

dent, and William B. Tompkins, secretary, of the Society of Inquiry, representing the students in the Theological Seminary of the Reformed (Dutch) Church in America at New Brunswick, N. J., for the closing of the World's Columbian Exposition on Sundays—to the Select Committee on the Quadro-Centennial.

Also, petition of citizens of Franklin Park, N. J., in favor of the passage of the bill relative to short method of spelling—to the Committee on Printing.

By Mr. GOODNIGHT: Affidavit of S. A. Waggoner, to accompany bill for the relief of L. A. Waggoner, of Kentucky—to the Committee on Invalid Pensions.

By Mr. KERR, of Pennsylvania: Memorial of officers and members of Penn Grange, Clearfield County; also, of officers and members of Sylvan Grove Grange, No. 765; also, of officers and members of Kersey Grange, No. 628, Elk County, Pennsylvania, asking for the free coinage of silver—to the Committee on Coinage, Weights and Measures.

By Mr. LACEY: Evidence in support of House bill for granting a pension to Jesse R. K. Lamb—to the Committee on Pensions.

By Mr. LEWIS: Petition of Martha J. Mayes, of Mississippi, for reference of her war claim to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. LODGE: Petition of Professor Hjalmar Hjorth Boyesen and 1,956 others, citizens of the United States, representing sixteen States, praying that Congress insert in any bill for the regulation of immigration a provision that the American consul nearest the point of embarkation of any emigrant shall issue a certificate to said emigrant stating that he is not inimical to American institutions, that he can read his native language, that he is physically and mentally sound, that he is not under contract to perform labor of any kind in the United States, and that he is not and never has been a pauper. Any measure not containing these prerequisites they consider worthless and inadequate—to the Select Committee on Immigration and Naturalization.

By Mr. McCLELLAN: Petition of Dr. George W. McConnell and 25 others, citizens of Angola, Steuben County, Indiana, requesting the immediate consideration of House bill 12353, for the relief of George Elliott, to accompany said bill—to the Committee on Military Affairs.

By Mr. McKINLEY: Petition of citizens of Ohio, favoring the passage of the bill defining futures and options—to the Committee on Agriculture.

By Mr. MOREY: Resolution of Washington Garrison Regular Army and Navy Union, United States Army, in favor of House resolution 269—to the Committee on Military Affairs.

By Mr. MUTCHLER: Memorial of officers and members of Grange No. 504; also, of officers and members of Grange No. 782, praying for free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. RAINES: Petition of Woman's Christian Temperance Union of Ontario County; also, of the same organization of Steuben County, New York, for the passage of Senate bill 4173, respecting the social vice—to the Committee on Education.

By Mr. RUSSELL: Petition of the New London (Conn.) Board of Trade, in favor of a breakwater in Lynnhaven Bay, at the foot of Chesapeake Bay—to the Committee on Rivers and Harbors.

By Mr. SENEY: Petition of R. W. Baker and 25 others, citizens of Seneca County, Ohio, favoring House bill 5353, defining options—to the Committee on Agriculture.

By Mr. SMYSER: Petition of Daniel Webster Council, No. 90, Junior Order United American Mechanics, of New Portage, Ohio, favoring the passage of a bill to restrict immigration—to the Select Committee on Immigration and Naturalization.

By Mr. STRUBLE: Resolutions of Farmers' Alliance No. 1914, Milford; also, petition of L. G. Mecher and 43 others, citizens of Dickinson County, Iowa, requesting the passage of House bill 5353—to the Committee on Agriculture.

By Mr. THOMAS: Remonstrance of the executive committee of the Manufacturers and Jobbers' Union of La Crosse, Wis., and of a large number of business men of La Crosse, Wis., against the passage of Senate bill 4962, authorizing the construction of certain booms, etc., in the Mississippi River—to the Committee on Commerce.

By Mr. TOWNSEND, of Pennsylvania: Memorial of officers and members of Grange No. 335, Mercer County, Pennsylvania, for free coinage of silver; also, memorial of the officers and members of Potter Grange, No. 96, of Centre County, in the same State, for the same measure—to the Committee on Coinage, Weights, and Measures.

By Mr. VANDEVER: Resolutions of the Los Angeles (Cal.) Chamber of Commerce, favoring legislation for the speedy construction of an inter-oceanic highway, such as the Nicaragua Canal; also, resolutions of San Francisco and San Diego (Cal.) Chamber of Commerce, favoring the construction of the same improvement—to the Committee on Commerce.

By Mr. WRIGHT: Memorial of Grange No. 342, Patrons of Husbandry, Susquehanna County; also, of Grange No. 289, Patrons of Husbandry, of the same county; also, of Grange No. 173, of same organization, Bradford County; also, of Grange 806, Susquehanna County; also, of Grange No. 83, Bradford County; also, of Grange No. 798, Susquehanna County; also, of Grange No. 926, of Wyoming County, Pennsylvania, in favor of bimetalism—to the Committee on Coinage, Weights, and Measures.

SENATE.

WEDNESDAY, February 18, 1891.

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

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

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

MARY C. HOFFMAN.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives nonconcurring in the amendments of the Senate to the bill (H. R. 12312) to grant a pension to Mary C. Hoffman, widow of General William Hoffman.

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

The motion was agreed to.

By unanimous consent, the Vice President was authorized to appoint the conferees on the part of the Senate; and Mr. SAWYER, Mr. PADDOCK, and Mr. TURPIE were appointed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the General Assembly of the State of Colorado, praying that a portion of the Ute Indian reservation be laid aside for a national park; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Legislature of North Dakota, praying for the enlargement of Fort Abraham Lincoln and an increase of the number of troops at that post; which was referred to the Committee on Military Affairs.

He also presented a petition of 79 residents of the State of Maine, praying for the adoption of a resolution providing for negotiations to extend the trade relations of the United States with Canada; which was referred to the Select Committee on Relations with Canada.

He also presented a printed petition of the Farmers' Mutual Benefit Association, praying for a constitutional amendment to secure to women the rights of suffrage, certified as having been rejected by Lodge No. 4785, of Salem, Ind.; which was ordered to lie on the table.

The VICE PRESIDENT. The Chair presents an address and resolutions of the National Association of Builders, praying for the passage of the Torrey bankruptcy bill; which, by request, if no objection is made, will be printed as a document, and laid on the table.

Mr. DAVIS presented a petition of citizens of Nerstrand, Minn., praying for the enactment of a law giving to the several States authority to control the manufacture and sale of oleomargarine, butterine, and all compounds in imitation of butter; which was referred to the Committee on Agriculture and Forestry.

Mr. CULLOM presented a petition of citizens of Illinois, praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

He also presented a memorial of citizens of Illinois, remonstrating against the passage of the Conger lard bill; which was ordered to lie on the table.

He also presented a petition of Pleasant Ridge Lodge, No. 457, of Illinois, and a petition of District Assembly No. 2478, Farmers' Mutual Benefit Association, of Illinois, praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table.

Mr. EVARTS presented a petition of 250 citizens of New York and New Jersey, praying for the appointment of a commission to consider measures looking towards closer trade relations with Canada; which was referred to the Select Committee on Relations with Canada.

Mr. HOAR presented a petition of 100 voters of Groveland, Mass., praying for the passage of a bill to restrict immigration; which was ordered to lie on the table.

Mr. HOAR. I present a petition of several very important business houses of the city of Boston, praying for the enactment of the Torrey bankruptcy bill. I move that the petition lie on the table.

The motion was agreed to.

Mr. TURPIE presented the following petitions, praying for the passage of the Conger lard bill; which were ordered to lie on the table:

Petition of John M. Mourey and 12 other citizens of Coesse, Whitley County, Indiana;

Resolutions of Subordinate Alliance No. 11, of Coesse, Whitley County, Indiana;

Resolutions of Jay County Assembly, No. 113, Farmers' Mutual Benefit Association, of Jay County, Indiana;

Petition of W. A. Daily and 17 other citizens of Blackford County, Indiana;

Petition of Lodge No. 3671, comprising 64 members;

Petition of Lodge No. 3151, comprising 42 members;

Petition of Lodge No. 3677, comprising 20 members;

Petition of Lodge No. 2844, comprising 32 members;

Petition of Lodge No. 3333, comprising 20 members;

Petition of Lodge No. 3436, comprising 36 members;

Petition of Lodge No. 3778, comprising 23 members;

Petition of Lodge No. 3330, comprising 60 members;

Petition of Lodge No. 3489, comprising 20 members;

Petition of Lodge No. 3257, comprising 22 members;

Petition of Lodge No. 3624, comprising 27 members;

Petition of Lodge No. 3669, comprising 20 members;
 Petition of Lodge No. 3094, comprising 13 members;
 Petition of Lodge No. 2619, comprising 23 members;
 Petition of Lodge No. 3381, comprising 17 members;
 Petition of Lodge No. 2470, comprising 22 members;
 Petition of Lodge No. 3670, comprising 30 members;
 Petition of Lodge No. 4840, comprising 15 members; and
 Petition of Farmers' Alliance No. 1, of La Grange County, Indiana.

Mr. COCKRELL presented a petition of members of the Farmers and Laborers' Union No. 991, of Cedar County, Missouri, praying for the passage of the Paddock pure-food bill; which was ordered to lie on the table.

He also presented the following memorials, remonstrating against the passage of the Conger lard bill and praying for the passage of the Paddock pure-food bill; which were ordered to lie on the table:

Memorial of members of the Farmers and Laborers' Union No. 952, of Macon County, Missouri;

Memorial of 21 members of Local Union No. 2587 of the Farmers and Laborers' Union, of Audrain County, Missouri;

Memorial of 12 members of Local Union No. 993 of the Farmers and Laborers' Union, of Barry County, Missouri;

Memorial of 26 members of Local Union No. 1197 of the Farmers and Laborers' Union, of Barry County, Missouri;

Memorial of 49 members of Local Union No. 253 of the Farmers and Laborers' Union, of Bates County, Missouri;

Memorial of 34 members of Local Union No. 478 of the Farmers and Laborers' Union, of Bates County, Missouri;

Memorial of 19 members of Local Union No. 1554 of the Farmers and Laborers' Union, of Benton County, Missouri;

Memorial of 18 members of Local Union No. 1086 of the Farmers and Laborers' Union, of Bollinger County, Missouri;

Memorial of 21 members of Local Union No. 2968 of the Farmers and Laborers' Union, of Boone County, Missouri;

Memorial of 13 members of Local Union No. 925 of the Farmers and Laborers' Union, of Boone County, Missouri;

Memorial of 44 citizens of Local Union No. 103 of the Farmers and Laborers' Union, of Boone County, Missouri;

Memorial of 41 citizens of Local Union No. 273 of the Farmers and Laborers' Union, of Boone County, Missouri;

Memorial of 96 citizens of Local Union No. 2596 of the Farmers and Laborers' Union, of Buchanan County, Missouri;

Memorial of 16 members of Local Union No. 397 of the Farmers and Laborers' Union, of Calloway County, Missouri;

Memorial of 14 members of Local Union No. 1616 of the Farmers and Laborers' Union, of Camden County, Missouri;

Memorial of 49 members of Local Union No. 1013 of the Farmers and Laborers' Union, of Cape Girardeau County, Missouri;

Memorial of 31 members of Local Union No. 509 of the Farmers and Laborers' Union, of Cass County, Missouri;

Memorial of 33 members of Local Union No. 963 of the Farmers and Laborers' Union, of Cedar County, Missouri;

Memorial of 27 members of Local Union No. 1308 of the Farmers and Laborers' Union, of Chariton County, Missouri;

Memorial of 26 members of Local Union No. 65 of the Farmers and Laborers' Union, of Chariton County, Missouri; and

Memorial of 46 members of Local Union No. 3188 of the Farmers and Laborers' Union, of Clinton County, Missouri.

Mr. PIERCE presented a petition of the Legislature of North Dakota, praying for the enlargement of Fort Abraham Lincoln and an increase of the number of troops at that post; which was referred to the Committee on Military Affairs.

Mr. BLACKBURN presented a petition of ex-soldiers, sailors, and marines, citizens of the Fifth Congressional district of Kentucky, praying for the passage of Senate bill No. 3146, to insure preference in appointment, employment, and retention therein, in the public service of the United States, to veterans of the late war; which was referred to the Committee on the Judiciary.

Mr. WOLCOTT presented a petition of citizens of Colorado Springs, Colo., praying for the passage of the Torrey bankruptcy bill; which was ordered to lie on the table.

Mr. WOLCOTT. I present senate joint memorial No. 1, of the senate and house of representatives of the State of Colorado, memorializing Congress in favor of the passage of the bill to remove the Ute Indians from their reservation. The memorial is short, and I ask that it be printed in full in the RECORD. This seems to be about the only measure of relief the people of Colorado can have looking to the removal of the Utes, as the bill still rests in committee and can not well be got out of it. I ask that the memorial may be printed in the RECORD.

The memorial was referred to the Committee on Indian Affairs, and ordered to be printed in the RECORD, as follows:

Senate joint memorial No. 1.

To the honorable Senate and House of Representatives
 of the United States in Congress assembled:

Your memorialist, the General Assembly of the State of Colorado, would respectfully submit that—

Whereas a treaty between duly appointed commissioners representing the United States Government and the Southern Ute tribe of Indians, located in

the southern portion of the counties of La Plata and Montezuma, in the State of Colorado, was consummated in 1889, whereby said Indians agreed to relinquish their reservation in the State of Colorado and to accept in lieu thereof certain lands in the Territory of Utah; and

Whereas Congress up to the present time has failed to ratify said treaty, causing uneasiness and dissatisfaction among said Indians, who regard the delay as evidence of bad faith on the part of the Government: Therefore,

We, your memorialists, respectfully urge the passage of the bill, now before Congress, to ratify said treaty, thereby not only subserving the best interests of said Indians, but removing a constant menace to the safety, happiness, and prosperity of the white settlers, whose well-cultivated districts completely inclose the Indian reservation, which is entirely devoid of game or other natural sources of food supply, and thus avoid the danger of a repetition of the trouble which is now engaging the attention of the people in the Northwest; and

Whereas there is situated within said reservation, along the Mancos and tributary cañons, a large number of ruins and relics of the ancient and prehistoric cliff-dwellers, which should be preserved by the Government for the use of the present and future generations: Therefore,

Be it resolved, That when the pending treaty is ratified the Government of the United States be requested to withhold from settlement and to set apart as a national park all that portion of said reservation which contains said ancient ruins, bounded as follows, namely: Beginning at the southeast corner of Montezuma County, Colorado, thence in a northerly direction to north side of said reservation, thence west to west side of Mesa Verde, thence along the west line of said Mesa Verde to the south line of said reservation, thence east along south line of said reservation to the place of beginning.

Resolved, That a copy of this memorial be forwarded to the presiding officer of each House of Congress, to the Hon. HENRY M. TELLER, to the Hon. E. O. WOLCOTT, and to the Hon. HOSEA TOWNSEND, our Senators and Representatives in Congress.

And they are respectfully requested to use every effort to secure the early ratification of said treaty and removal of said Indians.

WM. STORY,

President of the Senate.

JESSE WHITE,

Speaker of the House of Representatives.

Approved February 13, 1891.

JOHN L. ROUTT, Governor.

E. J. EATON, Secretary of State.

Mr. HIGGINS presented a petition of Encampment No. 34, Union Veteran Legion, praying for the passage of Senate bill 3146, to insure preference in appointment, employment, and retention therein, in the public service of the United States, to veterans of the late war; which was referred to the Committee on Civil Service and Retrenchment.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had chosen Hon. LEWIS E. PAYSON, a Representative from the State of Illinois, Speaker *pro tempore* of the House during the absence of the Speaker.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker *pro tempore* had signed the following enrolled bill and joint resolution; and they were thereupon signed by the Vice President:

A bill (H. R. 12900) to increase the pension of Elizabeth R. Gordon, widow of Maj. George A. Gordon, Fifth Cavalry; and

A joint resolution (H. Res. 251) to correct an error of punctuation in the tariff act of 1890.

REPORTS OF COMMITTEES.

Mr. TURPIE, 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. 12864) granting a pension to Joseph Smith;

A bill (H. R. 10483) granting a pension to Marcellus A. Stoval;

A bill (H. R. 4956) granting a pension to William C. Young;

A bill (H. R. 12565) granting a pension to Mrs. Nancy Springer; and

A bill (H. R. 12826) granting a pension to Sarah A. Joiner.

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

A bill (H. R. 11896) granting a pension to Mary Buckland;

A bill (H. R. 9493) granting a pension to Edwin Cotton, late musician Twenty-fourth Regiment Michigan Volunteer Infantry;

A bill (H. R. 12105) granting a pension to Ruth E. Furgeson;

A bill (H. R. 10817) granting a pension to Elvira Brooks, widow of Odney D. Brooks, late assistant surgeon Twenty-sixth Michigan Volunteers;

A bill (S. 4626) granting an increase of pension to George H. Blodgett; and

A bill (S. 403) granting a pension to Benjamin B. Houghkirk.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 2822) increasing the pension of John Winchell, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4682) granting an increase of pension to Mrs. Emily Williams, reported it with an amendment, and submitted a report thereon.

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

A bill (S. 5055) granting a pension to Emily H. Worthen;

A bill (H. R. 2139) for the relief of Valeria B. Elliott;

A bill (H. R. 4722) granting a pension to Solomon R. Ruch;

A bill (H. R. 7524) granting a pension to Mary Morgan Esdon;

A bill (H. R. 10127) granting a pension to Celia Eichele;

A bill (H. R. 10858) granting a pension to Mary D. Jones;

A bill (H. R. 5093) for the relief of Margaret A. Myers;
 A bill (H. R. 9575) granting a pension to Dr. Francis Lambert; and
 A bill (H. R. 5869) granting an increase of pension to James McMullin.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred an amendment submitted by Mr. GORMAN, January 31, 1891, intended to be proposed to the Indian appropriation bill, reported it favorably, and moved its reference to the Committee on Appropriations, and that it be printed; which was agreed to.

He also, from the same committee, to whom was referred an amendment submitted by Mr. CASEY on the 4th instant, intended to be proposed to the Indian appropriation bill, reported it favorably, and moved its reference to the Committee on Appropriations, and that it be printed; which was agreed to.

He also, from the same committee, to whom was referred an amendment submitted by Mr. CASEY on the 13th instant, intended to be proposed to the Indian appropriation bill, reported it favorably, and moved its reference to the Committee on Appropriations, and that it be printed; which was agreed to.

Mr. MITCHELL, from the Committee on Claims, to whom was referred an amendment submitted by Mr. TURPIE on January 19, 1891, intended to be proposed to the deficiency appropriation bill, reported it favorably, and moved its reference to the Committee on Appropriations, and that it be printed; which was agreed to.

Mr. SAWYER, from the Committee on Post Offices and Post Roads, reported an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 4974) confirming to the Kansas Central Railroad Company a right of way upon the military reservation of Fort Leavenworth, in the State of Kansas, reported it with an amendment, and submitted a report thereon.

Mr. WILSON, of Maryland, from the Committee on Claims, to whom was referred the bill (S. 470) for the relief of the Potomac Steamboat Company, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2281) for the relief of Charles Wording and others, owners of the brig Xenophon, reported it without amendment, and submitted a report thereon.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 9252) for the relief of Frank Schader, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6179) to remove the charge of desertion from record of James Blythe, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4490) making appropriation for extending and repairing the military quarters at Fort Abraham Lincoln, N. Dak., reported it with amendments, and submitted a report thereon.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 4187) for the correction of the army record of Capt. William P. Hall, United States Army, reported it without amendment, and submitted a report thereon.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, reported three amendments intended to be proposed to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

He also, from the same committee, to whom was referred the amendment submitted by Mr. PLATT on the 4th instant, intended to be proposed to the sundry civil appropriation bill, reported it favorably, and moved its reference to the Committee on Appropriations; which was agreed to.

Mr. HIGGINS, from the Committee on Claims, to whom was referred the bill (S. 4819) to provide for the payment of the French spoliation claims, in accordance with the findings of the Court of Claims, reported it with amendments, and submitted a report thereon.

BILLS INTRODUCED.

Mr. DANIEL introduced a bill (S. 5105) authorizing the construction of a railway upon the Government reservation at Fort Monroe, Virginia; which was read twice by its title.

Mr. DANIEL. I beg leave to say that this is a bill recommended by the Secretary of War. I move that it be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 5106) to increase the pension of Oliver C. Hayward; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FASCO submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WOLCOTT submitted an amendment intended to be proposed

by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HOAR submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. JONES, of Arkansas, submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. WOLCOTT submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. STEWART submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and, with the accompanying letter from the Commissioner of Indian Affairs, ordered to be printed.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TURPIE submitted an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on the Library, and ordered to be printed.

Mr. TURPIE (for Mr. VOORHEES) submitted an amendment intended to be proposed to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLUMB submitted two amendments intended to be proposed by him to the Indian appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

CIRCULATING MEDIUM.

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

Resolved, That ——— copies of Senate Report No. ———, accompanying Senate bill 4528, be printed for the use of the Senate.

WASHINGTON AND ARLINGTON RAILWAY COMPANY.

Mr. DANIEL. Mr. President, I rise to privileged business. I ask the Senate to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 3770) to incorporate the Washington and Arlington Railway Company of the District of Columbia.

The VICE PRESIDENT. The Chair lays the conference report before the Senate. The report has been read at length. The question is on concurring in the same.

The report was concurred in.

METROPOLITAN SOUTHERN RAILROAD COMPANY.

Mr. GORMAN. I ask leave to enter a motion to reconsider the vote by which the Senate passed the bill (S. 4119) granting a right of way to the Metropolitan Southern Railroad Company through the property of the United States in Montgomery County, Maryland.

The VICE PRESIDENT. The motion to reconsider will be entered.

ORDER OF BUSINESS.

Mr. PLATT. If the morning business is closed I move that the Senate proceed to the consideration of the unfinished business.

The VICE PRESIDENT. The title of the bill will be stated.

The CHIEF CLERK. A bill (H. R. 10881) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights.

The VICE PRESIDENT. The Chair hears no objection, and the bill is before the Senate.

Mr. DAVIS. Mr. President—

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

Mr. PLATT. The Senator from Minnesota asks me to yield in order that he may obtain unanimous consent to pass some Senate pension bills. There are but very few of them I believe, and I do not know but that I ought to yield for that purpose.

Mr. PADDOCK. Mr. President, I am as strongly interested in the passage of pension bills as my distinguished friend, the chairman of the committee, of which I am a member, but I think that they might be taken up later in the day. To start in with pension cases in the morning will break up the entire day. I want to demand of—

Mr. DAVIS. The Senator from Nebraska does not know what I am going to ask.

Mr. PADDOCK. I suppose the Senator is going to ask the Senate to consider the pension bills unobjected to on the Calendar.

Mr. DAVIS. There are about fifteen or twenty Senate pension bills on the Calendar which, if they can not be acted upon early to-day, will receive no final determination at this Congress. I ask unanimous consent that the Senate proceed now to consider the Senate pension bills reported favorably on the Calendar and unobjected to.

Mr. PADDOCK. To that I cheerfully assent. Now, if the Senator will allow me—

Mr. COCKRELL. What is the proposition? We could not hear a word of it on this side.

The VICE PRESIDENT. Will the Senator from Minnesota restate his proposition? The Senate will be in order.

Mr. DAVIS. I stated that there are about fifteen or twenty Senate pension bills on the Calendar which must be acted upon early to-day or they will receive no action in this Congress. I ask unanimous consent that those bills be considered.

Mr. HARRIS. I suggest to the Senator that he include the House pension bills, for I think it is more important that we should consider them than the Senate bills.

Mr. PLATT. We can pass those at another time.

Mr. DAVIS. Those can be passed at any time. There is no trouble about them.

Mr. HARRIS. Very well; I shall not interfere.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the unobjected pension cases referred to by the Senator from Minnesota will be taken up in their order on the Calendar.

Mr. PADDOCK. Mr. President, at this particular juncture in the business of the day I wish to say to the Senator from Connecticut, in the interest of a most important bill which is next in the order of business to the one which he has in charge, that unless he can secure from the Senate consent for the fixing of an hour to-day at which a vote shall be taken upon his bill and the amendments thereto, or unless an agreement at least is reached that a vote shall be taken before the Senate adjourns to-day, I must insist upon laying aside that bill and taking up the next bill in order.

If the Senator will allow me, I know his great interest in the copyright measure, his great anxiety about it, and the faithful labor he has performed here in trying to advance the bill to a successful determination; but it looks to me, and it looks to many others who are the friends of authors and inventors and who desire a copyright bill to be passed here for their benefit, as if this had degenerated into a wrestle between the traders and those who are the between people, who seem to be anxious only to secure the best opportunity to speculate upon the products of the brains of these other people and who seem to be determined, one and the other, to get the advantage of one or the other in this scheme, without consideration of the interests of the author or inventor.

Now, I think there ought to be a period put to this thing, and I shall insist upon it at once.

Mr. PLATT. Mr. President, I am sorry that the Senator from Nebraska has said what he did about the contest. I quite agree with him in his other remarks, that the copyright bill has occupied a long time. It has been kept before the Senate to the exclusion of other matters, very much to my sorrow. I am as anxious to get it out of the way as he is and I am as anxious to come to the consideration of the matter which he has in charge, which is to follow, as he can possibly be. I assure him that I shall do everything, even to refraining from discussions or explanations myself, in order to secure a vote. I do not believe the bill will take two hours when we come to consider it.

MRS. ELIZABETH C. CUSTER.

The VICE PRESIDENT. The first Senate pension bill on the Calendar, unobjected to, will be stated.

The CHIEF CLERK. A bill (S. 4847) for the relief of Mrs. Elizabeth C. Custer.

Mr. DAVIS. Order of Business 2551, House bill 12242, is identical with the order just announced, the former being a House bill. I move that the Senate proceed to the consideration of the House bill and I shall move to indefinitely postpone the Senate bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12242) for the relief of Mrs. Elizabeth C. Custer. It proposes to pay to Mrs. Elizabeth C. Custer, widow of General George A. Custer, a pension of \$100 per month, in lieu of the pension which she now receives.

Mr. PLUMB. Will the Senator from Minnesota allow me to ask him whether, as chairman of the Committee on Pensions, that committee has taken into account the propriety of increasing the pensions of widows of private soldiers, so that they might more nearly correspond to those being granted so lavishly to widows of officers?

Mr. DAVIS. When the Senator from Kansas introduces a bill to that effect it will be considered by the committee.

Mr. PLUMB. I wanted to ask the Senator what the committee thought of it.

Mr. DAVIS. The committee has not had occasion to express its opinion publicly.

Mr. PLUMB. As they have not, I presume it is not of any consequence.

Mr. DAVIS. Not at all. If the Senator from Kansas thinks it is of consequence he can introduce a bill and have it referred to the committee.

Mr. PLUMB. I am bound to presume, of course, that the private soldier has not yet come within the purview of that committee.

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

Mr. DAVIS. I move that the bill (S. 4847) for the relief of Mrs. Elizabeth C. Custer be postponed indefinitely.

The motion was agreed to.

MARY WILKES.

The bill (S. 4690) granting a pension to Mary Wilkes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Wilkes, widow of Charles Wilkes, late rear admiral, United States Navy, and to pay her a pension of \$100 per month, in lieu of the pension now received by her.

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

JOHN S. FURLING.

The bill (S. 4809) granting an increase of pension to John S. Furling was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "seventy-two" and insert "fifty;" 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 S. Furling, late private Company D, Fifth Regiment United States Infantry, and pay him a pension at the rate of \$50 per month, in lieu of the pension he is now receiving under certificate numbered 293158.

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.

MARION M'KIBBIN.

The bill (S. 4498) granting a pension to Marion McKibbin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 10, before the word "dollars," to strike out "one hundred" and insert "fifty," and in lines 11 and 12 to strike out "the date of her husband's death, November 8, 1890" and insert "and after the passage of this act;" 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 upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Marion McKibbin, widow of David B. McKibbin, late colonel of the One hundred and fifty-eighth and the Two hundred and fourteenth Regiments Pennsylvania Infantry, and brevet brigadier general United States Army, and pay her a pension at the rate of \$50 per month from and after the passage of this act.

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 VANCE.

The bill (S. 4449) granting a pension to Mary Vance was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Vance, an army nurse, and to pay her a pension of \$12 per month.

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

JAMES M'LAUGHLIN.

The bill (S. 4574) granting an increase of pension to James McLaughlin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James McLaughlin, late captain of Company I, Tenth Regiment Kansas State Militia, and to pay him a pension of \$20 per month, in lieu of the pension he is now receiving under act of Congress approved August 21, 1888.

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

ANDREW FRANKLIN.

The bill (S. 4756) granting an increase of pension to Andrew Franklin, alias McKee, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew Franklin, alias McKee, and to pay him a pension of \$50 per month, in lieu of the pension he is now receiving under an act of Congress approved June 4, 1888.

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

MARTHA ALLEN.

The bill (S. 4500) granting a pension to Martha Allen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha Allen, widow of Robert Allen, late private, Company I, Second Regiment Kansas State Militia Volunteers.

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

EDWARD L. SHARPE.

The bill (S. 4714) granting a pension to Edward L. Sharpe was considered as in Committee of the Whole. It proposes to place on the pen-

sion roll the name of Edward L. Sharpe, late of Company G, Third Regiment Minnesota 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.

LAURA A. BURNS.

The bill (S. 4502) granting a pension to Laura A. Burns was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Laura A. Burns, widow of P. Ross Burns, late captain of Topeka, Battery A, Second Regiment Kansas State Militia Volunteers.

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

MARIA S. WHITNEY.

The bill (S. 4944) granting a pension to Maria S. Whitney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maria S. Whitney, as mother of John M. Whitney, late acting assistant surgeon, United States Navy.

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

SUSAN G. FURNALD.

The bill (S. 5022) granting a pension to Susan G. Fernald was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan G. Fernald, dependent mother of James G. Fernald, late a private of Company A, Third New Hampshire Volunteers.

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

MRS. LAURA C. HUMBER.

The bill (S. 4766) to restore the name of Mrs. Laura C. Humber to the pension roll was considered as in Committee of the Whole. It proposes to restore to the pension roll the name of Laura C. Humber, widow of the late Capt. Charles H. Humber, Seventh United States Infantry, at the rate she formerly received, \$20 per month.

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

SAMUEL WALKER.

The bill (S. 4919) granting an increase of pension to Samuel Walker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Walker, late major Fifth Regiment Kansas Volunteer Cavalry, and to pay him a pension of \$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.

DANIEL ULLMAN.

The bill (S. 5077) granting a pension to Daniel Ullman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Ullman, late brevet major general in the Army of the United States, at \$100 per month.

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

Mr. DAVIS. There are four or five Senate bills on the desk which were reported this morning, which I should like to have considered at this time.

The VICE PRESIDENT. The bills will be considered, in the absence of objection.

JOHN WINCHELL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2822) increasing the pension of John Winchell.

The bill was reported from the Committee on Pensions with an amendment, in line 5, before the word "dollars," to strike out "one hundred" and insert "twenty-five;" 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 upon the pension roll, at the rate of \$25 per month, in lieu of the pension which he now receives, the name of John Winchell, who was a private of Captain Harding's company, New York Militia, in the war of 1812.

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.

GEORGE H. BLODGETT.

The bill (S. 4626) granting an increase of pension to George H. Blodgett was considered as in Committee of the Whole. It proposes to place on the pension roll, at \$16 a month, the name of George H. Blodgett, late a member of Company M, First Regiment Maine Heavy Artillery, in lieu of the pension now received by him.

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

BENJAMIN B. HOUGHKIRK.

The bill (S. 403) granting a pension to Benjamin B. Houghkirk was considered as in Committee of the Whole. It proposes to place on the

pension roll the name of Benjamin B. Houghkirk, late of Company E, One hundred and twenty-second Regiment New York Volunteer Infantry, at \$72 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.

MRS. EMILY WILLIAMS.

The bill (S. 4682) granting an increase of pension to Mrs. Emily Williams was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" 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 Emily Williams, widow of Capt. J. Otis Williams, late of the Twelfth Massachusetts Volunteers, and subsequently of the Veteran Reserve Corps, and pay her a pension at the rate of \$30 per 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.

EMILY H. WORTHEN.

The bill (S. 5055) granting a pension to Emily H. Worthen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emily H. Worthen, as widow of Isaac P. McMaster, late a sergeant Company E, Sixth Regiment New Hampshire Volunteers.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had nonconcurrent in the amendment of the Senate to the bill (H. R. 12922) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1892, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SPOONER, Mr. SNIDER, and Mr. ROBERTSON managers at the conference on the part of the House.

The message also announced that the House had concurred in certain amendments of the Senate to the bill (H. R. 12729) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1892, and for other purposes, and had nonconcurrent in certain other amendments of the Senate to the bill; it asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCOMAS, Mr. MORROW, and Mr. CLEMENTS managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker *pro tempore* had signed the following enrolled bills; and they were thereupon signed by the Vice President:

A bill (S. 405) for the relief of James A. Terrell;

A bill (S. 4520) to provide American registers for the steamers Montauk and Mineola;

A bill (S. 5000) to authorize the construction of a bridge across the St. Louis River, between the States of Wisconsin and Minnesota;

A bill (H. R. 2526) authorizing the President of the United States to grant an honorable discharge to William L. Lenan;

A bill (H. R. 5601) to authorize the proper accounting officer of the Treasury to audit and pay the claim of the county of Schuylkill, in the State of Pennsylvania, for money advanced by it under allotments made by soldiers from said county during the late rebellion, by virtue of section 12 of the act of Congress entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," approved July 22, 1861;

A bill (H. R. 8042) to remove the charge of desertion against Urs Ambrose Nunlist;

A bill (H. R. 8588) to amend section 4178, Revised Statutes, providing for the marking of vessels' names at bow and stern;

A bill (H. R. 8628) for the erection of a public building at Richmond, Ky.;

A bill (H. R. 9602) to constitute Nashville, Tenn., a port of delivery, and for other purposes;

A bill (H. R. 12148) providing for a board to examine and report as to the physical condition of William C. Spencer at the time of his resignation from the Army; and

A bill (H. R. 12841) granting an increase of pension to General Isaac F. Quinby.

INTERNATIONAL COPYRIGHT.

Mr. PLATT. I call for the regular order.

The VICE PRESIDENT. The regular order will be proceeded with. The Senate resumed the consideration of the bill (H. R. 10881) to amend Title LX, chapter 3, of the Revised Statutes of the United States, relating to copyrights.

Mr. PLATT. Let the pending amendment be stated and then all I ask upon it is a vote. Of course I hope the amendment will not be adopted.

The VICE PRESIDENT. The question is on the amendment submitted by the Senator from Montana [Mr. POWER], which will be stated.

The CHIEF CLERK. On page 4, in section 3, line 31, after the word "prohibited," it is proposed to insert:

Except that all books, maps, charts, dramatic or musical compositions, engravings, cuts, prints, lithographs, or photographs, or negatives thereof, or any paintings, drawings, chromos, or any statues or statuary so copyrighted, the author, inventor, designer, or proprietor of which shall be a citizen, subject, or resident of a foreign country, may be imported into the United States upon the payment of duties, if any, imposed by law at the time of such importation.

The VICE PRESIDENT. The question is on the amendment which has just been read.

Mr. DANIEL. I ask that the amendment may be again stated.

The VICE PRESIDENT. The amendment will be again stated.

The Chief Clerk again read the amendment.

Mr. HARRIS. I ask for the yeas and nays on that amendment.

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

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]; otherwise I should vote "yea."

Mr. McPHERSON (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH].

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

The roll-call was concluded.

Mr. FAULKNER. I announced a pair between the Senator from Pennsylvania [Mr. QUAY] and myself. I transfer the pair I have with that Senator to my colleague [Mr. KENNA], which will enable the Senator from Colorado [Mr. WOLCOTT] and myself to vote. I vote "yea."

Mr. WOLCOTT. My colleague [Mr. TELLER], who is absent from the Senate on account of illness, is paired with the Senator from Louisiana [Mr. GIBSON], who is likewise detained from the Senate Chamber by illness. If my colleague were here, he would vote "yea" and the Senator from Louisiana would vote "nay."

Mr. CHANDLER. I am paired with the Senator from New Jersey [Mr. BLODGETT]. If he were present, I should vote "nay."

Mr. JONES, of Arkansas (after having voted in the affirmative). I desire to ask if the Senator from New York [Mr. HISCOCK] has voted.

The VICE PRESIDENT. He is not recorded.

Mr. JONES, of Arkansas. Then I withdraw my vote, as I am paired with that Senator.

Mr. CARLISLE. I suggest to the Senator from Arkansas to transfer his pair to the Senator from Ohio [Mr. SHERMAN], who is absent and desired to vote "yea." Then the Senator from Arkansas can vote.

Mr. JONES, of Arkansas. If there is no objection, then, I will transfer the pair, so that the Senator from New York [Mr. HISCOCK] and the Senator from Ohio [Mr. SHERMAN] will stand paired.

Mr. CARLISLE. On this question.

Mr. EVARTS. Has a quorum voted?

The VICE PRESIDENT. A quorum has voted.

Mr. EVARTS. I stated heretofore that, though I am usually paired with the Senator from Alabama [Mr. MORGAN], I am at liberty to vote on this copyright bill; but, as this is a somewhat close matter and an important one, I think I ought to withhold my vote.

Mr. PAYNE. I am generally paired with my colleague [Mr. SHERMAN] on all political questions, but I had an understanding with him yesterday that he would vote upon this amendment the same as myself, and therefore I am at liberty to vote. I vote "yea."

The result was announced—yeas 36, nays 24; as follows:

YEAS—36.

Allen,	Callom,	Harris,	Power,
Allison,	Daniel,	Ingalls,	Pugh,
Bate,	Eustis,	Jones of Arkansas,	Ransom,
Berry,	Faulkner,	Mitchell,	Reagan,
Blackburn,	George,	Paddock,	Vance,
Call,	Gorman,	Pasco,	Vest,
Carlisle,	Gray,	Payne,	Walthall,
Cockrell,	Hale,	Pettigrew,	Wilson of Iowa,
Coke,	Hampton,	Plumb,	Wilson of Md.

NAYS—21.

Blair,	Edmunds,	Manderson,	Spooner,
Carey,	Farwell,	Morrill,	Stanford,
Davis,	Hawley,	Pierce,	Stewart,
Dawes,	Higgins,	Platt,	Stockbridge,
Dixon,	Hoar,	Sanders,	Washburn,
Dolph,	McMillan,	Sawyer,	Wolcott.

ABSENT—28.

Aldrich,	Chandler,	Jones of Nevada,	Sherman,
Barbour,	Colquitt,	Kenna,	Shoup,
Blodgett,	Evarts,	McConnell,	Squire,
Brown,	Frye,	McPherson,	Teller,
Butler,	Gibson,	Moody,	Turpie,
Cameron,	Hearst,	Morgan,	Voorhees,
Casey,	Hiscock,	Quay,	Warren.

So the amendment was agreed to.

Mr. FRYE. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In section 3, line 23, page 3, after the word "book," it is proposed to insert "map, dramatic or musical composition, engraving, cut, print, photograph, chromo, or lithograph;" in section 3, line 26, page 3, after the word "therefrom," to insert "or from engravings, cuts, negatives, or drawings on stone made within the limits of the United States or from transfers made therefrom;" in section 3, line 28, page 3, after the word "book," to insert "map, chart, dramatic or musical composition, engraving, chromo, or lithograph, cut, print, or photograph;" in section 3, line 29, page 3, after the word "set," insert "engravings, negatives, or drawings on stone, made;" and in section 3, line 35, page 4, after the word "book," to insert "maps, dramatic or musical composition, engraving, cut, print, photograph, chromo, or lithograph."

Mr. FRYE. This is the amendment practically which was adopted in Committee of the Whole when the bill was there under consideration. It has been changed to obviate any parliamentary objection by striking out the word "chart."

Mr. President, the amendment is just and fair, and no objection has been made to it that I know of except that, if adopted, it would send the bill back to the House of Representatives and thus hazard its final passage. That objection does not subsist now, because the bill is amended and must go back to the House, and I hope the amendment will be adopted.

Mr. PLATT. Mr. President, the confusion in the Chamber is such that I do not know the character of the amendment which has been presented by the Senator from Maine [Mr. FRYE]. It is such that several Senators who desired to vote against the last amendment voted for it, not understanding the character of the business, and I insist that, if the Senate of the United States can not preserve order so as to understand the business which is before the Senate, we can not expect order to be preserved anywhere within the United States. I think, at any rate, we ought to set an example of order to the United States, and not an example of disorder, and I trust that we may have order during the consideration of this bill.

The VICE PRESIDENT. The Chair has made repeated efforts to maintain order on the floor, but it is impossible to do so as long as Senators will converse in audible tones of voice. The Chair is doing everything in his power to maintain order, but he must have the support of the Senators on the floor.

Mr. COCKRELL. I suggest that the Chair can stop the transaction of business until Senators get through with their private affairs, and when the Chair does that Senators will soon see that the eyes of the Senate and everybody else are upon them, and they will stop it. If not, the Sergeant-at-Arms should go around and request them to be in order.

Mr. PLATT. While this very discussion has been attempted to be had on the subject of order it has been impossible for Senators to hear it. Senators behind me say that they have no idea what the Senator from Missouri [Mr. COCKRELL] said on this subject on account of the confusion, and Senators are now engaged in conversation on the floor to the extent of drowning any ordinary voice.

The VICE PRESIDENT. Business will be suspended until order is restored. [A pause.] The Senator from Connecticut will proceed.

Mr. PLATT. Now, Mr. President, all that I ask is a vote on the pending amendment.

The VICE PRESIDENT. The question is on the amendment submitted by the Senator from Maine [Mr. FRYE].

Mr. HOAR. What is the parliamentary condition of the Senator's amendment? Is it an amendment in the first degree?

The VICE PRESIDENT. It is an amendment in the first degree.

Mr. HOAR. I desire to submit an amendment to it, and I should like to submit several amendments to the text, putting in the same idea in different places, and have them treated as one amendment, if there be no objection. I move, in line 9, after the word "chromo," to insert the words "or lithograph." I will send the amendment to the desk in a moment.

Mr. FRYE. The Senator desires, I suppose, to limit this to chromos, photographs, and lithographs. If he does, he can offer a substitute to my amendment.

Mr. COCKRELL. I call the Senator from Maine [Mr. FRYE] to order. We can not hear the private conversation going on between him and the Senator from Massachusetts [Mr. HOAR].

Mr. HOAR. It has been no private conversation going on between me and the Senator from Maine. I have addressed the Chair in an orderly way.

Mr. COCKRELL. I did not call the Senator from Massachusetts to order. I called the Senator from Maine to order on the ground that he was addressing the Senator from Massachusetts without permission of the Chair and handing him papers.

Mr. FRYE. The Senator from Maine is done.

Mr. HOAR. I believe I have the floor unless the Senator from Missouri takes it from me. He is out of order.

The Senator from Maine suggests that the design which I have expressed is contained in a draught which he has here, and which I will therefore move as an amendment to his amendment. It merely ex-

tends to other artists the provisions which the Senator from Maine restricts. It extends to lithographs the provision which he proposes to apply to chromos, and then in the case of a book the two copies required shall be printed from type set within the limits of the United States. This amendment provides that it shall be applied to photographs, chromos, or lithographs that shall be printed from negatives, or plates, or drawings on stone made within the limits of the United States.

Mr. HALE. In other words, it is a limitation of the amendment offered by my colleague.

Mr. HOAR. The effect of it will be seen when the amendment is reported.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. It is proposed to substitute the following for the amendment already stated:

In section 3, line 23, page 3, after the word "book," it is proposed to insert "photograph, chromo, or lithograph;" in section 3, line 26, page 3, after the word "therefrom," to insert "or from negatives or drawings on stone made within the limits of the United States, or from transfers made therefrom;" in section 3, line 28, page 3, after the word "book," to insert "chromo or lithograph or photograph;" in section 3, line 29, page 3, after the word "set," to insert "negatives or drawings on stone;" and in section 3, line 35, page 4, after the word "book," to insert "photograph, chromo, or lithograph."

Mr. CARLISLE. Is that the amendment offered by the Senator from Massachusetts [Mr. HOAR] to the amendment proposed by the Senator from Maine [Mr. FRYE]?

Mr. HOAR. It is.

Mr. HALE. It is a limitation of the amendment proposed by my colleague.

Mr. CARLISLE. I shall vote for that amendment to the amendment, but I shall vote against the amendment, if adopted.

Mr. FRYE. That is what I was going to ask the Senator. Now, I desire to ask the Senator from Massachusetts, suppose the amendment offered by the Senator from Massachusetts is adopted to my amendment, will he then vote for the amendment?

Mr. HOAR. We will see as to that when we get there.

Mr. FRYE. That is what I supposed. Therefore I hope the amendment offered by the Senator from Massachusetts will not be adopted as an amendment to my amendment. It is an extensive limitation upon the amendment which I offered. Mine is better than that. I would take that rather than not have anything, but I prefer exceedingly to have the amendment which I offered.

Mr. HOAR. I do not understand the amendment as a limitation, but as an extension. Unless I misunderstand the amendment, it will contain everything that the Senator's amendment contains and something more, to wit: it will extend to lithographs what in the Senator's amendment only extends to books.

Mr. WOLCOTT. Mr. President, I think we ought to understand what ground we are treading on. I understand the purpose of this measure is to secure to writers the monopoly of the publication of their works. The amendment which was proposed originally by the Senator from Ohio [Mr. SHERMAN] and renewed by the Senator from Virginia [Mr. DANIEL] provides that this bill shall not interfere with the importation of books. We have protected the typesetters further by a provision in the bill that the type used upon books printed and circulated in this country shall be set in this country. Now, as I understand the amendment of the Senator from Maine and the amendment offered by the Senator from Massachusetts, we have here an amendment which provides that the illustrations for these books shall be manufactured in this country, that they must be put upon stone if they are reproduced upon stone, or must be put upon steel if they are to be published as steel engravings, or must be produced upon wood if they are to be produced from wood.

It seems to me that all of us must desire that the best book shall be given to the public. For instance, Hamerton, we will say, publishes in London his book on Etchings and Etchers. It is illustrated by copies of his own etchings, produced by himself, and by copies from the etchings of others, produced by himself or by well-known English artists in touch and in harmony and having knowledge of the work of the artist whose works they reproduce. Now, are we to say that, when this book comes to this country, the stones can not come, too, or that the publication of the etchings on the other side can not be brought to this country? Are we to offer a premium on ignorance and encourage imitation by saying to the publishers of these books, "You can not bring the illustrations over here?" Although the type is set here and we help the printer by having the type for the book set in this country, we say to him, "You must destroy your English or your French plate, you must destroy the stones upon which these artists have put their work, you must give the work to somebody in this country, whether he be competent or not, whether he have the artistic qualifications or not." Then we say to the American publisher, "You may get a copy of this for imitation, if you can smuggle it or get it in by an importation, and then you may imitate it, and it may be published in this country."

It seems to me that no more damaging bill could be passed in the interest of letters, in the interest of art, or in the interest of good books.

