

By Mr. FUNSTON: A bill (H. R. 11491) granting a pension to J. M. Stevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11492) for the relief of Mary E. Hottenstein—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11493) to authorize the construction of a toll-bridge across the Missouri River at the foot of Kansas or Minnesota avenue, in Kansas City, Kans., in Wyandotte County, in the State of Kansas, to the county of Clay, in the State of Missouri—to the Committee on Commerce.

By Mr. HARE: A bill (H. R. 11494) for the relief of Fielding Burns—to the Select Committee on Indian Depredations Claims.

By Mr. HITT: A bill (H. R. 11495) for the relief of George H. Owen—to the Committee on Foreign Affairs.

By Mr. MAISH: A bill (H. R. 11496) to incorporate the National Electric Company—to the Committee on the District of Columbia.

By Mr. POST: A bill (H. R. 11497) granting a pension to William H. McKinley—to the Committee on Invalid Pensions.

By Mr. STEELE: A bill (H. R. 11498) granting a pension to John McFadden—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 11499) to pension Robert Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11500) to pension Charles Pegg—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. ALLEN: Petition of heirs of Donald Street, of James Conn, of William H. Kelton, and of J. M. D. Miller, of Mississippi, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. CLEMENTS: Petition of Matilda J. Smith, widow of H. J. Smith, of Whitfield County, Georgia, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. LIND: Petition of St. Paul (Minn.) Chamber of Commerce, praying for the establishment of a uniform rate of 8 cents per pound for third and fourth class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SYMES: Petition in favor of House bill 11027 for pure lard, also in favor of House bill 10320 in favor of pure lard, from Denver, Colo.—to the Committee on Agriculture.

By Mr. WHEELER: Petition of heirs of Sarah Price, of Chattooga County, Georgia, for reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. WHITTHORNE: Petition of Mary A. Mitchell, of Giles County, Tennessee, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. WILLIAMS: Petition of George M. Penrods and others, citizens of Miami County, Ohio, for increase of pension to Charles Pegg—to the Committee on Invalid Pensions.

#### SENATE.

TUESDAY, September 25, 1888.

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

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

#### HOUSE BILLS REFERRED.

The following bills, received yesterday from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 724) for the relief of Louisa McLain;

A bill (H. R. 1152) for the relief of the legal representatives of Eliza M. Ferris;

A bill (H. R. 2261) to increase the pension of Elijah W. Penny;

A bill (H. R. 2839) granting a pension to Henry Shimmers;

A bill (H. R. 3512) granting a pension to Anthony Shafer;

A bill (H. R. 3681) granting a pension to Carter W. Tiller;

A bill (H. R. 4101) granting a pension to Martha Giddings, formerly Martha Priest;

A bill (H. R. 4737) granting a pension to Micah French;

A bill (H. R. 5593) granting an increase of pension to Laura L. Wallen;

A bill (H. R. 5919) restoring to the pension-roll the name of James Monohan, minor child of Richard Monohan, deceased;

A bill (H. R. 9176) granting a pension to Charlotte Taylor;

A bill (H. R. 9252) granting a pension to Mrs. Catherine Barberick, of Watertown;

A bill (H. R. 9383) to increase the pension of Joseph Holmes;

A bill (H. R. 9759) granting a pension to John Wallace;

A bill (H. R. 9776) for the relief of Nancy E. Sawyer;

A bill (H. R. 10032) granting a pension to Milton Wallen;

A bill (H. R. 10073) granting a pension to P. F. Jonte;

A bill (H. R. 10253) granting a pension to Emmanuel P. Steed;

A bill (H. R. 10494) granting a pension to Emilia Mumm;

A bill (H. R. 10647) granting a pension to Samuel J. Wright;

A bill (H. R. 10659) for the relief of Elizabeth C. Cole;

A bill (H. R. 10694) granting a pension to John W. Ellis;

A bill (H. R. 10947) for the relief of John Sweeney; and

A bill (H. R. 11333) granting a pension to Mrs. Louise M. Humphrey.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 148) for the relief of Isaac H. Wheat;

A bill (H. R. 325) for the relief of Mrs. Mary T. Duncan;

A bill (H. R. 393) to provide for the payment of the claim of Capt. Roderick McIntosh;

A bill (H. R. 861) for the relief of Joseph Diehl;

A bill (H. R. 2598) for the relief of William Whitehouse;

A bill (H. R. 2875) for the relief of Mrs. Louisa H. Hasell;

A bill (H. R. 3471) for the relief of the First Baptist Church of Cartersville, Ga.;

A bill (H. R. 5094) for the relief of Henry H. Epping and Alexander N. Brannan, administrators of S. H. Hill;

A bill (H. R. 6012) for the relief of A. P. Swineford; and

A bill (H. R. 6560) for the relief of the trustees of the Catholic Church at Dalton, Ga.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 157) correcting the military history of Robert McNutt;

A bill (H. R. 483) for the relief of Elizabeth Jones, widow of John Jones, deceased, and to place the name of said John Jones on the muster-rolls of Company B, Second Regiment North Carolina Mounted Infantry;

A bill (H. R. 2267) to pay Thompson McKinley \$375 for service-voucher issued to him during the late war by Capt. George W. Harrison, assistant quartermaster United States Army;

A bill (H. R. 3453) for the relief of George O. Donnell; and

A bill (H. R. 10100) for the relief of Charles F. Campbell.

The following bills were read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. 2688) for the relief of Alfred Breuer; and

A bill (H. R. 7801) for the relief of William F. C. Nindemann, formerly a seaman in the Navy.

The bill (H. R. 4658) for the relief of Henry Gumperts, sr., was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 5248) for the relief of the American Grocer Association of the City of New York was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 11297) in relation to grants of lands to aid in the construction of railroads was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 11139) to authorize the building of a bridge or bridges across the Mississippi River at La Crosse, Wis., was read twice by its title, and referred to the Committee on Commerce.

The following bill and joint resolution were read twice by their titles, and referred to the Committee on Appropriations:

A bill (H. R. 10873) making an appropriation for the Girls' Reform School of the District of Columbia; and

Joint resolution (H. Res. 225) to continue the provisions of existing laws providing temporarily for the expenditures of the Government.

#### INQUESTS UNDER NATIONAL AUTHORITY.

Mr. GEORGE. I desire to give notice that to-morrow morning at the close of the formal morning business I shall ask the indulgence of the Senate to call up the bill (S. 1516) to provide for inquests under national authority, with a view of submitting some observations upon it.

#### PETITIONS AND MEMORIALS.

Mr. CAMERON presented a petition of John F. Armstrong Council, No. 130, Junior Order United American Mechanics, of Philadelphia, Pa., praying for the passage of Senate bill 553, concerning foreign immigration; which was referred to the Committee on Foreign Relations.

#### REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (H. R. 6591) for the relief of S. Dillinger & Sons, reported it without amendment.

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

A bill (H. R. 9663) granting a pension to Jesse Spencer;

A bill (H. R. 11317) granting a pension to Fredericka Liesegang;

A bill (H. R. 10433) for the relief of Leaman L. Bowers;

A bill (H. R. 11362) for the relief of William R. Rodgers; and

A bill (H. R. 7305) granting a pension to Aaron R. Gilkison.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 3561) granting a pension to Edwin W. Warner, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill

(H. R. 9776) for the relief of Nancy E. Sawyer, reported it without amendment, and submitted a report thereon.

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

A bill (H. R. 206) granting a pension to William H. Starr;  
A bill (H. R. 2061) granting an increase of pension to Francis De Freitas;

A bill (H. R. 8613) granting a pension to Ann Bryan;  
A bill (H. R. 10908) granting a pension to Mrs. Almira J. Towner; and

A bill (H. R. 9310) granting a pension to Capt. William J. Duley.  
He also, from the same committee, to whom was referred the bill (H. R. 9385) for the relief of Christian Kimzie, reported it with amendments, and submitted a report thereon.

#### COAST AND GEODETIC SURVEY REPORT.

Mr. MANDERSON. I am directed by the Committee on Printing to report back favorably a concurrent resolution to print 5,000 additional copies of the report of the Superintendent of the United States Coast and Geodetic Survey, and I ask for its present consideration.

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

*Resolved by the Senate (the House of Representatives concurring).* That there be printed 5,000 additional copies of the report of the Superintendent of the United States Coast and Geodetic Survey, with the usual necessary progress sketches and illustrations showing the progress made in said survey during the year ending June 30, 1887, 1,000 copies of which shall be for the use of the Senate, 2,000 for the use of the House, and 2,000 for distribution by said Superintendent.

#### REPORT OF COMMISSIONER OF EDUCATION.

Mr. MANDERSON. I am also directed by the Committee on Printing to report back favorably without amendment a concurrent resolution to print 38,000 copies of the report of the Commissioner of Education for 1887-'88. I ask for its present consideration.

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

*Resolved by the Senate (the House of Representatives concurring).* That of the report of the Commissioner of Education for 1887-'88 there be printed 6,000 copies for the use of the Senate, 12,000 copies for the use of the House, and 20,000 copies for distribution by the Commissioner.

#### TOWNSHIP MAPS.

Mr. MANDERSON. I am also directed by the Committee on Printing to report favorably without amendment the bill (H. R. 10934) to authorize the Secretary of the Interior to sell township maps or plats remaining on hand in his office. I ask for its present consideration.

The PRESIDENT *pro tempore*. The bill will be read at length for information, subject to objection.

The Secretary read the bill, as follows:

*Be it enacted, etc.,* That from and after the passage of this act the Secretary of the Interior, through the Commissioner of Public Lands, be, and he is hereby, authorized to sell the photolithographic township plats or maps of the States and Territories now remaining on hand in that Department to citizens of the United States at the following prices: Authenticated copies, 50 cents per copy; unauthenticated copies, 25 cents per copy; the proceeds of said sales to be covered into the Treasury of the United States by the Secretary of the Interior.

Mr. EDMUNDS. Ought there not to be a reservation of some part of these maps for the future use of the Department?

Mr. MANDERSON. I think that would be within the discretion of the Secretary of the Interior.

Mr. EDMUNDS. This seems to be a provision for selling them all.

Mr. MANDERSON. There are some six or seven hundred thousand of them. I do not apprehend there will be such a demand as to deprive the Interior Department entirely of copies.

Mr. EDMUNDS. That may be, but we ought not to make a law in that way.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

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

Mr. MANDERSON. This is a House bill, and therefore I should prefer, unless there be strong reasons why it should be changed, that it should not be amended, as the bill is in the form recommended by the Interior Department.

Mr. EDMUNDS. I do not think it is right, in point of frame or principle, to provide for selling everything that the Secretary of the Interior has on hand, as this does in terms; but as the Senator having it in charge is familiar with the business and thinks there is no danger, I shall not oppose it.

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

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 3168) regulating admissions to the Institution of the Association for Works of Mercy in certain cases, and for other purposes, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had concurred in the reports of the committees of conference on the disagreeing votes of the two Houses on the following bills:

A bill (H. R. 10112) granting to the Duluth and Winnipeg Railway Company the right of way through the Fond du Lac Indian reservation in the State of Minnesota; and

A bill (S. 1856) to establish a life-saving station on the Atlantic coast between Indian River Inlet, Delaware, and Ocean City, Md.

#### BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 3585) for the relief of Viancey Taggard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3586) to incorporate the National Electric Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CAMERON introduced a bill (S. 3587) granting a pension to Henry Felcher; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CHANDLER introduced a bill (S. 3588) granting a pension to Ellen B. Farr; which was read twice by its title, and referred to the Committee on Pensions.

#### MRS. FANNIE PEARSON.

Mr. DAVIS submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved.* That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, out of the "miscellaneous items of the contingent fund of the Senate," to Mrs. Fannie Pearson, widow of Granville L. Pearson, deceased, late a session laborer of the Senate, the sum of \$360, being an amount equal to six months' salary at the rate per annum allowed by law to the laborer aforesaid; said sum to be considered as including funeral expenses and all other allowances.

#### PROGRESS OF INDUSTRIAL ART.

Mr. TELLER submitted the following concurrent resolution; which was referred to the Committee on Printing:

*Resolved by the Senate of the United States (the House of Representatives concurring).* That there be printed, for the use of Congress, 10,000 additional copies of the work known as "Progress of Industrial Art," of which 3,500 shall be for the use of the Senate and 6,500 for the House of Representatives.

#### ASSOCIATION FOR WORKS OF MERCY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 3168) regulating admissions to the Institution of the Association for Works of Mercy in certain cases, and for other purposes; which will be stated.

The SECRETARY. On page 1, line 23, strike out the word "execute" and insert "executed," and on page 2, line 5, after the word "if," insert "it."

Mr. EDMUNDS. That is to correct an error in the engrossing or copying of the bill here or as reported, to merely make the grammar correct. I move that the Senate concur in the House amendments.

The motion was agreed to.

#### FOND DU LAC INDIAN RESERVATION.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the action of the House of Representatives on the bill (H. R. 10112) granting to the Duluth and Winnipeg Railway Company the right of way through the Fond du Lac Indian reservation, in the State of Minnesota, which will be read:

The Secretary read as follows:

#### IN THE HOUSE OF REPRESENTATIVES, September 24, 1888.

*Resolved.* That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10112) granting to the Duluth and Winnipeg Railway Company the right of way through the Fond du Lac Indian reservation, in the State of Minnesota.

Mr. DOLPH. I submit the report on the part of the Senate conferees on the bill.

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

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10112) granting to the Duluth and Winnipeg Railway Company the right of way through the Fond du Lac Indian reservation, in the State of Minnesota, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendment numbered 1, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: Strike out the word "twenty," in line 28 of said amendment, section 4; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same.

JNO. W. DANIEL,

J. M. DOLPH,

Managers on the part of the Senate.

S. W. PEEL,

THOMAS R. HUDD,

KNUTE NELSON,

Managers on the part of the House.

Mr. DAWES. Will the Senator explain what that striking out of "twenty" means?



Mr. DOLPH. It is merely to correct an error in the direction of a line, and to authorize the Oregon Railway and Navigation Company to purchase depot grounds. It is merely to correct an error in the description of the line of the road.

Mr. DAWES. It does not affect anything else?

Mr. DOLPH. Not at all. It is to correct a mistake which was made in the Land Office in copying the description.

Mr. DAWES. With that exception, then, the bill is as it went from the Senate?

Mr. DOLPH. Yes; the Senate amendments are concurred in.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

The report was concurred in.

#### LIFE-SAVING STATIONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the action of the House of Representatives on the bill (S. 1856) to establish a life-saving station on the Atlantic coast between Indian River Inlet, Delaware, and Ocean City, Md.

The resolution of the House was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, September 24, 1888.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1856) to establish a life-saving station on the Atlantic coast between Indian River Inlet, Delaware, and Ocean City, Md.

The PRESIDENT *pro tempore*. The Chair calls the attention of the senior Senator from Nevada [Mr. JONES] to the action of the House.

Mr. JONES, of Nevada. I have not the report of the Senate conference with me.

Mr. EDMUNDS. The matter had better be laid aside.

The PRESIDENT *pro tempore*. The matter will be laid aside temporarily.

Mr. PALMER. I ask the Chair to lay before the Senate the resolution of the House of Representatives concerning House bill 1923.

The resolution of the House of Representatives was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, September 24, 1888.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1923) providing for the establishment of a life-saving station at the harbor of Kewaunee, Wis.

Mr. PALMER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1923) providing for the establishment of a life-saving station at the harbor of Kewaunee, Wis., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Add, at the end of said amendment, the words:

"One at or near Walles Sands, New Hampshire; one at or near Plum Island, Massachusetts; one at or near Lynnhaven Inlet, Virginia; two between Ocrake Inlet and Cape Lookout, North Carolina, at such points as the General Superintendent of the Life-Saving Service may recommend; one at or near Ash-tabula, Ohio; one at or near Marquette, Mich.; one between the Ocean House, south of the entrance to the harbor of San Francisco, and Point San Pedro, California, at such point as the General Superintendent of the Life-Saving Service may recommend."

And the Senate agree to the same.

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same.

T. W. PALMER,  
J. N. DOLPH,  
Managers on the part of the Senate.  
T. E. TARSNEY,  
T. H. BAYLY BROWNE,  
Managers on the part of the House.

Mr. EDMUNDS. I should like to ask the Senator from Michigan if all these additional topics were in the original bill or the amendments pending between the two Houses? I see there are four or five apparently entirely new places that were not in discussion between the two Houses when the bill went to the conference.

Mr. PALMER. I am not positive whether they were or not. I think that they were. At least they were all approved by the subcommittee of the Committee on Commerce having light-houses in charge and agreed to by the House of Representatives.

Mr. EDMUNDS. I think that the report is apparently quite outside of order in respect of the capacity of conferees, but as it is on a subject which we can all readily enough understand in regard to these locations, for one I shall waive any point of order. I only refer to it now so that it shall not be drawn into a precedent for similar proceedings in the future.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

The report was concurred in.

#### THE LOUISIANA ELECTION.

Mr. CHANDLER. I gave notice that I should ask the Senate to take up to-day the resolution relating to the recent election in the State of Louisiana. Instead of asking the Senate to take up the resolution at this time, I give notice that I shall ask that it may be taken up on Thursday during the morning hour.

#### TREATY WITH CHINA.

Mr. STEWART. I offer the following resolution, and ask for its present consideration:

Resolved, That the President be, and he is hereby, requested, if not incompatible with the public interests, to inform the Senate what information he has received since September 7, 1888, with regard to the action of the Chinese Government upon the recent treaty with the Emperor of China.

Mr. EDMUNDS. I think that resolution had better be considered in executive session for a reason that I will state in executive session. I ask, therefore, that it be laid aside.

Mr. STEWART. I have no objection.

The PRESIDENT *pro tempore*. The resolution will lie on the table for subsequent consideration.

Mr. EDMUNDS. If the consideration of morning business is through, I wish to move a short executive session.

The PRESIDENT *pro tempore*. Morning business is not yet concluded.

Mr. EDMUNDS. Very well.

#### RELATIONS WITH GREAT BRITAIN AND CANADA.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution coming over by agreement in the order of current business from yesterday, which will be stated.

The SECRETARY. A resolution directing the Committee on Foreign Relations to inquire into and report at the next session of Congress the state of the relations of the United States with Great Britain and the Dominion of Canada.

Mr. MORGAN. Mr. President—

Mr. EDMUNDS. I wish to move a short executive session before the Senator from Alabama goes on, if he will allow me.

Mr. SHEERMAN. Does the Senator want to address the Senate?

Mr. MORGAN. I desire to address the Senate, but I yield to the Senator from Vermont.

Mr. EDMUNDS. Pending that, I move that the Senate proceed to the consideration of executive business. It is desirable that there should be a short executive session.

#### HEIRS OF COL. W. R. M'KEE.

Mr. BLACKBURN. Will the Senator from Vermont yield to me for just one moment? I simply want to ask the consent of the Senate to consider at this time the bill (H. R. 10082) to amend an act entitled "An act for the relief of the widow and orphan children of Col. William R. McKee, late of Lexington, Ky.," reported from the Committee on Public Lands by the Senator from Kansas [Mr. PLUMB]. It is simply to correct the issue of land certificates under the act of 1853 made to the orphan children of Colonel McKee, of Kentucky. The Commissioner of the General Land Office has written a letter on the subject. The House bill has been reported by the Committee on Public Lands of the Senate without amendment. It simply proposes to correct the issue of certificates, one of which was issued by a false and improper name. The bill is merely amendatory, of course. It extends no rights or privileges, except that the certificates which have been outstanding for nearly thirty years may be made available to these infant heirs.

Mr. EDMUNDS. I should like to look at the bill a moment.

Mr. BLACKBURN. I will hand the Senator a copy of the bill. If he will permit me, I will state that Colonel McKee was in command of a regiment of infantry, and was killed in command of it on the field of Buena Vista. In 1853 an act was passed allowing 160 acres of land to each of his minor children. He had but three children. One was a daughter. She married and left three infant heirs. Of the two sons, one is now a major in the regular Army of this country, Maj. George McKee; and the other was Lieut. Hugh McKee, who was killed in storming the works on the Isle of Corea. Hugh's name it was intended to change. He was an infant at the time of his father's death, and his mother named him for his father, and the land office issued the certificate in the name of William R. McKee, but the purpose was never executed, and he died a lieutenant in the Navy under his original baptismal name of Hugh McKee, and he died without heirs. He gave his certificate to his mother, who has died since this bill has been on the Calendar, and she gave it to one of the infant children of her dead daughter.

All that the bill proposes to do is to authorize the Commissioner of the General Land Office, in accordance with his own letter sent to the House of Representatives, to issue the certificates in the correct name, so that the children may have the benefit of them.

Mr. EDMUNDS. I should like to just look at the House report.

Mr. BLACKBURN. I will hand it to the Senator. Here it is.

Mr. EDMUNDS. If the Senator will pardon me and allow us to have a short executive session, while we are going through with a little business that ought to be done, I shall look at it before the doors are reopened.

Mr. BLACKBURN. I will do that. There is the report of the House committee.

#### EXECUTIVE SESSION.

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

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

After fourteen minutes spent in executive session the doors were reopened.

#### RELATIONS WITH GREAT BRITAIN AND CANADA.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the resolution which will be read.

The Secretary read the resolution submitted by Mr. SHERMAN September 17, 1888, as follows:

*Resolved*, That the Committee on Foreign Relations be directed to inquire into and report at the next session of Congress the state of the relations of the United States with Great Britain and the Dominion of Canada, with such measures as are expedient to promote friendly commercial and political intercourse between these countries and the United States, and for that purpose have leave to sit during the recess of Congress.

Mr. MORGAN. Mr. President, I would not again call up the subject of the resolution offered by the Senator from Ohio after so much debate upon this topic, and in advance of the action of the Committee on Foreign Relations on the House bill to enlarge the powers of the President of the United States under the retaliatory law of March 3, 1887, if I could feel satisfied that the action of the committee would be favorable to the passage of that measure.

The time seems to be near at hand when the congestion which the Mills tariff bill, as it is called, has produced in the Senate is to be relieved, and we are to have the privilege of a glance at a substitute for that measure, and then probably an adjournment.

Some debate on that measure will be had, if such a thing is to be permitted, and that will crowd out of consideration all other general legislation except to complete the appropriation bills.

It is now an obvious fact that delay in the settlement of the disputed questions about the fisheries and the transit of commerce through the lakes is a distinctive policy of the Republican party.

The settlement is not really desired by that party until they can get the credit of making the arrangement, if it is desired in any event. The best way to prevent a settlement is to defeat all measures looking to a settlement.

When the President negotiated the treaty of last February, its defeat was resolved upon by the Republican party before its merits had been discussed in the Senate.

The merits of the fishing rights claimed for our fishermen would be discussed, for no one had the power to prevent that, but no amendment of the treaty was to be permitted whereby the treaty could possibly be improved, and no delay in its rejection was to be tolerated. Such urgency was voted in considering the treaty that the Senate, which has loitered much in business both before and since the treaty was up for debate, changed the rules of that body so as to meet at the hour of 11 o'clock every day, one hour sooner than the rules prescribe. A motion to postpone action until December on the treaty, so that we could find a clearer atmosphere for the consideration of great international questions than is found in the field of a fierce political campaign, and when we could properly estimate the value of the *modus vivendi* provided in the protocol of that treaty, was voted down.

Motions to amend the treaty made by Democrats to meet objections stated in debate by Republicans were voted down, and the treaty was rejected, not upon its merits, as the Senator from Ohio alleges, but because the Republicans, having the majority in the Senate, refused to put into it the features that would give it merits in their eyes.

It is, therefore, a conclusion that can not be shaken by argument, that the Republican party in the Senate have resolved, if they can help it, that none other than a Republican administration should have the settlement of the questions that are now open between the people of the United States and those of Canada.

The Senator from Massachusetts [Mr. HOAR] early in this controversy and in the course of the debate upon the treaty offered the following resolution, which I will read:

*Resolved*, That a committee of seven Senators be appointed by the Chair whose duty it shall be to report upon the relations of commerce and business existing between the United States and the dependencies of Great Britain in North America, including the effect upon the commerce and carrying trade of the United States of the Canadian system of railways and canals now existing and in contemplation, and the prospect of the displacement of any existing industries of the United States by industries established there; also whether the obligations of existing treaties and of international law are and have been observed by the said dependencies toward the people of the United States, and the number, amount, and character of the existing claims against Great Britain by reason of the violation of such obligations toward the people of the United States in said dependencies.

Said committee shall have power to send for persons and papers, to administer oaths, to employ a clerk, messenger, and stenographer, and to sit anywhere in the United States during the session and during the recess of Congress.

Any subcommittee by them appointed may exercise the same powers as the full committee.

This resolution looked to the future, and covered every inquiry about our relations with Canada that is really possible.

It is a distinct step towards the assumption of power by the Senate to shape the negotiations with foreign powers which until now has been conceded to the President of the United States.

What I said a week since about the recent tendency of the Senate to usurp the powers and functions of the President and the dangers of

such an aggressive spirit finds full support in the purposes and scope of this resolution.

The Senator from Illinois [Mr. CULLOM] then grew anxious over the question whether we were not intruders on British soil when we made the canal in the St. Clair Flats. That was a question which seemed to be entirely at rest, and seemed to be covered really by prescription, if it were not covered by the actual line of the boundary dividing us from the Canadian possessions of Great Britain.

Mr. CULLOM. Would it interrupt the Senator if I should make a remark?

The PRESIDENT *pro tempore*. Does the Senator from Alabama yield?

Mr. MORGAN. Yes, sir.

Mr. CULLOM. So far as I was concerned it was a mere inquiry. I rise now, as I was absent during the last week, to state that I introduced the resolution of inquiry as to what our rights were in the Detroit River and St. Clair Flats, and I am not aware whether that resolution has been answered by the Department or not. I did not express any opinion of my own.

Mr. MORGAN. I did not speak of the opinions of the Senator, but of his anxiety to have the President determine a moot question, which it seems had been at rest for a good many years—I do not know how many; perhaps thirty or forty years—as to what was the actual boundary in the vicinity of the St. Clair Flats.

Now, the Senator from Ohio has sudden fears that the solution of the Canadian questions will postpone the annexation of the Dominion to the United States, and he demands the delay or defeat of the President's request for additional powers over the question of the fisheries and customs, because it might mar his plan of annexation that has grown up like Jonah's gourd in a night. The Senator saw at once that the President had mastered these questions, and he thought to eclipse the President's plan with one far more magnificent and infinitely distant as to the hope of its consummation.

His carefully prepared speech was evidently designed to state a policy which would relieve the Republican party from an embarrassing position.

This new policy required an entire change of front on the fisheries question, and a very decided disavowal of the heroic treatment, through retaliatory legislation, which has been so earnestly advocated of late by the Republican party.

There are also other prominent reasons for disclaiming at once and decidedly the line of diplomatic interference in the affairs of foreign countries which in Great Britain is called "jingoism."

In the brief time that Mr. Garfield was in office we had many of these pragmatical interferences in the affairs of other states, notably in the internal policies of Peru, Chili, Bolivia, Guatemala, and Mexico, besides many declarations of the State Department that indicated a very vigorous treatment of questions of international character, that were not intended so much to influence matters that were then of a practical nature or advantage to us as to formulate a policy that would make us aggressive in every matter where we might possibly in the future have material interests at stake.

There is a certain attractiveness in the self-assertion of a nation that is growing stronger with every day that passes that makes such a course popular with earnest politicians; but there is a recoil in such a policy that is severe upon those whose industries must support a government which causes them to question its wisdom. The distinguished Secretary of State under Mr. Garfield seems to have so much power in shaping and controlling the course of the Republican party that the country appears to have no doubt that he will have equal control in shaping the policy of the administration in the Cabinet if that party should carry the Presidential election in November.

We have had other examples in this country, notably those of Mr. Clay and Mr. Webster, where men of great influence in the political parties with which they acted continued to control their destinies after they had been defeated in their aspirations for the Presidency.

The death of Mr. Garfield disappointed the hopes of Mr. Blaine in relation to the foreign policy he initiated with so much of zeal, dash, and enterprise, and with so little of the caution and prudence that is required in our diplomatic dealings with other countries, and saved the country from very unwise and dangerous involvements. Then Mr. Blaine's defeat for the Presidency would have given a less ardent politician to understand that the American people rely more wisely upon their increasing growth in population, wealth, knowledge, and moral power for their just influence among other nations than upon their self-assertion, their display of the resources of war, or their declamatory announcement of their determination to claim everything and concede nothing that has the appearance of being supported by plausible argumentation.

The Senator from Ohio evidently looks forward with anxious solicitude to the possible reappearance of this excessive zeal and reckless enterprise in our Department of State in the event of the election of Mr. Harrison, and desires to give warning now that this impassioned diplomacy will be resisted by very strong men in the Republican party.

He seems from his remarks, to which I am endeavoring to reply, to



consider jingoism and heroic treatment and all appearance of panic as entirely out of place in our diplomatic or other relations with Great Britain, and refers to the treaty of 1871 as a full settlement of all the questions of a practical nature, except the fisheries, then open between the United States and Great Britain. As to the fisheries question, he evidently understands that the arrangement in the treaty of 1871 was a part of a general settlement which was intended to be final, although those clauses were made determinable on notice.

