Cavalry, and who died in Andersonville prison on August 9, 1864.

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

LAND IN ST. LOUIS.

The bill (S. 230) donating to city of St. Louis, Mo., a certain strip of land for street purposes was considered as in Committee of the Whole. By its terms a strip of land 57 $\frac{1}{2}$ feet in width, off the south end of the United States marine-hospital tract, in the city of St. Louis, Mo., to connect Second street with Marine avenue, the southern line of the strip being coincident with the southern line of the hospital tract, is donated to the city of St. Louis for street purposes; but whenever the city shall cease to use the strip for street purposes the title to the same shall revert to the United States.

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

HENRY M. RECTOR.

The bill (S. 314) for the relief of Henry M. Rector was considered as in Committee of the Whole. It provides for the payment to Henry M. Rector of \$399.91, being the amount standing to the credit of Rector on the books of the Treasury, as shown by page 162, Executive Document No. 363, first session Forty-ninth Congress.

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

JOHN M'GRATH.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1512) granting an increase of pension to John McGrath. It proposes to place on the pension-roll the name of John McGrath, late a private in Company D, Twenty-third New Jersey Volunteers, at the rate of \$30 per month, in lieu of that which he is now receiving.

Mr. COCKRELL. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. BLODGETT January 18, 1888:

The Committee on Pensions, to whom was referred the petition granting a pension to John McGrath, have examined the same, and report:

The petitioner, who was a private in Company D, Twenty-third New Jersey Volunteers, enlisted August 26, 1862, was mustered in September 13 of the same year, and was discharged February 14, 1863. In his application for a pension, filed February 10, 1879, he claimed that in the fall and winter of 1862 he contracted a severe cold, which settled in his lungs, resulting in incipient consumption, which later became chronic. This claim he substantiated, and was pensioned from February 15, 1863, at \$4 per month, and from March 3, 1880, at \$8 per month. On April 11, 1880, he made application for an increase of pension, on the ground of increased disability. This was granted August 27, 1880, since which time he has received \$16 per month. He now prays for further increase, alleging diseases of heart, kidneys, and liver, and claims to be totally incapacitated for labor.

The reports of the examining surgeons fully substantiate the claims of the petitioner, and after careful examination of other evidence, the committee feels justified in recommending favorable action on his petition and accompanying bill.

Mr. COCKRELL. So far as this report discloses, the last application for increase was in 1880. The Pension Office is very liberal in granting applications for increase of pensions by reason of increased disability; and if there has been no application since 1880 for an increase of the rate of pension allowed in this case by reason of increased disability, the case has no business in Congress. I object, therefore; let it go over.

The PRESIDENT *pro tempore*. The bill goes over under objection.

WILLIAM TABB.

The bill (S. 741) for the relief of William Tabb was considered as in

Committee of the Whole. It provides for payment to William Tabb, of Spotsylvania County, near Fredericksburgh, Virginia, of \$2,149.75, in full for supplies taken from him during the years 1863 and 1864 by and for the use of the United States troops.

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

SEMON BACHE & CO.

The bill (S. 576) for the relief of Semon Bache & Co. was considered as in Committee of the Whole. It proposes to pay to Semon Bache & Co., of New York, \$3,562.56, for the purpose of refunding the duty paid by that firm upon glass from imported stock furnished to the National Museum and the New Orleans, Louisville, and Cincinnati expositions for exhibition cases.

Mr. COCKRELL. I ask the Senator making the report if there was a deduction from the price charged the Government and paid for this glass of the amount of this tax? Did these parties receive full compensation for the glass with the tariff duty added?

Mr. HOAR. They did not, as I understand.

Mr. EVARTS. I can answer that question. It is a perfectly plain debt on the part of the United States, and it has never been disputed. The Government were in immediate need of the glass, and this importing house had the glass desired, which had paid duty. The United States never pays duty, and if it had ordered this glass it would have been imported free. This is the short price without the duty added, and the merchants having paid the Government the duty, it has come around so as to need an application in order to refund it. I can only regret that it can not be refunded with interest, because the importers are losing the interest for three or four years upon the intricacy, if it be that, in the repayment of the money.

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

CLAIMS OF STATES.

The bill (S. 1057) to settle and adjust the claims of any State for expenses incurred by it in defense of the United States was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 1, after the word "that," to strike out "the proper accounting officers" and insert "Secretary;" and in line 4, before the word "hereby," to strike out "they are" and insert "he is;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to audit and report to Congress the costs, charges, and expenses properly incurred by any State for enrolling, subsisting, clothing, arming, equipping, supplying, paying, and transporting its troops, commissioned or enlisted, for the purpose of aiding to suppress the late insurrection against the United States.

The amendment was agreed to.

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

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

PAYMASTER JAMES E. TOLFREE.

The bill (S. 868) for the relief of Paymaster James E. Tolfree, United States Navy, was considered as in Committee of the Whole. It provides for paying to James E. Tolfree, paymaster United States Navy, \$4,000, in full for all losses of both Government and personal property incurred by him by reason of the destruction by fire of the Windsor House, at Yokohama, Japan, on the morning of February 8, 1886.

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

CHARLES BLAKE.

The bill (S. 882) for the relief of Pay Clerk Charles Blake, United States Navy, was considered as in Committee of the Whole. It proposes to pay to Charles Blake, pay clerk, United States Navy, \$700, in full of all losses of personal property incurred by him by reason of the destruction by fire of the Windsor House, at Yokohama, Japan, on the morning of February 8, 1886.

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

PAY AND RETIREMENT OF MATES IN THE NAVY.

The bill (S. 744) relating to the pay and retirement of the mates in the Navy was considered as in Committee of the Whole.

The bill was reported by the Committee on Military Affairs with an amendment, in section 1, line 5, before the word "officers," to strike out "thirty-seven" and insert "thirty-four," so as to make the section read:

That the law regulating the pay and retirement of warrant officers in the Navy shall be construed to apply to the thirty-four officers serving as mates in the Navy.

The amendment was agreed to.

Mr. COCKRELL. I should thank the Senator making this report to explain the necessity of this bill and the change it makes in the existing law.

Mr. CHANDLER. There are now thirty-four mates in the Navy who are not entitled to retirement under the existing law. So they stand upon the active-list of the Navy. This bill simply provides that they

may be retired with the pay of warrant officers—boatswains and carpenters.

Mr. COCKRELL. What is the difference between the pay of warrant officers and the pay of mates?

Mr. CHANDLER. The pay of warrant officers is larger than the present pay of the mates.

Mr. COCKRELL. Then why shall these men be retired on a higher pay than they now receive?

Mr. CHANDLER. They are a meritorious class of officers. They have all of them served faithfully. There can be no additional appointments. The position which they have occupied in the service is one entitling them, as is thought by those familiar with the service, to as favorable treatment as retired warrant officers receive. And therefore it was thought by the committee that these officers might judiciously and fairly be placed upon the retired-list upon as favorable terms as the warrant officers.

Mr. COCKRELL. Why should they not be on as favorable terms as the warrant officers who are retired as warrant officers if these men are retired as mates?

Mr. CHANDLER. I do not understand the question.

Mr. COCKRELL. The warrant officers are retired upon their rank and pay of warrant officers. Now you take these mates, and instead of retiring them as mates you give them a promotion. The next thing will be application by warrant officers to be retired on higher pay, one grade higher, and so it will go. If this was to retire them on the pay of the grade they held as mates, it would be placing them on an equality with the warrant officers, but it is placing them on a better footing than the warrant officers.

Mr. CHANDLER. No, Mr. President, it is not placing them in any better position than the warrant officers. The retired pay of these mates will be precisely the same, if they are retired under this bill, as the pay of retired boatswains, and carpenters, and sailmakers.

Mr. COCKRELL. I must object to this bill; but I ask that it retain its place on the Calendar until I can look into it.

The PRESIDENT *pro tempore*. The bill will be passed over, retaining its place on the Calendar.

FOURTH INTERNATIONAL PRISON CONGRESS.

The joint resolution (S. R. 29) authorizing the appointment of a delegate to the Fourth International Prison Congress, to meet at St. Petersburg, in the year 1890, was considered as in Committee of the Whole.

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

BRITISH BARK CHANCE.

The bill (S. 1026) for the relief of the owners, officers, and crew of the British bark Chance was considered as in Committee of the Whole. It is a direction to the Secretary of State to draw his requisition upon the Secretary of the Treasury for the payment of \$16,000 to the duly accredited representative of the Government of Great Britain at Washington, to enable that government to pay the same to the owners of the British bark Chance, of the port of Sydney, New South Wales, to indemnify them, and the officers and crew of that bark, for abandoning their whaling voyage in the Arctic Ocean, in the month of September, 1871, and rescuing from shipwreck ninety-six American seamen and transporting them to Honolulu.

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

JABEZ BURCHARD.

The bill (S. 131) for the relief of Jabez Burchard was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with an amendment, in line 10, after the words "in the," to strike out "naval-pension fund" and insert "United States Treasury;" so as to make the bill read:

Be it enacted, etc., That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to allow to Jabez Burchard, assistant engineer on the retired-list of the United States Navy, an amount which, with payments heretofore made to him, will be equal to 75 per cent. of the sea-pay of the grade or rank held by him at the date of his retirement by a naval board of the United States Navy; said amount to be paid out of any money in the United States Treasury not otherwise appropriated, and to take effect from and after the date of his retirement by said naval board.

The amendment was agreed to.

Mr. COCKRELL. I should like to hear the report in that case, or some explanation of the bill.

Mr. CAMERON. A similar bill to this has passed the Senate at four different Congresses—certainly three, and I think four; but failed to receive action in the House of Representatives.