If I am not mistaken, under this bill it is possible that these books published abroad, with their charming illustrations, often by the authors themselves, men who have seen the rivers which they depict, or the pictures, who have visited the galleries and reproduced from the pictures themselves the works of art with which they add to the intelligence and culture of this country, must be destroyed and can not come into this country, and we must rely upon the imitations of American artists in order that we may pander to this claim, which is eternally presented to this body, that every sort of an American must be encouraged in his work, whether the effect of it is to degrade or to lift up.

Mr. PLUMB. Mr. President, it seems to me the Senator from Colorado has not quite stated the question properly. I understand that we are engaged here in protecting American labor and American brain work. Now, what has happened is this, chronologically: Some years ago when authors and publishers came here they found that a considerable section of the American Republic was interested in the manual labor of producing a book, and they could not get their bill through unless they took into account the people who did this manual labor. They went away, and they came back again and said, "Now, we have made a corner on this entire business, we have got the authors and we have got the publishers and we have got the typesetters together," and so on; and taking together these three classes, all of whose work is necessary from the average standpoint, they asked us that we should thus take the agreement which they made and end it. That was good as far as it went except that I do not think it took into account except indirectly the work of artists, engravers, and so on. Now, art is a relative term, though I speak of that with a great deal of modesty, Mr. President.

Mr. WOLCOTT. I should like to ask what the Senator from Kansas means by saying that art is a relative term? I should be very glad if he will give us his definition of art.

Mr. PLUMB. If the Senator had just waited a moment I should have told what I meant by it. I remember some years ago when the owner of a picture (and I will not name it, because I do not want to say anything which might be taken even as coming from me as depreciating the value of the picture) offered to sell the picture to the Congress of the United States for \$25,000, we will say. It is well known that the Congress of the United States in matters of art follow the Senator from Vermont [Mr. MORRILL] absolutely. He is dictator of the entire run of art as it relates to the action of Congress. He said it was not a work of art and consequently the \$25,000 was not forthcoming. The owner of that picture, however, coppered us, so to speak—if I may use the term, that I suppose everybody knows something about, as I do not—by giving that picture to the Government, and thereupon we had a joint session of Congress to receive it. I had heard all the suggestions about that picture as a work of art.

Mr. PLATT. To what picture does the Senator refer?

Mr. PLUMB. I will not name it because I do not want to say anything that as even coming from me might depreciate the value of the picture. I did something then that I never had done on more than one occasion before, I attended a joint session, for they are generally said to be somewhat stupid, if I may say so. But I did it in order to hear what the then Representative in Congress, Mr. Garfield, would say about that subject when he came to speak. It is said, of course, that you must not look a gift horse in the mouth, and when he came to speak of that picture he said what I think is art criticism, as relates to each picture. He said, "All I can say of that picture is what the picture says to me." Now, I call that a form of art. There is another grade of it which gets up into what our former associate, Mr. Conkling, would call the "upper air and solar walk," that regards not only all the things that a picture says to you, but a certain class of people regard what has come down from a former age, and has had the holy oil of authority poured upon it in such a way that whatever they said is art must be art whether we like it or not.

Now the Senator understands what I think about relative art. I have no doubt that he is in that "upper air and solar walk." To me a chromo, I have no doubt, speaks more than some of these higher things, but it would not to him of course. I do not want to have my potatoes measured in his basket; and therefore what I say is that the things which an American artist may make and which may adorn the page of an American book, the text of which was the production of an American author, the type of which was set by an American printer, and the press work of which was done by an American pressman, may mean art to the average American citizen, although not to the Senator from Colorado.

The Senator is in that happy condition where he can buy whatever he pleases and whenever he pleases. Times, conditions, oceans, and centuries are subordinated of course to his wishes as they are not to the average American. Now, what I want to get out of this measure if I can is that we shall have American literature, the work of American brains; that it shall be printed upon American paper, upon type the result of the work of an American foundry, set by American printers, and illustrated by American artists, even if they have poached on the realm of somebody who in turn poached on somebody else, because the Senator admitted in the beginning that Hamerton had drawn with his pencil a free sketch of an oil painting.

Stealing in the first degree is no more immoral than stealing in the second degree. So, I think when we come down to this business, what we had better do is just as we have done in some other forms of legislation, or at least assumed to do, take into account American producers, whatever the relative merit of their productions, whether it be great or whether it be small, to regard them because they are American; and in the next place, if we can, while we are about it, take into account that modest and necessarily frugal class of people who buy books. They do not get much hearing, I agree, but still they are to be taken into account; and after all, when we are on this subject of having American books, I want them to be American, from the American stone engraving which constitutes the frontispiece clear down to the "finis" which is set in small caps at the end.

Therefore I do not see any chance to reflect at all on this proposition. There is not an etching of any kind in any magazine in the world that is not taken from something else, that is not poached from the original picture, and whoever drew the original picture poached it from nature anyhow. So it is really from beginning to end a species of larceny which we are engaged in considering.

Mr. WOLCOTT. After the definition of art which the Senator from Kansas has given, I beg to assure him that if I were in the happy condition which he pictured, of being able to buy what I wanted, where I want it, I should certainly not call upon the Senator from Kansas to do the work of selecting what I might wish to adorn any establishment with. The Senator shows, it seems to me, a somewhat profound ignorance in matters of art when he tells the Senate that an etching is always stolen from something that is painted. If the Senator does not know that the world is full of magnificent etchings which are made direct by the artist himself and not copied from oil paintings he has much to learn in the books which I hope he will some day find time to read on works of art.

The Senator says he wants everything American. Why does not that then apply to the man who writes the books? Does he want his authors American authors? In his intense loyalty to America does he want the books all written in this country that are to be circulated? Because we have American lithographers are we to be shut out from the exquisite work of artists, designers, engravers, and etchers from the other side, in order that his definition of American art may be carried out?

Mr. President, we do more to belittle and degrade what we all look forward to, the growth and uplifting of the people of this country, by shutting others out from that inspection and consideration of these works of beauty than anything we may gain by the encouragement of American art. The Senator says he wants everything American. He wants to start, he says, with a stolen picture, and he wants to go on until he comes to an American finis. I suggest that if these are his ideas of art he should confine himself with his books, his printing, and his pictures to the work of the State which he so ably represents.

Mr. PLATT. Would it be thought too much for me to appeal to the Senate to allow a vote to be taken on the pending question?

Mr. PLUMB. Mr. President—

Mr. PLATT. I do not wish to shut off debate, of course.

Mr. PLUMB. I understand that very well, but I was replying to what I understand to be the Senator's own position, that these etchings were imitations, etc., and he said that often the copies were better than the originals.

Mr. WOLCOTT. I did not say anything of the kind.

Mr. PLUMB. But the Senator is himself, as I understand it, voting for propositions in this bill which cut out the very idea which he has in view. He has voted here for a proposition to prohibit the importation of books from outside unless there are certain conditions complied with on this side. That is further than I am willing to go. I am willing to let foreign books set by foreign typesetters, and the result of foreign skill and of foreign talent and all that, come into this country in proper condition, so that the tastes of the people may be cultivated.

Of course I ought not to speak of taste, of my own taste by comparison with the Senator's, and I will not indulge in the sneer in regard to his State which is on my lips, and which I think would be a fair retort to what I think was not the result of his better judgment, and which I think some day he will be ashamed of, or he ought to be at all events, in regard to my own State. What I want to say is simply this, that if he means to reflect upon the honor of the State I represent, I shall not engage in anything of that kind with him, and it does not become him to get into that domain at all. It is not pertinent to this discussion in any way, shape, or form; and when the time comes that he and I want to wash our separate dirty linen and hang it on the national clothesline I think I can say about as mean things in regard to Colorado, and the character of people who went there in largest part from Kansas, as he can say about Kansas.

Mr. WOLCOTT. But they did not.

Mr. PLUMB. Then I am glad they did not.

Mr. WOLCOTT. So am I.

Mr. PLUMB. Well, I am glad they did not. In view of a good many things that have happened in that State there is nothing that is so complimentary to the State as to say that a majority of the people did not go from Kansas to Colorado. I supposed they had, and really I

have had some humiliation on account of it for a long time. I am glad the Senator has disclosed the fact to me.

Now, there is not anything in the United States practically as an illustration which appears in any magazine which is not copied from an original somewhere.

The original itself does not appear, certainly not as a rule, in the magazine. They are copies from oil paintings, they are copies from pictures of every kind. They have been of course the result of more or less artistic work and as a rule they are copies. In saying what I did about this proposition requiring etchings to be made in this country, I was responding to what I understood the Senator from Colorado to say about what was going on, and the only point was whether it was better to let Hamerton steal it and import the fruit of his larceny into the United States than to have a man in the United States commit the same act which Hamerton himself had committed. It may be as he says—that is the logic of it—that an American can not produce anything that may be called art.

I have heard a good deal about that, and that may be so. I do not get up into that domain in which I am able to say whether an American produces a work of art or not. I do not know that he does, and I have no doubt as to his capacity to produce bread and clothes, and as to the ability of our people to avail themselves of an opportunity to work, and anything of that kind; but I can not speak as to the art to which the Senator refers, which would clothe the senses rather than satisfy the needs of the body. But, if we do not have art, it is time we had. We did not have manufactures. We thought we would have a policy of protection in order to get manufactures.

The Senator stood by that, and not only that, but he insisted on carrying it to the utmost extreme, and that we should not have anything permitted to come into the United States which was produced in Colorado or anywhere. When we come to this other domain, which involves typesetting and paper-making and work of the brain and hand of the United States, and which results in the making of books, why should we not have American books, at the same time giving to anybody who wants to go outside the opportunity of doing so on proper terms? That is what I stand for.

Mr. BLAIR. Mr. President, before this matter goes any further, I want to know who this fellow Hamerton is; whether he lives in Colorado or Kansas.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Massachusetts [Mr. HOAR] to the amendment submitted by the Senator from Maine [Mr. FRYE].

Mr. HOAR. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. I desire to say, in answer to the question put me by the Senator from Maine, that if the amendment to the amendment is adopted I shall vote for his amendment.

Mr. MORRILL. I think the Senator from Kansas has elevated me to a pinnacle that I am not entitled to occupy. I am not aware of having damned any painting ever offered to the United States that was worth \$25,000 by my objection against it. If I have, I am glad of it; for I know of a great many daubs that have been offered to the Government to be purchased by it that I have not approved of. I do not desire to enter into any competition with the Senator from Kansas in relation to art.

Mr. SPOONER. I ask that the amendment may be again read.

The VICE PRESIDENT. The amendment offered by the Senator from Maine will be read.

Mr. FRYE. I think I can state it so that the Senator from Wisconsin will understand the question presented better than he will understand it from the reading.

Mr. SPOONER. I was not in the Chamber when the amendment was offered.

Mr. FRYE. The amendment which I offered, and which was adopted in Committee of the Whole a few days since, provides that all art in the United States shall be protected; that is to say, that all copyrights, whether of art or of books, must be prepared and carried on and perfected in the United States.

Mr. HOAR. Does your amendment include photographs, chromos, and lithographs?

Mr. FRYE. Yes, it includes all those. The amendment offered by the Senator from Massachusetts limits the exclusion to lithographs, photographs, and chromos.

Mr. HOAR. Let me see that then.

Mr. FRYE. That is it exactly.

Mr. HOAR. If the Senator will allow me to interrupt him one moment, I offer an amendment which I have got here. The Senator's amendment reads, "the author, inventor, designer, or proprietor of any book, cut, print, photograph, painting, drawing, chromo, statue, or statuette." My first amendment inserts the words "or lithograph," which are not included in his amendment. Then the next amendment that I propose is where the Senator's amendment says that in case of a book two copies shall be so and so. I propose to insert the words "photograph or lithograph," and require them to be on negatives or drawings on stone made in the United States. When I moved that amendment the Senator said he had a substitute which in a more compact

form conveyed my idea, and without reading that I took his word for it, and he sent up his substitute to the desk.

Now, if that substitute does not do exactly what my amendment proposes, to wit, take the things that the Senator provides for, his enumerated works of art, and extend them to these others, then I have been led into a mistake by my honorable friend from Maine himself, who assured me that his substitute did just what my original proposition did; and, if that be true, I shall have to ask the consent of the Senate to vote down my amendment and then renew it in the old form.

Mr. PLATT. What is the question before the Senate?

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Massachusetts to the amendment offered by the Senator from Maine.

Mr. HOAR. Let us find out which is right.

The VICE PRESIDENT. Upon that question the yeas and nays have been ordered.

Mr. FRYE. Mr. President, the friends of the copyright bill, who have been present here and whom I have occasionally seen, came to me with a proposition that instead of submitting my amendment I should submit one limiting the exclusion to lithographs, chromos, and photographs. There is the amendment which they proposed that I should submit.

Mr. HOAR. I know nothing about that.

Mr. FRYE. Now the Senator from Massachusetts I assumed was representing the friends of the copyright who desired the limitation to that, and therefore I took it for granted he desired this amendment.

Mr. HOAR. Will my friend allow me to call his attention once more to my original proposition? It is to insert in a sentence which provides that the author, inventor, or designer of books, maps, charts, etc., shall have a copyright, the words "or lithograph," after the word "chromo," in the ninth line. That is my first proposition; and that is clearly an extension. It leaves everything the Senator himself proposes and adds lithographs. Then in a later section which says in case of a book the two copies shall be printed from type set in the United States, I add the words "photograph, chromo, or lithograph shall be printed from type or from negatives or drawings on stone made in the United States." That does not take out anything that the Senator proposes, but simply extends it.

Mr. FRYE. Oh, yes, it does.

Mr. HOAR. Oh, no, it does not.

Mr. FRYE. It does precisely to the amendment what I say it does.

Mr. HOAR. It adds to the Senator's proposition.

Mr. FRYE. Oh, no, it does not.

Mr. HOAR. Then I am misled.

Mr. FRYE. It is the precise limitation which the copyright men wanted, and that was to limit the exclusion.

Mr. HOAR. I wish to say further, I made this motion to amend, which was intended to be submitted by an absent Senator, at the request of others, and if there is any misunderstanding about it I do not wish to be led into a misunderstanding myself or to lead the Senate into one; and therefore, with the consent of the Senator from Maine and of the Senate, I will withdraw my amendment altogether and let the Senate vote on his amendment, because if there is any question in the Senator's mind who has understood this matter, that my amendment does not accomplish what I understand it does, I do not myself want to vote on it until that question is settled. Therefore, I ask unanimous consent to withdraw the amendment.

The VICE PRESIDENT. Is there objection to the request made by the Senator from Massachusetts to withdraw the amendment which he offered to the amendment of the Senator from Maine? The Chair hears no objection, and the amendment to the amendment is withdrawn.

Mr. PLATT. Now let us have a vote on the amendment of the Senator from Maine.

The VICE PRESIDENT. The question is on the amendment of the Senator from Maine [Mr. FRYE].

Mr. CARLISLE. On that I call for the yeas and nays.

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

Mr. FAULKNER (when his name was called). I make the same transfer of my pair with the Senator from Pennsylvania [Mr. QUAY] that I did on the other vote, transferring my pair to my colleague [Mr. KENNA] and enabling the Senator from Colorado [Mr. WOLCOTT] and myself to vote. I vote "nay."

Mr. HAMPTON (when his name was called). I beg leave to state that on the last vote, by an accident, I voted for an amendment which I was opposed to, but as my vote made no difference in the general result I did not withdraw it. I vote "nay" on this question.

Mr. McPHERSON (when his name was called). Upon this question I am paired with the Senator from Rhode Island [Mr. ALDRICH.] If he were present, I should vote "yea."

The roll-call was concluded.

Mr. BUTLER. I am paired generally with the Senator from Pennsylvania [Mr. CAMERON], but understanding that he would vote "nay" on this proposition, I will vote "nay."

Mr. GIBSON. I am paired with the Senator from Colorado [Mr. TELLER].

Mr. McPHERSON. I desire to state that my colleague [Mr. BLODGETT] is necessarily absent, and is paired with the Senator from New Hampshire [Mr. CHANDLER]. If my colleague were here, he would vote "yea."

Mr. TURPIE. I desire to state that my colleague [Mr. VOORHEES] is detained from the Senate to-day by reason of illness. He is paired with the Senator from South Dakota [Mr. MOODY].

The result was announced—yeas 41, nays 24; as follows:

YEAS—41.

Allison,	Dixon,	Mitchell,	Spooner,
Berry,	Evarts,	Morgan,	Stanford,
Blackburn,	Farwell,	Paddock,	Stewart,
Blair,	Frye,	Payne,	Turpie,
Call,	George,	Pettigrew,	Vance,
Carey,	Hale,	Pierce,	Walthall,
Casey,	Hiscock,	Plumb,	Warren,
Coke,	Ingalls,	Power,	Wilson of Iowa.
Cullom,	McConnell,	Sanders,	
Daniel,	McMillan,	Sawyer,	
Davis,	Manderson,	Shoup,	

NAYS—24.

Bate,	Faulkner,	Hoar,	Reagan,
Butler,	Gray,	Jones of Arkansas,	Stockbridge,
Carlisle,	Hampton,	Morrill,	Vest,
Dawes,	Harris,	Pasco,	Washburn,
Dolph,	Hawley,	Platt,	Wilson of Md.
Edmunds,	Higgins,	Pugh,	Wolcott.

ABSENT—23.

Aldrich,	Chandler,	Hearst,	Ransom,
Allen,	Cockrell,	Jones of Nevada,	Sherman,
Barbour,	Colquitt,	Kenna,	Squire,
Blodgett,	Eastis,	McPherson,	Teller,
Brown,	Gibson,	Moody,	Voorhees.
Cameron,	Gorman,	Quay,	

So the amendment was agreed to.

Mr. INGALLS. I move to strike out, on page 4, section 3, the proviso in lines 38, 39, 40, and 41, and to insert:

And except in the case of newspapers and periodicals, which are hereby exempted from prohibition of importation.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Kansas.

The amendment was agreed to.

Mr. DANIEL. I ask that the third section be read as it now stands, with the several amendments made to it. I want to see exactly how it reads.

Mr. PLUMB. I will ask the Clerk to state what became of the amendment of the Senator from Virginia?

Mr. DANIEL. It was voted upon and lost.

Mr. PLUMB. The prohibition in line 31, at the top of the fourth page, remains, I understand.

Mr. HARRIS. We can not hear, Mr. President.

The VICE PRESIDENT. Business will be suspended until order is restored. The Senate will please be in order.

Mr. PLATT. I have been unable to understand what has been done in the last five minutes.

The VICE PRESIDENT. The Senator from Virginia has the floor.

Mr. DANIEL. I ask that the third section may be read as it now stands. Three amendments have been adopted to it, and I wish to offer another amendment, unless it may appear that the amendments already adopted render it unnecessary. I can not tell from having heard them read.

The VICE PRESIDENT. The third section will be read as amended.

The Chief Clerk read as follows:

SEC. 3. That section 4956 of the Revised Statutes of the United States be, and the same is hereby, amended so that it shall read as follows:

"SEC. 4956. No person shall be entitled to a copyright unless he shall, on or before the day of publication in this or any foreign country, deliver at the office of the Librarian of Congress, or deposit in the mail within the United States, addressed to the Librarian of Congress, at Washington, D. C., a printed copy of the title of the book, map, chart, dramatic or musical composition, engraving, cut, print, photograph, or chromo, or a description of the painting, drawing, statue, statuette, or a model or design for a work of the fine arts for which he desires a copyright, nor unless he shall also, not later than the day of the publication thereof in this or any foreign country, deliver at the office of the Librarian of Congress, at Washington, D. C., or deposit in the mail within the United States, addressed to the Librarian of Congress, at Washington, D. C., two copies of such copyright book, map, chart, dramatic or musical composition, engraving, chromo, cut, print, or photograph, or in case of a painting, drawing, statue, statuette, model, or design for a work of the fine arts, a photograph of same: Provided, That in the case of a book, map, dramatic or musical composition, engraving, cut, print, photograph, chromo, or lithograph, the two copies of the same required to be delivered or deposited as above shall be printed from type set within the limits of the United States, or from plates made therefrom, or from engravings, cuts, negatives, or drawings on stone made within the limits of the United States, or from transfers made therefrom. During the existence of such copyright the importation into the United States of any book, map, dramatic or musical composition, engraving, chromo, or lithograph, cut, print, or photograph, so copyrighted, or any edition or editions thereof, or any plates of the same not made from typeset, engravings, negatives, or drawings on stone made within the limits of the United States, shall be, and it is hereby, prohibited, except that all books, maps, charts, dramatic or musical compositions, engravings, cuts, prints, lithographs, or photographs or negatives thereof, or any paintings, drawings, chromos, or statues, or statuette so copyrighted, the author, inventor, designer, or proprietor of which shall be a citizen subject, or resident of a foreign country, may be imported into the United States upon the payment of the duties, if any, imposed by law at the time of such importation, except in the cases specified in section 2505 of the Revised Statutes of the United States, and except in the case of persons purchasing

for use and not for sale, who import not more than two copies of such book, map, dramatic or musical composition, engraving, cut, print, photograph, chromo, or lithograph at any one time, in each of which cases the written consent of the proprietor of the copyright, signed in the presence of two witnesses, shall be furnished with each importation, except in the cases specified in section 2505 of the Revised Statutes, and except in the case of newspapers and periodicals, which are hereby exempted from prohibition of importation: *Provided, nevertheless*, That in the case of books in foreign languages, of which only translations in English are copyrighted, the prohibition of importation shall apply only to the translations of the same, and the importation of the books in the original language shall be permitted."

Mr. DANIEL. Mr. President, it will be perceived that the adoption of the amendment which has been carried to the third section renders certain prohibitions which still remain in it contradictory to what has been determined upon. It seems to me that the section might be rendered consistent by striking out all after the word "sale," in line 34, page 4, to the conclusion of that section, with the exception of the words which have been embodied in it by the amendment of the Senator from Kansas. I therefore move to strike out in the third section the words beginning "who import," in line 34, page 4, to the conclusion, with the exception of the language which has been embodied in that portion of the section by the amendment of the Senator from Kansas.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 4, line 34, after the word "sale," strike out all down to and including the word "importation," in line 38; and in line 41, after the word "importation," in the amendment agreed to, strike out the proviso down to and including the word "permitted," in line 46, the words to be stricken out being as follows:

Who import not more than two copies of such book, map, dramatic or musical composition, engraving, cut, print, photograph, chromo, or lithograph, at any one time, in each of which cases the written consent of the proprietor of the copyright, signed in the presence of two witnesses, shall be furnished with each importation: *Provided, nevertheless*, That in the case of books in foreign languages, of which only translations in English are copyrighted, the prohibition of importation shall apply only to the translations of the same, and the importation of the books in the original language shall be permitted;

So as to read:

Except in the cases specified in section 2505 of the Revised Statutes of the United States, and except in the case of persons purchasing for use and not for sale, and except in the case of newspapers and periodicals, which are hereby exempted from prohibition of importation.

Mr. PLATT. The effect of that amendment would be to prohibit the importation of books in other languages unless they were copyrighted in the United States. Now, I am sure the Senator does not want to do that. I hope the Senator will not insist on his amendment. If this subject is to go into conference all these matters can be carefully considered, and if there is any inconsistency it can be regulated there; but the manifest effect of the amendment of the Senator is as I have stated.

Mr. DANIEL. Is it proposed to require books to be set up in foreign languages in this country?

Mr. PLATT. But what the Senator wants to strike out here is that the prohibition of importation shall not apply to works in the original language. He wants to strike that out.

Mr. DANIEL. Would it meet the Senator's views to strike out that part of the section down to the words "Provided, nevertheless?"

Mr. PLATT. That would be less objectionable; but I appeal to the Senator to allow this matter to come to a vote now and go into conference, where we can carefully consider it and make it consistent, if it is not already consistent. It is very hard to catch it as it comes up in the confusion.

Mr. DANIEL. I should be very glad, indeed, to yield to any view which would accommodate the wishes of the Senator from Connecticut, but if the bill should go into conference in its present state it would be contradictory, inconsistent, and insensible. No such law could be carried out as would be embodied in the bill, for the amendment which I have offered is consequential to other amendments, and I offer it for the purpose of making the bill uniform and harmonious.

Mr. PLATT. If the Senator will permit me, as a formal matter, and without committing myself finally to the matter in case it should go into conference, I would suggest that he confine his amendment to the words between lines 34 and 38.

Mr. DANIEL. Striking out down to the words "Provided nevertheless," in line 41. I am willing to accept the Senator's suggestion. It seems to me it is a good one.

The PRESIDING OFFICER (Mr. BLAIR in the chair). The amendment as modified will be read.

The CHIEF CLERK. On page 4, section 3, line 41, after the word "importation," in the amendment already agreed to, strike out the proviso down to and including the word "permitted."

Mr. DANIEL. No, I will ask the clerks to hear me state again the amendment which I offered. In line 34, page 4, after the word "sale," commencing with the words "who import," I propose to strike out the words of the printed bill down to and including the word "country," in line 41.

Mr. PLATT. Those words are already out, down to the word "importation." The proviso, commencing in line 38, is out.

Mr. DANIEL. I do not understand that the words down to and including line 41 have been stricken out. Those words have not been formally stricken out, although an amendment has been adopted inconsistent with them.

Mr. PLATT. I understand that lines 38, 39, 40, 41, the proviso, have been stricken out. The Senator from Kansas made the motion to strike them out, and he says it was agreed to.

Mr. HARRIS. Let the clerks state the amendment. The clerks can certainly determine the question.

Mr. DANIEL. Then I propose simply to strike out the rest of the text as it now stands between the word "sale," in line 34, down to and including the word "country," in line 41.

Mr. INGALLS. But the words in lines 38, 39, 40, and 41 being the second proviso, and extending from the words "and provided" to the word "country," are out now.

Mr. DANIEL. I was not aware of that.

Mr. INGALLS. My motion prevailed to insert words in place of those.

Mr. DANIEL. Then that part of my amendment is not necessary. I did not understand that those words were stricken out.

Mr. PLATT. The words which the Senator desires stricken out end with the word "importation," in line 38, I think.

The PRESIDING OFFICER. The amendment will be again reported.

The CHIEF CLERK. On page 4, section 3, line 34, after the word "sale," strike out down to and including the word "importation."

Mr. DANIEL. That is right.

The CHIEF CLERK. The words to be stricken out being—

who import not more than two copies of such book, map, or dramatic or musical composition, engraving, cut, print, photograph, chromo, or lithograph, at any one time, in each of which cases the written consent of the proprietor of the copyright, signed in the presence of two witnesses, shall be furnished with each importation.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Virginia.

The amendment was agreed to.

Mr. PLATT. Mr. President—

Mr. CARLISLE. Will the Senator allow me to call his attention to the bill as it stands now, to see whether or not it ought in his judgment—

Mr. PLATT. I want to suggest an amendment, inasmuch as the bill has been amended. On page 4, section 3, line 31, after the words "specified in," I move to strike out the words "section 2505 of the Revised Statutes of the United States" and insert:

An act to reduce the revenue and equalize duties on imports, and for other purposes, approved October 1, 1890.

The PRESIDING OFFICER. Is there objection to the amendment? Mr. CARLISLE. That is the very clause to which I proposed to call the attention of the Senator from Connecticut when I rose a moment ago. As the bill stands now it will read as follows:

During the existence of such copyright the importation into the United States of any book, map, dramatic or musical composition, engraving, chromo, or lithograph, cut, print, or photograph so copyrighted, or any edition or editions thereof, or any plates of the same not made from type set, engravings, negatives, or drawings on stone made within the limits of the United States shall be, and it is hereby, prohibited, except that all books, maps, charts, dramatic or musical compositions, engravings, cuts, prints, lithographs, or photographs, or negatives thereof, or any painting, drawings, chromos, or statuary so copyrighted, the author, inventor, or designer or proprietor of which shall be a citizen, subject, or resident of a foreign country, may be imported into the United States upon the payment of the duties, if any, imposed by law at the time of such importation, except in the cases specified in section 2505 of the Revised Statutes of the United States.

Now, I ask the Senator what that means? When that exception was first put into the bill it was an exception to a prohibition upon importation. As it stands now it is an exception to a permission to import. It has been reversed exactly.

Mr. PLATT. Strike it all out.

Mr. CARLISLE. It should be stricken out entirely.

Mr. PLATT. Strike it all out. I can examine it hereafter.

Mr. CARLISLE. That is what I rose to say, because it has been exactly reversed and means precisely the contrary.

Mr. PLATT. I will modify my amendment by moving to strike out without inserting anything.

The PRESIDING OFFICER. The Chief Clerk will report the amendment of the Senator from Connecticut.

Mr. PLATT. Commence to strike out with the word "except," in line 31, on page 4.

The CHIEF CLERK. Page 4, line 31, section 3, after the word "prohibited," strike out down to and including the words "United States," in line 33, the words to be stricken out being as follows:

Except in the cases specified in section 2505 of the Revised Statutes of the United States.

Mr. PLATT. That is right.

Mr. CARLISLE. That is right. That makes it sensible.

The amendment was agreed to.

Mr. CARLISLE. Now I call the attention of the Senator from Connecticut to section 4, which re-enacts section 4958 of the Revised Statutes of the United States with amendments, and to section 5, which re-enacts section 4959 of the Revised Statutes, and in these two sections he will find that the word "imported"—

Mr. PLATT. The Senator has not got the right section. It is sections 4964 and 4965. It is section 7 which amends 4964 and section 8 which amends 4965.

Mr. CARLISLE. Ah, the Senator is right. I desire to call the attention of the Senator to the language in section 4, line 40, page 6. That is the exact phraseology to which I wish to direct his attention, but I will begin to read a little before that point:

And the Secretary and the Postmaster-General are hereby empowered and required to make and enforce such rules and regulations as shall prevent the importation into the United States, except upon the conditions above specified, of all articles copyrighted under this act during the term of the copyright.

Since the amendment was adopted in the Senate yesterday afternoon it should read: "Of all articles prohibited by this act," because there is an amendment now which admits certain articles to be imported.

Mr. PLATT. In what line does the Senator suggest his amendment?

Mr. CARLISLE. In line 40, to strike out these words:

Copyrighted under this act during the term of the copyright.

And to insert the words:

Prohibited by this act.

Mr. PLATT. All right.

Mr. CARLISLE. That makes it consistent with what has been done.

Mr. PLATT. There is no objection to the amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kentucky.

The amendment was agreed to.

Mr. CARLISLE. Then, in section 7, which amends section 4974 of the Revised Statutes of the United States, and in section 8, which amends section 4965 of the Revised Statutes, certain changes must be made, if the bill is to be consistent with itself. It will be difficult, it seems to me, to make those changes without reconstructing both of those sections. I scarcely know how to reach the matter under the circumstances, transacting business in this way in the Senate, and not in committee. Section 4964, as it stands in the bill without amendment, will read:

Every person who, after the recording of the title of any book and the depositing of two copies of such book, as provided by this act, shall, within the term limited, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, print, publish, dramatize, translate, or import—

Mr. PLATT. I suggest to the Senator from Kentucky whether, for the purpose of getting the matter where it can be further considered in another place, it would not do to insert after the word "shall," in line 6, the words "contrary to the provisions of this act."

Mr. CARLISLE. That would not accomplish the exact purpose, I think, but it would, as the Senator says, be an amendment which would open the subject to investigation in conference.

Mr. PLATT. The Senator will see it is very difficult now to go further without reconstructing the whole section.

Mr. CARLISLE. Yes; because we do permit the importation now of certain articles, and the prohibition here against printing, publishing, dramatizing, or translating is proper as to all the copyrighted articles, while the word "import" could only logically and consistently apply to certain parts of the section.

Mr. PLATT. I suppose that will open the whole section to reconstruction.

Mr. CARLISLE. If the Senator moves that amendment that will accomplish partially at least the purpose in view. It is possible that it might accomplish the purpose entirely. It certainly would be in that direction.

Mr. PLATT. I do not think it would, but it would at any rate leave the matter open to reconstruction.

Mr. CARLISLE. The Senator moves that amendment, then?

The PRESIDING OFFICER. Will the Senator state his amendment?

Mr. CARLISLE. In section 8, as to 4965, the same amendment must go in.

Mr. PLATT. Yes. I will state now the amendment which I suggest. On page 7, section 7, line 6, after the word "shall," I move to insert the words:

Contrary to the provisions of this act.

Mr. CARLISLE. The same provision should be inserted after the word "limited," in line 9, of section 8, on page 8.

Mr. PLATT. Allow the first one to be adopted.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 7, section 7, line 6, after the word "shall," insert the words:

Contrary to the provisions of this act.

The amendment was agreed to.

Mr. PLATT. Now, on page 8, section 8, line 9, after the word "limit," I move to insert the same words:

Contrary to the provisions of this act.

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

The amendment was agreed to.

Mr. PLATT. I think that opens both sections to consideration in conference. Now, Mr. President, I hope we may have a vote on the bill.

The PRESIDING OFFICER. The bill is still in the Senate and open to amendment.

Mr. DANIEL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Virginia rise to offer an amendment?

Mr. DANIEL. Yes, sir; I am about to suggest an amendment. I will now suggest an amendment without formally offering it, in order to receive a responsive suggestion from the Senator who has charge of this bill, stating the object that I desire to effect and wishing to consult with him as to the proper mode to obtain it.

I would suggest perhaps an amendment in section 3, line 5, to strike out the words "on or before the day of publication" and insert the words "within six months after." The object of this amendment would be to give the foreign author an opportunity to have his work printed in this country after it shall have been printed or published in a foreign country. As the matter stands now, we are asked to pass the bill for the purpose of recognizing the equities of foreign authors with a view to having reciprocal privileges accorded to American authors, and yet, as the text of the bill stands, no foreign author who has published his work in his own language and in his own country can ever get an American copyright.

Mr. President, if this measure proposes to recognize even in the smallest degree the principles which have been invoked for its passage, it should not put an absolute prohibition upon the author publishing his own work in his own language in his own country, unless he will agree to come here and print it before he prints it there, or simultaneously with its printing there.

This would lead to a consequential amendment in line 4, on page 3 of the same section, and I will offer that amendment. I move to strike out the words "on or before," in section 3, line 5, page 2, and also to strike out the words "the day," in line 14, page 3, and insert "six months after."

Mr. PLATT. I really must appeal to the Senator from Virginia not to press his amendment. This section has now been amended beyond any possibility of being recognized by anyone who has engaged in the preparation of it. It is now all open, as I understand, to reconstruction in the conference. The Senator now, at the last moment, springs a suggestion which will involve discussion certainly before I can consent to its adoption, and I appeal to him to withdraw the amendment and not press it now, but let the bill pass and make the suggestion afterwards. I understand it would be very detrimental to the cause of copyright both in this and other countries, both as to American authors and to foreign authors; that really the book must be copyrighted before it is published at all in order to obtain the benefit of the copyright, and that if a book is published abroad and then a copyright should be had six months afterwards it simply opens the door to pirate that book abroad and have the country flooded with it before the author gets his copyright here.

I do not think that the authors or anyone else desire that amendment. I suppose that always they will want a copyright before they publish or at the time of publication. I suppose that that is really essential to obtaining the right, and unless it is to open the door so that there may be unauthorized publications before the copyrighting in this country I can not see the force of the amendment.

But at the same time I desire now above all things to get this bill into conference, and there I shall be quite ready to consider, if I am upon the conference committee, any suggestions that may be made. I understand the whole section will be open to reconstruction, and I really trust the Senator will not press his amendment at this time.

Mr. DANIEL. Mr. President, it goes very much against the grain with me to decline any request that might be made by the Senator from Connecticut, and if I could reconcile assent to his suggestion with my convictions as to the bill I should be indeed gratified to do it. But I am reluctant to allow the bill to pass this body, if I can fairly prevent it, in a shape which, in my judgment, will be very adverse to the interests of authors and of letters and to the general information of the public. We are responsible for the bill as it may pass this body. We can not predict what any other body may do with it. It may pass it upon appeals similar to those made to us by the Senator from Connecticut. Other gentlemen may say there, "We acknowledge that this bill is not in such a shape as to command our judgment, but we had better let it become a law now and try to correct its errors another year." It seems to me that the only good principle in legislation is to get the measure in the best shape that we can while it is before us, for we have no security or guaranty as to what may become of it after it has passed out of our jurisdiction.

I beg to inquire of the Senator from Connecticut if he would be willing to allow this bill to be recommitted now, so that the committee of the Senate might respond to the sense of the Senate upon the subject and prepare a bill in conformity with the judgment which has been pronounced upon this measure. The Senator from Connecticut has argued the bill with great ability and pressed it before this body with great energy, and but for that fact I do not think it would have had anything like as much favor as it has already received. I dislike very much to detain the Senate for a moment in these late hours of the session, when time is pressing, but I feel in my humble way the responsibility of those ideas and those interests which appeal to my judgment. I should be glad the very moment the bill became a law to recognize the equitable claim of authors to the enjoyment of the fruits of their

labors, and have it disencumbered of the barnacles which have grown up upon it.

I am well aware that members of the committee have perhaps assented to amendments which did not appeal to their judgment in the hope that they might prize a passage for this bill, but instead of aiding the bill every combination with interests adverse to that constitutional interest which is pointed out in our fundamental law has proved an impediment to its passage, and, as I conceive will always happen, reappear as an impediment to its passage. We are exercising our constitutional privilege in carrying out the suggestion of the Constitution to protect science and art here. We are acting in the interest of the only monopoly which the Constitution of the United States recognizes, and it doubtless recognized the equity of an author or inventor as just occasion for a monopoly, because the framers of that instrument knew that no property existed in the reduplication of an author's or a designer's or an inventor's works.

The Constitution compromised that conflict of centuries between those who deny any rights to authors and those who declare that they had absolute property, in giving authority to Congress to accord to them exclusive rights for a limited time. The moment this bill shall appear before us in that shape and in aid of the enlightenment of the world, that moment will it command my respect, consideration, and favor; but as long as it stands here as the mere invention of a trust for their own profit I can not consistently with my convictions do anything to favor it.

I would suggest to the Senator from Connecticut—I do not like to make a motion if it would be disagreeable to him—to assent that the bill may be recommitted now to the committee, that in the light of the debate which has taken place upon it, the views which have been presented, and the remodeling which has been necessitated, it may be prepared again and presented to this body.

I do not anticipate that, even if it should not pass at the present session, that will be at all fatal to such portion of it as is just and right. There is a prevailing sentiment in this country, a wise, just, and conscientious sentiment, appealing to the profoundest considerations of human policy and to the highest views of conscience and right, to do something to protect the genius of the world in the enjoyment of those things which it may produce. At the same time, Mr. President, there will always be resistance to the prostitution of art and letters to the gain of those who do not contribute to their production. I hope, therefore, that the course I have suggested will be taken in respect to this measure.

Mr. PLATT. If the Senator from Virginia wishes to move to recommit the bill, he is at liberty to do so; but I hardly think he can appeal to myself in charge of the bill to allow it to be recommitted. Of course I can not prevent his making a motion to recommit it if he desires to do so; but everyone knows, as he intimates and suggests, that a recommitment would be the end of any hope of obtaining a copyright law at this session. Of course I can not consent to it.

Mr. DANIEL. Then, Mr. President, I offer the amendment which I have just suggested.

The PRESIDING OFFICER. The Secretary will report the amendment offered by the Senator from Virginia.

The SECRETARY. On page 2, section 3, line 5, after the word "shall," strike out the words "on or before" and insert "within six months after;" so as to read:

No person shall be entitled to a copyright unless he shall within six months after the date of publication in this or any foreign country, etc.

In line 14 of the same section, after the word "than," insert the words "six months after;" so as to read:

Nor unless he shall also, not later than six months after the day of the publication thereof, etc.

Mr. PLATT. I will simply say that I hope that will not pass. As I understand it, all the authors in the United States, with the exception of one prominent individual author, are in favor of the bill as it now stands with regard to publication in reference to copyright.

Mr. CARLISLE. Mr. President, I am earnestly in favor of a just and equitable international copyright law, and in order to secure the enactment of such a measure I would give my support, reluctantly of course, to a bill which contained even objectionable features, but I can not give my support to a bill which does not, in my judgment, secure international copyright. The Senator from Connecticut has just made the statement that the bill as it now stands has the approbation of the authors.

Mr. PLATT. In this matter of publication.

Mr. CARLISLE. Ah, I thought the Senator made a broader statement than that.

Mr. PLATT. It was in reference to the amendment proposed by the Senator from Virginia that I said the authors were satisfied with the requirement as to publication.

Mr. CARLISLE. I misunderstood the Senator.

Mr. PLATT. Before copyright or after the time of copyright.

Mr. CARLISLE. I thought the Senator made a statement that was applicable to the entire bill as it now stands amended by the Senate.

Mr. PLATT. Oh, no; I was talking simply about the amendment proposed by the Senator from Virginia.

Mr. CARLISLE. Mr. President, I do not know that I can better state my own position in regard to this matter than by reading first a short extract from the New York Tribune of February 10, 1891, which I suppose will not be accused of any want of devotion to the interests of American labor.

Mr. PLATT. Will the Senator allow me to make a suggestion?

Mr. CARLISLE. Certainly.

Mr. PLATT. Will not the Senator allow the amendment of the Senator from Virginia [Mr. DANIEL] to be acted upon first?

Mr. CARLISLE. As I have the floor and do not propose to say anything more, and as I shall not occupy more than three minutes, perhaps it would be as well to wait until I shall have finished.

This article was printed in the Tribune after the adoption of the amendment proposed by the Senator from Maine [Mr. FRYE] in the Committee of the Whole and before it had been rejected in the Senate. The Tribune says:

In the form in which the Senate proposes to send the measure back to the House it violates the principle underlying an equitable and effective copyright; it ignores the reasonable demands of those most interested in an adequate solution of the question, and it confers no additional benefit upon those engaged in the mechanical part of producing a book, while it hands over the great foreign etchers, engravers, and draughtsmen to the slaughter of the "cheap and nasty" reprinter, who may continue to rob them with the now added sanction of law. To put it briefly, the Senate proposes to sacrifice the interests of art to the chromo.

Mr. President, I have said heretofore during the progress of this debate that the amendment proposed by the Senator from Maine, which has now been again adopted by the Senate and constitutes a part of the bill, will be of no practical benefit to any American workman, because the foreign artist who wants to secure a copyright for his engraving, his lithograph, or his etching must come here and do the work himself, if it is his own work that is to be copyrighted and not the work of somebody else.

The American Copyright League, an authors' organization, represented here by Mr. R. U. Johnson, its secretary, has sent to us a protest against the passage of the bill in its present form, from which I read a very brief extract:

It is a matter of surprise and regret that the very first response of the Senate to the overwhelming desire of intelligent public sentiment for the extension of copyright privileges to authors should be a sweeping denial of such security to the painters, draughtsmen, etchers, and engravers of the world. For, in spite of specious arguments to the contrary, such would undeniably be the effect of the lithographers' amendment, which, with the aid of assumed friends of the copyright bill, was ingrafted upon it Monday in Committee of the Whole.

And has been again adopted this morning.

The plain fact is, that a copyright extended on impossible conditions is no copyright at all. That the foreign artist should be compelled to manufacture his artistic product in this country is on the face of it an absurdly impossible condition. For this product is by its very nature autographic. A book may be reproduced by purely mechanical means, but the value of the art product consists in the individuality of the producer. No analogy exists between the manufacture of articles whose value consists in quality and that of articles whose value consists merely in accuracy. Under the Simonds bill—

Which is the bill now—

Under the Simonds bill remanufacture would give us Mr. Huxley's treatise or Mr. Tennyson's poem; under the lithographer's amendment remanufacture would not give us Dr. Seymour Haden's etching, Gerome's drawing, or Walter's steel engraving. The modern bearers of the torch of art are all to be excluded from copyright in America, and to this extent our national progress in art is to be delayed. Is it any wonder representative artists protest?

This objectionable feature, as I have already said, has been put into the bill after full and long deliberation, because it was once adopted in Committee of the Whole, again rejected in the Senate, and this morning readopted; and with that provision in it, which excludes absolutely from the privileges of copyright in this country the authors of these works of art, I am compelled reluctantly, I confess, Mr. President, to cast my vote against it.

Mr. PLATT. I ask that the question be taken on the amendment of the Senator from Virginia.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Virginia [Mr. DANIEL]. Is the Senate ready for the question?

Mr. DANIEL. On that I ask for the yeas and nays.

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

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

Mr. McPHERSON (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. WILSON, of Iowa (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON].

The roll-call was concluded.

Mr. GIBSON. I am paired with the Senator from Colorado [Mr. TELLER].

Mr. McMILLAN (after having voted in the negative). Has the Senator from North Carolina [Mr. VANCE] voted?

The PRESIDING OFFICER. The Chair is informed that the Senator from North Carolina has not voted.

Mr. McMILLAN. Then I withdraw my vote. I am paired with that Senator.

Mr. COCKRELL. I am paired with the Senator from Iowa [Mr. ALLISON], who is temporarily absent.

Mr. BLACKBURN (after having voted in the affirmative). I desire to inquire if the Senator from Nebraska [Mr. MANDERSON] has voted? The PRESIDING OFFICER. He is not recorded.

Mr. BLACKBURN. Then I ask leave to withdraw my vote.

The result was announced—yeas 17, nays 37; as follows:

YEAS—17.

Bate,	Daniel,	Jones of Arkansas, Vest,
Berry,	Eustis,	Morgan, Walthall,
Call,	George,	Pettigrew,
Carlisle,	Gorman,	Pugh,
Coke,	Harris,	Reagan,

NAYS—37.

Allen,	Farwell,	Morrill,	Shoup,
Blair,	Frye,	Paddock,	Spooner,
Carey,	Gray,	Pasco,	Stewart,
Casey,	Hampton,	Payne,	Stockbridge,
Davis,	Hawley,	Pierce,	Turpie,
Dawes,	Higgins,	Platt,	Warren,
Dixon,	Hiscock,	Plumb,	Washburn,
Dolph,	Hoar,	Power,	
Edmunds,	Ingalls,	Sanders,	
Ewatts,	Mitchell,	Sawyer,	

ABSENT—34.

Aldrich,	Cockrell,	McConnell,	Stanford,
Allison,	Colquitt,	McMillan,	Teller,
Barbour,	Cullom,	McPherson,	Vance,
Blackburn,	Faulkner,	Manderson,	Voorhees,
Blodgett,	Gibson,	Moody,	Wilson of Iowa,
Brown,	Hale,	Quay,	Wilson of Md.
Butler,	Hearst,	Ransom,	Wolcott,
Cameron,	Jones of Nevada,	Sherman,	
Chandler,	Kenna,	Squire,	

So the amendment was rejected.

Mr. DANIEL. I beg leave to offer another amendment. I move to strike out all that portion of section 3 commencing with the word "provided," in line 23, page 3, to the end of the section.

The PRESIDING OFFICER. The Secretary will report the amendment proposed by the Senator from Virginia.