The Senator from Ohio has also a strong reason for his desire to modify his course and that of his party in the Senate, so that the door to diplomatic effort to settle the fisheries questions shall remain open, instead of being shut, as was attempted to be done in the report of the Committee on Foreign Relations, against the earnest protest of the minority of that committee.

I will read again, that there may be no doubt about what that committee insisted was the attitude of the United States on this subject of treating further with Great Britain on the fisheries question.

The committee, after having considered the whole case, after having summed up all the facts upon which they chose to base their report, after having argued those facts in a very earnest way, after having reproached the President with severe criticisms, and after having intimated against him certain occult threats of future severity in dealing with him if he did not submit his will to that of the Senate of the United States, proceed to say:

In view of the plain history of these transactions and of the matters hereinbefore stated, it does not seem to the committee that the existing matters of difficulty are subjects for treaty negotiation; and such appears to have been the opinion of the Senate by its action and by the remarks of many of its members of both political parties and by the action of the House of Representatives upon and in the passage of the act of March 3, 1887, and its approval by the President.

So that there can remain no doubt that the chairman of that committee, the Senator from Ohio, concurring with his colleagues of the Republican party, intended to make a statement in this report conclusive in its nature, based upon facts and argumentation, that "in view of the plain history of these transactions" the subjects of difficulty between the United States and Great Britain relating to the fisheries question are no longer open for treaty negotiation.

It is insisted in these parts of the report that self-respect, the solemn declarations of Congress, and the dictates of wisdom all united to compel the President to resort to retaliation rather than to diplomacy, and that the retaliation should relate to the securing, by compulsion, of commercial privileges to our fishermen, which it is clearly stated in that report are not in any way provided for in the treaty of 1818.

Added to these strong statements are criticisms of Senators who voted for the retaliatory law of March 3, 1887, and who are charged with having abandoned the ground then taken to follow the President in his attempt to settle these disputes by a treaty.

This strong avowal by the committee of which the Senator from Ohio is chairman, that the time for negotiation had passed, that the fisheries were no longer a fit subject for negotiation, and that legislative retaliation was the only remedy for violations of the treaty of 1818, and the only means of securing reciprocity of commercial intercourse for our fishermen in Canada, was followed and reiterated by every Republican Senator who spoke on the question so far as I recall the debate.

No room is left for question that, when the vote was taken and the treaty was rejected, retaliation was all the means that was left open to the President for securing our rights under the treaty of 1818 and the new commercial privileges we claim for our fishermen in Canadian ports.

No such censures were ever before uttered against a President where he had any discretion to choose his line of action; no censures of a President were ever made with more bitter invective or in words more scathing and defamatory; no expressions of contempt were ever more intense and few threats made against a President (certainly none by a committee of the Senate) than were employed by Senators who engaged in the debate to denounce and belittle Mr. Cleveland because he had not issued his proclamation, under the act of March 3, 1887, to cut off commercial intercourse between Canada and the United States.

It is not going too far to say that the rejection of the treaty, after refusing to amend it to suit the views of the Senate, whatever they were, and after refusing to postpone its consideration until December, was to compel the President to resort to the retaliation prescribed in the act of March 3, 1887, or, failing in that, to tacitly confess that he would do nothing to redress our grievances or to prevent a recurrence of them in respect of our fishing rights.

On the rejection of the treaty, absolutely and without leaving a ray of hope that any further effort at negotiation would be received by the Senate with the least favor, or even with toleration, the President at once prepared to deliver the blow that Congress had empowered him to inflict upon the commerce of Canada whenever, in his discretion, he thought it best to strike.

He had often declared in terms that were stronger and more specific than any that Congress had employed officially, the wrongs and injustice done to our fishermen in violation of our interpretation of the treaties of 1871 and 1818. His attention to the complaints of our fish-

ermen had been earnest and practical, and in the employment of counsel to defend them in the Canadian courts and in many other ways he had shown a stronger determination to protect and defend them than had been shown by any of his predecessors in office. So that his sincerity can not be questioned in his earnest purpose to resort to the next means in reach to exact from Great Britain a more just and liberal treatment of our fishermen.

In looking over the field he saw that a remedy was easily in reach that would have the strongest influence upon the people of Canada to compel them to the course that all admit on this side the border line is due to us under the treaty of 1818, and to induce them to extend to our fishermen the privileges of trade and the liberty of commercial intercourse that we accord in our ports to their fishermen.

The President saw the plain and open fact, about which little had been said in the Senate, that Canada was compelled to reach the Atlantic seaports and the ports in Canada from the seaboard for six months in the year through and over the territory of the United States. He saw that this transit was worth far more to Canada than the navigation of the St. Lawrence River.

The flow of the St. Lawrence to the far northeast carries the shipping out to the sea in a long circuit that is practically blockaded by ice for half the year. The outlet to the sea from all the central and western parts of the Dominion is through our New York and New England ports. The railroad lines that are practicable for the connection of the seaports of New Brunswick and Nova Scotia with the St. Lawrence River cross a high range of hills that are excessively bleak in winter and covered for long periods with a great depth of snow. The Intercolonial road makes this connection, but its great length and the severity of the winters along the line render it inadequate, no matter how much it may be enlarged, for the needs of Canadian commerce.

It appears that as much as one-third of the value of the Canadian Pacific Railroad depends upon its outlet to the New England seaboard, which is about 200 miles the shorter line and as much as two days saving in time between Vancouver and Liverpool.

The privilege of passing goods across our territory without paying duties is really indispensable to the commercial prosperity of Canada. Its value in money is really worth as much or more to Canada than the exclusive use of all her inshore fisheries. This privilege will grow more and more important to Canada every year that passes. Her fisheries will lose their value, to a marked degree, from the competition now setting in with our Alaskan fisheries, while her agricultural and mineral productions and the lumber trade from the vast region north and west of the Lakes will increase beyond all present estimates and must have an outlet to the Atlantic through our ports if they are to compete with like productions of the United States in trans-Atlantic markets.

The commercial prosperity of Canada, in competition with the United States, depends upon the continuance of this reciprocal right of transshipping goods free of duty across our country to the Atlantic seaboard to an extent that renders this privilege indispensable to Canada.

The reverse side of this statement is barren of advantage to the United States. We have nothing to ship through Canada to the United States from places outside of the Dominion except fish, and this meager privilege has been denied to us under the treaty of 1871.

The duties on \$60,000,000 of commerce passing free through our country would, under the average of our tariff, be not less than \$20,000,000 annually, or one-third the market value of the goods, while Canadian duties on what we would bring through that country would not equal \$200,000 annually.

The Senator from Ohio is eloquent in his remarks upon the want of reciprocity in the treaty that the Senate has just rejected, but he has only praises for the treaty of 1871, concluded by his own party, which provided for a reciprocity of \$200,000 in our favor annually and of \$20,000,000 in favor of Canada every year since 1873. In that time our Treasury has lost \$300,000,000 under this article of the treaty of Washington, and our people have had a chance to save \$3,000,000, which is far more than they have saved in duties on fish imported through Canada to the United States.

Why this arrangement was ever made is the most astonishing puzzle in our commercial history. Only two reasons for its support can be given, as it appears to me: First, that it diverted freights from the St. Lawrence River to the New England railroads. This is of some advantage to our people, but it is confined to a few people and to three or four lines of railway, the profits accruing to which are paid in much the largest share to the British and Canadian people whose money built them. This profit, however, would be reduced but to a small extent if this article of the treaty were abrogated, since for one-half the year these railroads would do almost the entire transportation for the Canadian people through commerce now being immensely increased by the trade furnished by the British lines of Pacific steamers and by the trade from the interior of Canada over the Canadian Pacific Railway.

The second reason for this arrangement, and possibly the strongest, is that the invitation thus held out to Canada to ship her productions to foreign markets would keep them out of competition with us in our own markets.

The \$20,000,000 of annual increase of our tariff revenues above our



present enormous surplus would furnish an additional argument for a general reduction of our duties and a large increase of the free-list that would seriously affect the plans of the consolidated phalanx of high-tax advocates in this country.

So we find the railroad barons and the high-tax barons rushing to the assault upon the President for suggesting that Canadian goods should pay duties when they pass through the United States. Mr. Blaine ceases to "jingo" and the Senator from Ohio makes his *congé* to Great Britain when protection comes in sight.

The railroads of New England come in for the advantage of the united support of both these distinguished gentlemen. They find no difficulty in yielding \$20,000,000 of revenue to Canada annually on her imports and exports, when the carriage of the goods, duty free, adds a few millions to the income of the railroads leading from our New England seaboard to Canada.

The President with a sagacity that never fails him saw that the safest, cheapest, best method of retaliation upon Canada, and the best way to save our own people from the losses incident to any other form of retaliation, was to again resume the collection of customs duties on goods imported from and into Canada just as we collect such duties on goods coming from Mexico and all other countries.

It is more than probable that no human being in the United States engaged in any ordinary vocation will lose a cent from this collection of taxes on goods in transit through this country. Indeed, it is far from being certain that the railroads will lose anything by the resumption of the collection of these duties. The most direct effect and one of the most important that will flow from this restoration of our former policy of collecting duties on Canadian commerce will be to transfer a large trade, which Canada now conducts with Great Britain and other foreign countries, to our own merchants and manufacturers.

Canadians can not afford to pay their own tariff duties and ours in addition on imported or exported merchandise; they can not afford to import during the summer all their supplies for summer and winter, and they can not supply themselves at such expense as they would incur in the loss of constant access to the markets. The money required to carry stocks of supplies and other goods for a year at a time would be a great embarrassment to Canadian merchants, and would place them at the mercy of all foreign markets. The result would be that they would be compelled to supply the immediate wants of commerce by purchases in the markets of the United States.

The transportation for these goods would soon pay the railroads of New England all that they would lose by a return to our former policy, and the trade of our Western railroads, merchants, and manufacturers would be steadily and largely increased.

Canada fails to perceive, in a practical way, and in the actual experience of her people, the geographical barriers which interrupt their foreign trade. Their statesmen see this matter and realize its importance, but the people, always trustful of a government that is liberal and just to them, imagine that they are indebted to British diplomacy and power for advantages that are vital to them, which they in fact owe to our forbearance, or, rather, to the selfishness of favored localities that have been petted and fostered by our Government until they, like the Canadians, believe that we are compelled to shape the whole revenue system of the United States to provide for their peculiar advantage.

The President in his recent message has taken a broad and sincere view of this great question, and points out with unanswerable force and clearness how a restoration of the former duties on Canadian commerce would answer the double purpose of causing the Canadians to concede proper commercial and other privileges to our fishermen, also to restore to the United States some of the revenues that were formerly taken away by the treaty of Washington of 1871.

This, Mr. President, would be the first great practical advance to that commercial union with Canada that will lead to our ultimate political association with the Dominion.

Neither the President nor any other fair-minded American citizen regards the action of the Canadian authorities in denying to our fishermen the right to ship their fish in bond free of duty to the United States as being due to a feeling of hostility towards our country. They evidently take a business view of this subject, and hold that we never had the right to make such shipments under their construction of the treaty of 1818. And it was in that attitude that the President of the United States found this question when he was driven away from his duty and constitutional authority, in which the Senate shares, to make a negotiation with Great Britain, and was forced by the vote of the Senate to resort to some plan of retaliation against Canada.

The Senate refusing to treat with Great Britain on any basis that it was willing to suggest, or in any terms that it was willing to state, retaliation for our wrongs was the only remedy left open to him.

Now, can there be a doubt in the mind of any man whose memory is capable of carrying facts for six months at a time that the attitude of the United States toward Great Britain and Canada on the determination of this treaty of February last by the rejection of it by the Senate, was that our rights were not abandoned, our grievances were not condoned, our sensibilities were not in any respect relieved from affront, but that we intended to have redress from Great Britain and Canada for this long accumulation of abuses of the treaty of 1818, and

that such redress must now come through retaliation upon Canadian commerce?

That was the serious attitude of this question before the world, and in the debates upon the treaty in this Chamber no doubt whatever was left that it was the intention of the Senate of the United States to corral the President and to compel him to execute the act of 1887, not according to his discretion which was given him under that law, but according to the commands of the Senate of the United States; not of Congress, but of the Senate.

That was an embarrassing situation, one that had to be met. The President was thus thrown upon the retaliatory law of March 3, 1887, as apparently the only means which remained to him of executing what was declared in the debates on the treaty to be the will of Congress, in the event that he found that wrong and injustice had been done to our fishermen through the conduct of the Canadian people. This was the Republican declaration at that time, only a few days since, but it is far from being the declaration to which the Senator from Ohio now adheres.

That subject, in all its bearings, then came before him for examination and for action. It will be admitted by any man who will read the act of March 3, 1887, carefully, that it conferred upon the President of the United States a very broad and almost irresponsible discretion. More than that, it was an act the violation of which was just as easy in the direction of its execution as in the direction of omitting to execute it. So strong was the feeling on the part of the persons who had insisted upon the passage of this law, that the President should be forced to execute it according to their selfish wishes, that they essayed as the representatives of a fishing association at Gloucester, in Massachusetts, very early after the enactment of this law, to indicate to the President of the United States what should be his line of action in the enforcement of the law. They argued and strongly insisted that, inasmuch as the law related to the redress of grievances on account of the fisheries, the exclusion of fish from the United States should be absolute, and that should be the boundary and limit of the retaliation that he was to institute in the execution of that law.

They set up their alleged losses of money in the competition with Canadian fisheries as the thing that was to be compensated in the enforcement of a law that was demanded for the protection of the honor of the nation.

There are some other interests in this country that are very largely concerned in the exclusion of competing commodities from Canada. I can mention some. The lumber interest of this country is largely concerned in the exclusion of lumber brought from Canada into the United States even under our existing tariff. There are other interests which would be very materially fostered if a prohibitory declaration or ukase were issued by the President of the United States to prevent absolutely the importation of those commodities into this country from Canada. The growers of barley and of wool in the United States, to say nothing of the owners of petroleum wells and those who have a demand for iron-ore, particularly the qualities that produce steel, would find themselves very considerably benefited, notwithstanding the rates of the present tariff, by a law or a proclamation that would prohibit absolutely the introduction of those articles into this country. Such exclusion would give them a larger control of what is called the home market which, it is said, belongs almost exclusively to the manufacturers of this land.

So the President, upon a question of the mere pecuniary advantage that his proclamation might work in behalf of certain people of the United States, could not justly confine himself, as was demanded by the Gloucester fishermen, to the prohibition of the introduction of fish into this country, but it would be equally his duty in that view of the subject to spread the prohibitions of his proclamation so as to exclude from the United States at least those articles which were in competition with what we produce in our own country. He took a very much broader view of this question. He did not hesitate to reply, as he does not hesitate to reply upon any question, to the demand that was thus made upon him, in terms which were befitting to the magnitude of the subject, the gravity of the situation, and what he conceived to be, and what I believe to be, his duty as the Chief Executive of this nation. He said in reply to the letter of the president of the American Fisheries Union, on the 7th of April, 1887:

EXECUTIVE MANSION, Washington, D. C., April 7, 1887.

GENTLEMEN: I have received your letter lately addressed to me, and have given full consideration to the expression of the views and wishes therein contained in relation to the existing differences between the Government of Great Britain and the United States growing out of the refusal to award to our citizens engaged in fishing enterprises the privileges to which they are entitled either under treaty stipulations or the guarantees of international comity and neighborly concession. I sincerely trust the apprehension you express of unjust and unfriendly treatment of American fishermen lawfully found in Canadian waters will not be realized; but if such apprehension should prove to be well founded, I earnestly hope that no fault or inconsiderate action of any of our citizens will in the least weaken the just position of our Government, or deprive us of the universal sympathy and support to which we should be entitled.

The action of this Administration since June, 1885, when the fishery articles of the treaty of 1871 were terminated under the notification which had two years before been given by our Government, has been fully disclosed by the correspondence between the representatives and the appropriate departments of the respective Governments, with which I am apprised by your letter you are entirely familiar. An examination of this correspondence has doubtless satisfied



you that in no case have the rights or privileges of American fishermen been overlooked or neglected, but that, on the contrary, they have been sedulously insisted upon and cared for by every means within the control of the executive branch of the Government.

The act of Congress approved March 3, 1887, authorizing a course of retaliation, through executive action, in the event of a continuance on the part of the British-American authorities of unfriendly conduct and treaty violations affecting American fishermen, has devolved upon the President of the United States exceedingly grave and solemn responsibilities, comprehending highly important consequences to our national character and dignity, and involving extremely valuable commercial intercourse between the British possessions in North America and the people of the United States.

I understand the main purpose of your letter is to suggest that, in case recourse to the retaliatory measures authorized by this act should be invited by unjust treatment of our fishermen in the future, the object of such retaliation might be fully accomplished by "prohibiting Canadian-caught fish from entry into the ports of the United States."

This is a quotation from the letter addressed to the President.

The existing controversy is one in which two nations are the parties concerned. The retaliation contemplated by the act of Congress is to be enforced, not to protect solely any particular interest, however meritorious or valuable, but to maintain the national honor and thus protect all our people. In this view the violation of American fishery rights and unjust or unfriendly acts towards a portion of our citizens engaged in this business is but the occasion for action, and constitutes a national affront which gives birth to or may justify retaliation. This measure once resorted to, its effectiveness and value may well depend upon the thoroughness and extent of its application; and in the performance of international duties, the enforcement of international rights, and the protection of our citizens this Government and the people of the United States must act as a unit, all intent upon attaining the best result of retaliation upon the basis of a maintenance of national honor and duty.

The nation seeking by any means to maintain its honor, dignity, and integrity is engaged in protecting the rights of the people; and in such efforts particular interest are injured and special advantages forfeited, these things should be patriotically borne for the public good. An immense volume of population, manufactures, and agricultural productions, and the marine tonnage and railways to which these have given activity, all largely the result of intercourse between the United States and British America, and the natural growth of a full half century of good neighborhood and friendly communication, form an aggregate of material wealth and incidental relation of most impressive magnitude. I fully appreciate these things, and am not unmindful of the great number of our people who are concerned in such vast and diversified interests.

In the performance of the serious duty which Congress has imposed upon me, and in the exercise, upon just occasion, of the power conferred under the act referred to, I shall deem myself bound to inflict no unnecessary damage or injury upon any portion of our people; but I shall nevertheless be unflinchingly guided by a sense of what the self-respect and dignity of the nation demand. In the maintenance of these, and in the support of the honor of the Government, beneath which every citizen may repose in safety, no sacrifice of personal or private interests shall be considered as against the general welfare.

Yours, very truly,

GROVER CLEVELAND.

GEORGE STEELE,  
President American Fishery Union, and others,  
Gloucester, Mass.

I have read this entire letter because I could not take up a section or clause of it and read it with justice to the President of the United States. The whole of it is full of pith and substance, and it contains a direct statement of what the President conceived to be the proper breadth of the field to be covered in the exercise of the retaliatory power intrusted to his discretion by the Congress of the United States in the act of March 3, 1887. Whatever may have been the intention of the real authors of that act, it was not the purpose of those who supported it at large that it should merely furnish an opportunity for the benefiting of a particular industry in the United States, a speculative opportunity for a few men to make money out of, but it was intended as a broad vindication of the national honor and that in its enforcement there should be a broad exercise of national duty. So the President regarded it; so he informed the gentlemen who claimed that he should retaliate alone in reference to the very narrow ground of prohibiting fish alone, as early as April 7, 1887.

After that declaration on the part of the President of his willingness to proceed with any measure of retaliation that might be found necessary, the question recurs, why did he not proceed at once? Why did he not proceed to lock up commercial intercourse between the United States and Canada as early as April, 1887, when he wrote this letter? It was but a very short time after that when the Government of Great Britain signified its desire to enter into negotiation about this matter, and many of those who voted for this retaliatory act of March 3, 1887, did so merely because they believed that it would stimulate Great Britain to activity in her diplomatic effort to settle this controversy upon a just basis. I believe that it had that effect, not that I believe Great Britain was intimidated by anything that we did, for that was neither our purpose nor was it a rational view to take of the subject; but Great Britain saw that this country was in earnest about this matter and up to that time there was no division between Republican and Democrat in regard to the causes which led to our action or the manner in which that action should be executed and fulfilled.

Never before did any Congress, or any President evince so decided a purpose to bring these disputes to a just and final settlement.

Great Britain seemed to be equally in earnest, and the best hopes for amicable arrangement seemed to inspire the action of both governments.

The British Government became active in its demonstration of a wish and purpose to negotiate about this matter. Was there a man in the United States who at that time, March 3, 1887, would have dared to rise upon the floor of this Senate as a Senator and to have announced that it was the purpose of the Senate of the United States and of the House of Representatives in voting for that bill to cut off absolutely all negotiation with Great Britain on the subject of the fisheries and

to force the controversy into a fight à l'outrance? I assume with confidence that there was no man in the United States who had the recklessness to have taken a position of that kind on this subject. We conveniently, as I have often remarked before, referred this matter of retaliation to the discretion of the President. We turned our responsibility over to him and yoked it upon his shoulders, and then, instead of trusting him as an honest and honorable citizen and a sworn officer of the United States Government to obey and observe the Constitution and the laws, instead of giving to him the credit of his action, as he deserved to have in view of all the history of this transaction, we turned around immediately and commenced to impeach him in the most severe and defamatory way because he did not see proper to execute this act in the manner in which it was prescribed to him by this association called the American Fisheries Union.

They claimed the exclusion of Canadian fish from our markets. Some of them being Democrats, the Republicans eagerly joined in their demand for the exclusion of fish and nothing else.

In all the debate that has been had upon this question in this body not one single Senator has ever yet intimated that the President of the United States, in the exercise of the power of retaliation, ought to have taken into consideration any other subject than fish. No Senator can point to a word or line in that debate which intimated an opinion by any Republican that the President of the United States should, in the execution of that law, have prohibited the introduction of barley, of coal, of petroleum, of iron ore, of lumber, of cattle, of wool, or any product of Canada except fish. So I assume, without the slightest apprehension that I am doing any person an injustice, that the demand of the Republican party upon the President of the United States for the execution of the act of March 3, 1887, was confined to the prohibition of the introduction of fish into the United States.

The fact that this act was broad enough to cover all goods coming from Canada does not alter the demand so persistently made that the exclusion should relate only to fish.

Now, sir, that is an unseemly position for the Republican party to take if they have any respect for their own history; for do we not know and does not the world know that both by act of Congress in 1872, and by the treaty of 1871, and by the subsequent act of Congress of 1883 the Republican party in the United States enacted that fish for immediate consumption, fresh fish coming into the United States, should come free of duty? And do we not know that under the processes of freezing fish which are of modern practice more than two-thirds of the actual value of the importation of that commodity into the United States is free of duty under the construction of that act of Congress? All fish of every description was made free of duty under the treaty of 1871, which I suppose no one will deny was a Republican treaty in every particular. What did that party demand? What did they expect from the President of the United States? Simply this, that they having enacted a law to let in fresh fish free of duty, the President of the United States in the enforcement of the retaliatory law of March 3, 1887, should prohibit their introduction and thereby give the bounty of the entire market in the United States into the hands of the fishermen of New England.

Now contrast that narrow ground of private speculation, personal gain, and local advantage with the broad and statesmanlike utterances of the President of the United States as to the basis of his policy, which he stated in the letter to Mr. Steele, which I have just read, and you will see at once which of these parties is entitled to the consideration and respect of the American people for enforcing the laws of this country in a proper, just, statesmanlike, and national way. You will see one party contending for the advantages to accrue to few men as a mere private speculation, a local benefit, and the other insisting that the controversy with Great Britain upon the subject of the breach of the treaty of 1818 is a national matter and it must be dealt with in a national way by a national executive.

So when the President of the United States came to look about to see in what manner he should exercise the only alternative left to him by the action of the Senate in the rejection of this treaty, he at once discovered, or rather at once laid before the Senate of the United States, that which he had previously seen, and to which he makes distinct reference in his letter of April 7, 1887, to Mr. George Steele, that there was a way of reaching Canada on this question which would injure no citizen of the United States; a way that would inform Canada of her dependence upon our forbearance and our neighborly conduct for the prosperity of her commerce; a way to inform Canada that He who had constructed the geography of this continent had put barriers in the winter time in the way of her intercourse with foreign countries that Canada could only overcome by some arrangement through which she could reach speedily and safely the seaports of New England and New York.

Canada seems to undervalue the commercial power thus lodged in our hands, and we seem to regard it as a matter too insignificant for consideration; and yet this is by far the most important fact in the entire situation.

Nothing can be stated that more deeply concerns the future of Canada as the neighbor of this great Republic than the frozen barrier to her commerce that is interposed every winter.

Up to the time of the treaty of 1871, excluding the time of the reci-



procuity treaty of 1854, customs duties were laid upon goods imported from Canada into the United States, and duties were laid upon goods that Canada might see proper to import through our ports into her own ports crossing our territory. That was an advantage to us and a disadvantage to Canada, which both countries perfectly understood and fully appreciated. When we came to the celebrated treaty of 1871, which the Senator from Ohio seems to regard as a final settlement of all difficulties between us, by far the most important concession that we made to Canada and to Great Britain in that treaty was couched in the twenty-ninth article, wherein we provided that all of their commerce crossing the United States and going to foreign countries, or coming from foreign countries and crossing the United States going to Canada, should pass through our territory under bond and free of duty. This concession was not limited to Canadian productions or to importations made by Canadian merchants. It included and still includes all that Great Britain may choose to send to Asia or South America through Canada. We can not deny to British exports or imports transit through our territory under bond and free of duty if Canada chooses to class them as Canadian commerce.

There we opened wide the gateways of commerce for Canada and gave to her advantages to the value of a great many millions of dollars annually. We contributed to her prosperity more than any decree of Great Britain or, I had almost said, any decree of fate could have contributed. We unlocked for her the frozen barrier of the St. Lawrence during six months of the year by permitting her commerce to go and come free across our own territory to the New England and New York seaboard. Let some man state some treaty arrangement, some act of great statesmanship, some broad act of legislation which could by any possibility, in favor of Canada, approach in value the equivalent of this great concession which we made to her in the treaty of 1871. I do not believe it possible for one country to grant to another a greater boon than this.

More than \$60,000,000 of commerce annually passes through the United States without the payment of one cent of duty, a commerce that is bound to pass through the United States for more than half of each year, or else Canada, like a man who in conducting a business is compelled to suspend his labors entirely for six months in the year, must be terribly crippled in his business of every sort. Canada is absolutely at our mercy in respect of her commerce during six months in the year. We conceded to her every dollar of duty that we have charged her upon this commerce up to 1873, when we put the treaty of 1871 into execution by an act of Congress. We conceded to her duties that would have amounted in the Treasury of the United States to \$20,000,000 annually at the very lowest calculation, duties that since the act of 1873 would have amounted in the Treasury of the United States, as I have said, to \$300,000,000. We made the concession to her, and there it stands, if it stands at all, under the twenty-ninth article of the treaty of 1871.

What did we get in return for that? We got duty free on the articles that we import from places beyond the Dominion of Canada through her territories into the United States. What are they? Nothing in the world comes through that line to us as commerce except the fish caught in the seas adjacent to Canadian territory. I have stated in the previous part of my remarks that that sum was probably \$200,000 per year. That is a mere estimate, but I should be greatly surprised if it should exceed \$50,000 a year. That is what we got in return from Canada for a concession of \$20,000,000 a year of duties on goods that she is compelled to export and import.

I need not dwell any longer upon this subject. I merely propose to draw the outline of this picture and let the American mind fill it up, as it will be very certain to do.

The President of the United States found this concession to Canada in practical operation on the 30th of June, 1885. When he came to enforce the laws of the United States in respect of retaliation he saw that, instead of proceeding so as to cut down the trade and traffic of every private citizen in the land, whether in selling his merchandise, agricultural productions, manufactures, lumber, or what not; and instead of antagonizing the private interest of private citizens against the power of the Government of Canada, so as to throw upon the shoulders of the weak, the poor, and the helpless the burdens that would follow the cutting off intercourse with Canada, which must be very heavy, he preferred to take the burden upon the shoulders of the Government and return to the ground that we occupied before 1873. The President preferred to go back to that system of legislation which our fathers established, and which nobody before 1873 had found a reason for abandoning. He preferred to restore our tariff duties upon goods imported from Canada into the United States, and put Canada upon a footing with Cuba or Mexico or all other countries.

The President is clearly in the right. If we reinstate the law as it stood before 1873, Canada, feeling the weight and burden of an act, not of injustice or of national discrimination, feeling the effect of the withdrawal of our generosity to her, will see at once that it would become her to be just, if not generous and liberal, towards the people of the United States in respect to their fishing rights in the ports of Canada and in the adjacent seas under the treaty of 1818. In the twenty-ninth article of the treaty of 1871 we gave to Canada enough to have

induced her to consent to all our rights in the fisheries as they existed in 1783.

What clearer proposition could be stated to an intelligent and a patriotic mind than that? But the President of the United States did not by any means have to reach these conclusions by riding down treaties or asking for the repeal of statutes. But Congress, in its neglect of the rights and interests of the people and of its solemn duties, had permitted the statute laws of the United States to go into that shape and condition where it became necessary in order even to guide the Executive in the performance of his oath to see that the laws are faithfully executed that it should come to his relief and place upon the statute-book some enactments indicative of the public policy of the United States on this grave and important subject. The law enacted in 1873, which put the treaty of 1871 into force, had expired by its own express limitation on the 5th July, 1885, that being the date of the termination of Articles XVIII to XXV and Article XXX of the treaty of 1871.