Mr. COCKRELL. It does not seem to increase his rank. I do not understand what the bill is for. It says:

That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to allow to Jabez Burchard, assistant engineer on the retired-list of the United States Navy, an amount which, with payments heretofore made to him, will be equal to 75 per cent. of the sea-pay of the grade or rank held by him at the date of his retirement by a naval board of the United States Navy.

Mr. CAMERON. The report explains it.

Mr. COCKRELL. He wants to get 75 per cent. of sea-pay. I sup-

pose he only received 75 per cent. of shore-pay. Do all officers of this grade when retired get 75 per cent. of sea-pay?

Mr. CAMERON. If put on the retired-list for disability incurred in the service. He was not so placed, but afterwards he proved that the disabilities were incurred in the service, and on the recommendation of the Secretary of the Navy the Senate has passed the bill on three different occasions.

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

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

REPRESENTATIVES OF JAMES W. SCHAUMBURG.

The bill (S. 954) for the relief of the heirs, legal representatives, or legatees of James W. Schaumburg was considered as in Committee of the Whole. It requires the accounting officers of the Treasury to certify to the Secretary of War in favor of the heirs, legal representatives, or devisees of James W. Schaumburg the amount of the pay and allowances of a first lieutenant of dragoons or cavalry, from July 1, 1836, to March 24, 1845; and directs the Secretary of the Treasury to pay to the heirs, legal representatives, or legatees of Schaumburg the amount so certified, after deducting such sums as may have been paid and credited to him on account of such service.

Mr. COCKRELL. Let the report be read, or I should like some explanation of a bill to pay an officer for services rendered from 1836 to 1845.

The PRESIDENT *pro tempore*. The report will be read.

Mr. MITCHELL. Does the Senator insist on the reading of the report?

Mr. COCKRELL. I shall be glad to hear an explanation.

Mr. MITCHELL. A short explanation will take less time than the reading of the report.

Although this is a stale claim, it is, in my judgment, one of merit and justice. There could not have been any greater injustice done under the law than was done to Lieutenant Schaumburg. The proofs fully verify the statements made in the report. Lieutenant Schaumburg was a second lieutenant in the Army stationed at Fort Des Moines, now the capital of the State of Iowa, in 1836. At that time and for a long time prior it had been a custom that had grown up in the War Department that in case an Army officer for any reason desired to have leave of absence for a certain length of time and it was impossible to obtain that leave, by reason of the slow communication, so as to enable him to accomplish his purpose, he could prepare and forward his resignation to the Secretary of War, providing in that letter of resignation that it should be accepted to take effect at a future day specified. It was the custom to accompany that letter of resignation with a private letter requesting that the resignation be not accepted and that leave of absence be granted. That was the practice in the War Department, as is abundantly shown by an order of President Jackson, subsequently issued by the Secretary of War under his direction, doing away with that practice, and by any amount of other evidence.

On the 6th of June, 1836, Second Lieutenant Schaumburg, of the United States Dragoons, obtained information that his father at New Orleans was seriously ill, which was to him a peremptory summons. It was impossible to communicate with the War Department and get leave of absence. He availed himself of the custom that had grown up, good or bad, in the Department, and on that date, June 6, 1836, he sent forward to the Secretary of War a letter of resignation, specifying in that resignation that it should take effect the 1st day of October following. He accompanied that by a private letter giving the reasons why he had sent the letter of resignation and requesting that it be not accepted and asking for leave of absence. That letter reached the War Department on the 26th of June. On the 28th of June of the same year a general order was issued, called Order No. 43, I believe, doing away with this practice, and on the 30th of June, two days afterwards, the Adjutant-General accepted the resignation of Lieutenant Schaumburg and specified in the order that the resignation should take effect one month from that date, on the 30th day of July.

The order, however, in accordance with this practice that had grown up in the Department, provided that all those who were then absent from their posts should have three months within which to return.

The PRESIDENT *pro tempore*. The Senator has spoken five minutes.

Mr. MITCHELL. I ask unanimous consent to finish my statement.

Mr. COCKRELL. I suggest to the Senator that the point I wanted to get at is explained in the report, if he will let the report from the bottom of the first page be read, from the order of June 30, 1836, down to page 2. I think that will explain it.

Mr. MITCHELL. Certainly; I am perfectly willing.

The PRESIDENT *pro tempore*. That part will be read, if there be no objection.

The Chief Clerk read the following from Senate Report No. 69, submitted by Mr. MITCHELL January 18, 1888:

If the validity of the order of June 30, 1836, purporting to relieve Lieutenant Schaumburg from the military service could properly be considered an undetermined question, it might be the duty of the committee to set forth in detail the personal considerations and influences that originated the order, but the illegality and invalidity of the order and of the attempt to deprive Lieutenant

Schaumburg of his position in the Army has been directly and conclusively settled by a judgment of the district court of the United States for the eastern district of Pennsylvania, and the judgment was affirmed on appeal to the Supreme Court of the United States.

In an action between the United States and the claimant, commenced in the district court in September, 1874, and determined in November, 1875, the legality of the order, and the question whether the claimant, Schaumburg, was a lieutenant during the period in question, was directly in issue, and the court, having before it the orders of the War Department, made during the attempt of Lieutenant Schaumburg's enemies to deprive him of his position in the Army, and the entire records relative to the subject, instructed the jury, as a matter of law, that Schaumburg, "from July 1, 1836, until March 24, 1845, was in the military service of the United States as a first lieutenant of dragoons or cavalry, and that he was entitled as such to credit for the pay and emoluments that accrued during that period," and a verdict and judgment were rendered in accordance with the instruction. This judgment was a judicial determination of the invalidity of the order, and that Lieutenant Schaumburg continued in the service. From this judgment an appeal was taken to the United States Supreme Court, and the judgment was affirmed. (Schaumburg vs. United States, 13 Otto, 667.)

The court, under the issues presented, having full jurisdiction to determine Schaumburg's right to the office and to its emoluments, the nature of the issues required present payment or allowance in that cause of only \$306.20 of the \$11,471.51 then due to Schaumburg, thus reducing the indebtedness to \$11,165.31; and it not being the province of the district court to render judgments directing present payment by the Government, this balance still remains unpaid. But as it was within the jurisdiction of the court to ascertain and determine whether Mr. Schaumburg was in the Army and entitled to pay, in order to determine whether the set-off should be made, the judgment is conclusive on whatever question was necessarily involved in that suit. It is, in the opinion of your committee, conclusive that Schaumburg was a lieutenant in the Army, notwithstanding the order of June 30, 1836, and of all that is material in the present claim, it being an elementary principle that the judgment of a court having jurisdiction is conclusive of the point determined in any future inquiry between the same parties relative to the same subject-matter.

Although this judgment would seem to render a further consideration of the validity of the order unnecessary for any purpose of determining the legal rights of the claimant, consideration for the hardships and delays to which the claimant has been subject for want of a full understanding of the question involved may justify a brief statement of the points originally involved.

Long prior to 1836 it had become a practice, having the approval of the War Department, that when some emergency rendered it important to an officer that he should absent himself from a distant post of duty sooner than it was possible to obtain an order granting leave of absence, the officer, at his own risk, made a formal tender of his resignation, conditioning the resignation to take effect at a specified future time. The resignation was inclosed with a letter explaining the emergency, asking the leave of absence, and requesting that the resignation be not accepted.

On the 6th of June, 1836, Schaumburg, then being a second lieutenant and stationed at Fort Des Moines, was informed that his father was sick and could not survive many weeks, and he sent such a letter with his resignation as second lieutenant, conditioned to take effect October 31, following.

June 28, 1836, the War Department issued an order forbidding the further continuance of that practice, and requiring all officers then absent under that practice to resume their duties within three months, or to vacate their commissions. It also contained the following:

"If the resignation of any officer be accepted it shall take effect within thirty days from the date of the order of acceptance."

By misconstruction of this language and misconception of legal rights the Adjutant-General issued an order on the 30th of June, 1836, purporting to accept the resignation of Second Lieutenant Schaumburg, to take effect July 30, 1836, disregarding the condition that had been made part of the proposed resignation; and in attempting to give force to the action then taken on the qualified resignation as second lieutenant, the Adjutant-General ignored the fact that after this attempt, namely, on July 1, 1836, Schaumburg was promoted and received a reappointment to the position of first lieutenant, being duly commissioned on July 1, 1836. Schaumburg subsequently accepted the office of first lieutenant.

Mr. MITCHELL. It will be seen from that that the simple question was whether the order of the War Department accepting the resignation of Lieutenant Schaumburg put him out of the Army or whether it did not put him out of the Army. The district court of the United States for the eastern district of Pennsylvania, in a case where the point was directly in issue as to the period of the termination of the service, decided that the order did not put Lieutenant Schaumburg out of the Army, but that he continued to be a first lieutenant in the Army from the 1st day of July, 1836, until some time in 1845. Therefore this matter has been passed upon judicially by the United States district court for the eastern district of Pennsylvania.

I do not wish to take up time unless the Senator has some other trouble about the matter.

Mr. COCKRELL. The part of the report that I referred to satisfies me.

Mr. MITCHELL. I supposed it would satisfy the Senator.

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

NEGRO SOLDIERS' AND SAILORS' MONUMENT.

The bill (S. 406) making an appropriation for the erection of a monument to the negro soldiers and sailors who gave their lives for the preservation of the Government was announced as next in order.

Mr. VEST. Let that bill go over.

Mr. HOAR. I was very much in hopes the Senator would allow the bill to pass at this time. I desire to say that if it be passed at this time it will save the Senate from any elaborate speeches on the subject. I am afraid I shall be constrained to make one if it goes over.