The SECRETARY. Strike out all of section 3 after the word "same," in line 23, in the following words:

*Provided, That in the case of a book, map, dramatic or musical composition, engraving, cut, print, photograph, chromo, or lithograph, the two copies of the same required to be delivered or deposited as above shall be printed from type set within the limits of the United States, or from plates made therefrom, or from engravings, cuts, negatives, or drawings on stone made within the limits of the United States, or from transfers made therefrom. During the existence of such copyright the importation into the United States of any book, map, dramatic or musical composition, engraving, chromo, or lithograph, cut, print, or photograph, so copyrighted, or any edition or editions thereof, or any plates of the same, not made from type set, engravings, negatives, or drawings on stone made within the limits of the United States, shall be, and it is hereby, prohibited, except that all books, maps, charts, dramatic or musical compositions, engravings, cuts, prints, lithographs, or photographs, or negatives thereof, or any paintings, drawings, chromos, or statues, or statuary, so copyrighted, the author, inventor, designer, or proprietor of which shall be a citizen, subject, or resident of a foreign country, may be imported into the United States upon the payment of the duties, if any, imposed by law at the time of such importation, and except in the case of persons purchasing for use and not for sale, and except in the case of newspapers and periodicals, which are hereby exempted from prohibition of importation: *Provided, nevertheless, That in the case of books in foreign languages, of which only translations in English are copyrighted, the prohibition of importation shall apply only to the translations of the same, and the importation of the books in the original language shall be permitted.**

Mr. DANIEL. A Roman emperor, Mr. President, is said to have feasted sometimes on peacocks' brains. This is a bill, as I understand it, and as it now exists, to enable certain traders, chiefly the book-makers, to feast upon the much richer diet of authors' brains. The amendment which I have offered is for the purpose of making this a pure copyright bill, granting that comity to literary men and to the producers of useful things in art which may lead to their free use and make them cheap to the great mass of the people.

Mr. President, I have before me a speech which was made by Mr. (afterwards Lord) Macaulay when a member of the House of Commons of England, on February 5, 1841, in which he used very candid and truthful language which very much commends itself to my judgment. He said:

The object of copyright is this: It is a tax on readers for the purpose of giving a bounty to writers. The tax is an exceedingly bad one. It is a tax on one of the most innocent and most salutary of human pleasures, and let us never forget that a tax on innocent pleasures is a premium on vicious pleasures. We admit, however, the necessity of giving a bounty to genius and learning. In order to give such a bounty I willingly submit even to this severe and burdensome tax. Nay, I am ready to increase the tax if it can be shown that by so doing I should proportionately increase the bounty. My complaint is that my honorable and learned friend doubles, triples, quadruples the tax and makes scarcely any perceptible difference to the bounty.

Mr. President, this was a man of letters who uttered these truthful words. He did not enter Parliament for the purpose of spoliating authors for the benefit of tradesmen. He saw and honestly proclaimed that the copyright was a tax. But, like the framers of the American Constitution, he was willing to submit to that tax if it were so framed and levied as to promote the cause of science and letters, and thus illuminate the world with knowledge. There was no false presentation by him of this subject. He proclaimed the burden, and he was ready to bear it for the cause of enlightenment.

Mr. President, the bill that is now before us is more objectionable than even that which this man of letters, this distinguished publicist,

opposed. The bill as it now stands violates two declared policies of the Government of the United States, not only the general public sense against combinations and trusts, but that mature public sense which has been formulated into a bill which has passed the Congress of the United States. And, as I shall presently show, this bill as it now stands also violates the public policy which is embodied in our statute which prohibits the importation into this country of contract labor. I have before me, Mr. President, the transcript of an act to protect trade and commerce against unlawful restraints and monopolies. It was approved by the President of the United States July 2, 1890. In that act I read this language:

Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding \$5,000, or by imprisonment not exceeding one year, or by both such punishments, in the discretion of the court.

Now, Mr. President, it is very plain that different tradesmen who desire to get the benefit of the learning and genius of authors have combined, under the mere color of a copyright bill, to throw his work into their hands, to restrain commerce between this nation and other nations in those recognized and wholesome products which all desire.

I submit to the intelligent sense of this body that the pending bill as it now stands is in direct contravention of the public policy which has been embodied in this act.

Mr. President, I shall not deny—for I do not distrust the candor of gentlemen who have advocated the requisition that foreign works must be first printed here before the copyright may be granted—I will not deny that many of them have been actuated in that policy by a desire to promote the welfare of our mechanics. But I think their effort in this particular is misdirected, and would prove abortive. I perceive in the CONGRESSIONAL RECORD of this morning a letter in reply to the amendment which I had the honor to offer from the representative of one of the typographical associations who has argued, and whose arguments have been repeated here, in reference to this provision as it now stands in the bill, that the two copies which are to be deposited of the foreign author's works shall be set up in type in the United States; and Mr. President, I have in the testimony taken before the House Committee on the Judiciary, in February of last year, an exposition from the very author of that letter as to the effect of this bill, which I think conclusively shows that it is not in the interests of American printers. Mr. J. L. Kennedy, on February 8, 1890, gave this testimony before that committee. Alluding to the representative of the opponents of that provision in the bill he said:

Mr. Bovee quoted from some magazine a statement to the effect that the resetting of books in this country will increase their cost. The American printers are not contemplating the idea of resetting books at all. We will work from original manuscripts, and the resetting, if done at all, will be done elsewhere.

And what that gentleman thought would be brought about is this:

It is a fact that great numbers of English, Irish, and Scotch printers have already come to this country, and, while American printers extend to them a fraternal welcome, they believe the work that is naturally ours ought to come along with them. And if it were true—which we do not believe or concede—that English printers and publishers will come to America to the full extent of the work which we will have to do as the result of the passage of this bill, will our country be any the worse off by reason thereof? Printers as a class are intelligent, well-informed men, and from whatever land they may come they will be a valuable acquisition to our population.

They will readily accustom themselves to our manners and institutions. They will have their homes here. They will receive and pay American prices, and the money they spend will go out into the channels of trade in this country. There is no occasion for worry on that score. If the English publisher comes here he will find it to his interest to leave his old plants behind him when he settles with the customs officers. Then he will patronize American industry in buying his presses, type, paper, ink, and all the materials necessary in printing offices, and our allied trades will be benefited to that extent.

Now, Mr. President, the whole scheme of this bill, as thus openly professed and advocated, is not to benefit the foreign authors, nor to benefit the American printers by giving them the opportunity to set up works which have been published abroad, but to induce the immigration into the United States of the foreign mechanics, who will come here as the competitors of our own. Mr. President, the Congress of the United States have expressed their opinion as to the injury which is done to American labor by the importation of foreign mechanics, and have prohibited it by law when done under contract. And yet here it is disclosed in this testimony that the whole object of the provision in this bill which I seek to strike out is to stimulate the foreign mechanics to come here and do American work. In other words, we seek to force by one law what we have prohibited by another. In the name of protection to American workmen we are asked to invite foreign workmen to come over and do their work.

Furthermore, Mr. President, it has been assumed that all the members of the typographical unions are in favor of the provision in the bill which requires foreign works to be printed here as a condition precedent to copyright. That is far from the fact. As far as the record discloses, it would seem that a majority of them were against it. Upon an examination of the petitions which have been filed in favor of this bill this analysis was given: There were 66 petitions found in favor of an international copyright bill; about 30 or 40 petitions from typographical unions and other sources for a particular bill; against

the measure there were 388 petitions, of which 288 were from newspapers and others interested, from all sections of the country; 100 petitions from printers, representing in all about 3,000 individual petitioners, of whom 1,800 were printers, about 183 newspapers, and about 1,500 individual parties. So it would appear, Mr. President, that the printers themselves have perceived that their names are taken in vain in this bill in the same spirit and for the same purpose that authors' names have been taken in vain, and that the true scheme of the bill underlying its surface is for the purpose of building great publishing monopolies and importing European skilled printers to run them.

Mr. President, I shall ask to append to my remarks the views on copyright which were presented in 1873 in a report made by Mr. Morrill, of Maine, from the Joint Committee on the Library. It is report 409, of the third session of the Forty-second Congress. That committee consisted of Hon. Lot M. Morrill, Hon. JOHN SHERMAN of Ohio, and Hon. Timothy O. Howe of Wisconsin, on the part of the Senate, and of Hon. John A. Peters of Maine, Hon. William A. Wheeler of New York, and Hon. Lewis D. Campbell of Ohio, on the part of the House. All six of this committee were members of that party now in the majority in this Chamber, and upon this committee were a number of its most eminent and distinguished men—the honorable Senator from Ohio [Mr. SHERMAN], who still occupies a seat in this Chamber, and Hon. William A. Wheeler, who afterwards became Vice President of the United States.

That committee, Mr. President, in a report which is remarkable for its perspicuity and its ability, set forth the impolicy of international copyright, and it demonstrated the fact, which has been again demonstrated in this debate, that the inevitable effect of such a bill as this would be to enhance the price of books to the people of the United States. They gave, Mr. President, a list of the lowest prices in England and the United States of some English books reprinted in America, and I beg to cite from that list a few examples. For instance, Alison's *Life of Marlborough* cost in England in gold \$7.50, in America \$1.75; the English price of Mrs. Browning's poems was \$7.50, the American \$1.50; Dickens's works cost in England \$33, here \$10.50; and so on, with a long list of publications, showing that Americans had their literature at one-half or one-third of the cost in Great Britain and that the inevitable effect of such a measure as this would be to stimulate the price of the literature enjoyed by our own people up to or near to the mark of that in England.

I cite, Mr. President, a more recent summary of the prices of books in England and in the United States, presented by Mr. Hubbard before the Committee on Patents of the Senate during the Forty-ninth Congress.

I ask gentlemen, before they shall give their sanction to the passage of this measure, to contemplate the fact that they are invited to enhance the price of these volumes to American purchasers.

Works.	English price.	American price.	American reprint.
	s. d.		
Trollope, <i>Life of Cicero</i> , 2 volumes	24 0	\$9.60	\$3.00
Fitzgerald's <i>Life of George IV</i>	30 0	12.00	2.00
Trevelyan, <i>Life of C. J. Fox</i>	18 0	7.20	2.50
Life and Letters of Macaulay	36 0	14.40	1.75
Green's <i>History of England</i> , 4 volumes	64 0	25.60	10.00
Kinglake, <i>Crimean War</i> , 4 volumes	96 0	38.40	8.00
Mendelssohn Family, by Kinsel, 2 volumes	30 0	12.00	5.00
Ranke, <i>Universal History</i> , volume 1 now ready	16 0	6.40	2.50
McCarthy's <i>History of Our Own Times</i> , complete, 2 volumes	48 0	19.20	2.50
Reid, S. J., <i>Life of Sydney Smith</i>	21 0	8.40	3.00
Rémusat, Mme. De, <i>Memoirs of</i> , 1 volume	32 0	12.80	2.00
Robertson, F. W., <i>Life and Letters of</i>	12 0	4.80	2.00
Taylor, Sir H., <i>Autobiography of</i> , 2 volumes	32 0	12.80	3.00
Wallace, Russia	24 0	9.60	2.00
Allan, <i>Flowers and their Pedigree</i>	7 6	3.00	1.50
Bagehot, <i>English Constitution</i>	7 6	3.00	2.00
Bain, <i>Poetical Essays</i>	7 6	1.80	1.50
Greville, <i>Memoirs of Reign of Queen Victoria</i> , 2 volumes	42 0	16.80	4.00
D'Abantes, <i>Memoirs of Napoleon</i> , 2 volumes	42 0	16.80	3.00
Hall, S. C., <i>Retrospect of a Long Life</i>	30 0	12.00	2.50
Kossuth, <i>Memoirs of My Exile</i>	10 6	4.20	2.00
Lecky, <i>England in the Eighteenth Century</i> , 4 volumes	72 0	28.80	9.00
Burnaby's <i>Ride to Khiva</i>	21 0	8.40	2.00
Brassey, <i>In the Trades and Tropics</i>	21 0	8.40	5.00
Guy, <i>Enigmas of Life</i>	10 6	4.20	2.00
Jackson, <i>Old Régime</i>	21 0	8.40	2.25
Kemble, <i>Records of a Girlhood</i>	31 6	12.60	2.50
Lewes on <i>Actors and Acting</i>	7 6	3.00	1.50
Maine, <i>Popular Government</i>	12 0	4.80	2.75
Swinburne, <i>A Study of Shakespeare</i>	8 0	3.20	1.75
Symonds, <i>Renaissance in Italy</i> , 5 volumes, at \$2	80 0	32.00	10.00
<i>Memoirs of Mrs. Jamieson</i>	12 0	5.00	2.50
Morris, <i>Earthly Paradise</i> , 3 volumes			4.50
Hamerton's <i>Etchers and Etching</i>	40 0	16.00	
Metternich's <i>Memoirs</i> , per volume	147 0	58.80	5.00
5 volumes			2.50
Mivart on the Cat	50 0	20.00	
Pfleider, <i>Influence of Apostle Paul</i>	30 0	12.00	
Rae, <i>Contemporary Socialism</i>	10 0	4.20	2.00
	7 6	3.00	2.00

Works.	English price.	American price.	American reprint.
	s. d.		
Gordon's <i>Journal</i>	21 0	\$8.40	\$2.00
The Congo, by Stanley, 2 volumes	42 0	16.80	10.00
Scherer's <i>German Literature</i> , 2 volumes	21 0	8.40	3.50
Stanley's <i>Life of Arnold</i> , 2 volumes (in one)	24 0	9.60	2.50
Total	1,356 6	545.80	140.90
Average cost per copy	\$8.07	12.90	3.35

This long catalogue of works which are now at the service of the American people at these low prices might be largely increased. If this bill passes, and if the foreign author is made the prey of publishers and is subjected to the necessity of having his works reprinted here before any copyright can be granted abroad, up will go the prices of all these works, and the people must pay the piper.

Mr. President, I shall not detain the Senate longer, as I believe nearly all the ideas on this subject have been in some form presented in this debate; but I hope that this amendment may be adopted, and that this may be made a copyright bill instead of a mere combination of interests to butcher authors, and to butcher printers, and to butcher the people to make a holiday for publishers. I do not wish to see author, printer, and the public generally "in one red burial blent."

APPENDIX.

The Joint Committee on the Library, to whom was referred the resolution directing them to inquire into the practicability of securing to authors the benefit of international copyright, report:

That, after attentive consideration of the subject-matter, they have found the question of international copyright attended with grave practical difficulties and of doubtful expediency, not to say of questionable authority.

At the outset of the examination much embarrassing contrariety of opinion between those who demand the measure as a just recognition of the rights of authors to their works and those representing the manifold interests, occupations, and domestic industries involved in the contemplated legislation became conspicuous; in the prominence and fervor of which the primary motive of any and all contemplated constitutional action, namely, the promotion of the progress of science and the useful arts, seemed—unconsciously, of course—likely to be overcast.

On behalf of authors and artists it is insisted that Congress owes it to universal authorship to grant protection to literary and scientific productions, irrespective of nationality, as a matter of justice and right; that the Constitution in this respect, as in the case of domestic authors, is mandatory in its character; that the mode and manner of such protection are prescribed in terms in its provisions; and that none other than the mode prescribed is at all allowable, leaving Congress no discretion in the premises; and that not to legislate in this behalf is to refuse the performance of an obvious duty; and that, having by the law of copyright secured to domestic authors exclusive rights to their works, thereby recognizing the obligation of protection to authorship, Congress stands derelict in the performance of its whole duty in that it has not provided equal protection to universal authorship.

Upon the soundness and cogency of this proposition both American and foreign authors are understood generally to be agreed.

A portion of the American publishers (and they are among the most important) are willing to accede to the demand of the authors upon the condition of satisfactory stipulations as to the medium of communication with the American public through their publishing houses; while the authors divide on the question of publication, a portion, not illogically, insisting upon the supposed duty of absolute protection without stint, limit, or condition, and a part are disposed to yield to the terms of the publishers; and this adjustment of the matter, it is supposed, would redound to the progress of science and the arts.

A portion, and much the larger number of domestic publishers, are understood to be either hostile to the whole subject of international copyright, or consider all action in regard to it at least of questionable utility to the world of letters, and especially to the progress of science and the arts in this country and among our own people.

The printers, type-founders, binders, paper-makers, and others engaged in the manufacture of books, in large numbers remonstrate against the measure as calculated to diminish the popular sale and circulation of books, by raising the price thereof, and thus prejudicial to this branch of industry.

These classes, interests, and industries have been ably represented before the committee, and it may be observed that from these the measure is invested with its special interest, as we are not aware of any popular representation or demand, by memorial or remonstrance, or otherwise, on behalf of either book buyers or readers or the mass of the people.

The protection in his works that the author demands, it will be noticed, is an absolute and exclusive right of property therein. To all such appeals to Congress (without entering into the consideration of such a pretension as an abstract proposition), it is deemed sufficient to reply that the framers of the Constitution did not seem to have apprehended the justice of a claim so extensive on the part of authors, nor to have contemplated the promotion of the progress of science by legislation so partial and engrossing as that proposed; but on the contrary, in the interests of science, and altogether subservient to its ends, and as an incentive to authorship to enter into its service, did provide for the enjoyment in their works of an especial privilege for a limited period.

The nature of the prerogative conferred, its use and limitations, are, each and all, alike inconsistent with the assumed rights; and whatever abstract rights of property the author may be supposed to have in his production, it is clear that his appeal to Congress for protection can be recognized only within the express limitations of the Constitution.

It became important, in the outset, to bring to the examination of the subject a just appreciation of the provision of the Constitution in relation to it. That provision is as follows: Congress shall have power "to promote the progress of science and the useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

All opinions, interests, policies, and economies must be brought to the test of this clause of the Constitution, in which the objects and manner of legislation are clearly expressed, and must constitute the rule of action upon the subject.

It may be proper to remark that the policy of national copyright does not necessarily enter into the discussion. It may be assumed that the Constitution

not only contemplated such legislation, but that such action is supposed to be consistent with and in the interest of science, and tends to its progress. Nor is it supposed that a question properly arises as to the abstract rights of the author to his writings; neither is it important to consider whether any such rights had been recognized in England or in the American States anterior to the Constitution, as these rights do not constitute the object nor form the basis of that legislative action contemplated by the Constitution.

The constitutional provision is primarily in the interest of science, to which the rights and interests of authors are subordinated, and with which they are not necessarily in all respects identical. The very terms of the instrument are a limitation on the power of Congress against the recognition of such absolute right, thus "by securing for limited times to authors exclusive right to their writings."

The precise question is, are the terms of the Constitution equally applicable to international copyright, and would their application "promote the progress of science?"

The language is sufficiently comprehensive, doubtless, to include all authorship. But in construing the Constitution reference should be had to the condition of affairs at the period of its adoption, the obvious intent of the framers, as gathered from contemporaneous history, and must receive such construction as will carry out the object in view.

It was, it should be observed, to constitute, in a qualified sense, a government in the interests of the people of the United States. Its framers would not, therefore, be expected to be solicitous for the protection of individual rights of those alien to its jurisdiction, nor were the circumstances of their national position such as were calculated to invite to the consideration of topics so eminently international in their operations and relations.

Besides, it must be borne in mind that the Constitution of the United States antedates all legislation upon international copyright in any country; that no thought of such a law was suggested to the convention that framed that instrument. Nor are there to be found in the history of the times such sentiments and opinions upon the subject as to justify a reasonable supposition that such a proposition could have been present in the minds of those who proposed the particular provision. It may be safe, therefore, to assume that international copyright was not within the contemplation of the Constitution, whatever interpretation the language may be thought to be susceptible of.

To the argument as to the mandatory character of the provision in the interests of universal authorship, it may be replied that none but citizens could properly lay claim to protection of individual rights, and that, under the Constitution, these were all subordinated to the interests of science, and that whoever invokes the protection of the one must show that his demand is, at least, compatible with the other.

Whether the Constitution, in what it provides, is to be regarded as mandatory or permissive, confined to American or domestic authors, or extended to foreign or alien, in spirit and intent, it demands, as a primary, essential, and paramount consideration, that whatever is done in its name shall be in the interest of and for the promotion of the progress of science. In the presence of this paramount object all rights of authors, publishers, booksellers, and book-makers must needs take a secondary place in legislative consideration. Nor is it less certain that herein lies the true interest of all genuine authorship.

A demand for copyright, national or international, as a measure of protection to a property right simply, necessarily tends to sink the question of science to the level of a commercial transaction, and subjects it to the odium of an indefensible monopoly. It is only when considered as a tribute to genius, the quality and beneficence of whose productions are of universal recognition in the world of letters, that science and authorship become identical. It can not be doubted that if, under undue stimulus of national copyright, the quality of literary productions should become inferior, commonplace, and baneful, Congress, in the interest of science, could apply the remedy by limiting the privilege or denying it altogether.

It has even been said that a tendency in this direction already exists; that authors who write for fame are growing fewer, and that writers who write merely for money are multiplying; that, in short, the relations between writers on one side, and publishers and the public on the other, are growing more mercenary; but this may be said to arise from the fact that the men of true genius who are really entitled to the honorable name of American authors are confounded with men who have no just claim to such a distinction.

A question fairly arises and presents itself at the threshold of any proposition of copyright, whether this commercial spirit is identical with and friendly to the progress of science. Considering the undeniable fact that a larger portion of authors are now writing for gain than formerly, and that publishers have come to estimate their writings by the profits likely to accrue from their publications, can it be inferred that from such a union of literature and commerce the highest interests of science are likely to be promoted?

Under the influence of this union can it be denied that a class of books are put upon the market which in literary quality bear slight resemblance to the productions of genius, and others where the attribute of authorship could not well be discovered? and yet these all seek shelter under the law of copyright, and enjoy that exclusive privilege designed alone for genius and the votaries of science.

While doubtless the constitutional provision had its origin in the belief in the identity of the interests of authorship and science, it is true that the law of copyright, as it lies in the Constitution, is not the protection of authors as an object—not as the reward of genius independent of science, but as an incentive to the former in the interests of the latter.

Is the question of authorship in its relations to science so simple and of such universal application as to be productive of equally beneficial results when subjected to the method of the Constitution as a rule for the different nations and differing conditions of letters therein?

Authorship, standing by itself, although the essential element, still, it is not all the world of letters, and can not in any measure, having at heart the interests of literature, be considered as standing independent and by itself. If it be conceded to be the soul of science, it is essential that its productions should be embodied in books, and these involve the varied skill, industries, and cunning workmanship of many hands, and at last, and not the least important agency, the enterprise, capital, and address of the publisher through whom these books are to be introduced to the reading public.

These interests press upon the legislator at the very threshold of any measure of international copyright demanding consideration and protection. The right conferred upon the foreign author, a variety of questions of labor, art, skill, and the like, enter into the practical question, and force upon consideration the chances of ruinous monopolies at the world's great book centers, when competition and a provident share in opportunities would seem to be our necessity.

The question before us is not national copyright, but whether the monopoly of the foreigner in his work, enjoyed in his land, can, in the interest of science, fairly be claimed for him in every land where his work may be printed. The English author has the exclusive privilege secured to him as an incentive to his genius. Does it need the further stimulus of privilege in other lands? And if so, can such privilege be considered as demanded in the interests of literature, or would the fruits of such encouragement compensate for the natural repression of the diffusion of knowledge?

Assuming now that the measure can not be commended or rightfully demanded in the interest of authors alone, nor in that of authors and publishers

combined, it remains to be seen whether the facts justify the conclusion that the measure can be granted in the interests of science.

It will doubtless be conceded that international copyright would have the effect to enhance the price of books of foreign authorship in the American market, and a tendency and the probable effect to increase the price of the American copyrighted book in our own market.

While it may be conceded that the tendency of the law of copyright is to stimulate the production of literary and scientific works, it is believed to be equally true that one of its effects is to repress the popular circulation of such works. Such, it is apparent, must be its natural tendency, and such is understood to be the fact in this country and in England, especially the latter. As a general proposition, during the existence of copyright, the interest of both publisher and author are best consulted by a small edition and consequent limited circulation, as a larger profit may be realized from a small edition at high rates than the reverse. Notable instances may be given in proof of this general proposition in England and our own country. The average price of seventy-five English books, as given below, is \$5.60, and the average price of the American reprints of the same books is only \$2.40.

The lowest prices of some English books reprinted in America.

[The American prices are generally taken from Bibliotheca Americana, 1820 to 1866, or American Catalogue, Kelly, 1866 to 1871.]

Name of author and title of work.	English price—		Price of American reprint.
	In sterling.	In gold.	
Alison, Life of Marlborough	s. d.		
Aytoun, Scottish Cavaliers	30 0	\$7.50	\$1.75
Ballads and Fermilian	7 6	1.87	1.50
Browning, Mrs. Poems	13 6	3.37	1.50
Belcher's Mutineers of the Bounty	30 0	7.50	1.50
Burton's Lake Regions of Africa	12 0	3.00	1.50
Bulwer, Athens—its Rise and Fall	31 6	8.00	3.50
Caxtoniana	31 6	8.00	1.50
Novels	21 0	5.25	1.75
Lady Budget, etc	2 6	.62	.50
Braddon, Miss, Girls' Book	31 6	8.00	2.50
Lovers of Arden	4 6	1.25	.90
Conybeare and Howson, Life of St. Paul (complete)	31 6	8.00	.75
Collins, Poor Miss Finch	48 0	12.00	3.00
Darwin, Variation of Plants	31 6	8.00	50c. 1.00
Dixon, Free Russia	28 0	7.00	6.00
Fair France	32 0	8.00	2.00
Dickens's works	16 0	4.00	1.50
Dike's Greater Britain	132 0	33.00	10.50
Desert of the Exodus	28 0	7.00	1.00
Foster's Life of London	28 0	7.00	3.00
Life of Dickens	28 0	7.00	3.50
Guizot's Meditations	12 0	3.00	2.00
Grote's Greece, per volume	10 0	2.50	1.75
Gould's Origin of Religious Belief	8 0	2.00	2.00
Goulburn's Sermons	15 0	3.75	2.00
Huxley's Lay Sermons	6 6	1.62	1.00
Holland's Recollections	7 6	1.88	1.75
Hemans's Poems	10 6	2.62	2.00
Hughes, Tom Brown at Oxford	12 6	3.12	.75
Tom Brown's School-Days at Rugby		1.75	.50
Harvels, Music and Morals		1.75	.75
Jowett's Plato	12 0	3.00	1.75
Kinglake's Crimea	120 0	30.00	12.00
Kingsley's At Last	32 0	8.00	2.00
Ravenshoe	20 0	5.00	1.50
G. Hamlyn	31 6	8.00	1.75
Layard's Nineveh	6 0	1.50	1.25
Lever, Lord Kilgobbin	36 0	9.00	1.75
Loekhart, Fair to See	31 6	9.00	.75
Mulock, Hannah	31 6	8.00	.75
Girls' Book	21 0	5.25	.50
Morley's Voltaire	4 6	1.25	.90
Macgregor, Rob Roy on the Jordan	14 0	3.50	
Oilphant's China	12 0	3.00	2.50
Pressensé, Early Years of Christianity	21 0	5.25	3.50
Russell's American Diary	12 0	3.00	1.75
Robinson's Diary	21 0	5.25	1.00
Reclus, The Earth	36 0	9.00	4.00
Scheller's Spectrum Analysis	21 0	5.25	5.00
Speke's Africa	28 0	7.00	6.00
Saeristan's Household	21 0	5.25	4.00
Stanley's Jewish Church	6 0	1.50	.75
Eastern Church	24 0	6.00	5.00
Sinai and Palestine	12 0	3.00	2.50
Trollope, Harry Hotspur	14 0	3.50	2.50
Can You Forgive Her?	9 0	2.25	.50
Orlay Farm	12 0	3.00	1.50
Thackeray's novels	12 0	3.00	1.50
Tyndall, Heat	7 0	1.75	.50 to .75
Sound	10 6	2.62	2.00
Tennyson's works, incomplete	9 0	2.25	2.00
The Speaker's Commentary	9 0	2.25	*.75
Vámbery's Asia	30 0	7.50	5.00
White's St. Bartholomew	21 0	5.25	4.50
Wilfred Cumbermede (George Macdonald)	16 0	4.00	2.50
Wood's Homes without Hands	31 6	8.00	1.75
Bible Animals	21 0	5.25	4.50
Whympers's Alaska	21 0	5.25	4.50
Wallace's Malay Archipelago	16 0	4.00	
Warren's Ten Thousand a Year	24 0	6.00	3.00
Spencer's Psychology	9 0	2.25	1.50
Essays	18 0	4.50	1.50
Biology	16 0	4.00	2.50
	54 0	8.50	5.50
Total		421.22	184.80

* Complete.

The same general fact may be further illustrated by comparing the prices of English books reprinted here with the prices here of American copyrighted books of a similar character.

ENGLISH REPRINTED.		AMERICAN COPYRIGHTED.	
Dixon's Free Russia.....	\$2.00	Bush Reindeer Dogs, etc.....	\$3.50
Kingsley's At Last.....	1.50	Cox's Winter Sunbeams.....	3.00
Kinglake's Crimea.....	2.00	Motley's Histories.....	3.50
Macaulay's Histories.....	1.50	Bancroft.....	3.00
Hallam.....	2.00	Kirke's Charles the Bold.....	3.00
Dilke's Greater Britain.....	1.00	Prime's Around the World.....	3.00
Dickens's novels.....	50-75	Hawthorne.....	2.00
George Eliot's novels.....	75	Mrs. Stowe.....	2.00
Charles Reade's novels.....	25-75	Bayard Taylor.....	1.50
Robertson's Sermons.....	1.50	Beecher's Sermons.....	2.50
Tennyson's Poems.....	75	Longfellow.....	1.50
Grote's Greece.....	1.50	Draper's Civil War.....	3.50
Hume's England.....	1.50	Hildreth's United States.....	3.00
Muller's Science of Religion.....	2.00	Hodge's Anthropology.....	4.50
Palmer's Desert of the Exodus.....	3.00	Thomson's Land and the Book.....	5.00
Wallace's Malay Archipelago.....	3.50	Agassiz's Brazil.....	5.00
Froude's Short Studies.....	1.50	Bancroft's Miscellanies.....	3.00
Barrow's Arctic Voyage.....	1.00	Hayes's Arctic Boat Journey.....	2.50
Layard's Nineveh.....	1.75	Stephens's Egypt.....	3.00
Burton's Regions of Central Africa.....	3.50	Stephens's Central America.....	6.00
English Common Law Reports.....	4.00	Wallace's Reports.....	6.00
Exchequer Reports.....	4.00	Blatchford's Reports.....	7.50
Bulwer's Queen's Bench.....	6.00	Abbott's Reports.....	7.50
Bulwer's Common Pleas.....	6.00	Lansing's United States.....	8.00
Equity Cases, M. Rols.....	6.00	Chancery, eighth circuit of New York.....	7.50
Daniel's Chancery Practice, 3 vols.....	15.00	Fisher's Patent Cases, 3 vols.....	75.00
De Witt's Surgery.....	4.00	Ashurst's Surgery.....	6.50
Total.....	78.70	Total.....	181.00

And a similar effect will be observed by comparing the home prices of American copyrighted books with their prices when reprinted in England.

The English prices are generally taken from the English catalogue by Samson Low, 1835-1862.

Name of author and title of work.	American price.	English price—	
		In sterling.	In gold.
Abbott, Franconia Stories.....	\$0.90	1 0	\$0.25
Learning to Read.....	.90	1 6	.87
Young Christian.....	1.75	1 0	.25
Child at Home.....	1.00	1 0	.25
Barnes, Four Gospels.....	3.00	5 0	1.25
Acts.....	1.50	2 6	.62
Beecher, H. W., Eyes and Ears.....	1.75	3 6	.87
Lectures to Young Men.....	1.50	1 6	.37
Royal Truths.....	1.75	3 6	.87
Cooper's novels, per copy.....	.75	1 0	.25
Curtis, G. W., Lotus-Eating.....	1.50	3 6	.87
Nile Notes.....	1.50	1 0	.25
Du Chaillu, Country of Dwarf.....	1.75	1 6	.87
Greenwood, Grace, Forest Tragedy.....	1.25	1 0	.25
History of my Pets.....	1.00	1 0	.25
Hawthorne, House of Seven Gables.....	2.00	1 0	.25
Twice-Told Tales.....	4.00	2 0	.50
Scarlet Letter.....	2.00	1 0	.25
Holmes, O. W., Autocrat of Breakfast Table.....	1.50	2 6	.62
Professor at Breakfast Table.....	1.75	3 6	.87
Elsie Venner.....	3.00	2 0	.50
Irving, W., Life of Goldsmith.....	1.50	1 0	.25
Life of Columbus.....	1.75	2 6	.62
Knickerbocker.....	1.75	1 0	.25
Jarves, J. J., Parisian Sights.....	1.50	1 0	.25
Longfellow, Miles Standish.....	1.25	1 0	.25
Outre Mer.....	1.50	2 0	.50
Hawatha.....	1.50	1 0	.25
Poems, complete.....	1.50	2 0	.50
Lowell, Biglow Papers.....	1.50	2 6	.62
Vision of Sir Launfel.....	.75	2 0	.50
Melville, Omoo.....	1.50	1 0	.25
Typee.....	1.50	1 0	.25
Parton, Life of Greeley.....	2.50	7 6	1.87
Phelps, Rev. A., Still Hours.....	1.00	1 0	.25
Prescott, Philip H.....	4.50	5 0	1.25
Mexico.....	5.00	5 0	1.25
Ferdinand and Isabella.....	5.00	5 0	1.25
Robinson, Greek Lexicon.....	5.00	8 6	2.12
Stowe, Mrs., Pearl of Orr's Island.....	2.00	5 0	1.25
Uncle Tom.....	2.00	2 6	.62
Minister's Wooing.....	2.00	2 6	.62
Sedgwick, Miss, Hope Leslie.....	3.00	1 0	.25
Linwoods.....	3.00	2 6	.62
Married or Single.....	3.00	2 0	.50
Sigourney, Mrs., Letters to Mothers.....	1.50	2 0	.50
Letters to Young Ladies.....	1.50	1 6	.87
Squiers, Vackna.....	1.50	1 0	.25
Thomson, Land and the Book.....	5.00	7 6	1.87
Taylor, B., El Dorado.....	2.25	2 0	.50
At Home and Abroad.....	2.25	3 6	.87
Thoreau, Walden.....	2.00	6 0	1.50
Upham, Professor, Madame Guyon.....	3.00	7 6	1.87
Interior Life.....	1.50	3 6	.87
Emerson, R. W., Conduct of Life.....	2.00	1 0	.25
Representative Men.....	2.00	1 0	.25
English Traits.....	2.00	1 0	.25
Total.....	121.05		36.06

From the above exhibits it would seem clear that the law of copyright, as existing in England and this country, in its practical operations in the two countries, tends unmistakably to check the popular diffusion of literary production by largely increasing the price. This fact could be further illustrated by recurrence to the vast disproportion in the sale of the cheaper reprints and the copyrighted editions in both countries.

England is the great book making and producing nation with which this country has to do, and consequently our interests would be most affected by the proposed measure; and that such measure would not promote the progress of science and the useful arts among the American people is believed to be obvious and to admit of little doubt.

The policy of the different states of Europe as to the protection of literary property varies as to the period of time for which it is granted. In England and in this country the protection is ample. The prevailing policy among the nations seems to be to grant such protection to literary property as is deemed a proper incentive to production.

It is questionable whether any system of international copyright could be proposed which would be equally beneficial or just, owing to the different languages prevailing among them.

In view of the whole case, your committee are satisfied that no form of international copyright can fairly be urged upon Congress upon reasons of general equity or of constitutional law; that the adoption of any plan for the purpose which has been laid before us would be of very doubtful advantage to American authors as a class, and would be not only an unquestionable and permanent injury to the manufacturing interests concerned in producing books, but a hindrance to the diffusion of knowledge among the people and to the cause of universal education; that no plan for the protection of foreign authors has yet been devised which can unite the support of all or nearly all who profess to be favorable to the general object in view; and that in the opinion of your committee any project for an international copyright will be found upon mature deliberation to be inexpedient.

Mr. PLATT. I hope we may have a vote on the amendment. The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Virginia [Mr. DANIEL].

Mr. PLATT. Let us have the yeas and nays. The yeas and nays were ordered; and the Secretary proceeded to call the roll.

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

Mr. DAWES (when his name was called). I am paired with the Senator from Maryland [Mr. GORMAN]. I am against this amendment, and he is for it.

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

Mr. McPHERSON (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH]. My colleague [Mr. BLODGETT] is paired with the Senator from New Hampshire [Mr. CHANDLER].

The roll-call was concluded. Mr. MORGAN. Is the name of the Senator from New York [Mr. EVARTS] recorded as voting?

The PRESIDING OFFICER. The name of the Senator from New York is not recorded.

Mr. MORGAN. I am paired with that Senator, and withhold my vote.

Mr. CHANDLER. On this question I am paired with the junior Senator from New Jersey [Mr. BLODGETT]. If he were present, I should vote "nay."

Mr. GIBSON. I am paired on this question with the Senator from Colorado [Mr. TELLER].

The result was announced—yeas 17, nays 31; as follows:

YEAS—17.			
Bate,	Daniel,	Pasco,	Vest,
Berry,	Eustis,	Pettigrew,	Wilson of Md.
Call,	George,	Pugh,	
Carlisle,	Harris,	Reagan,	
Coke,	Jones of Arkansas,	Vance,	
NAYS—31.			
Allen,	Frye,	McMillan,	Shoup,
Blair,	Hale,	Manderson,	Stewart,
Carey,	Hampton,	Mitchell,	Stockbridge,
Casey,	Hawley,	Morrill,	Warren,
Dixon,	Higgins,	Paddock,	Washburn,
Dolph,	Hiscock,	Platt,	Wilson of Iowa,
Edmunds,	Hoar,	Sanders,	Wolcott,
Farwell,	McConnell,	Sawyer,	
ABSENT—40.			
Aldrich,	Colquitt,	Ingalls,	Quay,
Allison,	Cullom,	Jones of Nevada,	Ransom,
Barbour,	Davis,	Kenna,	Sherman,
Blackburn,	Dawes,	McPherson,	Spooner,
Blodgett,	Evarts,	Moody,	Squire,
Brown,	Faulkner,	Morgan,	Stanford,
Butler,	Gibson,	Payne,	Teller,
Cameron,	Gorman,	Pierce,	Turpie,
Chandler,	Gray,	Plumb,	Voorhees,
Cockrell,	Hearst,	Power,	Walthall.

So the amendment was rejected. Mr. PASCO. Mr. President, I am very much in favor of granting this privilege of copyright to foreign authors and securing like privileges to our own authors so that they may be protected under the copyright systems and laws in force in foreign countries.

I do not like the feature in the present bill which complicates the interests of publishers and other parties with those of authors, designers, and others who are protected by our copyright system. If we could have a pure copyright bill free from all entangling alliances, it would receive my earnest and hearty support. I voted for the bill which passed the Senate two years ago. I voted for it, notwithstanding

ing the objections which I had to it, and notwithstanding the failure of the amendment then offered by the Senator from Arkansas [Mr. JONES], which I thought improved the bill. With my strong desire to advance the interests of our American authors, I may vote for the present bill even if all opportunity to further perfect it fails, but in its present shape it is open to serious objection, and if I support it I shall do so with extreme reluctance.

The PRESIDING OFFICER. The Senator from Florida will suspend a moment. It is impossible for the Reporter or others to hear what is being said by the Senator. The Chair appeals to the Senate to preserve order.

Mr. PASCO. The opportunity to perfect the bill since it was before the Senate in 1888 has not been improved. I have hastily prepared, while the debate has been going on, a substitute for the present bill in the interest only of authors and others in whose behalf our own copyright system was inaugurated. It has been drawn while the discussion has been going on around me, and very likely some judicious amendments may be made to it; but it is an indication of the sort of bill which I would favor and which I believe would be favored by many other Senators, and I submit it as a basis and framework for more deliberate action rather than a perfected measure and system.

Mr. PLATT. We can not hear one word that the Senator from Florida is saying.

The PRESIDING OFFICER. The Senator from Florida will suspend a moment. Complaint is made that it is impossible to hear the Senator addressing the Senate. Will Senators be so kind as to resume their seats and observe order? [A pause.] The Senator will proceed.

Mr. PASCO. I repeat that I have prepared a substitute for the pending bill during the continuance of the debate around me, somewhat hurriedly, but indicating the sort of measure which I favor, and which I believe is favored by many other Senators, and I propose to offer it as a substitute for the present bill. I do not urge it as a perfect measure. Perhaps those who have been considering the subject longer, those who have assisted in preparing and amending the present bill and are more familiar with the matter than I am, may be able to suggest amendments and assist in perfecting my hasty work, which marks out the general line of policy which I think should be followed by this legislation. I will offer this as a substitute for the pending bill as it has been amended, and without consuming further time in the debate ask that a vote be taken upon it.

The PRESIDING OFFICER. The Senator from Florida proposes a substitute for the bill, which will be read.

Mr. PLATT. Before that is read, I ask that the Sergeant-at-Arms may be requested to attend in the Senate Chamber and assist in the preservation of order.

The PRESIDING OFFICER. The Chair will call on the Sergeant-at-Arms if it becomes, in his judgment, necessary. He once more appeals to the Senate to preserve order. [A pause.] The amendment will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and insert:

SEC. 1. That the privileges of copyright granted under and by Title LX, chapter 3, of the Revised Statutes, to authors and others who are citizens of the United States or residents therein, shall be, and they are hereby, extended to authors and others named in section 4952 of the Revised Statutes, who are citizens, subjects, or residents of foreign countries, under the conditions and in the manner set forth in this act.

SEC. 2. That any contract made by foreign authors, and others to whom the privileges of copyright are extended by this act, with reference to the publication of their works in the United States, shall have the same force and effect as in like cases when contracts are made in the United States by and between citizens and residents thereof, and the circuit and district courts of the United States shall have jurisdiction in all suits arising upon such contracts, and such courts shall also have jurisdiction in all cases arising in the United States with reference to the rights of citizens, subjects, and residents of foreign countries arising under this act.

SEC. 3. That this act shall only apply to a citizen, subject, or resident of a foreign state or nation, when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens. The existence of the condition aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require.

Mr. PLATT. I hope the vote may be taken.

The PRESIDING OFFICER. The question is on the adoption of the substitute proposed by the Senator from Florida.

Mr. PASCO. I ask for the yeas and nays on the adoption of the amendment.

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

Mr. FAULKNER (when his name was called). I announce the transfer of my pair with the Senator from Pennsylvania [Mr. QUAY] to my colleague [Mr. KENNA]. So that the Senator from Colorado [Mr. WOLCOTT] and myself will be at liberty to vote. I vote "yea."

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH]. My colleague [Mr. BLODGETT] is paired with the Senator from New Hampshire [Mr. CHANDLER].

Mr. PAYNE (when his name was called). I am paired with my colleague [Mr. SHERMAN]. Not knowing how he would vote on this amendment, I withhold my vote.

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Mississippi [Mr. WALTHALL], who does not seem to be in the Chamber, and therefore I am not at liberty to vote. The roll-call was concluded.

Mr. DAVIS. I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. DAWES. I am paired for the day with the senior Senator from Maryland [Mr. GORMAN].

Mr. GEORGE (after having voted in the affirmative). I am paired with the Senator from Delaware [Mr. GRAY] on the passage of the bill. I suppose this is substantially the same question, and I therefore withdraw my vote.

Mr. COCKRELL. I am paired with the Senator from Iowa [Mr. ALLISON], who is detained from the Chamber by committee business.

The result was announced—yeas 18, nays 33; as follows:

YEAS—18.

Bate,	Daniel,	Morgan,	Vance,
Berry,	Eustis,	Pasco,	Vest,
Call,	Faulkner,	Pettigrew,	Wilson of Md.
Carlisle,	Harris,	Pugh,	
Coke,	Jones of Arkansas,	Reagan,	

NAYS—33.

Allen,	Frye,	Mitchell,	Stewart,
Carey,	Hampton,	Morrill,	Stockbridge,
Casey,	Hawley,	Paddock,	Warren,
Cullom,	Higgins,	Platt,	Washburn,
Dixon,	Hiscock,	Plumb,	Wilson of Iowa,
Dolph,	Hoar,	Sanders,	Wolcott.
Edmunds,	McConnell,	Sawyer,	
Everts,	McMillan,	Shoup,	
Farwell,	Manderson,	Squire,	

ABSENT—37.

Aldrich,	Cockrell,	Ingalls,	* Sherman,
Allison,	Colquitt,	Jones of Nevada,	Spooner,
Barbour,	Davis,	Kenna,	Stanford,
Blackburn,	Dawes,	McPherson,	Teller,
Blair,	George,	Moody,	Turpie,
Blodgett,	Gibson,	Payne,	Voorhees,
Brown,	Gorman,	Pierce,	Walthall.
Butler,	Gray,	Power,	
Cameron,	Hale,	Quay,	
Chandler,	Hearst,	Ransom,	

So the amendment was rejected.

The PRESIDING OFFICER. The bill is still in the Senate and open to amendment. If there be no further amendment, the question is, Shall the amendments be engrossed and the bill be read a third time?

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

The bill was read the third time.

The PRESIDING OFFICER. The question now is, Shall the bill pass?

Mr. BERRY. I ask for the yeas and nays on the passage of the bill. The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHANDLER (when his name was called). The junior Senator from New Jersey [Mr. BLODGETT], with whom I have been paired on the amendments to this bill, is otherwise paired on the passage of the bill, and therefore I am at liberty to vote. I vote "yea."

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE]. If he were present, I should vote "yea."

Mr. DAWES (when his name was called). The Senator from Maryland [Mr. GORMAN], with whom I am paired, would vote against this bill if present, and I should vote for it.

Mr. DIXON (when his name was called). Upon this question my colleague [Mr. ALDRICH] is paired with the Senator from Washington [Mr. ALLEN]. I vote "yea."

Mr. MCPHERSON (when his name was called). My pair with the Senator from Rhode Island [Mr. ALDRICH] having been transferred to the Senator from Washington [Mr. ALLEN], I am at liberty to vote. I vote "yea."

Mr. VANCE (when his name was called). On the final passage of the bill I am paired with the Senator from New Jersey [Mr. BLODGETT], who is in favor of the bill. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. FAULKNER. Announcing the same transfer of pairs I announced upon the other vote, I vote "yea."

Mr. PADDOCK. I am paired with the Senator from Louisiana [Mr. EUSTIS], who has not voted, and I will therefore refrain from voting. I should vote "yea" but for the pair.

Mr. GIBSON. I am paired with the Senator from Colorado [Mr. TELLER].

Mr. PADDOCK. The Senator from Connecticut [Mr. PLATT] suggests that my pair with the Senator from Louisiana [Mr. EUSTIS] may be transferred to the Senator from Pennsylvania [Mr. CAMERON].

Mr. PLATT. The Senator from Pennsylvania asked me to obtain a pair for him.

Mr. PADDOCK. I will make that transfer of pairs, and I will vote. I vote "yea."

Mr. SPOONER. I am paired with the Senator from Mississippi [Mr. WALTHALL], who is absent from the Chamber. I should vote "yea," if at liberty to vote.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "yea."

Mr. ALLEN. I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. RANSOM. I am paired with the Senator from Maine [Mr. HALE].