The PRESIDING OFFICER (Mr. PALMER in the chair). The Senator from Alabama will suspend. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which is the bill (S. 3504) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes.

Mr. DOLPH. I ask that the pending order be laid aside informally that the Senator from Alabama may conclude his remarks.

The PRESIDING OFFICER. If there is no objection, the pending order will be informally laid aside.

Mr. MORGAN. I am very much obliged to the Senator from Oregon for his courtesy. I prefer to conclude my remarks this morning, as I have some engagements out of the Senate for to-morrow which will prevent my attendance.

The President of the United States found the law in a condition, as I will observe again, where it was necessary that Congress should act in order to give to the executive head of the Government a guide to go by in its further execution. We find that up to 1873, under the laws of the United States, Canada paid duties upon her goods like all other countries. We find that in 1873 that requirement upon Canada was suspended. It was suspended in a way, however, which required that after the act of suspension had expired it should be re-enacted before the President of the United States could put it in force. Now, how was that? I will read a part of the act of 1873 so as to make my remarks upon this subject entirely intelligible. Section 2866 of the Revised Statutes provides that—

From the date of the President's proclamation declaring that he has evidence that the Imperial Parliament of Great Britain, the Parliament of Canada, and the Legislature of Prince Edward Island have passed laws on their part to give effect to the provisions of the treaty of Washington of May 8, 1871, as contained in Articles XVIII to XXV, inclusive, and Article XXX of said treaty, and so long as said articles remain in force, according to the terms and conditions of Article XXXIII of said treaty, all goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been, or may from time to time be, specially designated by the President of the United States and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Secretary of the Treasury may, from time to time, prescribe.

Another act of Congress, the revenue act, contains a similar provision, but seems to enlarge the scope of the act of March 1, 1873, so as to provide for the exemption from duties of Canadian commerce passing from Canada to our seaboard and to foreign countries.

That was the state of the law as the President of the United States found it at the date of his message to Congress recently delivered to us. What did it provide? That, in express terms, the act permitting goods imported into Canada to come free through the United States should expire by its own limitation whenever Articles XVIII to XXV and Article XXX of the treaty of 1871—the treaty of Washington—should be terminated.

Did Congress have the right to impose that restriction upon the operation of the treaty of 1871? The answer to that question is that Congress has the right at any time to repeal the treaty of 1871. In this country, as I have had occasion before to observe during the long debate upon the subject of the treaty, the Congress of the United States is the dominant power and represents the true sovereignty of the people of the United States whenever it chooses to exercise its will in the form of legislation, and no treaty can stand for a moment in the way of Congress thus commissioned to execute the will of the people.

So the Congress of the United States gave its assent to the operation of Article XXIX of the treaty of 1871, which exempted Canadian commerce passing through our country from the payment of duty. But for how long a time? Only for the period of time, says Congress, during which Articles XVIII to XXV and Article XXX shall be in force. In 1885, after two years' notice, we terminated Articles XVIII to XXV and Article XXX by an express act of Congress. There of course arose the condition upon which the act exempting Canadian products from duties ceased longer to have any operation. That stands in the nature of a repealing statute. During the time, at least, of the operation of Articles XVIII to XXV and Article XXX, through the effect given



to them by Congress, the statute virtually repealed the laws which required the collection of revenues from Canadian produce imported into or carried through the United States.

But our law, as declared in the statutes, is that the repeal of a repealing statute does not revive the original act unless by express command. When this statute expired by its own limitation its repealing effect upon antecedent laws requiring the collection of duties on Canadian commerce ceased to have full operation, and it became necessary for the Congress of the United States to re-enact these laws so far as Canada is concerned if we chose to extend the term of Article XXIX and to reimpose these duties upon goods coming from Canada or passing through the United States into Canada, if we preferred not to extend that term of Article XXIX of that treaty. It became the duty of the Congress of the United States to re-establish the revenue laws and the duties of the revenue officers before the President could execute the laws by collecting those revenues.

Now, sir, we will put the treaty of 1818 out of view. We will put every quarrel with the Canadian Government out of view for the moment. When we find that the act of 1873 has expired by its own limitation, what is the plain and palpable duty of Congress? It is, if public policy so demands, that we should reinstate and continue the force and effect of Article XXIX of the treaty; or if public policy is the other way, that we should refuse to do this, and we should order our custom-house officers to collect the duties upon Canadian commerce as they are collected upon goods from all other countries coming into the United States.

With every other consideration out of view, it was the plain duty of the President of the United States to call attention to the condition of the law upon the question of duties on imports coming from Canada, so that Congress might take such action as it should be advised was proper, either to renew and extend that law or else to allow it to remain dead, and in its place to substitute the revenue laws of the United States.

It so turned out, however, that we could make a double use of this opportunity, and instead of the President recommending that Congress would renew for another period of ten years the exemption of Canadian products from the payment of duties, he recommends that the duties should be reinstated, and that the tariff laws of the United States should operate generally upon Canadian commerce just as they do upon commerce brought from Germany or France. That is the whole proposition. That simple proposition, of which such good use can be made, so just in itself, relieving this country from any improper and unjust discrimination in respect of Canadian commerce, it is suggested by the President shall be restored to the statute-book as it stood before 1873, the date of the act from which I have just read.

What will be the effect of it? It will be, as I have observed, to inform Canada that hereafter she can not have access to the Atlantic Ocean through our railways and through our ports, or from the Atlantic Ocean through our ports and railways to her own ports for her commerce, unless she stops at the borders and pays the same duty to our custom-house that the people of Germany, the people of France, and the people of Great Britain have to pay on goods entered for consumption. That is the whole subject included in this branch of the President's message.

When the Canadians are informed that that is the situation upon which we have resolved, then they will discern that there is not merely a relation of blood and kindred between us, but that the Almighty in the configuration of the physical geography of this continent has put the commercial prosperity of the Dominion of Canada so far dependent upon the will of the people of the United States as that their best interests now and hereafter must depend either upon our benevolence and their good neighborhood, or else it must depend upon some identification of material interests between us and them.

If there is any one thing that would lead to the realization of the hopes so well expressed by the Senator from Ohio [Mr. SHERMAN], and in which every American citizen North and South equally coincides, if anything would advance the era when this people of a common origin and a common blood should unite themselves under the beneficent system of government that we have in the United States, it would be a resort to a policy which would inform the Canadians that their material interests as well as their affections and their sympathies are bound up very intimately with the people of the United States.

If I were to forecast the period of time when Canada might be admitted as an integral part of the Government of the United States, of course, with her own consent, I would say it would be at that period of time when Canada had determined in her own councils that her best interests led her into close and valuable commercial union with us; and that period of time will arrive after she has seen that her whole commercial prosperity is dependent upon the legislation of the Congress of the United States far more than upon the legislation of the Parliament of Great Britain.

I believe that this one stroke of masterly policy suggested by the President of the United States will have more to do with the coming of Canada within reach of our political affiliation than any other act that could be stated, for it brings before the eyes of the Canadian people the great practical fact that their material interests are so bound up with

us that a common government is a necessity for all alike. A zolverein would soon lead to this result, and I would welcome such an arrangement if I could see how it could be made practicable and equal in its operations through the action of two independent governments.

The Canadian Government for some reason that can not be characterized as one influenced by very sound policy thought it necessary under the twenty-ninth article of the treaty of Washington to prohibit our fishermen from shipping their catch of fish from the cod banks, the mackerel fisheries, and the halibut fisheries of the northeastern waters across Canadian territory, under bond and free of duty—a mere bagatelle, something that was of no account, so far as the money in it was concerned, to Canada or to us. Nevertheless, it was a right guaranteed to us under the treaty of 1871, as has been often asserted. Why Canada should have been so purblind as to refuse the admission of our fares of fish under bond to pass free of duty across her territory is beyond the imagination, I think, of any right-thinking man. Still it has been done, and I suppose it will continue to be done.

In that respect, according to the interpretation that we put upon the treaty of 1871, she violates it. If Mr. Cleveland had taken advantage of its violation, he would have been justified in saying that Canada has violated the twenty-ninth article of the treaty of 1871, and we retort upon her by declaring its abrogation.

The argument made by the Senator from Mississippi [Mr. GEORGE] upon another phase of this question deserves the closest attention of constitutional lawyers and publicists, for he has established to a demonstration upon technical reasoning that the twenty-ninth article of that treaty, not containing a period for its own termination, was referred by the treaty to that period which covered the continued existence of Articles XVIII to XXV and Article XXX. He also argued that when Articles XVIII to XXV and Article XXX were abrogated, or when they were terminated, to use the correct word, by the act of the Congress of the United States the period had ended, and the only period had ended which was fixed in the treaty as the limit of the life of the twenty-ninth article of the treaty.

I am willing to concede that that is technical argumentation. I am willing to concede that the current of American and British opinion is the other way. Nevertheless, when we submit that article of the treaty to the judgment of a tribunal that must pass in strict judgment upon constitutional questions, I apprehend that the argument of the Senator from Mississippi will be found very hard to answer.

But the President does not take either of these grounds. He merely says to the Congress of the United States that in his opinion we will not find the twenty-ninth article of the treaty or any act of Congress heretofore existing in our way when we desire to reimpose duties upon Canadian commerce. Sir, that is true beyond all dispute. The House of Representatives, which has the right to originate all bills relating to revenue and taxation—the House, without which the Senate can not begin to act upon a revenue question, when it came to consider the revenue propositions that were involved in the treaty of 1871, measured its consent first to the existence and then to the continuance of the provision made in Article XXIX of the treaty by its own view of public policy.

The House of Representatives had a perfect right to introduce a bill and pass it, with the consent of the Senate and the concurrence of the President, which would have limited the operation of that treaty to one year if they had seen proper to do it, and it was the course of wisdom to place strict guards of limitation upon the operation of a treaty that was so entirely one-sided as that. The House perfectly understood that we were yielding up to Canada out of the revenues of the United States \$20,000,000 a year upon her exports and imports through our country, and that Canada was probably not yielding to us as much as \$200,000 a year in her revenues upon the importations of fish through her territory into our country. The House saw that this was an unilateral affair, that the weight and burden of the concession was all upon the people of the United States, and none of it upon Canada; and, seeing that, they wisely and prudently said, "We connect together this right of the fisheries and all the privileges that our fishermen are to enjoy under the treaty of 1871 and the concession of \$20,000,000 a year in the way of revenues that we are making to Canada; we unite them in our action so that the one may stand in some respects as being reciprocal to the other. Thus uniting them, thus considering the question, thus measuring the policy upon which we are inclined to act, we absolutely limit this act of March 1, 1873, so that it shall continue," in these words:

So long as the said articles remain in force.

What articles? The articles named here, Articles XVIII to XXV, and Article XXX of the treaty of 1871. Did the House of Representatives and the Congress of the United States have the right to give their consent to the operation of this treaty during that limited period of time?

If Congress had that right—and there is no disputing it—that is all that it did; that is the right it has exercised. The President has said to the Congress of the United States that we will not find this act in our way, because, according to the limitations that Congress placed in it, it has expired; it has ceased; it is *functus officio*; but he found it in his way as President of the United States, because having passed this



repealing act, Congress must reinstate this, or provide some other law for his guidance before he can proceed.

So, whether Canada has been kind or unkind to us, just or unjust to us; whether we have overstated or understated our rights in respect to the fisheries in our dealings and in our diplomatic correspondence with Great Britain, it makes no difference; the laws of the United States are in this lame condition and they need rectification. It is a duty we owe to our country as well in respect of the collection of the revenues due to the Government as in respect of the relations we hold to Canada that this legislation should be attended to and arranged.

Because the President asks for this legislation the Committee on Foreign Relations of the United States Senate quickly changes its policy and declines to become active in respect of Canadian interference with the treaty of 1818.

I will not follow the Senator from Ohio through all the mazes of his argumentation, in which I think the Senator, after he gets his mind a little cool from the influence of this passionate political campaign that is now raging through the United States, will find that he has done the President of the United States great injustice in the statement of the President's position.

Turning to the other branch of this inquiry, there is but one thing to be said about it, and that relates to the discrimination in the tariff charges on ships, property, and passengers passing through the great lacustrine system divided between the United States and Canada by invisible lines drawn through the water. We have divided the lakes and the rivers that connect them by invisible lines drawn through the middle of the stream, a very inconvenient and difficult sort of boundary line to maintain and to respect.

When we were negotiating the treaty of 1871 the Government of Great Britain took the ground the provinces of Canada have so much of autonomy, so much of local self-government, so much of freedom and of independence, that they had not the power under the empire to compel her to open her canals to the transmission of goods and passengers and ships free of charges, in fact that Great Britain had no such power over them. Whatever is done in this particular by the provinces of Canada must be done by the consent of their local legislatures. We on the other hand said to Great Britain that we were much in the same condition, or precisely in the same condition.

There are some canals here, like the Erie Canal, passing entirely through the State of New York and owned by that State, leading from the Great Lakes out to the seaboard. There are some other canals shorter than this which are within the States and belong to the States or to the people of the States. The United States have no power to compel any one of these States to make any concession in regard to these canals. So both powers are in the same situation. What could they do? They both agreed in this treaty that they would use their best endeavors to persuade the respective local governments that they should not discriminate between American and British or colonial commerce in the rates charged for the passage of ships and traffic through these canals. That was as far as they could go. There the powers of diplomacy and treaty making ended; there they found a barrier which terminated their powers, and the two governments contented themselves with an assurance to each other that they would recommend, the one to its colonies and the other to the States, such arrangements as should result in an equitable and just schedule of charges upon commerce and passengers and ships going through. That was the situation.

It was further provided, however, in the treaty that in the event that either of them, any State or any colony, should not comply with this mutual agreement then the other Government could proceed to legislate in its own way as if that article were abrogated.

The Senator from Maine [Mr. HALE], who has long been very familiar with these questions, when he was debating the treaty before the Senate announced his disagreement with the President of the United States and with the policy which he had adopted, because the President had not treated with Great Britain about this canal question. With the treaty before that honorable Senator, showing plainly and palpably the reasons why Great Britain could not do it, and why the United States could not do it, neither having any control of States or of colonies, the Senator complained that the President of the United States had not opened negotiations with Great Britain for a treaty on this subject.

The Senator from Ohio recognizes the situation. He knows that neither of these Governments can advance a hair's breadth farther than it has already gone in the arrangement of a treaty regarding the subject of fares upon the canals and the passage of ships and passengers and commerce through them. Then what remains to be done? There has been discrimination, there has been wrong, there has been that concealment about the discrimination and wrong that stamps it as in the nature of an overreaching act. What is to be done? No power can act but Congress, and the Senator knows it.

The President of the United States comes here and asks us to act. The Senator from Ohio holds up the utopian scheme, blazoned with the brightest hopes that ever challenged human admiration, of the ultimate admission of Canada into the Union as the all-healing balm for these troubles. He will not introduce a bill here to assist the

President of the United States; he will not vote for a bill now before his committee to help the President of the United States to correct these and other evils; but when he is asked to consider a measure in the committee and to bring it into this body and vote for it so as to give justice to American shippers through Canadian canals, of which they are deprived by Canadian artifices secretly perpetrated, the Senator from Ohio opens his all-embracing arms and proposes to take in Canada clear up to the north pole.

That is the answer to the President's proposition. The first answer is made by the Senator from Ohio: "I will not give you, Mr. President, the power to reinstate the taxes through the consent of Congress, upon Canadian commerce. On that subject, I will change my whole programme."

The Senator, in the course of his remarks, mentioned an amendment that he said he intended to offer, or did offer in the committee. What was it? An amendment to strike out the fifteenth section, or so much of it as related to any reciprocity of trade between the United States and Canada.

Why did the Senator make that motion? Why did he advocate it? Upon a doctrine that he is as thoroughly grounded in as he is in the great history that he has wrought for his country in this and in the other House of Congress. What is that? He has been the uniform champion of the doctrine that there shall be no arrangement of customs duties between the United States and any foreign country by treaty, taking the high ground that only the House of Representatives has the constitutional right to originate a measure of that kind, and that the Senate can not originate a measure that relates to revenue. And yet when the President of the United States sends his message to this body and asks the Senator from Ohio to reinstate a law that was upon the statute-books until 1873, whereby we could collect revenues from Canada, he says, "No, I prefer to treat with them, and that is the object of my resolution, for the taking all of Canada into our possession, and then we shall not fear any discrimination in duties; we shall not need any regulation of commerce between the two countries."

Mr. President, following up the Senator's traditional ground upon this question in the Senate, oftentimes expressed and never abandoned until this occasion, we find that he would be compelled by his action to concede to the President of the United States the restoration of the duties upon Canadian commerce, but instead of doing that he withholds the power from the President and censures him for asking for it. He says that his motives are merely to get up a political clamor.

Why, sir, if Mr. Harrison is elected President of the United States, I confidently expect that on the very first day of the next Congress measures will come in from the Republican party to reinstate the duties on Canadian commerce, and treaty propositions will be offered between the United States and Great Britain containing concessions broader than any that Mr. Bayard ever made to the Canadian people and advantages far less to us than those that he achieved by his treaty, and everything will work as smoothly as a toboggan, and as rapidly. It will be down-hill from the beginning and no obstruction.

Now, Mr. President, let us deal fairly and squarely and candidly with this question. The President of the United States has sought to retaliate upon the Canadian Government and the British Government for wrongs done under the treaty of 1818, and he has stated them time and again and made demands for reparation. The Republican party from time to time have announced the existence of these wrongs, though I recall not one single demand, except that of the Sunday fishing in the Bay of Fundy made by the Senator from New York [Mr. EVARTS] when he was Secretary of State, ever made by a Republican President upon the Government of Great Britain for a single wrong that had been done to us during the last seventy years. There is not a Senator on this floor who can rise in his place and state from the records of the history of this country a single specific demand made in regard to a single American ship that was ever made by a Republican administration in this country under the treaty—not one.

Instead of making demands for wrongs, they have paid almost unlimited sums for peace and for the passing over of these questions in silence. When Mr. Cleveland came in, he opposed his powers with a bold front against the aggressions and demands of the British Government. He made a demand for compensation to every ship that had been unlawfully seized, for every article of property that had been improperly dealt with, and for every fisherman whose rights had been transgressed by the conduct of the Canadian authorities.

Not only did he that, but he went into negotiation with the British people for the purpose of seeing if an adjustment of their rights could be made, and then, as I remarked the other day, instead of withholding this treaty, postponing the subject, dallying with it until the heat and burden of this great political campaign had passed away, when it could not become an element of political exploiting by either of the great parties of the country—instead of doing that, he came boldly forward with his treaty and laid it before a Republican Senate and asked their concurrence in it when he knew it took two-thirds of that body to concur.

Allow me to remark again—for I like to remark upon it—there is no act of political statesmanship that ever characterized the conduct of a President of the United States that has in it more of honest, sincere



marhood and moral heroism than that act of the President of the United States. He wants open discussion of everything. He wants the people of the United States to see and to feel that they are right. He resorts to no concealment. When he has a proposition to submit to the Congress of the United States he comes boldly forward with it, no paltering, no double dealing, no hiding away of his opinions, but he puts the subject before the people and the Congress in such a direct and sincere and manly form as that no man who reads it can misunderstand it.

So he comes to the Congress of the United States and asks in his message that we shall give him this power not merely to retaliate upon Canada for wrongs she has done us, but to convince her that she must not do these things any more. He asks Congress to put the revenues of our country in respect of Canada upon the same footing that they are in respect of Mexico or any other foreign state, and also to relieve him from an embarrassment which every lawyer must see that he can not escape from as long as the law remains in its present imperfect and confused form. That is what he asks of us, a plain, a simple thing. The question is whether we will grant it. I do not believe that Congress will grant it, notwithstanding the almost solid vote of the House. There is no intention on the part of the majority in the Senate to grant it. There will not be any action taken upon it according to present appearances.

It will be but a few days now, as we are informed, until the report comes in on the tariff, and that will wedge everything else out, and after we have stood here and implored the postponement of action upon this treaty until December, so that the people of the United States might have a chance of having actual experience and actual observation of its benefits under the equivalent operation of the *modus vivendi* in the protocol; after refusing to postpone it, when the President asks for a power from this Congress which would be available, they say to him, "No, do not reinstate duties upon Canadian commerce; you will hurt the railroads of the country if you do that; you will hurt the corporations; go and make proclamation of non-intercourse where the burden will fall not upon the great corporations of the country, but upon the individual laborers who are engaged in manufactures, in mining, the timber and lumber industries, and in agriculture." Instead of making the yoke to fit the necks of the corporations, who are the instigators of all this trouble, they want the President, by his proclamation of non-intercourse, to put yokes upon the necks of the working people of the land.

The next outbreak of sympathetic eloquence we shall hear when the tariff comes in from the committee will be "what trusted and sympathetic friends of the poor and the laboring people are the Senator from Ohio and his friends on this floor," who are now so careful of the railroad companies.

The President of the United States knows how to discriminate in the measures he recommends so as to save the people whom he loves from unnecessary burdens falling upon the individual man. If burdens must come and be borne, let them be borne at least in a fair share by those who have amassed great accumulations of capital and who enjoy enormous corporate privileges and franchises at the hands of the Government.

But the moment we undertake to strike a blow for the honor and welfare of the country which may reach a railroad corporation, then we find the great Senators on this floor and the great politicians of the Republican party rallying to shelter the railroad corporations against a fair share of the burdens, and demanding of the President of the United States that he should pass them by and let the burdens of retaliation fall upon the necks of the laboring people of the land.

That is the situation, and right there, Mr. President, I leave it.

Mr. DOLPH. Mr. President, I had not intended to occupy the attention of the Senate on the fisheries question or on the question of our relations with Canada again this session, and should not have done so except for the extraordinary speech which has just fallen from the lips of the Senator from Alabama [Mr. MORGAN]; and even now I shall be very brief.

The Senate has constituted two committees to inquire into our commercial and other relations with Canada and to report to the Senate thereon. The treaty recently before the Senate has been rejected. The President still declines to enforce the provisions of the act of March 3, 1887, commonly known as the retaliation act. His attempt to divert attention from his refusal to do so, and from the conspicuous failure of his attempt at negotiation with Great Britain has proved futile, and I am quite satisfied with the situation. Our friends on the other side of the Chamber do not appear to be satisfied.

In March, 1887, they presented a united front in favor of the position that a treaty was not necessary, that negotiation was not desirable, that retaliation was the true remedy for the aggressions of the Canadian provinces upon our fishermen and fishing vessels. Suddenly they changed front. They became the defenders of the Administration; they sang the praises of the treaty which had been negotiated and which was recently rejected by the Senate, but there was always an interlude of a proposition to postpone the consideration of the treaty until after the November election; just as if a treaty which would be desirable after the 6th of November would not be a good thing before

the election. Now, after the treaty is rejected and the President still refuses to exercise the powers for retaliation placed in his hands by Congress, they turn around and complain of the Republican majority of the Senate because we do not precipitately grant the President's request for further power to retaliate upon the Canadian provinces.

From the advocates of the British side of this fisheries controversy they become now the most radical advocates of retaliation. They can not state the British aggressions upon American fishermen and the wrongs of Canada against the United States too strongly. Witnessing the facility with which they change positions on this question, one is ready to exclaim:

O consistency, thou art a jewel!

Mr. President, I regard the message of the President of the United States of the 29th ultimo, relating to legislation concerning intercourse with Canada, as a most extraordinary document. To be properly understood it must be considered in connection with certain facts relating to the controversy between the United States and Great Britain concerning the fishery rights of our citizens in British waters under the treaty of 1818 and our claim to reciprocal commercial privileges in Canadian waters.

These controversies, as I stated on a former occasion, may be stated to be first in regard to the delimitation of the common waters within which American citizens have a right to fish under the treaty of 1818 from the waters in which we renounced the right to fish under the renunciatory clause of that treaty on certain coasts of the British provinces; and second, as to the laws which have been passed by the Canadian provinces to regulate the exercise by American fishermen and American fishing vessels of their rights to fish in Canadian waters and their right to enter certain bays and harbors for the purpose of shelter and repair and for obtaining wood and water.

The controversy in regard to the delimitation of the common from the restricted waters turned on the question of the meaning of the words "bays and harbors" as used in the renunciatory clause of the treaty of 1818, and that of course could only be settled finally by agreement or by arbitration. The claims of citizens of the United States against the British Government for the unlawful seizure and confiscation of their vessels for alleged violation of provincial laws could only be determined by agreement or arbitration with the British Government; but the question of delimitation was not an important or a pressing question from the fact that neither Great Britain nor the provinces, with one or two exceptions, had ever undertaken to enforce the headland theory, and the question of the claims of our citizens against Great Britain was not of great urgency. Such claims lose nothing by lapse of time and will remain demands against the British Government until they are finally determined and settled.

The important question of the controversy was the question of our commercial relations with the Canadian provinces, the question of reciprocal commercial privileges to our vessels, including our fishing vessels, in Canadian waters, and the interests and the dignity of the United States demanded, inasmuch as this question of commercial privileges did not depend upon treaty but upon the laws of the two countries, I say the interest and the dignity of the United States demanded that there should be denied to Canadian vessels in our ports the privileges which were denied to our commercial vessels, including fishing vessels, in the ports of Canada.

The Congress of the United States by the act of March 3, 1887, conferred upon the President of the United States power to deny to the vessels of the Canadian and other British provinces of North America the privileges in the ports of the United States which were denied to American vessels in the ports of the Canadian provinces, and it further conferred upon him power to retaliate upon the Canadian provinces for the unlawful, unjust, and brutal treatment of our fishermen in Canadian waters, and for the denial or abridgment of the rights of our citizens under the treaty of 1818 or under international law in Canadian waters.

The President did not enforce that act, which I will show presently contained ample power of retaliation. What did he do? He negotiated a treaty by which the United States surrendered in large part their claim upon the question of delimitation, their contention as to what were bays and harbors within the meaning of the renunciatory clause of the treaty of 1818, by which no provision was made for the presentation or determination of the claims of American citizens for wrongs inflicted upon them by the provinces or by Great Britain, for the unlawful seizure and confiscation of their vessels; and by which the United States surrendered, or would have surrendered if the treaty had been ratified, our claim to reciprocal commercial privileges in Canadian waters, and agreed that if our fishermen were to receive even partial commercial privileges such privileges should be purchased by the surrender of duties to the amount of about \$1,000,000 a year.

And, sir, when that treaty was before the Senate and under discussion, as I have said before, appeals were made from the other side of the Chamber for the postponement of the treaty, a motion was made by a member of the other side for the postponement of the consideration of the treaty until December next, and the Republican side of the Chamber were threatened that if the treaty was not ratified the President would enforce the act of March 3, 1887, and in such a manner as to in-



jure the business and destroy the industries of the American people and bring bankruptcy upon the country. Such threats were used in order to endeavor to secure the ratification of the treaty.

Well, sir, that treaty, which was a shameful surrender of American rights, was rejected, as it should have been. The President was left free to execute the act of March 3, 1887, free to retaliate upon Republican Senators for the rejection of the treaty; but he chose to bluster instead of to act. He declined to exercise the power which had been placed in his hands; he refused to accept the measure of retaliation which had been established by law. He undertook to instruct Congress upon the question. He demanded power to do what? To prevent the transportation in bond of goods brought from Canada into the United States for the purpose of being shipped abroad and goods imported from abroad and brought into the United States for the purpose of being taken into Canada—a power the exercise of which would hurt American transportation companies alone; a power which would tend to destroy American interests, and which it is very doubtful if it would harm Canada at all, because if transportation were diverted from American transportation lines it would be transferred to Canadian lines, and would build up Canadian transportation companies and cause the construction of new lines of railroad, and in the end, as is claimed by leading men in Canada, would be a benefit to the Canadian provinces.

The exercise, as I will show in a moment, of the power which was placed in the President's hands under the act of March 3, 1887, would have injured Canada. Was that the reason the President did not exercise it? The power asked for would injure American interests, and it is doubtful if it would injure Canada in the long run. Is that the reason the President desires the power? If I am correct in regard to the effect of the exercise of this power it would seem to be the desire to retaliate upon the people of the United States rather than those of Canada. Why, sir, if the President had exercised the power which was placed in his hands to deny to Canadian vessels entry into our ports, it would not have been thirty days until our fishing vessels would have been granted full commercial privileges in the Canadian provinces.

If the President had denied the importation into the United States of fresh fish or salt fish or lumber, it would not have been thirty days until the Canadian provinces would have been casting about to see how they could amend their laws to give our fishermen all the privileges we have ever contended that they should have under the treaty of 1818.