Mr. VEST. I do not desire to make any speech on it myself.

Mr. MITCHELL. The bill ought to be passed.

The PRESIDENT *pro tempore*. Does the Senator from Missouri withdraw his objection?

Mr. VEST. No, sir; let it go over.

The PRESIDENT *pro tempore*. The bill goes over under objection.

Mr. HOAR subsequently said: I ask unanimous consent to go back

to the last Calendar number, Senate bill 406. The Senator from Missouri [Mr. VEST] after an explanation has agreed to withdraw his objection.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the Senate proceed to the consideration of the bill (S. 406) making an appropriation for the erection of a monument to the negro soldiers and sailors who gave their lives for the preservation of the Government. Does the Senator from Missouri withdraw his objection?

Mr. VEST. Yes, sir.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate \$100,000 for the erection of a monument to the negro soldiers and sailors who fell while fighting for the preservation of the nation's life in the war of the rebellion, in the Government reservation between Howard University, the Freedmen's Hospital, Four-and-a-half street, and Seventh street, in the District of Columbia, the money to be expended under the direction of a commission to consist of the chairman of the Joint Committee on the Library, the Secretary of War, and the Secretary of the Navy.

Mr. VEST. I simply want the yeas and nays on the passage of the bill. I want to vote "nay."

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

The PRESIDENT *pro tempore*. Upon the question, Shall the bill pass? the Senator from Missouri asks that the yeas and nays be entered on the Journal.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CAMERON (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER]. If he were here, I should vote "yea" and he would vote "nay."

Mr. COCKRELL (when his name was called). I have been paired with the Senator from Connecticut [Mr. HAWLEY]. I saw him in the Chamber this morning, but as I do not see him now, I presume the pair continues. I should vote "nay" if I were not paired.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PADDOCK (when his name was called). I am paired with the Senator from Louisiana [Mr. EUSTIS]. If he were here, I should vote "yea."

The roll-call was concluded.

Mr. FAULKNER. I do not see my colleague [Mr. KENNA] in the Chamber. He is paired with the Senator from Minnesota [Mr. SABIN].

Mr. ALLISON (after having voted in the affirmative). I am paired on political questions with the Senator from North Carolina [Mr. RANSOM]. I do not know but that I ought to withdraw my vote, having voted in the affirmative. I ask his colleague [Mr. VANCE] whether he regards this as such a question. I am paired on political questions with the Senator's colleague.

Mr. VANCE. I do not consider this a political question, but I am confident that if my colleague were here, he would vote "nay."

Mr. ALLISON. I withdraw my vote.

The PRESIDENT *pro tempore*. The Senator from Iowa withdraws his vote.

Mr. HEARST. I am paired with the Senator from Nevada [Mr. JONES]. Not knowing how he would vote, I refrain from voting.

The result was announced—yeas 31, nays 19; as follows:

YEAS—31.

Blair,	Dolph,	Manderson,	Sherman,
Bowen,	Edmunds,	Mitchell,	Spooner,
Brown,	Farwell,	Morrill,	Stanford,
Chace,	Frye,	Palmer,	Stewart,
Chandler,	Hale,	Platt,	Stockbridge,
Cullom,	Hoar,	Plumb,	Teller,
Davis,	Ingalls,	Riddleberger,	Wilson of Iowa.
Dawes,	McPherson,	Sawyer,	

NAYS—19.

Bate,	Daniel,	Jones of Arkansas,	Vance,
Beck,	George,	Pasco,	Vest,
Berry,	Gray,	Pugh,	Walthall,
Blackburn,	Hampton,	Reagan,	Wilson of Md.
Coke,	Harris,	Saulsbury,	

ABSENT—26.

Aldrich,	Colquitt,	Hearst,	Quay,
Allison,	Eustis,	Hiscock,	Ransom,
Blodgett,	Evarts,	Jones of Nevada,	Sabin,
Butler,	Faulkner,	Kenna,	Turpie,
Call,	Gibson,	Morgan,	Voorhees.
Cameron,	Gorman,	Paddock,	
Cockrell,	Hawley,	Payne,	

So the bill was passed.

LAKE CHAMPLAIN BRIDGE.

The bill (S. 544) to authorize the construction of a highway bridge across that part of the waters of Lake Champlain which separates the islands of North Hero and South Hero, in the county of Grand Isle, in the State of Vermont, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amend-

ments, in section 2, line 7, after the word "that," to strike out the words "of the Lamoille Valley Extension Railroad Company's draw in their bridge across Missisquoi Bay" and to insert "of the draw in the bridge between the towns of Alburgh and North Hero, Vt.;" and in the same section, line 17, after the word "of," to strike out the word "Congress" and insert "the Secretary of War;" so as to make the section read:

SEC. 2. That the structure authorized by the preceding section shall be built and located under and subject to such regulations for the security of navigation of such waters as the Secretary of War shall prescribe, and shall be provided with such suitable and convenient draw as the said Secretary shall deem needful for the proper purposes of navigation, of width not less than that of the draw in the bridge between the towns of Alburgh and North Hero, Vt.; and the maintenance and management of said structure shall be subject to such of the provisions of section 6 of chapter 52 of the acts of the second session of the Forty-seventh Congress as the Secretary of War may, from time to time, deem needful; and the authority to erect and continue said bridge shall be subject to revocation and modification by law whenever the public good shall, in the judgment of the Secretary of War, so require, without any expense or charge to the United States.

The amendments were agreed to.

Mr. VEST. I notice a mistake in the enacting clause. It reads: "Resolved by the Senate and House of Representatives." It should read: "Be it enacted by the Senate and House of Representatives."

The PRESIDENT *pro tempore*. The necessary correction will be made.

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.

OLD SETTLERS' (CHEROKEES') CLAIM.

The bill (S. 428) to authorize the Court of Claims to hear, determine, and render final judgment upon the claim of the Old Settlers or Western Cherokee Indians was announced as next in order on the Calendar.

Mr. JONES, of Arkansas. I object to the consideration of that bill.

The PRESIDENT *pro tempore*. The bill will be passed over under objection.

Mr. TELLER. I ask the Senator from Arkansas if he is willing that the bill shall retain its place on the Calendar?

Mr. JONES, of Arkansas. I have no objection to that course.

The PRESIDENT *pro tempore*. It will be so ordered.

ANSON RUDD.

The bill (S. 687) to authorize the Secretary of the Treasury to convey to Anson Rudd, of the State of Colorado, certain real estate in the county of Fremont, in said State, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury, without consideration, to make, execute, and deliver all needful instruments conveying and transferring all the right, title, and interest of the United States in and to a certain tract of land situate in the county of Fremont and State of Colorado to Anson Rudd, being the same tract which Anson Rudd and Harriet Rudd, his wife, conveyed to the United States by general warranty deed, without consideration, dated March 20, 1868.

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

THOMAS H. NORTON AND JAMES M'LEAN.

The bill (S. 109) for the relief of Thomas H. Norton and James McLean was considered as in Committee of the Whole. It proposes to appropriate \$3,200 to pay Thomas H. Norton and James McLean amount of excess paid by them on coal entry numbered 1 at Del Norte land office, Colorado, July 10, 1882.

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

MRS. SARAH ELIZABETH HOLROYD.

The bill (S. 500) for the relief of Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of John Holroyd, deceased, was considered as in Committee of the Whole. It proposes to pay to Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of John Holroyd, deceased, \$1,000, in full consideration for the entire past and future use by the Government of the United States of the patented hook and eye for tackle-blocks of John Holroyd.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. PLATT, January 23, 1888:

The Committee on Patents, to whom was referred the bill (S. 500) for the relief of Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of John Holroyd, deceased, having examined the same, report as follows:

The committee find the facts to be as stated in Senate Report No. 51, Forty-ninth Congress, first session, which said report is hereto annexed and made part of this report, and is as follows:

"The Committee on Patents, to whom was referred the bill (S. 94) for the relief of Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of the late John Holroyd, deceased, have duly considered the same and accompanying papers, and recommend that it pass.

"The facts upon which this recommendation is based are so fully set forth in the letter of the Secretary of the Navy and extracts from the report of Chief of Ordnance, transmitted in response to a call from the Committee on Patents of the United States Senate, Forty-seventh Congress, first session, under date of February 23, 1882, that your committee ask to make the same a part of their re-

port, and append a decision of the Supreme Court of the United States that is pertinent:

""NAVY DEPARTMENT, Washington, March 16, 1882.

""SIR: I have the honor to acknowledge the receipt of your letter of the 23d ultimo, inclosing a copy of a bill (S. 243) for the relief of Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of the late John Holroyd, deceased.

""In compliance with your request for information in regard to the claim of the late Mr. Holroyd, I transmit a copy of a letter, with its inclosures, from the Chief of the Bureau of Ordnance, furnishing answers to the questions presented by you; also a copy of a communication and accompanying report from the commandant of the navy-yard, Washington.

""The bill is herewith returned.

""Very respectfully,

""ED. T. NICHOLS,

""Acting Secretary of the Navy.

""Hon. WILKINSON CALL,

""Committee on Patents, United States Senate."

BUREAU OF ORDNANCE, NAVY DEPARTMENT,

""Washington City, March 4, 1882.

""SIR: I have the honor to return herewith a communication to the Navy Department from the chairman of the Senate Committee on Claims, dated December 23, 1881, requesting information concerning certain alleged inventions of the late John Holroyd.