Mr. COCKRELL. I am paired with the Senator from Iowa [Mr. ALLISON], who is necessarily detained in the Committee on Appropriations in the consideration of the sundry civil appropriation bill. If he were present, he would vote "yea" and I should vote "nay."

The result was announced—yeas 36, nays 14; as follows:

YEAS—36.

Blair,	Faulkner,	McMillan,	Sawyer,
Carey,	Frye,	McPherson,	Stanford,
Chandler,	Gray,	Mitchell,	Stewart,
Cullom,	Hampton,	Morrill,	Stockbridge,
Dixon,	Hawley,	Paddock,	Warren,
Dolph,	Higgins,	Pasco,	Washburn,
Edmunds,	Hiscock,	Platt,	Wilson of Iowa,
Evarts,	Hoar,	Plumb,	Wilson of Md.
Farwell,	McConnell,	Sanders,	Wolcott.

NAYS—14.

Bate,	Casey,	Harris,	Reagan,
Berry,	Coke,	Jones of Arkansas,	Vest.
Call,	Daniel,	Pettigrew,	
Carlisle,	George,	Pugh,	

ABSENT—38.

Aldrich,	Colquitt,	Kenna,	Shoup,
Allen,	Davis,	Manderson,	Spooner,
Allison,	Dawes,	Moody,	Squire,
Barbour,	Eustis,	Morgan,	Teller,
Blackburn,	Gibson,	Payne,	Turpie,
Blodgett,	Gorman,	Pierce,	Vance,
Brown,	Hale,	Power,	Voorhees,
Butler,	Hearst,	Quay,	Walthall.
Cameron,	Ingalls,	Ransom,	
Cockrell,	Jones of Nevada,	Sherman,	

So the bill was passed.

Mr. PLATT. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. PLATT, Mr. HISCOCK, and Mr. GRAY were appointed.

Mr. PLATT. Mr. President, I ask one thing further, and that is that the bill as amended may be printed. It is a House bill, and I understand it will not necessarily be printed upon its passage; I ask that the bill as amended by the Senate be printed.

Mr. COCKRELL. As passed by the Senate?

Mr. PLATT. As passed by the Senate.

Mr. COCKRELL. Certainly; that should be done.

Mr. HARRIS. The amendments to be printed in italics, in the usual form?

Mr. PLATT. Certainly.

The PRESIDING OFFICER. The Senator from Connecticut requests that the bill with amendments be printed, the amendments to be printed in italics. Is there objection? The Chair hears none, and it is so ordered.

DISTRICT APPROPRIATION BILL.

Mr. PLUMB. I ask the Chair to lay before the Senate the two appropriation bills which have been returned from the House of Representatives.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives agreeing to some and disagreeing to other amendments of the Senate to the bill (H. R. 12729) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1892, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PLUMB. I move that the Senate insist upon its amendments disagreed to by the House of Representatives, and accede to the request of the House of Representatives for a conference.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. PLUMB, Mr. DAWES, and Mr. COCKRELL were appointed.

MILITARY ACADEMY APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives on the amendment of the Senate to the bill (H. R. 12922) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1892, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PLUMB. I move that the Senate insist upon its amendment, and accede to the request of the House of Representatives for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. FARWELL, and Mr. CALL were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a joint resolution (H. Res. 287) to print 100,000 copies of report on diseases of the horse; in which it requested the concurrence of the Senate.

EXECUTIVE COMMUNICATIONS.

The PRESIDING OFFICER laid before the Senate a communication from the Acting Secretary of the Treasury, in response to a resolution of the Senate of February 11, 1891, transmitting a statement from the Director of the Mint of the amount of silver bullion offered and the amount purchased from August 13, 1890, to February 14, 1891, and also a list of the persons from whom silver was purchased, and the price paid therefor; which was referred to the Committee on Finance, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of the Interior, transmitting, in response to a resolution of the Senate of the 11th instant, copy of instructions from his Department to the Commissioner of the General Land Office relative to the forfeiture act of September 28, 1890, a copy of instructions to registers and receivers on the same subject, and certain instructions sent by him to the Commissioner of the General Land Office relative to said act as affecting the grant to the Mobile and Girard Railroad Company; which was referred to the Committee on Public Lands, and ordered to be printed.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 287) to print 100,000 copies of report on diseases of the horse was read twice by its title, and referred to the Committee on Printing.

INDIAN DEPREDAATION CLAIMS.

Mr. PADDOCK. I move that the Senate proceed to the consideration of the bill (H. R. 8150) to provide for the adjudication and payment of claims arising from Indian depredations.

The motion was agreed to.

CUSTOMHOUSE BUILDING IN NEW YORK CITY.

Mr. EVARTS. Mr. President, I ask the Senator from Nebraska to yield to me to ask the Senate to consider the bill for the erection of a new customhouse in New York City.

Mr. PADDOCK. I yield to the Senator from New York [Mr. EVARTS], with the understanding that the bill he desires to call up will consume but a limited time, and will not meet with objection.

Mr. EVARTS. I ask unanimous consent to take up Senate bill 4224, which is a public-building bill for the erection of a new customhouse in the city of New York. The bill is not a long one in the reading, and I believe no objection will be made to it.

I ask that this may be done now, as, under the order of the Senate, I am obliged to leave the city this evening to go to New York.

The PRESIDING OFFICER. The Senator from New York asks that the pending bill be temporarily laid aside in order that the Senate may proceed to the consideration of the bill which he has indicated. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4224) for the erection of a new customhouse in the city of New York, and for other purposes.

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

That there shall be erected in the city of New York a new customhouse, on the site which has been selected and designated therefor by the Secretary of the Treasury, under the terms of an act entitled "An act for the erection of an appraiser's warehouse in the city of New York, and for other purposes," approved September 14, 1888, and any act or acts amendatory thereof, at a cost not to exceed the sum which shall be derived under section 2 of this act, in addition to any sum or sums which may be available under the provisions of said act; and the Secretary of the Treasury shall cause plans and estimates to be made by the Supervising Architect of the Treasury for the erection of said new customhouse building.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to sell at public auction, or at private sale after due advertisement, to the highest bidder, for not less than four million of dollars, the present customhouse property in the city of New York, bounded by Wall, William, and Hanover streets and Exchange Place. The proceeds of such sale, after the payment of the usual incidental expenses and commissions, shall be covered into the Treasury of the United States and is hereby appropriated and made available for the purpose of constructing the new customhouse building as herein and hereby provided; and in case of such sale the Secretary of the Treasury shall lease said premises from the purchaser or purchasers thereof, at a rental which shall not exceed 4 per centum per annum on the purchase price, for use as a customhouse until the new customhouse shall be ready for occupancy, upon such terms as he may deem advantageous, and such sale shall be subject to such right of lease, and the Secretary of the Treasury is hereby authorized to sell said customhouse property and receive the purchase price in several payments from time to time as he may deem most advantageous: *Provided, however,* That the use, occupation, and possession of said property shall not be surrendered until the new customhouse is ready for occupation and the final payment is fully made.

SEC. 3. That the Secretary of the Treasury be, and he is hereby, authorized to appoint five citizens of the State of New York who shall be designated as United States building commissioners, and who shall be charged with the erection and construction of the new customhouse building, as herein provided for. And such commissioners, or a majority of them, subject to the approval of the Secretary of the Treasury, shall have full power to advertise for proposals for contracts for the erection of said customhouse, or the several parts thereof; and the offers in response to such proposals, if they shall not exceed in the aggregate the amount available under this act for the completion of said customhouse, and if they shall be otherwise satisfactory to said commissioners and to the Secretary of the Treasury, shall be accepted, in whole or in part; but in case such offers shall exceed said limits of cost, or be otherwise unsatisfactory, then said commissioners or a majority of them shall have full power and authority to purchase all materials, contract for and employ all necessary labor, including skilled and professional services, with or without advertisement; and said Secretary shall fix a fair and reasonable compensation for the services of such commissioners, to be paid out of any appropriation or appropriations for the construction of said new customhouse.

SEC. 4. That no appropriation is made by this bill in addition to the sum or sums already appropriated or available for this purpose under the provisions of an act entitled "An act for the erection of an appraisers' warehouse in the city of New York, and for other purposes," approved September 14, 1888, and any act, or acts amendatory thereof, together with the sum or sums to be derived from the sale of the present customhouse property in the city of New York, as herein provided.

SEC. 5. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. McPHERSON. May I inquire if this is a House bill?

The PRESIDING OFFICER. It is a Senate bill.

Mr. McPHERSON. Is there any report accompanying the bill?

The PRESIDING OFFICER. There is no written report.

Mr. McPHERSON. It would seem to me as though this was a pretty large subject.

The PRESIDING OFFICER. The Chair will inform the Senator from New Jersey that there is no written report. The committee has reported an amendment, however, striking out all after the enacting clause, which has been read.

Mr. McPHERSON. My attention has been called to the fact that the bill provides for the sale of the present customhouse property in New York for a sum not less than \$4,000,000, and it appropriates that \$4,000,000 towards the construction of a new customhouse, and the site is to be an extra cost?

Mr. HISCOCK. What is the last remark of the Senator from New Jersey?

Mr. McPHERSON. The site for the proposed building is to be a cost extra to the \$4,000,000, as already provided in the bill.

Mr. HISCOCK. But it has been already appropriated for.

Mr. McPHERSON. I understand that there has been an appropriation made heretofore for the purchase of a site, which appropriation was for the purchase of a site for a customhouse and for appraisers' stores together, as I understood it.

Mr. HISCOCK. Yes.

Mr. McPHERSON. Then, that leaves for the purposes of the customhouse all the money that we appropriated for a site for the purchase of appraisers' stores and customhouse combined, and the \$4,000,000 at least for the construction of the building.

Mr. HISCOCK. The Senator is right.

Mr. McPHERSON. It would seem to me as though it was an extraordinary expenditure of money, and more than is really needed for such a purpose.

Mr. HISCOCK. I do not see how that is possible. It has been thoroughly investigated by the Treasury Department, and recommended strongly. Originally, as the Senator remarked, there was an appropriation of \$2,000,000 for the purchase of a site for both appraisers' stores and customhouse. The merchants of New York and those interested finally concluded that it was best that the sites should be separated, and therefore \$500,000 of it (and it can not exceed that amount) is to be expended under a subsequent law for the purchase of the site for appraisers' stores, and the balance, \$1,500,000, is to be expended for the purchase of this site.

Then there is a limitation put upon the price that the present customhouse building may be sold for, and that sum of money is to be expended in the building of a new customhouse. The crowded condition of the old customhouse and the very limited space there is well known. The bill has been unanimously reported by both the committee of the Senate and of the other House. I certainly hope the Senator will make no objection to it.

Mr. McPHERSON. I should like to make an inquiry of the Senator from New York, if he will be so kind as to give the information. If I understand him correctly, it was \$2,000,000 that was appropriated for the purchase of a site and the construction of appraisers' stores, and that amount also included the amount for the purchase of a site for a customhouse. Now, what part of that sum of \$2,000,000 will be needed for the purchase of a site for appraisers' stores and the construction of the building?

Mr. HISCOCK. There was \$2,000,000 appropriated for the purchase of a site alone, and exactly \$500,000 of that is to be required for the purchase of a site for the appraisers' stores. My recollection is that either \$500,000 or \$600,000 was appropriated for the building of those stores.

Mr. McPHERSON. The Senator must be aware of the fact that that will be entirely insufficient.

Mr. HISCOCK. The Senator from Wisconsin [Mr. SPOONER] informs me that \$800,000 is the exact amount that was appropriated for the building for the appraisers' stores.

Mr. McPHERSON. That leaves \$700,000; and if the customhouse should sell for \$4,000,000, that will leave \$4,700,000 appropriated for this building.

Mr. HISCOCK. The result would be that the cost of the erection of the two buildings would be in excess of the sum which must be realized from the sale of the customhouse, and in excess of that amount there would be an appropriation of \$700,000.

Mr. McPHERSON. And still it is not an appropriation for the purchase of a site?

Mr. HISCOCK. Not an appropriation for the purchase of a site?

Mr. McPHERSON. I understand not.

Mr. HISCOCK. That has already been appropriated for.

The PRESIDING OFFICER. The question is on the adoption of the amendment reported by the committee, to strike out all after the enacting clause and insert what has been read.

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.

IOWA JUDICIAL DISTRICTS.

Mr. WILSON, of Iowa. I ask that House bill 6586 may be taken up for consideration. It is a very short bill, and will not lead to any discussion.

The PRESIDING OFFICER. The Senator from Iowa asks that the pending order be informally laid aside in order that the Senate may proceed to the consideration of the bill indicated. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6586) amending the act of July 20, 1892, dividing the State of Iowa into two judicial districts.

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

UNITED STATES COURTS IN IDAHO.

Mr. McCONNELL. I have obtained the privilege of the floor from the Senator from Nebraska [Mr. PADDOK] that I may call up Senate bill 4924, and I ask the unanimous consent of the Senate to proceed to the consideration of that bill.

The PRESIDING OFFICER. The Senator from Idaho asks that the pending bill may be informally laid aside, and that the Senate proceed to the consideration of the bill (S. 4924) to provide the times and places for holding terms of the United States courts in the State of Idaho.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 2, line 2, to strike out the word "State" and insert the word "district;" and in line 3, to strike out the word "law" and insert the words "this act;" so as to make the section read:

That the circuit court of the United States in and for the district of Idaho shall be held at the times and places provided by this act for the holding of the United States district court in and for said district, and one grand and one petit jury only shall be summoned to serve in both said courts when held at the same place.

The amendment was agreed to.

The next amendment was, in section 4, line 2, after the word "circuit," to strike out "court" and insert "courts;" so as to read:

That all civil suits not of a local character, which shall be brought in the district or circuit courts of the United States for the district of Idaho, in either of the said divisions, against a single defendant, or where all the defendants reside in the same division of said district, shall be brought in the division in which the defendant or defendants reside, or if there are two or more defendants residing in different divisions, such suit may be brought in either division, and all mesne and final process subject to the provisions of this act, issued in either of said divisions, may be served and executed in either or all of said divisions.

The amendment was agreed to.

The next amendment was, in section 6, line 8, to strike out "statute" and insert "law;" in line 9, to strike out "contrary to the provisions of," and insert "not named in;" in line 12, to strike out the word "court" and insert "courts;" in line 12, to strike out the words "last named" and insert "now provided by law;" and in line 16, to strike out the words "had said existing statute not been passed" and insert "in the existing terms of said courts had this act not been passed;" so as to make the section read:

That the terms of the district court for the district of the State of Idaho shall be held at the town of Moscow, beginning on the first Monday in February and the first Monday in July in each year; at the city of Boise, beginning on the first Monday in April and the first Monday in November; at the city of Blackfoot, beginning on the first Monday in May and the first Monday in September in each year. And the provision of law now existing for the holding of said courts on any day not named in this act is hereby repealed, and all suits, prosecutions, process, recognizances, bail bonds, and other things pending in or returnable to said courts on the days now provided by law are hereby transferred to and shall be made returnable to and have force in the said respective terms in this act provided in the same manner and with the same effect as they would have had in the existing terms of said courts had this act not been passed.

The amendment was agreed to.

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

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

IRA A. STOUT.

Mr. HARRIS. I ask the unanimous consent of the Senate at this time to proceed to the consideration of the bill (H. R. 11926) granting a pension to Ira A. Stout. The beneficiary is quite an old man, a citizen of Tennessee, who served in the Florida war.

The PRESIDING OFFICER. The Senator from Tennessee asks unanimous consent to proceed to the consideration of the bill indicated by him.

Mr. PADDOCK. I will yield to the Senator from Tennessee if it takes no time.

Mr. HARRIS. If it takes three minutes I shall withdraw the request. I do not think it will take one.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll of the United States the name of Ira A. Stout, formerly a private in Capt. James P. Grundy's company, Col. William P. Trousdale's Second Regiment Tennessee Volunteer Infantry, in the Florida war, at the rate of \$20 per month.

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

SELECT COMMITTEE ON THE MEAT PRODUCT.

Mr. PADDOCK. On the appeal of the Senator from Missouri [Mr. VEST] I yield to him to present a resolution.

Mr. VEST. I offer a resolution which will lead to no debate. I wish to state that it entails no additional expense. It is a matter which the committee want to close up. It is a merely formal matter.

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

Resolved, That the Select Committee on Transportation and Sale of Meat Products be authorized to continue its investigations with all duties and powers authorized by the resolutions of the Senate relating to that committee of May 16, 1888, December 6, 1888, and of December 2, 1890, during the coming recess, and report to the next session of the Senate.

INDIAN DEPREDAATION CLAIMS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8150) to provide for the adjudication of claims arising from Indian depredations.

Mr. PADDOCK. Mr. President, the pending bill has been twice before considered somewhat at length in the Senate in the morning hour. The bill was read at length, the report was considered, and the Senator from Washington [Mr. ALLEN] and myself on behalf of the committee submitted some observations respecting the bill. Also, the Senator from Oregon [Mr. DOLPH] submitted a statement as to the legal aspect of the theory upon which the bill is based.

The question before the Senate as the bill stands is upon the amendment in the nature of a substitute reported from the committee for the bill passed by the House of Representatives. That is the parliamentary stage of the legislation.

The House bill provides for the creation of a separate and distinct tribunal for the consideration of Indian depredation claims, some hundreds of which have been presented to Congress in times past for special acts. The Senate bill provides that the circuit and district courts of the United States shall have jurisdiction in respect of these claims; the Court of Claims has general jurisdiction; the circuit courts to have concurrent jurisdiction with the Court of Claims in all cases above \$2,000, and the district courts of the United States to have jurisdiction of all cases under \$2,000.

The limitations of the House bill are somewhat different from those of the Senate bill. The House bill authorizes the tribunal which it proposes to create to consider all claims except those which originated before 1847.

The Senate bill authorizes the consideration of all claims, including those which originated before 1867, if the same shall have been filed with the Secretary of the Interior or shall have been filed with either House of Congress, in support of claims for the passage of special acts.

These are the most essential differences between the two bills. The Senate committee believed it would be wiser to pass the bill which it framed and submitted to the Senate and which imposes the duty upon the courts which I have named to consider these cases and to adjudicate and determine them.

I believe that is all I desire to say now in the presentation of the subject. I may wish to enter more fully into the discussion of the proposition as the consideration of the bill progresses.

Mr. CHANDLER. Mr. President, I was not present in the Senate when this bill was discussed on a previous occasion. As a member of the Select Committee on Indian Depredations, from an Eastern State, I desire to state briefly the reasons why I am in favor of the passage of a bill providing a tribunal for the settlement of these claims, and also why I am in favor of the Senate bill rather than the House bill. I can have no interest in any of these claims, and believe that the view which I take of the subject is an impartial one.

I find that this bill ought to be adopted and these claims adjudicated

and paid, notwithstanding the amount involved is quite a large sum. I will first state about the amount which I understand will be involved in the passage of this bill, in order that the Senate may perceive that the amount is large, and also in order that it may be seen that the amount is not so large as exaggerated accounts may have led Senators to believe.

In the report which is before the Senate, made from the committee by the Senator from South Dakota [Mr. MOODY], Report No. 1016 of the present Congress, which accompanies Senate bill 3333, which is proposed as a substitute for the House bill, on page 10, a statement is made as to the amount involved, which I shall read. The report says:

In the report of the House Committee on Indian Depredation Claims it is stated that since 1885 there have been investigated with great care and labor, and at much expense to the Government, eleven hundred claims, involving a total sum of \$4,000,000. But few of these have been allowed for amounts originally claimed. Some have been entirely disallowed, and the remainder have been reduced to correspond with the facts, and \$1,300,000, or 32½ per cent. of the \$4,000,000, have been allowed. It is also stated that during all the period since the claims have been pending Congress has appropriated by special act \$1,654,530.

Appended to the Senate report is the House report, made March 26, 1890, House Report No. 1079, to accompany House bill 8150, which is the bill now before the Senate, with the Senate substitute proposed as an amendment. That report was made by the member of the House from Oregon, Mr. HEEMANN, and on page 15 a statement is made as to the amount which is involved in these claims in accordance with the judgment of the House committee. The statement is as follows:

Between 1850 and 1855 three thousand eight hundred and forty-six claims were filed, involving \$13,000,000. Of these, two hundred and twenty-five claims have been paid. With the act of March 3, 1855 (23 Stat., 376), commenced the system of annual appropriations for the investigation of Indian depredation claims, and which authorized the Secretary of the Interior to expend these appropriations for such purpose. The further act of 1896 appropriated \$20,000 for continued investigation, and included all claims previously barred by the limitation of the act of 1834. These appropriations and the investigations made thereunder have continued up to the present day. Since 1885 one thousand eight hundred and sixty-four have been filed.

Further on the House report says:

Pursuant to these various acts, the Interior Department has had presented to it from various claimants, in different States and Territories of the Union, 5,710 claims, involving, as per claimants' valuation, about \$19,000,000. It has investigated, with great care and labor, since 1885, and at much expense to the Government, 1,100 claims, involving a total sum of \$4,000,000. But few of these have been allowed for amounts originally claimed. Some have been entirely disallowed, and the remainder have been reduced to correspond with the facts, and \$1,300,000, or 32½ per cent. of the \$4,000,000 have been allowed. Congress has appropriated by special acts \$1,654,530.

From these figures contained in the reports it therefore appears that the maximum amount of claims which have been presented in any form during all the years of the past has reached \$19,000,000. It also appears that there has been a reduction of an average of 67 per cent. from all claims that have been presented. If you take the largest amount and consider that not more than one-third will be finally allowed and adjudicated the amount in this bill will not exceed at the outside the sum of \$6,000,000. In my belief the amount that will be finally paid according to the terms of the bill will be less than \$5,000,000. That is my candid judgment according to the best information that I can obtain on the subject.

Mr. MITCHELL. May I call the attention of the Senator to one point?

Mr. TURPIE. I should like to ask the Senator from New Hampshire what bill he refers to by the phrase "this bill"?

Mr. CHANDLER. I will answer first the question of the Senator from Indiana.

Mr. TURPIE. Does the Senator refer to the House bill or the Senate bill?

Mr. CHANDLER. It is my belief that adjudication under the Senate bill will not result in the payment of over \$5,000,000 from the Treasury of the United States. I will now yield to the Senator from Oregon.

Mr. MITCHELL. I understood the Senator from New Hampshire to say that the total aggregate of claims presented according to this report up to the date of the report was \$19,000,000; that \$4,000,000 of those \$19,000,000 had been investigated. Then I understood the Senator to say that a reduction of 33½ per cent. was made in that amount. Is he not mistaken about that? Was not only 32½ per cent. of the amount allowed, so that the reduction was over 66 per cent.?

Mr. CHANDLER. I perhaps was not accurate. I meant to say that only one-third was allowed.

Mr. MITCHELL. That there may be no misunderstanding, I will state that only 32½ per cent. has been allowed. Some of the claims were rejected as a whole, and the claims were reduced 32½ per cent., and so the reduction was really more than 33½ per cent. on the whole amount.

Mr. CHANDLER. Mr. President, dealing in round numbers, we will suppose that there will be adjudicated under the Senate bill claims to the amount of \$18,000,000, and if the percentage of one-third were allowed there would be \$6,000,000 as the total. That I put at the maximum.

Mr. SPOONER. The Senator assumes in his statement that the only claims which will be presented to the court under the provisions of

the bill are claims which have been already presented to the Department and have either been adjudicated or are awaiting examination and adjudication.

Mr. PADDOCK. None others can be presented unless they are presented within ninety days after the passage of the act.

Mr. SPOONER. That may be. The question which I wanted to put to the Senator from New Hampshire is, whether any claim under the provisions of this bill which originated since 1867, whether it has been presented to the Department or not, is not suable, and what reason the Senator has for assuming that all of the claims for Indian depredations throughout the United States which have originated since 1867 have been presented to the Department. Of course it is important to ascertain if we can whether the amount involved in the bill is \$19,000,000 or \$50,000,000.

Mr. CHANDLER. The only answer I can make to that is that Congress has made appropriations in various acts for the investigation of these claims; the presentation has been made of claims, and they have been carefully investigated so far as examinations have extended; and it is my belief that there are no substantial outstanding claims which have not been hitherto presented to the Secretary of the Interior. That is a matter of inference, of course, but it is the belief, I think, of the members of the Senate committee that there are no claims which are likely to come before this tribunal which have not been hitherto presented to the Secretary of the Interior. Therefore I cling to the belief that the total amount which will be required under the Senate bill will not exceed \$5,000,000 or \$6,000,000.

Mr. President, I proceed to state the reason why I am unable to be a party to refusing any longer an adjudication of these claims. They have been presented, many hundreds of them, to Congress and to the Departments. They have been adjudicated in pursuance of statutes which Senators will find quoted in the report of the Senate committee, and there have been partial payments made amounting, as has been stated, to about \$1,600,000. The other claims remain, many unadjudicated, and all unpaid; and the condition of affairs is now such that I am obliged to say that I think the Government is committing a gross breach of faith in not adjudicating these cases promptly and then in making payment in accordance with the adjudication.

I find that the Congress of the United States, in deliberately enacted statutes, has made four promises to pay these claims. The first statute is that of May 19, 1796, when, after providing for a method of ascertaining the amount of the damages committed by Indian depredations, the statute proceeds as follows:

And, in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guaranty to the party injured an eventual indemnification.

That is in the act of 1796. Again, I read from act of March 3, 1799:

And, in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guaranty to the party injured, an eventual indemnification.

Again, in the act of March 30, 1802, a similar act, in this language:

And, in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guaranty to the party injured an eventual indemnification.

Again, in the act of June 30, 1834, are the words:

And, in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guaranty to the party so injured an eventual indemnification.

So, in these four acts this solemn and deliberate promise was made to these claimants, and I ask, How can the United States any longer delay making that indemnification in justice to its own plighted faith and promise? Mr. President, I am unable to see what excuse there can be for any longer delay. When does a promise to make eventual indemnification become an absolute promise to make immediate indemnification if not in this case? The members of the Senate committee have been unable, I believe any of them, to reach a conclusion that there was any other fair and honest and decent and just way to deal with these claims which have been presented, and so many of them adjudicated under statutes containing this language, except to now proceed without further delay to pass an act for ascertaining the amounts to which these parties are entitled, and then to cause them to be paid, if not from the funds of the Indians then from the Treasury of the United States.

This, Mr. President, is the whole point in this case, the gist and substance of this whole claim which is made by the various bills which have been presented to the Senate. Shall the United States, after having four times in these acts, extending all the way down from 1796 to 1834, having made these promises, any longer remain in default and refuse to adjudicate, and continue the distress and misery that is being brought upon these claimants, who have for so many years been seeking that which from the foundation of the Government has been promised to them by the United States, to wit, an eventual indemnification for all their losses sustained?

Mr. President, the only other points to which I care to allude are evident from a consideration of the difference between the House bill and the Senate bill. The House bill provides apparently that all Indian claims whatever shall be paid. On page 2 of the House bill,

section 2, as to a special tribunal created by the House bill, it is provided as follows:

The said judges shall constitute a court to be known as the court of Indian depredations, and shall have a seal with such device as it shall order, and as such court shall possess jurisdiction and authority to inquire into and finally adjudicate, in the manner provided in this act, all claims heretofore filed in the Departments or presented to Congress of the following classes, namely:

First, All claims for property of citizens of the United States taken or destroyed by Indians without just cause or provocation on the part of the owner or agent in charge, and not returned or paid for.

Mark the language:

First, All claims for property of citizens of the United States taken or destroyed by Indians without just cause or provocation on the part of the owner or agent in charge, and not returned or paid for.

While the Senate bill, as it appears on page 10, limits the class of claims which are to be paid as follows:

First, All claims for property of citizens of the United States taken or destroyed by Indians belonging to any band, tribe, or nation in amity with the United States, without just cause or provocation on the part of the owner or agent in charge, and not returned or paid for.

The difference is simply this, that the Senate bill limits the claims to those for property taken or destroyed by Indians belonging to any band, tribe, or nation in amity with the United States, while the House bill makes no limitation whatever, but provides for paying all claims for property of citizens of the United States taken or destroyed by Indians without just cause or provocation on the part of the owner or agent in charge and not returned or paid for. That is to say, under the House bill there is no imaginable claim for property taken or destroyed by Indians that is not to be paid for. By the Senate bill only those claims are to be paid which are for property taken or destroyed by Indians belonging to tribes in amity with the United States.

The House bill undertakes to open the door to claims of Indians in avowed war against the United States or Indians with whom the United States is in avowed warfare. The Senate committee have not been willing to adopt so broad a basis for the payment of claims, and the reason why is very evident. I read from the various statutes from which I have quoted the United States guaranty of eventual indemnification. The act of May 19, 1796, provides:

That if any Indian or Indians, belonging to any tribe in amity with the United States, shall come over or across the said boundary line into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse, horses, or other property—

Then indemnity shall be made. The act of 1799 uses like language:

That if any Indian or Indians, belonging to any tribe in amity with the United States, shall come over or cross the said boundary line—

The act of March 30, 1802, provides in the very first line:

That if any Indian or Indians, belonging to any tribe in amity with the United States, shall come over or cross the said boundary line.

So also the act of June 30, 1834, provides:

That if any Indian or Indians belonging to any tribe in amity with the United States shall, within the Indian country, take or destroy the property of any person lawfully within such country, or shall pass from the Indian country into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse, horses, or other property, etc.—

Then and there indemnity shall be made. It will be seen, Mr. President, that the Senate committee in reporting the Senate bill have confined the obligations of the United States to convert this guaranty of eventual indemnity into an absolute guaranty to that class of depredations which have been four times described in the various acts from which the liability of the United States is to be derived. The committee did not feel in this act like creating any new claim. They felt that it was due to these claimants that the necessary statutory obligations of the United States to make eventual indemnity should be converted into real and substantial and actual indemnity by payment, but the committee did not feel that they were called upon in a bill of this kind to open the door to any new or additional claims other than those specifically described in the acts upon which the liability of the United States is based.

The next difference between the House bill and the Senate bill is in reference to the statute of limitations. The Senate bill, on page 11, section 4, excludes all claims accruing prior to January 1, 1867, unless previously presented either to Congress or to the Secretary of the Interior. I will read the language:

That no claim accruing—

Mr. WOLCOTT. Is the Senator reading from the House or Senate bill?

Mr. CHANDLER. I read from page 11 of the bill in italics, the Senate clause:

SEC. 4. That all questions of limitations as to time and manner of presenting claims are hereby waived, and no claim shall be excluded from the jurisdiction of the court because not heretofore presented to the Secretary of the Interior or other officer or Department of the Government: *Provided*, That no claim accruing prior to January 1, 1867, shall be considered by the court unless the claim has been allowed or pending, prior to the passage of this act, before the Secretary of the Interior or the Congress of the United States; but no case shall be considered pending unless evidence has been presented therein.

That is the language of the Senate bill, and it is carefully limited. It limits the operation of the bill to claims which have accrued since January 1, 1867, unless the claim has been presented either in Congress or to the Secretary of the Interior and some evidence has been presented therein. The Senate committee deem that to be a liberal and a wise statute of limitations.

Mr. DOLPH. Can the Senator state the reason why 1867 was fixed upon?

Mr. CHANDLER. I do not know exactly why that date was fixed upon, but it was thought that twenty-four years would be a very good limitation. I am not able to state why that exact date was fixed.

Mr. DOLPH. If the Senator will allow me, I think it ought to have been made at the time when the act of 1834, which provided that there should be immediate payment out of the Treasury by the Secretary of the Interior, was repealed by Congress.

Mr. CHANDLER. Mr. President, it is to be noticed that this is not an absolute statute of limitations. The claims that accrued prior to January 1, 1867, may be considered, provided they had been presented and were at any time pending either in Congress or before the Secretary of the Interior, with some evidence in their favor. The Senate committee thought that it was not best to include in this adjudication any claim which had not accrued within the last twenty-four years, or if not so accruing had never been presented with evidence to sustain it either to the Congress of the United States or the Secretary of the Interior.

Mr. EDMUNDS. I should like to ask my friend from New Hampshire to turn his attention to the second clause of the first section of the bill, on page 10, line 13, which provides that all claims by Indians, and those are Indian claims for wrongs done them—I need not read it clear through—shall be considered, and so on; and then, on page 11, section 3, referring to the same claims by Indians, the bill declares:

That no claim referred to in the second subdivision of section 1 of this act shall be allowed by the court unless substantiated to the satisfaction of the court by the testimony of some credible witness having a personal knowledge of the facts, and who is not of the Indian race.

I call his attention to the circumstance that the jurisdictional clause as to claims of Indians on account of wrongs done them is limited by declaring that no Indian shall be enabled to tell the story of his own wrong. Is that right?

Mr. CHANDLER. That is not the correct way to state it, if the Senator pleases. The Indian has, I suppose, before this tribunal or before any tribunal a perfect right to tell the story of his own wrongs; but it is true that both the House bill and the Senate bill provide that no claims in behalf of Indians for damages done them by the unlawful destruction or taking of property by a white man, or any tribe or nation belonging to the United States or in amity therewith, shall be considered substantiated unless there is in addition to the Indian testimony the testimony of some one credible witness that is not of the Indian race. That is a provision which I do not now undertake to discuss. The Senators more familiar with the reason for making that discrimination than I will doubtless take some notice of the Senator's desire to be informed why this discrimination is made.

Mr. EDMUNDS. I certainly do desire it, because, if my friend will pardon me, I think it is an outrage upon justice.

Mr. DOLPH. If the Senator will allow me, I will state that while we have no law for the payment of the claims of citizens of the United States for property destroyed by Indians, and the law has simply required them to be presented to the Interior Department and examined and reported to Congress for the last thirty years, there has been all the time a statute in force providing for the payment to Indians of claims for damages committed by citizens, and I will read the statute. It is now sections 2154 and 2155 of the Revised Statutes:

SEC. 2154. Whenever, in the commission, by a white person, of any crime, of fence, or misdemeanor, within the Indian country, the property of any friendly Indian is taken, injured, or destroyed, and a conviction is had for such crime, offense, or misdemeanor, the person so convicted shall be sentenced to pay to such friendly Indian to whom the property may belong, or whose person may be injured, a sum equal to twice the just value of the property so taken, injured, or destroyed.

SEC. 2155. If such offender shall be unable to pay a sum at least equal to the just value or amount, whatever such payment shall fall short of the same shall be paid out of the Treasury of the United States. If such offender can not be apprehended and brought to trial, the amount of such property shall be paid out of the Treasury. But no Indian shall be entitled to any payment out of the Treasury of the United States, for any such property, if he, or any of the nation to which he belongs, have sought private revenge, or have attempted to obtain satisfaction by any force or violence.

So there has been a provision of law existing all the while, and in force to-day, by which, if a white person commits a crime upon an Indian by the destruction of his property or injury to his person, and is convicted, he pays twice the amount. If he is unable to pay the full value of the property destroyed or taken, the United States supplements his payment with enough to make the full value, and if the person can not be apprehended and brought to trial, it is provided that the United States shall pay out of the Treasury the full value of the property destroyed by the white person.

Mr. EDMUNDS. Will my friend from New Hampshire permit me?

Mr. CHANDLER. With pleasure.

Mr. EDMUNDS. I have to say that that does not touch the precise point to which I was calling attention in respect of the administration of justice. Whether the second clause of the first section is a good clause or not a good clause is another question entirely; I mean the clause which provides for the payment to Indians for wrongs done by white men. There are some persons who think it is a good clause and some who think it is not. I think it a good one.

But now we provide a tribunal, established by the United States, the Court of Claims, a permanent court, and we tell that Court of Claims that, no matter what they may think the truth to be upon all the evidence, from whomever it comes, they shall not do justice to the Indian unless he can prove his case by a white man. That is what I say is an outrage upon justice and humanity.

Mr. CHANDLER. Mr. President, section 3 of the Senate bill, which requires the testimony in behalf of an Indian claim to consist in part, at least, of the statements of one witness who is not of the Indian race, is a separate section by itself, and it is very easy for the Senator from Vermont to move to strike it out if he thinks that injustice will be done. I do not myself—

Mr. EDMUNDS. I should like to make that motion now, because I think it shocks all sense of justice.

Mr. CHANDLER. I have no doubt the Senator will be here after I get through, and I should prefer that he make the motion then, if it will be just as agreeable to him.

Mr. EDMUNDS. Perfectly so. I shall be here.

Mr. CHANDLER. The point to which I was alluding when the Senator from Vermont made his inquiry was the difference between the statute of limitations as provided in the Senate bill and that in the House bill. I showed that the statute of limitations in the Senate bill allows claims which have accrued since January 1, 1867; provided, however, that any claim which accrued anterior to that date, no matter how far back, shall be considered by this tribunal, if it has ever been presented either to Congress or to the Interior Department, with some evidence to substantiate the same. Comparing that provision with the House bill, I am unable to determine what the statute of limitations is as to claims in that bill.

I desire to call the attention of Senators who advocate the House bill, if there be any such, in preference to the Senate bill, particularly the Senator from Oregon [Mr. MITCHELL], to the two clauses in the House bill, the suggestion having been made that the House bill is preferable to the Senate bill.

I have stated the class of claims to which the Senate bill applies, that is, all claims except those which accrued prior to January 1, 1867, claims accruing before that time and not presented either to Congress or to the Interior Department with evidence in their support.

Now, turning to the House bill, on page 2, section 2, I find this clause, which I beg to read:

The said judges shall constitute a court to be known as the court of Indian depredations, and shall have a seal with such device as it shall order, and as such court shall possess jurisdiction and authority to inquire into and finally adjudicate, in the manner provided in this act, all claims heretofore filed in the Departments or presented to Congress of the following classes, namely:

While on the third page, directly opposite, there is this provision:

All questions of limitations as to time and manner of presenting claims are hereby waived, and no claim shall be excluded from the jurisdiction because not heretofore presented to the Secretary of the Interior or other officer or Department of the Government.

It seems to me the Senator in charge of this bill will see that the two clauses are diametrically opposite. A tribunal is created by the House bill for the purpose of adjudicating only those claims filed in the Department or presented to Congress. On the next page it is provided that no claim shall be excluded because it has not been presented to the Department or to Congress.

Mr. PADDOCK. That clause is qualified by the proviso which follows:

Provided, That no claim accruing prior to January 1, 1847, shall be considered by the court.

Mr. CHANDLER. That undoubtedly is true. There is the limitation. The House bill provides January 1, 1847, and the Senate bill provides January 1, 1867, but the Senate bill is carefully limited to claims heretofore presented with evidence to sustain them, without regard to the time when presented with evidence to sustain them, while the House bill, having first said that claims were to be adjudicated which were heretofore filed in the Department, goes on to say that no claim shall be excluded because not heretofore filed in the Department. Therefore, I take it, every Senator will admit there is a discrepancy in the House bill there, which would need to be very seriously modified before the House bill should become a law.

Mr. PADDOCK. While the Senator is on that point, I wish to say that the committee was not unanimous as to the question of limitation. There was a division in the committee in reference to that limitation. I myself, for one, and at least two other members of the committee were not satisfied to place the limitation at 1867, and to apply to no claims except those that were absolutely pending before that time, because if there were any claims that were good before 1867, whether they were pending or not, those that were not pending as well as those that might be pending, ought, if they should be presented, to be fairly and properly considered.

I state that as the view of an individual member of the committee, but standing as I do, representing the committee in the consideration of the bill, I do not care to make any argument on that line.

Mr. EDMUNDS. Mr. President, my friend from New Hampshire [Mr. CHANDLER] permits me at this time, so that it will be the pending question, to move to amend the amendment of the committee by

striking out section 3, on page 11, of the committee's amendment, which provides against Indian testimony, in effect, as I understand it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out section 3, as follows:

SEC. 3. That no claim referred to in the second subdivision of section 1 of this act shall be allowed by the court unless substantiated to the satisfaction of the court by the testimony of some creditable witness having a personal knowledge of the facts, and who is not of the Indian race.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Vermont [Mr. EDMUNDS].

Mr. PADDOCK. Mr. President—

Mr. EDMUNDS. The Senator from New Hampshire [Mr. CHANDLER] yielded to me temporarily. He is entitled to the floor.

Mr. PADDOCK. I do not wish myself to interpose any objection to this amendment. I understand the Senator from New Hampshire has yielded to allow the amendment to be offered, and perhaps the Senator will allow me to say a word.

Mr. CHANDLER. I gladly yielded to the Senator from Vermont to make a motion, but I would prefer not to turn this debate into a discussion of that clause. If no one objects to the passage of the amendment, I am willing that it should be adopted.

Mr. PADDOCK. I was about to say, so far as I am concerned as a member of the committee, that I do not object to the amendment myself. However, I will say I do not believe it altogether safe or wise that the provision should be so amended. I think that the testimony of an Indian ought to be substantiated by the testimony of one or more white men. I do not believe it is a safe rule to establish, and I do not think it is a rule which has been recognized from the beginning.

Mr. CHANDLER. I do not yield for the discussion of that point at this time.

The PRESIDING OFFICER. The Chair understands the Senator from New Hampshire to decline to yield.

Mr. PADDOCK. Then I ask that the vote on the amendment may be deferred until I may have an opportunity to say a word in regard to it.

Mr. DOLPH. I wish to state that I agree—

Mr. CHANDLER. If the Senator wishes to speak to the point I made I shall be glad to hear him.

Mr. DOLPH. I do. I agree with the Senator that there is a conflict between that provision of the House bill providing for the court and their jurisdiction and as to the other provision in regard to the statute of limitations; but the last provision being the last expression of the legislative will, I suppose would control and would determine the jurisdiction of the court as to these claims.

The PRESIDING OFFICER. The Chair will state the pending question, which is the motion of the Senator from Vermont [Mr. EDMUNDS] to amend the amendment of the committee by striking out the third section of the committee's amendment. The Senator from New Hampshire [Mr. CHANDLER] is entitled to the floor.

Mr. CHANDLER. At any rate, Mr. President, the statute of limitations in the Senate bill is clear and distinct, and, as I believe, it is broad and liberal.

In justice to the Senator from Nebraska [Mr. PADDOCK] it is proper that I should say that he is correct in his statement that on the question of the time of limitation to be fixed there was not unanimity in the committee. I do not think in the remarks which I have made, speaking of the unanimity of the committee, I have undertaken to say that the committee were unanimous upon that point, because I understood distinctly that they were not. When I spoke of the unanimity of the committee I meant the unanimity of the committee in reaching the conclusion that these often-repeated guaranties that there should be an eventual indemnification for these losses should now be made good.

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

Mr. CHANDLER. Certainly.

Mr. MITCHELL. The Senator understands that under the substitute for that provision any claim which has accrued since the 1st of January, 1867, can be presented to the court, whether it has ever been presented or not to the Department or to Congress.

Mr. CHANDLER. Certainly. The only exclusion is of claims which accrued more than twenty-four years ago and which yet never to this hour have found their way upon the records of Congress or into the Departments with evidence in their behalf. I say, therefore, that that clause is a very broad and liberal clause, and too broad and too liberal, in the judgment, I think, of some members of the committee. After differences of opinion on that subject, this clause was finally agreed upon as now reported to the Senate, and whatever criticisms may be made upon it, it is certainly preferable to the clauses constituting the limitations of the House bill, which are incongruous and contradictory.

Mr. WOLCOTT. Will the Senator explain section 4?

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. CHANDLER. I yield.

Mr. WOLCOTT. Does it mean that these claims may be presented, provided they were not made prior to and do not go back of January,

1867, but they may go back of that date provided they were filed and evidence was filed in support of them?

Mr. CHANDLER. Certainly.

Mr. WOLCOTT. Now, what is the section which the Senator says is incongruous?

Mr. CHANDLER. The sections of the House bill on pages 2 and 3.

Mr. WOLCOTT. But not in the Senate bill?

Mr. CHANDLER. No, sir; the provisions of the House bill, with which I was contrasting the provisions of the Senate bill.

Any claim whatever that has accrued within the last twenty-four years, whether it has ever been presented or not, may be presented to this tribunal; but when you go back of January 1, 1867, no claim can be considered without the further consent of Congress, unless it has been at some time prior to the passage of this bill presented to Congress or to the Department, with evidence in its behalf.

Mr. DAVIS. What is the limitation of the House bill?

Mr. CHANDLER. The limitation of the House bill is January 1, 1847, and the limitation of the Senate bill with this qualification, which takes away nearly all its force, is January 1, 1867.

Mr. MITCHELL. I inquire of the Senator if he can think of any objection to striking out the date "1867" and making it "1865," which would allow two years longer? Would there be any material objection to that amendment in line 7 of section 4?

Mr. PADDOCK. I suggest to the Senator that if any change is made it ought to be brought down, as his colleague suggested, to 1859.

Mr. CHANDLER. For one, personally, I am not particular whether it is 1865 or 1867, but I am not willing to consent to any modification that goes anterior, say, to 1865. In other words, I am not willing to go back of the war; not that these claims had any connection with the war period, but that the evidence is so difficult of attainment. Other members of the committee can speak for themselves if a motion is made to change that time.

The Senate substitute is guarded expressly in another particular. At the end of section 4 is the provision:

That no suit or proceeding shall be allowed under this act for any depredation which shall be committed after the passage thereof.

I desire the attention of Senators particularly to this clause. There is no such provision in the House bill, and as the House bill stands I am not certain that it would not make a rule for the future as well as a rule for the past. The Senate committee in framing this bill adopted as their principle that they would take steps to adjudicate claims for injuries already done and that they would not undertake to lay down a rule for the future.

I do not find in the House bill any adequate provision which would prevent the adjudication of future claims; but I do find it in the Senate bill, and the clause is consistent with the idea upon which the Senate bill was framed, which was, that it would take existing claims for damages heretofore done and would recognize the obligation of the United States to convert its promise of an eventual indemnity into an actual payment of those claims, but that it would carefully avoid undertaking to extend the principle of indemnification laid down by these statutes to any claims which may happen after the passage of this bill. That is to say, if there are future depredations, future wrongs of this kind, whether committed by Indians upon white men or white men upon Indians, on account of which claim is to be made against the United States, they shall come to Congress and shall be dealt with according to the will of Congress, and shall not be brought in under the provision of this bill. This is a bill for the adjudication of claims which have accrued, and not a rule to govern action as to future Indian depredations.

Mr. President, there is only one other material difference between the House bill and the Senate bill, and that is in the nature of the tribunal which is to pass upon these claims. The House bill provides in the first section for a court of Indian depredations:

That the President is hereby authorized to nominate and, by and with the advice and consent of the Senate, to appoint three judges, no more than two of whom shall belong to the same political party, one of whom shall be designated as presiding judge, and they shall hold their offices until the 31st day of December, 1894, when the same shall expire and all the functions and privileges thereof shall cease.