Sir, I deny that the act of March 3, 1887, does not contain complete power for retaliation, and power to retaliate on Canada in such manner as to harm Canada and be harmless to ourselves. Let us see what that act provides. It provides, first—

That whenever the President of the United States shall be satisfied that American fishing vessels or American fishermen, visiting or being in the waters or at any ports or places of the British dominions of North America, are or then lately have been denied or abridged in the enjoyment of any rights secured to them by treaty or law, or are then or lately have [been] unjustly vexed or harassed in the enjoyment of such rights, or subjected to unreasonable restrictions, regulations, or requirements in respect of such rights, or otherwise unjustly vexed or harassed in said waters, ports or places; or—

#### Second—

whenever the President of the United States shall be satisfied that any such fishing vessels or fishermen, having a permit under the laws of the United States to touch and trade at any port or ports, place or places, in the British dominions of North America, are or then lately have been denied the privilege of entering such port or ports, place or places, in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favored nation, or shall be, unjustly vexed or harassed in respect thereof, or otherwise be unjustly vexed or harassed therein, or shall be prevented from purchasing such supplies as may there be lawfully sold to trading vessels of the most favored nation; or—

#### Third—

whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters or crews, so arriving at or being in such British waters or ports or places of the British dominions of North America, are or then lately have been denied any of the privileges therein accorded to the vessels, their masters or crews, of the most favored nation, or unjustly vexed or harassed in respect of the same, or unjustly vexed or harassed therein by the authorities thereof, then, and in either or all of such cases, it shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect—

#### First—

to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper), whether such vessels shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere; and—

#### Second—

also to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States.

Here there is conferred upon the President of the United States ample authority to prevent the entry into any port of the United States of any vessel belonging to the British provinces, and authority, as I said before, to prevent the importation of fish, either fresh or salt, or any other product of Canada. The Senator from Alabama insists that it requires legislation to enable the President to prevent the importation into the United States of products of Canada intended to be transported

abroad, produce simply passing through the territory of the United States. The language of this act is broad enough to authorize the President to prevent any production of Canada from coming into the United States either for consumption in the United States or for transportation to a foreign country.

The Senator says, and the President declares in his message, that the twenty-ninth article of the treaty of 1871 has ceased to be in force. In my opinion that article is still in force. I believe the Canadian authorities are right in regard to that, and it will be in force until two years' notice has been given by the United States, under the authority of Congress, to terminate it, unless this act of March 3, 1887, shall be held to be an abrogation of that article of the treaty. Certainly if that article is not in force, as the President declares, then there is nothing in the way of this act, and the President has ample power under the provisions of this act to prevent the importation into the United States of any production whatever of Canada.

But if it should be held that the act of March 3, 1887, must be construed in connection with the twenty-ninth article of the treaty of 1871, and that it was not the intention of Congress to abrogate that article, and the article is still in force, then it is a treaty obligation, and unless we are willing to violate the treaty it requires a notice to the British Government to terminate it.

The Senator from Alabama [Mr. MORGAN] dwelt upon the immense amount of foreign merchandise that is transported in bond across the territory of the United States and into Canada free of duty, and of Canadian products that are transported in bond across our territory intended for exportation, and he talks about the duties which we lose by that transportation. I did not suppose there was a man in the United States, capable of understanding a plain statute and knowing the circumstances, who believed that this transportation of merchandise in bond across the territory of the United States affects our revenue from duties at all. If duties were collected on merchandise to be imported into the United States intended for Canada or on merchandise brought into the United States from Canada intended for exportation, it would not be transported across the territory of the United States. The products of Canada would seek other routes to the sea, and her importations would be through her own ports. It is not an arrangement affecting the revenue at all; it is a mere matter of the convenience of the two countries.

While the Senator magnifies the amount and character of transportation in bond, so far as it is claimed to be beneficial to Canada, he belittles the question of transportation in bond of American products across Canadian territory. I will inform the Senator that there is a large amount of products of the Pacific coast that is now transported by the Canadian Pacific through Canadian territory and brought again into the United States. I understand there is a large amount of American products also brought over the Grand Trunk Railroad of Canada, products of the Western States that are shipped through to New York. Probably there is quite as much of transportation of American products in bond through the Canadian provinces—I do not speak after an examination of the question, but from my observation—as there is of transportation in bond through the United States of the products of Canada or merchandise imported intended for Canada.

I have shown, as I believe, that the President has ample authority, if disposed to retaliate on Canada, to do so in such a manner as to hurt Canada and not to injure the United States; that he is not confined by the Republican party, as was claimed by the Senator from Alabama, to retaliation by forbidding the importation of fish. Nothing that the Senate has done or that Congress has done limits his powers; and outside of Congress it is certain the Republican party can not control the President of the United States in the exercise of his powers under this act. He is not confined to the prohibition of the admission into the United States of fresh fish or of salt fish, but may prohibit the entry of wheat, or barley, or lumber, or any other Canadian product.

While he refuses to exercise the power conferred upon him, when he has, as I believe, deliberately refused to execute such power, and wisely determined not to carry out the threats which were made freely on this floor as to what would be done if the treaty was rejected, I for one am not willing to place in his hands a further power which, if exercised, would probably only hurt American interests without harming Canada.

The bill offered by the Senator from Alabama and which has been referred to by him contains a section relating to the question of tolls upon Canadian vessels on the canals of the United States. I have examined the correspondence which was submitted by the President in answer to the resolution of the Senator from Massachusetts [Mr. HOAR] calling for the correspondence upon the subject. I do not find anything in that correspondence that makes action by Congress so urgent that we can not wait until after the committee appointed to examine our relations with Canada shall have had time to investigate the subject and report.

Mr. SHERMAN. I hope the resolution will now be referred.

The PRESIDENT *pro tempore*. The question recurs, by unanimous consent, on the motion to refer the resolution.

Mr. GEORGE. I had some thought of making some remarks on the resolution.



Mr. SHERMAN. There are several Senators who wish to discuss the subject-matter of the resolution. If the Senator from Mississippi will allow it to be now referred to the Committee on Foreign Relations, it will no doubt be reported back one way or the other without delay.

Mr. GEORGE. It will be reported back very soon?

Mr. SHERMAN. Very soon, one way or the other; I can not say which way; and then the Senator will have an opportunity to speak upon it. I should like to have it referred so that it may be considered to-morrow, if possible.

Mr. GEORGE. With that understanding I consent to the reference.

The PRESIDENT *pro tempore*. The resolution will then be referred to the Committee on Foreign Relations.

Mr. CULLOM. I desire simply to state that I expect to say something on the resolution myself; but if the Senator from Ohio expects soon to get it back into the Senate from the committee, I shall defer my remarks.

Mr. SHERMAN. It will be reported one way or the other very soon.

#### EXTENSION OF APPROPRIATIONS.

Mr. ALLISON. I report back from the Committee on Appropriations the joint resolution (H. Res. 225) to continue the provisions of existing laws temporarily for the expenditures of the Government. I ask unanimous consent that the joint resolution may be now considered.

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

Mr. PLATT. When will the time run out by the present extension?

Mr. ALLISON. October 10.

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

#### SALE OF ADULTERATED FOOD IN THE DISTRICT OF COLUMBIA.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 249) to prevent the manufacture or sale of adulterated food or drugs in the District of Columbia; which were read, as follows:

In line 5, after the word "health," insert "or manufacture any article of food which shall be composed in whole or in part of diseased, decomposed, offensive, or unclean animal or vegetable substance."

In line 6, after the word "sell," insert "in the District of Columbia."

In line 7, after the word "stained," strike out "or."

In line 7, after the word "powdered," insert "or manufactured."

Page 2, line 3, after the word "sell," insert "in the District of Columbia."

Page 2, line 25, after the word "sell," insert "in the District of Columbia."

Page 3, line 7, after the word "shall," insert "in the District of Columbia."

Page 3, line 18, strike out the words "any exception or provision" and insert "proviso."

Page 4, line 14, strike out all after "Sec. 11" down to and including the word "drugs," in line 26, and insert: "That the analysis provided for in this act shall be under the control of the Commissioner of Internal Revenue, under such rules and regulations as may be prescribed by the Secretary of the Treasury."

Page 5, line 4, after the word "same," insert "to the Commissioner of Internal Revenue."

Page 5, line 4, strike out all after the word "analyzed" down to and including the word "with," in line 6, and insert "who shall with."

Page 5, line 6, strike out the words "analyze the same" and insert "cause such analysis to be made."

Page 5, line 30, strike out all after the word "That" down to and including the word "District," page 6, line 2, and insert "the Commissioner of Internal Revenue may."

Mr. FAULKNER. I move that the Senate concur in the amendments of the House of Representatives.

The amendments were concurred in.

#### CONSIDERATION OF PENSION BILLS.

Mr. DAVIS. I move that the Senate proceed to the consideration of private pension cases on the Calendar favorably reported.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent that the unfinished business, being the Northern Pacific Railroad forfeiture bill, may be informally laid aside, and that the Senate proceed to the consideration of the private pension bills on the Calendar favorably reported to which there is no objection. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. PADDOCK. I ask the indulgence of my colleague upon the Committee on Pensions to call up a House bill which is of local concern, but quite important, and which ought to have been passed some time ago.

Mr. DAVIS. I am willing to waive the pension cases for a few moments.

Mr. PADDOCK. I do not think it will take more than three minutes to pass the bill.

Mr. DAVIS. I have no objection if it can be done without prejudicing the pension cases.

#### OLD CAMP SHERIDAN RESERVATION.

Mr. PADDOCK. I ask the unanimous consent of the Senate to proceed to the consideration of the bill (H. R. 7410) for the relief of settlers upon old Camp Sheridan military reservation.

The PRESIDENT *pro tempore*. Unanimous consent having been given for the consideration of private pension bills on the Calendar, the Senator from Nebraska asks unanimous consent that this order may be informally laid aside to enable him to call for the consideration of

the bill (H. R. 7410) for the relief of settlers upon old Camp Sheridan military reservation.

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

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

MARY NEWTON.

The PRESIDENT *pro tempore*. The first private pension bill on the Calendar will be stated.

The SECRETARY. A bill (H. R. 9227) for the relief of Mary Newton.

Mr. COCKRELL. I object to that bill. Let it go to the other Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar under Rule IX.

ELIZABETH EVANS.

The bill (H. R. 2120) granting a pension to Elizabeth Evans was considered as in Committee of the Whole. It proposes to place the name of Elizabeth Evans, dependent sister of William Ayers, late a private in Company F, Thirty-seventh Regiment of Indiana Volunteers, on the pension-roll at \$12 per month.

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

SAMUEL ANDERSON.

The bill (H. R. 10017) granting a pension to Samuel Anderson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Samuel Anderson, late a private of Company E, Fifth Regiment Kentucky Volunteer Cavalry.

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

IRENE RUCKER SHERIDAN.

The bill (S. 3423) granting a pension to Irene Rucker Sheridan, widow of General P. H. Sheridan, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause, and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Irene Rucker Sheridan, widow of Philip H. Sheridan, late General of the Army of the United States, and pay her at the rate of \$3,500 per year during her natural life, from and after the 5th day of August, 1888.

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, and was read the third time.

The PRESIDENT *pro tempore*. Having been read three times, shall the bill pass?

Mr. BERRY. Mr. President, I do not desire to discuss the bill, nor do I care to call for the yeas and nays. I wish to state, however, that I am opposed to the bill, and I shall vote "no" upon its passage.

The bill was passed.

GEORGE RHODY.

The bill (H. R. 2139) granting a pension to George Rhody was considered as in Committee of the Whole. It proposes to increase the pension of George Rhody, late a private in Company K, Thirty-sixth Regiment Indiana Volunteers, to \$30 per month, in lieu of the pension he is now receiving.

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

MARY L. TANNER.

The bill (H. R. 10705) granting a pension to Mary L. Tanner was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary L. Tanner, widow of Alanson G. Tanner, late of Company K, One-hundredth New York Volunteers.

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

MARY C. THOMPSON.

The bill (S. 3428) granting a pension to Mary C. Thompson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 12, after the word "pension," to strike out "of ——— dollars a month" and insert "corresponding with the grade of captain;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Thompson, widow of the late Dr. Fillmore Thompson, of Hot Springs, Ark., who was chief guide to the expedition of General Frederick Steele, during the spring of the year 1864, undertaken for the purpose of co-operating with General Banks, and who lost his life by reason of exposure in said service, and to pay her a pension corresponding with the grade of captain.

Mr. COCKRELL. I should like to have some information about that case.

The PRESIDENT *pro tempore*. The bill was reported by the Senator from Wisconsin [Mr. SAWYER].

Mr. PLATT. When I was upon the Pensions Committee I made an unfavorable report in that case. As I remember it, Dr. Fillmore Thompson was a Union man at Hot Springs, Ark., and was engaged by General Steele to lead the expedition which attempted to make a union with General Banks. On that expedition, by reason of exposure, Dr. Thompson was taken sick, and soon after his return to Hot Springs died. There was no question upon the papers but that he lost his life in consequence of his services as guide to that expedition; but at that time we had not been in the habit of pensioning even scouts. The committee had not reported any bill pensioning a scout, but had reported uniformly against them at that time.

The report in behalf of the committee, as I recollect it, stated that this was a very meritorious case, and that it was only because the committee had not reported favorably upon such cases that it was reported against at that time.

At the present session Mrs. Thompson, the widow, came to me with my former report and spoke of the hard straits to which she was reduced; that she had lost not only her husband's life, but his property, by reason of his death at that time; and that she was utterly without means to support herself, and with some persons dependent upon her, as I remember.

I then made inquiries as to the course of the committee and of the Senate since that time. I found that the rule of the committee at the time when I was upon it had been reversed by the Senate, so that now cases of scouts who were wounded in the service were reported favorably upon and pensioned by the Senate; and also that in the case of widows of scouts who had lost their lives while engaged in their duties the Senate had been in the habit of granting pensions to such persons.

I said to her, therefore, that I thought the Senate ought to reverse its action in this case, and I introduced a bill in her behalf which was referred to the committee and has been reported favorably.

Mr. COCKRELL. There is but one point I wanted to inquire about. I am aware of what has been done here in regard to pensioning scouts; but the last clause of the amendment proposes to place Mrs. Thompson upon the pension-roll and give her a pension as the widow of a captain. I have never known the Senate to pension a scout in the position of a captain.

Mr. PLATT. Congress places a scout in a great deal better position than a captain very often, because a captain if totally disabled gets \$20 a month, while a scout very often under the provisions of special acts gets a pension which a captain could not get. But I think, with my view of the somewhat distinguished character of the gentleman who was her husband, the amount which the committee put in the amendment is very modest.

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.

MARY ANN REID.

The next bill on the Calendar was the bill (H. R. 10954) for the relief of Mary Ann Reid.

Mr. COCKRELL. Let that go over.

The PRESIDENT *pro tempore*. The bill will go over.

Mr. COCKRELL. I object to the bill. Let it go on the other Calendar.

The PRESIDENT *pro tempore*. The bill will go over to the Calendar under Rule IX.

THOMAS SHACKELFORD.

The bill (H. R. 9719) for the relief of Thomas Shackelford was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas Shackelford, late of the Eleventh United States Infantry of the Mexican war.

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

MARY A. CARR.

The bill (H. R. 4102) granting a pension to Mary A. Carr was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary A. Carr, widow of Jeremiah Carr, late a private in the Third Battery Light Artillery Vermont Volunteers.

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

DAVID O. SANBORN.

The bill (S. 3456) granting a pension to David O. Sanborn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "pension-roll," to strike out "at the rate of \$24 a month;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized to place the name of David O. Sanborn, of Silver Lake, Carroll County, New Hampshire, late of Company I, First Regiment of United States Infantry, upon the pension-roll, subject to the regulations of the Pension Department.

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.

HANNIBAL KIMBALL.

The bill (H. R. 10245) granting an increase of pension to Hannibal Kimball was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Hannibal Kimball, a soldier of the war 1812, at \$30 per month, in lieu of the amount now received by him.

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

MRS. DULCENA NOEL.

The bill (H. R. 9341) granting a pension to Mrs. Dulcena Noel was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Dulcena Noel, as the dependent mother of William T. Noel, late a private in Company G, Seventeenth Iowa Volunteers.

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

MARGARET QUINTON.

The bill (H. R. 10122) granting a pension to Margaret Quinton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret Quinton, an Army nurse during the late war of the rebellion, at \$12 per month.

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

FRANCES P. VERNON.

The bill (H. R. 7912) for the relief of Frances P. Vernon was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frances P. Vernon, widow of Richard B. Vernon, late of Company M, Sixth Regiment Kansas Volunteers.

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

J. W. LEIGHT.

The bill (H. R. 2716) granting a pension to J. W. Leight was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jonathan W. Leight, late hospital steward of the Sixty-seventh Regiment Ohio Volunteer Infantry.

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

GEORGE C. QUICK.

The bill (H. R. 10738) to increase the pension of George C. Quick was considered as in Committee of the Whole. It proposes to increase from \$16 to \$30 per month the pension of George C. Quick, late a private in Captain Miller's company of Illinois Mounted Rangers, in the war with the Indians commonly called the Black Hawk war.

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

RICHARD PORTER.

The bill (H. R. 10241) increasing the pension of Richard Porter was considered as in Committee of the Whole. It proposes to pay to Richard Porter, late a private in Company B, One hundred and ninth Regiment United States Colored Troops, a monthly pension of \$40, instead of \$4, the amount now paid, he being totally blind.

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

HENRY MITCHELL YOUNGBLOOD.

The bill (H. R. 10907) granting a pension to Henry Mitchell Youngblood was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry Mitchell Youngblood, who served in Capt. Richard Sloan's company, First Regiment Drafted Georgia Militia, Indian war, 1836, under the name of Michael Youngblood, at \$20 per month.

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

MARY A. COVEY.

The bill (H. R. 6309) for the relief of Mary A. Covey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary A. Covey, widow of Henry G. Covey, late a private of Company A, Sixtieth New York Volunteers.

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

BENJAMIN FRANKLIN.

The bill (H. R. 5193) granting an increase of pension to Benjamin Franklin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Benjamin Franklin, late of Company H, Second Regiment of Minnesota Cavalry, at \$100 per month, in lieu of the pension of \$72 per month heretofore granted, and which he is now receiving for loss of both legs and both arms.

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



## ROSALIE O'SULLIVAN.

The bill (H. R. 9358) to increase the pension of Rosalie O'Sullivan was considered as in Committee of the Whole. It proposes to pay to Rosalie O'Sullivan, widow of Eugene O'Sullivan, who was a soldier in Company A, Fourth Kentucky Infantry, during the Mexican war, in addition to the pension now received by her, \$2 per month for each of her two minor children by the soldier, until each child shall arrive at the age of sixteen years, when the additional payments shall cease and determine.

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

## THOMAS REDMOND.

The bill (S. 704) granting a pension to Thomas Redmond, late private Company K, Fourth United States Infantry, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 11, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to read:

*Be it enacted, etc.,* That by reason of the applicant, Thomas Redmond, while on duty as teamster in the employ of the Quartermaster's Department and en route transporting military supplies from Snake River Depot to Harney Depot (later Fort Colville, Wyo.), Colville, Wyo., in November, 1859, having incurred severe and permanent physical injury by freezing his feet, necessitating the amputation of all the toes of both feet, he is hereby granted a pension of \$30 a month; and the Commissioner of Pensions is hereby directed to place his name on the pension-roll at that rate.

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.

## SUSAN E. LATTURE.

The bill (H. R. 11030) granting a pension to Susan E. Latture was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Susan E. Latture, widow of Jacob Latture, late a private of Company D, Fifth Tennessee Volunteers, Mexican war.

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

## MINOR CHILDREN OF LIEUT. G. R. M'GUIRE.

The bill (H. R. 4038) granting a pension to Victor, Gertrude, Margaret, and Helen, minor children of Lieut. George R. McGuire, was considered as in Committee of the Whole. It proposes to place on the pension-roll the names of the minor children of George R. McGuire, late a lieutenant of Company I, Thirteenth Regiment Pennsylvania Volunteers.

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

## MARY A. PFEIFFER.

The bill (H. R. 4039) granting a pension to Mary A. Pfeiffer was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 6, after the name "Charles L. Pfeiffer," to insert "late of Company E, One hundred and eighty-eighth Regiment Pennsylvania Volunteers;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Pfeiffer, widow of Charles L. Pfeiffer, late of Company E, One hundred and eighty-eighth Regiment Pennsylvania Volunteers.

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 and the bill to be read a third time.

The bill was read the third time, and passed.

## HENRY ROSE.

The bill (H. R. 10007) for the relief of Henry Rose was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry Rose, late private in Capt. William S. L. Deering's company, Maj. William Lauderdale's battalion, Tennessee Troops, in the Florida war.

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

## WASHINGTON RYAN.

The bill (H. R. 10629) granting a pension to Washington Ryan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Washington Ryan, who was a private soldier in Captain Nederland's company of Tennessee Volunteers in the Florida Indian war of 1836, at \$25 per month.

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

## TEMPY M. JOHNSTON.

The bill (H. R. 9169) granting a pension to Tempy M. Johnston was considered as in Committee of the Whole. It proposes to place on

the pension-roll the name of Tempy M. Johnston, widow of John Johnston, late sergeant Company B, Eleventh Regiment Kentucky Volunteers.

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

## THOMAS RAINS.

The bill (H. R. 1085) granting a pension to Thomas Rains was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas Rains, late captain Company B, Fifth Tennessee Mounted Infantry Volunteers.

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

## RANSOM RILEY.

The bill (H. R. 9182) granting a pension to Ransom Riley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ransom Riley, late private of Company G, Fifth Regiment Kentucky Volunteer Cavalry.

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

## JOSEPH WELSH.

The bill (H. R. 9975) granting a pension to Joseph Welsh was considered as in Committee of the Whole. It proposes to pay a pension of \$25 a month to Joseph Welsh, of York, Pa., father of Albertus Welsh, J. Franklin Welsh, and Howard H. Welsh, all of whom are now deceased, soldiers in the Union Army in the war of the rebellion, on whom Joseph Welsh was dependent for support during the war.

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

## MIGHILL H. PATTEN.

The bill (H. R. 10672) granting a pension to Mighill H. Patten was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Mighill H. Patten, late of Captain Huxford's company, First Regiment Maine State Militia, and now a resident of Waterford, Minn.

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

## MARY VANBUSKIRK.

The bill (H. R. 11029) for the relief of Mary Vanbuskirk was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Vanbuskirk, widow of John E. Vanbuskirk, private in Company G, First Regiment United States Artillery, Florida war.

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

## JOSEPH LINCOLN YOUNG.

The bill (H. R. 2474) granting a pension to Joseph Lincoln Young was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph Lincoln Young, son of Joseph Young, late a private of Company H, Seventeenth Regiment Maine Volunteers, at \$18 per month, payable to his legally constituted guardian.

Mr. COCKRELL. I should like to hear the report read in that case.

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

The Secretary read the following report, submitted by Mr. BLAIR

September 4, 1888:

The Committee on Pensions, to whom was referred the bill (H. R. 2474) granting a pension to Joseph Lincoln Young, have examined the same, and report:

The facts in this claim are correctly stated in the appended House report, which is herewith adopted, and the passage of the bill recommended.

## HOUSE REPORT.

The beneficiary named in the bill is the child of Joseph Young, who died August 21, 1864, at Andersonville prison, while a private of Company H, Seventeenth Maine Volunteers, to which command he was transferred from Company H, Third Maine Volunteers.

His widow drew pension until her death, January 20, 1868, whereupon his minor children were placed upon the pension-roll, and continued to receive pension until November 6, 1878, on which date the youngest, Joseph Lincoln, became sixteen years of age.

It appears from the evidence before your committee that Joseph Lincoln Young is incapable of taking care of himself by reason of a mild type of insanity, and that he is dependent upon others for support. The probate court of Essex County, Mass., has declared him insane, and appointed a guardian.

Congress having on many occasions liberally responded to the requests for relief in this class of cases, your committee feel warranted in returning the accompanying bill with the recommendation that it do pass, amended, however, by striking out all after the word "private," in line 7, and inserting therein instead the words "of Company H, Seventeenth Regiment Maine Volunteers, at the rate of \$18 per month, payable to his legally constituted guardian."

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

## ISAAC HURD.

The bill (H. R. 9935) to increase the pension of Isaac Hurd was considered as in Committee of the Whole. It proposes to increase the pension of Isaac Hurd, a veteran of the war of 1812, Vermont Militia, from \$8 per month, the amount now allowed him, to \$30 per month.

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



## MARIA N. ABBEY.

The bill (S. 3429) granting a pension to Maria N. Abbey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "fifteen" and insert "twelve;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Maria N. Abbey, a volunteer nurse during the late war, and to pay her a pension at the rate of \$12 per month.

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.

## ABIGAIL FARLEY.

The bill (S. 3457) granting a pension to Abigail Farley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Abigail Farley, mother of Alfred L. Boyer, late of Company I, Seventeenth Regiment Wisconsin Volunteer Infantry.

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

## LYDIA ANN WILBER.

The bill (H. R. 8200) granting a pension to Lydia Ann Wilber was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lydia Ann Wilber, sister of John M. Wilber, who was a soldier in Company A of the Seventy-seventh Regiment of Illinois Infantry Volunteers, in the war of the rebellion, and was killed in battle May 22, 1863.

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

## DANIEL WILLBORG.

The bill (H. R. 2073) granting an increase of pension to Daniel Willborg was considered as in Committee of the Whole. It proposes to increase the pension of Daniel Willborg, late of Company C, Forty-third Illinois Volunteers, from \$4 to \$16 per month.

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

## ELEANOR D. HEATH.

The bill (H. R. 7457) granting a pension to Eleanor D. Heath was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Eleanor D. Heath, mother of Lewis Heath, late private Company H, One hundred and fourth Regiment Ohio Infantry.

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

## JOHANNA GEYER.

The bill (H. R. 2689) granting a pension to Johanna Geyer, widow of Gustav W. Geyer, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Johanna Geyer, widow of Gustav W. Geyer, late a private in Company H, One hundred and eighty-seventh New York Volunteers.

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

## WILLIAM FAIRBANKS.

The bill (H. R. 10103) granting a pension to William Fairbanks was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Fairbanks, late a private in Company A, Fifteenth Regiment New York State Engineers.

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

## VICTORIA MAY.

The bill (H. R. 10944) granting a pension to Victoria May was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Victoria May, widow of Paul May, late a private of Company K, Second Regiment of Michigan Volunteers.

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

## POWELL'S BATTALION, MISSOURI MOUNTED VOLUNTEERS.

The bill (S. 3513) granting pensions to Powell's Battalion of Missouri Mounted Volunteers was considered as in Committee of the Whole. It proposes to place on the pension-roll the names of all of the surviving officers and enlisted men of Powell's Battalion of Missouri Mounted Volunteers, raised under the act of Congress of May 19, 1846, for services in the Army of the United States, in the establishment of military posts, and for services on the frontier during the war with Mexico; and to pension the surviving widows of such officers and enlisted men.

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

## CHARLES HAHNEMAN.

The bill (H. R. 11021) to increase the pension of Charles Hahneman

was considered as in Committee of the Whole. It proposes to increase the pension of Charles Hahneman, late a private in Company C, Forty-first New York Volunteers, and to pay him \$45 per month, in lieu of the pension now paid to him.

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

## CHARLES S. HAMILTON.

The bill (S. 3387) granting a pension to Charles S. Hamilton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "month," to insert "in lieu of the pension he is now receiving;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles S. Hamilton, late a major-general in the Army of the United States, and pay him a pension at the rate of \$100 per month, in lieu of the pension he is now receiving.

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.

## ARLINGTON M. HARRINGTON.

The bill (H. R. 3152) for the relief of Arlington M. Harrington was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Arlington M. Harrington, late a private in Company B, Sixteenth Regiment Kentucky Volunteer Infantry, in Mexican war, at \$12 per month, in lieu of the pension he now receives.

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

## PHILIP THOMAS.

The bill (H. R. 10210) to increase the pension of Philip Thomas was considered as in Committee of the Whole. It proposes to increase the pension of Philip Thomas, late a private of Company D, Seventy-first Regiment of Indiana Volunteers, for injury to right knee and heart disease.

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

## JANE ROBINSON.

The bill (H. R. 9148) to grant a pension to Jane Robinson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jane Robinson, dependent widow of Harai Robinson, late a colonel in the First Louisiana Cavalry, United States Volunteers.

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

## JOHN ROBESON.

The bill (H. R. 6201) granting a pension to John Robeson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Robeson, late of Company H, Sixty-eighth Regiment Indiana Volunteers.

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

## MARY WOODWORTH.

The bill (H. R. 7657) granting a pension to Mary Woodworth, widow of Ebenezer F. Woodworth, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Mary Woodworth, widow of Ebenezer F. Woodworth, late of Company L, Second Regiment Michigan Cavalry Volunteers.

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

## JOHN DAUPER.

The bill (H. R. 10342) granting a pension to John Dauper was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Dauper, late of Company I, Eighteenth Regiment Ohio Volunteer Infantry.

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

## WILLIAM S. LATHAM.

The bill (H. R. 10563) granting a pension to William S. Latham was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William S. Latham, late a private of Company E, Eighty-seventh Regiment of Illinois Volunteers.

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

## SAMUEL NEIKIRK.

The bill (H. R. 7185) granting a pension to Samuel Neikirk was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Samuel Neikirk, of Republic, Seneca County, Ohio, late a private in Company K, One hundred and first Regiment Ohio Volunteer Infantry.

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



## MARY A. VAN BUSKIRK.

The bill (H. R. 10824) granting a pension to Mary A. Van Buskirk was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Mary A. Van Buskirk, widow of Charles F. Van Buskirk, late of Company F, Fourth Regiment of Missouri State Militia Cavalry.

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

## EDWARD WATERS.

The bill (H. R. 201) granting a pension to Edward Waters was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Edward Waters, late a private in Company K, Ninety-third New York Infantry Volunteers.