""I beg leave to submit, in reply to the questions contained in the said letter, the following remarks, and also the appended papers, which further explain the matter:

""Reply to first question: The Navy Department is still using a hook and eye for tackle-blocks patented by the late John Holroyd March 18, 1873. * * *

""Reply to second question: There is no evidence on file in this bureau that Mr. Holroyd ever claimed, or that the Government ever paid him, anything beyond the regular daily amount paid to and accepted by him in return for his services in the various positions that he held from time to time in the Ordnance Department. * * *

""It is considered that \$1,000 would be reasonable compensation to the estate of Mr. Holroyd for the past and future use by the Government of his patented hook and eye for tackle-blocks.

""As regards the other articles on the Senate bill 243, it is not considered expedient that any allowance should be made upon them. * * *

""I am, sir, very respectfully, your obedient servant,

""MONTGOMERY SICARD,

""Chief of Bureau.

""Hon. WILLIAM H. HUNT,

""Secretary of the Navy."

""The Chief of Ordnance appends to his report, under head "gun-tackle blocks," the following:

""The distinctive feature is the nib-hook, which holds a block steadily in a horizontal and convenient position. The eye assists in this.

""This device is considered ingenious and original. * * *

""The device has been extensively used in the past, but probably will not be as useful in the future.

""It is thought that about 2,500 blocks have probably been made with the nib-hooks and eyes." * * *

APPENDIX.

""A decision by the Supreme Court in *The United States vs. Burns* (Wallace's Reports, vol. 12, page 252, December term, 1870), namely:

""If an officer in the military service, not specially employed to make experiments with a view to suggest improvements, devises a new and valuable improvement in arms, tents, or any other kind of war material, he is entitled to the benefit of it, and to letters patent for the improvement from the United States, equally with any other citizen not engaged in such service; and the Government can not, after the patent is issued, make use of the improvement any more than a private individual without license of the inventor or making compensation to him."

The committee therefore recommend the passage of the bill.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 165) for the relief of H. C. Markham; and

A bill (H. R. 1076) authorizing the construction of a bridge across the Tennessee River at Chattanooga, Tenn.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 1027) to fix the charge for passports at \$1; and it was thereupon signed by the President *pro tempore*.

CALIFORNIA MISSION INDIANS.

The bill (S. 2) for the relief of the Mission Indians in the State of California was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 3, line 5, after the word "him," to insert the words "in favor of each band or village of Indians occupying any such reservation;" in line 8, after the word "patented," to insert "subject to the provisions of section 4 of this act;" in line 12, after the word "same," to insert "or the remaining portion not previously patented in severally;" and in line 14, after the word "village," to strike out the words "subject to the provisions of section 4 of this act in fee;" so as to read:

That the commissioners, upon the completion of their duties, shall report the result to the Secretary of the Interior, who, if no valid objection exists, shall cause a patent to issue for each of the reservations selected by the commission and approved by him in favor of each band or village of Indians occupying any such reservation, which patent shall be of the legal effect, and declare that the United States does and will hold the land thus patented, subject to the provi-

ions of section 4 of this act, for the period of twenty-five years, in trust for the sole use and benefit of the band or village to which it is issued, and that at the expiration of said period the United States will convey the same or the remaining portion not previously patented in severally by patent to said band or village, discharged of said trust, and free of all charge or incumbrance whatsoever.

The amendment was agreed to.

The next amendment was, in section 3, line 24, after the word "separate," to strike out the words "certificate and;" so as to read:

Provided, That no patent shall embrace any tract or tracts to which existing valid rights have attached in favor of any person under any of the United States laws providing for the disposition of the public domain, unless such person shall acquiesce in and accept the appraisal provided for in the preceding section in all respects, and shall thereafter, upon demand and payment of said appraised value, execute a release of all title and claim thereto; and a separate patent, in similar form, may be issued for any such tract or tracts, at any time thereafter.

The amendment was agreed to.

The next amendment was, in section 3, line 29, after the word "person," to strike out "has" and insert the words "shall have;" so as to read:

Any such person shall be permitted to exercise the same right to take land under the public-land laws of the United States as though he had not made settlement on the lands embraced in said reservation, unless such person shall have been paid the value of his improvements as appraised by the aforesaid commission. And separate patent, in similar form, may be issued for any tract or tracts at any time after the appraised value of improvements thereon shall have been paid.

The amendment was agreed to.

The next amendment was to add to section 3 the following additional proviso:

And provided further, That said patents declaring such lands to be held in trust, as aforesaid, shall be retained and kept in the Interior Department, and certified copies of the same shall be forwarded to and kept at the agency by the agent having charge of the Indians for whom such lands are to be held in trust, and said copies shall be open to inspection at such agency.

The amendment was agreed to.

The next amendment was, in section 4, line 13, after the word "eighty," to insert the words "nor more than six hundred and forty," so as to make the section read:

SEC. 4. That whenever any of the Indians residing upon any reservation patented under the provisions of this act shall, in the opinion of the Secretary of the Interior, be so advanced in civilization as to be capable of owning and managing land in severality, the Secretary of the Interior may cause allotments to be made to such Indians, out of the land of such reservation, in quantity as follows: To each head of a family, not more than 640 acres nor less than 160 acres, at the discretion of said Secretary, of which such proportion, not exceeding 10 acres, as he shall deem for the best interest of the allottee, shall be arable land; to each single person over twenty-one years of age, not less than 80 nor more than 640 acres, apportioned in like manner.

Mr. TELLER. I think that must be an error. Section 4, it seems to me, contains a very liberal provision—

To each head of a family, not more than 640 acres nor less than 160 acres, at the discretion of said Secretary.

This amendment gives, in the same section, to each single person over twenty-one years of age not less than 80 nor more than 640 acres. I should like to inquire of the committee why it is thought proper to give to these Indians 640 acres when we have restricted our grants to white settlers to 160 acres.

Mr. PLATT. The history of the Mission Indians shows that by the encroachments of the people around them they have been crowded back until what they have now is all in the clouds, with the exception of a very few acres of land left, in the valleys. This 640 acres that it is proposed to give them will be up on mountain tops which can not be reached by any known means of travel at the present time, except by balloons. But the idea is to divide it up among the Indians eventually. Ten acres down in the valleys would be probably as much as any Indian would get of any really good arable land which could be cultivated to advantage. The truth is that their reservation has been almost entirely despoiled, so that what is left of it will be really good for nothing.

Mr. TELLER. To what reservation does the Senator allude?

Mr. PLATT. To pretty much all the lands of the Mission Indians about which we are talking. That is the case, as I understand it.

Mr. HEARST. Does the Senator wish me to tell him why it is proposed to give these Indians 640 acres?

Mr. TELLER. I should like to know.

Mr. HEARST. These Indians have no other territory to go to. They do not own in their tribal capacity any territory outside of what we see fit to give them. They ought to have a little bit of pasture land, because the good land has been pretty much taken away from them already, and if they do not get that in good time they will never get any.

Mr. TELLER. This provision is not confined to pasture land. If it were there would be some reason for it. This is a general provision that they may have 640 acres of arable land anywhere outside of their reservation that is not taken up. If anybody can give me any reason why an Indian should have 640 acres when a white man gets only 160 acres, it would have to be a better reason than the Senator from California gives me in order to convince me that it is right.

If it is not too late I will ask that this bill may stand over until the committee may look at it further. I think I can make some suggestions to them, but I do not wish to object to the bill.

Mr. PLATT. It is very important that the bill should pass.

Mr. TELLER. But it certainly ought to be restricted to pasture land. Then the bill does great injustice, as I can show if necessary, to the settlers whose land may be taken. I do not object to the Indians taking the land if they compensate the owners, but there is no proper provision in the bill for that. I think the committee had better let the bill stand over to be called again. I shall not object to it on the second call of the docket. I should like to call the attention of the chairman to it and see if it can not be amended. I do not wish to offer any objection to the bill.

Mr. DAWES. This bill—

The PRESIDENT *pro tempore*. The Chair understands the Senator from Colorado to object to the bill.

Mr. TELLER. I do not desire to object to it, but I ask the committee to let it stand over until the next call of the Calendar, and then we will see if there can not be some change made in it.

Mr. DAWES. The history of the bill is such that the Senator, I think, will find himself committed to it.

Mr. TELLER. I feel myself committed to doing something for these Mission Indians.

Mr. DAWES. There is no doubt about that. I have no doubt of what the Senator says.

Mr. TELLER. I think I have done more for them than anybody else in the Senate.

Mr. DAWES. I have no doubt about the Senator's sincerity. My remark was not intended to reflect upon that; but what particular measure shall be adopted has been a matter of great difficulty. A long time ago the Interior Department—I am quite confident it was at a time when it was under a very able administration—sent out a commission there, consisting of Mrs. Helen Hunt Jackson and a very excellent gentleman on the Pacific Coast, who spent a great deal of time and made a very valuable report, which by that same Secretary of the Interior was transmitted to Congress with a bill prepared by them and recommended by him for passage. So far as I know, that identical bill has been reported favorably for two or three Congresses, and it is the bill now before Congress, so far as I recollect.

Mr. TELLER. No, this is not the bill which came from the Interior Department while I was Secretary.

Mr. DAWES. Of course I am not certain about that.

Mr. TELLER. I am frank to say that I approved that bill, and I have a full recollection of it. I took some interest in these people.

Mr. DAWES. If the Senator desires the bill to go over, I will not object. I have no doubt the Senator desires to do, so far as can be done, exact justice to these Indians, because I know in the past the measures which the Senator has recommended; and when he goes carefully into this again and refreshes his memory, as I hope he will before to-morrow, I think we shall have his co-operation.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be stated.

WASHINGTON TERRITORY SCHOOL LANDS.

The bill (S. 558) for the relief of certain settlers upon the school lands of Washington Territory was considered as in Committee of the Whole.