Section 2 provides:

The said judges shall constitute a court to be known as the court of Indian depredations, and shall have a seal with such device as it shall order, and as such court shall possess jurisdiction and authority to inquire into and finally adjudicate, in the manner provided in this act, all claims heretofore filed in the Departments or presented to Congress, of the following classes, etc.:

That is the provision of the House bill for a special tribunal. The Senate bill provides for extending the jurisdiction of the Court of Claims to these Indian-depredation cases. It also provides in section 2:

That the district courts of the United States shall have concurrent jurisdiction with the Court of Claims as to all matters named in the preceding section where the amount of the claim does not exceed \$2,000, and the circuit courts of the United States shall have concurrent jurisdiction in all cases where the amount of such claim exceeds \$2,000 and does not exceed \$10,000.

Claims exceeding \$10,000, I understand, by the Senate bill would have to be brought in the Court of Claims. This provision in the Senate bill is in accordance with the act of March 3, 1857, "An act to provide for bringing suits against the Government of the United States,"

which gives jurisdiction to the Court of Claims and to the district and circuit courts of the United States, substantially as in this bill, to all claims. The provision is:

First. All claims founded upon the Constitution of the United States or any law of Congress, except for pensions, or upon any regulation of an Executive Department, or upon any contract, expressed or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect of which claims the party would be entitled to redress against the United States either in a court of law, equity, or admiralty if the United States were suable.

Mr. President, I think this was a very wise statute. This act of March 3, 1887, throws open the courts of the United States to every citizen and every corporation and, for aught I know, to every foreign government if it chooses to come in here and bring a suit. The Senate committee deemed that it would be advisable to send these Indian depredation claims to the already established courts of the United States, and not to create a special tribunal of three judges, organized for no other purpose than for the trial of these cases.

I believe that the result will be altogether more satisfactory to the claimants, and it will be altogether more satisfactory to all persons, whether claimants or friends of claimants, or Senators and Representatives, who are undertaking justly to promote the interests of their constituents in Congress, to have these cases go, not to a special court, but to the courts already established, which are perfectly able to render adjudications promptly, which will render wise adjudications, and whose adjudications and judgments, in my belief, will be more readily followed by the Congress of the United States in making the necessary appropriations.

Mr. President, if a special tribunal is selected here, if three gentlemen are selected by the President of the United States for the mere purpose of trying these claims, it will be understood that that court is organized to pay, just as it is sometimes said, courts martial are organized to convict; and there will be a prejudice against this tribunal from the beginning, and there would be danger, particularly if these claimants continue to send in claims for large sums, that that tribunal would be broken down or, at least, that Congress would refuse to make prompt appropriations to pay its judgments, that claimants recovering judgments would find their claims dragging and dragging in Congress one session after another, when, in my belief, if the Court of Claims is adopted and the other courts of the United States are adopted as the tribunals to adjudicate these claims, there will be a prompt and a just adjudication and a prompt and immediate payment of the claims by the United States.

I desire only to say in conclusion that I believe that this bill is a just bill; that I believe that the good faith and the honor of the United States, as pledged in repeated statutes, requires that it should be enacted. I believe also that the conditions, limitations, and restrictions which are put upon this subject by the Senate bill are such as should be insisted upon by the Senate, and such as, I believe, are essential to a just, a fair, a safe, and a judicious disposition of this very troublesome subject.

Mr. McPHERSON. I wish to make an inquiry of the Senator who has charge of this bill as to the probable amount of money which will be required to pay all these claims. I suppose some estimate has been made in some of the Departments of the number of claims.

Mr. PADDOCK. There have been estimates made. I think the consensus of opinion is, after the most careful investigation of the whole subject, that it will take somewhere in the neighborhood of from \$4,000,000 to \$5,000,000 to pay them. I think the Senator from New Hampshire made too high an estimate of the ultimate cost to the Government of providing for the payment of these claims. There have been something like \$4,000,000 of claims investigated.

Mr. CULLOM. Investigated by whom?

Mr. PADDOCK. By the Secretary of the Interior, under the act of 1885, authorizing and requiring him to make an investigation as to these claims and to report to Congress those which he investigated, with the allowances or disallowances. The percentage of claims allowed under that investigation, as appears from the record, is about 33½ per cent. of the whole; but the Interior Department established the rule that no claim should be considered in which the sworn petition of the claimant was not supported by the testimony of, I think, two witnesses. Very many claims under that rule were dropped out entirely. Taking the whole number of claims which were so disposed of, those which were dropped out because they were excluded by that rule, and those which were examined and reported to Congress because they came within the rule, it will be found that they amounted to only about 25 per cent. of the whole.

Mr. McPHERSON. Do I now understand that the claims allowed were only about 25 per cent. of the claims which have been examined, and that the 25 per cent. spoken of would require \$4,000,000 for their liquidation?

Mr. PADDOCK. No, sir; that is not it at all. I spoke only of those which have been absolutely investigated under the requirements of the act of 1872 and the act of 1885, which is the act under which the investigation really has been made. The total of the claims filed is about \$19,000,000. Of this sum between \$1,000,000 and \$2,000,000 have been disposed of and appropriations for their payment made by

special acts. That reduces the amount quite considerably. Then, out of the \$4,000,000 of claims which have been actually examined and reported to Congress one million three hundred and odd thousand dollars have been recommended by the Secretary to be paid.

Mr. CULLOM. What is the provision as to filing claims?

Mr. PADDOCK. The claimant may have three months after the approval of the act for filing his claim, and no longer.

Mr. FAULKNER. As a member of the committee which reported the bill, I think it is proper, especially since these questions have been propounded by Senators, and this is an exceedingly important bill, involving a large amount of money to be ultimately taken out of the Federal Treasury, provided the bill is passed, to ask that the report both of the Senate and the House committee may be now read. All the information will then go in the RECORD, and the information Senators have asked for will be furnished them from the report. I think myself that the whole report should be read to the Senate.

Mr. CHANDLER and Mr. SPOONER addressed the Chair.

Mr. FAULKNER. I yield to the Senator from New Hampshire [Mr. CHANDLER].

Mr. CHANDLER. I suggest to the Senator from West Virginia whether it would not be just as agreeable to him to allow both reports to be printed in the RECORD without reading.

Mr. FAULKNER. I suggest to the Senator from New Hampshire that the difficulty about doing that is that we might take action on the bill this evening, and, if we did, the report would go into the RECORD and add to the cost of the RECORD without any information whatever going to the Senate. I make this request for the purpose of laying the information which the committee has collected before Senators, to govern and guide their action.

Mr. CHANDLER. I would not ask the Senator to allow the report to be printed without reading if I thought Senators would listen to it. I certainly hope to hear from the Senator from West Virginia on this bill before it passes, and I hope he will allow the report to be printed without reading, and go on with his remarks.

Mr. PADDOCK. I think the suggestion of my colleague on the committee, that the report should be read, is a good one. If we could get Senators to listen to that report, it would, I think, very soon enable the Senate to determine this matter. The report is an able one, and the report of the House committee, which is very elaborate, is incorporated with it.

Mr. SPOONER. Mr. President—

Mr. WOLCOTT. I ask if the report the Senator has asked to have read is the report we have on our desks?

Mr. PADDOCK. I suppose so.

Mr. WOLCOTT. As long as copies of the report are accessible to every Senator here, I ask the Senator from West Virginia why he wants it read?

Mr. FAULKNER. Simply because, as we have seen from the inquiries of several Senators, the very questions which are propounded are answered in that report. The proper way, when a bill of this magnitude is before the Senate, is to have all the information which has been collected together by the committee laid before the Senate, and this can best be done by having the report of the committee read. This is the first time I have heard an objection made to the reading of the report of a committee in reference to a bill pending before the Senate, involving an amount of, I say, if the House bill passes, perhaps thirty, or forty, or fifty million dollars. The Senator from Colorado [Mr. WOLCOTT] seems to smile at that. I have considered this case perhaps a little more accurately and carefully and considerably than has the Senator, who is not a member of the committee. I propose to give my reasons, before this bill is acted upon, why I am of that opinion, and I think I shall give such reasons as will satisfy any Senator who will listen to them that these claims might reach that amount.

Mr. WOLCOTT. I should like to ask the Senator a question. Would the amount of the claims—

Mr. SPOONER. I yield to the Senator from Colorado [Mr. WOLCOTT].

Mr. FAULKNER. I believe the Senator from West Virginia has the floor, and he yields with pleasure to the Senator from Colorado.

Mr. WOLCOTT. I ask if the amount of the claims would make any difference in the Senator's vote? If he felt assured that these depredations had been committed by Indians in the West and the property of white settlers destroyed, I ask whether the amount involved would in the least affect his action?

Mr. FAULKNER. In answer to that question, I have no hesitation in saying that it would. I differ somewhat with the Senator from New Hampshire [Mr. CHANDLER], and I will show to the Senate from the provisions of the act of Congress that since 1859 there has been no moral or legal obligation whatever upon the United States Government to be responsible for any of these damages.

Mr. MORGAN. The act of 1859 repealed the previous act.

Mr. FAULKNER. The act of 1859 repealed the act of 1834 so far as it in any way imposed any obligation upon the United States Government by reason of these depredations.

Mr. MORGAN. By implication it repealed every act back of that that to the organization of the Government.

Mr. FAULKNER. Yes.

Mr. CHANDLER. The Senator did not understand me to object to the reading of the report. I only made the suggestion that it be printed without reading.

The PRESIDING OFFICER. The Senator from West Virginia desires the reading of the report. If there be no objection the Secretary will proceed with the reading of the report.

Mr. FAULKNER. I desire the reports of the House and of the Senate committee read. I think it is but fair that the Senate should have the views of the committee of the House in reference to the House bill, as we are considering that as well as the Senate bill.

Mr. CHANDLER. The House report is part of the Senate report.

Mr. FAULKNER. Yes, it is made part of the Senate report.

Mr. SPOONER. Mr. President—

Mr. PADDOCK. I yield to the Senator from Wisconsin [Mr. SPOONER].

Mr. FAULKNER. I thought I had the floor.

The PRESIDING OFFICER. It is the understanding of the Chair that the Senator from West Virginia has the floor. If the Senator yields, the Chair will recognize the Senator from Wisconsin [Mr. SPOONER].

Mr. SPOONER. I think the record will show that the Chair recognized me.

The PRESIDING OFFICER. The record will show that the Chair recognized some half a dozen different Senators.

Mr. FAULKNER. I should like to say to my friend from Wisconsin—

The PRESIDING OFFICER. The Chair would prefer not to be interrupted. Does the Senator from West Virginia yield the floor?

Mr. FAULKNER. I was endeavoring to relieve the Chair of any embarrassment by saying that I should be very well pleased to yield to the Senator from Wisconsin [Mr. SPOONER], with the understanding that when he had finished his remarks the report of the committee should be read. I understand the Chair has directed the reading of the report.

The PRESIDING OFFICER. The Chair is not certain that he has power to direct the reading of the report. If the Senator yields, the Chair would like—

Mr. FAULKNER. I desire to have the question settled, first, whether the report is to be read or not.

Mr. PADDOCK. I think there will be no objection to the reading of the report.

The PRESIDING OFFICER. Does the Senator from West Virginia move that the report be read?

Mr. FAULKNER. I do not know that it is necessary for the Senator from West Virginia to make the motion. If there is objection to the Secretary reading the report, of course, the Senator from West Virginia can read the report himself.

Mr. CHANDLER. There is no objection.

Mr. ALLEN. I ask unanimous consent that the report may be read.

Mr. CULLOM. I think it is usual that a report on a bill should be read by unanimous consent when it is called for.

Mr. COCKRELL. Unanimous consent is not necessary. The report can be read. I shall object to any unanimous consent to do a thing that any Senator has a right to have done without it.

Mr. CULLOM. What I mean to say is that a Senator, in my judgment, has the right to ask for the reading of a report made upon a bill.

Mr. COCKRELL. That is exactly right.

Mr. FAULKNER. That is what I have asked for. When that question is settled, I shall yield willingly to the Senator from Wisconsin.

The PRESIDING OFFICER. The Chair will say that he is of the impression, when the reading of a paper is called for, it can only be read by unanimous consent or on a motion.

Mr. FAULKNER. That refers to the reading of a paper and not to the report of a committee.

Mr. MITCHELL. This is the regular report on the bill, and it seems to me the Senator has the right to have it read.

The PRESIDING OFFICER. The Senate will perceive that many of the reports of committees might consume days in their reading. While the Chair does not claim to be sure that he is right in reference to the matter, it seems to him that the Senator would be obliged to either read the report as part of his remarks, if an objection were made, or obtain a vote of the Senate ordering it to be done.

Mr. INGALLS. A report has no precedence or priority over any other paper. There is nothing in the rules which requires a report to be read upon suggestion. It is like any other paper. If objected to, the question must be taken, and without debate.

The PRESIDING OFFICER. Does the Chair understand the Senator from West Virginia to make a motion?

Mr. FAULKNER. I desire to ask the Chair whether there is any objection to the reading of the report?

The PRESIDING OFFICER. The Senator from West Virginia asks that the report of the Senate and of the House committee may be read. Is there a minority report?

Mr. FAULKNER. No, sir; the House report is a part of the Senate report, and neither of the reports is very long.

The PRESIDING OFFICER. The Senator asks that the two reports, being combined in one, and constituting in fact the Senate report, be read. Is there objection?

Mr. MITCHELL. I wish to inquire of the Senator from West Virginia if it would not answer his purpose to have the report printed in the RECORD?

Mr. FAULKNER. I have stated that it would not, and I have given my reason for it.

Mr. MITCHELL. I did not hear that.

Mr. INGALLS. If the reading of these reports is to be called for as a matter of argument to be addressed to the judgment and reason of the Senate, I submit that it ought to be done when the Senate is present and not when the Senate is absent.

The PRESIDING OFFICER. If the Senator from Kansas suggests the want of a quorum the Secretary will call the roll.

Mr. INGALLS. No, the Senator does not.

Mr. PADDOCK. I do not understand the Senator from Kansas to do that.

The PRESIDING OFFICER. The Senator from Kansas does not make the suggestion.

Mr. SPOONER. If the Chair will permit me I will call attention to Rule XI, which reads:

When the reading of a paper is called for, and objected to, it shall be determined by a vote of the Senate, without debate.

Mr. INGALLS. That is what I said.

Mr. SPOONER. It is the duty of the Chair, when a Senator demands the reading of a paper, to put the question.

Mr. REAGAN. Would it not answer the purpose of the Senator from West Virginia to have the part of the report showing the amount of these claims read, or does he desire to have the entire report read?

Mr. FAULKNER. Mr. President, I have stated my object. My purpose is not delay or anything of that sort. I am really asking to have the report read because I regard it as one of the strongest presentations in favor of the bill reported by the Senate committee, and against the House bill, and I want the report to go into the RECORD, so that not only the members of the Senate who are present may hear the report, but that others will see it when they read the RECORD tomorrow. I therefore ask that the report may be read, and I desire to know whether there is objection?

The PRESIDING OFFICER. The Senator from West Virginia asks for the reading of the report which he has described. Is there objection?

Mr. INGALLS. That report is nineteen pages in length and will take an hour to read, if read as it should be. Therefore, believing that if it is to be read it should be heard by those to whose judgment it is addressed, I will object to the reading of the report.

The PRESIDING OFFICER. The Senator from Kansas objects.

Mr. FAULKNER. Then I move that the report be read.

The PRESIDING OFFICER. The Senator from West Virginia moves that the report which he has described be read, which motion is not debatable. The question is on that motion.

Mr. INGALLS. I call for the yeas and nays.

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

Mr. DIXON (when his name was called). I have a general pair with the Senator from South Carolina [Mr. HAMPTON], who is absent from the Chamber. I therefore withhold my vote.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. MORRILL (when his name was called). I am paired with the Senator from Tennessee [Mr. HARRIS], and therefore withhold my vote.

The roll call was concluded.

Mr. McPHERSON (after having voted in the affirmative). I desire to withdraw my vote. I forgot the fact that I was paired.

Mr. EDMUNDS. Mr. President, I ask unanimous consent to suggest to my friend from New Jersey and everybody else in the Chamber that this is no political or other question, except the mere question of the reading of a paper, and I hope every Senator will vote.

Mr. INGALLS. The only object of calling the yeas and nays was to ascertain the presence of a quorum.

Mr. McPHERSON. In order to make a quorum, I ask to have my vote recorded. I vote "yea."

Mr. DIXON. I vote "yea" in order to make a quorum.

The result was announced—yeas 40, nays 6; as follows:

YEAS—40.

Allen,	Davis,	McMillan,	Shoup,
Bate,	Dixon,	McPherson,	Spooner,
Berry,	Dolph,	Morgan,	Stockbridge,
Blair,	Faulkner,	Paddock,	Turpie,
Call,	George,	Pasco,	Vest,
Casey,	Gray,	Pierce,	Walthall,
Chandler,	Hampton,	Plumb,	Warren,
Cockrell,	Hiscock,	Pugh,	Washburn,
Coke,	Ingalls,	Sanders,	Wilson of Iowa,
Cullom,	McConnell,	Sawyer,	Wilson of Md.

NAYS—6.			
Edmunds, Mitchell,	Pettigrew, Platt,	Reagan,	Wolcott.
ABSENT—42.			
Aldrich, Allison, Barbour, Blackburn, Blodgett, Brown, Butler, Cameron, Carey, Carlisle, Colquitt,	Daniel, Davies, Eustis, Everts, Farwell, Frye, Gibson, Gorman, Hale, Harris, Hawley,	Hearst, Higgins, Hoar, Jones of Arkansas, Jones of Nevada, Kenna, Manderson, Moody, Morrill, Payne, Power,	Quay, Ransom, Sherman, Squire, Stanford, Stewart, Teller, Vance, Voorhees.

So the motion was agreed to.

The PRESIDING OFFICER. The report will be read.

The Secretary proceeded to read the report submitted by Mr. MOODY, from the Select Committee on Indian Depredations, May 16, 1890. After reading some time,

Mr. WOLCOTT said: If a single Senator on this floor will state upon his honor that he has heard a word which has been read of this report, I will not make any further objection; otherwise I ask unanimous consent that the further reading of the report be dispensed with. Not a single Senator is paying the least attention in the world to it, and every one who wants to read it has it in black and white before him, and can read it just as quickly and certainly as intelligibly as the Secretary of the Senate or as any other person can read it. Nobody is paying the least heed to it; and at this time, when we are so near the end of the session, if we want to get through with the bill we ought to consider it without consuming time by reading the report. I ask unanimous consent that the further reading be dispensed with.

Mr. PADDOCK. I appeal to my colleague on the committee to consent that the further reading of the report be dispensed with.

The PRESIDING OFFICER. The Chair will remind Senators that the request is not debatable.

Mr. PADDOCK. I am making an appeal to the Senator from West Virginia, who is my colleague on the committee, to consent to the suspension of the further reading of the report. I think that is proper.

Mr. FAULKNER. If the Senator from Colorado, who has just requested unanimous consent to dispense with the reading of the report, will give the next ten or fifteen minutes to hearing it read, he will find we are getting through with the business much more rapidly than he thinks we are.

The PRESIDING OFFICER. The Senator from Colorado [Mr. WOLCOTT] asks unanimous consent that the further reading of the report be dispensed with. Is there objection?

Mr. COCKRELL. I object.

The PRESIDING OFFICER. The reading will proceed.

Mr. BATE. There are some Senators listening to it. I am, for one. The Secretary resumed the reading of the report, but was interrupted by

Mr. BATE. Those who desire to hear the report read can not hear it on account of the noise in the Chamber.

The PRESIDING OFFICER. The Senate will be in order.

Mr. INGALLS. I suggest that the Senate take a recess of three-quarters of an hour while the report is being read. That will enable Senators to transact private business and permit the reading of the report to be concluded.

Mr. CULLOM. Some of us have been trying to listen to the reading while the Senator from Kansas was talking to somebody else.

The PRESIDING OFFICER. The Chair will request Senators to preserve order. The Secretary will proceed with the reading of the report, unless the Senator from Kansas makes a motion.

Mr. INGALLS. No; I make no motion.

The PRESIDING OFFICER. The Secretary will proceed with the reading.

Mr. INGALLS. I hope the Secretary will read this report with deliberation and intelligibly. There has been too much rapidity about it heretofore. I observe some words have been skipped and mumbled over. I hope now the report will be read with great care and great deliberation and with all the elocution that can possibly be bestowed upon it.

The PRESIDING OFFICER. Debate is not in order.

The Secretary resumed the reading of the report; after reading for some time,

Mr. WASHBURN said: I move that the further reading of the report be dispensed with.

The PRESIDING OFFICER. The Senator from Minnesota moves that the further reading of the report be dispensed with.

Mr. COCKRELL. I hope the Senator will not insist upon that. Any Senator must know that the result of that would simply be to make some Senator get up and read the report himself. I think the friends of the bill ought not to undertake to force things and to drive the bill through by main force.

The PRESIDING OFFICER. The motion is not debatable.

Mr. WASHBURN. Mr. President, I inferred that the demand for the reading of the report was for the purpose of consuming time, and the time of the Senate is so limited and there is so much to do that I

thought we could dispense with it and read the report ourselves, as it has already been printed. If the suggestion of the Senator from Missouri is to be carried out, that some Senator will read the report himself, I will withdraw my motion.

The PRESIDING OFFICER. The motion is withdrawn. The Secretary will proceed with the reading.

Mr. FAULKNER. I think it is just to me to say that my purpose is not to consume time.

The PRESIDING OFFICER. The Chair will remind Senators that there is nothing before the Senate but the reading of the report. Debate is not in order.

Mr. FAULKNER. I supposed, as the statement of the Senator from Minnesota seemed to reflect personally upon me, that I would have the privilege, as the Senator from Minnesota was allowed to make that statement, to make a reply to it.

Mr. WASHBURN. I beg to state that I did not intend to reflect upon the Senator personally, because I did not know that he was the Senator who called for the reading of the report, as I was out of the Chamber at the time it was called for.

The PRESIDING OFFICER. The reading will proceed.

The Secretary resumed and continued the reading of the report.

Mr. FAULKNER. I ask unanimous consent that the further reading of the report be suspended, that the whole report may be printed in the RECORD, and the Secretary be requested to read only, for the information of the Senate, on page 10, beginning with the words "in the report of the House committee," down to the word "conclusion."

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and the Secretary will read the part of the report requested.

The Secretary read as follows:

In the report of the House Committee on Indian Depredation Claims it is stated that since 1885 there have been investigated, with great care and labor and at much expense to the Government, eleven hundred claims, involving a total sum of \$4,000,000. But few of these have been allowed for amounts originally claimed. Some have been entirely disallowed, and the remainder have been reduced to correspond with the facts, and \$1,300,000, or 32½ per cent. of the \$4,000,000, have been allowed. It is also stated that during all that period since the claims have been pending Congress has appropriated by special act \$1,654,530.

Your committee quote and append hereto the very able and valuable report made by the chairman thereof from the Select Committee on Indian Depredation Claims of the House of Representatives, in full, as it gives much important information and contains an expression of the views of that committee why legislation of the character contemplated should be enacted by this Congress, though your committee prefer making use of the tribunals already established rather than to create new ones.

Many of the treaties made by the United States provide the Indians shall either indemnify out of their available funds the persons suffering losses and injuries committed by them, and in some cases they agree to restore the property taken. In more of the treaties the Government agrees to indemnify the Indians for losses suffered by them at the hands of the white man.

The PRESIDING OFFICER. The entire report will be printed in in the RECORD.

The report is as follows:

The Select Committee of the Senate on Indian Depredations, to whom was referred Senate bill 3833, submit the following report:

The Select Committee on Indian Depredations has before it one hundred and fifty private bills for the payment of Indian depredation claims, arising out of transactions covering many years of the existence of this nation, beside many petitions. It has also eleven general bills, each of them providing in substance the organization of a tribunal before which such claims can be adjudicated.

Your committee has not undertaken to consider these private bills, but has determined upon recommending a means by which all private claims for Indian depredations coming within certain limitations may be adjudicated and finally disposed of. That many of these claims are meritorious as claims not only against the Indians committing the depredations, but against the Government when the remedy against the Indian shall fail, can not successfully be denied, if the action of the Government since its organization is taken into consideration.

Your committee came to the conclusion that the wisest course to pursue, in justice to the Government, to the Indians and to the claimants, in relation to such claims, was to relegate them to the courts of the United States already established, and not provide any separate tribunal or court for their disposition. In this respect the bill differs from all the bills before it save one, and also from the one which has recently been reported from the like committee of the House of Representatives.

The bill in substance provides for clothing the Court of Claims and the district and circuit courts of the United States with jurisdiction to hear and adjudicate all claims arising out of depredations committed by Indians belonging to tribes in amity with the United States, and also out of depredations committed by the white men upon such Indians, and by one band of friendly Indians upon another band in cases where no just cause or provocation existed which induced such depredations, not, however, going back to a period anterior to the year 1867, except in such cases arising prior to that time as were duly prosecuted before the Secretary of the Interior or Congress and are still pending.

It provides that the Government and the Indian tribe against whom the wrongful conduct is alleged shall have due and proper notice of the prosecution of the claim, and that the Government shall take upon itself the defense thereof, both for the Government and for the Indian; it clothes the Court of Claims with general jurisdiction of these subjects, and gives to the United States district courts concurrent jurisdiction in cases where the sum claimed does not exceed \$2,000 and the circuit courts concurrent jurisdiction where the sum claimed exceeds \$2,000 and does not exceed \$10,000. If the district or circuit court take jurisdiction in any case, the suit is to be brought in the district where the claimant resides, or where the transaction occurred out of which the claim arose, at the option of the claimant.

The bill makes provision for the conduct of the cases according to the ordinary mode of procedure in such courts in cases prosecuted against the Government, specifying, however, what shall be set forth in the petition, that the trial shall be to the court without a jury, and that an appeal shall be according to the practice in equity. The bill further provides, where the claimant recovers, for a judgment against the United States, and also against the band or tribe of

Indians whose members committed the wrong, and in case a white man committed the wrong against an Indian, for a judgment against the white man.

The payment of the judgment is first to be made, where it is against the band or tribe, out of the funds of the tribe available therefor, and where it is against a white man and in behalf of the Indian, out of his property. Ultimately, if no satisfaction can be had by such mode, the judgment is to be reported to Congress and paid by an appropriation therefor. No judgments, however, are to be rendered against the United States in any case where the property taken or destroyed was unlawful, and by the knowledge and consent of the owner, upon an Indian reservation. The final judgments in all cases are to be conclusive of the rights and obligations of the parties. All claims are to be presented within three years or be thereafter barred, and no case arising after the passage of the act can be considered.

It is hoped by the committee that if Congress shall enact this measure into a law it will speedily put an end to all the numerous cases that have arisen out of depredations wrongfully committed by Indians, and will subject all such claims to the careful scrutiny of the courts, so that just ones may be paid in such sums as shall be reasonable and right, and improper ones rejected. The argument in favor of the passage of such a measure can not be too strongly emphasized. Almost from the inception and organization of the Government it has taken upon itself the exclusive and indisputable control of the Indian tribes within the borders of the nation; it has arbitrarily excluded from the Indian country all citizens, save those expressly authorized by law to enter therein.

In the interest of preserving peace between the Indian and the white race it has undertaken to prevent the white man from pursuing any remedy against the Indian for wrongs committed by robbery, by arson, or by theft. It has thrown a shield around its Indian wards effective to prevent his being subjected to any processes similar to those existing against the whites.

As a compensating course therefor, from a very early period in the history of the Government, it has undertaken to itself procure reparation from the Indian and to guaranty to the party injured an eventual indemnification.

As early as May 19, 1793, the following act was passed, found in the First Statutes at Large, page 472, being section 14 of an act entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontier:"

"And be it further enacted, That if any Indian or Indians, belonging to any tribe in amity with the United States, shall come over or across the said boundary line into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse, horses, or other property, belonging to any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, or shall commit any murder, violence, or outrage, upon any such citizen or inhabitant, it shall be the duty of such citizen or inhabitant, his representative, attorney, or agent, to make application to the superintendent, or such other person as the President of the United States shall authorize for that purpose; who, upon being furnished with the necessary documents and proofs, shall under the direction or instruction of the President of the United States, make application to the nation or tribe to which such Indian or Indians shall belong, for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction, in a reasonable time, not exceeding eighteen months, then it shall be the duty of such superintendent, or other person authorized, as aforesaid, to make return of his doings to the President of the United States, and forward to him all the documents and proofs in the case, that such further steps may be taken as shall be proper to obtain satisfaction for the injury. And, in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guaranty to the party injured an eventual indemnification: *Provided always*, That if such injured party, his representative, attorney, or agent, shall in any way violate any of the provisions of this act by seeking or attempting to obtain private satisfaction or revenge by crossing over the line on any of the Indian lands, he shall forfeit all claim upon the United States for such indemnification: *And provided also*, That nothing herein contained shall prevent the legal apprehension or arresting, within the limits of any State or district, of any Indian having so offended: *And provided further*, That it shall be lawful for the President of the United States to deduct such sum or sums as shall be paid for the property taken, stolen, or destroyed by any such Indian out of the annual stipend which the United States are bound to pay to the tribe to which such Indian shall belong."

Recognizing in the same act the obligation to protect the Indian against the encroachments of the white man, it was enacted "That if any citizen or other person shall go into any territory belonging to any nation or tribe of Indians and shall there commit robbery, larceny, or trespass, or other crime against the person or property of any friendly Indian or Indians he shall not only be punished as therein provided, but when property was taken or destroyed shall forfeit and pay to such Indian twice the just value of the property so taken or destroyed; and the act further provided that if such offender shall be unable to pay a sum at least equal to said just value, whatever such payment shall fall short of the said just value shall be paid out of the Treasury of the United States." (1 Statutes at Large, page 470, section 4.)

Again, such act expiring by its own limitation on the 3d of March, 1799, the foregoing provision was re-enacted as follows:

"And be it further enacted, That if any Indian or Indians, belonging to any tribe in amity with the United States, shall come over or cross the said boundary line, into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse, or horses or other property, belonging to any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, or shall commit any murder, violence, or outrage upon any such citizen or inhabitant, it shall be the duty of such citizen or inhabitant, his representative, attorney, or agent, to make application to the superintendent, or such other person as the President of the United States shall authorize for that purpose; who, upon being furnished with the necessary documents and proofs, shall, under the direction or instruction of the President of the United States, make application to the nation or tribe to which such Indian or Indians shall belong for satisfaction, and if such nation or tribe shall neglect or refuse to make satisfaction, in a reasonable time, not exceeding eighteen months, then it shall be the duty of such superintendent or other person authorized as aforesaid, to make return of his doings to the President of the United States, and forward to him all the documents and proofs in the case, that such further steps may be taken as shall be proper to obtain satisfaction for the injury; and in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guaranty to the party injured, an eventual indemnification: *Provided always*, That if such injured party, his representative, attorney, or agent, shall, in any way, violate any of the provisions of this act by seeking, or attempting to obtain private satisfaction or revenge, by crossing over the line, on any of the Indian lands, he shall forfeit all claim upon the United States for such indemnification: *And provided also*, That nothing herein contained shall prevent the legal apprehension or arresting, within the limits of any State or district, of any Indian having so offended: *And provided further*, That it shall be lawful for the President of the United States to deduct such sum or sums as shall be paid for the property taken, stolen, or destroyed by any such Indian out of the annual stipend which the United States are bound to pay to the tribe to which such Indian shall belong."

This act was approved March 3, 1799, and the section is found in 1 Statutes at Large, 747. It also contained a promise of indemnification to the Indian against the depredations of the white man.

The act of 1799 having expired by its own limitation, by an act approved

March 30, 1802, United States Statutes at Large, volume 1, page 143, section 14, the same provision was re-enacted, as follows:

"And be it further enacted, That if any Indian or Indians, belonging to any tribe in amity with the United States, shall come over or cross the said boundary line into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse, horses, or other property belonging to any citizen or inhabitant of the United States or of either of the territorial districts of the United States, or shall commit any murder, violence, or outrage upon any such citizen or inhabitant, it shall be the duty of such citizen or inhabitant, his representative, attorney, or agent, to make application to the superintendent, or such other person as the President of the United States shall authorize for that purpose, who, upon being furnished with the necessary documents and proofs, shall, under the direction or instruction of the President of the United States, make application to the nation or tribe to which such Indian or Indians shall belong for satisfaction, and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding twelve months, then it shall be the duty of such superintendent or other person, authorized, as aforesaid, to make return of his doings to the President of the United States, and forward to him all the documents and proofs in the case, that such further steps may be taken as shall be proper to obtain satisfaction for the injury; and in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guaranty to the party injured an eventual indemnification: *Provided always*, That if such injured party, his representative, attorney, or agent, shall, in any way, violate any of the provisions of this act by seeking or attempting to obtain private satisfaction or revenge, by crossing over the line, on any of the Indian lands, he shall forfeit all claim upon the United States for such indemnification: *And provided also*, That nothing herein contained shall prevent the legal apprehension or arresting, within the limits of any State or district, of any Indian having so offended: *And further provided*, That it shall be lawful for the President of the United States to deduct such sum or sums as shall be paid for the property taken, stolen, or destroyed by such Indian, out of the annual stipend which the United States are bound to pay to the tribe to which such Indian shall belong."

This act containing this provision had no limitation, and was in force until it was modified by the act approved June 30, 1834, Statutes at Large, fourth volume, page 729, the seventeenth section of which statute is found on page 731, and is as follows:

"And be it further enacted, That if any Indian or Indians belonging to any tribe in amity with the United States shall, within the Indian country, take or destroy the property of any person lawfully within such country, or shall pass from the Indian country into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse, horses, or other property belonging to any citizen or inhabitant of the United States, such citizen or inhabitant, his representative, attorney, or agent may make application to the proper superintendent, agent, or subagent, who, upon being furnished with the necessary documents and proofs, shall, under the direction of the President, make application to the nation or tribe to which said Indian or Indians shall belong for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding twelve months, it shall be the duty of such superintendent, agent, or subagent to make return of his doings to the Commissioner of Indian Affairs, that such further steps may be taken as shall be proper, in the opinion of the President, to obtain satisfaction for the injury; and, in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guaranty to the party so injured an eventual indemnification: *Provided*, That if such injured party, his representative, attorney, or agent, shall in any way violate any of the provisions of this act by seeking or attempting to obtain private satisfaction or revenge, he shall forfeit all claims upon the United States for such indemnification: *And provided also*, That unless such claim shall be presented within three years after the commission of the injury the same shall be barred. And if the nation or tribe to which such Indian may belong receive an annuity from the United States, such claim shall, at the next payment of the annuity, be deducted therefrom and paid to the party injured; and if no annuity is payable to such nation or tribe, then the amount of the claim shall be paid from the Treasury of the United States: *Provided*, That nothing herein contained shall prevent the legal apprehension and punishment of any Indians having so offended."

It will be seen that by the last statute the modification was in providing compensation for the injury if the depredation was committed within the Indian country upon property lawfully therein, as well as for property taken or destroyed outside of the Indian country.

But throughout all these statutes runs the doctrine of the obligation of the Government to see that the white man is indemnified for these unlawful injuries: First, out of the Indian fund, and that failing, out of the Government Treasury; and also the doctrine that the white man should pay twice the value of the property which he injured or destroyed and a like eventual indemnification by the United States.

The provision granting indemnity to Indians for losses occasioned by white persons has never been repealed. It still is an existing enactment, and is contained in sections 2154 and 2155 of the United States Revised Statutes.

The reciprocal obligation to the citizens of the United States to pay them for depredations committed by Indians has been subjected to several statutory amendments, though in each of them the principle has been recognized that it was the duty of the United States to cause indemnification to be made out of any available funds belonging to the Indian tribe, and in the more recent enactments, and by many appropriations therefor, the recognition of the obligation to eventually indemnify the citizen for such losses has been renewed.

On February 28, 1859 (11 Statutes, 401, section 8), Congress repealed that part of the act of June 30, 1834, above quoted, which provided for indemnification out of the Treasury, although preserving the right of the persons suffering losses by Indian depredations to be paid whenever the Indians had annuities out of which the claims for losses could be deducted.

The joint resolution of June 25, 1860 (12 Statutes, 120), declared that this last act should have no retroactive effect.

The repealing act of February 28, 1859, and the declaratory act of June 25, 1860, are as follows, so far as they relate to this subject:

[11 Stat., 401.]

"And be it further enacted, That so much of the act entitled "An act to regulate trade and intercourse with the Indian tribes and preserve peace on the frontiers," approved June 13, 1834, as provides that the United States shall make indemnification out of the Treasury for property taken or destroyed in certain cases by Indians trespassing on white men, as described in said act, be, and the same is hereby, repealed: *Provided, however*, That nothing herein contained shall be so construed as to impair or destroy the obligation of the Indians to make indemnification out of the annuities, as prescribed in said act."

[12 Stat., 120.]

That the repeal of [by] the eighth section of the act of Congress, approved the 28th day of February, 1859, of so much of the act of Congress entitled "An act to regulate trade and intercourse with Indian tribes, and to preserve peace on the frontiers," approved June 13, 1834, as provides that the United States shall make indemnification out of the Treasury for property taken or destroyed in certain cases by Indians trespassing on white men, as described in said act, shall not be construed to destroy or impair any right to indemnity which existed at the date of said repeal.

Thus it will be seen that from May 19, 1796, to February 23, 1859, a period of about sixty-three years, the policy of requiring the Indians to pay for the unlawful depredations committed by them against the whites, and of requiring the whites to pay for the unlawful injuries committed by them against the Indians, and an eventual indemnification to each class in case the effort to make the party committing the injury pay failed, was in active force, and payment for claims for Indian depredations was made out of the public Treasury without special appropriation by Congress.

After the passage of the act of 1859 such payments continued where the Indians had annuity funds, down to July 15, 1870, when, by an act approved on that date (16 Statutes, 360, section 2098, Revised Statutes) it was provided that thereafter no claims for Indian depredations should be paid until Congress should make special appropriation therefor. This did not repeal the existing law in relation to Indian depredations; it merely affected the mode of payment. It nevertheless recognized by its terms the fact that Congress would and should make appropriations for such purpose. The provision of the act of June 30, 1834, as modified by the act of February 23, 1859, has been incorporated into the Revised Statutes of the United States, and is section 2156 thereof.

It reads as follows:

"If any Indian belonging to any tribe in amity with the United States shall, within the Indian country, take or destroy the property of any person lawfully within such country, or shall pass from Indian country into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse or other property belonging to any citizen or inhabitant of the United States, such citizen or inhabitant, his representative, attorney, or agent, may make application to the proper superintendent, agent, or subagent, who, upon being furnished with the necessary documents and proofs, shall, under the direction of the President, make application to the nation or tribe to which such Indian shall belong for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding twelve months, such superintendent, agent, or subagent shall make return of his doings to the Commissioner of Indian Affairs, that such further steps may be taken as shall be proper, in the opinion of the President, to obtain satisfaction for the injury."

On May 29, 1872, an act was passed (17 Statutes, 190, section 7, now appearing in section 445 Revised Statutes) requiring the Secretary of the Interior to make an examination of the Indian depredation claims presented to him and report them to Congress with his allowance or disallowance and the evidence upon which his action was based.

This was a practical return to the ancient policy of the Government and a renewed recognition of the liability of the United States. It plainly contemplated payment by Congress of claims presented to the Secretary of the Interior and allowed by him, but gave a further protection against unjust claims by securing a re-examination of the evidence by the committees of Congress. From year to year the Secretary of the Interior has reported to Congress numerous claims of this class, both allowed and disallowed. A few of these cases have been paid by special appropriation acts therefor by Congress, but many of them remain unpaid.

Since then several appropriations have been made by Congress for the purpose of continuing the investigation of claims for Indian depredations. By the act of March 3, 1885 (23 Statutes, 376), an appropriation of \$10,000 was made to enable the Interior Department to make such additional investigations of claims for Indian depredations. Further appropriations have been made by the following acts: Act of May 15, 1886 (24 Statutes, 44), \$20,000; act of March 2, 1887 (24 Statutes, 464), \$20,000; act of June 29, 1888 (25 Statutes, 234), \$20,000; act of March 2, 1889 (25 Statutes, 998), \$20,000.

It is pertinent to inquire why all this care, extending through so many years, to provide for the presentation and examination of this character of claims, if it was not the intention of Congress to pay them and the reasonable expectation of the claimants that they would be paid.

Some of these claims have been provided for and have been paid, with no more apparent merit than numerous others which have not been paid.

Among those may be mentioned the following:

For depredations committed by Rogue River Indians of Oregon, claims proven and allowed were paid at the average rate of 37 cents on the dollar.

Inkapadutah Sioux.—One paragraph in the army appropriation bill, approved March 2, 1861 (12 Statutes, 203), appropriated \$9,640.74 to pay for the destruction of property at Spirit Lake, Iowa, by Inkapadutah's band of Sioux Indians in 1857. Under its provisions twenty-nine claims were presented and an aggregate of \$27,608.55 was allowed by the Commissioner.

Following is a list of claims paid, chiefly from the annuities of Sioux, Northern Cheyennes, and Arapahoes for the twenty years previous to 1870. It shows the character of loss, amount paid, and by what authority:

[10 Stat., 1018, Art. 3.]

Cameron, Theodore, goods stolen by Rogue River Indians, \$10.30; authority of act of July 31, 1854.

[11 Stat., 747, Art. 11.]

Peterson, Hans C., furniture destroyed by Sioux, \$2,283.92; treaty of April 19, 1855.

Burleigh, W. A., horses stolen by Yankton Sioux, \$750; treaty of April 19, 1858.

[14 Stat., 718.]

Prather, John J., goods and horses, by Arapahoes, \$16,746.67; treaty of October 18, 1865, Art. I.

Tracy, Charles F., mules, by Kiowas and Apaches, \$14,650. *Ibid.*

[15 Stat., 620.]

Dresser, George T., clothing, by Utes, \$881; treaty with same, March 2, 1868.

Shepard, George L., personal property, \$108. *Ibid.*

[15 Stat., 653.]

Fish, R. M., two mules, by Cheyennes, \$400; treaty, May 10, 1868.

Fletcher, John, sixty-nine head of cattle, by Cheyennes and Arapahoes, \$3,450. *Ibid.*

Combs, J. M., horses, mules, and merchandise, by Cheyennes, \$2,035. *Ibid.*

Christianson, Lawrence, et al., horses and household goods, \$644, by Cheyennes. *Ibid.*

Irwin, John, harness and robes, by Northern Cheyennes, \$305. *Ibid.*

Logan & Waddington, horses, mules, and merchandise, \$6,585. *Ibid.*

Newman & Powers, mules and harness, by Cheyennes and Arapahoes, \$12,200. *Ibid.*

Newman, H. L., oxen, by Kiowas and Arapahoes, \$3,450. *Ibid.*

Oburn, William C., cattle killed and stolen by Cheyennes and Arapahoes, \$4,000. *Ibid.*

Streeter, James & Co., merchandise stolen by Cheyennes, \$4,392.50. *Ibid.*

Smith, Lucy A., merchandise stolen by Cheyennes, \$2,564.10. *Ibid.*

Warlope, Peter, mules, horses, and merchandise stolen by Cheyennes, \$3,961.50.

Warren, Henry, mules stolen by Comanches and Cheyennes, \$15,867.50. *Ibid.*

Brice, James M., mules and expenses, \$9,000. *Ibid.*

[15 Stat., 673.]

Hogan, J. M., horses stolen by Snakes and Shoshones, \$6,600; treaty with eastern tribes of Shoshones and Bannocks, July 3, 1868.

Short, Celia C., surveying instruments, field notes, rifles, etc., \$678. *Ibid.*

THE SIOUX MASSACRE.

On February 16, 1863 (12 Stat., 632), Congress enacted a law abrogating all laws and treaties heretofore made with the Sisseton, Wahpeton, Medawakanton, and Wahpekoota bands of Sioux Indians, or any of them, "so far as said treaties or any of them purport to impose any future obligation on the United States, and all lands and rights of occupancy within the State of Minnesota, and all annuities and claims heretofore accorded to said Indians, or any of them, to be forfeited to the United States."

Section 2 of this law appropriated \$200,000 out of these Indians' annuities for that and the following year, to be apportioned by commissioners among the surviving members of Minnesota families who suffered by the depredations of the tribes before named, or by the United States troops during the Indian war in that State, not exceeding the sum of \$200 to any one family. These claims, to the number of 2,940, were paid upon the award of the said commissioners.

Since the act of July 15, 1870 (16 Stat., 360, sec. 4), which directed that "no claim for Indian depredations shall hereafter be paid until Congress shall make special appropriation therefor," the following, among others, have been paid by special enactments, the volume and page of the statute where the act may be found being given:

CLAIMS PAID BY SPECIAL ACT.

On July 15, 1870 (Stat., 360, section 4), an act was approved which directed that "no claims for Indian depredations shall hereafter be paid until Congress shall make special appropriation therefor." Up to this date nearly all claims for redress for the depredations of Indians were paid by the Indian agents for the annuities, by the direction of the Secretary of the Interior or the Commissioner of Indian Affairs.

Since the law last quoted took effect such claims have been paid by special act or in an appropriation bill. Following is a list of those thus paid, the amount paid, names of the tribes from whom such funds were withheld, with date of act:

[16 Stat., 307.]

Adams, A. M., horses and cattle stolen by Kiowas and Comanches in 1866, \$29,492.62.

Baca y Salazar, stock stolen by Navajoes in 1866, \$9,000. *Ibid.*

[16 Stat., 377.]

Lincoln, Helen and Heloise, whose parents were murdered by Kiowa Indians January 5, 1868, are given the above names, and \$2,500 for each is reserved from said Indians' annuities, and retained in the Treasury till said girls reach twenty-one years of age, the Government to pay them 5 per cent. interest annually on the same during their minority; on reaching twenty-one years of age the principal to be paid each in full, or their lawful issue if said girls die prior thereto.

[17 Stat., 675.]

Kelly, Fanny, in full for property destroyed by the Sioux in 1864, \$10,000.

Marble, Ann, in full for loss of horses, mules, and wagons, by Cheyennes and Sioux in 1864, \$2,250. *Ibid.*

[17 Stat., 701.]

Gerry, Elbridge, for valuable services rendered the Government in 1864, and for all claims for horses stolen by the Sioux to date, \$13,200.

German, Adelaide and Julia, two children captured by Cheyennes and Arapahoes, while en route from Georgia to Colorado; Secretary of the Interior directed to set aside \$2,500 from annuities of said Indians for the benefit of each of these persons, and the Government to pay them 5 per cent. interest on this sum until they become twenty-one years of age, when they are to be paid all of the principal; or, dying previous to that age, the principal to go to their lawful issue.

[20 Stat., 396.]

A. S. Lee's heirs: Directs the Secretary of the Interior to pay in equal portions to Susanna Marble, Millie Frances Lee, and John Abel Lee, heirs of Abel S. Lee, or their legal representatives, the sum of \$2,915, with interest thereon at 7 per cent. per annum from June 9, 1872, out of any money due the Kiowas, said payment to be in full of all claims of said heirs for property destroyed by the Kiowas in 1872.

Short, Mrs. Celia C., \$5,000, in five annual installments of \$1,000 each, out of any money appropriated for the use of the Cheyennes. *Ibid.*

Germain, Catharine and Sophia, two children captured in Kansas by Cheyenne Indians, \$2,500 to be reserved for each from annuities of said Indians, the Government to pay said children 5 per cent. interest on this fund annually until they are twenty-one years old, when entire principal to be paid them; or, dying previous to that age, the amount to be paid their lawful issue. *Ibid.*, 608.