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

## MATILDA SPANGLER.

The bill (H. R. 10106) to place the name of Matilda Spangler on the pension-roll was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Matilda Spangler, widow of John E. Spangler, deceased, late a private in Michigan Battery, Captain Lamphier, commanding.

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

## SARAH F. HAWKINS.

The bill (H. R. 508) granting a pension to Sarah F. Hawkins was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Sarah F. Hawkins, widow of Martin J. Hawkins, late of Company A, Thirty-third Regiment Ohio Volunteer Infantry, at \$24 per month, in lieu of the pension now paid to her.

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

## JOHN GERMAN.

The bill (H. R. 3504) for the relief of John German was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John German, father of Philip German, deceased, formerly of Company G, Twenty-fourth Illinois Infantry.

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

## LUCY WAGOR.

The bill (H. R. 10256) to place the name of Lucy Wagon, of Hillsdale, Mich., on the pension-roll was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lucy Wagon, of Hillsdale, Mich., mother of Martin Wagon, second lieutenant Company F, First Regiment Michigan Sharpshooters.

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

## SARAH A. MASON.

The bill (H. R. 10121) granting a pension to Sarah A. Mason was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah A. Mason, widow of John Mason, late private of Company D, Forty-ninth Regiment of Illinois Volunteers.

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

## MARY HOOPER.

The bill (H. R. 10504) granting a pension to Mary Hooper was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Hooper, widow of the late Isaac Hooper, lieutenant Company I, Eighty-fourth Pennsylvania Volunteers.

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

## ELIAS H. HALL.

The bill (H. R. 10224) granting a pension to Elias H. Hall was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elias H. Hall, late a private in Company F, Seventy-third Regiment Indiana Volunteers.

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

## SHADRACK W. BROWN.

The bill (H. R. 8993) for the relief of Shadrack W. Brown was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Shadrack W. Brown, late of Company D, One hundred and seventy-sixth Regiment New York Volunteers.

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

## SYLVESTER STEARNS.

The bill (H. R. 7516) to increase the pension of Sylvester Stearns was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, before the word "dollars," in line 7, to strike out "thirty-six" and insert "fifty;" and in the same line, after the word "month," to

add "in lieu of the pension he is now receiving;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, directed and authorized to increase the pension of Sylvester Stearns, of Fostoria, Ohio, late a member of Company K, Forty-ninth Regiment Ohio Volunteer Infantry, to \$50 per month, in lieu of the pension he is now receiving.

The amendments were 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.

## NELSON J. CROOK.

The bill (H. R. 3801) granting a pension to Nelson J. Crook was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nelson J. Crook, late a member of Company D, of the Third Missouri Cavalry Volunteers.

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

## PHILLIP KOPPLIN.

The bill (H. R. 2566) for the relief of Phillip Kopplin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Phillip Kopplin, late a private in Company A, First Regiment Missouri Cavalry Volunteers.

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

## ELLEN KELLEY.

The bill (H. R. 4820) granting a pension to Ellen Kelley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ellen Kelley, widow of John Kelley, late a private in Company F, of the Ninetieth Illinois Volunteer Infantry.

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

## MARGARET GRAY.

The bill (H. R. 11057) granting a pension to Margaret Gray was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret Gray, mother of Wilson S. Gray, deceased, late of Company G, Eleventh Illinois Cavalry.

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

## SARAH J. POWERS.

The bill (S. 3479) granting a pension to Sarah J. Powers was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah J. Powers, widow of Norman Powers, late of Company E, Twenty-ninth Wisconsin Volunteers.

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

## DAVID GRAY PURMAN.

The bill (S. 2374) for the relief of David Gray Purman was considered as in Committee of the Whole. It proposes to increase the pension of Maj. David Gray Purman, of the Forty-first Regiment of Wisconsin Volunteer Infantry, who was second lieutenant of Company I, Sixteenth Regiment of Volunteer Infantry, at the date of his disability, to \$30 per month for wounds received in the line of duty at the battle of Shiloh, on the 6th of April, 1862.

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

## JULIANA ROITSCH.

The bill (S. 3502) granting a pension to Juliana Roitsch was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Juliana Roitsch, widow of Ernst Roitsch, late a private in Company C, Ninth Regiment Wisconsin Volunteers.

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

## MINERVA GRIFFITH.

The bill (S. 3477) granting a pension to Minerva Griffith was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Minerva Griffith, widow of James Griffith, late a private in Company B, Third Regiment Wisconsin Cavalry.

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

## J. D. HAWORTH.

The bill (S. 3435) granting a pension to J. D. Haworth was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of J. D. Haworth, late a member of Company H, Thirty-third Regiment of Iowa Volunteer Infantry, who was transferred on account of disability to Company H, Twenty-first Veteran Reserve Corps.

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



## RICHARD JOBES.

The bill (H. R. 8748) to increase the pension of Richard Jobes was considered as in Committee of the Whole. It proposes to increase the pension of Richard Jobes, late of Company D, Sixteenth Regiment of Connecticut Volunteers, to \$36 per month.

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

## TRUMAN A. MORTON.

The bill (S. 1598) granting to Truman A. Morton a pension of \$24 a month since the date of his discharge was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "month," to strike out "from the date of his discharge, and to continue such pension;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and is hereby, authorized and directed, through the Commissioner of Pensions, to pay to Truman A. Morton, late of Company E, New York Cavalry, a pension of \$24 a month, subject to the provisions and limitations of the pension laws.

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 granting to Truman A. Morton a pension of \$24 a month."

## CAROLINE M. McDUGAL.

The bill (S. 3397) granting a pension to Caroline M. McDougal was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Caroline M. McDougal, widow of the late Admiral David P. McDougal, United States Navy, at \$100 per month, on account of her total blindness and the necessity of constant personal attendance and assistance.

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

## CHARLES JUNOT.

The bill (H. R. 10687) granting a pension to Charles Junot was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles Junot, of Louisville, Ky., who served in the Florida war under the name of Tom Jones.

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

## BENJAMIN F. BAIR.

The bill (H. R. 9862) granting a pension to Benjamin F. Bair was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Benjamin F. Bair, late corporal Company I, Seventy-third Indiana Infantry.

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

## ESTER GAVEN.

The bill (H. R. 11005) granting a pension to Ester Gaven was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ester Gaven, widow of Bernard Gaven, late a member of Company D, Seventy-first Regiment Ohio Volunteer Infantry.

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

## PETER LINER.

The bill (H. R. 9106) granting a pension to Peter Liner was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Peter Liner, late a member of Company D, Seventh Regiment Regular United States Cavalry.

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

## ELIZABETH HECKLER.

The bill (H. R. 11222) granting a pension to Elizabeth Heckler was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Heckler, widow of the late Francis Heckler, of the Thirty-ninth Regiment New York Volunteers.

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

## JESSE L. GARRETT.

The bill (H. R. 3908) increasing the pension of Jesse L. Garrett was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jesse L. Garrett, formerly of the United States Marine Corps, at \$25 per month, in lieu of the pension he is now receiving.

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

## CATHARINE MULLIGAN.

The bill (H. R. 10173) granting a pension to Catharine Mulligan was considered as in Committee of the Whole. It proposes to place

on the pension-roll the name of Catharine Mulligan, mother of Patrick Mulligan, late a private of Company M, Fourteenth New York Heavy Artillery Volunteers.

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

## MRS. SUSAN V. WILCOX.

The bill (H. R. 7485) granting a pension to Mrs. Susan V. Wilcox, mother of Martin V. Wilcox, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Susan V. Wilcox, mother of Martin V. Wilcox, deceased, late private Company A, One hundred and twenty-eighth Regiment New York Volunteers.

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

## JENNY BUELL.

The bill (H. R. 10159) granting a pension to Jenny Buell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jenny Buell, widow of Henry C. Buell, late a private in Company B, Fourteenth Regiment New York State Volunteers, at \$12 per month.

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

## SUSAN BATES.

The bill (H. R. 9370) granting a pension to Susan Bates, widow of Thomas Bates, late private Company A, Twenty-sixth Regiment Michigan Volunteers, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Susan Bates, widow of Thomas Bates, late private Company A, Twenty-sixth Regiment Michigan Volunteer Infantry.

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

## ARABELLA DAVIS.

The bill (H. R. 8553) granting a pension to Arabella Davis was considered as in Committee of the Whole. It proposes to place on the pension-rolls the name of Arabella Davis, widow of Lieut. David Davis, late quartermaster of the Forty-fifth Regiment Ohio Volunteer Infantry.

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

## JANE E. KNOBLE.

The bill (H. R. 10708) granting a pension to Jane E. Knoble was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jane E. Knoble, widow of Samuel Knoble, late a private in the Eighty-first Regiment Ohio Volunteer Infantry.

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

## PERRY R. NYE.

The bill (H. R. 6409) for the relief of Perry R. Nye was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Perry R. Nye, late of Company E, Tenth Regiment Ohio Volunteers.

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

## RACHEL ROGERS.

The bill (H. R. 10171) granting a pension to Rachel Rogers was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Rachel Rogers, dependent mother of Jeremiah T. Rogers, late sergeant of Company H, Fifty-fourth Regiment of Illinois Volunteer Infantry.

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

## MARY E. McQUEEN.

The bill (H. R. 11243) granting a pension to Mary E. McQueen was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary E. McQueen, an imbecile daughter of Anthony McQueen, late a private of Company D, Thirty-first Regiment of Wisconsin Volunteers, and to pay to her duly appointed guardian a pension of \$18 per month.

Mr. COCKRELL. I ask that 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. SAWYER September 13, 1888:

The Committee on Pensions, to whom was referred the bill (H. R. 11243) granting a pension to Mary E. McQueen, have examined the same, and report: The report on which this bill was passed by the House is approved, and is as follows:

"The proposed beneficiary is the daughter of Anthony McQueen, jr., who served as private in Company D, Thirty-first Regiment Wisconsin Volunteers, from August 14, 1862, to June 20, 1865, and died April 14, 1869, from chronic diarrhea contracted in service. His widow, Ellen McQueen, was a pensioner and is now dead, as appears from the certificate of the United States pension agent at Des Moines, Iowa. The soldier left surviving him six children under sixteen years of age, all of whom are now over pensionable age, and consequently no one is now drawing any pension on account of his death.

"Mary E. McQueen is about thirty years of age and is an imbecile, utterly incapable of self-support, as shown by medical and lay testimony before your

committee. She has no means of support, being dependent upon relatives who have a hard struggle to provide for themselves.

"The liberal policy of Congress towards the dependent relatives of deceased soldiers not provided for under the general pension laws suggests the propriety of relief in this case."

The bill is reported favorably with the recommendation that it do pass.

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

WALTER O. WATSON.

The bill (H. R. 200) granting a pension to Walter O. Watson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Walter O. Watson, late a private in Company D, Fourteenth Regiment Illinois Infantry Volunteers.

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

LIEUT. GEORGE T. RUSSELL.

The bill (H. R. 2788) granting a pension to Lieut. George T. Russell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George T. Russell, late a first lieutenant by brevet in the Seventeenth Regiment Massachusetts Volunteers, and later of the Eighty-seventh Company, Veteran Reserve Corps, from which he was discharged by resignation at Cairo, Ill., November 18, 1865.

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

STATIRA YOUNG.

The bill (H. R. 5174) granting a pension to Statira Young was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Statira Young, widow of Joseph Young, Company D, Twelfth Regiment New Hampshire Volunteers.

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

CATHARINE TEEGARDIN.

The bill (H. R. 10827) for the relief of Catharine Teegardin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catharine Teegardin, widow of the late Peter Teegardin, who was a member of Company D, One hundred and eighteenth Regiment Ohio Volunteers.

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

ANNA M. NOYES.

The bill (H. R. 2471) granting a pension to Anna M. Noyes was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Anna M. Noyes, widow of Benjamin F. Noyes, late captain of Company D, Forty-eighth Regiment Massachusetts Volunteers.

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

MRS. SOPHIA VOGELSANG.

The bill (H. R. 10661) granting a pension to Mrs. Sophia Vogelsang was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Sophia Vogelsang, widow of Dietrick Vogelsang, late a private in Company A, First Regiment Minnesota Volunteers.

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

LYDIA A. EATON.

The bill (H. R. 2472) granting a pension to Lydia A. Eaton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lydia A. Eaton, widow of William G. Eaton, late of Company A, Thirty-third Regiment Massachusetts Volunteers.

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

MRS. R. S. HORTON.

The bill (H. R. 8) to restore Mrs. R. S. Horton upon the pension-roll was considered as in Committee of the Whole.

Mr. COCKRELL. I should like to call the attention of the chairman of the Committee on Pensions to this bill. It reads:

*Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, empowered and directed to replace or restore Mrs. R. S. Horton, widow of Capt. William H. Seaton, late of Company D, Twenty-sixth Ohio Volunteers, upon the pension-rolls.*

The only question is whether it does not give her pay back from the time she was dropped from the roll on account of her marriage.

Mr. DAVIS. Let the bill be passed over for the present.

Mr. COCKRELL. It is evidently not the intention of the committee that she should be paid for arrears while she was the wife of Mr. Horton.

Mr. DAVIS. Let the bill be passed over and I will examine it.

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

CYRUS MILLINS.

The bill (H. R. 10258) to place the name of Cyrus Millins, of Ogden Centre, Mich., on the pension-roll was considered as in Committee of

the Whole. It proposes to place on the pension-roll the name of Cyrus Millins, of Ogden Centre, Mich., late a private of Company B, Fourth Michigan Infantry Volunteers.

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

SMITH BODKINS.

The bill (H. R. 6022) granting a pension to Smith Bodkins was considered as in Committee of the Whole. It proposes to place on the pension-roll, at the rate of \$40 per month, the name of Smith Bodkins, late a private in Company E, Twenty-fifth Ohio Volunteer Infantry, who is now blind.

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

MARY P. MYERS.

The bill (S. 3540) granting a pension to Mary P. Myers was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary P. Myers, widow of David Myers, late a private in Captain Whitmore's company, Colonel Goodwin's regiment of mounted volunteers, in the Florida war.

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

JOHN WATSON.

The bill (S. 3462) granting a pension to John Watson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Watson, late private Capt. John Chapman's company, Santa Fé Regiment New Mexico Volunteers, Mexican war.

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

ALFRED T. MCKINSEY.

The bill (S. 3453) granting an increase of pension to Alfred T. McKinsey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Alfred T. McKinsey, late of Company G, Twenty-seventh Regiment Illinois Volunteer Infantry, at \$50 per month, in lieu of the pension he is now receiving.

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

JAMES PATTERSON.

The bill (S. 2623) granting an increase of pension to James Patterson was considered as in Committee of the Whole. It proposes to pay to James Patterson, late a private in Company E, Third Missouri State Militia Cavalry, a pension of \$25 a month, in lieu of that which he now receives.

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

JOHN PARKINSON.

The bill (S. 3492) granting a pension to John Parkinson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to add the words "and to pay him a pension at the rate of \$30 a month;" so as to make the bill read:

*Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Parkinson, late a private in Company G, Third Regiment United States Infantry, and to pay him a pension at the rate of \$30 a month.*

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.

JOHN W. COMBS.

The bill (S. 2363) for the relief of John W. Combs was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "rate of," to strike out "seventy-two" and insert "twenty-two," and in line 7, after the word "dollars," to insert "and fifty cents;" so as to make the bill read:

*Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of John W. Combs, late a private Company D, Third Regiment West Virginia Volunteers, at the rate of \$22.50 per month.*

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.

H. S. SAYRE.

The bill (H. R. 968) granting a pension to H. S. Sayre was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of H. S. Sayre, late captain of an independent company of scouts of the State of West Virginia, who served in the war of the rebellion.

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



ALBERT H. SMITH.

The bill (S. 3104) granting an increase of pension to Albert H. Smith was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 5, after the words "increased to," to insert "\$15 per month," and in line 8, after the word "at," to insert "\$15," so as to make the bill read:

*Be it enacted, etc.,* That the pension of Albert H. Smith, Company K, Ninth Illinois Volunteers, be, and the same is hereby, increased to \$15 per month, and the Secretary of the Interior is hereby authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the general pension laws, the name of the said Albert H. Smith at \$15 per month, the said sum to be in lieu of any pension heretofore granted to said Smith.

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.

BETSEY WILLIAMS.

The bill (H. R. 9371) granting a pension to Betsey Williams, widow of William R. Williams, private Company C, Eighth Regiment Michigan Volunteers, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Betsey Williams, widow of William R. Williams, late private Company C, Eighth Regiment Michigan Volunteers.

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

ANSON WARD.

The bill (H. R. 5740) granting a pension to Anson Ward was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Anson Ward, of Rockford, Ill., late private Company K, Seventy-fourth Illinois Volunteers.

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

JOSEPH W. FILLER.

The bill (H. R. 10274) granting a pension to Joseph W. Filler was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Joseph W. Filler, lieutenant-colonel, late of Company C, Eleventh Regiment of Illinois Volunteers.

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

ELIZA S. GLASS.

The bill (H. R. 11332) granting a pension to Eliza S. Glass was considered as in Committee of the Whole. It proposes to place the name of Mrs. Eliza S. Glass on the pension-roll, she being the widow of Randall S. Glass, a late soldier in Company G, One hundred and twenty-eighth Ohio Volunteer Infantry.

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

NANCY J. COTNER.

The bill (H. R. 10881) granting a pension to Nancy J. Cotner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Company," to strike out "E" and insert "C," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Nancy J. Cotner, dependent sister of Thomas Cotner, late private Company C, Thirteenth Regiment Indiana Volunteers, at the rate of \$12 per month.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

Mr. COCKRELL. That concludes the pension cases on the Calendar. There are two bills—

Mr. DOLPH. Will the Senator from Missouri yield to me for a moment?

Mr. COCKRELL. Certainly.

NORTHERN PACIFIC RAILROAD LANDS.

Mr. DOLPH. I ask that the unfinished business be laid before the Senate in order that I may have an order made which will get it out of the way.

The PRESIDENT *pro tempore*. The Chair will see that the unfinished business is laid before the Senate prior to adjournment.

Mr. DOLPH. The junior Senator from Arkansas [Mr. BERRY] desires to submit some remarks on Monday, and when the bill is before the Senate again I shall ask the Senate to postpone its consideration until Monday next.

The PRESIDENT *pro tempore*. That can be done now by unanimous consent.

Mr. DOLPH. Let it be done at this time, and then the bill will be out of the way for the rest of the week.

The PRESIDENT *pro tempore*. The Senator from Oregon refers to the unfinished business, the bill relating to the Northern Pacific Railroad lands?

Mr. DOLPH. I refer to that bill.

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

The SECRETARY. A bill (S. 3504) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from Oregon asks unanimous consent that the further consideration of the unfinished business be postponed until Monday—at 2 o'clock?

Mr. DOLPH. Immediately after the morning business.

The PRESIDENT *pro tempore*. The Senator from Oregon asks that the further consideration of the unfinished business be postponed until Monday next immediately after the morning business. Is there objection? The Chair hears none, and it is so ordered.

REGISTERED-MAIL LOCKS.

Mr. PLATT. I rise to a question of privilege. I entered a motion, or desired to enter a motion, to reconsider the bill (H. R. 11391) to authorize the Postmaster-General to advertise for and purchase improved registered-mail locks and keys therefor. The bill was not in the possession of the Senate, but was recalled from the other House, and is now with the Senate. I do not desire to enter the motion, or if it has been entered I desire to withdraw it and allow the bill to stand as passed.

The PRESIDENT *pro tempore*. The motion to reconsider has been entered, and, leave of the Senate being given, it will be withdrawn. What action does the Senator desire on the bill?

Mr. PLATT. I suppose that leaves the bill passed.

The PRESIDENT *pro tempore*. The bill stands passed.

RAILROADS IN INDIAN TERRITORY.

Mr. COCKRELL. There are two House bills which have been reported favorably and are upon the Calendar, and it is a matter of interest to a great many parties that they should be passed. They are House bills No. 7186 and No. 6612, granting the right of way to certain railroads through the Indian Territory. They have been reported favorably by the Committee on Indian Affairs, and there can be no objection to them.

I ask the Senate to proceed to the consideration of the bill (H. R. 7186) to authorize the Leavenworth and Rio Grande Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

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

The bill was reported from the Committee on Indian Affairs with amendments. The first amendment was, in section 9, line 6, before the word "crossings," to strike out "high-road" and insert "highway;" so as to make the section read:

SEC. 9. That said railway company shall build at least 100 miles of its railway in said Territory within three years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built; that said railway company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

The amendment was agreed to.

The next amendment was, in section 10, after the word "act," in line 10, to strike out the following proviso:

*And provided further,* That the purchase by said railway company of material and fuel to be used in the construction and operation of said road from any of the civilized tribes of Indians through whose possessions the road may pass, and the temporary occupancy of such possessions as may be necessary to secure such material and fuel, shall not be deemed a violation of this act.

The amendment was agreed to.

The next amendment was, in section 12, line 2, after the word "act," to strike out "Sec. 13. That," and insert the word "and;" so as to read:

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act; and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

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.

Mr. COCKRELL. I move that the Senate insist on its amendments to this bill, and ask a conference with the House on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DAWES, Mr. STOCKBRIDGE, and Mr. JONES of Arkansas were appointed.

Mr. COCKRELL. Now I ask for the consideration of Order of Business 2252, which is a bill of the same kind.

By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the bill (H. R. 6612) to grant right of way through the Indian Territory to the St. Louis and San Francisco Railway Company, and for other purposes.

The bill was reported from the Committee on Indian Affairs with amendments. The first amendment was, at the end of section 1, line 65, to strike out "granted" and insert "provided for;" so as to read:

Also an extension of said branch line from such point of intersection, or from some other station or point on said railway as now constructed, southwardly, by the most practicable route through the lands of the Choctaw Nation, to a point on Red River, in Red River County, of said nation, with the right to construct, use, and maintain such tracks, turn-outs, and sidings in connection with all or any of said railways as said company may deem to its interest to construct upon the right of way and depot grounds hereby provided for.

The amendment was agreed to.

The next amendment was to strike out section 2, as follows:

SEC. 2. That the right of way of 200 feet in width through said Indian Territory is hereby granted for each of said two railways, and for said branch railway and the extension thereof hereinbefore named, to the said St. Louis and San Francisco Railway Company, and a strip of land 200 feet in width, with a length of 3,000 feet in addition to the right of way, is hereby granted for stations on each of said lines for every 10 miles of road, no portion of which shall be sold or leased by the company, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding 100 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided always*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein granted shall be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railway, telegraph, and telephone lines, and when any portion thereof shall cease to be so used said portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

And in lieu thereof to insert:

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way 100 feet in width through said Indian Territory, and to take and use a strip of land 200 feet in width, with a length of 3,000 feet, in addition to right of way, for stations, for every 10 miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding 100 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

The amendment was agreed to.

The next amendment was, in section 3, line 10, after the word "referees," to strike out "to be appointed by the President," and insert "one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, and one by said railroad company;" so as to read:

In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, and one by said railroad company.

The amendment was agreed to.

The next amendment was, in section 9, line 6, after the word "all," to insert "fences, roads, and;" in the same line after the word "crossing" to insert "and necessary bridges;" in line 7, before the word "highways," to insert the words "roads and;" in the same line, after the word "highways," to strike out "may" and insert "do now or may hereafter;" so as to make the section read:

SEC. 9. That said railway company shall build at least 100 miles of said railways in said Territory within two years after the passage of this act, or this grant shall be forfeited as to the portion or portions not built; that said railway company shall construct and maintain continually all fences, road, and highway crossings and necessary bridges over said railways wherever said roads and highways do now or may hereafter cross any of said railways, or may be by the proper authorities laid out across the same.

The amendment was agreed to.

The next amendment was to strike out section 12, in the following words:

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act.

And in lieu thereof to insert:

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act; and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

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.

Mr. COCKRELL. I move that the Senate insist on its amendments to this bill, and ask for a conference thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DAWES, Mr. STOCKBRIDGE, and Mr. JONES, of Arkansas, were appointed.

#### ADDITIONAL LAND DISTRICT IN COLORADO.

Mr. TELLER. I ask the Senate to take up Senate bill No. 3124, Order of Business 2269.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3124) creating three additional land offices in the State of Colorado.

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

P. H. WINSTON.

Mr. VANCE. I ask the Senate to take up Order of Business 2163, being House bill 4239.

The PRESIDENT *pro tempore*. Will the Senator indicate the title of the bill?

Mr. VANCE. It is the bill (H. R. 4239) for the relief of P. H. Winston.

The PRESIDENT *pro tempore*. A Senate bill on the same subject has passed the House of Representatives, the Chair thinks.

Mr. VANCE. The bills were introduced simultaneously, and when the Senate bill got to the House of Representatives they passed the bill which was originally introduced into the House. It came over here and was referred to the same committee, and the House bill is reported. The Senate bill is in the House.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4239) for the relief of P. H. Winston.

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

Mr. VANCE subsequently said: I am informed since the passage of the bill (H. R. 4239) for the relief of P. H. Winston that the Senate bill has passed the House and has been sent to the President. If that be so, I move to reconsider the vote by which the Senate passed the House bill.

The PRESIDENT *pro tempore*. By unanimous consent, the vote by which the bill was passed and ordered to a third reading will be reconsidered, and the bill will resume its place on the Calendar to await further action.

Mr. HARRIS. Would it not be better for the Senator just to enter a motion to reconsider and then ascertain the status of the bill?

The PRESIDENT *pro tempore*. That can be done; but the information appears to be direct that the bill has passed both Houses and is now in the hands of the Executive for approval, in which event it might be as well to dispose of this bill by indefinite postponement.

Mr. HARRIS. Of course, if the information is certain, that is the proper course.

Mr. VANCE. I reckon there is no doubt about it.

The PRESIDENT *pro tempore*. If there be no objection, the House bill will be indefinitely postponed, the votes passing the bill and ordering it to a third reading being first reconsidered.

#### PETROLEUM AS FUEL ON STEAMERS.

Mr. DOLPH. I ask unanimous consent of the Senate to take up Order of Business 2113, being Senate bill 3427.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3427) to amend section 4474 of the Revised Statutes of the United States.

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

That the permit of the Secretary of the Treasury shall not be required to use petroleum as fuel on steamers not carrying passengers.

And in lieu thereof to insert:

That the Secretary of the Treasury may permit the use of petroleum as fuel on steamers not carrying passengers without the certificate of the supervising inspector of the district where the vessel is to be used, subject to such conditions and safeguards as the Secretary of the Treasury in his judgment shall provide. For a violation of any of the conditions imposed by the Secretary of the Treasury a penalty of \$500 shall be imposed, which penalty shall be a lien upon the vessel, but a bond may, as provided in other cases, be given to secure the satisfaction of the judgment.

So as to make the bill read:

*Be it enacted, etc.*, That section 4474 of the Revised Statutes of the United States be, and the same is hereby, amended by adding thereto the following: *Provided, however*, That the Secretary of the Treasury may permit the use of petroleum as fuel on steamers not carrying passengers, without the certificate of the supervising inspector of the district where the vessel is to be used, subject to such conditions and safeguards as the Secretary of the Treasury in his judgment shall provide. For a violation of any of the conditions imposed by the Secretary of the Treasury a penalty of \$500 shall be imposed, which penalty shall be a lien upon the vessel, but a bond may, as provided in other cases, be given to secure the satisfaction of the judgment.

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.

#### LINE-CARRYING PROJECTILES.

Mr. CHANDLER. I move to take up Senate bill 2182.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2182) to amend sections 4488 and



4489 of the Revised Statutes requiring life-saving appliances on steamers.

The bill was reported from the Committee on Commerce with an amendment, after the word "projectiles," at the end of the bill, to add "and the means of propelling them;" so as to make the bill read:

*Be it enacted, etc., That sections 4488 and 4489 of the Revised Statutes shall be amended by inserting after the words "life preservers," wherever they occur, the words "line-carrying projectiles, and the means of propelling them."*

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.

ALEXANDER W. BALDWIN.

Mr. STEWART. I move that the Senate proceed to the consideration of Order of Business 2162, being Senate bill 3438.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3438) to refund illegal internal-revenue tax collected of the late Alexander W. Baldwin, as United States district judge for the district of Nevada. It directs the Secretary of the Treasury to refund to the estate of Alexander W. Baldwin, late United States district judge for the district of Nevada, the sum of \$624.59, being the internal-revenue tax illegally collected on his salary.

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

LINCOLN LAND DISTRICT IN NEW MEXICO.

Mr. COCKRELL. I ask that Senate bill 3390, Order of Business 2004, a bill to create the Lincoln land district in the Territory of New Mexico, reported by the Senator from Kansas [Mr. PLUMB] from the Committee on Public Lands, be considered. It is a very short bill.

By unanimous consent, the bill (S. 3390) to create the Lincoln land district in the Territory of New Mexico 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.

OZIAS MORGAN'S SURETIES.

Mr. HAWLEY. I ask for the consideration of Calendar No. 2112, Senate bill 1839.