The preamble recites that sections 16 and 36 of each township of land in Washington Territory was reserved to that Territory for school purposes; that December 2, 1869, the Legislative Assembly of the Territory, by an act duly passed, authorized the county commissioners of the several counties to lease those lands for a term of years not exceeding six, the money received therefor being placed in the school fund; and that the lands so leased are greatly enhanced in value by the cultivation thereof, and the lessees thereof have made valuable improvements thereon and incurred large expense in reducing the land to a state of cultivation, and will incur much loss if they are caused to abandon their improvements and cultivation; and that the validity of the leases is questioned.

The bill confirms the action of the county commissioners of the several counties of Washington Territory under the authority supposed to reside in the act of the Legislative Assembly of that Territory of December 2, 1869, entitled "An act to provide for the leasing of school lands in Washington Territory."

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

The preamble was agreed to.

WILLIAM R. WHEATON AND CHARLES H. CHAMBERLAIN.

The bill (S. 664) for the relief of William R. Wheaton and Charles H. Chamberlain, of California, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments: In line 7, after the words "the sum of" to strike out "\$5,330.76" and insert "\$3,800," and in line 9, after the word "being," to insert the words "a portion of;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to William R. Wheaton, register, and to Charles H. Chamberlain, ex-receiver of the land office at San Francisco, Cal., jointly, out of any money in the Treasury not otherwise appropriated, the sum of \$3,800, being a portion of the amount deposited in the Treasury of the United States by them as fees for

testimony which was taken by clerks whose compensation was paid from the private funds of said register and said ex-receiver.

The amendments were 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.

OREGON LAND DISTRICT.

The bill (S. 555) to establish an additional land district in the State of Oregon was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, to strike out all after the enacting clause and insert:

That so much of the districts of lands subject to sale under existing laws at Lakeview, La Grande, and The Dalles land districts, in the State of Oregon, as are contained in the following boundaries shall constitute a new land district, to be called the Harney land district, bounded as follows: Commencing at Snake River, in the State of Oregon, on township line between townships 12 and 13 south of second standard parallel; thence west to northwest corner of township 13 south, of range 24 east of Willamette meridian; thence due south to the southwest corner of township 29 south, of range 23 east of Willamette meridian; thence due east to the boundary line of the State of Oregon; thence north on said boundary line to the place of beginning.

SEC. 2. That the location of the office of said district shall be designated by the President of the United States, and may be changed from time to time by him as the public convenience may seem to require.

SEC. 3. That there shall be appointed by the President, by and with the advice and consent of the Senate, a register and a receiver for said land district, who shall respectively be required to reside at the site of the office, and be subject to the same laws and entitled to the same compensation as is or may be prescribed by law in relation to other land offices in said State.

The amendment was agreed to.

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

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

SAMUEL J. JOHNSON.

The bill (S. 1082) for the relief of L. R. B. Moore was considered as in Committee of the Whole. It proposes to confirm the location made by Samuel J. Johnson for the north half of southwest quarter of section 17, in township 12 north, of range 9 west, in Arkansas, containing 80 acres, on the 4th March, 1861, with military bounty-land warrant No. 32256, for 80 acres, under act March 3, 1855, in the name of Achilles Ferrill or Terrill.

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

The title was amended so as to read: "A bill to authorize the issuance of patent to certain land in Arkansas."

LEGAL REPRESENTATIVES OF DAVID WALTER JONES.

The bill (S. 458) for the relief of the legal representatives of David Walter Jones was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, in line 4, after the word "directed," to strike out the words:

To pay to the legal representatives of David Walter Jones, late receiver of public moneys at the Mineral Point United States land office, in the State of Wisconsin, the sum of \$2,096.43, in full payment and satisfaction of the balances due from the United States to the said David Walter Jones as such late receiver of public moneys.

And to insert:

To adjust and audit the claim of the legal representatives of David Walter Jones, deceased, late receiver of public moneys at the Mineral Point United States land office, in the State of Wisconsin, for two balances, one of \$1,860.55, and the other of \$235.58, aggregating the sum of \$2,096.43, now appearing by the records of the Treasury Department to be due to said Jones, and to pay to such legal representatives of said Jones whatever sum of money, if any, may be found due and unpaid.

So as to make the bill read:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to adjust and audit the claim of the legal representatives of David Walter Jones, deceased, etc.

The amendment was agreed to.

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

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

FORFEITURE OF UNEARNED RAILROAD LANDS.

The bill (S. 1430) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes, was announced as next in order on the Calendar.

Mr. PLUMB. I ask that that bill may lie over and retain its place on the Calendar, giving notice that on Wednesday next, at the conclusion of the morning business, I shall ask the Senate to proceed to its consideration.

The PRESIDENT *pro tempore*. The bill will go over, retaining its place on the Calendar.

MANUFACTURE AND SALE OF GAS IN WASHINGTON.

The bill (S. 155) relating to the manufacture and sale of gas in the city of Washington, in the District of Columbia, and amendatory of an act entitled "An act regulating gas-works," approved June 23, 1874, was announced as next in order on the Calendar.

Mr. CAMERON. I object to the consideration of that bill.

The PRESIDENT *pro tempore*. The bill will be passed over under objection.

HOWARD D. POTTS.

The bill (S. 1370) for the relief of Assistant Engineer Howard D. Potts, United States Navy, was considered as in Committee of the Whole. It proposes to place the name of Assistant Engineer Howard D. Potts, United States Navy, on the retired-list of the Navy "for disabilities incurred in the line of duty from sickness or exposure therein."

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

The preamble was agreed to.

WILLIAM J. MARTIN.

The bill (S. 728) for the relief of William J. Martin, of Oregon, was considered as in Committee of the Whole. It refers to the Court of Claims for adjudication the claim of William J. Martin, of Oregon, heretofore presented to the War Department, being a balance of \$7,520 alleged to be due and owing to him under his contract for beef cattle, made with Lieut. G. W. Hawkins, in June, 1849, and for the delivery of beef cattle under such contract for the use of the Army.

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

THOMAS P. MORGAN, JR.

The bill (S. 603) for the relief of Thomas P. Morgan, jr., was considered as in Committee of the Whole. It proposes to pay \$4,898.04 to Thomas P. Morgan, jr., this sum being the amount of work done by him on the Norfolk Harbor, in the years 1881 and 1882, and declared forfeited to the United States by reason of the failure of Morgan to perform his contract within the time specified in his contract.

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

WILLIAM C. DODGE.

The bill (S. 852) for the relief of William C. Dodge was considered as in Committee of the Whole.

The bill was reported from the Committee on Patents with an amendment, to fill the blank in line 6 with the words "ten thousand dollars;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to William C. Dodge, of Washington, D. C., the sum of \$10,000 for a cartridge-loading machine furnished by him to the United States upon an order from the Ordnance Department, and for the use of his invention of the same, and of the patent therefor, dated July 17, 1866, and for his improvement in cartridges patented July 4, 1865, and for the infringement of his said patents by the United States; which said sum of \$10,000 shall be in full satisfaction of all claims for such use and infringements, and for the relinquishment of all right to claim any further compensation for the use of the same by the United States.

The amendment was agreed to.

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

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

ASSIGNEES OF ADDISON C. FLETCHER.

The bill (S. 395) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher, was considered as in Committee of the Whole.

Mr. ALLISON. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. PLATT January 25, 1888:

The Committee on Patents, to whom was referred the bill (S. 395) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher, having had the same under consideration, submit the following report:

The Committee on Patents reported favorably a bill to the Forty-ninth Congress for the relief of Mr. Kirk and other assignees of Addison C. Fletcher, which bill was amended and passed by the Senate. The bill referred to the committee is understood to be the same in form as the one passed by the Senate, and its passage is recommended.

The report made by the committee at the last session is adopted and made part of this report, as follows:

"The legislation proposed by the bill is the reference of the claim of Hyland C. Kirk and others against the United States for the use of an alleged patented invention to the Court of Claims for an investigation of the facts involved. Two reasons exist why it can not be referred under the 'Bowman act,' so called, namely:

"1. That the statute of limitations runs against the claim, and

"2. That the present claimants are assignees of the original patentee.

"The committee think it is a case which may be properly referred to the Court of Claims for its investigation, reserving final action thereon to Congress, and recommend the indefinite postponement of the bill referred to the committee and the passage of the substitute bill, reported herewith, intended to secure such results.

"The facts upon which their action is based is well set forth in the report of the House Committee on Claims made at the present session, which is hereto appended and adopted as part of this report:

"The Committee on Claims, to whom was referred House bill 3145, having fully considered the same, submit the following report:

"This bill and the claim involved therein refer to a "perforated, tax-paid spirit stamp," adopted by the United States Government, under the act of July 20, 1868, and used in the collection of internal revenue during the years 1868, 1869, 1870, 1871, and 1872. (See Exhibit A. specimen of the stamp.)

"According to the deposition of W. S. Andrews, a former internal-revenue collector (see Fletcher vs. United States, page 5), Fletcher's design was carried to Washington by him and deposited in the Internal Revenue Department about the 1st of November, 1867. The same device with the written specifications thereto appended was "returned to inventor by Internal Revenue Department August 17, 1868. Witness, W. M. Smith." (Id., page 33.)

"It appears from the records of the Patent Office that the title to this invention was originally claimed by four inventors. (See Exhibit B.) In the interference which was declared, the primary examiner decided in favor of Spencer M. Clark, at that time chief of the Bureau of Printing and Engraving.

"The three examiners-in-chief, on appeal, reversed this decision, and decided in favor of Addison C. Fletcher.

"Clark appealing, the Commissioner of Patents reversed the decision of the examiners-in-chief and decided in favor of Clark.