[21 Stat., 199.]

In an agreement with the White River Utes in Colorado is the following provision: "And out of the portion of the money coming to the White River Utes the United States shall pay annually to the following-named persons during the period of twenty years, if they shall live so long, the following sums, respectively:

Mrs. Travella D. Meeker	500
Miss Josephine Meeker	500
Mrs. Sophronia Price	500
Mrs. Maggie Gordon	500
George Dresser	200
Mrs. Sarah M. Post	500
Mrs. Eaton, mother of George Eaton	200
Parents of Arthur L. Shepard	200
Father of Fred. Shepard	200
Parents of Wilmer Eskridge	200

Shaw, Mrs. Sarah, the Secretary of the Interior to pay her the sum of \$5,000, in five annual installments of \$1,000 each, out of any money appropriated for the use and benefit of the Cheyenne Indians. *Ibid.*, 276.

Cook, Amanda M., Secretary of the Interior to pay her \$2,000 out of the annuities of the Cheyenne or Arapaho Indians, who captured her and killed her mother in Wyoming in 1865. *Ibid.*, 588.

Durfee and Peck, William and John Shirley, Lemuel Spooner, \$58,659.46 for destruction of fort, buildings, and merchandise, \$7,541.75 to be deducted from moneys due the Comanches; \$27,779.62 from the Sioux; \$5,520 from the Kiowas; \$17,848.09 from the Comanches and Kiowas. *Ibid.*, 640.

Redus, William, \$3,600 in full for 104 beaver stolen by the Osages in 1872. *Ibid.*, 652.

[21 Stat., 87.]

Redress to sufferers by a raid of the Northern Cheyenne and Arapaho Indians through the western part of the Indian Territory and Kansas, namely:

Dora Westphalen, money, mules, and clothing	\$800.00
Peter Westphalen, money, mules, and clothing	365.00
D. C. Tracy, cattle, hogs, and mules	1,300.00
Julia Laning and daughters, horses and personal property	1,500.00
Barbara Springler, house and harness	1,050.00
Dina Stenner, horses and grain	925.00

Frank Sperank, horses and grain stolen.....	\$316.30
Ernest Zeibig, grain.....	60.00
Mary Locher, household goods.....	85.00
Maria Dennie, stock and grain.....	601.00
Christopher Abbott, horses.....	815.90
A. C. Blume, damage to crops.....	103.00
Mary Janosek, stock and provisions.....	731.00
John Banda, grain destroyed.....	133.00
Frank Vocasek, grain and horses.....	740.00
Paul Janosek, provisions.....	236.80
Total.....	9,870.10

[23 Stat., 95.]

To pay the following named claimants, who suffered from a raid of the Northern Cheyenne Indians in September, 1878, from the unexpended balances of the treaty fund belonging to the Northern Cheyenne and Arapaho Indians:

Margaret Smith, horses and harness stolen.....	\$395.00
Mrs. E. J. Humphrey, horses and corn.....	623.00
John R. Van Cleve, hay, money, and clothing.....	240.00
Peter D. Adams, cows.....	60.00
Robert Bridel, horses and cows stolen.....	585.85
James Bailey, horses.....	110.00
N. W. Rider, clothing and provisions.....	61.50
J. J. Keefer, horse.....	70.00
Henry Rathbon, saddle and bridle.....	45.00
E. D. Stillson, horse and goods.....	40.00
Patrick Drohen, mules and cow.....	491.50
Mary Hamper, cash.....	55.00
John McKenzie, stock.....	128.50
Lizzie Steffen, cow and corn.....	80.00
J. B. Jennings, cattle.....	88.00
Thomas L. Collins, cattle and hay.....	700.00
Wenzel Rahen, cattle, corn, and wheat.....	80.00
Franz Tacha, sugar, corn, and wheat.....	100.00
Joseph Cilek, cattle.....	150.00
George M. Miller, colt.....	40.00
John Irwin, robes and harness.....	305.50

[23 Stat., 96.]

To pay the following named claimants or their legal representatives in full satisfaction of their claims for damages caused by the Ute Indians at the time of the Ute massacre at White River agency, in 1879, to be paid from the funds of the confederated bands of the Ute Indians, namely:

Josephine Meeker, personal property stolen.....	\$460.00
Mrs. A. D. Meeker, household goods stolen.....	778.85
Sophronia E. Price, personal property.....	701.50
Sarah M. Post, tools and clothing.....	599.00
W. E. Eskridge, personal property.....	220.00
George T. Dresser, clothing.....	881.00
George L. Shepard, personal.....	108.00
Thomas F. Thompson, clothing.....	203.00
Albert A. Woodbury, clothing.....	79.50
E. L. Mansfield, clothing.....	137.25
McLane & Dillman, five horses.....	300.00

[25 Stat., 1223.]

Jones, Mrs. Eliza A. Cutter, \$5,000, to be paid in five annual installments of \$1,000 each, out of any money hereafter appropriated for the use and benefit of the Cheyenne Indians.

In the report of the House Committee on Indian Depredation Claims, it is stated that since 1885 there have been investigated with great care and labor, and at much expense to the Government, eleven hundred claims, involving a total sum of \$4,000,000. But few of these have been allowed for amounts originally claimed. Some have been entirely disallowed, and the remainder have been reduced to correspond with the facts, and \$1,300,000, or 32½ per cent. of the \$4,000,000 have been allowed. It is also stated that during all the period since the claims have been pending, Congress has appropriated by special act \$1,654,530.

Your committee quote and append hereto the very able and valuable report made by the chairman thereof from the Select Committee on Indian Depredation Claims of the House of Representatives, in full, as it gives much important information and contains an expression of the views of that committee why legislation of the character contemplated should be enacted by this Congress, though your committee prefer making use of the tribunals already established, rather than to create new ones.

Many of the treaties made by the United States provide the Indians shall either indemnify out of their available funds the persons suffering losses and injuries committed by them, and in some cases they agree to restore the property taken. In more of the treaties the Government agrees to indemnify the Indians for losses suffered by them at the hands of the white man.

CONCLUSION.

But your committee submit, that in the absence of all precedent or treaty stipulation or statutory obligation, just claims arising from unlawful acts of robbery, theft, and destruction committed by the Indians upon the whites and the whites upon the Indians, in the absence of a state of war between the whites and the Indians, should be made good through the instrumentality of the Government, either by requiring one party to pay the other, or by payment out of the Treasury.

The statutory recognition of this obligation by the fathers of the Republic was the result of a clear apprehension of duty arising from the relations of the Government to the citizens and the Indians. The policy of the Government from the earliest days until the present time has been to keep the Indian in the condition of a ward and to prevent any redress of grievance against him by the whites. There are no civil tribunals with jurisdiction of such controversies or with power to enforce a judgment against the Indian. Neither the criminal nor the civil process of State courts run within an Indian reservation, except by express consent of Congress.

The public necessity for this policy established by Federal statute has been the reason for its existence; but with the prohibition of private or State redress for wrongs, a reciprocal duty arises on the part of the United States, the duty of guarantying indemnity to those who are denied redress. It is this obligation which was enforced in the early legislative proceedings of the United States, and recognized anew by the later laws to which attention has been called.

These claims have been for years before the Department; they have been examined and re-examined in the Department; Congress has been flooded with bills for their payment.

This bill reported from the committee proposed a final determination, within the limit which it prescribes, of all such cases. Proper safeguards are supposed to be contained in the bill; the Government and the Indian are amply protected; there can be no reasonable ground to apprehend that any fraud will be com-

mitted in their adjudication, but that whatever is reasonably due the injured party may be ascertained and paid either from the funds belonging to the Indians, many of whom are possessed of absolute wealth, while their victims, in many instances, were bankrupted by the injury, or the Government shall pay where, by the course or policy pursued by the Government, the Indians are unable to pay.

Your committee therefore earnestly recommend the passage of the bill.

APPENDIX A.

[House Report No. 1079, Fifty-first Congress, first session.]

Mr. HERMANN, from the Select Committee on Indian Depredation Claims, submitted the following report (to accompany H. R. 8150):

Your committee finds itself overwhelmed with private bills for the payment of Indian depredation claims arising in various portions of the nation, chiefly in the extreme Western, Southwestern and Pacific States and Territories. It has been found utterly impossible to consider with necessary care even a small portion of these matters. It has therefore devoted its consideration to the various general bills before it which provide for a court or special tribunal before which all such private claims may be considered and finally acted upon.

The records of Congress disclose the fact that for many years former committees have experienced a like inability to consider the numerous claims of this class which have been presented to Congress from time to time. It was deemed necessary, and was thought to be a great relief, when Congress provided for the investigation of Indian depredation claims through and by the Interior Department. To this end appropriations have been annually voted to defray the expenses incident to such investigation; but even this has failed to produce the desired result, inasmuch as it is now seen that the various claims investigated and favorably reported to Congress at each session can not be considered by it with a view to appropriation.

The business of this Government has at last become so immense in its details, and the increase of measures before Congress so great, that only matters of the highest public concern can be considered with that care and deliberation so essential to just and correct legislation. Your committee has therefore arrived at the conclusion that a separate and independent tribunal is now an indispensable alternative for the speedy and just settlement of claims arising through Indian depredations, and they accordingly report the accompanying bill, which in their judgment will accomplish such an adjustment of these claims as is desirable and proper. The various Departments of the Government which are connected directly and indirectly with the proposed tribunal have been consulted by your committee, and each and all of them have not only united in an opinion as to the necessity for such a resort, but have approved the general features of the bill. The class of claims which are referred under this bill have an interesting history in the legislation of the country.

The founders of the Government early appreciated the delicate relations which existed between the aborigines of the country and the whites. To deal fairly and justly by the Indian race, to disarm these people of any suspicion as to unjust methods on the part of the whites, to prevent controversies which seemed inevitable in the various transactions between them, and to avoid personal conflicts which must necessarily have ensued, and driven the races to endless hostility, it was early determined, in the act of July 22, 1790, to regulate all trade and intercourse with the Indian tribes. Great care was also provided, in further enactments, as to settlement on Indian lands and the survey of the same, and all individual transfers or purchases of land were strictly prohibited and made void. Cases frequently occurred of Indian depredations on the one hand, and of retaliation by the whites on the other.

Indian depredators were pursued into their own territory by the whites, intent upon reclaiming the property taken, or of obtaining indemnity or compensation for property destroyed. Great disasters were often precipitated during these occasions. It was found, later on, further necessary to define still more clearly the relation between the two races. While the Indian on the one hand was promised protection against the lawless actions of the white man, on the other a guaranty of indemnity was offered the whites as to the lawless acts of the Indians. These necessities thus created an obligation on the part of the General Government to each of these classes. It became, as it were, not only a common arbiter between them, but an indemnifier as well. Having assumed to guaranty indemnity, it also assumed to enforce a recognition of the rights of each. Various acts of legislation were enacted pursuant to the principle thus adopted. An extract from the act of May 19, 1796, will more clearly emphasize the original obligation on the part of the General Government in the following words:

"That if any Indian or Indians belonging to any tribe in amity with the United States shall come over or cross the said boundary line into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse or horses or other property belonging to any citizen or inhabitant of the United States, or of either of the Territorial districts of the United States, or shall commit any murder, violence, or outrage upon any such citizen or inhabitant, it shall be the duty of such citizen or inhabitant, his representative, attorney, or agents, to make application to the superintendent, or such other person as the President of the United States shall authorize for that purpose, who, upon being furnished with the necessary documents and proofs, shall, under the direction or instruction of the President of the United States, make application to the nation or tribe to which such Indian or Indians shall belong for satisfaction. * * * And in the mean time, in respect to the property taken, stolen, or destroyed, the United States guaranty to the party injured an eventual indemnification: *Provided always*, That if such injured party, his representative, attorney, or agent, shall in any way violate any of the provisions of this act by seeking or attempting to obtain private satisfaction or revenge by crossing over the line on any of the Indian lands, he shall forfeit all claim upon the United States for such indemnification." (See act June 30, 1834, sec. 17, 4 Stat. L., 731.)

It will thus be seen that the usual remedies afforded by the municipal law were absolutely denied the injured party, and he was prevented from seeking private satisfaction for the loss incurred. A thief taking away another's property, or an enemy burning another's dwelling, or trespassing in the least upon another's rights, can be followed throughout the whole nation and the courts are open to the injured claimant. The property of the wrongdoer can be seized by the strong arm of the law, and recompense had and the wrong redressed. In the interest of peace and public policy, the Indian trespasser, however, can not be pursued into any courts, nor can his property be taken in satisfaction for the injury he inflicts.

The reservation line is the boundary of his refuge, and too often it has been a refuge for thieves and murderers. The injured settler of the frontier, who has perhaps but his faithful yoke of oxen as his reliance in building his American home in the wilderness, must fold his arms and quietly submit should some Indian depredator stealthily encroach upon the settler's lines and there take away or destroy his only property. He could pursue the white criminal, could invoke the aid of the law, both to punish for the wrong act and to recover the property if found. But in the case of the Indian depredator he is restrained by the severe admonition of the law itself.

The analogy between the express liability of the States, or of municipal bodies, to answer for damages by riots or mobs, or of the United States, under treaty provisions, to compensate for injuries done aliens in this country, is not so close as is the relation of the Government to its own injured citizens—the

victims of Indian depredations. Congress responded most readily, and with extreme liberality, to the demands of China for compensation for loss of life and property of alien Chinese by mob violence in Wyoming. The obligation to protect its own citizens from Indian violence is doubly strong in view of the express guardianship assumed by the Government of the Indian tribes. It undertook to guard, to care for, and to protect the Indians. It assumed the corresponding duty to maintain sufficient force by which to prevent injury to its citizens from such of these savage wards as should escape its surveillance.

In view of this relation of the General Government to the Indian tribes its jurisdiction is supreme, and the various States under the Constitution can afford no remedy not in harmony with the Federal statutes. The State, as well as the citizen, must resort to the authority of the General Government for redress. Without its assent no injury can be remedied and no wrong can be punished. For every other injury to the citizen the law provides a direct remedy. Indeed, we are reminded that it is a maxim of the law that for every wrong there is a remedy. There is also a constitutional guaranty to every citizen (and the power of the nation is pledged to its maintenance) that he shall not be deprived of his property without due process of law.

When the Government withdraws from the citizen the right to sue and to protect, or to recover his property when wrongfully taken, it in effect confiscates his property. "That it has the power to so enforce the rights and interests of private citizens to secure the safety or prosperity to the public" there can be no doubt, as the Supreme Court has said, but beyond this there still exists the constitutional principle "that private property shall not be taken for public use without just compensation." This principle, as applied to the question involved in Indian depredation claims, appeals to the conscience and good faith of Congress.

In another form, as we have demonstrated, this obligation to the citizen, in relation to the Indian wards of the nation, is also recognized and maintained. The Government assumed an express responsibility to the injured claimant. It became his guarantor, and while it took away his ordinary remedy, it yet provided him an indemnification. It undertook to do the punishing as well as to follow the further remedy for such recovery as was possible, and to this end (in the act of Congress last mentioned) it was provided—

"That it shall be lawful for the President of the United States to deduct such sum or sums as shall be paid for the property taken, stolen, or destroyed by any such Indian out of the annual stipend which the United States are bound to pay to the tribe to which such Indian shall belong."

The guaranty of indemnification to its citizens was continued and re-enacted by the Government during various years and terms of Congress until the act of February 28, 1859. Up to that time all losses were regularly paid through the Departments upon proof being made to the proper officers. No recourse was had to Congress. No other legislation was had, and no such uncertainty and delay were experienced as are now suffered through the inaction of Congress. Indemnification was made directly out of the Treasury for the property taken or destroyed. As to all losses, therefore, as accrued previous to February 28, 1859, the obligation of the Government continued unimpaired and its liability to that extent has never been disputed. These and subsequent losses constitute a valid and subsisting debt against the Government.

The last-named act repealed so much of the previous legislation as provided for the indemnification being made immediately out of the Treasury, but continued the provision as to the indemnification being made out of the annuities due the Indians. A doubt, however, arose as to whether the act did not of itself repeal the guaranty of indemnification and thus destroy the further obligation of the Government to claimants. This doubt was set at rest in the succeeding Congress by the joint resolution of June 25, 1860, which provided that the preceding act "shall not be construed to destroy or impair any right to indemnity which existed at the date of said repeal."

By act of July 15, 1870, the remaining remedy for payment, through annuities, was discontinued, and it was further provided that no claims for Indian depredations shall hereafter be paid until Congress shall make special appropriation therefor. It was, therefore, not until as late as the year 1870 that in all cases claimants were required to seek their remedy in Congress. The right, however, to compensation has always continued a subsisting obligation between the Government and the injured party. The remedy alone has changed. It was in 1872 that the Interior Department was first authorized and required to receive evidence relating to Indian depredation claims and to make rules and regulations for the proper investigation of the same, and to make report to Congress at each session as to the nature and amount of such claims, and whether allowed or disallowed by the Secretary, with the evidence upon which his action was based.

This was again a continuing recognition, not only as to the character of this class of claims, but also as to the right of the citizen to seek, through Congress, for compensation. Between 1850 and 1885 three thousand eight hundred and forty-six claims were filed, involving \$13,600,000. Of these, two hundred and twenty-five claims have been paid. With the act of March 3, 1885 (23 Stats., 376), commenced the system of annual appropriations for the investigation of Indian depredation claims, and which authorized the Secretary of the Interior to expend these appropriations for such purpose. The further act of 1886 appropriated \$20,000 for continued investigation, and included all claims previously barred by the limitation of the act of 1834. These appropriations and the investigations made thereunder have continued up to the present day. Since 1885 one thousand eight hundred and sixty-four have been filed.

The very words used in the recent act of March 3, 1885, and referred to by all the subsequent acts of appropriation, contain within themselves unmistakable recognition by Congress as to the continuing guaranty and obligation of the Government in relation to these claims. These acts provide that the Secretary shall determine the kind and value of all property damaged or destroyed by reason of the depredations, and by what tribe such depredations were committed, and further provide that his report shall include his determination upon each claim. Pursuant to these various acts, the Interior Department has had presented to it from various claimants, in different States and Territories of the Union, five thousand seven hundred and ten claims, involving, as per claimants' valuation, about \$19,000,000.

It has investigated, with great care and labor, since 1885, and at much expense to the Government, 1,100 claims, involving a total sum of \$4,000,000. But few of these have been allowed for amounts originally claimed. Some have been entirely disallowed, and the remainder have been reduced to correspond with the facts, and \$1,300,000, or 32½ per cent., of the \$4,000,000 have been allowed. Congress has appropriated by special acts \$1,654,530. Prior to 1870 many of these claims were paid by Indian agents.

Numerous acts of Congress have been passed since 1834 up to the present time making appropriations in individual cases for Indian depredation claims. Seldom since that time has a single session passed that there has not been considered and appropriations made for some specific claim for depredations. These were not confined to acts committed in the early years of the nation's history, but many were for depredations committed within the last fifteen years. While the original liability, as well as the precedent, for these various payments are not disputed, yet your committee desire to submit this brief review in order that Congress may be reminded of the importance as well as the necessity for a continuation of its just policy toward these numerous claimants, and that it may also realize the absolute impossibility of doing this simple justice and affording compensation under the system which at present prevails through relief bills in Congress.

If it is the intention that these just claims shall be honestly adjusted and paid,

there should no longer be delay in providing some expeditious and certain method of adjudication. If, on the contrary, it is desired to repudiate and ignore them and to deny compensation, it is no less a duty to the long-expectant and suffering claimants that this announcement should be made at the earliest possible moment by some authoritative action on the part of Congress.

The Interior Department of the Government, which has so long been considering the subject before us, has repeatedly recommended to Congress the payment of these claims. The Commissioner of Indian Affairs, in his report to the honorable Secretary of the Interior, and which is approved by the Secretary in favorably reporting upon the bill now submitted by your committee, uses the following language.

"Ninety-four years ago, under the sanction of George Washington, Congress solemnly promised eventual indemnity to the citizens and inhabitants of the United States who might, through no fault of their own, lose their property at the hands of Indians enjoying treaty relations with the United States. In all this time that promise has been kept in not more than 3 per cent. of the claims which have been filed. The law forbade these claimants, under a penalty of losing the amount of their claims, from attempting by private efforts to recover their property where such efforts might involve the country in an Indian war—from taking 'private satisfaction or revenge,' in the language of the law—and forced the Government upon them as their attorney to collect for them the amounts which might be due. Becoming thus, by its own law, the agent and attorney of these people, and forbidding them any other course of proceeding, it appears to be more than in the ordinary sense bound by honor and good policy to redeem its pledges and faithfully carry out its promises. I think the jurisdiction conferred by the inclosed bill is entirely just and proper, and is sufficiently guarded to protect the Government from the payment of unjust claims to undeserving people. All previous legislation upon this subject has limited the jurisdiction of the Government in the settlement of these claims to the consideration of those resulting from depredations committed by Indians who at the time were 'in treaty relations' with the United States.

It is noticed that in subdivision section 1 the qualification of treaty Indians is omitted, and in my opinion the omission is entirely proper for a just and equitable view of the matter. The Government of the United States was in duty bound to protect those adventurous citizens who, upon its invitation and promise, if not express obligation, to afford them such protection, peopled the barren West and converted its barbarism into civilization. But they did not receive that protection by reason of the inadequate military force employed in that part of our domain.

It was no fault of theirs, but the wrong of the Government, and the Government ought not to attempt to plead that wrong or its negligence in negotiating treaties with these savages as an excuse for the nonpayment of the claims which may be and no doubt are in every respect just as honest and just as equitable as those which were committed by Indians who at the time were enjoying treaty relations."

The Treasury Department likewise, having been consulted upon this subject, replies as follows:

"The necessity for some legislation by which this class of claims should be provided for has long been apparent, and the tribunal proposed in the bill seems admirably adapted for the purpose of giving these difficult cases a thorough investigation and speedy settlement."

Nor does the disposition manifested by Congress within the past few years justify the country to believe that it is the intention to longer ignore these obligations. There is a general unanimity of sentiment, after long experience and reflection, that the proper course to pursue is that which your committee now recommend to Congress. The Indian Affairs Committee of this House in the Forty-eighth Congress had under consideration at that time the subject of Indian depredation claims, and it unanimously reported a bill "to establish a board of commissioners to examine, adjust, and report on all claims arising out of Indian treaties and depredations committed by the Indians, and for other purposes." Their examination of the subject was an exhaustive one, and their report is a most interesting document. The functions of the commissioners proposed were, as far as possible, judicial, and the Attorney General was required to see that the interests of the Government were properly defended; and the committee reported:

"That after a careful consideration they have reached the conclusion that the only consistent proceeding, with a due regard on the one hand for the obligations of the Government, and on the other for the proper security of the Government from unfounded claims, is to provide for the examination of these claims by some tribunal endowed with ample facilities for sifting their merits thoroughly, in whose findings Congress may safely repose confidence."

In the Fiftyeth Congress it became apparent to all that the Committee on Indian Affairs could not properly consider the numerous details connected with Indian legislation and at the same time pass upon the mass of Indian depredation claims before it, and the creation of a select committee became a necessity. The rules of the House provided for this. This committee having this class of legislation alone to consider were enabled to devote to it careful as well as prompt attention, and in the same session it reported to Congress a bill "To provide for the adjudication and payment of claims arising from Indian depredations." This also proposed the creation of a separate tribunal for a final adjustment of this class of claims, and the committee in reporting the bill say:

"Fully appreciating the justice of the demands of the claimants now before Congress and the Departments of the Government for depredations committed by the Indians, and recognizing the moral and legal responsibility of the United States for their indemnification and payment, and being satisfied that a proper and speedy adjustment of the amounts due each party as well as the determination of a relevant and important adjunct of the question can not be had at least for years owing to existing modes of considering them, this committee has reached the conclusion that justice to the claimants, justice to Congress, and justice to the Government concur in demanding that a tribunal distinctively judicial in character whose decisions deliberately and judicially had would command the respect and confidence alike of Congress and the country, should be organized and charged with this duty, and hence the committee have carefully examined and prepared and do recommend this bill to the favorable consideration of the House."

In recognition of the merits of this class of claims the same committee report:

"To no class of its citizens is the American Government more indebted than to the heroic men and women who, as pioneers of our civilization, abandoning home, and comfort, and ease, risked life and property to secure homes, wealth, and progress as the heritage of those who should follow in their pathway. A cheerful compensation of their losses, so incurred, under the guaranty of the Government, is the deserving reward of their sacrifices."

This bill, somewhat amended, passed this House during the same session at which it was reported. It was favorably reported from the Committee on Indian Affairs of the Senate, with various amendments, but failed to be considered for want of time. And now your committee submit the third report, and with it a bill, also providing for a tribunal, the passage of which they recommend with all the earnestness of former committees.

The Senate having at this session of Congress (and for the first time) created a Select Committee on Indian Depredation Claims, it is believed that an early and thorough, as well as a final, consideration may be given this subject by the Fifty-first Congress, and that a method may be provided for the direct payment of these long-existing obligations of the Government.

Your committee express the belief that such an announcement will be glad

tidings to the pioneers in the Far West, who conquered the wilderness, reclaimed the desert plains, subdued the savages, and by stubborn occupancy, contended for in many a bloody contest, acquired valuable territory to this nation from Indian as well as foreign foe. They spread the light of civilization and freedom, that the stagecoach, and later on the palace car, might follow in peace and in pleasure. The deep ruts made by the emigrant wagon have become the channels of a mighty commerce, and have guided the way to a people who have established a wonderful empire which but a few years ago was the frontier of the nation.

The Government, however, has never properly appreciated these great sacrifices or the magnificent results which they have produced. At the very time when it should have protected these people it neglected them. When they entered upon their brave pilgrimage to these distant regions of the great West they did so with the implicit faith that the laws and protection of their country would go with them. They had a right to expect this. The Government through its policy as well as its acts invited its citizens to people the frontier. It extinguished the Indian title. It extended the public surveys. It enacted various laws by which the settler might acquire title to its domain. It received a fixed price for the sale of its lands and assumed to confer title. Forts were established, troops in inadequate numbers were stationed at widely separated points, treaties were entered into, Indian agencies and reservations were provided for within well-known and designated boundaries, and in all the vast territory within which the Indian depredations were committed the flag of the nation floated as the emblem of authority and protection of a great and strong Government.

To the early settlers, however, it was stronger in sentiment and theory than it was strong as a shield to them in the numerous perils and conflicts which beset them. They soon learned to rely upon their own resources. They patiently submitted to untold privations and sacrifices. They formed their own companies, provided their own arms and ammunition, constructed their own forts, and with their own commanders they marched to battle, generally against great odds, and often, when vanquished, suffered tortures inflicted by no other foe. Frequently their dwellings were burned, their cattle and horses were driven off, their crops were destroyed, their families and comrades were massacred, and when they appealed to their country for relief the response seldom came, and when it did it was too late or too feeble to be of any avail. Many of these Indian marauders and murderers were armed with Government weapons, supplied with Government ammunition, clad in army coats, and often started out with Government rations.

Singular as it may seem, the major portion of the pioneers of the West who still survive are people of small means. Many who were once possessed of large property lost all or nearly all by Indian depredations, and they never recovered from the injury thus inflicted. It is chiefly this class of the early settlers of the country who are appealing to the Government, to this committee, and to Congress for relief before they die. Many have abandoned all hope. They believe they are appealing to an ungrateful and forgetful country. A great number, however, have an abiding faith that justice will yet be done. Their hopes have been sustained by the various promises from year to year conveyed to them from Congress, and with this cheer still animating them they continue at each session to introduce and reintroduce their familiar claims to Congress and to appeal to their Representatives for final payment.

Your committee, in conclusion, express the belief that the bill reported not only provides for a just and careful and final determination of these claims in the interest of the claimants, but also guards the liability and rights of the Government as well as the Indians against extortionate or fraudulent claims, and we therefore report it back to the House, with a recommendation that it pass.

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Vermont [Mr. EDMUNDS] to the amendment of the committee to strike out section 3.

Mr. WALTHALL. Mr. President, will an amendment to that section which is proposed to be stricken out be in order now?

Mr. FAULKNER. If it is to perfect the section before it is stricken out it will be in order.

The PRESIDING OFFICER. The amendment of the committee being in the nature of a substitute or a new bill, and the motion of the Senator from Vermont [Mr. EDMUNDS] being to strike out the section, it is the impression of the Chair that the amendment to the amendment is in order, and the Chair will so rule.

Mr. WALTHALL. I move to strike out all after the word "court," in line 2, of section 3, of the Senate amendment, and insert "upon the unsupported testimony of an Indian."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to strike out all after the word "court," in line 2, of section 3, as follows:

Unless substantiated to the satisfaction of the court by the testimony of some credible witness having a personal knowledge of the facts, and who is not of the Indian race.

And insert:

Upon the unsupported testimony of an Indian.

So as to make the section read:

SEC. 3. That no claim referred to in the second subdivision of section 1 of this act shall be allowed by the court upon the unsupported testimony of an Indian.

Mr. PADDOCK. I hope that amendment will prevail.

Mr. WALTHALL. I will state to the Senate that the object of the amendment is to take from that section the harshness which the Senator from Vermont [Mr. EDMUNDS] complained of and, at the same time, not to leave the Government at the mercy of a single Indian witness.

Mr. MITCHELL. That lets the Indian in as a witness, but requires more testimony.

Mr. WALTHALL. Yes.

Mr. DOLPH. I wish to say that I consider the whole provision rather unnecessary, as under the existing statutes of the United States it is provided that, upon the conviction of any white person who has depredated upon an Indian, he shall be compelled to pay twice the value of the property, and if the value of the property can not be collected of him, the United States shall pay it, and if he can not be ap-

prehended and convicted, the United States shall pay it out of the Treasury. Of course, the evidence upon which that claim may be prosecuted is the usual rule of evidence provided by statute. I do not consider that the portion of the section moved to be struck out is very important.

Mr. WALTHALL. It does not occur to me that that statement bears in the least degree upon the section as I propose to amend it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Mississippi [Mr. WALTHALL] to the amendment.

Mr. CHANDLER. I was out of the Senate when the amendment was offered, and I should like to hear it read.

The PRESIDING OFFICER. The amendment will be again stated.

The SECRETARY. It is proposed to strike out all after the word "court," in line 2 of section 3, and insert "upon the unsupported testimony of an Indian;" so as to make the section read:

SEC. 3. That no claim referred to in the second subdivision of section 1 of this act shall be allowed by the court upon the unsupported testimony of an Indian.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Vermont [Mr. EDMUNDS] to strike out section 3.

Mr. SPOONER. I rise for the purpose of asking the Senator from Nebraska if any estimate has been made or can be made of the amount of money which would probably be taken out of the Treasury under the operations of the second subdivision of section 1. There is no limitation, as I now remember, of time upon the claims there mentioned, though I may be mistaken about that.

Mr. PADDOCK. This is the usual provision, which runs through all the acts, commencing with the act of 1796. There are on file, as I understand, about one million and three hundred odd thousand dollars of claims of this class. They have all been filed. The Indian is not likely to delay very long in presenting his claim through the Indian agent to the Department having charge of the subject.

Mr. SPOONER. He may not delay if he knows that he may present a claim. I presume it is fair to assume that most of these claims will be paid out of the Treasury rather than by the men who perpetrated the outrages.

Mr. PADDOCK. It is fair to presume, if they are treaty Indians, that perhaps one-half, and possibly more, would be paid out of the funds of the Indians committing the depredations.

Mr. SPOONER. I am speaking now of the depredations committed by white men upon Indians. As I understand the bill, in all cases where judgment is rendered in favor of an Indian against a white man who committed a depredation upon an Indian, the judgment is to be for double the value of the property, and if the white man can not be found, or if it can not be collected out of him, then it is to be paid out of the Federal Treasury.

Mr. PADDOCK. That is so.

Mr. SPOONER. On that state of facts, I ask whether the Senator has investigated the subject so far as to be able to give the Senate any estimate of what amount of appropriation would be involved in that subdivision of the bill?

Mr. PADDOCK. I am unable to make a satisfactory statement from my own investigation. I only know that the amount is about what I have stated.

Mr. SPOONER. Does the Senator suppose there is anybody in the civilized world who can tell?

Mr. PADDOCK. That, of course, I do not know, but I assume, as I stated to the Senator before, that the claims which Indians may have had against the Government have been promptly filed with their agent, and through their agent always presented to the executive branch of the Government having charge of the treaty tribes. I think it will be found, as a rule, to be absolutely correct that they have uniformly presented their claims, whatever they may have been. I think it fair to presume that there is no considerable amount of claims that have not been presented. Of course I am not now able to go through all the details of the matter.

Mr. SPOONER. What is the amount of the claims which have been presented?

Mr. PADDOCK. About one million three hundred and odd thousand dollars. That is under the act of 1872 and subsequent acts running through various appropriation bills.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Vermont [Mr. EDMUNDS] as amended.

Mr. REAGAN. Will the Chair please have the amendment again read?

The PRESIDING OFFICER. The Secretary will report the amendment.

The SECRETARY. It is proposed to strike out section 3, as amended, as follows:

SEC. 3. That no claim referred to in the second subdivision of section 1 of this act shall be allowed by the court upon the unsupported testimony of an Indian.

Mr. EDMUNDS. Now, Mr. President, I wish to say about that section, which was modified during the time I was compelled to be absent from the Chamber, that the fundamental objection to it stands

just where it did before. We are to have a court, a regularly established court of the United States. To undertake to instruct that court that it shall not allow or decide in a particular way on the unsupported testimony of any man whatever appears to me to be a crime against humanity and justice. We have a universal rule of law that the unsupported testimony of an accomplice, for instance—I may state it a little broadly, but not much, I take it—shall not be sufficient to convict an accused man.

But there never was a statute of a State, I suspect, or of any civilized country, which provided that that should be a rule of law; and now, when we come to the question of mere civil procedure, of mere private rights of property and claims, to declare, not against the black man, not against the Chinaman, not against the white man, and not against the most ignorant and depraved of any other race or country whatever, but against the Indian, that if he can convince the court on his testimony, or that of himself and his fellows—because you can take them all if you only take one—he can not have justice because he alone is the witness who can be produced, or he and his fellows, to support it, and to declare that you can not trust the court to find what the truth is, appears to me to be going back five hundred years.

I hope, therefore, that this section will be stricken out, the effect of which will be, that the court, upon testimony that is satisfactory to its own conscience of what the truth really is, may act for the Indian or against him, no matter what may be the race of the witness who is produced.

Mr. WOLCOTT. I should like to ask the Senator from Vermont a question, because I have not, unfortunately, the information, and I know he will have it. Does it not require some particular enactment of law to permit an Indian to be a witness?

Mr. EDMUNDS. No.

Mr. WOLCOTT. Then I do not understand why it is that in our statutes, for instance, in relation to liquor cases and in one or two other classes of cases, there is a provision in the statute itself that the Indians may be witnesses. I imagine that the Senator, as chairman of the Judiciary Committee, has had that matter before him. I confess my own ignorance of the subject.

Mr. EDMUNDS. I am bound to say that the Judiciary Committee since I have been a member of it, for probably about twenty years, never had any other question about the admissibility of witnesses before it, except that of providing that claimants might be witnesses, because, of course, the ordinary rule of common law is that a person in interest, the very party himself, can not be a witness. All that was exploded, of course, long ago. Beyond that, I do not know that the committee, of which I have the honor to be a member, has ever had occasion to consider the subject; but I put it upon the fundamental principles of justice. You have got a regularly organized and established court of justice to try this class of cases. Now, to say that a special class of claims in favor of one particular race, or one man of a particular race, must only be proved up or fail to be proved up because the only witnesses for that claim belong to a particular race, be they red or white or black, appears to me to be contrary to the fundamental principles of justice and republican and democratic liberty. That is why I am opposed to the whole section.

Mr. WALTHALL. As a member of the committee, I desire simply to say that I hope the amendment of the Senator from Vermont will not prevail, as this section in its present shape, or some such provision, seems to be necessary for the reasonable protection of the interests of the Government.

Mr. DAWES. A large portion of the people of this country who are called Indians and belong to the Indian race are by law declared citizens of the United States, with all the privileges and immunities of citizens of the United States, and here is a section of a proposed statute which excludes those citizens of the United States from standing on an equality with other citizens of the United States in a court of justice; that is to say, to impress the truth of what they say upon a court if they can. I have never observed so remarkable a section as this in any statute before.

I have just come into the Senate Chamber from my committee room, and I do not know what discussion has been had on the question.

Mr. EDMUNDS. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont to strike out the third section of the committee amendment as amended.

Mr. HARRIS. Let the section be read.

The PRESIDING OFFICER. The section will be read.

The SECRETARY. It is proposed to strike out section 3 as amended, as follows:

SEC. 3. That no claim referred to in the second subdivision of section 1 of this act shall be allowed by the court upon the unsupported testimony of an Indian.

Mr. PADDOCK. If an amendment to that amendment is in order I desire to move, after the words "unsupported testimony of an Indian," to insert the words "who is not a citizen of the United States."

Mr. EDMUNDS. That is, the truth depends upon a man's being a citizen.

The PRESIDING OFFICER. That is a proposition to amend what has just been inserted by the Senate.

Mr. HARRIS. A proposition to amend the part proposed to be stricken out, as I understand it.

The PRESIDING OFFICER. It includes what was inserted by the Senate. The Chair would inquire if it be the impression of the Senator from Tennessee that the proposition to add to what has just been inserted is in order.

Mr. HARRIS. I should think clearly so.

Mr. EDMUNDS. I think it is in order.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add, at the end of the amendment already adopted, the words "who is not a citizen of the United States;" so as to make the section read:

That no claim referred to in the second subdivision of section 1 of this act shall be allowed by the court upon the unsupported testimony of an Indian who is not a citizen of the United States.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska to the amendment.

Mr. EDMUNDS. To add the last words, the citizenship being the test of the credibility of a witness.

The PRESIDING OFFICER put the question, and declared that the yeas appeared to prevail.

Mr. EDMUNDS. I ask for a division.

Mr. PADDOCK. I am not particular about the amendment, and I will withdraw it.

Mr. EDMUNDS. All right.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Vermont, to strike out the third section of the committee amendment as amended, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. DIXON (when Mr. ALDRICH's name was called). My colleague [Mr. ALDRICH] is paired with the Senator from New Jersey [Mr. MCPHERSON].

Mr. FAULKNER (when his name was called). Announcing the transfer of my pair with the Senator from Pennsylvania [Mr. QUAY] to my colleague [Mr. KENNA], I vote "nay."

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. EVARTS].

Mr. PASCO (when his name was called). I am paired with the Senator from North Dakota [Mr. CASEY]. In his absence, I withhold my vote.

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

The roll-call was concluded.

Mr. McMILLAN. I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. HARRIS. I inquire if the Senator from Vermont [Mr. MORRILL] is recorded.

The PRESIDING OFFICER. He is not.

Mr. HARRIS. Then I withhold my vote. I am paired with that Senator.

Mr. SQUIRE. I am paired with the Senator from Virginia [Mr. DANIEL], and therefore I withhold my vote.

Mr. DOLPH. I am paired with the senior Senator from Georgia [Mr. BROWN]. I suggest to the Senator from Tennessee [Mr. HARRIS] that we transfer our pairs and then we can both vote.

Mr. HARRIS. I consent to the transfer.

Mr. HISCOCK (after having voted in the affirmative). I inquire if the Senator from Arkansas [Mr. JONES] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. HISCOCK. Has a quorum voted?

The PRESIDING OFFICER. A quorum has not yet voted.

Mr. HISCOCK. If a quorum has not voted, then my vote may stand.

Mr. PLATT. I am paired with the Senator from Virginia [Mr. BARBOUR], with the right to vote to make a quorum. I will therefore vote. I vote "yea."

The result was announced—yeas 21, nays 17; as follows:

YEAS—21.

Allen,	Frye,	Plumb,	Stewart,
Blair,	Hawley,	Reagan,	Washburn,
Cullom,	Hiscock,	Sanders,	Wolcott.
Dawes,	Hoar,	Sawyer,	
Dixon,	Ingalls,	Shoup,	
Edmunds,	Platt,	Spooner,	

NAYS—17.

Bate,	Dolph,	Harris,	Walthall,
Carey,	Faulkner,	McConnell,	Warren.
Chandler,	Gorman,	Mitchell,	
Cockrell,	Gray,	Paddock,	
Coke,	Hampton,	Vest,	

ABSENT—50.

Aldrich,	Daniel,	McMillan,	Ransom,
Allison,	Davis,	McPherson,	Sherman,
Barbour,	Eustis,	Manderson,	Squire,
Berry,	Evarts,	Moody,	Stanford,
Blackburn,	Farwell,	Morgan,	Stockbridge,
Blodgett,	George,	Morrill,	Teller,
Brown,	Gibson,	Pasco,	Turpie,
Butler,	Hale,	Payne,	Vance,
Call,	Hearst,	Pettigrew,	Voorhees,
Cameron,	Higgins,	Pierce,	Wilson of Iowa,
Carlisle,	Jones of Arkansas,	Power,	Wilson of Md.
Casey,	Jones of Nevada,	Pugh,	
Colquitt,	Kenna,	Quay,	

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll.

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

Allen,	Dolph,	McMillan,	Sawyer,
Bate,	Edmunds,	Manderson,	Shoup,
Berry,	Faulkner,	Mitchell,	Spooner,
Blair,	Frye,	Morgan,	Squire,
Butler,	Gorman,	Paddock,	Stewart,
Call,	Gray,	Pasco,	Stockbridge,
Carey,	Hampton,	Pettigrew,	Turpie,
Chandler,	Harris,	Pierce,	Vest,
Cockrell,	Hawley,	Platt,	Walthall,
Coke,	Hiscock,	Plumb,	Warren,
Cullom,	Hoar,	Ransom,	Washburn,
Dawes,	Ingalls,	Reagan,	Wolcott,
Dixon,	McConnell,	Sanders,	

The PRESIDING OFFICER. Fifty-one Senators having answered to their names, a quorum is present; and the question recurs on the amendment of the Senator from Vermont to strike out section 3 of the committee amendment as amended, upon which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. DIXON (when Mr. ALDRICH's name was called). My colleague [Mr. ALDRICH] is absent and is paired with the Senator from New Jersey [Mr. MCPHERSON].

Mr. DOLPH (when his name was called). I will vote under the arrangement announced on the last roll-call. I vote "nay."

Mr. HARRIS (when his name was called). Under the agreement between the Senator from Oregon [Mr. DOLPH] and myself, I transfer my pair with the Senator from Vermont [Mr. MORRILL] to the Senator from Georgia [Mr. BROWN], and I vote "nay."

Mr. MANDERSON (when his name was called). Notwithstanding my pair with the Senator from Kentucky [Mr. BLACKBURN], I shall vote in order to make a quorum. I think it will make no difference in the result. I vote "nay."

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. EVARTS].

Mr. PASCO (when his name was called). I am paired with the Senator from North Dakota [Mr. CASEY]. In his absence, I withhold my vote.

Mr. PIERCE (when his name was called). I am paired with the Senator from Kentucky [Mr. CARLISLE]. I am at liberty to vote if necessary to make a quorum.

The PRESIDING OFFICER. The Chair thinks it will be necessary.

Mr. PIERCE. Then I vote "yea."

Mr. PLATT (when his name was called). As there was no quorum on the last vote I will vote, although paired with the Senator from Virginia [Mr. BARBOUR]. I vote "yea."

Mr. RANSOM (when his name was called). I am paired with the Senator from Maine [Mr. HALE].

Mr. SQUIRE (when his name was called). I am paired with the Senator from Virginia [Mr. DANIEL], but I am at liberty to vote to make a quorum. I vote "nay."

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

The roll-call was concluded.

Mr. RANSOM. The Senator from Maine [Mr. HALE], with whom I am paired, has authorized me to vote to make a quorum. I vote "yea."

The result was announced—yeas 22, nays 22; as follows:

YEAS—22.

Allen,	Frye,	Pettigrew,	Sawyer,
Blair,	Hawley,	Pierce,	Spooner,
Cullom,	Hiscock,	Platt,	Stewart,
Dawes,	Hoar,	Ransom,	Washburn,
Dixon,	Ingalls,	Reagan,	
Edmunds,	McMillan,	Sanders,	

NAYS—22.

Bate,	Dolph,	McConnell,	Stockbridge,
Berry,	Faulkner,	Manderson,	Vest,
Call,	Gorman,	Mitchell,	Walthall,
Carey,	Gray,	Paddock,	Wolcott,
Chandler,	Hampton,	Shoup,	
Coke,	Harris,	Squire,	

ABSENT—44.

Aldrich,	Blodgett,	Carlisle,	Daniel,
Allison,	Brown,	Casey,	Davis,
Barbour,	Butler,	Cockrell,	Eustis,
Blackburn,	Cameron,	Colquitt,	Evarts,

Farwell,	Jones of Nevada,	Payne,	Teller,
George,	Kenna,	Plumb,	Turpie,
Gibson,	McPherson,	Power,	Vance,
Hale,	Squire,	Pugh,	Voorhees,
Hearst,	Morgan,	Quay,	Warren,
Higgins,	Morrill,	Sherman,	Wilson of Iowa,
Jones of Arkansas,	Pasco,	Stanford,	Wilson of Md.

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll.

Mr. HARRIS. I move that the Senate do now adjourn.

Mr. EDMUNDS. The order is first to call the roll under the rule.

Mr. HARRIS. It is always in order to move to adjourn.

Mr. EDMUNDS. Not in the absence of a quorum.

Mr. HARRIS. Less than a quorum can adjourn as well as a full Senate.

Mr. EDMUNDS. Very well, I do not object to that. Let us have the yeas and nays on the motion.

Mr. HARRIS. All right.

Mr. EDMUNDS. I have no doubt the motion is not in order.

The PRESIDING OFFICER. It is the impression of the Chair that the motion is not in order. Without objection, the Chair will entertain the motion to adjourn, on which the yeas and nays are demanded.

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

Mr. McMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. BARBOUR], with the reservation that I have the right to vote to make a quorum. As this motion does not require a quorum, I withhold my vote.

Mr. HARRIS. I suggest to the Senator from Connecticut that I am paired with the Senator from Vermont [Mr. MORRILL], and have voted. If it is necessary to announce pairs, I shall have to withdraw my vote, but I suggest to the Senator that he and I transfer our pairs.

Mr. PLATT. Very well. Then I shall vote. I vote "nay."

The roll-call was concluded.

Mr. PIERCE. I am paired with the Senator from Kentucky [Mr. CARLISLE].

Mr. HISCOCK (after having voted in the negative). I believe it is unnecessary to have a quorum to decide this question. Therefore I will withdraw my vote. I am paired with the Senator from Arkansas [Mr. JONES].

The result was announced—yeas 14, nays 24; as follows:

YEAS—14.

Berry,	Gray,	Morgan,	Vest,
Call,	Hampton,	Ransom,	Walthall,
Coke,	Harris,	Reagan,	
Faulkner,	McConnell,	Turpie,	

NAYS—24.