By unanimous consent, the bill (S. 1839) for the relief of Daniel C. Rodman and others, sureties on the bond of Ozias Morgan, was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, which was, in line 10, after the word "seventy," to insert the words "and their heirs and legal representatives be;" so as to make the bill read:

*Be it enacted, etc., That Daniel C. Rodman, Ossian B. Hart, Charles Slazer, Calvin L. Robinson, Ozias Buddington, and Joseph R. Richard, sureties upon the bond of Ozias Morgan, given as security for the faithful performance by said Ozias Morgan of his duties as receiver of public moneys and disbursing agent of the United States land office at Tallahassee, Fla., from 1866 to 1870, and their heirs and legal representatives, be, and they are hereby released and discharged of and from all and every obligation and liability whatsoever on account of said bond.*

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.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 4351) to provide for the deposit of the savings of seamen of the United States Navy;

A bill (H. R. 4353) to provide a temporary home for certain persons discharged from the United States Navy;

A bill (H. R. 10652) to encourage the enlistment of boys as apprentices in the United States Navy;

Joint resolution (H. Res. 112) requesting the President of the United States to negotiate with the Government of Mexico for the creation of an international commission to determine, according to the rules of the Washington convention of November 12, 1884, all questions touching the boundary line between the United States and Mexico where it follows the bed of the Rio Grande and Colorado Rivers; and

Joint resolution (H. Res. 181) accepting the invitation of the Imperial German Government to the Government of the United States to become a party to the International Geodetic Association.

ENROLLED BILLS SIGNED.

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

A bill (S. 2862) granting a pension to William R. Dean; and

A bill (H. R. 9619) to authorize the construction of a bridge across the

Missouri River at some accessible point within 1 mile north and 1 mile south and east of the mouth of the Kansas River.

RIGHT OF WAY ACROSS PAPAGO INDIAN RESERVATION.

Mr. DAWES. I ask the Senate to consider Order of Business 2332, being House bill 7843.

By unanimous consent, the bill (H. R. 7843) granting to Citrus Water Company right of way across Papago Indian reservation in Maricopa County, Arizona, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, which was, in line 10, after the word "Arizona," to strike out the words:

*Provided, That all persons residing along said right of way shall have equal rights to water-supply at reasonable compensation.*

And to insert in lieu thereof:

*For the sole purpose of constructing a ditch or canal, to be used in conveying water across said reservation for use in irrigating lands and supplying water to owners of land below: Provided, That so long as said reservation shall continue for the use and occupation of said Indians, said Indians shall, free of cost, be supplied with water from said ditch or canal in such quantity and under such regulations as shall be prescribed by the Secretary of the Interior, and that reasonable compensation only, subject at all times to the control of Congress, shall be charged to those supplied with water for use upon land held under the United States: Provided further,*

So as to make the section read:

*That the Citrus Water Company, a corporation organized under the laws of the State of California, and transacting business in the Territory of Arizona, is hereby granted the right of way, 100 feet in width, across, through, and out of township south 5, range west 5, Gila and Salt River base and meridian, the said described land being a part of the Papago Indian reservation in Maricopa County, Arizona, for the sole purpose of constructing a ditch or canal, to be used in conveying water across said reservation for use in irrigating lands and supplying water to owners of land below: Provided, That so long as said reservation shall continue for the use and occupation of said Indians, said Indians shall, free of cost, be supplied with water from said ditch or canal in such quantity and under such regulations as shall be prescribed by the Secretary of the Interior, and that reasonable compensation only, subject at all times to the control of Congress, shall be charged to those supplied with water for use upon land held under the United States: Provided further, That said right of way herein granted shall not be mortgaged, sold, transferred, or assigned except for the purposes of construction: And provided further, That unless said canal for which this right of way is granted be completed within two years after the approval of this act the provisions of this act shall be null and void.*

The amendment was agreed to.

The next amendment was to add as a new section:

SEC. 2. This act, and all rights acquired under the same, shall be subject at all times to modification, revocation, amendment, or repeal by Congress.

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.

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

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DAWES, Mr. JONES of Arkansas, and Mr. STOCKBRIDGE were appointed.

HEIRS OF JOHN H. NEWMAN.

Mr. GEORGE. I ask consent to call up Order of Business 2095, being House bill 834.

By unanimous consent, the bill (H. R. 834) for the relief of the heirs of John H. Newman, deceased, was considered as in Committee of the Whole.

The preamble recites that it appears of record that at its December term, 1874, the Court of Claims in the case of John H. Newman *vs.* The United States, numbered 3162, rendered a judgment in favor of Newman for the proceeds of 50 bales of cotton, valued at \$177.55 per bale, when, under the proof, the court adjudged that the claimant was entitled to the proceeds of 230 bales. The bill therefore proposes to direct the Secretary of the Treasury to pay to the legal representatives of John H. Newman, deceased, late of the county of Warren, Mississippi, \$32,679.20, balance due on account of captured cotton, as shown by the opinion of the court in rendering the judgment, the amount to be paid out of the proceeds of captured and abandoned property now in the Treasury.

Mr. PLATT. Is there a report with that bill?

Mr. GEORGE. Yes, sir.

The President *pro tempore*. The report will be read if the Senator from Connecticut desires to have it read.

Mr. PLATT. I want some statement explaining the case. I understood from the reading of the bill that there was a judgment of a court, and that this was to pay something more than the judgment of the court. I may have misunderstood the reading of the bill. I should like to hear some explanation of the case.

Mr. JONES, of Arkansas. I examined this case and can explain to the Senator the facts.

This claimant, Newman, placed in the hands of an attorney in this city a claim for 250 bales of cotton; gave him a power of attorney to present the claim and prosecute it in the courts and collect the money. In presenting the claim he made it for 50 bales of cotton. It was not

ascertained at the time that there was an error in the original application until the two years' time within which the tribunal had a right to act had elapsed. When the error was discovered, a motion was made to amend the original petition by making it 250 bales instead of 50, but the court held that the two years within which it had a right to act had expired, and it would be in the nature of a new action to allow the claim to be amended so as to make it 250 bales; but the finding was that the taking of the 250 bales was proved, every item in the case necessary to be proven was proved, and the judgment rendered was that the proof being made for 250 bales of cotton, the judgment should have been rendered for that amount but for the fact that the claim had been presented for 50 bales, and the finding of the court must be confined thereto. The proof was not for 250 bales, but for 234 bales of cotton, I think, and this bill is to pay the balance of the amount found by the court to be due to this claimant, but which was by error of his counsel omitted to be claimed in the original complaint.

That is the whole case and those are the facts in the case.

Mr. PLATT. Is the finding of the court attached to the report of the committee?

Mr. JONES, of Arkansas. I think so.

Mr. PLATT. I do not want to object to the consideration of the bill, but I should like to examine the claim.

The PRESIDENT *pro tempore*. Does the Senator desire to have the report read?

Mr. JONES, of Arkansas. I suggest that the Senator let the bill pass and he can move a reconsideration if he is not satisfied on examination that it is correct. There will be no objection to that.

Mr. PLATT. I do not quite like to pass a \$32,000 claim in a thin Senate of twenty members or so without any examination whatever. I ask for the reading of the report.

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

The Secretary read the following report, submitted by Mr. JONES, of Arkansas, August 14, 1888:

The Committee on Claims, to whom was referred the bill (H. R. 834) for the relief of the heirs of John H. Newman, have considered the same and report as follows:

The Committee on War Claims of the House of Representatives, to whom this bill was referred, made a report which is substantially embraced in the following extracts, which this committee adopts as its own report:

"Your committee have before them the record in this case from the files of the Court of Claims. The claimant there, John H. Newman, now dead, gave his power of attorney to B. D. Whitney 'to sue for, demand, collect, and receipt for the proceeds of 250 bales of cotton taken from him by authorities of the United States, and the proceeds of which have been turned over to the Treasury Department.' Under this power Whitney brought suit by his attorneys under the act of March 12, 1863, entitled 'An act to provide for the collection of abandoned property, and for the prevention of frauds in insurrectionary districts of the United States,' but by some oversight in the petition filed he asked for only 50 bales instead of 250 bales, and dated the taking July, 1864, instead of June, 1863.

"Commissioner Eben Eveleth made the following report, which we take from a certified copy of 'Consolidated copy of the reports of Commissioner Eveleth, filed May 24, 1875,' page 11:

"John H. Newman vs. The United States. No. 3162.

"This action was brought to recover the proceeds of 50 bales of cotton, alleged to have been taken from the plantation of the claimant, in Warren County, in the State of Mississippi, sometime in the month of July, 1864, and sold by the officers of the Treasury Department.

"The proof shows that the plaintiff's plantation was situated in the county above mentioned, near Bovina, and 12 or 14 miles from the city of Vicksburg.

"That in June, 1863, the claimant had on his plantation about 100 bales of cotton, in bales, and about 45 bales in lint and seed cotton. He had also transported from his plantation 100 bales of cotton, for safety, to the plantation of one Kidd, on the eastern bank of the Big Black River. The 100 bales of cotton on his plantation and the lot on the Kidd plantation were taken by Captain Schenck, an officer of the Quartermaster's Department on duty at the headquarters of General Osterhaus, then located at the railroad bridge at the Big Black River, in said county, and near the plaintiff's plantation; said cotton was hauled to said headquarters.

"The evidence shows that afterwards some of this cotton was put on the cars and 'started towards Vicksburg;' some of it was hauled in wagons towards Vicksburg, and some of it was taken to the fortifications near the headquarters of General Osterhaus.

"The cotton in lint and seed was taken to a neighboring gin by an agent of the Treasury, where it was ginned and baled. From thence it was transported to Vicksburg by the Treasury agent.

"I find from the evidence that 245 bales of the claimant's cotton went into the Vicksburg cotton, and that he should be charged one-fourth for ginning and baling 45 bales, or 11 bales, leaving 234 bales to the credit of the claimant.

"But inasmuch as he has claimed only 50 bales in his petition, he can be allowed out of the fund only for 50 bales. And therefore the claimant is entitled to judgment for the value of 50 bales of cotton, at the average rate per bale, payable out of the first fund—50 bales of cotton, at \$177.55 per bale, \$8,877.50.

"On May 21, 1875, the court made the following order: 'And it is further ordered that the engrossed and consolidated copy of the reports of the commissioner, as amended by this order filed herewith, stand as the findings of fact of the court.'

"This made the finding of Commissioner Eveleth the finding of the court, and the Supreme Court of the United States has held in the 'intermingled cotton cases' (92 U. S. Reports, p. 651), where the Court of Claims had adopted the finding of the commissioner, 'that the judgments as rendered are the result of the deliberation of the court, and not that of the commissioner alone.'

"The money which claimant asks is not the property of the United States, but a trust fund held for him. The United States occupies a strictly fiduciary relation to claimant, and never intended to divest him of his property, but by taking it constituted itself claimant's trustee (13 Wallace, p. 128), and from this trust fund the bill provides that he shall be paid.

"There is, in the judgment of this committee, neither law, reason, justice, nor policy in withholding this money claimed from its rightful owner, and we

therefore urge the passage of the bill herewith reported, with an amendment as follows:

"In line 8 strike out the following words, 'said judgment,' and insert in lieu thereof 'the opinion of the court in rendering said judgment.'

In addition to the matter set out in the foregoing report, your committee respectfully submit the following:

It appears from the record of this case in the Court of Claims, which record your committee have carefully examined, that when the attorney for the claimant became aware of the fact that he had made a mistake in the original petition he filed a motion to correct the same by claiming the number of bales which his client had in the first instance authorized him to sue for. A copy of the record of the court containing the motion and a similar motion in other cases is filed as a part of this report.

In view of the fact that the court affirmed the report of the commissioner, wherein it was found that the claimant was entitled under the proof to the proceeds of 234 bales, it appears at first sight a matter of surprise that the application of the claimant for leave to amend his petition was overruled. On examination of a case decided by the court about two months prior to this motion, being the case of Thomas Kidd, guardian, etc., the theory of the law which governed the court in this case is set out. The court held that an application to amend the petition so as to claim an additional number of bales of cotton was in the nature of a new demand; that the act of March 12, 1863, known as the abandoned and captured property act, which authorizes the bringing of suits of this character 'at any time within two years after the suppression of the rebellion,' was a statute of jurisdiction rather than of limitation. The following is taken from the opinion of the court delivered by the chief-justice:

"Every statute of limitation acts upon existing causes of action by prescribing a period of time within which they must be prosecuted by a suit at law and barring their prosecution after that time.

"No such statute is involved in this case, for the simple and conclusive reason that, until the passage of the act of March 12, 1863, no person whose property in the rebel States was captured by military forces of the United States or seized by the agents of the Treasury Department had, or could possibly have had, any semblance of a right to sue the United States in this or any other court for the recovery of the proceeds of the sale of such property.

"It is this act alone that conferred the right. Of course it conferred it upon those only who are designated in the act, and they can exercise the right only in such manner, at such place, and within such time as the act prescribes. Who is so designated? 'Any person claiming to have been the owner of any such abandoned or captured property.' How is the claim to be asserted? By claimant's preferring in this court his claim to the proceeds of such property. When may he prefer his claim? 'At any time within two years after the suppression of the rebellion.' (Kidd vs. The United States, 8 Court of Claims, 264.)

It was held, therefore, that while the report of the commissioner, based on the evidence, showed that the claimant would have been entitled to the proceeds of 234 bales had he claimed that amount in his original petition, that the two years within which suits of this character could be brought having expired he could not avail himself of the right by amending his petition. A careful examination of the evidence submitted by the claimant before the Court of Claims leaves no reasonable doubt as to the fact that the cotton was actually taken by the authorized forces of the United States. This taking raises a presumption that it was sold and the proceeds paid into the Treasury, for the Supreme Court of the United States, in affirming a number of cases of like character with that of this claimant, decided at the same term of the court and upon precisely the same character of evidence that Newman submitted in support of his claim for 245 bales, held as follows:

"The Court of Claims found as a fact that the cotton of each of these several plaintiffs contributed to and formed a part of this mass so intermingled and sold. This finding was not based upon evidence specifically tracing the property of each claimant, but upon the assumption that under the circumstances attending these collections all cotton started from the place of capture, on the way to Vicksburg or Natchez, in a manner that would naturally carry it into the mass, must be presumed to have gone there, unless it was shown to have been lost or shipped to some other point." (Raymond vs. United States, sundry cotton cases, 92 U. S. Rep., 651.)

Your committee are therefore of the opinion that the bill ought to pass, and it is so recommended.

WASHINGTON, Monday, February 3, 1873.

The court met according to adjournment.  
Present, Charles D. Drake, chief-justice; Edward G. Loring, Charles C. Nott, and Samuel Milligan, judges.

Thomas Kidd, guardian of William Bell, vs. The United States.

The chief-justice read the opinion of the court and the motion to file amended petition was refused.

WASHINGTON, Thursday, April 24, 1873.

The court met according to adjournment.  
Present, Charles D. Drake, chief-justice; Edward G. Loring, Charles C. Nott, and Samuel Milligan, judges.

John H. Newman vs. The United States. 3162.—Thomas Kidd, executor of Matthew A. Bolles, vs. The United States. 3182.

Messrs. Bartley and Casey filed motions asking leave to file amended petitions in these cases.

WASHINGTON, Monday, May 26, 1873.

The court met according to adjournment.  
Present, Charles D. Drake, chief-justice; Charles C. Nott and Samuel Milligan, judges.

John H. Newman vs. The United States. 3162.

The motion filed April 24, 1873, to amend petition by increasing the number of bales sued for, and by changing the time assigned as the date of seizure of the cotton from July, 1864, to June, 1863, was denied as to the increase of the number of bales and allowed as to the change of date.

I hereby certify that the foregoing is a true copy of the original records of the court.

In testimony whereof I have hereunto set my hand and affixed the seal of the court this 11th day of July, 1888.

ARCHIBALD HOPKINS,  
Chief Clerk Court of Claims.

Mr. PLATT. Is there any explanation or reason why since 1875 up to the present time nothing has been done to recover this claim?

Mr. JONES, of Arkansas. My impression is that this matter has been constantly presented to both Houses of Congress all the time since. While I do not remember distinctly about those facts—it has been some time since I have examined the case—my impression is that it has passed each House, or passed the House of Representatives once or twice. I am not positive, however, about that, and I do not undertake to make that statement.

Mr. PLATT. Or is there any reason why the attorney who had au-



thority to sue for 250 bales of cotton taken, which manifestly was not the exact amount, only sued for 50 bales.

Mr. JONES, of Arkansas. It was an error, a mere oversight, a mere mistake, a clerical mistake in bringing the suit for 50 bales instead of 250 bales of cotton. The power of attorney given to the attorney in the first instance was to bring suit for 250 bales of cotton. They proved 234 bales, and not 250, and that resulted, as I understand, from the fact that part of this cotton was in seed and the exact amount was not known to the claimant at the time he authorized his agent here to bring suit in the first instance. The claimant in this case, as I understand, was quite an old man, and died within a year or two after the close of the war, and some years elapsed after this suit was brought before his widow, who was old and poor, as I understand, and knew nothing about the facts in the case, learned what the facts were, and it was in a comparatively recent year that she ascertained what the truth was in the case, and presented her petition asking for relief.

Mr. PLATT. It does not appear, I believe, when the power of attorney was given nor when suit was brought.

Mr. JONES, of Arkansas. The law authorizing these suits was in existence but two years. The power of attorney was given within that time, and the suit was brought within that time. The motion to amend made by the attorney himself, to make the complaint for 250 instead of for 50 bales of cotton, was not made within the two years, and was overruled by the court because it was not made within the two years for which that statute remained in force.

Mr. PLATT. In some way the case seems to have been pending in the Court of Claims for ten years before final decision.

Mr. JONES, of Arkansas. Not at all; the decision was rendered within a reasonable length of time. It was nowhere in the neighborhood of ten years. I do not recollect the date.

Mr. PLATT. The report says:

On May 24, 1875, the court made the following order: "And it is further ordered that the engrossed and consolidated copy of the reports of the commissioner, as amended by this order filed herewith stand as the findings of fact of the court."

Mr. JONES, of Arkansas. I do not remember the date on which the judgment was rendered.

Mr. PLATT. The report says:

Commissioner Eben Eveleth made the following report, which we take from a certified copy of "Consolidated copy of the reports of Commissioner Eveleth, filed May 24, 1875," page 11:

Mr. President, I do not know but that this claim is all right, but it illustrates what induced me to make some inquiry into it, and that is, that after a day which has tired Senators with the variety of business it is quite the habit to take up just at 5 o'clock, or just a few minutes before the time when we should naturally adjourn, not only large claims, but this kind of claims. While I do not know but that upon examination I should find that this claim was one that ought to be passed, I am not willing to vote for it now, and I shall ask for a division upon it if a vote is to be pressed now.

It appears certainly by the report that this claim is outlawed, that the statute of limitations runs against it. It seems to me that, in such a claim at least, we ought to have the clearest proof as to the reason why the mistake was made by the attorney, if that is the ground upon which it is put, and why it was not discovered, and everything which appeals to the equity side of the Senate to remove the bar of the statute of limitations. As I said, perhaps on a fuller examination it will appear that this claim is all right, but I am not ready to vote for it now.

Mr. JONES, of Arkansas. For myself, as to the intimation or the imputation conveyed in the language of the Senator from Connecticut, saying that it is quite the habit to call up claims of this kind at a late hour, at 5 o'clock in the afternoon, I desire distinctly to repudiate it. So far as I am concerned I claim to be as honest in the discharge of my duties here as any other Senator. I did not call this case up, although I should not have hesitated to have done so at this hour or any other. It has gone through a committee of this Senate composed, at least in part, of gentlemen who are as reputable perhaps as the gentleman who criticises the motive in calling up the bill at this hour.

This bill has been thoroughly examined by that committee. Every solitary member of the committee was thoroughly satisfied that the claim ought to pass, and it has passed the committee unanimously and has been reported to this body, and has been on the Calendar for quite a while. It seems to me that this ought at least to make out *prima facie* that the bill is entitled to some sort of consideration.

I have no objection to every Senator being fully satisfied of the justice of every claim that passes here. I have no sympathy, so far as I am concerned, with the large mass of claims of this nature that come up here, and I am, I think, perhaps in many instances inclined to be too rigid as to the proof that should be required; but when the proof has been carefully examined by the committee on more occasions than one, and every member of it is entirely satisfied, so far as I am concerned I have no sort of fear that any imputation of any disreputable motive in bringing up a claim of this kind at this hour will lie against me or against any other honorable member of this body.

The investigations which are made by the Court of Claims in this class of cases require a great deal of time. Commissioners are sent

by the court down to the places where these claims all originate. This case was connected with a large number of claims which came up from Mississippi, involving immense amounts of cotton that were shipped and sold by the Government of the United States, and that belonged to the owners of the cotton and never belonged to the Government. When the Court of Claims was acting under the authority conferred upon it by Congress, and sent officers to the ground for the purpose of making these investigations, and the matter was reported back, and that court has solemnly decided that this party was entitled to 234 bales of cotton, and that decision of the court was read at the Secretary's desk, I did not suppose it was necessary to recite every solitary fact that came to the consideration of the court to establish that.

When the Supreme Court of the United States had decided that the finding of this court and the report of Commissioner Eveleth, adopted by the Court of Claims as the judgment of the court, was correct, it seemed to me that that decision should be entitled to some respect even from the most distinguished members of this body, and that some sort of consideration would be given to a decision of the Supreme Court of the United States indorsing and ratifying a decision of the Court of Claims.

I have no objection to the Senator taking any length of time he desires to investigate this case.

I have time after time and day after day asked the Senate to take up the Calendar and proceed with it in the morning hour, but it has been objected to by Senator after Senator. There is no chance on the face of this green earth to get up a claim for consideration—to get the consideration of this kind of business—except at a time like this, when nobody has any desire to bring up any matter of general public interest. If the Senator will use his very great influence to induce the Senate to consider the Calendar in regular order, I, for one, will object to the consideration of any claim outside of the hour set apart by the rules of the body for the consideration of claims on the Calendar.

But I submit that when we go on week after week neglecting the business on the Calendar, when we have just and honest demands for consideration at the hands of this body, claims reported unanimously by committees of this body, it certainly does not lie in the mouth of any Senator to impute wrong motives to a man who calls up one of these cases for consideration when the Senate, by its conduct, absolutely refuses to consider claims at a time when they, under the rules, ought to be considered. I am perfectly willing to have a reformation on that subject at any time. I am willing for it to-morrow, and I should be glad to see the Senate persistently refuse to have anything but the Calendar considered after it actually gets through the routine morning business until the expiration of the morning hour every day.

Mr. PLATT. Mr. President, I really had no expectation that I should call down upon my head such a rebuke as the Senator from Arkansas has conceived it to be his duty to administer to me. I certainly had no intention of imputing anything wrong to any Senator, and the very fact that offense is taken so quickly, and, perhaps I might add, so testily, at what I said only emphasizes the intimation which I made that the Senate ought to have adjourned before calling up claims of this character.

Mr. President, it is nevertheless true that when we have had a day like this and the Senate is just about ready to adjourn, it almost always happens that a claim ranging anywhere from thirty to fifty or one hundred or two hundred thousand dollars happens to be called up just about the last moment.

Mr. HARRIS. Will the Senator allow me to ask him if he can not find a very much better reason why that fact is true than the one he intimates it is attributable to?

Mr. PLATT. I do not intimate anything.

Mr. HARRIS. When the regular business of the day has been concluded, if it ever is before the hour of adjourning, there has generally been, I will say always has been, a scramble as between Senators for consideration of one and another of the private bills on the Calendar. It is universal.

Mr. PLATT. I wish distinctly to say again that I am attributing no improper motive to anybody for calling up this bill. Only a few days ago a bill involving two hundred and sixty-nine or two hundred and seventy thousand dollars was called up just in this way at the last moment, a bill which would have passed, in my judgment, if it had been called up at any other hour of the day, and a bill which upon examination I am satisfied ought to pass, but I do not think it is wise to do business exactly in this way.

In regard to this claim, I say it may be all right. I do not wish to cast any reflection upon this claim; but I do say in a claim of this sort, where the statute of limitations has run against it and where we are asked to relieve against that statute of limitations by reason of the fact that an attorney twenty-four years ago neglected to carry out his instructions and made a mistake, we ought to have a full opportunity to examine and see whether the facts and circumstances are such as make it equitable that we should remove the bar of the statute of limitations in this case.

I am very sorry that anything I have said has seemed to imply to any one that there was any impropriety in calling the case up so far as the motive of the person calling it up was concerned.

I want to say one word, and that is this: I know that committees examine cases, that they examine them with care, that they have better opportunities for coming to a correct conclusion upon them than Senators who are not upon the committees; but it would be a very unsafe rule to adopt that every case which is reported favorably by a committee here is to pass because it has been reported favorably by a committee; and it seems to me, with all respect to the Senator from Arkansas, that he is hardly justified in suggesting that other Senators had not a right to take time to examine—

Mr. JONES, of Arkansas. The Senator from Arkansas made no such insinuation or intimation and no such statement. On the contrary, I stated I thought it was proper for every Senator to look into every case until he was satisfied about it. I simply stated that this claim had met the unanimous approval of the committee to show that it was not altogether and absolutely a barefaced fraud.

Mr. PLATT. But the Senator took me to task because I wanted a little time to examine this, and because I happened to say that I thought it was an improper time to call up such a bill.

Mr. JONES, of Arkansas. I beg the Senator's pardon for interrupting him to say that I did not take him to task for any such purpose. I did resent, with some feeling, I admit, the imputation, as I understood it, made by the Senator that there was something or other a little bit disreputable or discreditable in taking a time when the Senate was thin and Senators were out, to call up these bills. It is quite the habit, the Senator said, to call up these things at such times. I understood him to make an imputation, and that I will resent every time.

The PRESIDENT *pro tempore*. The Senator from Connecticut has distinctly disavowed making any such imputation. The Chair thinks, therefore, that it is not in order for the Senator from Arkansas to comment upon it, and there is danger that colloquies of this kind may degenerate into personalities which ought to be avoided.

Mr. JONES, of Arkansas. I was simply attempting to explain what I meant or what I intended to say.

Mr. PLATT. Then it occurs to me, Mr. President, that there is no force in the suggestion of the Senator from Arkansas that claims ought to pass somewhat upon the conclusions of the committee that has examined them. Perhaps the Senator from Arkansas will say that he did not make that suggestion—

Mr. JONES, of Arkansas. I will say it.

Mr. PLATT. That that was not the force of his argument. But if it was not, I can not understand what his argument was. He rehearsed before the Senate the care which the committee had taken to investigate this, their very great opportunities for investigation, and if there was not a suggestion in it that the Senate should take the conclusions of the committee without any very careful or thorough consideration of the case, then I beg his pardon. I so understood him.

Now it is true that we have to rely somewhat upon the conclusions of committees, but there is danger that we may go too far in this respect, that claims may pass here solely because they happen to be recommended by committees. Committees are not infallible. A committee may make a mistake, a committee may act upon insufficient evidence, and, taking this report, the committee seem to have acted without any evidence whatever showing why this attorney failed to carry out his instructions and bring suit for the whole two hundred and fifty bales. That evidence may have been before the committee; it may have been perfectly explained in the committee, but the committee has not deigned to inform the Senate why that was so; and when anybody desires an opportunity to examine the point which it seems to me covers this whole case and is vital to its decision, then we are somewhat taken to task.

For one, Mr. President, I propose to examine the bills which are before the Senate, and I propose to have time to do it if I can get it under the rules of the Senate.

Mr. GEORGE. Mr. President, I suppose, so far as interest is concerned, that I have more interest in this case than anybody else, though I have no personal interest in it. These claimants are a widow and orphans who reside in the State of Mississippi. I called the bill up in the usual way in which bills are called up on evenings of this sort.

I merely desire to say to the Senator from Connecticut that I have no disposition in the world to prevent him from giving this case a full and fair examination. I am satisfied myself that the claim is just. It was so held by the Court of Claims, so held by the committee of the House of Representatives, so held by the House of Representatives, and so held by the committee on the part of the Senate, and I simply desire to say now that if there is any motion I can make which will extend to the Senator the time he desires to examine or look into the matter thoroughly and fully, I shall be glad to make that motion.

Mr. HARRIS. I can suggest a motion, that the Senate do now adjourn.

Mr. GEORGE. Very well, I make that motion.

The PRESIDENT *pro tempore*. Before submitting the motion, the Chair will lay before the Senate bills from the House of Representatives for reference.

#### HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (H. R. 4351) to provide for the deposit of the savings of seamen of the United States Navy;

A bill (H. R. 4353) to provide a temporary home for certain persons discharged from the United States Navy; and

A bill (H. R. 10652) to encourage the enlistment of boys as apprentices in the United States Navy.

The following joint resolutions were severally read twice by their titles, and referred to the Committee on Foreign Relations:

Joint resolution (H. Res. 112) requesting the President of the United States to negotiate with the Government of Mexico for the creation of an international commission to determine, according to the rules of the Washington convention of November 12, 1884, all questions touching the boundary line between the United States and Mexico where it follows the bed of the Rio Grande and Colorado Rivers; and

Joint resolution (H. Res. 181) accepting the invitation of the Imperial German Government to the Government of the United States to become a party to the International Geodetic Association.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Mississippi [Mr. GEORGE] that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, September 26, 1888, at 12 o'clock m.

#### NOMINATIONS.

*Executive nominations received by the Senate September 25, 1888.*

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

John G. Parkhurst, of Michigan, to be envoy extraordinary and minister plenipotentiary of the United States to Belgium, *vice* Lambert Tree, nominated for the mission to Russia.