"On appeal to the supreme court of the District of Columbia, Judge George P. Fisher reversed the decision of the Commissioner of Patents and awarded priority of invention to Fletcher. (See Exhibit C, opinion of the court.)

"From this decision there was no appeal. But Clark's original claims and specifications were modified and a patent was granted to him for substantially the same device and issued to Adolphus S. Solomons as assignee. (See Exhibits D and E, Fletcher's and Clark's patents.)

"Fletcher made demand for compensation and brought suit against the Government therefor in 1872. The Court of Claims found in 1876, when the case was dismissed, that there had been two inventors of the same mechanical contrivance in the form of a stamp, and disclaimed jurisdiction in patent cases; the defense chiefly resting on the use of Clark's patent, and not Fletcher's.

"Solomons, Clark's assignee, brought suit in the Court of Claims, September 17, 1875, for compensation for the use of this stamp, which is still pending. The court's decision in favor of the petitioner's patent, Hyland C. Kirk and others, assignees of Addison C. Fletcher, is now being used in the case by the Government as one of the defenses against Solomons. (See requests for findings of fact by the Attorney-General, Exhibit F.)

"The petitioners' claim, being barred by the statute of limitations, they ask to be restored to court on the ground that they are the rightful owners of this stamp patent, and entitled to compensation.

"Your committee have received a copy of a report, dated February 18, 1885, from the Internal Revenue Department, addressed to the Secretary of the Treasury, which recommends the reference of this claim to the Court of Claims. (See Exhibit G.)

"In view, however, of the fact that this claim seems to involve a considerable sum of money, and that the passage of an act placing the matter in court to be tried upon its legal and equitable merits might seem to restrict the court to the finding of a judgment and to impose upon the Government the payment of a large sum of money in liquidation thereof, this bill provides simply that the claim be referred to the Court of Claims for a judicial investigation and finding of the facts, subject to the future action of Congress.

"The committee return the accompanying bill as a substitute for bill H.R. 3145, and recommend its passage, and that the original bill (H.R. 3145) do lie upon the table."

Mr. COCKRELL. I suggest, in line 20, on page 2, an amendment which I trust will be accepted. In line 20, after the word "owners," I move to strike out the words "together with the right of recovery and compensation" and insert "and their right to recover compensation." The bill now reads:

Issued to Addison C. Fletcher and alleged to have been duly assigned to said owners, together with the right of recovery and compensation for the alleged use thereof by the United States Government in the collection of revenue on distilled spirits and malt liquors during the years.

Mr. PLATT. I do not think there is any objection to that amendment.

Mr. COCKRELL. I think the amendment makes it a little more explicit than it otherwise would be.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

Mr. COCKRELL. In line 26 I suggest an amendment, which is a mere matter of grammatical construction, to strike out "is" and insert "are;" so as to read, "and are hereby referred to the Court of Claims." There is more than one thing to be referred to the court.

Mr. PLATT. I have no objection to that amendment.

The amendment was agreed to.

Mr. COCKRELL. In line 34, after the words "and the right of the claimants," I move to insert the words "to compensation."

Mr. PLATT. I have no objection to that amendment.

The amendment was agreed to.

Mr. COCKRELL. In line 40, after the word "sums," I suggest the insertion of the insignificant words "if any," so as to read:

To find the aggregate sum or sums, if any.

It seems to take it for granted that there is to be a sum, and the words "if any" will leave that in doubt.

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.

ADDITIONAL REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 836) to amend an act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., approved March 2, 1885, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, reported a bill (S. 2442) to increase the appropriation for the public building at Detroit, Mich., which was read twice by its title.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 437) for the relief of Claude H. Mastin, surviving partner of the firm of Le Vert & Mastin, of Mobile, Ala., reported it with amendments, and submitted a report thereon.

INTERNATIONAL COPYRIGHT.

Mr. CHACE. I report from the Committee on Patents, with amendments, the bill (S. 554) to amend Title LX, chapter 3, of the Revised

Statutes of the United States, otherwise called the international copyright bill.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. PLUMB. I should like to ask the Senator from Rhode Island who has made this report upon what is known as the question of international copyright whether it is based upon what is called the protective principle? I should like to ask him further whether the persons who have promoted the introduction of the bill and the report of it by the committee are persons who are in favor of what is known as the protective principle as applied to the labor and production of other persons than themselves?

Mr. CHACE. I will endeavor very briefly to answer the question of the Senator from Kansas. The provisions of the bill have no reference whatever to either the question of protection to American industries in the common acceptation of that term or the question of free trade. The tariff upon books might be doubled or quadrupled or it might be entirely repealed without having the slightest effect upon the operation of this bill. This is simply—

Mr. HARRIS. The copyright bill is not under consideration, I think.

Mr. SPOONER. The Senator from Rhode Island is answering a question.

The PRESIDENT *pro tempore*. The bill has been placed on the Calendar.

Mr. HARRIS. But it is not under consideration at present, I should think.

Mr. CHACE. I will say to the Senator from Tennessee that the Senator from Kansas asked me a question. I will answer it very briefly. I will take but a few minutes.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Rhode Island proceeding?

Mr. HARRIS. Of course the Senator may finish his statement. I will not object to his concluding his statement, but I would prefer to go on with the Calendar.

Mr. CHACE. I will say to the Senator from Tennessee that I was necessarily called out of the Senate this morning during the morning hour, or I should have reported the bill at that time.

With reference to the views of the persons who are promoting the introduction and passage of the bill, I wish to say to the Senator from Kansas that they represent every possible shade of sentiment in regard to the question of protection and free trade. You will find ranged among the advocates of the bill extreme protectionists, extreme theoretical free-traders, mugwumps, Democrats, and Republicans, and men who believe in a revenue tariff and in moderate protection.

I desire to say further that the measure is non-partisan in character; that it has not the slightest political complexion. It is simply a question of national honor, a question whether we will do ourselves justice by recognizing the rights of foreign authors and thereby helping our own authors to secure their rights under the law.

Mr. PLUMB. I asked the question because I noticed some time ago in the proceedings of a meeting of authors in New York that the person who lately held down the position of minister from the United States to England, in appearing before the assemblage for the purpose of advocating international copyright, felt constrained to apologize to his audience on account of the fact that he was advocating protection for himself and his guild, while at the same time he was himself in favor of denying protection to other people who labor with their hands. He of course put himself in the attitude of saying that he thought head-work was entitled to protection, but hand-work was not entitled to protection.

I only wanted to know upon what theory the committee had proceeded in preparing this bill, and whether it was designed to give something to the people who are denying the same protection to other people which they ask for themselves?

Mr. COCKRELL. I call for the regular order.

Mr. CHACE. I wish to state, if the Senator will pardon me—

Mr. HARRIS. The regular order.

Mr. COCKRELL. I insist that the order made by unanimous consent ought not to be violated any further in this way, and I shall object to the report being received if I can not get rid of it in any other manner.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be stated.

ESTATE OF THOMAS L. PRICE.

The bill (S. 475) for the relief of the estate of Thomas L. Price, deceased, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments: In line 8, to strike out the name "Warninner" and insert "Warinner;" in line 10 strike out the name "Col. J. H. Eaton" and insert "General John C. Frémont;" and in line 11, before the word "purposes," to insert the word "public;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and hereby is, authorized and directed to credit to Thomas L. Price, of Jefferson City, Mo., late brigadier-general of the United States volunteers, and now deceased, the sum of \$2,000, being the amount received at Jefferson City, October 7, 1861, of R. O. Warinner, a paymaster in the United States Army, by order of General John C. Frémont, for special public purposes at that post by said Price, then command-

ing said post, and to release the estate of said Price from any and all liability therefor.

The amendments were 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.

CORRECTION OF SOLDIERS' ROLLS.

The bill (S. 1295) for the relief of soldiers and sailors who enlisted or served under assumed names, while minors or otherwise, in the Army or Navy during the war of the rebellion, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments.

The first amendment was, in line 4, after the word "required," to insert the words "to correct the rolls and;" so as to read:

That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized and required to correct the rolls and to issue certificates of discharge or orders of acceptance of resignation, upon application and proof of identity, in the true name of such persons as enlisted or served under assumed names, while minors or otherwise, in the Army and Navy, during the war of the rebellion, and were honorably discharged therefrom.

The amendment was agreed to.

The next amendment was, in line 10, after the word "for," to insert the words "correction of rolls and for;" and, in line 13, after the word "such," to insert the words "correction of the rolls shall be made or such;" so as to read:

Applications for correction of rolls and for said certificates of discharge or amended orders of resignation may be made by or on behalf of persons entitled to them; but no such correction of the rolls shall be made or such certificate or order shall be issued where a name was assumed to cover crime or to avoid its consequences.

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.

FALSE CAPE LIGHT-SHIP.

The bill (S. 1091) to establish a light-ship off False Cape, seacoast of Virginia, was considered as in Committee of the Whole.

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

ORDER OF BUSINESS.

Mr. SHERMAN. It will be necessary to have a brief executive session, and if it is the pleasure of the Senate now, I will move that the Senate proceed to the consideration of executive business.

Mr. HARRIS. Had we not better run on until 5 o'clock and have an executive session then?

Mr. TELLER. Let us go on until 5 o'clock.

Mr. SHERMAN. Just as the Senate wishes.

Mr. SAWYER. Let us go on to 5 o'clock.

Mr. CULLOM. I hope the Senator from Ohio will not insist on his motion now.

Mr. SHERMAN. All right. At 5 o'clock I shall move that the Senate proceed to the consideration of executive business.

FRAUDULENT LAND-WARRANTS.

The bill (S. 245) to investigate the issue of fraudulent land-warrants, and to protect soldiers and sailors of the United States from loss therefrom, was announced as the next bill in order on the Calendar.