Allen,	Dawes,	Ingalls,	Sawyer,
Allison,	Dixon,	Manderson,	Spooner,
Blair,	Dolph,	Mitchell,	Squire,
Carey,	Edmunds,	Paddock,	Stewart,
Chandler,	Frye,	Platt,	Stockbridge,
Cullom,	Hawley,	Sanders,	Washburn,

ABSENT—50.

Aldrich,	Davis,	Jones of Nevada,	Quay,
Barbour,	Eustis,	Kenna,	Sherman,
Bate,	Evarts,	McMillan,	Shoup,
Blackburn,	Farwell,	McPherson,	Stanford,
Blodgett,	George,	Moody,	Teller,
Brown,	Gibson,	Morrill,	Vance,
Butler,	Gorman,	Pasco,	Voorhees,
Cameron,	Hale,	Payne,	Warren,
Carlisle,	Hearst,	Pettigrew,	Wilson of Iowa,
Casey,	Higgins,	Pierce,	Wilson of Md.
Cockrell,	Hiscock,	Plumb,	Wolcott,
Colquitt,	Hoar,	Power,	
Daniel,	Jones of Arkansas,	Pugh,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll.

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

Allen,	Faulkner,	Manderson,	Shoup,
Allison,	Frye,	Mitchell,	Spooner,
Bate,	Gray,	Morgan,	Squire,
Berry,	Hale,	Paddock,	Stewart,
Carey,	Hampton,	Pasco,	Stockbridge,
Chandler,	Harris,	Pettigrew,	Turpie,
Coke,	Hawley,	Pierce,	Vest,
Cullom,	Hiscock,	Platt,	Walthall,
Dawes,	Hoar,	Ransom,	Washburn,
Dixon,	Ingalls,	Reagan,	Wilson of Iowa,
Dolph,	McConnell,	Sanders,	
Edmunds,	McMillan,	Sawyer,	

The PRESIDING OFFICER. Forty-six Senators have responded to their names. A quorum is present. The question recurs on the amendment of the Senator from Vermont to the amendment of the committee, on which the yeas and nays have been ordered. The Secretary will call the roll.

Mr. EDMUNDS. I am sure that with the pairs we are still without a voting quorum, and I therefore move, as I think I have a right to do,

that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. BERRY. Did not the last roll-call show a quorum?

Mr. EDMUNDS. That does not make any difference. The Senate has a right to request absentees to come in if we have a quorum.

Mr. BERRY. I understood the Senator to say that there was no quorum present. The roll-call shows that a quorum is present.

The PRESIDING OFFICER. The last roll-call does not show the pairs. The opinion of the Chair is that the motion of the Senator from Vermont is not in order, and that the roll-call should proceed upon the question before the Senate.

Mr. EDMUNDS. Does the Chair hold my motion not to be in order?

The PRESIDING OFFICER. That is the impression of the Chair.

Mr. EDMUNDS. Very well. I submit it is not the law, however.

The PRESIDING OFFICER. The roll will be called on agreeing to the amendment of the Senator from Vermont to the amendment of the committee.

The Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I am paired with the Senator from Colorado [Mr. WOLCOTT]. I voted inadvertently on the last roll-call. I do not know how the Senator from Colorado would vote. I should vote "nay," if he were present.

Mr. HARRIS (when his name was called). Under the transfer heretofore made between the Senator from Oregon [Mr. DOLPH] and myself, I vote "nay."

Mr. PASCO (when his name was called). I again announce my pair with the Senator from North Dakota [Mr. CASEY]. In his absence I withhold my vote.

Mr. PIERCE (when his name was called). My colleague [Mr. CASEY] is absent on account of illness. I am paired with the Senator from Kentucky [Mr. CARLISLE], and withhold my vote.

The roll-call was concluded.

Mr. TURPIE. I am paired with the Senator from Minnesota [Mr. DAVIS], who is absent. My colleague [Mr. VOORHEES] is paired with the Senator from South Dakota [Mr. MOODY].

Mr. PLATT. I suggest to the Senator from Indiana [Mr. TURPIE] that the Senator from Virginia [Mr. BARBOUR] stand paired with the Senator from Minnesota [Mr. DAVIS], and we can both vote. Will that be satisfactory?

Mr. TURPIE. Quite so.

Mr. PLATT. I vote "yea."

Mr. TURPIE. I vote "nay."

Mr. HISCOCK. I am paired with the Senator from Arkansas [Mr. JONES], with the right reserved to vote to make a quorum. Therefore I vote "yea."

The result was announced—yeas 21, nays 21; as follows:

YEAS—21.

Allen,	Hawley,	Morgan,	Spoooner,
Blair,	Hiscock,	Pettigrew,	Stewart,
Dawes,	Hoar,	Platt,	Washburn.
Dixon,	Ingalls,	Reagan,	
Edmunds,	McConnell,	Sanders,	
Frye,	McMillan,	Sawyer,	

NAYS—21.

Allison,	Faulkner,	Manderson,	Vest,
Bate,	Gorman,	Mitchell,	Walthall,
Call,	Gray,	Paddock,	Warren.
Carey,	Hale,	Shoup,	
Chandler,	Hampton,	Stockbridge,	
Coke,	Harris,	Turpie,	

ABSENT—46.

Aldrich,	Cullom,	Jones of Nevada,	Ransom,
Barbour,	Daniel,	Kenna,	Sherman,
Berry,	Davis,	McPherson,	Squire,
Blackburn,	Dolph,	Moody,	Stanford,
Blodgett,	Eustis,	Morrill,	Teller,
Brown,	Evarts,	Pasco,	Vance,
Butler,	Farwell,	Payne,	Voorhees,
Cameron,	George,	Pierce,	Wilson of Iowa,
Carlisle,	Gibson,	Plumb,	Wilson of Md.
Casey,	Hearst,	Power,	Wolcott.
Cockrell,	Higgins,	Pugh,	
Colquitt,	Jones of Arkansas,	Quay,	

The PRESIDING OFFICER. No quorum has voted.

Mr. EDMUNDS. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The Senator from Vermont moves that the Sergeant-at-Arms be directed to request the attendance of absent Senators. [Putting the question.] The yeas appear to have it.

Mr. EDMUNDS. Let us have the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. FAULKNER. Pending that question, I move that the Senate adjourn.

Mr. EDMUNDS. On that motion I ask for the yeas and nays.

Mr. FAULKNER. Unless we are willing to come back here to-night it is necessary to adjourn before 6 o'clock, and I do not think the Senate is willing to come back here to-night.

Mr. EDMUNDS. Debate is not in order on the question. I ask for the yeas and nays on the motion to adjourn.

The PRESIDING OFFICER. The Senator from West Virginia

moves that the Senate do now adjourn, on which the Senator from Vermont demands the yeas and nays.

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

Mr. PLATT (when his name was called.) I am paired with the Senator from Virginia [Mr. BARBOUR]. I should vote "nay" if he were present, and I should be very glad to transfer my pair so that I may vote.

The roll-call having been concluded, the result was announced—yeas 17, nays 22; as follows:

YEAS—17.

Allen,	Coke,	McConnell,	Vest,
Bate,	Faulkner,	McMillan,	Walthall.
Blackburn,	Gorman,	Morgan,	
Call,	Gray,	Reagan,	
Cockrell,	Hampton,	Spooner,	

NAYS—22.

Allison,	Dolph,	Mitchell,	Stewart,
Blair,	Edmunds,	Paddock,	Stockbridge,
Carey,	Frye,	Pettigrew,	Warren,
Chandler,	Hale,	Sanders,	Washburn.
Cullom,	Hiscock,	Sawyer,	
Dixon,	Manderson,	Shoup,	

ABSENT—42.

Aldrich,	Eustis,	Kenna,	Sherman,
Barbour,	Evarts,	McPherson,	Squire,
Berry,	Farwell,	Moody,	Stanford,
Blodgett,	George,	Morrill,	Teller,
Brown,	Gibson,	Pasco,	Turpie,
Butler,	Harris,	Payne,	Vance,
Cameron,	Hawley,	Pierce,	Voorhees,
Carlisle,	Hearst,	Platt,	Wilson of Iowa,
Casey,	Higgins,	Plumb,	Wilson of Md.
Colquitt,	Hoar,	Power,	Wolcott.
Daniel,	Ingalls,	Pugh,	
Davis,	Jones of Arkansas,	Quay,	
Daves,	Jones of Nevada,	Ransom,	

So the Senate refused to adjourn.

Mr. EDMUNDS. The question recurs on my motion to send for absent Senators.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Vermont that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. PASCO. Mr. President—

The PRESIDING OFFICER. The motion is not debatable.

Mr. PASCO. I wish to make a parliamentary inquiry. Must not the roll first be called?

The PRESIDING OFFICER. The Chair thinks not. The question is on agreeing to the motion of the Senator from Vermont.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant-at-Arms is directed to request the attendance of absent Senators forthwith.

Mr. PIERCE. Mr. President—

The PRESIDING OFFICER. For what purpose does the Senator from North Dakota rise?

Mr. PIERCE. I rise for the purpose of asking that my colleague [Mr. CASEY], who is ill, be excused.

The PRESIDING OFFICER. The Senator from North Dakota requests that his colleague, who is ill, be excused from attendance.

Mr. MITCHELL. I call for the regular order. It is 6 o'clock.

Mr. EDMUNDS. Regular order.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota [Mr. PIERCE] that his colleague [Mr. CASEY] be excused from attendance? The Chair hears none, and he is excused. The hour of 6 o'clock having arrived, the Chair declares the recess of the Senate, under its general order, to 8 o'clock this evening.

EVENING SESSION.

The recess having expired, the Senate reassembled at 8 o'clock p. m.

The PRESIDING OFFICER (Mr. BLAIR in the chair). The Senate resumes its session.

Mr. EDMUNDS. Has the Sergeant-at-Arms reported the execution of the order of the Senate?

The PRESIDING OFFICER. The Secretary will read the report of the Sergeant-at-Arms.

The Secretary read as follows:

UNITED STATES SENATE, OFFICE OF SERGEANT-AT-ARMS,
Washington, D. C., February 18, 1891.

SIR: In obedience to the order of the Senate, received by me at 6 p. m., directing me to request the attendance of all absent Senators, I have the honor to report that said order was promptly executed by me, and all the Senators to be found in the city of Washington were notified of said order and their presence requested in the Senate Chamber at 8 p. m.

Very respectfully, yours,

E. K. VALENTINE,
Sergeant-at-Arms, United States Senate.

To the PRESIDENT OF THE SENATE.

Mr. EDMUNDS. I think the report of the Sergeant-at-Arms is entirely imperfect. He should name the Senators whom he has notified in his return.

The PRESIDING OFFICER. The Sergeant-at-Arms can perfect his return, and he will do so.

Mr. EDMUNDS. It is no return at all.

The PRESIDING OFFICER (at 8 o'clock and 22 minutes p. m.). The Secretary will read the report of the Sergeant-at-Arms.

The Secretary read as follows:

[Report No. 2.]

UNITED STATES SENATE, OFFICE OF SERGEANT-AT-ARMS,
Washington, D. C., February 18, 1891.

SIR: In obedience of the order of the Senate, received by me at 6 p. m., directing me to request the attendance of all absent Senators, I have the honor to further report that I requested the attendance of the following Senators: Messrs. BUTLER, GEORGE, PAYNE, PUGH, RANSOM, PASCO, MORRILL, McPHERSON, JONES OF NEVADA, BERRY, KENNA, HARRIS, TURPIE, BARBOUR, COLQUITT, CASEY, DAVIS, FARWELL, HAWLEY, HIGGINS, PIERCE, PLATT, PLUMB, POWER, STANFORD, SQUIRE, WILSON of Maryland, and WOLCOTT.

Senators ALDRICH, BROWN, EVARTS, CAMERON, MOODY, SHERMAN, TELLER, QUAY, and BLODGETT are absent from the city of Washington. Senators CASEY, COLQUITT, KENNA, BUTLER, GEORGE, PAYNE, PUGH, RANSOM, and VOORHEES reported themselves sick.

Very respectfully, yours,

E. K. VALENTINE,

Sergeant-at-Arms, United States Senate.

To the PRESIDENT OF THE SENATE.

Mr. PASCO. Mr. President, I rise to a parliamentary inquiry. I desire to know by what authority the Sergeant-at-Arms extended to me the message of the Senate. I was present here, participating in the business of the Senate to the very last moment. The Chair will remember that I demanded the call of the roll, and urged that the order of the Senate was irregular until that call was made, the necessity for the call, in my judgment, being that it was the means by which a correct roll of the absent Senators could be obtained. The Sergeant-at-Arms went to my rooms, but did not find me there. I hold that he exceeded his authority in doing so, and that there was no authority to summon me, I not being included among the absent Senators.

The PRESIDING OFFICER. The recollection of the Chair is in accord with the statement of the Senator from Florida in reference to his presence when the recess was taken and the conversation between himself and the Chair.

Mr. EDMUNDS. It may be that the Senator from Florida was absent on the last roll-call.

Mr. PLATT. I find that the Sergeant-at-Arms has reported that he notified me as one of the absent Senators, and that my presence was requested here at 8 o'clock. I was here when the Senate took a recess; I had been here all day, and I have not been absent upon a roll-call. On some occasions I was paired, but I think the RECORD to-morrow morning will bear me out in my statement that I did not miss a roll-call during the day. I do not know why he should have included me among the absent Senators.

Mr. HOAR. I suggest that the facts stated by the Senator from Connecticut and those stated by the Senator from Florida are well known, undoubtedly, to many Senators. My own recollection completely confirms the statements of both Senators. I suggest that by unanimous consent the report be recommitted to the Sergeant-at-Arms with directions to strike out the names of those two Senators from his report. It is clearly a mistake.

Mr. FAULKNER. Before that is done, I desire to suggest in reference to my colleague [Mr. KENNA], who seems to be reported as in the city, that he has been absent from the city for a week, and is absent now so far as I know, unless he came back late this evening. I understand that he will not be here until the end of this week. That is the information I have, and the Sergeant-at-Arms will not be under the necessity of summoning him hereafter.

Mr. PADDOCK. In reference to the case of the Senator from North Dakota [Mr. CASEY], I desire to state that he has been ill for several days, and that to-day, on motion of his colleague [Mr. PIERCE], he was excused, I think, by a vote of the Senate.

Mr. EDMUNDS. The Sergeant-at-Arms is entirely right in requesting the absent Senators who were not here at the time, sick or well, to come. Of course, if they were not well the request would not be complied with, and that would be perfectly correct. I may add, as to the Senator from Florida [Mr. PASCO] and the Senator from Connecticut [Mr. PLATT] (if an Indian may be a witness), that I can testify that both of them were here all the time until the recess was taken.

Mr. HOAR. I hope my suggestion will be adopted as to those two Senators by unanimous consent.

The PRESIDING OFFICER. The Chair will state to the Senate—

Mr. CULLOM. Allow me to say—

Mr. HOAR. The Chair will allow me to complete my sentence; I had not finished it. I ask that as to those two Senators the report be informally recommitted to the Sergeant-at-Arms with a direction to strike out those two names.

Mr. CULLOM. I desire to make a further suggestion. Before taking the recess the Senate excused the Senator from North Dakota [Mr. CASEY] from attendance here to-night on the ground of illness.

Mr. PADDOCK. That I stated.

Mr. CULLOM. I think he ought not to be included in the list.

Mr. PADDOCK. I stated that fact.

Mr. HARRIS. Mr. President—

The PRESIDING OFFICER. The Senate will bear in mind that one at a time will make less confusion in speaking.

Mr. HARRIS. The Chair will designate which one that will be.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. HARRIS. I simply desire to say, in justice to the Secretary and the Sergeant-at-Arms, that I understand the last roll-call was on the question of adjournment. Those Senators may have been here, but those who failed to vote did not appear upon that roll-call, and the Secretary, following the roll-call, very naturally fell into the mistakes that he seems to have made.

Mr. EDMUNDS. That is how it would happen, undoubtedly.

Mr. HARRIS. I left here myself ten minutes before 6 o'clock, and therefore I am not personally cognizant of the facts. I am one of the guilty parties.

Mr. PASCO. I did not vote on that roll-call, because I was paired with the Senator from North Dakota [Mr. CASEY]. Immediately after the proposition had been submitted to the Senate I called the attention of the Chair to Rule 5, which reads:

If at any time during the daily sessions of the Senate a question shall be raised by any Senator as to the presence of a quorum, etc.

Whenever upon such roll-call it shall be ascertained that a quorum is not present, etc.

That is the rule. I raised the question that the roll-call should be made immediately after it was ascertained that there was not a quorum present. I call the attention of the Chair and of the Senate to that rule. It seems to me that should have been a sufficient matter for the clerks to have taken notice of, so that I might not be included in the list of absentees. I participated in the business of the Senate up to the very close of the sitting, and the Secretary must have seen my participation in it and that I could not be properly included in the list of absentees.

The PRESIDING OFFICER. The Chair will state that he has no recollection of the Senator from Florida calling attention to the rule until after the recess was declared. The order of proceedings was in this wise: The Senator from Vermont moved that the Sergeant-at-Arms be directed to request the attendance of absent Senators, and called for the yeas and nays, which were ordered. Whereupon a motion was made to adjourn; and the roll was called, and the motion decided in the negative; whereupon the Senator from Vermont renewed his motion that the Sergeant-at-Arms be directed to request the attendance of absent Senators, and the roll was called, and the Sergeant-at-Arms was so directed.

Mr. PASCO. I think the Chair will find by an examination of the RECORD that I raised the point that the roll should be called, and the Chair decided that it was not necessary, and it was not called. That is my recollection.

The PRESIDING OFFICER. The Chair has no recollection on that point, but it may have been so.

Mr. PASCO. I think the RECORD will so show to-morrow morning.

The PRESIDING OFFICER. The Chair has no recollection of the point being raised by any Senator until by the Senator from Florida [Mr. PASCO] immediately after the recess was declared. The Chair may be in error in his recollection, however.

Mr. PASCO. The RECORD to-morrow morning will show what took place, and I think it will show the fact to be as I have stated it.

Mr. PADDOCK. It is due to the Sergeant-at-Arms to say that he can only determine from the list furnished him by the Secretary from the last roll-call who are present and who are not. All this trouble comes from a very unfortunate method here, and a very absurd one, which is that a Senator who is paired is recorded as absent. It is a matter to which I have myself called attention, as other Senators have in time past, and it ought not to obtain.

Mr. EDMUNDS. It is perfectly right.

Mr. PADDOCK. It is calculated to place Senators in a false light upon every roll-call that is made.

Mr. HOAR. I desire to express my dissent from the opinion of my honorable friend from Nebraska [Mr. PADDOCK]. I think a man who is paired ought to be marked "absent." It causes the absence of two Senators, and it is very frequently the occasion of the absence of two Senators. There is more interference with legislation by gentlemen who are unnecessarily paired than by gentlemen who vote against the majority.

Mr. CHANDLER. I desire to say a word in reference to the suggestions of the last two Senators as to the method of recording the absence of Senators. I should like to have some Senator who is familiar with the proceedings of the Senate inform me whether there is any order of the Senate that either justifies or requires the recording of a Senator as absent when the record shows that he was not absent as a matter of fact? Why should not the record be "absent or not voting" in this case? The Senator from Massachusetts criticises the custom of pairs. Now what he says may be unwise or it may be wise, but whether it is wise or unwise the custom exists, and a Senator is put down as absent when the announcement of his pair shows that he is not absent, but in fact present.

Mr. HOAR. He takes no part in the business of the Senate.

Mr. CHANDLER. He did not vote on the roll-call. The exact truth is that in that case the Senator was either absent from the room or being present in the room did not vote. Now, being present and not voting, because he is paired, is not absence from the Senate. Unless there is some good reason to the contrary, some mysterious reason that has grown up here during these sacred and holy years of the past when some of us have not been here, why the practice of recording Senators as absent who are not in fact absent should continue, it seems to me that a change ought to be made, and the Journal of the Senate, and the CONGRESSIONAL RECORD, which possibly records a sufficient number of other untruths, might be allowed to record the exact truth when there is a roll-call, which is that Senators were "absent or not voting." The question whether they were absent or not voting may be determined by a reference to the announcement of the pairs. I wish some Senator who has been here a quarter of a century, more or less, would be kind enough to tell us whether there is any real reason why this method of recording names should not be changed from "absent" to "absent or not voting."

Mr. CULLOM. I should like to inquire if there is a quorum present.

Mr. SANDERS. I should like to inquire if the subject is debatable.

Mr. EDMUNDS. It seems to be.

Mr. HARRIS. I should like to inquire what the pending question is.

The PRESIDING OFFICER. The motion of the Senator from Massachusetts to recommit the report of the Sergeant-at-Arms for further amendment.

Mr. HOAR. I asked unanimous consent. I did not make a motion.

Mr. EDMUNDS. Let it be corrected accordingly.

Mr. HOAR. I asked that by general consent it might be corrected in regard to those two Senators; that is all.

The PRESIDING OFFICER. The Chair will state further, for the information of the Senate, that the record shows the roll-call on the motion to adjourn, as it will be remembered by the Senate to have been the fact. The recess was taken immediately, and no business transpired except the request of the Senator from North Dakota [Mr. PIERCE] that his colleague [Mr. CASEY], absent, sick, might be excused from attendance. Thereupon the Chair declared the recess, and the roll-call by which the Sergeant-at-Arms was guided was that taken so lately, as the Chair has described, before the recess itself was taken.

Mr. PASCO. Does the Chair mean a roll-call or a call of the yeas and nays?

The PRESIDING OFFICER. The call of the yeas and nays on the motion to adjourn.

Mr. PASCO. There was no roll-call.

The PRESIDING OFFICER. There was no roll-call nor any opportunity for one.

Mr. WOLCOTT. If anybody is to be counted here, I should like to be included in the count. I voted when the question arose upon the amendment proposed to the bill, and I voted upon every question except upon the motion to adjourn. At the roll-call, in order to determine whether a quorum was present, I was here and answered to my name.

Mr. MITCHELL. That is just what has put the Senator out.

Mr. WOLCOTT. It has not put me out. It lets me in.

Mr. MITCHELL. The Senator was not here at the last roll-call.

Mr. PADDOCK. I believe the pending question is on the amendment of the Senator from Vermont [Mr. EDMUNDS] to the amendment of the committee.

Mr. STEWART. Is it in order to move that the roll be now called, so as to see who is present?

Mr. EDMUNDS. You have a right to suggest it, no doubt.

Mr. STEWART. I move that the roll be now called, to see who is present and to ascertain whether we have a quorum.

The PRESIDING OFFICER. The Chair is of opinion that—

Mr. HOAR. I should like to inquire of the Chair if when a request is made for unanimous consent the question should not be put to the Senate whether it is objected to.

The PRESIDING OFFICER. By unanimous consent the roll might be called.

Mr. HARRIS. The report of the Sergeant-at-Arms can be corrected by unanimous consent.

Mr. HOAR. I asked the Chair, by unanimous consent, that the report might be returned to the Sergeant-at-Arms with a direction that the names of the two Senators I have mentioned be omitted. Will the Chair be kind enough to ask whether there is unanimous consent to that proposition, if in order to do so?

Mr. INGALLS. Unanimous consent can not be given by less than a majority of the Senate.

Mr. STEWART. I suggest that there is no quorum present, and I ask that the roll be called.

The PRESIDING OFFICER. The Senate will bear in mind that the record shows that there is no quorum present. The suggestion of the absence of a quorum is simply a repetition of the proceedings of

the Senate. The Chair conceives no motion to be in order except a motion to adjourn.

Mr. STEWART. The question of the presence of a quorum is always shown when the roll is called, and I think that since the recess we have a right to have the roll called. I suggest the want of a quorum.

The PRESIDING OFFICER. The Chair holds that legally there is no quorum present, and for that very reason these proceedings exist. The Chair conceives that no motion can be in order except a motion to adjourn.

Mr. HARRIS. How can I make it appear of record that I am now here and constitute one person toward making a quorum? I can not vote on the question upon which the last roll-call was had, and we can only ascertain by a regular call of the Senate that there is or is not a quorum present. The record shows that I am absent. The record shows that several other Senators are absent who are now here visible to the Chair.

Mr. EDMUNDS. I humbly submit, with great deference and respect, that we are precisely in the same parliamentary attitude that we were when the recess was taken. The recess is simply an interval. When the recess was taken it appeared that there was no quorum present, and the Sergeant-at-Arms was directed to request the attendance of absent Senators. Now, that is just what we are doing at this moment, as if we had had no recess. When the Chair is satisfied that a quorum has appeared, by counting the Senate or otherwise, by any method the Chair may take, then we can proceed to business. It is just exactly as if we had had no recess at all.

Mr. HARRIS. When any Senator suggests the absence of a quorum, Rule V, in language as explicit as the human tongue can utter, makes it the duty of the Chair to order the roll to be called.

Mr. EDMUNDS. Mr. President—

The PRESIDING OFFICER. If the Senator will permit the Chair one minute, the clause of the rule referred to is that—

If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the presiding officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate.

Proceedings developed the absence of a quorum. That legal status of the Senate was established. The Senate proceeded, in accordance with the remainder of the rule, to supply itself with a quorum, and those proceedings are now pending. The rule provides: pending the execution of the proceedings ordered by the Senate to obtain its quorum—

And until a quorum shall be present, no debate or motion, except to adjourn, shall be in order.

It is the opinion of the Chair that a motion to adjourn is the only motion now in order.

Mr. HARRIS. I was one of the absentees, and I desire that my name shall be called, so that I may record myself as present.

The PRESIDING OFFICER. The Secretary will call the name of the Senator from Tennessee.

The Secretary called the name of Mr. HARRIS.

Mr. HARRIS. Shall I answer upon the question that was pending when the roll-call was had or shall I answer "here?"

The PRESIDING OFFICER. The Senator is a good parliamentarian. He requested his name to be called. The Chair has ordered his name to be called, and he can answer as he chooses.

Mr. HARRIS. I ask the Chair the parliamentary question as to whether I am at liberty to vote now upon the question upon which the roll-call was had.

The PRESIDING OFFICER. The result of that roll-call has been declared. No Senator ordinarily, or ever, so far as the Chair is aware, votes upon a question after it is decided.

Mr. HARRIS. Is there a roll-call pending to which I can answer "here?"

The PRESIDING OFFICER. There is not.

Mr. HARRIS. I summon the whole Senate to bear testimony to the fact that I am here [laughter], but this is the only occasion I have ever witnessed in this body where there was no method by which you could show from the record that a Senator is present or absent.

Mr. STEWART. I move to set aside the order made by the Senate requiring the Sergeant-at-Arms to notify absent Senators, and upon that motion I call for the yeas and nays.

Mr. EDMUNDS. That is not in order, Mr. President. The Senator may move to adjourn.

Mr. GRAY. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator from Delaware will state his point of order.

Mr. GRAY. I understand that the want of a quorum was disclosed by a yeas-and-nays vote. I ask the Chair if that was the case.

The PRESIDING OFFICER. That was the case, upon the motion to direct the Sergeant-at-Arms to request the attendance of absent Senators.

Mr. GRAY. Then I suggest to the Chair that under the rule, the want of a quorum having been disclosed upon a yeas-and-nays vote, the

next thing in order, even though there has been a recess since the yeas-and-nay vote, would be a call of the Senate under the rule.

The PRESIDING OFFICER. The Chair will state that the very yeas-and-nay vote, the last taken, which was the direct proceeding to supply the Senate with a quorum, demonstrated the absence of a quorum, and it would be simply surplusage to go over the same matter a second time.

Mr. INGALLS (at 8 o'clock and 45 minutes p. m.). I move that the Senate do now adjourn.

Mr. EDMUNDS. On that I ask for the yeas and nays.

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

Mr. DIXON (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON].

Mr. FAULKNER (when his name was called). Under the arrangement made between the Senator from Colorado [Mr. WOLCOTT] and myself, I vote "yea."

Mr. HISCOCK (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES]. Otherwise I should vote "nay."

Mr. McMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE].

Mr. McPHERSON (when his name was called). The pair that I have with the Senator from Rhode Island [Mr. ALDRICH] has been transferred to the Senator from Virginia [Mr. BARBOUR], and I am at liberty to vote. I vote "yea."

Mr. PADDOCK (when Mr. MANDERSON's name was called). My colleague [Mr. MANDERSON] is absent from the Senate in the performance of an official duty by order of the Senate. He is paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. PASCO (when his name was called). I am paired with the Senator from North Dakota [Mr. CASEY]. In his absence, I withhold my vote.

Mr. PLATT (when his name was called). The Senator from Virginia [Mr. BARBOUR], with whom I am usually paired, is paired to-night with the Senator from Rhode Island [Mr. ALDRICH]. I vote "nay."

Mr. SPOONER (when his name was called). I am paired with the Senator from Mississippi [Mr. WALTHALL], who is absent from the Chamber, and I am therefore not at liberty to vote.

The roll-call was concluded.

Mr. FRYE. It is just to say that Senators EVARTS, HAWLEY, MANDERSON, PIERCE, COCKRELL, and WALTHALL are absent by order of the Senate as a committee to attend the funeral of General Sherman.

Mr. DIXON. I inquire if a quorum has voted?

The PRESIDING OFFICER. A quorum has not voted.

Mr. DIXON. By the terms of my pair with the Senator from South Carolina [Mr. HAMPTON], I am at liberty to vote to make a quorum. I vote "nay."

Mr. INGALLS. As this is merely a method of extrication from a parliamentary dilemma, I suggest to Senators who are paired, knowing how those with whom they are paired would vote, that they vote in the same way, in order that a quorum may be obtained.

Mr. McMILLAN. I will vote under that statement. I vote "yea."

Mr. PASCO. In my judgment, the proper way out of this matter is, as I suggested before the recess, to have a call of the Senate immediately after this roll-call, if it should be developed that there is not a quorum. I prefer to follow the usual course, the course that has prevailed when the Senator from Kansas [Mr. INGALLS] has been in the chair, as well as on other occasions. I again announce my pair with the Senator from North Dakota [Mr. CASEY].

The result was announced—yeas 6, nays 32; as follows:

YEAS—6.			
Bate,	Faulkner,	McMillan,	McPherson,
Coke,	Hoar,		
NAYS—32.			
Allen,	Edmunds,	McConnell,	Sanders,
Allison,	Farwell,	Mitchell,	Sawyer,
Blair,	Frye,	Morrill,	Shoup,
Carey,	Gray,	Paddock,	Squire,
Chandler,	Hale,	Pettigrew,	Stewart,
Cullom,	Harris,	Platt,	Stockbridge,
Dixon,	Higgins,	Power,	Warren,
Dolph,	Ingalls,	Reagan,	Wolcott,
ABSENT—50.			
Aldrich,	Daniel,	Jones of Nevada,	Spooner,
Barbour,	Davis,	Kenna,	Stanford,
Berry,	Dawes,	Manderson,	Teller,
Blackburn,	Eustis,	Moody,	Turple,
Blodgett,	Evarts,	Morgan,	Vance,
Brown,	George,	Pasco,	Vest,
Butler,	Gibson,	Payne,	Voorhees,
Call,	Gorman,	Pierce,	Walthall,
Cameron,	Hampton,	Plumb,	Washburn,
Carlisle,	Hawley,	Pugh,	Wilson of Iowa,
Casey,	Hearst,	Quay,	Wilson of Md.
Cockrell,	Hiscock,	Ransom,	
Colquitt,	Jones of Arkansas,	Sherman,	

So the Senate refused to adjourn.

Mr. PASCO. The roll-call now having developed the fact that there is no quorum present, I ask that there may be a call of the Senate.

Mr. EDMUNDS. I make the point of order that that is not in or-

der; that it is exactly what we are doing now. The roll-call having developed the fact that there was no quorum, the absent Senators were ordered to be sent for, and we have not a quorum yet. If the suggestion of my friend from Florida were correct, it would be impossible ever to reach any result whatever, because a roll-call developing the want of a quorum there would be another call, and so on, and nothing could be done. We have exhausted the rule.

Mr. HARRIS. Will the Senator from Vermont allow me to ask him if a Senator comes in in the next two minutes after the result is announced how is the record to show that he is now here and that we have made a quorum?

Mr. EDMUNDS. He can announce his presence, as he has been requested to come if he was not here; and that is entered in the record, and the Chair can then tell when a quorum has come in.

Mr. HARRIS. It does not appear on the roll. The only manner by which the Journal can show he is here is on the roll-call.

Mr. EDMUNDS. The Journal can show that he is here if the Journal, according to the Constitution, is a record of what the Senate is doing. When a Senator comes in and addresses the Chair, when there is a call of the Senate, and says he is present, the Journal should show it, for the Constitution says it shall.

Mr. HARRIS. My point is that there has been no call of the Senate. There has been a yeas-and-nay vote of the Senate, but no call of the Senate.

Mr. EDMUNDS. If I may be allowed, I will say that that is exactly what we did. Finding we had no quorum, we ordered a call of the Senate, and it appearing that no quorum was present, then we ordered the Sergeant-at-Arms to request the attendance of the absent Senators; and that is what we are doing now. The rule says that no motion shall be in order then except a motion to adjourn. That motion has been made, and has been lost. Now, then, if the rule is to continue every time, not having exhausted itself, it will be in the capacity of one-fifth of the members present at any time to prevent any further steps by a continual repetition of that proceeding, which is absurd.

Mr. HARRIS. I quite agree with the Senator, as I understand his statement of facts, and they be the exact facts in this case, if when the yeas-and-nay vote developed the want of a quorum there was then a call of the Senate.

Mr. SPOONER. There was.

Mr. HARRIS. Then that call can be proceeded with, but when a Senator appears here his name ought to be called, and he ought to answer to the roll-call.

Mr. EDMUNDS. That I agree to.

Mr. HARRIS. Very well, then; the Senator and I agree precisely if the facts are as the Senator states.

Mr. EDMUNDS. He is not to answer to the roll-call, which has been exhausted, but to state his presence, which would be entered in the Journal, if the Journal is a constitutional Journal, and then the Chair finds out when there is a majority present.

Mr. HARRIS. The uniform practice has been to call the names of Senators who appeared until a quorum has answered to the roll-call.

Mr. BATE. I wish to state my recollection of the matter. There was a call of the yeas and nays and that was the last thing done before the recess was taken. I think the Reporter's notes, if examined, would develop the fact that there was a call of the Senate, and there were forty-six Senators present, and after that came a motion to adjourn, on which the yeas and nays were taken, and there was no call afterwards.

Mr. EDMUNDS. That is not the way I understand it.

Mr. BATE. There has been no call of the Senate since the motion to adjourn to ascertain whether there is a quorum present.

The PRESIDING OFFICER. The Chair would observe to the Senator that the roll was called upon the motion to direct the Sergeant-at-Arms to request the attendance of absent Senators, which of itself developed again the absence of a quorum, and the subsequent proceedings are wholly under that order of the Senate to secure a quorum.

Mr. BATE. I ask the pardon of the Chair for a moment. I think the record will likewise show that it was on the motion to adjourn that the want of a quorum was developed, and not upon the call of the Senate.

The PRESIDING OFFICER. It was also developed upon the roll-call ordering the Sergeant-at-Arms to bring in the absent Senators, which was the last thing before the existing status was entered upon and created.

Mr. FAULKNER. Will the Chair permit me to call attention to the record as made to correct the statement of the Senator from Vermont on which he is basing the opinion he has expressed to the Senate and to the Chair? The Chair will find that—

On motion of Mr. HARRIS, at 5 o'clock, to adjourn, there were—yeas 14, nays 24.

So the motion was not agreed to.

This is the record:

The number of Senators voting not constituting a quorum, the Presiding Officer directed the roll to be called, when 46 Senators answered to their names, a quorum being present.

Now, that is the last time the record shows that there was a roll-call of the Senate.

The question again recurring on the amendment of Mr. EDMUNDS, the yeas were 21 and the nays were 21.

Those who voted in the affirmative are, Messrs., etc.

The number of Senators voting not constituting a quorum. On motion of Mr. EDMUNDS, that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

On motion of Mr. FAULKNER (at 5 o'clock and 54 minutes p. m.) that the Senate do now adjourn, the yeas were 17, and the nays were 22.

So the motion was not agreed to.

The question recurring on the motion of Mr. EDMUNDS to request the attendance of absent Senators.

It was determined in the affirmative.

The hour of 6 o'clock p. m. having arrived, the Senate, under its order of the 7th instant, took a recess until 8 o'clock p. m.

So the Chair will see that from the time of the yeas and nays call of the Senate there has been no roll-call that developed the fact that there was no quorum present.

Mr. HARRIS. And the last roll-call showed the presence of a quorum.

Mr. FAULKNER. The last roll-call actually showed the presence of 46 Senators—more than a quorum.

Mr. BATE. I ask the Senator from West Virginia if he is reading from the Reporter's notes?

Mr. FAULKNER. I read the Journal of the Senate.

The PRESIDING OFFICER. The Chair understands that is the precise order of proceedings, as the Chair has stated already.

Mr. PASCO. That record is entirely correct, except it fails to note the fact that I called the attention of the Chair to the rule just before the final recess. Probably that would not appear in the Journal, but it will appear in the RECORD when Senators read it to-morrow morning. A roll-call disclosing the absence of a quorum has never yet been had. I have urged that point upon the Chair time and again. Until that roll-call is had no list of absent Senators can properly be made out; and it is owing to the failure to have such a roll-call that the Secretary and the Sergeant-at-Arms have been led into the errors which they have committed this afternoon and evening.

Mr. GRAY. The record as read by the Senator from West Virginia [Mr. FAULKNER] quite supports the propriety of the suggestion that I made, that notwithstanding the recess, the next thing in order would be a call of the Senate, the yeas-and-nays vote having disclosed the fact that there was no quorum on the last vote.

Mr. FRYE. I suggest that there is no quorum present, and under the rule I ask that there be a roll-call of the Senate. The statement made by the Senator from West Virginia from the record is entirely correct; within my memory it is correct. We are simply in an awkward position, and to have the roll called is the only way out.

Mr. HARRIS. It is certainly the only way out.

The PRESIDING OFFICER. Without objection, the Chair will order the roll to be called to ascertain the Senators present.

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

Allen,	Edmunds,	McConnell,	Reagan,
Bate,	Farwell,	McMillan,	Sanders,
Blair,	Faulkner,	McPherson,	Sawyer,
Carey,	Frye,	Mitchell,	Shoup,
Chandler,	Gray,	Morrill,	Spooner,
Coke,	Harris,	Paddock,	Squire,
Cullom,	Higgins,	Pasco,	Stockbridge,
Dawes,	Hiscock,	Pettigrew,	Warren,
Dixon,	Hoar,	Platt,	Wolcott,
Dolph,	Ingalls,	Power,	

The PRESIDING OFFICER. Thirty-nine Senators are present. There is no quorum. The existing status has now been demonstrated three times.

Mr. INGALLS (at 9 o'clock and 5 minutes p. m.). I move that the Senate do now adjourn.

Mr. EDMUNDS. On that I ask for the yeas and nays.

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

Mr. DIXON (when his name was called). I am paired with the Senator from South Carolina [Mr. HAMPTON]. At the suggestion of the Senator from Florida [Mr. PASCO] I will transfer that pair to the Senator from North Dakota [Mr. CASEY], so that the Senator from North Dakota will stand paired with the Senator from South Carolina. I vote "nay."

Mr. FRYE (when Mr. HALE's name was called). I wish to state that my colleague [Mr. HALE] is in the Capitol, in the room of the Committee on Appropriations, engaged on the sundry civil appropriation bill.

Mr. HISCOCK (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES]. It is very doubtful if there is a quorum present, and having the liberty to vote to make a quorum, I vote "nay."

Mr. MCPHERSON (when his name was called). My pair with the Senator from Rhode Island [Mr. ALDRICH] having been transferred to the Senator from Virginia [Mr. BARBOUR], I vote "yea."

Mr. PASCO (when his name was called). My pair having been transferred in accordance with the announcement made by the Senator from Rhode Island [Mr. DIXON], I vote "yea."

The roll-call was concluded.

Mr. DAWES. I am paired with the Senator from Georgia [Mr. COLQUITT].

The result was announced—yeas 14, nays 26; as follows:

YEAS—14.

Bate,	Gray,	McMillan,	Reagan,
Coke,	Harris,	McPherson,	Wolcott.
Farwell,	Hoar,	Morrill,	
Faulkner,	Ingalls,	Pasco,	

NAYS—26.

Allen,	Dolph,	Mitchell,	Shoup,
Allison,	Edmunds,	Paddock,	Squire,
Blair,	Frye,	Pettigrew,	Stewart,
Carey,	Hale,	Platt,	Stockbridge,
Chandler,	Higgins,	Power,	Warren.
Cullom,	Hiscock,	Sanders,	
Dixon,	McConnell,	Sawyer,	

ABSENT—48.

Aldrich,	Colquitt,	Jones of Arkansas,	Sherman,
Barbour,	Daniel,	Jones of Nevada,	Spooner,
Berry,	Davis,	Kenna,	Stanford,
Blackburn,	Dawes,	Manderson,	Teller,
Blodgett,	Eustis,	Moody,	Turpie,
Brown,	Evarts,	Morgan,	Vance,
Butler,	George,	Payne,	Vest,
Call,	Gibson,	Pierce,	Voorhees,
Cameron,	Gorman,	Plumb,	Walthall,
Carlisle,	Hampton,	Pugh,	Washburn,
Casey,	Hawley,	Quay,	Wilson of Iowa,
Cockrell,	Hearst,	Ransom,	Wilson of Md.

So the Senate refused to adjourn.

Mr. FAULKNER. Mr. President, in reference to the absence of three Senators, I desire to state, that I have information that the Senator from North Carolina [Mr. VANCE] and the Senator from Louisiana [Mr. EUSTIS] are unwell to-night, and ask to be excused from attendance. The Senator from Virginia [Mr. DANIEL] has serious sickness in his family, and also desires to be excused from attendance to-night.

Mr. PASCO. I should like to ask if those Senators who have been announced as absent discharging a duty imposed upon them by the Senate have been excused. If not, I move that they be so excused.

Mr. EDMUNDS. We can not excuse anybody under the rules in the absence of a quorum.

Mr. PADDOCK. We have no Senate to do it.

Mr. PASCO. Oh, yes; the Senate can excuse absent Senators, of course. That does not require a quorum. I move that those Senators who are absent by order of the Senate to attend the funeral of the late General Sherman be excused. I submit the motion; the Chair can do as he pleases with it.

The PRESIDING OFFICER. The Chair will read the rule which, so far as it affords him a chart to go by, appears to him proper to be the guide on this occasion:

Whenever upon such roll-call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and when necessary to compel, the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debatable motion, except to adjourn, shall be in order.

It is true, or it may be true, that there was not originally a roll-call as it is described in the phrase used in this rule. But it was demonstrated to the satisfaction of the Senate that there was no quorum present, and the proceedings supposed to be authorized by the Constitution and universally practiced by the Senate were initiated and ordered by the Senate, and the decision was made upon a call of the yeas and nays. Thus two roll-calls have demonstrated the absence of a quorum. That having been done, and coming to be the *de facto* and legal condition of the Senate (the demonstration of the absence of a quorum by its process of calling the roll twice indulged in), the Chair knows of no rule that he can follow, except the remainder of the rule, to deal with the existing situation pending the execution of the existing order, that "until a quorum shall be present no debate or motion, except to adjourn, shall be in order."

Mr. PASCO. I wish to call the attention of the Chair—

The PRESIDING OFFICER. If the Senator will excuse the Chair one moment further, the Chair is unaware of anything that a minority of the Senate can do, except it be authorized to do it by the Constitution acting through a majority. That majority, under general parliamentary law, has provided for the existing condition of things. How the minority now present can do anything, except under general parliamentary law or this rule, the Chair can not understand. By a vote the Chair understands the absence of a quorum to have been demonstrated by the process known to the rules and by general parliamentary law, and the Chair now feels that this rule, which is applicable to the existing condition, should be by the Chair strictly administered, in which the Chair may be in error.

Mr. PASCO. Before the Chair makes that ruling absolute, I ask to be heard one moment.

The PRESIDING OFFICER. Certainly.

Mr. PASCO. It is upon this part of the rule just read by the Chair

that the Senators present may direct the Sergeant-at-Arms to request the attendance of absent Senators. The power to request implies also the power to excuse, and to excuse simply means to abstain from requesting—

The PRESIDING OFFICER. The Senator will indulge the Chair in saying that it does not appear to the Chair to follow, because the majority, by establishing a rule to authorize the minority to do a certain thing, which is to request or compel the presence of absent Senators, that without specific authority the minority can excuse the absence of Senators, which is in violation of their duty.

Mr. PASCO. Is the Chair willing that I should state the point I desire to make?

The PRESIDING OFFICER. The Chair thought the Senator had done so. The Chair will be glad to hear the Senator's point.

Mr. PASCO. The Chair interrupted me in the midst of my statement.

The rule authorizes a minority of the Senate to direct the Sergeant-at-Arms to request the presence of absent Senators. Excusing is simply abstaining from requesting their attendance; and when a Senator asks that a brother Senator may be excused he is simply asking the Senate to abstain from requesting that Senator to be present. The view I wish to urge upon the Chair is that that power is clearly implied in the authority to direct the Sergeant-at-Arms to request the attendance of absent Senators. That, I think, has been the view that has been taken of this rule in past times, and it has been not an infrequent matter to ask that Senators be excused from attending, and that they be excused from being subject to this request. If that is so, then the motion that I make is in order. I urge that view upon the Chair, and will submit to whatever action the Chair may take.

The PRESIDING OFFICER. The Chair will entertain the motion, if there be no objection.

Mr. EDMUNDS. Mr. President, I think the minority of the eighty-eight Senators who have been here now for nearly an hour and a half, unable to persuade the majority to come in to do business, have demonstrated that those who are here want to go on with business, but that the majority of the Senate does not wish to go on. Therefore, I move that the Senate adjourn. We may as well give it up now as at any other time.

The motion was agreed to; and (at 9 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 19, 1891, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 18, 1891.

The House was called to order at 11 o'clock a. m. by the Clerk, Hon. EDWARD MCPHERSON.

ELECTION OF SPEAKER PRO TEMPORE.

The CLERK. Gentlemen of the House of Representatives, the Speaker is absent to-day by reason of sickness, and under the rules it is necessary that a Speaker *pro tempore* shall be elected to serve during his absence. The Clerk is ready to receive nominations.

Mr. CANNON. Mr. Clerk, I move the adoption of the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That Hon. LEWIS E. PAYSON, a Representative from the State of Illinois, be, and he is hereby, elected Speaker *pro tempore* of the House during the absence of the Speaker.

The question was put, and the resolution was adopted.

The CLERK. The gentleman from Ohio [Mr. MCKINLEY] and the gentleman from Missouri [Mr. DICKERY] will escort the Speaker *pro tempore* to the chair.

Mr. PAYSON was escorted to the chair, amidst general applause.

The SPEAKER *pro tempore*. Prayer will be offered by the Chaplain. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

NOTIFICATION TO THE SENATE AND PRESIDENT OF THE ELECTION OF SPEAKER PRO TEMPORE.