#### POSTMASTERS.

William R. Kelley, to be postmaster at Fernandina, Nassau County, Florida, *vice* Columbus L. Jack, deceased.

Walter C. Newberry, to be postmaster at Chicago, Cook County, Illinois, *vice* S. Corning Judd, resigned.

Charles H. Tracey, to be postmaster at Anaconda, Deer Lodge County, Territory of Montana, *vice* Benjamin F. Mahany, resigned.

#### FOR APPOINTMENT IN THE ARMY.

*Inspector-General's Department.*

Capt. Henry W. Lawton, of the Fourth Cavalry, to be inspector-general with the rank of major, September 17, 1888, *vice* Burton, promoted.

#### RECEIVER OF PUBLIC MONEYS.

Robert F. Coates, of Wichita, Kans., to be receiver of public moneys at Wichita, Kans., *vice* Samuel L. Gelbrot, resigned.

#### REGISTER OF THE LAND OFFICE.

John B. Baird, of Atlanta, Ga., to be register of the land office at Seattle, Wash., *vice* John Y. Ostrander, resigned.

#### CONFIRMATION.

*Executive nomination confirmed by the Senate September 25, 1888.*

#### PROMOTION IN THE NAVY.

*Chief of Bureau of Equipment and Recruiting.*

Capt. Winfield Scott Schley, a resident of Maryland, to be Chief of the Bureau of Equipment and Recruiting in the Department of the Navy, with the relative rank of commodore.

#### HOUSE OF REPRESENTATIVES.

TUESDAY, September 25, 1888.

The House met at 12 o'clock m. Prayer by Rev. J. H. CUTHBERT, D. D.

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

#### FORT WALLACE MILITARY RESERVATION, KANSAS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying bill, referred, on motion of Mr. HOLMAN, to the Committee on the Public Lands, and ordered to be printed:

*To the House of Representatives:*

I return without approval House bill No. 8310, entitled "An act to provide for the disposal of the Fort Wallace military reservation in Kansas."

This bill provides that a portion of this reservation which is situated in the State of Kansas shall be set apart for town-site purposes and may be entered by the corporate authorities of the adjoining city of Wallace.

The second section of the bill permits the Union Pacific Railroad Company to purchase within a limited time a certain part of the military reservation, which is particularly described, at the rate of \$30 per acre.

I am informed that this privilege might by reason of a faulty description of the lands enable the railroad company to purchase at the price named property in which private parties have interests, acquired under our laws.

It is evident that the description of the land which the railroad company is allowed the option of purchasing should be exact and certain for the interest of all concerned.

Section 4 of the bill grants a certain portion of the military reservation here-



tofore set apart by the military authorities as a cemetery to the city of Wallace for cemetery purposes.

There should, in my opinion, be a provision that no bodies heretofore interred in this ground should be disturbed, and that when the same is no longer used as a cemetery it should revert to the Government.

GROVER CLEVELAND.

EXECUTIVE MANSION, September 24, 1888.

#### SALES FOR OVERDUE TAXES, DISTRICT OF COLUMBIA.

The SPEAKER. The bill (H. R. 10060) prescribing the times for sales, and for notice of sales of property in the District of Columbia for overdue taxes was passed some time ago by both Houses, signed by their presiding officers, and sent to the President, but was afterward recalled by a concurrent resolution of the two Houses. The gentleman from Pennsylvania [Mr. ATKINSON] now asks unanimous consent that the vote by which the House passed the bill may be reconsidered in order that certain amendments changing dates named in the bill may be inserted. The Clerk will read the amendments proposed, after which there will be opportunity for objection.

The Clerk read as follows:

In line 14 of the printed bill strike out "September, 1883," and insert "January, 1889."  
After the word "and," in line 15, insert "the first Tuesday in September;" so as to read, "the first Tuesday in September of each year thereafter."

Mr. ATKINSON. The only purpose of these amendments is to make the act of Congress operative. The bill did not reach the President before the time fixed for advertising; and therefore unless the bill be amended no advertising can be done during the present year. The proposition is now to postpone the time for advertisement from the first Tuesday of September of this year till the first Tuesday of January next.

Several MEMBERS. All right.

The SPEAKER. If there be no objection, the votes by which this bill was ordered to be engrossed for a third reading and by which it was passed will be reconsidered; these amendments will be agreed to, and the bill as thus amended will be again passed. The Chair hears no objection; and it is so ordered.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WHITING, of Michigan, indefinitely, on account of important business.

To Mr. JOHNSTON, of North Carolina, for two days, on account of important business.

To Mr. JACKSON, indefinitely, on account of important business.

To Mr. WILSON, of Minnesota, indefinitely, on account of important business.

To Mr. O'NEILL, of Missouri, indefinitely, on account of important business.

#### REPRINTING OF A REPORT.

The SPEAKER. The gentleman from Arkansas [Mr. PEEL], the chairman of the Committee on Indian Affairs, asks that report No. 3210, made by that committee, be reprinted with certain exhibits which accompanied the original report, but which were not included in the first print. Is there objection? The Chair hears none, and it is so ordered.

#### ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 2862) granting a pension to William R. Dean; and

A bill (H. R. 9619) to authorize the construction of a bridge across the Missouri River at some accessible point within 1 mile north and 1 mile south and east of the mouth of the Kansas River.

#### PURCHASE OF SWORDS OF GENERAL JAMES SHIELDS.

Mr. MANSUR. I ask unanimous consent for the present consideration of the joint resolution (H. Res. 202) to construe and determine the amount to be paid by the Secretary of War under the following act of Congress, passed at this session, namely, "An act to purchase of the widow and children of the late General James Shields certain swords."

The SPEAKER. The joint resolution will be read.

The Clerk proceeded to read the joint resolution.

Mr. KILGORE (before the reading was concluded). I call for the regular order.

Mr. MANSUR. Let me appeal to my friend from Texas—

The SPEAKER. The regular order is demanded, which is the call of committees for reports.

#### LIGHT-HOUSE AT POINT ISABEL, TEX.

Mr. CRISP, from the Committee on Commerce, reported back with amendment the bill (H. R. 11342) providing for the re-establishment of the light-house at Point Isabel, Tex.; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

#### ROAD THROUGH MILITARY RESERVATION, PLATTSBURGH, N. Y.

Mr. TOWNSHEND, from the Committee on Military Affairs, reported back favorably the bill (H. R. 11452) to construct a road from the village of Plattsburgh, N. Y., through and along the Government

military reservation in said village; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

W. H. CAYCE.

Mr. WHEELER. I am instructed by the Committee on the Public Lands to report back favorably the resolution in the case of William H. Cayce, claiming the right of homestead entry to certain lands; which is a privileged matter, and ask that it be printed and recommitted to the Committee on the Public Lands.

There was no objection, and it was so ordered.

#### POTTAWATOMIE INDIANS, MICHIGAN AND INDIANA.

Mr. ALLEN, of Michigan, from the Committee on the Public Lands, reported back favorably the bill (S. 2176) for the ascertainment of the amount due the Pottawatomie Indians of Michigan and Indiana; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

#### ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with an adverse recommendation bills of the following titles; which were severally ordered to be laid on the table and the accompanying reports printed, namely:

A bill (H. R. 9698) for the relief of August Cansdell, Company D, Ninth Kansas Volunteers;

A bill (H. R. 6617) granting a pension to Sylvester Sharp;

A bill (H. R. 10716) granting a pension to Charles Bays;

A bill (H. R. 190) granting a pension to Johanna Trew;

A bill (H. R. 10421) for the relief of Eliza Wilson;

A bill (H. R. 10114) to pension John P. Swenson;

A bill (H. R. 10552) granting a pension to Stephen Wilson;

A bill (H. R. 3611) granting a pension to William Lutz;

A bill (H. R. 5224) granting a pension to Jacob Zannuck; and

A bill (H. R. 3823) to reate the pension of Stephen C. Monroe.

#### ORDER OF BUSINESS.

The SPEAKER. The hour for the consideration of bills under the rule begins at thirty minutes past 12 o'clock.

Mr. SCOTT. I would like to ask unanimous consent for the consideration of a little bill here rectifying the record of three men who enlisted during the war, served during the entire war, but who had been sold as substitutes without their knowledge. The bill passed the House by unanimous consent some two months ago and went to the Senate, where there was a technical amendment inserted. It is now on the Speaker's table.

The SPEAKER. Without objection, the amendment will be reported.

Mr. DINGLEY. Do I understand that the demand for the regular order has been withdrawn?

The SPEAKER. It has not.

Mr. DINGLEY. I think there ought to be some uniformity in regard to this matter.

The SPEAKER. The gentleman from Pennsylvania asked the House to give its consent to consider the amendments of the Senate to this bill. The Chair announced what the regular order was, and the gentleman from Texas has demanded the regular order.

Mr. DINGLEY. I have no objection to the request of the gentleman from Pennsylvania myself, but think there should be some regularity; and if the regular order is withdrawn for his benefit other gentlemen on this side ought to have an equal privilege.

The SPEAKER. The demand for the regular order has not been withdrawn.

Mr. DINGLEY. Can this request be entertained if it is not withdrawn?

The SPEAKER. If the gentleman makes the point.

Mr. DINGLEY. I do not make the point myself; I only want some uniformity.

The SPEAKER. Does the gentleman from Texas insist upon the demand for the regular order?

Mr. KILGORE. I do.

Mr. SCOTT. I would ask the gentleman from Texas to withdraw it for a minute. This is a bill that has passed the House, and the amendment of the Senate is informal.

Mr. KILGORE. I will withdraw it for one minute.

The SPEAKER. The gentleman from Maine insists that if the demand is withdrawn, it must not be withdrawn for any particular person.

Mr. KILGORE. Then I insist upon the demand.

The SPEAKER. The Chair has announced the regular order. The present occupant of the chair, not having been present at the last hour for consideration, will ascertain what committee is entitled to the call. The Chair is advised by the Clerk that the last call rested with the Committee on Commerce, that it had occupied one hour, and had a measure under consideration; is that correct?

Mr. CRISP. No, sir; the Committee on Commerce had occupied its two hours.

The SPEAKER. The Chair will then call other committees in their order.

The Committee on Foreign Affairs was called.

#### INTERNATIONAL GEODETIC ASSOCIATION.

Mr. COTHRAN. I ask the present consideration of the joint resolution (H. Res. 181) accepting the invitation of the Imperial German Government to the Government of the United States to become a party to the International Geodetic Association.

The joint resolution was read, as follows:

Whereas the Government of the United States has been invited by the Imperial German Government to become a party to the International Geodetic Association: Therefore,

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President be, and he is hereby, requested and authorized to accept said invitation, and that he is hereby authorized and requested to appoint a delegate, who shall be an officer of the United States Geodetic and Coast Survey, to attend the next meeting of said International Geodetic Association, but no extra salary or additional compensation shall be paid to such by reason of such attendance.

Mr. COTHRAN. I ask the previous question on the adoption of the resolution.

Mr. McMILLIN. Does the gentleman object to having the report read?

Mr. COTHRAN. Not at all.

The report (by Mr. COTHRAN, without the accompanying papers) was read, as follows:

[To accompany H. Res. 181.]

On the 20th of February, 1888, the President of the United States transmitted to Congress a report from the Secretary of State, relative to an invitation from the Imperial German Government to the Government of the United States to become a party to the International Geodetic Association.

The object of the association is, by application of the highest order of skill in the use of scientific means, to determine as nearly as possible the exact measurement of the earth.

Apart from the matter of abstract science which the association seeks to promote, it is believed that the practical advantage to be derived from the ascertainment and determination of the location of national, State, and Territorial boundaries, our extensive coast line and the safest approaches thereto, by the most scientific and satisfactory means, thereby settling disputed questions of boundary, and effectually avoiding such in the future, as well as diminishing in great degree the perils of navigation, should induce this Government to take part in an association the invitation to which has doubtless been induced not only on account of its importance among the civilized governments of the world, but also by the excellence of its own work in this important field of scientific investigation.

These reasons might be extended, but the committee deem it unnecessary to do so.

Heartily concurring in the views presented by the honorable the Secretaries of State, Mr. Bayard, and of the Treasury, Mr. Fairchild, and by Mr. F. M. Thorn, the efficient Superintendent of the United States Coast and Geodetic Survey, set forth in the report of the President of the United States, submitted herewith, the committee submit the accompanying joint resolution, to carry out the purposes set forth in this report, and recommend that the same do pass.

Mr. WHITE, of New York. I wish to make this inquiry of the gentleman from South Carolina having this resolution in charge: whether under the usages of the Government the actual expenses of the commissioner appointed would be paid? I find that this provides for the appointment of a member of the Geodetic Survey, but does not provide additional compensation. Now, if he travels long distances, unless the matter of his expense for such travel is provided for in the regulations of the Department, or by existing law, there ought to be some provision embodied in this resolution to reimburse him.

Mr. COTHRAN. The resolution carries no appropriation.

Mr. WHITE, of New York. I understand that; but does it provide for the payment of his traveling expenses?

Mr. HERBERT. I understand it does.

Mr. COTHRAN. Certainly they ought to be paid.

Mr. HERBERT. The gentleman may be very sure that it does provide for it. It would not have come in without some such provision.

Mr. BLOUNT. This only involves, as I understand it, the appointment of a delegate?

Mr. COTHRAN. That is all.

Mr. BLOUNT. It does not involve anything in the matter of surveys, or expenditures for that purpose?

Mr. COTHRAN. No; only the acceptance of the invitation.

Mr. BLOUNT. And our surveys are to be carried on independent of this resolution?

Mr. COTHRAN. They are.

Mr. McMILLIN. Does the gentleman know what expenditure is involved?

Mr. COTHRAN. It involves no other expense than the acceptance of the invitation, and I presume the traveling expenses of the delegate.

Mr. McMILLIN. What nations are now members of this association?

Mr. COTHRAN. All of the European nations; but this invitation comes specially from the German Government.

Mr. HERBERT. I understand the purpose of this resolution is to authorize a representative of the Geodetic Survey to attend the international geodetic congress, and it seems to me, that if we are going on with this geodetic work it would be very well to allow one of the members of the survey to attend, the purpose being in that world's congress to as far as possible harmonize the work of geodesy, which aims to ascertain the shape of the earth. While I have opposed on

this floor extravagant expenditures which in my opinion have been made and are still being made for this coast and geodetic survey, it seems to me that if work of this kind is to be carried on at all there can be no possible harm in having a representative from our survey at that congress.

Mr. BLOUNT. Work is being carried on at present in the States and Territories.

Mr. HERBERT. Yes; a very great deal of work is being carried on in some of the States and Territories now by this bureau.

Mr. O'NEILL, of Pennsylvania. I am very glad the gentleman from Alabama [Mr. HERBERT] has expressed some interest in this bureau. I was very much surprised the other day at his remarks and his views upon all these scientific bureaus of the Government, and today it gives me pleasure to find him speaking in favor of this resolution. I favor this resolution. I favor the work done in all the scientific bureaus of the Government, and am always ready and willing to vote them appropriations, because I believe those appropriations are being expended by gentlemen of great culture, great intelligence, and great integrity, and not one dollar is lost to the advancement of this Government with all the countries of the world in scientific research. I only desire to congratulate the country that the gentleman from Alabama [Mr. HERBERT] has seen fit to approve of some one thing in connection with these scientific bureaus.

Mr. HERBERT. I accept the gentleman's compliment with all the more humility because I think I may not have deserved it. I am opposed to the Government expending so much money as it does upon science. I believe the best thing the Government could possibly do would be to abolish this geodetic work; but since we do not abolish it, we ought to do it well; and there can be no possible harm, as this bureau exists and is to exist, in having some member of it confer with the members of other associations abroad to harmonize this work.

Mr. O'NEILL, of Pennsylvania. I have always esteemed the gentleman from Alabama highly as a gentleman of culture and education, and at the same time I must say that I think it comes with very poor grace for one who has been educated as he has to express sentiments against the interests of such of these Departments of the Government as are bringing our country to the front in the progress of science and making us felt everywhere throughout the civilized world.

I am very much inclined to take back what I have said; but I think so much of the gentleman, individually, that I think I will let it stand.

[Laughter and applause.]

Mr. COTHRAN. I demand the previous question.

Mr. WHITE, of New York. I hope the gentleman will withdraw the demand, so that I may be permitted to make a statement.

Mr. COTHRAN. I will withdraw the demand until I hear the request of the gentleman from New York.

Mr. WHITE, of New York. I believe that there has been a statement generically made, but not specifically, that there is some existing law under which the expenses of the delegate would be paid. Now, there can be no question but that they should be paid, and I ask unanimous consent to offer an amendment.

Mr. McMILLIN. Probably you had better let it go as it is. The making of additional appropriations for that bureau and magnifying its importance would be resisted; and it should be.

Mr. WHITE, of New York. The amendment I desire to offer is to add to the resolution, after the words "no extra salary or additional compensation shall be paid by reason of such attendance," the words "except the actual expenses of the delegate necessarily incurred in attending said meeting of said association, to be audited and paid by the proper officer of the Treasury Department."

Mr. HERBERT. Will the gentleman allow me to interrupt him in order that I may make an explanation? I desire to say that the gentleman may be very certain that the general law authorizes the payment of the expenses of the delegates in this case. All legislation of this kind originates and necessarily must originate in these scientific bureaus; and when this bill was introduced, as a matter of course, if not prepared, it was at least suggested by some one connected with that bureau who had examined that matter. The gentleman may lay it down as a matter of fact that any bureau of this Government having a bill introduced for such a purpose as this would get into it a provision to pay expenses if such should be necessary. I know very well that the representative to the Geographical Congress some years ago had his expenses paid, and of course it is contemplated to pay the expenses of this delegate.

Mr. WHITE, of New York. There is no objection to the amendment.

The SPEAKER. The gentleman from South Carolina [Mr. COTHRAN] has not withdrawn the demand for the previous question. Does he demand the previous question?

Mr. COTHRAN. I do, Mr. Speaker.

The previous question was ordered, and under the operation thereof the resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COTHRAN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.



## UNITED STATES AND MEXICAN BOUNDARY.

Mr. HITT. I am instructed by the Committee on Foreign Affairs to call up for consideration the joint resolution (H. Res. 112) requesting the President of the United States to negotiate with the Government of Mexico for the creation of an international commission to determine, according to the rules of the Washington convention of November 12, 1884, all questions touching the boundary line between the United States and Mexico where it follows the bed of the Rio Grande and Colorado Rivers.

The joint resolution was read, as follows:

*Resolved, etc.,* That the President be, and he is hereby, authorized to negotiate with the Government of Mexico for the creation of an international commission to determine, according to the rules laid down in the convention between the two countries, signed at Washington on the 12th day of November, 1884, all questions touching the boundary line between the United States and Mexico where it follows the bed of the Rio Grande and the Colorado Rivers.

Mr. HITT. Mr. Speaker, this joint resolution is to authorize and request the President to negotiate with Mexico for the appointment of an international commission which shall determine all uncertainty and all questions in regard to our boundary where it follows the Rio Grande and Colorado Rivers. This is to be done in accordance with the rules laid down in the Washington convention of November 12, 1884.

The Rio Grande River, flowing between the United States and Mexico, is a wide, shallow stream, with a changing, uncertain channel. By the treaty of Guadalupe Hidalgo, concluded February 2, 1848, after the war with Mexico, the boundary line from the mouth of the Rio Grande was declared to be "up the middle of that river, following the deepest channel where it has more than one." The same words, "up the middle of that river," are repeated in the treaty with Mexico of December 30, 1853.

A survey of the boundary was made under the treaty, and the actual boundary was then what was the middle of the river. Since that time it has shifted its channels so often and so far, in some cases gradually, in others abruptly and by cut-offs, that no man knows accurately where the boundary is to-day. The channel will sometimes move slowly by accretion on one side and erosion on the other. Sometimes the stream will suddenly cut a new channel, abandoning the old ones altogether, and in a single day, by a cut-off, a tract or "banco" of a hundred acres will be found to be on the other side of the river.

These causes have produced uncertainty as to the boundary, and this encourages smuggling, which is always carried on more or less on the border. When a man smuggles from a banco it is almost impossible to catch and convict him. No surveys are made nor official records kept of the time and place of cut-off changes, and no one can tell with accuracy the extent of the cut-off. The bed of the old channel is the boundary, though it may be long since dry. There are sometimes two or three old beds, and it is hard to tell where is the middle of the old bed contemplated by the treaty. At the last term of the United States district court at Brownsville, the most noted smuggling case was lost by the Government for want of that accurate knowledge that would satisfy the court. Some bancos increase by deposit; some wear away till they are entirely swept off.

Questions of ownership and of jurisdiction arose long ago under the treaty of Guadalupe Hidalgo.

In 1856 Attorney-General Cushing discussed the subject with his characteristic learning and ability in an opinion dated November 11, which rests upon and reasserts the long-established principle of Roman law.

Says Mr. Cushing:

When a river is the line of arcifinious boundary between two nations, its natural channel so continues notwithstanding any changes of its course by accretion or decrection of either bank; but if the course be changed abruptly into a new bed by irruption or avulsion, then the [deserted] river-bed becomes the boundary.

In order to remove all doubt from this subject, Secretary Frelinghuysen signed a convention with Señor Romero, minister of Mexico, November 12, 1884, in which was laid down a body of rules which are in accordance with the doctrine of the civil law for determining questions concerning the dividing line, the middle of the channel of the Rio Grande and Rio Colorado—

to avoid difficulties which may arise through the changes of channel to which those rivers are subject through the operation of natural forces.

But no method was there prescribed for applying the rules and the commission proposed in this joint resolution is simply designed to provide for the application of the rules laid down in the convention of 1884, by which the boundary lines between Mexico and this country can be determined and be made practically fixed, known, and useful in the administration of the law. I can not state what, if any, expenditure will be incurred by the passage of the resolution.

Mr. BLOUNT. May I ask the gentleman what is the rule laid down in the convention?

Mr. HITT. The rules are based on the principles of the old civil law. The first two rules laid down were: The dividing line shall forever be that described in the treaty and follow the center of the normal channel of the rivers named, notwithstanding any alterations in the banks or in the course of those rivers, provided that such alterations be effected by natural causes through the slow and gradual erosion and

deposit of alluvium, and not by the abandonment of an existing river-bed and the opening of a new one.

Any other change wrought by the force of the current, whether by the cutting of a new bed or when there is more than one channel by the deepening of another channel than that which marked the boundary at the time of the survey made under the treaty, shall produce no change in the dividing line as fixed by the surveys of the international boundary commission in 1852; but the line then fixed shall continue to follow the middle of its original channel bed, even though this should "become wholly dry or be obstructed by deposits."

Other rules declared that artificial change of channel should not affect the line, nor should rights of property be disturbed by the channel changes above described.

Mr. ADAMS. Will my colleague tell me whether, according to the rules laid down by that convention, the boundary line is to be fixed, or is to be hereafter a vibrating line varying with the variations in the channel? Is it to be marked out with reference to what the channel was or is at one particular time, or is it to follow the subsequent changes in the channel?

Mr. HITT. The rules which I have just stated declare that the dividing line shall forever be that which is described in the treaty, and follow the center of the normal channel of the rivers—

Mr. ADAMS. As that normal channel shall be from time to time?

Mr. HITT. The rule applicable to changes is clearly prescribed, and that is the rule of the civil law, which is that the boundary is to follow the center of the normal channel notwithstanding any alterations in the banks or in the course of those rivers; provided that such alterations be effected by natural causes through the slow and gradual erosion and deposit of alluvium, and not by the abandonment of an existing river bed and the opening of a new one.

Mr. ADAMS. One question more. Has not the President the power to appoint this commission without a resolution of Congress?

Mr. HITT. It is deemed by the Department of State better that the authority should be given by Congress, as expense may be incurred and it concerns an international question touching so grave a subject as a boundary even though it be changed ever so little.

This convention of 1884 provided no means for applying the rules I have mentioned to given cases. It declared that the boundary as fixed in 1852 should continue in the middle of the old bed, even when it becomes dry. But who is to determine where is the middle of the old bed? When there are two or three old beds how is it to be decided which was abandoned by the river before 1852, and which since? These bancos with their uncertain boundaries afford retreats for smugglers, thieves, kidnappers, murderers, and every class of criminals, as well as bases of supplies from which to carry on their operations free from interference by either Government. Liquors, tobacco, and all kinds of dutiable merchandise are taken there and smuggled into the United States as opportunity offers. The collector at Brownsville says:

The two inspectors at Santa Maria lately had positive information of 100 gallons of mescal in the Balsa banco ready to be brought over. They watched day and night for it, but could not catch it. While they were on one side the liquor went out on the other, and was consumed at some big Christmas "bailes" (dances) about 15 miles in the country. That is one instance of smuggling known to the officers, who could not prevent it. I could give you a hundred.

If these nests could be broken up, smuggling would be greatly reduced. I think the only way to do it is to make a new treaty, defining the boundary between Mexico and the United States.

The Secretary of the Treasury, upon being consulted by the Secretary of State on the question, replied:

In view of the difficulties constantly experienced in enforcing the revenue laws on the Mexican frontier, owing in a great measure to the present uncertainty as to the boundary line between the two countries, I concur in your suggestion for the appointment of an international river commission to apply the rule prescribed by the boundary convention of November 12, 1884.

Our committee has carefully considered this subject and approve the resolution.

I think it is manifest, Mr. Speaker, in view of the collection of the revenue, the prevention of crime, the maintenance of good order on the frontier, and the preservation of international harmony, that these boundary questions should be settled by a commission as soon as possible.

Mr. LANHAM. I ask the gentleman from Illinois [Mr. HITT] to yield to me for a moment.

Mr. HITT. Certainly, I will yield to the gentleman.

Mr. LANHAM. So far as I have been able to examine the joint resolution which the gentleman from Illinois has called up for consideration, it meets my approval, and I think it necessary that something should be done in the line contemplated by it. There is, however, another question, which is to some extent kindred to it, and is of very great importance to the border along the Mexican frontier, and I would like, with the permission of the gentleman, to enlarge the scope of the resolution by an amendment authorizing the President to negotiate also with the Government of Mexico for the abolition of what is known as the Zona Libre, or Free Zone.

Mr. HITT. I must say to the gentleman that the question which he proposes is a very grave and important one, and I am not authorized by the committee to accept such an amendment.



Mr. LANHAM. Then I will ask to have the amendment read for information.

The Clerk read as follows:

And the President is also authorized to negotiate with the Government of Mexico for the abolition of the Zona Libre.

Mr. LANHAM. I desire to offer this amendment; and I would like, with the permission of the gentleman from Illinois [Mr. HITT], to submit a few remarks upon it.

Mr. HITT. I must call the previous question. I can not yield for the amendment, as it relates to an entirely different question from that involved in this resolution.

Mr. O'NEILL, of Missouri. That Zona Libre is a mere custom-house regulation.

Mr. LANHAM. Oh, no; it means a great deal more than that.

Mr. O'NEILL, of Missouri. Mexico establishes the Zona Libre some distance back from the Rio Grande, where it is thought more convenient to have her custom-houses than right along the bank of the river.

Mr. LANHAM. The gentleman does not, I think, fully understand the question.

I hope the gentleman from Illinois will allow me to have read in this connection two brief statements setting forth the importance and necessity of the abolition of this Free Zone.

Mr. HITT. I do not feel justified in delaying our business during this hour. No doubt the gentleman can obtain consent to publish in the RECORD the statements to which he refers.

Mr. LANHAM. Then, with the permission of the House, I will say a few words in explanation of the statements, which I will ask to have printed in the RECORD.

Mr. Speaker, my reasons for offering this amendment are such as I think ought to attract the attention of the House and the efforts of our Government in behalf of the people who live along the Mexican border. It is the duty of the Government to employ all legitimate agencies in behalf of its citizens in every part of the country, as well as to take all necessary steps to prevent any fraudulent practices which may exist in avoiding the just collection of its revenues. Quoting from Senate Executive Document No. 130, first session Fiftieth Congress, I give the following definitions of the Zona Libre:

The Zona Libre is a narrow belt extending along the frontier from the Gulf of Mexico to Tijuana. The principal ports of first entry in it are Matamoros, Mier, Laredo, Piegras Negras, Paso del Norte, and Nogales. The estimated population is about 100,000.

\* The Free Zone shall extend from Matamoros to Tijuana, along the frontier of the Republic in the States of Tamaulipas, Coahuila, Chihuahua, Sonora, and the Territory of Lower California, with respect to length; and as to width, 20 kilometers into the interior from the frontier line.

From the beginning of my service in this House, representing as I do a district a large portion of which is bounded by the Rio Grande River, I have had occasion to give consideration to this subject and to correspond and confer with the Secretary of State upon the matter. The existence of this Free Zone, into which goods and merchandise are imported free of duty, has been a constant source of complaint by my constituents who reside upon the border. In 1884 I received the following protest from numerous and representative citizens of El Paso, Tex.:

EL PASO, TEX., April 10, 1884.