Mr. DOLPH. That bill was reported adversely from the Committee on Public Lands.

Mr. COCKRELL. Let that go over.

The PRESIDENT *pro tempore*. The bill was adversely reported and goes over under objection.

FLORIDA RAILROAD LAND GRANTS.

The bill (S. 1708) to provide for the judicial determination of the rights of the United States in lands granted to the State of Florida for the purpose of aiding in the construction of railroads, under an act of Congress approved May 17, 1856, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. PLATT. Is it the intention of this bill to direct the Attorney-General to bring certain suits, or only to authorize him to do it? That is the inquiry I should like to make of the chairman of the Committee on Public Lands [Mr. PLUMB].

Mr. CALL. I do not see the Senator from Kansas [Mr. PLUMB] in the Chamber. A similar bill was passed, after full debate, in the last Congress. This same bill exactly has been twice discussed and passed by the Senate. The bill directs the Attorney-General to bring suit.

Mr. PLATT. I have an impression that the first section of the bill is not exactly in the shape that it ought to be; but I make no objection to its passage.

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

LIVE-OAK LANDS IN LOUISIANA.

The bill (S. 196) to cancel certain reservations of lands, on account of

live-oak, in the Southwestern land district of the State of Louisiana was considered as in Committee of the Whole.

It proposes to cancel and annul the reservation set apart by order of the President, October 21, 1845, in the Southwestern land district of the State of Louisiana, known as Pecan Island. All persons who have in good faith settled upon and made improvements upon Pecan Island at the time of the passage of the act, and who occupy the same, shall be entitled to enter the same, not exceeding 160 acres each, under the provisions of the homestead laws, and be admitted to make their proofs and complete their titles in the same manner as if the reservations for live-oak had not been made.

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

BILLS PASSED OVER.

The PRESIDENT *pro tempore*. The next two bills on the Calendar, the bill (S. 747) granting aid in the construction of a railroad from the town of Titusville, Brevard County, Florida, to the Bight of Canaveral, with a branch to Banana River, in said State, and the bill (S. 1469) for the relief of the settlers upon the lands along the Des Moines River, above the Raccoon Falls, in the State of Iowa, having been adversely reported, will take their places on the Calendar under Rule IX.

COLORADO SALT SPRINGS.

The bill (S. 761) to amend section 11 of an act entitled "An act to enable the people of Colorado to form a State constitution and State government; for the admission of the said State into the Union on equal footing with the original States," was considered as in Committee of the Whole.

It proposes to amend section 11 of "An act to enable the people of Colorado to form a constitution and State government, and admission of the said State into the Union on an equal footing with the original States," approved March 3, 1875, so as to read:

SEC. 11. That all salt springs within said State, not exceeding twelve in number, with six sections of land adjoining, as contiguous as may be to each, shall be granted to said State for its use, the said land to be selected by the governor of said State within two years after the approval of this act: *Provided*, That if the surveys of the land so sought to be selected shall not be made within said two years, the time for said selections shall be extended for one year after the plats of the surveys have been made of said lands, are filed in the district land office for the proper district, and when so selected to be used and disposed of on such terms, conditions, and regulations as the Legislature shall direct: *Provided*, That no salt springs or lands the right whereof is now vested in any individual or individuals, or which shall hereafter be confirmed or adjudged to any individual or individuals, shall by this act be granted to said State.

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

The preamble was agreed to.

PAGOSA SPRINGS PUBLIC PARK.

The bill (S. 957) to establish a public park at Pagosa Springs, in the State of Colorado, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 27, after the word "hereby," to strike out the words "forever reserved from sale and dedicated to public use as a park, to be hereafter known as Bruno Park," and to insert:

Granted to the State of Colorado for a public park on the condition that the same shall be kept and maintained by the State for that use, and if at any time the said land shall be diverted from such use it shall revert and become the property of the United States.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

SEC. 2. That the land so reserved for a public park shall be under the control of the Secretary of the Interior, who shall provide for the survey of said park and marking the boundaries thereof; and he shall have power to provide for the preservation of the timber and for the protection of the natural curiosities contained in said park; and for that purpose he may appoint a superintendent to take charge of and exercise authority over said park, and who shall receive such annual compensation for such services as the Secretary of the Interior may determine; and such service may be terminated at any time the Secretary may direct.

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.

DONATION CLAIMS IN OREGON AND WASHINGTON TERRITORY.

The bill (S. 1709) to provide for the issue of patents to certain persons for donation claims under the act approved September 27, 1850, commonly known as the donation law, was considered as in Committee of the Whole.

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

ROCK CREEK RAILWAY COMPANY.

The bill (H. R. 2017) to incorporate the Rock Creek Railway Company of the District of Columbia was announced as next in order on the Calendar.

Mr. MORRILL. I object to this bill. I think we should not pass it without longer discussion than we can have at present. We ought to have some country road without a railroad on it. I object to the bill.

Mr. HARRIS. I hope the Senator will allow the Senate to consider the bill. It has been very carefully considered by the committee, and it is important, if passed at all, that the incorporators should go to work at once.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Vermont to object, and the bill will go over, retaining its place on the Calendar.

Mr. MORRILL. I have no objection to that.

The PRESIDENT *pro tempore*. That order will be made.

DETAILS OF ARMY OFFICERS TO EDUCATIONAL INSTITUTIONS.

The bill (S. 186) to amend section 1225 of the Revised Statutes, relating to details of Army officers to educational institutions, etc., was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in section 1, line 14, after the word "fifty," to insert "from the Army and ten from the Navy, being a maximum of sixty;" and in line 28, after the words "out of," to strike out "any small-arms or pieces of field artillery" and insert "ordnance and ordnance stores;" so as to make the bill read:

That section 1225 of the Revised Statutes of the United States, as amended by an act of Congress approved July 5, 1884, be, and the same is hereby, further amended, so as to read as follows:

"SEC. 1225. The President may, upon the application of any established college or university within the United States having capacity to educate at the same time not less than one hundred and fifty male students, detail an officer of the Army to act as president, superintendent, or professor thereof; but the number of officers so detailed shall not exceed fifty from the Army and ten from the Navy, being a maximum of sixty, at any time, and they shall be apportioned throughout the United States, first, to those State institutions applying for such detail that are required to provide instruction in military tactics under the provisions of the act of Congress of July 2, 1862, donating lands for the establishment of colleges where the leading object shall be the practical instruction of the industrial classes in agriculture and the mechanic arts, including military tactics; and after that, said details to be distributed, as nearly as may be practicable, according to population. Officers so detailed shall be governed by general rules prescribed from time to time by the President. The Secretary of War is authorized to issue, at his discretion and under proper regulations to be prescribed by him, out of ordnance and ordnance stores belonging to the Government, and which can be spared for that purpose, such number of the same as may appear to be required for military instruction and practice by the students of any college or university under the provisions of this section, and the Secretary shall require a bond in each case, in double the value of the property, for the care and safe-keeping thereof, and for the return of the same when required."

The amendments were agreed to.

Mr. ALLISON. I move to strike out the last clause. The bill will go into effect on its passage, of course, without saying so.

Mr. MANDERSON. Strike out all after the word "existing," in the eighth line of section 2.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 2, line 8, after the word "existing," it is proposed to strike out:

And this act shall take effect and be in force from and after its approval according to law.

So as to make the section read:

SEC. 2. That the said section 1225 of the Revised Statutes of the United States, as amended by the said act of Congress approved July 5, 1884, and all acts and parts of acts inconsistent or in conflict with the provisions of this act, be, and the same are hereby, repealed, saving always, however, all acts and things done under the said amended section as heretofore existing.

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.

On motion of Mr. MANDERSON, the title was amended so as to read: "A bill to amend section 1225 of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions," etc.

TIMBER ON MENOMONEE LANDS IN WISCONSIN.

Mr. DAWES. I have discovered a misprint in a word in a bill already passed, which I ask unanimous consent may be changed. It is Calendar No. 57, being the bill (S. 358) to authorize the sale of timber on certain land reserved for the use of the Menomonee tribe of Indians, in the State of Wisconsin. In section 4, line 7, the word "that," after the word "provided," should be "and" to make sense. The section would then read:

SEC. 4. That the sum of \$5,000, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of the expenses of survey, appraisal, and sale thereof, which expenses shall be reimbursed to the Treasury of the United States from the first proceeds of the sale of timber as hereinbefore provided, and the residue of such proceeds shall be paid to or funded for the benefit of said tribe, in such manner as the President may determine.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the amendment suggested by him be made to the text of the bill. The amendment may be agreed to by unanimous consent. The Chair hears no objection. The proper journal entries will be made.

BILLS INTRODUCED.

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

Mr. BLAIR. Allow me to introduce a bill for reference.

Mr. SHERMAN. Let me first submit the motion.

The PRESIDENT *pro tempore*. The Senator from Ohio is recognized as making the motion. If he yields for the purpose of enabling the Senator from New Hampshire to introduce a bill, the Chair will receive the bill.

Mr. BLAIR introduced a bill (S. 2443) providing, in the appointments to the civil service, for the preference in certain cases of persons who were engaged in the military or naval service of the so-called Confederate States of America during the war of the rebellion, and who were disabled therein and were not dishonorably discharged therefrom; which was read the first time by its title.

Mr. BLAIR. The bill draws the same distinction between those engaged in the military service of the Confederate States and other disloyal persons that is drawn in regard to loyal persons who were not engaged in service and those who were engaged in the service of the United States during the war.