Whereas the recent extension of the Zona Libre, or Free Zone, along the northern frontier of Mexico, extending as far west as Nogales, Ariz., opens Paso del Norte, Mexico, immediately opposite El Paso, Tex., to the free importation of all classes of merchandise, unrestricted commerce, and greatly increased opportunities for smuggling, and the utter demoralization of legitimate business; and whereas American merchants and industries will be brought into sharp and unequal competition with foreign merchants and industries wholly unprotected; and whereas values will be decreased and business paralyzed on the American side of the river, while on the Mexican side there will be a corresponding increase in business and values, the stimulation of unlawful commerce, and an organized and extensive system of smuggling far into the interior of the United States on account of the various railways extending in every direction from El Paso, Tex., and into Mexico, by reason of the many and great obstacles presented by the Rio Grande River being done away with, and believing, as we do, that such a state of things on the frontier will not only be prejudicial to our own interests, but to the interests of the country at large, and that it is of vital importance that the extension and establishment of the "Free Zone" be overthrown if possible:

Therefore, we earnestly protest as citizens of the United States against the destruction of our property and commercial interests by the Mexican Government, and believing it is in violation of the late reciprocity treaty, we very respectfully and earnestly ask our Senators and Representatives in Congress to use their utmost efforts with the proper authorities of the United States to arrest this unfriendly and unwise scheme of the Mexican Government; and, failing in this, that they ask for the immediate establishment of a "Free Zone" on our own borders to the same extent as that established by Mexico. We also earnestly beg that such laws as are necessary to put in full force the late reciprocity treaty with Mexico be enacted by Congress at an early day.

At a later date I received and presented to the House and had referred to the Committee on Ways and Means the following petition, signed by many leading merchants and business men of El Paso, which distinctly sets forth their grievances, and, it seems to me, shows such a condition of affairs as to emphasize the necessity for making this subject a matter of international negotiation:

To the Senate and House of Representatives of the United States:

We, the undersigned citizen tax-payers of the United States, herewith most respectfully and urgently represent that the recent extension of the Free Zone by the Mexican Government along the northern frontier of Mexico, opens all the Mexican towns along said border to the importation, through the United States, of all classes of merchandise from foreign countries upon which no duty

is paid either to the American or Mexican Governments. Said act creates a rendezvous where merchants from foreign countries can land their free goods, take their time and opportunity to smuggle or sell them to those who will smuggle them into the United States.

A glance at our tariff list will at once prove the great incentive to do this, and that American merchants in the American towns can not pursue a legitimate business with success in competition with those in the Free Zone.

Referring more particularly to the free port of Paso del Norte, Mexico, directly opposite El Paso, Tex., we call attention to the ample opportunity and great ease with which an extensive smuggling business can be carried on, for the reason that all classes of individuals can go there in the street-cars and in other conveyances, or on foot, day or night, purchase any article of wearing-apparel, and wear it over to the American side. As well also can merchandise upon which the greatest duty is imposed be carried over by men, pack-animals and other conveyances at various places up and down the river. The Rio Grande River is fordable the greater part of the time, and there are also bridges and boats in ample supply when the river is not fordable.

Now that railways are operating to and from all the cities of the United States, an extensive amount of smuggling can and will be carried on, and these free goods will find their way throughout our country.

Merchants from Vera Cruz and other foreign cities are now opening large stocks of foreign merchandise in convenient places in Paso del Norte for the purpose of supplying the American trade. They are advertising their advantages in our papers, and are pushing their wares into our country. This fact is fast demoralizing our trade and deprecating our property values.

Even with numerous guards, which would entail largely increased expense to the Government, we do not believe this pernicious practice could be completely and effectually suppressed, so long as the free zone exists.

All other points in Mexico along this free border, where there are railway facilities, are fast becoming harbors for smugglers, and every day's delay works a loss to the commerce of our country and revenues to the Government.

The reasons assigned for this act are admitted by the Mexican people to be that it will build up their border towns and check the growth of the American towns; that it will increase their population along the border and decrease our population, thereby strengthening their border and weakening ours.

Therefore, it can not be possible for the merchants on the American side, as well as the jobbers and manufacturers in our large cities, to compete for the growing trade of Mexico as against the jobbers and manufacturers of Europe. This is a vital question to the jobbers and manufacturers of all the cities of the United States who have been selling goods to the merchants in the American towns on the border, and to the merchants and others in Mexico, because the free goods in the free towns of Mexico, created by the Free Zone act, will prove an effectual barrier between them and the trade of Mexico.

Each day this matter is assuming greater proportions, and the longer it exists the greater the difficulty in overcoming it.

Paso del Norte is made the principal point for carrying on this business, because the many railways centering at El Paso, Tex., furnish quick and ready transportation to all portions of the United States.

The question, as we view it, is whether this act of the Mexican Government is a violation, implied or otherwise, of the existing treaty. If so, we ask our authorities to demand its suppression. If not, is it an act of injustice and unfriendliness by which our general interests are damaged sufficiently to seek at an early day a treaty of reciprocity which would effect its discontinuance and prove of mutual benefit to both countries? By no other means will our manufacturers and merchants be able to secure the large and increasing trade of Mexico. Failing in this, there is no other way for our Government to suppress it except to create a like free territory on the American border, to be continued until such time as the Mexican Government abandon this unjust and unfriendly act towards the general commercial interests of the United States.

Not to trespass further upon the time of the House, I would refer gentlemen who may feel an interest in the subject to the executive document before mentioned, where much valuable and pertinent information can be obtained. I earnestly hope the Government will adopt some methods which will result in a solution of these troubles.

Mr. HITT. I now insist upon the demand for the previous question.

The previous question was ordered, and under the operation thereof the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HITT moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ORDER OF BUSINESS.

Mr. HITT. I now call up for consideration Senate joint resolution No. 59.

The SPEAKER (after examining the resolution). This resolution is on the Private Calendar, and does not come within the class of business which a committee may call up during this hour. If the Committee on Foreign Affairs has no further business to present, the call will proceed.

#### NAVAL ACADEMY COURSE.

Mr. HERBERT (when the Committee on Naval Affairs was called). I call up for consideration the bill (H. R. 9674) to regulate the course at the Naval Academy.

The bill was read, as follows:

Be it enacted, etc., That the Academic Board of the Naval Academy shall on or before the 30th day of September in each year separate the first class of naval cadets into two divisions, as they may have shown special aptitude for the duties of the respective corps, in the proportion which the aggregate number of vacancies occurring in the preceding fiscal year ending on the 30th day of June in the lowest grades of commissioned officers of the line of the Navy and Marine Corps of the Navy shall bear to the number of vacancies to be supplied from the Academy occurring during the same period in the lowest grade of commissioned officers of the Engineer Corps of the Navy; and the cadets so assigned to the line and Marine Corps division of the first class shall thereafter pursue a course of study arranged to fit them for service in the line of the Navy, and the cadets so assigned to the Engineer Corps division of the first class shall thereafter pursue a separate course of study arranged to fit them for service in the Engineer Corps of the Navy, and the cadets shall thereafter, and until final graduation, take rank by merit with those in the same division, according to the merit marks; and from the final graduates of the line and Marine Corps divisions appointments shall be made hereafter as it shall be necessary to fill vacancies in the lowest grades of commissioned officers of the line of the



Navy and Marine Corps; and the vacancies in the lowest grades of the commissioned officers of the Engineer Corps of the Navy shall be filled in like manner by appointments from the final graduates of the Engineer division: *Provided*, That no greater number of appointments into the said lowest grades of commissioned officers shall be made each year than shall equal the number of vacancies which shall have occurred in the same grades during the fiscal year then current; such appointments to be made from the final graduates of the year, in the order of merit as determined by the Academic Board of the Naval Academy, the assignment to be made by the Secretary of the Navy upon the recommendation of the Academic Board at the conclusion of the fiscal year then current; but nothing herein contained shall reduce the number of appointments of such final graduates below seven in each year to the line of the Navy, and not less than two shall be appointed annually to the Engineer Corps of the Navy, nor less than one annually to the Marine Corps; and if the number of vacancies in the lowest grades aforesaid occurring in any year shall be greater than the number of final graduates of that year, the surplus vacancies shall be filled from the final graduates of following years, as they shall become available.

Sec. 2. That this act shall take effect when the first class shall be divided under its provisions.

Mr. HERBERT (before the reading was concluded). Mr. Speaker, I can explain this bill in less time than it will take to read it.

Mr. BLOUNT. I hope we shall have both the reading of the bill and the explanation.

The Clerk concluded the reading of the bill.

Mr. HERBERT. Mr. Speaker—

Mr. BLOUNT. Let us have the report read.

Mr. HERBERT. I desire to explain this bill briefly, after which gentlemen, if they desire to do so, can oppose it.

The original bill, for which this has been reported as a substitute, provided for an increase in the number of cadets. The committee was opposed to that, and did not report in favor of it. The original bill provided also for shortening the course at the Academy. The committee was opposed to that, and did not report in favor of it. This bill provides simply that at the end of the third year the course shall be divided; and that a proper proportion of the class, those who are to be engineers will after that time take a special, while the others pursue the usual course. That is all there is in the bill.

Mr. BLOUNT. Is this recommended by the Navy Department?

Mr. HERBERT. It is recommended by the Academic Board, by the Secretary of the Navy, and unanimously by the Committee on Naval Affairs.

Mr. MILLIKEN. Does the bill allow the student to choose whether he will take one course or the other?

Mr. HERBERT. That is left to the decision of the board; but the board will, while consulting fitness, of course regard also, as far as may be, the wishes of the cadet.

Mr. O'NEILL, of Pennsylvania. I wish to offer an amendment to come in at the end of the first section.

Mr. HERBERT. I will state to the gentleman that if he insists on the amendment it will defeat the bill.

Mr. McMILLIN. Before the amendment is read I wish to ask my friend from Alabama this question: After the division in the course, will either branch be shortened below what it would be without this legislation?

Mr. HERBERT. No, sir; neither branch will be shortened. The sole effect of the bill is what I have stated.

Mr. McMILLIN. I wanted to make that inquiry, because if the bill had the effect of shortening in any way the course of study, the tendency would be to increase the number of cadets, which I think would be improper.

Mr. HERBERT. I stated expressly that the committee had decided against any such increase.

Mr. McMILLIN. I understood the gentleman's statement in that regard.

Mr. O'NEILL, of Pennsylvania. I move to amend by inserting at the end of the first section the provision which I ask the Clerk to read.

The Clerk read as follows:

That after the 4th day of March, 1889, the minimum age of admission of cadets to the Academy shall be sixteen years, and the maximum age twenty-one years.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I offer this amendment because from my own experience in the appointment of cadets I have been convinced that the present minimum age of admission, fourteen years, is too low, the result being that youths whose minds are too immature to enter advantageously upon the studies of the Academy are sometimes sent there and obliged afterward to leave, which necessitates the making of new appointments. Besides, this amendment will make the age of admission to the Naval Academy almost the same as the age of admission to the Military Academy, where the minimum is seventeen years and the maximum twenty-two years.

I propose by this amendment a minimum of sixteen and a maximum of twenty-one years of age. I think it is better in all respects when a youth graduates from the Naval Academy he should be in age more of a man than when entering at fourteen and graduating at eighteen. Just as at West Point, a youth grows up and develops himself physically, but he does not enter the Army before he is twenty-two years of age, and then he is a man fitted to command men. So those graduating from the Naval Academy when entering the naval service should be fitted to command men, which they are much more likely to do at twenty-one years of age than they are at eighteen years. Entering the

Naval Academy at fourteen, he can not, in many instances, grasp or understand exactly what he is preparing himself for; whereas, if the period of entrance be advanced a few years, instead of entering at fourteen he enters at eighteen years of age as a maximum, I believe we will thereby have a better class of officers; and when they do graduate they will be men themselves and fitted to command men. I hope, therefore, the House will adopt the amendment. I have offered it in good faith, because I believe it is carrying out a very excellent idea, not my own entirely, as I have heard others express themselves in the same way, and I am convinced it should be adopted. I offer it to this bill where it is applicable.

Now, I will say, Mr. Speaker, so far as my amendment is concerned that it does not affect the present appointments. It does not take effect until the 5th day of March next. I understand the power to designate by members of Congress does not come until after the 4th day of March next, so that those members who are re-elected to the next Congress will be notified soon after the expiration of this Congress. Hence it does not affect anyone to-day, but takes effect in the future, and I believe it will have a good effect upon the naval service to make this change in the age of those who enter the Naval Academy.

Mr. HERBERT. Mr. Speaker, the Naval Committee have considered this question and decided against it. It has not been recommended by the academic board of the Naval Academy, and it has not been recommended by the Secretary of the Navy, and while the matter has been before us many times we have not been able to take a step in that direction, much less to change the age of entrance to the extent of three years.

Mr. BLOUNT. What are the reasons on the part of the Committee on Naval Affairs for that action?

Mr. HERBERT. In the first place, the superintendent of the Naval Academy, Captain Sampson, who has examined the question with a great deal of care, thinks that those who have entered at say fifteen years of age have made a better record than those who have entered at an older age. While he would favor making a change in the age he would not favor such a change as this; that is, from fourteen to sixteen years.

Mr. O'NEILL, of Pennsylvania. I will make it from sixteen to twenty, but my amendment is intended more in reference to the age of entrance at the Naval Academy; that is, not to leave it where it now is at fourteen, but advance it to sixteen.

Mr. HERBERT. I have the floor.

Mr. O'NEILL, of Pennsylvania. I thought you asked me a question.

Mr. HERBERT. No, I do not. The Committee on Naval Affairs have not had an hour during this session of Congress, and there are several important bills still to be called up, and the time is passing away.

Mr. O'NEILL, of Pennsylvania. I have the right to offer an amendment if it be applicable to the pending bill.

Mr. HERBERT. We have considered an amendment like this, but the committee was against it.

Mr. O'NEILL, of Pennsylvania, rose.

Mr. HERBERT. I have the floor and do not yield.

Mr. O'NEILL, of Pennsylvania. I have the right to offer an amendment.

Mr. HERBERT. You have offered it, and I have taken the floor in my own right.

Mr. O'NEILL, of Pennsylvania. The Senate Committee on Naval Affairs have recommended this unanimously.

Mr. HERBERT. I do not yield to the gentleman for any purpose.

Mr. O'NEILL, of Pennsylvania. I presume the Naval Committee of the Senate is as capable of judging in reference to this matter as Captain Sampson or any member of the Committee on Naval Affairs.

Mr. HERBERT. This matter is before the Committee on Naval Affairs, and they will be likely to present the matter to the House when they have come to a conclusion upon it.

Mr. O'NEILL, of Pennsylvania. It has been before the Naval Committee three or four months, and nothing yet has been brought into the House by that committee on the subject.

Mr. HERBERT. I will state, while the committee has considered the question, they have not been able to agree upon it. Nevertheless, they are opposed to an amendment going as far as the one now pending, moved by the gentleman from Pennsylvania. I do not wish to stop to debate that question. We have other bills to bring up, and I hope the few minutes allotted to the committee will not be taken up by this bill.

The question recurred on the amendment of Mr. O'NEILL, of Pennsylvania.

The House divided; and there were—ayes 36, noes 7.

So the amendment was agreed to.

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

#### SAVINGS OF SEAMEN.

Mr. HERBERT. I now call up for consideration the bill (H. R. 4351) to provide for the deposit of the savings of seamen of the United States Navy.

The bill was read, as follows:

*Be it enacted, etc.,* That any enlisted man or appointed petty officer of the Navy may deposit his savings, in sums not less than \$5, with the paymaster upon whose books his account is borne; and he shall be furnished with a deposit-book, in which the said paymaster shall note, over his signature, the amount, date, and place of such deposit. The money so deposited shall be accounted for in the same manner as other public funds, and shall pass to the credit of the appropriation for "pay for the Navy," and shall not be subject to forfeiture by sentence of court-martial, but shall be forfeited by desertion, and shall not be permitted to be paid until final payment on discharge, or to the heirs or representatives of a deceased sailor, and that such deposit be exempt from liability for such sailor's debts: *Provided*, That the Government shall be liable for the amount deposited to the person so depositing the same.

Sec. 2. That for any sums not less than \$5 so deposited for the period of six months or longer, the sailor, on his final discharge, shall be paid interest at the rate of 4 per cent. per annum.

Sec. 3. That the system of deposits herein established shall be carried into execution under such regulations as may be established by the Secretary of the Navy.

Mr. HERBERT. Unless some gentleman desires an explanation of the bill, I shall ask the previous question on its passage.

Mr. SOWDEN. What is the purport of the bill?

Mr. HERBERT. It allows sailors to deposit their savings with the paymaster.

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. HERBERT 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.

#### TEMPORARY HOME, DISCHARGED SEAMEN.

Mr. HERBERT. I now call up the bill (H. R. 4353) to provide a temporary home for certain persons discharged from the United States Navy, and ask leave to consider this in the House as in Committee of the Whole.

Mr. SOWDEN. I wish to ask whether this involves an expenditure of money.

Mr. HERBERT. It necessarily involves a small expenditure.

Mr. SOWDEN. What amount?

Mr. HERBERT. Let the bill be read.

Mr. SOWDEN. If it makes an appropriation I object.

Mr. HERBERT. But I ask to have it considered in the House as in Committee of the Whole.

Mr. SOWDEN. If it involves any expenditure of money I object.

Mr. HERBERT. Then I move that the House resolve itself into Committee of the Whole House on the state of the Union to consider bills from the Committee on Naval Affairs.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. BLOUNT in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of bills reported from the Committee on Naval Affairs.

Mr. HERBERT. I call up the bill H. R. No. 4353, and ask its present consideration.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Navy be, and he is hereby, authorized to permit any person receiving the honorable discharge authorized by section 1429 of the Revised Statutes to elect a home on board of any of the United States receiving-ships, during any portion of the three months granted by law as his limit of time within which to receive the pecuniary benefit of such discharge, the men so choosing a home to be entitled to one ration per day for their keeping while furnished with such home, but not to pay, other than that authorized by section 1573 of the Revised Statutes of the United States upon re-enlistment: *Provided*, That the persons so furnished with a home shall be amenable to such regulations as may be prescribed by the Secretary of the Navy or other competent authority.

Mr. HERBERT. In further answer to the objection of the gentleman from Pennsylvania, I will state that the only expense the bill involves is this: It provides that a sailor who has been discharged from the United States Navy and who may now under the law re-enlist within three months thereafter with continuing pay, instead of being driven during that three months to resort to sailors' boarding-houses, may have the privilege at any time within that period of having his home upon any United States receiving-vessel then in port, and drawing one ration per day.

The Secretary of the Navy has recommended the bill; the Chief of the Bureau of Equipment and Recruiting has recommended it, and it is believed that it will have a good effect upon the sailors by keeping them from the sailors' boarding-houses. The only possible expense, as I have said, will be the rations which will be furnished to the sailor during such part of the three months as he may occupy a home on the vessel.

Mr. SOWDEN. After hearing the statement of the gentleman from Alabama I will withdraw my objection.

Mr. HERBERT. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

#### APPRENTICES, UNITED STATES NAVY.

Mr. HERBERT. I now call up for present consideration the bill (H. R. 10652) to encourage the enlistment of boys as apprentices in the United States Navy.

The bill was read, as follows:

*Be it enacted, etc.,* That in order to encourage the enlistment of boys as apprentices in the United States Navy, the Secretary of the Navy is hereby authorized to furnish as a bounty to each of said apprentices after his enlistment, and when first received on board of a training-ship, an outfit of clothing not to exceed in value the sum of \$45.

Mr. HERBERT. This bill also involves an appropriation. As gentlemen know, we now have a system of training boys to make sailors of them, and they are taken at from fourteen to seventeen years of age. At the present time the Government furnishes them with their rations and pays them also a small amount at the time of enlistment, which increases as they progress. The suit of clothes that is provided for the boy at enlistment is charged up against him and deducted from these wages. The full equipment, including his clothes, blankets, etc., costs from \$35 to \$45, which amount, being charged against the meager wages he receives, keeps him in debt for a long time.

Mr. HOLMAN. What compensation do they get?

Mr. HERBERT. I am not prepared to give the exact amount, but I think the pay commences at \$8 a month and runs up to \$10 or \$12, and some of them become petty officers afterwards, when the pay is much larger. But the compensation is very small, and they are kept in debt for a long time. The chief of the Bureau of Equipment and Recruiting recommended the passage of this measure; the Secretary of the Navy also recommended it, and the committee, after carefully considering it, think it will encourage enlistments, and therefore recommend the passage of the bill. There are usually from three hundred to four hundred and fifty or five hundred boys in the training school.

I ask that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. SOWDEN. What will be the expense in each case?

Mr. HERBERT. I have stated that the whole equipment of each one costs from \$35 to \$45, not exceeding that for each boy.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. HERBERT. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. McMILLIN having taken the chair as Speaker *pro tempore*, Mr. BLOUNT reported that the Committee of the Whole on the state of the Union having had under consideration House bills 4353 and 10652, had directed him to report the same to the House with the recommendation that they do pass.

#### BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole on the state of the Union without amendment, were severally considered, ordered to be engrossed and read a third time; and being engrossed, were accordingly read the third time, and passed, namely:

A bill (H. R. 433) to provide temporary homes for certain persons discharged from the United States Navy; and

A bill (H. R. 10652) to encourage the enlistment of boys as apprentices in the United States Navy.

Mr. HERBERT moved to reconsider the votes by which the bill were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### ORDER OF BUSINESS.

Mr. MAISH. The chairman of the Committee on Military Affairs was absent when the Committee on Military Affairs was called, and I ask unanimous consent that we go back in the call of committees to the Committee on Military Affairs.

The SPEAKER. The gentleman from Pennsylvania states that the chairman of the Committee on Military Affairs was necessarily and temporarily absent from the House when that committee was called, and he asks that the committee shall not lose its place on the Calendar. Is there objection? The Chair hears none, and it is so ordered. The hour for the consideration of bills this morning has expired.

Mr. LANHAM. I ask unanimous consent for the consideration of a resolution which I send up to the Clerk's desk.

The SPEAKER. The regular order has been demanded by the gentleman from Texas [Mr. KILGORE], and unless that be withdrawn—

Mr. LANHAM. I ask that it be withdrawn.

Mr. KILGORE. I will withdraw it in the interest of my colleague.

Mr. NELSON. If it is only withdrawn for that, I object.

The SPEAKER. The regular order is demanded.

Mr. LANHAM. Then I move that the House do now adjourn. The question was put, and the Speaker was in doubt as to the result.

The House divided; and there were—ayes 56, noes 12.

So the motion was agreed to; and accordingly (at 1 o'clock and 33 minutes p. m.) the House adjourned.

#### PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BOUND (by request): A bill (H. R. 11506) granting a pension to Charles E. McFarland—to the Committee on Invalid Pensions.



By Mr. HAYES: A bill (H. R. 11507) granting a pension to J. B. Crawford—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: A bill (H. R. 11508) granting a pension to Elijah West—to the Committee on Invalid Pensions.

By Mr. TOWNSHEND: A bill (H. R. 11509) granting a pension to Clinton Allen—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. ALLEN: Petition of Mrs. M. S. Kennon and Irby Bonsall, heirs of John H. Irby, for reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. DORSEY: Petition of citizens of Nebraska, for the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. DUNHAM: Petition of Richard D. Townsend and 56 others, citizens of Cook County, Illinois, for amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. MILLIKEN: Petition for a pension for Elijah West—to the Committee on Invalid Pensions.

By Mr. J. J. O'NEILL: A petition, numerously signed by Union soldiers of the late war, representing that during the war of the rebellion the Government, through Congressional enactments, most solemnly agreed to deal justly with those who became the defenders of the nation; that equal and exact justice demands that every soldier who is entitled to a pension for wounds received or disease contracted in the line of duty should receive such pension from the date of his discharge; that by the repeal of the arrearage clause of the pension law as in force prior to July 1, 1880, an injustice was done to those who had incurred wounds or disease in the service—an injustice uncomplainingly submitted to at the time, being regarded as a temporary measure adopted to enable the Government to maintain specie payments; that the necessity for continuing this injustice has long since ceased; that in view of the affluent condition of the national Treasury the solemn contractual obligation of the Government to those who bore arms under the national flag should now be promptly fulfilled by a re-enactment of the arrears law which was in force prior to July 1, 1880—to the Committee on Invalid Pensions.

By Mr. PEEL: Memorial of Choctaw Nation, to grant the right of way to the Choctaw Coal and Railway Company—to the Committee on Indian Affairs.

By Mr. WASHINGTON: Petition of heirs of Thomas Gale and of heirs of Alexander Carper, of Davidson County, Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

#### SENATE.

WEDNESDAY, September 26, 1888.

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

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

#### PETITIONS AND MEMORIALS.

Mr. SHERMAN presented the petition of E. R. Olderman and 29 others, the petition of S. M. McMillen and 34 others, the petition of Theo. F. Davis and 11 others, and a petition of Knights of Labor Lodge No. 562, officially signed, representing 250 members, all citizens of Washington County, Ohio, praying for certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

Mr. WILSON, of Iowa. I present a petition of Garfield Assembly, No. 4762, Knights of Labor, of Dallas, Iowa, numbering 78 members, praying for an amendment to the interstate-commerce law. As the subject referred to in the petition has been acted upon, and is now pending in conference between the two Houses, I move that the petition lie on the table.

The motion was agreed to.

Mr. TELLER presented the petition of Thomas L. Farrell and 59 other citizens of Gunnison County, Colorado, praying for certain amendments of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. REAGAN presented a petition of citizens of Hill County, Texas, and a petition of citizens of Tyler County, Texas, praying for an amendment of the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

#### REPORTS OF COMMITTEES.

Mr. TELLER, from the Committee on Public Lands, to whom was referred the bill (S. 3485) restoring the homestead right of Charles Weitle, reported it without amendment, and submitted a report thereon.

Mr. WILSON, of Iowa, from the Committee on the Judiciary, to whom was referred the bill (H. R. 3312) to transfer certain counties from the southern judicial district to the northern district in the State

of Georgia, and to divide the northern district in said State into two, to be known as the western and eastern divisions of said district, and for other purposes, reported it with an amendment.

#### CONNECTICUT AND RHODE ISLAND BOUNDARY.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary to report favorably, without amendment, the bill (S. 3098) concerning the settlement of the boundary lines between Connecticut and Rhode Island. I should like to have the bill now considered, if there is no objection. In asking unanimous consent to consider the bill now, I have only to say that it is against my usual course, but this is a mere constitutional ceremony. The two States agreed upon a new demarkation of the line between them, their commissioners have laid it out, and their respective Legislatures have affirmed it, but to be valid under the Constitution it requires the assent of Congress. I therefore venture to ask that the bill may be now considered.

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

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

The preamble was agreed to.

#### FLORIDA PUBLIC LAND INVESTIGATION.

Mr. DOLPH. By direction of the Committee on Public Lands I report back a resolution of the Senate passed on the 18th of April last, directing the Committee on Public Lands or a subcommittee thereof to investigate the facts concerning the alleged illegal and fraudulent conveyance of public lands in the State of Florida. The committee do not recommend any legislation. The report may be printed.

The PRESIDENT *pro tempore*. The report will be printed and the resolution placed on the Calendar.

#### COMMISSION TO PHILIP C. JOHNSON.

Mr. CHANDLER. I report from the Committee on Naval Affairs favorably, without amendment, the bill (S. 3011) to provide for the issue of the commission of Philip C. Johnson as a rear-admiral in the United States Navy, for which I ask present consideration.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks that the bill may be now considered.

Mr. COCKRELL. Let it be read for information.

The PRESIDENT *pro tempore*. It will be read for information, subject to objection.

The Secretary read the bill, as follows:

Whereas Philip C. Johnson, after a long, faithful, and creditable service in the United States Navy, became entitled to promotion to the grade of rear-admiral on the 25th day of January, 1887, but died without being commissioned: Therefore,

Be it enacted, etc., That the President be, and he is hereby, authorized and directed to issue the commission of Philip C. Johnson as a rear-admiral in the United States Navy, to be dated January 25, 1887, and to deliver the same to the widow of said Philip C. Johnson.

Mr. EDMUNDS. Was this gentleman ever nominated by the President to the Senate and confirmed?

Mr. CHANDLER. He was not.

Mr. EDMUNDS. Then how can we create an office and fill it by law? Of course it is a mere form, but we can not make a man a rear-admiral by law, I should think, under the Constitution, if he were living. It may be we could if he were dead. I suppose the object is to give him the honor or give his widow the pay to which he would be entitled.

Mr. CHANDLER. It is hardly to give the honor to him, because he is dead, and it would not give anything to the widow. I will state the object of the bill, if the Senate will permit me.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. COCKRELL. I object to it. Let it go on the Calendar. I do not see any necessity for it. If the Senator will show any reason why we should be passing any such legislation as that I will not object to it; but unless there is some substantial reason given I shall object.

Mr. CHANDLER. I will state—

Mr. COCKRELL. Is there a written report?

Mr. CHANDLER. There is no written report. Commodore Johnson became entitled by operation of law under existing statutes to his commission as rear-admiral subject to examination and subject to confirmation by the Senate. He became thus entitled while he was on his death-bed. He died, I think, within a week after that time, leaving a widow and two children. The widow is desirous that she may have this parchment from the Government for her sake and for the sake of her two boys. Mrs. Johnson was a South American woman, and was married by Commodore Johnson during some one of his cruises. She will think very highly of this paper if it is compatible with law and the greatness of the United States to give it to her.

The bill has no effect whatever beyond that. We have given her the highest pension which is allowed by law. She comes to the Secretary of the Navy and to Congress and says, "If there is no objection, if there is no injury to result from giving me this parchment for the benefit of myself and my children, I should like to have you give it." The committee saw no objection to giving it, and I trust that Senators will see none.