Mr. DAWES. If that is not a long bill, I should like to hear it read at length.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be read at length.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That before persons shall be appointed to the civil service of the United States it shall be made to appear whether such persons were loyal to the Government of the United States during the war of the rebellion, if of lawful age at any time during said war; and whenever such persons not loyal to the United States during said war shall be appointed to office in the civil service, those not dishonorably discharged from the military or naval service of the so-called Confederate States, and now suffering from disability resulting from wounds or sickness incurred in said service, shall be preferred to other persons not shown to have been loyal in the war of the rebellion, provided they are found to possess the business capacity necessary to the proper discharge of such offices.

Mr. PLATT. I should like to hear the title of that bill read once more.

The PRESIDENT *pro tempore*. The title will be read.

The CHIEF CLERK. A bill providing in the appointments to the civil service for the preference in certain cases of persons who were engaged in the military or naval service of the so-called Confederate States of America during the war of the rebellion, and who were disabled therein and were not dishonorably discharged therefrom.

Mr. PLATT. That is a pretty unfortunate title, and I will not consent to the second reading of such a bill to-day.

Mr. SPOONER. Is that a preference over Union soldiers?

The PRESIDENT *pro tempore*. The bill, having been read the first time by its title, will lie on the table for its second reading to-morrow.

Mr. EVARTS introduced a bill (S. 2444) authorizing the Secretary of the Treasury to make final adjustment of claims of certain foreign steam-ship companies arising from the illegal exaction of tonnage dues; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 2445) to provide for the formation and admission into the Union of the State of Wyoming, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

HOUSE BILLS REFERRED.

The PRESIDENT *pro tempore*. The Chair lays before the Senate bills from the House of Representatives for reference.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 314) authorizing the Secretary of War to place the name of James L. Henderson on the roll of Company B, Sixteenth Kentucky Volunteers; and

A bill (H. R. 165) for the relief of H. C. Markham.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 92) for the relief of Morgan Rawls;

A bill (H. R. 610) for the relief of William Lavery;

A bill (H. R. 518) for the relief of T. J. Edwards, administrator of David Edwards, deceased;

A bill (H. R. 742) for the relief of John F. Cadwallader;

A bill (H. R. 878) for the relief of John D. Maxted and Robert J. B. Newcombe;

A bill (H. R. 1050) for the relief of Charles M. Kennerly; and

A bill (H. R. 8002) for the relief of Elizabeth Mulvehill.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 183) granting a pension to the minor children of William Clark;

A bill (H. H. 417) granting a pension to David Strunk;

A bill (H. R. 807) for the relief of Horatio R. Maryman;

A bill (H. R. 816) granting a pension to Charlotte Broad;

A bill (H. R. 822) granting a pension to Miles S. Scribner;

A bill (H. R. 824) granting a pension to Isaiah G. Mayo;
 A bill (H. R. 2078) granting a pension to Charlotte T. Clark;
 A bill (H. R. 2259) to grant a pension to John M. Haley;
 A bill (H. R. 2416) granting a pension to Mrs. Hannah F. Brock;
 A bill (H. R. 2498) granting a pension to Alonzo Higley;
 A bill (H. R. 2518) granting an increase of pension to John Rowe;
 A bill (H. R. 2694) granting a pension to Julia A. Griffen;
 A bill (H. R. 3490) granting a pension to James M. Berry;
 A bill (H. R. 3603) to increase the pension of Maxwell Carroll;
 A bill (H. R. 3682) to pension Emily Goodall;
 A bill (H. R. 3870) granting a pension to Albert Nevin;
 A bill (H. R. 4106) granting a pension to Olive Wallace;
 A bill (H. R. 4110) granting a pension to Mehitable Wheelock;
 A bill (H. R. 4534) for the relief of Emily G. Mills;
 A bill (H. R. 4550) granting a pension to Chloe Quiggle, widow of Philip Quiggle;
 A bill (H. R. 4672) granting an increase of pension to Mrs. Emily M. Wyman;
 A bill (H. R. 4685) granting a pension to Lizzie F. Reed;
 A bill (H. R. 5176) granting a pension to Thomas J. Parker;
 A bill (H. R. 5233) granting a pension to William F. Randolph;
 A bill (H. R. 5363) granting a pension to David Johnson;
 A bill (H. R. 5388) granting a pension to Elizabeth Buffington;
 A bill (H. R. 4633) granting a pension to Morris T. Mantor;
 A bill (H. R. 6586) granting a pension to Nancy O. Gray;
 A bill (H. R. 6974) for the relief of Mary E. Hawn, widow of Emanuel R. Hawn, late surgeon of the Forty-ninth Regiment Indiana Volunteers, deceased;
 A bill (H. R. 6984) granting a pension to Margaret E. Graves;
 A bill (H. R. 7171) to restore to the pension-roll the name of Isaac Dilley; and
 A bill (H. R. 7891) for the relief of Cynthia J. Leroy.

The bill (H. R. 5984) for the relief of James Gaster was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 1076) authorizing the construction of a bridge across the Tennessee River at Chattanooga, Tenn., was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 8044) to change the time of the sessions of the circuit and district courts of the northern division of the eastern district of Missouri was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 8464) for the relief of the Merchants' National Bank of Poughkeepsie, N. Y., was read twice by its title, and referred to the Committee on Finance.

MARY S. WELLS.

The bill (H. R. 6789) granting a pension to Mary S. Wells was read twice by its title.

Mr. CAMERON. I ask that that bill be placed on the Calendar, a similar bill having been reported by the Committee on Pensions, and being now on the Calendar.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Pennsylvania. The Chair hears none, and it is so ordered.

EXECUTIVE SESSION.

Mr. SHERMAN. I renew my motion.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 32 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 20, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 18th day of March, 1888.

TERRITORIAL JUDGE.

Micah C. Saufley, of Kentucky, to be associate justice of the supreme court of the Territory of Wyoming, in the place of Jacob B. Blair, whose term will expire March 24, 1888.

The nomination of Michael C. Saufley to the above-named office, which was sent to the Senate on the 12th instant, is withdrawn.

PENSION AGENT.

Jacob Schenkelberger, of New York, to be pension agent at Syracuse, in the State of New York, in the place of Theodore L. Poole, whose term has expired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 12, 1888.

POSTMASTERS.

David H. Mudgett, to be postmaster at Dexter, in the county of Penobscot and State of Maine.

John D. England, to be postmaster at Lindsborg, in the county of McPherson and State of Kansas.

P. W. Bundick, to be postmaster at Augusta, in the county of Butler and State of Kansas.

Harrison Peck, to be postmaster at Nunda, in the county of Livingston and State of New York.

Philip H. Miller, to be postmaster at Canal Dover, in the county of Tuscarawas and State of Ohio.

Thomas B. Griffith, to be postmaster at Terrell, in the county of Kaufman and State of Texas.

Charles G. Juden, to be postmaster at Cape Girardeau, in the county of Cape Girardeau and State of Missouri.

Executive nominations confirmed by the Senate March 19, 1888.

REGISTER OF LAND-OFFICE.

Charles C. Jones, of Neligh, Nebr., to be register of the land-office at Neligh, Nebr.

RECEIVER OF PUBLIC MONEYS.

Jabez C. Street, of Bluff Spring, Ala., to be receiver of public moneys at Huntsville, Ala.

UNITED STATES CONSUL.

Alexander J. Jones, of Springfield, Ill., to be consul of the United States at Barranquilla.

POSTMASTER.

Miss Mary F. Ballentine, to be postmaster at Syracuse, Otoe County, Nebraska.

HOUSE OF REPRESENTATIVES.

MONDAY, March 19, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHERBERT, D. D., of Washington, D. C.

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

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. LAGAN, for ten days, on account of important business. To Mr. McCREARY, for four days, on account of important business.

H. C. MARKHAM.

Mr. HENDERSON, of Iowa. I ask unanimous consent to call up from the Private Calendar for present consideration the bill (H. R. 165) for the relief of H. C. Markham.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby authorized and directed to remove the charge of desertion resting upon the military record of H. C. Markham, late assistant surgeon Nineteenth Regiment Wisconsin Volunteers, and to issue to said H. C. Markham an honorable discharge from the service of the United States.

Mr. HENDERSON, of Iowa. The report is somewhat lengthy. I think there is no use of reading it, unless it is called for.

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

There was no objection.

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

Mr. HENDERSON, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE AT CHATTANOOGA, TENN.

Mr. NEAL. I ask unanimous consent to call up for present consideration the bill (H. R. 1076) authorizing the construction of a bridge across the Tennessee River at Chattanooga, Tenn.

The bill was reported from the Committee on Commerce with amendments.

As proposed to be amended it was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the Chattanooga Bridge Company, a corporation organized under the laws of the State of Tennessee, having its principal office at Chattanooga, in said State, and to its successors or assigns, to build, construct, and maintain a bridge, as hereinafter described, across the Tennessee River at Chattanooga, in the State of Tennessee, the southern terminus of said bridge to be at some point between the west line of Market street and the east line of Georgia avenue of said city, and the bridge to be constructed at right angles to said stream to a point on the north side thereof. Said bridge shall be constructed to provide for the passage of street cars, wagons, and vehicles, and the transit of animals and foot-passengers, and equal facilities for passage across said bridge shall be afforded to all wagons and vehicles and the cars of all street-car companies.

SEC. 2. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, upon which no higher charge shall be made for the transmission over the same of the mails, troops, and munitions of war of the United States than the rate per mile paid for the transportation over the highways leading to said bridge; and it shall enjoy the rights and privileges of other post-routes in the United States, and equal privileges in the use of said bridge shall be granted to all telegraph companies, and the United States shall have the right of way across said bridge and its approaches for postal telegraph purposes.

SEC. 3. That if said bridge shall be made with unbroken and continuous spans,