Mr. CANNON. Mr. Speaker, I move the adoption of the resolution which I send to the Clerk's desk.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, it is not the custom that the Speaker *pro tempore* shall take the oath of office on being elected. When a Speaker *pro tempore* is designated by the Speaker he does not, but my understanding is that when elected by the House he is required to take the oath of office.

The SPEAKER *pro tempore*. The Chair is advised that the practice is the other way.

The Clerk read as follows:

Resolved, That the Clerk be directed to notify the Senate and the President of the United States that the House has elected Hon. LEWIS E. PAYSON, a Representative from the State of Illinois, as Speaker *pro tempore* during the temporary absence of the Speaker.

The question was taken, and the resolution was adopted.

JOURNAL.

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

PUBLIC BUILDING AT MANSFIELD, OHIO.

Mr. WICKHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2825) to provide for the purchase of a site and the erection of a public building thereon at Mansfield, in the State of Ohio.

The title was read by the Clerk.

Mr. ROWELL. I call for the regular order.

Mr. HAUGEN. I object to the consideration of this bill. There are quite a number of bills before this on the Calendar and more worthy of favorable consideration than is this.

The SPEAKER *pro tempore*. The regular order is called for.

DEATH OF HON. JAMES PHELAN.

Mr. McMILLIN. If the gentleman will indulge me for a moment, I wish to submit a matter of which I think he will see the eminent fitness. I ask for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER *pro tempore*. The gentleman from Tennessee asks unanimous consent for the present consideration of the resolution which the Clerk will read.

The Clerk read as follows:

Resolved, That Friday, February 27, 1891, beginning at 3 o'clock p. m., be set apart for paying tribute to the memory of Hon. James Phelan, late a member of the House of Representatives from the Tenth district of the State of Tennessee.

Mr. MCKINLEY. What hour does the resolution fix?

Mr. McMILLIN. Three o'clock.

Mr. MCKINLEY. Would not the gentleman think it would be as well to make it 4 o'clock?

Mr. McMILLIN. I have already fixed it one hour later than the usual hour.

Mr. DINGLEY. I think it ought to be 4 o'clock.

Mr. McMILLIN. I hope there will be no insistence on making it 4 o'clock. I fixed it at 3 o'clock with the view of giving almost a full day's work before the hour set for this purpose.

Mr. FARQUHAR. The hour fixed in the case of Mr. Wilber was 4 o'clock, and there was no objection to that.

Mr. McMILLIN. Yes; and others have been fixed at 1 and 2 o'clock.

Mr. MCKINLEY. I think if the gentleman will reflect he will see the propriety of making it 4 o'clock, considering that it occurs so late in the session.

Mr. McMILLIN. I have no desire to run counter to what may be the propriety of the occasion. I know the House would be willing to give any time that would be proper. I will therefore accept the amendment fixing the hour at 4 o'clock.

The resolution as amended was adopted.

MANAGERS NATIONAL SOLDIERS' HOMES.

Mr. CUTCHEON. Mr. Speaker, by the resignation of Governor Markham, of California, as a member of the Board of Managers of the National Soldiers' Home, there is a vacancy made which is required to be filled from the Pacific coast, and I ask unanimous consent for the consideration of a resolution—

ORDER OF BUSINESS.

Mr. CANNON. Mr. Speaker, I demand the regular order.

The SPEAKER *pro tempore*. The regular order is demanded. The Chair lays before the House a report from the Committee on Enrolled Bills.

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

A joint resolution (H. Res. 251) to correct an error of punctuation in the tariff act of 1890;

A bill (S. 405) for the relief of James A. Terrell;

A bill (H. R. 2526) authorizing the President of the United States to grant an honorable discharge to William L. Lenan;

A bill (S. 4520) to provide American register for the steamers Montauk and Mineola;

A bill (S. 5000) to authorize the construction of a bridge across the St. Louis River, between the States of Wisconsin and Minnesota;

A bill (H. R. 5601) to authorize the proper accounting officers of the Treasury to audit and pay the claim of the county of Schuylkill, in the State of Pennsylvania, for money advanced by it under allotments made by soldiers from said county during the late rebellion, by virtue of section 12 of the act of Congress entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," approved July 22, 1861;

A bill (H. R. 8042) to remove the charge of desertion against Urs Ambrose Nunlist;

A bill (H. R. 8588) to amend section 4178, Revised Statutes, providing for the marking of vessels' names at bow and stern;

A bill (H. R. 8629) for the erection of a public building at Richmond, Ky.;

A bill (H. R. 9602) to constitute Nashville, Tenn., a port of delivery, and for other purposes;

A bill (H. R. 11841) granting an increase of pension to General Isaac F. Quinby;

A bill (H. R. 12148) providing for a board to examine and report as to the physical condition of William C. Spencer at the time of his resignation from the Army; and

A bill (H. R. 12900) to increase the pension of Elizabeth R. Gordon, widow of Maj. George A. Gordon, Fifth Cavalry.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. McCOMAS. Mr. Speaker, I am instructed by the Committee on Appropriations to report back the District appropriation bill with the action of the committee recommending concurrence in certain amendments of the Senate indicated in the report and nonconcurrence in all the other Senate amendments, and asking for a conference.

The report of the committee was read, as follows:

The committee recommend concurrence in the amendments of the Senate numbered 3, 12, 13, 56, 66, 67, 73, 80, 81, 87, 88, 89, 90, 95, 97, and 117, and they recommend nonconcurrence in all the other Senate amendments, and that the House ask for a conference.

The SPEAKER *pro tempore*. The question is on agreeing to the report of the committee.

Mr. HOLMAN. Mr. Speaker—

The SPEAKER *pro tempore*. This is not a conference report.

Mr. HOLMAN. I understand that, and these amendments are subject to consideration in Committee of the Whole, but I do not make that point. I merely desire now to ask the gentleman from Maryland in charge of the bill to state what are the important amendments and what is the action of the committee in regard to them.

Mr. McCOMAS. The committee recommend concurrence in only a few unimportant amendments and nonconcurrence in the remainder of the amendments of the Senate, with the view of bringing the important amendments before the House hereafter.

Mr. HOLMAN. What as to the amendment with regard to the Zoological Park, for example.

Mr. McCOMAS. We recommend nonconcurrence in that.

Mr. HOLMAN. So that that matter will not be acted upon until it comes back to the House, unless the Senate recedes.

Mr. McCOMAS. No. We have asked for nonconcurrence in all the important items.

Mr. HOLMAN. And unless the Senate recede that subject will come back to the House for action.

Mr. McCOMAS. Yes. The effect of the adoption of the report of the committee will be to bring back all the important items for consideration by the House.

Mr. ROGERS. Mr. Speaker, I did not understand clearly the request which was made by the gentleman from Maryland.

The SPEAKER *pro tempore*. The gentleman from Maryland presented a report from the Committee on Appropriations recommending concurrence in certain amendments of the Senate indicated in the report, and nonconcurrence in all the remaining Senate amendments, and a request for a committee of conference.

Mr. ROGERS. There is a large number of important amendments in this District appropriation bill, and I think they ought to go to the Committee of the Whole.

Mr. McCOMAS. I will state to the gentleman that the concurrence recommended is in only a few unimportant amendments. The committee recommend nonconcurrence in all the important ones, and they will report back to the House all the important items before any action is taken. We have recommended concurrence in amendments inserting a comma here and there, and in a few other minor matters, but nonconcurrence in all the important amendments.

Mr. ROGERS. Mr. Speaker, I think this bill, with so large a number of amendments, some of them being very important, ought to go to the Committee of the Whole.

Mr. CANNON. If the gentleman will permit me a suggestion, the Committee on Appropriations are unanimous in recommending this action. There is, for example, the question of refunding a portion of the District debt, and the advancement of the money by the Government. The Committee on Appropriations are substantially unanimous against the Senate amendment, and have so expressed themselves to the conferees, and also touching the Zoological Park. But in any event, unless the Senate recedes, or adopts the views of the House committee, the whole matter will come back to the House for discussion and instruction, and there is no doubt in my mind or in that of the committee, that it will come back in the future for discussion, consideration, and action by the House. Meanwhile it will advance the business of the House and save time and, I think, secure better legislation more nearly in accord with the judgment of the House, to adopt the recommendations now made by the committee.

Mr. ROGERS. Well, if this is the unanimous report of the Committee on Appropriations, and at this late stage in the session—

Mr. BRECKINRIDGE, of Kentucky. I think the chairman [Mr. CANNON] is not quite correct in saying that the committee are unanimous. They are unanimous in this report recommending concurrence

in certain minor Senate amendments and nonconcurrence in the other amendments of the Senate, but they are not unanimous in regard to what ought to be done by the committee of conference.

Mr. McCOMAS. The committee are unanimous in recommending this action, but not as to the final action that should be taken on the Senate amendments.

Mr. BRECKINRIDGE, of Kentucky. We are not unanimous, for instance, as to the Zoological Park. There is also a disagreement among us as to the amendment in relation to the refunding of the debt, and I do not wish to be understood as committed to what the conferees may agree upon in relation to those subjects.

Mr. SAYERS. Mr. Speaker, I do not understand that any member of the committee is committed to accept the report of the conference committee.

Mr. CANNON. By no manner of means.

Mr. SAYERS. But we do agree to ask the House to nonconcur in the amendments of the Senate generally and to concur in those indicated in the report.

Mr. McCOMAS. That is the whole of it; with the view of bringing before the House the matters whereon the members of the committee differ. The members of the committee are unanimous in this action, reserving the right to discuss the more important matters when they come here.

Mr. ROGERS. Would there be any objection to letting this report lie over until to-morrow morning, so that we might consider it?

Mr. McCOMAS. I think we had better take this action now.

Mr. DOCKERY. Mr. Speaker, there is no disagreement, I think, as to the policy to be pursued save as to the item in relation to the Zoological Park. That is my recollection.

Mr. McCOMAS. There are several items about which individual members of the committee differ, but all agree in reference to the action now proposed. On that question the committee is unanimous.

Mr. BRECKINRIDGE, of Kentucky. There are at least three matters involved in this bill about which the House ought to reserve the right of amendment and a separate vote, if they are to go to the conference committee. One of these questions is as to the refunding of the debt of the District, to the amount of two million and three-quarters. That is a very important item; and while I thoroughly agree with the committee that the amendment put on by the Senate ought not to be adopted, I might equally disagree with the report of the conference committee on this subject.

This is too important a matter to be treated in a lump with some fifty or sixty other amendments, and to be disposed of without giving the House a chance to vote upon it separately. Then there is the whole subject of the electric wires, the occupation of the streets in connection with those wires. There has been a great deal of contrariety of opinion as to what is best to be done with reference to that matter. So far as I now see, the Senate amendment is one which ought not to be enacted into law. I think the House ought to reserve the opportunity to have a separate vote on that matter when it comes from the conference. Then there is the amendment as to the Zoological Park. These three are the only amendments that appear to be really of very much importance. I think if we could now agree that on these three matters the House shall have the opportunity for a separate vote there would be no difficulty about permitting the bill to go to a committee of conference.

Mr. McCOMAS. I think the gentleman is entirely right. The matter of funding the debt of the District is one upon which the House should have an opportunity to express its distinct judgment. Then there is the matter of the Zoological Park.

Mr. McMILLIN. What is the objection to considering the question now?

Mr. BRECKINRIDGE, of Kentucky. I will say to my friend from Tennessee [Mr. McMILLIN] that the objection to considering the question now is that the House has not yet formulated any plan in opposition to what the Senate has done. All that the committee has been able to agree upon is that the action of the Senate is not wise. It may be that the conferees on the part of the two Houses can agree upon something in which we can all concur. The same remark may be made with regard to the subject of electric wires.

Mr. SAYERS. If it be the understanding that the conferees on the part of the House shall not agree to anything upon these three important matters without first taking the sense of the House, I think there will be no trouble in regard to the question.

Mr. McCOMAS. I think it due to the House that it should consider the three matters indicated by the gentleman from Kentucky and one other—the subject of assessments.

Mr. BRECKINRIDGE, of Kentucky. I intended to include that. Mr. McCOMAS. Those four matters—assessments, the funding of the debt, electric lighting, and the Zoological Park—

Mr. BRECKINRIDGE, of Kentucky. I was under the impression that the funding of the debt of the District, the increase of taxation, and the proper method of assessment would all be parts of the same plan.

Mr. McCOMAS. They will go together.

Mr. BRECKINRIDGE, of Kentucky. It was my impression that we could not provide for funding without taking action on the subject of

increased taxation and a better system of assessment, all being parts of the same policy.

Mr. ROGERS. Just a word. At this late stage of the session I do not want to be an obstructionist in regard to these appropriation bills; on the contrary, I would like to facilitate their passage. But I had learned of these important Senate amendments which I thought ought to receive very deliberate consideration from the House. If, however, the committee agree that these matters shall have reasonable discussion in the House, and shall be disposed of, by separate votes, I shall not interpose any objection at all.

Mr. McCOMAS. That is the purpose of the committee; they were unanimous in that view.

The SPEAKER *pro tempore*. The question is on agreeing to the report submitted by the gentleman from Maryland [Mr. McCOMAS].

The report was agreed to.

The SPEAKER *pro tempore* announced the appointment of Mr. McCOMAS, Mr. MORROW, and Mr. CLEMENTS as conferees on the part of the House.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. SPOONER. I desire to report back from the Committee on Military Affairs the Military Academy appropriation bill. There is but one Senate amendment; and with reference to this the committee recommend nonconcurrence, and that a conference with the Senate be asked.

The SPEAKER *pro tempore*. The Clerk will read the report of the committee.

The Clerk read as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 12922) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1892, submit the following report: They recommend nonconcurrence with the Senate amendment, and that the House ask a conference with the Senate upon the disagreeing votes of the two Houses.

Mr. HOLMAN. I believe there is only one amendment.

The SPEAKER *pro tempore*. Only one.

Mr. HOLMAN. I ask that it be read.

The Clerk read as follows:

On page 6, after line 16, insert "for necessary repairs to sinks and bath rooms for cadets, \$5,000."

The SPEAKER *pro tempore*. The question is on agreeing to the motion that the Senate amendment be nonconcurred in, and a conference with the Senate requested.

The motion was agreed to.

The SPEAKER *pro tempore* announced the appointment of Mr. SPOONER, Mr. SNIDER, and Mr. ROBERTSON as the conferees on the part of the House.

INDIAN APPROPRIATION BILL.

The House resumed the consideration of the bill (H. R. 13388) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with the various Indian tribes, for the year ending June 30, 1892, and for other purposes.

Mr. PERKINS. I ask unanimous consent that the reading of the amendment reported from the Committee of the Whole to this bill be dispensed with and that they be concurred in in gross, except those indicated by the gentleman from Mississippi [Mr. HOOKER] last evening, and the amendment indicated by the gentleman from Illinois [Mr. SPRINGER].

Mr. HOOKER. The amendment offered by the gentleman from Missouri [Mr. MANSUE] with reference to the Crow Indians adds, I understand, five, six, or seven million dollars to this bill. On that matter I want a separate vote.

Mr. HOLMAN. If the amendment adopted as a proviso to section 12 appears in the Journal as it does in the RECORD, there is an important provision omitted.

The SPEAKER *pro tempore*. That amendment also will be considered as reserved.

Mr. BRECKINRIDGE, of Kentucky. How many amendments are there?

Mr. PERKINS. There are a good many—I can not say how many; but there is no controversy except as to those which have been suggested. There are three or four that are excepted from my request, about which there is some controversy. As to the others there is none. A large number of them are merely formal amendments.

Mr. BRECKINRIDGE, of Kentucky. I understand that under the agreement proposed, the three more important amendments are to be read and a separate vote had on them?

Mr. PERKINS. There will be separate votes taken upon them, and I shall at the proper time request that the reading of the long amendment be also dispensed with. For the present, however, I only submit a request with regard to the amendments on which no separate vote is asked.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Kansas?

There was no objection, and the amendments, with the exceptions named, were agreed to.

The SPEAKER *pro tempore*. The question now is on agreeing to

the first amendment recommended by the Committee of the Whole on which a separate vote was demanded.

Mr. PERKINS. Before that is done I desire to ask unanimous consent to amend the amendment offered by the gentleman from Montana [Mr. CARTER] so as to omit from the bill the names of the Indians that subscribed to the agreement, 390 of them in number, and insert in its stead what I send to the desk.

The Clerk read as follows:

Signed by Carl Lieder and 389 other Indians, parties in interest.

Mr. PERKINS. I ask to insert that instead of the list of names of signatures appended, which would involve the necessity of enrolling 390 Indian names, and a great amount of work.

Mr. ADAMS. Before that is done let me ask the gentleman whether there will appear anywhere of record the names of the parties, the individual Indians, who have executed this agreement.

Mr. PERKINS. Oh, yes; they do appear in the contract.

Mr. ADAMS. And that is a matter of public record?

Mr. PERKINS. Yes, sir.

Mr. FARQUHAR. Their names are printed *in extenso* in the CONGRESSIONAL RECORD also.

The SPEAKER *pro tempore*. The question is on agreeing to the amendment submitted by the gentleman from Kansas.

There being no objection, the amendment was considered and agreed to.

Mr. PERKINS. The first amendment on which a separate vote is to be taken is that adopted on motion of the gentleman from Indiana [Mr. HOLMAN] with reference to the Cherokee Commission.

The amendment was read, as follows:

Page 46, line 16, strike out the word "twenty" and insert "fifteen," and add the following:

"Provided, however, That the Cherokee nation may negotiate directly with the Secretary of the Interior for the sale of the Cherokee Outlet to the United States, and the Secretary of the Interior shall from time to time report to Congress the state of such negotiations."

Mr. SPRINGER. That was the last amendment adopted.

The SPEAKER *pro tempore*. But it is the first in order for consideration under the arrangement for a separate vote.

Mr. SPRINGER. I hope it will not be adopted.

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

The question was taken; and on a division (demanded by Mr. SPRINGER) there were—ayes 72, noes 46.

So the amendment was agreed to.

The SPEAKER *pro tempore*. The Clerk will report the next amendment.

Mr. PERKINS. I ask unanimous consent to dispense with the reading of the next amendment. It is the amendment which ratifies the treaties or concessions made by the four tribes, and contains some 54 pages of printed matter. I ask unanimous consent, therefore, to dispense with the reading.

Mr. HOLMAN. Before that consent is given I will ask that section 13, as it now stands, may be read, for if it reads as printed in the RECORD it is erroneous.

Mr. TURNER, of New York. Is that the long amendment offered by the gentleman from Kansas?

Mr. PERKINS. It is.

Mr. TURNER, of New York. I shall have to object. There are many members present who were not present in Committee of the Whole, and I shall object to dispensing with any portion of it.

Mr. BAKER. It is printed at length in the RECORD.

Mr. TURNER, of New York. It is a very important amendment, involving several millions of dollars.

Mr. PERKINS. If the gentleman insists upon the reading, I ask unanimous consent to dispense with the reading of the treaty provisions, and let the legislative portion of the amendment be read, so that he may know what we are legislating upon.

Mr. TURNER, of New York. I object to that.

The SPEAKER *pro tempore*. The Clerk will read.

The Clerk commenced to read the amendment.

Mr. TURNER, of New York. I make the point of order that it is impossible to hear a word that the Clerk is reading.

The SPEAKER *pro tempore*. The House is in an excellent condition of order.

Mr. TURNER, of New York. But the Clerk does not seem to be in an excellent condition of voice for reading. I insist that the House can not hear a word of it.

Mr. CANNON. I hope the House will be still, and let the honorable gentleman from New York have a chance to understand this amendment.

Mr. TURNER, of New York. I appeal to gentlemen all around me, that, paying the strictest attention, it is impossible to hear a word the Clerk is reading.

The SPEAKER *pro tempore*. The Clerk will proceed with the reading. The Clerk resumed the reading of the amendment.

During the reading.

Mr. TURNER, of New York, said: Article 13, on the top of page 6, has been deliberately omitted by the Clerk.

The Clerk proceeded with the reading.

Mr. PERKINS. I ask unanimous consent to dispense with the reading of the names signed to the treaty.

Mr. TURNER, of New York. To that I object.

Mr. BAKER. I ask unanimous consent that the gentleman from New York [Mr. TURNER] be permitted to read the names.

The Clerk resumed the reading of the amendment.

The Clerk having begun the reading of the names signed to the Potawatamie treaty,

Mr. TURNER, of New York, said: In view of the excellent manner in which the Clerk is now reading, I ask that he may be spared the reading of the names, and I will ask unanimous consent to dispense with their reading.

There was no objection.

The Clerk then resumed and concluded the reading of the amendment.

The question being taken on the amendment, the Chairman announced that the ayes seemed to have it.

Mr. HOOKER. I call for a division; and pending that, I wish to say one word. I understand this refers to the whole of the omnibus amendment?

Mr. PERKINS. Yes, sir.

On the division, there were—ayes 124, noes 14.

Mr. HOOKER. I call for the yeas and nays.

The yeas and nays were refused, 12 members rising on the demand therefor.

The amendment was agreed to.

The SPEAKER *pro tempore*. The Clerk will report the next amendment.

The Clerk read as follows:

Amend by inserting after the word "thereafter," in line 14, page 64—

Mr. PERKINS. This is the amendment offered by the gentleman from Montana, ratifying the agreement with the Crow Indians, and I ask unanimous consent that the reading of it be dispensed with.

There was no objection.

The amendment was agreed to.

Mr. PERKINS. I think that completes the bill.

The SPEAKER *pro tempore*. The question is upon the engrossment and third reading of the bill.

Mr. HOOKER. Is there not one more amendment, that offered by the gentleman from Indiana [Mr. HOLMAN]?

Mr. HOLMAN. That has been adopted.

Mr. PERKINS. We voted on that, and the amendment was agreed to.

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

Mr. PERKINS moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

REPRINT OF A REPORT.

Mr. MASON. I ask unanimous consent for the reprint of the report accompanying the bill H. R. 10172. There was an error in the print of the report, and I ask unanimous consent that it may be correctly printed.

There was no objection, and it was so ordered.

REPORT ON DISEASES OF THE HORSE.

Mr. FUNSTON. Mr. Speaker, I ask unanimous consent to introduce the following joint resolution (H. Res. 287) for present consideration.

The SPEAKER *pro tempore*. The gentleman from Kansas asks unanimous consent for the present consideration of a resolution, which the Clerk will read, after which the Chair will ask for objection.

The Clerk read as follows:

Resolved, etc., That there be printed 100,000 copies of the special report on diseases of the horse, prepared under the supervision of the Chief of the Bureau of Animal Industry, 20,000 copies for the use of members of the Senate, 70,000 copies for the use of the members of the House of Representatives of the Fifty-first Congress, and 10,000 copies for the use of the Secretary of Agriculture, to be paid out of the appropriation hereinafter made.

SEC. 2. That the sum of \$105,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to defray the expenses of printing and binding said report and for illustrations for the same.

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

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I would like to ask the gentleman in charge of the resolution what will be the cost of this printing?

Mr. FUNSTON. The appropriation is for \$105,000, or so much thereof as may be necessary.

Mr. BRECKINRIDGE, of Kentucky. Will it take that?

Mr. FUNSTON. There are 100,000 copies authorized.

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

Mr. RICHARDSON. Mr. Speaker, I myself have no objection to

the resolution, but I call the attention of the gentleman to this fact in connection with it: The usual distribution of public documents is to give the House double the number given the Senate. I notice that in this resolution it is provided that the Senate shall have 20,000 copies only, which would give the House 70,000 copies, I believe, and the Department or bureau 10,000. I merely suggest to the gentleman that he will probably find the Senate will object to that division or distribution.

Mr. HEARD. If they do they will amend it.

Mr. RICHARDSON. It may save time to put it in proper shape here. However, I offer no amendment, but simply call attention to the fact.

Mr. FRANK. What do you think of \$105,000 for the printing of one book?

Mr. FARQUHAR. It is best now, if possible, to make the correction in the quota for distribution. I think the suggestion of the gentleman from Tennessee is strictly correct, and that the Senate will never agree to this apportionment. They never have, and they never will, and it will simply cause delay.

Mr. RICHARDSON. It is the rule in all publications that the House shall have exactly double the number apportioned to the Senate.

The SPEAKER *pro tempore*. This amendment can only be adopted by unanimous consent.

Mr. FUNSTON. If there is any objection to the resolution I would state that it is prepared by the Secretary of Agriculture, and he has a reason for preparing it in this way. If the Senate desire it, a change can be made by it.

The question was taken; and the joint resolution was passed.

Mr. FUNSTON 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. [Cries of "Regular order!"]

LIFE-SAVING STATION AT BRANT ROCK, MASS.

Mr. MORSE. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (S. 4874) to establish a life-saving station at Brant Rock, in the town of Marshfield, Mass., and that the same be considered.

The SPEAKER *pro tempore*. The bill will be read, and then the Chair will ask if there is objection.

The bill was read at length for information.

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

Mr. CAMPBELL. I object.

Mr. CANNON. Regular order.

ORDER OF BUSINESS.

Mr. BINGHAM. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. ALLEN, of Michigan, in the chair.

POST-OFFICE APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of general appropriation bills, and the Clerk will read the title of the first bill.

The Clerk read as follows:

A bill (H. R. 13511) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1892.

Mr. BINGHAM. I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. HOLMAN. Mr. Chairman, I think the time for general debate ought to be arranged before the first reading of the bill is dispensed with.

The CHAIRMAN. The Chair hears no objection.

Mr. HOLMAN. Mr. Chairman, I desire to reserve an objection until the time for general debate shall be determined upon.

The CHAIRMAN. There has been no suggestion as to the time for general debate.

Mr. BINGHAM. I was going to state to the committee, Mr. Chairman, that so far as I am personally concerned I would prefer to explain the bill at the close of the general debate, and I propose that the gentleman from Georgia [Mr. BLOUNT], the senior member of the committee, proceed at once in his own right for one hour.

Mr. HOLMAN. And the entire time to be consumed by the gentlemen from Georgia and Pennsylvania, and others?

Mr. BINGHAM. The gentleman from Pennsylvania will only occupy about fifteen minutes.

Mr. HOLMAN. Would four hours' be an unnecessary time to occupy in general debate?

Mr. BINGHAM. I should think that four hours is too long. I have had but two requests from our side of the House for time during the general debate, and neither of these requests exceed half an hour.

Mr. SPRINGER. Four hours would only be two hours on a side, and as the gentleman from Georgia is to take one hour, that would only leave one hour for all other remarks on this side.

Mr. BINGHAM. There are no requests on our side for general debate save two.

Mr. HOLMAN. Well, I hope the gentleman from Pennsylvania and the gentleman from Georgia will agree to some arrangement as to the time.

Mr. BLOUNT. Mr. Chairman, it is utterly impossible to hear what is being said by the gentleman from Pennsylvania and the gentleman from Indiana.

Mr. BINGHAM. I have no objection. Let the gentleman from Georgia proceed for an hour, and then after that we will agree about the time. Mr. Chairman, it is agreed that the gentleman from Georgia in his own right shall proceed for an hour.

Mr. CRAIN. Has any limit for debate been suggested?

Mr. BINGHAM. No limit has been agreed to.

The CHAIRMAN. Is there objection to dispensing with the first reading of the bill? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from Georgia.

[Mr. BLOUNT withholds his remarks for revision. See appendix.]

Mr. BINGHAM. Mr. Chairman, I should like to hear some proposition as to the conclusion of the general debate upon this post-office bill. So far as this side of the House is concerned I am of opinion that the general debate can be closed in an hour and a quarter. The gentleman from Georgia [Mr. BLOUNT] has occupied the attention of the committee for an hour and ten minutes. The appeals for time from gentlemen on this side are limited and qualified, and I am sure that on this side of the House we shall be prepared to close the general debate in an hour and a quarter.

Mr. CRAIN. Does the chairman of the committee [Mr. BINGHAM] suggest, then, that we take an hour and a quarter or an hour and a half on this side in addition to the hour that has been occupied by the gentleman from Georgia [Mr. BLOUNT]?

Mr. BINGHAM. I am perfectly willing to concede the time already given to the gentleman from Georgia [Mr. BLOUNT], and, without counting that, to give the other side an hour and a quarter for general debate.

Mr. MONTGOMERY. How is that time on this side to be divided?

Mr. BINGHAM. That is for your side to determine. I shall control only the time on this side of the House.

Mr. MONTGOMERY. I wish to control in my own right forty-five minutes of the time on this side.

Mr. BLOUNT. Then I suggest that the gentleman from Kentucky [Mr. MONTGOMERY] and the gentleman from Texas [Mr. CRAIN] take control of the time.

Mr. CRAIN (to Mr. BINGHAM). Make it an hour and a half on this side.

Mr. McMILLIN. The gentleman from New York [Mr. CUMMINGS], I understand, wants twenty or twenty-five minutes.

Mr. BINGHAM. Do I understand that an hour and a half will be agreeable to that side?

Mr. CRAIN. That will hardly give all the time that is required.

Mr. BINGHAM. I think that is a very generous proposition on our part.

Mr. MONTGOMERY. I can not agree to any arrangement that does not give me control of forty-five minutes.

Mr. CRAIN. I suppose the gentleman from Georgia [Mr. BLOUNT], as the senior member of the committee, will control the time on our side.

Mr. MONTGOMERY. Under ordinary circumstances; but I suppose that the gentleman from Georgia, having occupied so much time himself, prefers that others should control what remains.

Mr. McMILLIN. I understood the gentleman from Georgia [Mr. BLOUNT], to say that he was willing that either the gentleman from Kentucky [Mr. MONTGOMERY], or the gentleman from Texas [Mr. CRAIN], should control the time on this side.

Mr. BINGHAM. Suppose then the gentleman from Kentucky [Mr. MONTGOMERY], and the gentleman from Texas [Mr. CRAIN], divide the hour and a half between themselves.

Mr. McMILLIN. The gentleman from New York [Mr. CUMMINGS] has indicated a desire for more time.

Mr. BUCHANAN, of New Jersey. There are several gentlemen on this side who would like to occupy some time, but they are willing to forego the privilege for the sake of expediting the public business.

Mr. BINGHAM. I think this side of the House is very generous.

Mr. DOCKERY. I wish to suggest that the gentleman from Indiana [Mr. HOLMAN] before he left the Hall a few moments ago said to some member in my hearing that he desired thirty minutes in the general debate on this bill. I mention this as the gentleman from Indiana is not present, so that it may be taken into account in effecting an arrangement.

Mr. MONTGOMERY. How much time does the gentleman from Texas desire?

Mr. CRAIN. I desire forty-five minutes.

Mr. MONTGOMERY. I have no disposition to say anything about the division of the time, except as to that which I desire to occupy.

Mr. BINGHAM. The division of the time is a matter for your own side. I have no control over it. I think these propositions on our side are more than generous.

Mr. SPRINGER. Give us two hours.

Mr. BINGHAM. Well, we will concede—

Mr. CANNON. One moment. I hope the gentleman from Pennsylvania will make no agreement that will conflict with the proposition to close the debate upon this bill and pass the bill during this day's session. The bill is a short one.

Mr. SPRINGER. So far as that is concerned, nobody can control the five-minute debate, so that no such agreement as that can be made.

Mr. CANNON. Well, I hope the gentleman from Pennsylvania will make no agreement about general debate which will prevent that result.

Mr. CRAIN. I suggest to the chairman of the committee that this is a very short bill, only six pages, so that its consideration will occupy but very little time.

Mr. CANNON. I suggest to the gentleman from Pennsylvania that we now proceed to read and consider the bill under the five-minute rule until we get through, and then give the remainder of this day's session for general debate and extend the time as long as gentlemen desire.

Mr. McMILLIN. That is, discuss the bill after it is disposed of?

Mr. CANNON. Precisely.

Mr. McMILLIN. That is a peculiar method of procedure.

Mr. CRAIN. As I do not intend to speak on the Post-Office bill, that would suit me very well. [Laughter.]

Mr. BINGHAM. I am of the opinion that, with the exception of perhaps twenty minutes on our side of the House, there will be no general debate upon the provisions of this bill. The gentleman from Tennessee has told me that his remarks will be pertinent to the bill. The gentleman from Texas [Mr. CRAIN] I believe desires to discuss a constitutional question with no relation to this bill.

Mr. CRAIN. Except in so far as the amendment if adopted would put the control of this legislation in the hands of the party which was successful last November instead of the party defeated by the people.

Mr. BINGHAM. I submit, then, this proposition: That we concede to the other side of the House two additional hours for general debate and to this side one hour and a quarter, with the understanding that we enter upon the consideration of the bill by paragraphs. I am disposed to think there will be little if any discussion upon the bill itself. It comes here with the unanimous report of the committee. The amendments which I propose to submit will be subject to a single objection, and therefore will not delay the consideration of the measure at all. This bill as reported is distinctly a skeleton bill. It follows the statutes as carefully as did the bill of one year ago, which passed here in twenty minutes without a single objection. This bill follows the bill of last year with the change of but three or four words, which it will be optional with the House to accept. As I have said, the bill is unanimously reported.

Mr. CRAIN. What is the gentleman's proposition?

Mr. BINGHAM. It is to concede to your side of the House two hours additional for general debate, and that our side have one hour and a quarter, and that we go on with the bill to-day.

Mr. CANNON. And pass the bill during to-day's session.

Mr. McMILLIN. The suggestion of the gentleman from Illinois can not be agreed to, because nobody can know beforehand what will be done with the bill when we take it up in Committee of the Whole. I think that probably the arrangement suggested could be carried out.

Mr. BINGHAM. Let us try it, at any rate. If we "run against a snag" the House of course can adjourn. I make my proposition in perfect good faith. As the bill in my view contains nothing objectionable, I think it will go through the House in fifteen minutes.

Mr. CRAIN. We do not want to speak to empty benches, and if we pass the bill before entering upon the debate, everybody will go home.

Mr. CANNON. Then the debate can not be of much interest.

Mr. BINGHAM. I move that the general debate be closed in three hours and a quarter, two hours to be given to the other side and one hour and a quarter to our side, and that then we proceed to the reading of the bill by paragraphs.

Mr. HOPKINS. And that a vote be taken on the passage of the bill before the adjournment to-day.

Mr. CANNON. I offer an amendment that the general debate on this bill be limited to one hour. [Cries of "Oh, no!"] Well, I will make it two hours.

Mr. SHIVELY. I move to amend by making the time four hours. Mr. BINGHAM (to Mr. SHIVELY). Three hours and a quarter, I understand, will be satisfactory to your side.

Mr. CRAIN. I think the original proposition of the gentleman from Pennsylvania [Mr. BINGHAM] is a fair one. It is true that this appropriation bill does not come from the Committee on Appropriations; but it is entitled to some consideration.

Mr. CANNON. Precisely; but you do not propose to consider it.

Mr. CRAIN. We do.

Mr. CANNON. You propose to take up time in general debate.

Mr. CRAIN. Gentlemen could get in their remarks at any rate during the five-minute debate, and just as much time would be occupied as if the speeches were delivered in a connected form.

Mr. BINGHAM. I insist on my motion.

Mr. CRAIN. I think that is a fair proposition.

Mr. CANNON. I move to amend by fixing the time for further general debate at an hour and a half.

The CHAIRMAN (Mr. ALLEN, of Michigan). It is proposed by the gentleman from Pennsylvania that all general debate on this bill—

Mr. CANNON. I believe this order can not be made in Committee of the Whole, but must be made in the House.

Mr. BLAND. The bill has not yet been read. Can we now limit debate?

The CHAIRMAN. The general debate was entered upon. The gentleman from Georgia [Mr. BLOUNT] addressed the committee for an hour and ten minutes. The gentleman from Pennsylvania proposes that general debate be limited to three hours and a quarter, two hours to be occupied by gentlemen on the right of the Chair, and one hour and a quarter on the other side. To this proposition the gentleman from Illinois offers an amendment that all general debate be limited to one hour and a half.

Mr. CANNON. I submit that we can not limit the debate in this way. The committee will have to rise.

The CHAIRMAN. Is there objection to the proposition as submitted?

Mr. SPRINGER. Yes, sir; I object to the proposition with the limitation proposed by the gentleman from Illinois.

Mr. MCKINLEY. I hope there will be no objection to the suggestion of the chairman of the Committee on the Post Office and Post Roads [Mr. BINGHAM].

Mr. SHIVELY. There is none on this side.

The CHAIRMAN. The Chair will again submit the proposition of the gentleman from Pennsylvania.

Mr. CANNON. There is no need of doing that. I just simply object; that is all.

Mr. BINGHAM. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. ALLEN, of Michigan, reported that the Committee of the Whole House on the state of the Union, having had under consideration the Post-Office appropriation bill, had come to no resolution thereon.

Mr. BINGHAM. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union to consider the Post-Office appropriation bill; and pending that, I move that general debate be limited on House bill 13511 to three and one-quarter hours, two hours to be given to the other side of the House and one and one-quarter to this side.

Mr. CANNON. I offer an amendment to make it two hours, to be equally divided.

Mr. BLAND. I move that the House adjourn.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois, pending which the gentleman from Missouri—

Mr. BLAND. I withdraw the motion.

Mr. SHIVELY. I now move as an amendment to the amendment of the gentleman from Illinois to limit the debate to four hours.

Mr. BINGHAM. I hope the gentlemen will not do that. I have proposed three and one-quarter hours.

Mr. SHIVELY. I am not averse to your proposition, which is a reasonable one, and offer the amendment only against that of the gentleman from Illinois in order to make a plain issue; but as by this time it seems to be understood that we mean to have proper debate on this bill I withdraw it.

The question being taken on the amendment of Mr. CANNON, the House divided; and there were—ayes 21, noes 91.

So the amendment was rejected.

The motion of Mr. BINGHAM was then agreed to.

The SPEAKER *pro tempore*. The question recurs upon the motion of the gentleman from Pennsylvania that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. ALLEN, of Michigan, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the Post-Office appropriation bill, and by order of the House the time for general debate is limited to three and one-quarter hours, two hours of which are to be controlled by the Democratic side of the House and one hour and a quarter by the Republican side. If there be no objection the Chair will recognize the gentleman from Texas [Mr. CRAIN], and the gentleman from Pennsylvania [Mr. BINGHAM] to control the time on the respective sides.

There was no objection.

Mr. BINGHAM. I yield five minutes to the gentleman from Iowa [Mr. KERR].

Mr. KERR, of Iowa. Mr. Chairman, I was listening very atten-

tively during the remarks made by the gentleman from Georgia [Mr. BLOUNT] with regard to the merchant marine and shipping of this country. The gentleman emphasized several times during the course of his remarks the assertion that up to the year 1860 we had had a very prosperous merchant marine, but that it declined after that period.

I want to call the gentleman's attention to the correction that has been made very frequently in this Congress of the erroneous impression prevailing, that the decline of our merchant marine began in 1860. The gentleman from Maine [Mr. DINGLEY] in his able speech delivered sometime ago called attention to this when the question was being discussed before, and since then I have also had occasion to examine the tables.

I find that in 1855 the tonnage of the United States in the foreign carrying trade amounted to 8.18 feet per capita of the population of the United States at that time, and yet in 1860 this was reduced to 7.58 feet for each American citizen. So that the decline of our merchant marine began in 1855 under the last administration preceding the war, and not, as has been stated, at the later period, 1860.

The able gentleman from Missouri [Mr. DOCKERY] candidly admitted in his able speech on the shipping bill that the decline of American shipping began in the Democratic administration in 1855. In this he differs from the average Democratic leader, who, like the gentleman from Georgia, always fixes it with the beginning of a Republican Administration.

The gentleman from Georgia is afraid of the selfishness of the men who will sail the ships and quotes with unction the sentiment of the Scottish bard in his epistle to a young friend:

When self the wavering balance shakes
It's rarely right adjusted.

When the gentleman was giving the date of the decline of our shipping so as to fix blame on the Republican party, I thought of another couplet of that poem:

You'll find mankind an unco squad,
And, oh! but they'll deceive you.

But I think the country understands the causes of the decline of our shipping and is ready to correct them.

I want to call attention to the report made by the chairman of the Committee on Merchant Marine and Fisheries, which shows that the highest condition of prosperity of our merchant marine was in 1855, under the policy of subsidies that prevailed previous to that time, and that when the policy of subsidizing our foreign shipping ceased, it began going down, and has been going down in the main from that period to this, until now we have engaged in the foreign carrying trade only 1.45 feet for every one of our citizens.

That condition has prevailed, Mr. Chairman, even while our foreign trade has been largely increasing. There has been a constant increase of our foreign trade. Our entire foreign trade in 1854 amounted to \$582,000,000; in 1865 it had gone up to \$880,000,000, while in the last year the tables show it has increased to \$1,613,000,000. So that our foreign commerce has been constantly increasing, while the merchant marine has been gradually getting away from us and going to other countries under the policy which has refused encouragement to our merchant marine.

Mr. Chairman, it is conceded, I believe, that in order to have a great, prosperous, and powerful nation, with great influence upon the destiny of the world, it is necessary it should not only be strong on the land, but that it should be strong on the sea; for no nation has had any great influence on the destinies of the world that has not had an arm of power upon the sea as well as upon the land. And consequently, with the experience we have had of the decline of our power upon the sea during the last thirty-five years, it seems to me it is time for us to reverse our policy, and by a system that showed itself so advantageous formerly for the development of our shipping marine to resume that policy once more. I hold that is necessary as a matter of national defense, and I would vote money in that direction for the same reason that I would vote money to the creation of an army or a navy. It is wiser to use even large sums of money for the development of our merchant marine than to expend those sums on large ships to rot on the ocean and keep men in idleness. If we have an energetic, active body of men engaged in this service we can call on them when we need them, and soon become a great naval power.

[Here the hammer fell.]

Mr. BINGHAM. I yield twenty minutes to the gentleman from Tennessee [Mr. EVANS].

Mr. EVANS. Mr. Chairman, I propose to direct my remarks to the bill under consideration, and therefore I suppose I ought to apologize to this House. As no explanation has been made of this bill, and as the bill under consideration carries an appropriation of over \$77,000,000, I propose to bring the attention of the House to the changes that have been made in the recommendations of the Postmaster-General, and in the bill as recommended by the committee.

As the report of the committee states, the Postmaster-General's estimate amounted to \$77,545,894.41.

The committee recommend \$77,365,212.61, or an apparent difference of \$180,681.80. In this connection I will state that the items reduced or cut down from the Postmaster-General's estimate are: Clerk hire, \$249,000; special messengers, \$10,000; and the item recommending re-

wards for highway, stage, and train robbers, etc., \$20,000, is cut out, making a reduction on the Postmaster-General's estimate of \$279,000; and there is added to the Postmaster-General's estimate a subsidy for what is known as special mail facilities to railways, which is put back by the committee, although the Postmaster-General recommended that it be reduced \$98,318.20. Deducting this from the \$279,000 reduction, makes an apparent reduction of \$180,681.80.

Mr. ANDERSON, of Kansas. Do I understand the Postmaster-General recommended \$98,000 less than the committee appropriated for railway service?

Mr. EVANS. That is the fact, and I will say that I will be glad to have the gentleman refer to the Postmaster-General's report, page 268. These are what are known as special facilities to expedite the mail.

This is an abuse, gentlemen, which has grown into the service, barnacles that have fastened themselves upon the appropriations, and which has now, and for several years, taken out of the Treasury of the United States \$295,000 annually; and I say here, without fear of successful contradiction, that it does not expedite the mails one minute.

Mr. DOCKERY. I quite agree with the gentleman on that point. Mr. EVANS. And I propose, under the five-minute rule, to offer an amendment to strike out this whole item, and the Postmaster-General's report will justify the House in so doing.

Now, I will ask the chief page to exhibit a map on which I have shown the lines that are covered in these subsidies. The first is from New York to Springfield, Mass., 136 miles, for which a special appropriation has been carried for several years, of \$17,647.06 over and above the regular pay under the schedule and under the laws of 1876 and 1878. I see no reason for this. There are ten fast trains per day running from New York to Springfield, Mass., and on through to Boston. Certainly no man in this House claims that this should be kept in the appropriation. There are \$25,000 recommended in the committee's report for a train on the New York Central and Hudson River from New York to Albany. This does not expedite the mail at all. It does not hasten the delivery. There are thirteen regular fast trains daily from New York to Albany.

From Baltimore to Hagerstown there is an appropriation recommended of \$15,713.25. Now, there are no fast trains upon that route. The fastest time that is made on the express is over three hours for 86 miles, and when this appropriation was made it was done at the instance of the press in Baltimore, to carry the press from Baltimore out to the Shenandoah Valley route. This has been kept in for several years. The Postmaster-General has recommended the cutting down of this appropriation \$98,318.20. The committee for some reason have seen fit to reinstate the amount. I call your attention to the language of the Postmaster-General, and I quote from his annual report, page 268, as follows:

SPECIAL FACILITIES.

The annual rate of expenditure for this class of service on June 30, 1890, was \$295,421.78. This sum was expended as shown in the following statement:

Number of route.	Termini.	Railroad company.	Miles.	Pay per annum.
5005.....	New York, N. Y., to Springfield, Mass.	New York, New Haven and Hartford.	136.00	\$17,647.06
6011 (part).....	4.35 a. m. train, New York to Albany.	New York Central and Hudson River.	144.00	25,000.00
10006 (part).....	Baltimore to Hagerstown.	Western Maryland.....	86.10	15,713.25
10001.....	Philadelphia, Pa., to Bay View (n. o.), Md.	Philadelphia, Wilmington and Baltimore.	91.80	20,000.00

Exhibit of "special facilities."

No. of route.	From—	To—	Railway companies.	Pay per mile under general law of 1878.	Subsidy per annum equivalent to—	
					Per mile.	Per route.
5005	New York.....	Springfield, Mass.....	New York, New Haven and Hartford.....	\$1,073.88	\$129.75	\$17,647.06
6011	do.....	Albany, N. Y.....	New York Central.....	1,681.79	173.61	25,000.00
10006	Baltimore.....	Hagerstown, Md.....	Western Maryland.....	146.21	187.14	15,713.25
Total.....						58,360.25

ATLANTIC COAST LINE.

10001	Philadelphia.....	Bay View, Md.....	Philadelphia, Wilmington and Baltimore.....	\$1,153.40	\$217.86	\$20,000.00
10013	Bay View.....	Washington.....	Baltimore and Potomac.....	1,157.67	274.43	21,900.00
11001	Washington.....	Quantico, Va.....	Richmond, Fredericksburgh and Potomac.....	412.11	213.58	17,419.26
11001	Quantico.....	Richmond.....	Richmond and Petersburg.....	412.11	182.50	4,210.27
11008	Richmond.....	Petersburgh.....	Petersburgh.....	342.86	182.50	11,596.05
11008	Richmond.....	Weldon.....	Wilmington and Weldon.....	322.84	182.33	29,541.27
11009	Petersburgh.....	Wilmington.....	Wilmington, Columbia and Augusta.....	283.86	181.77	20,075.00
13002	Weldon.....	Florence.....	Northeastern.....	209.47	182.50	17,337.50
14002	Wilmington.....	Charleston.....	Charleston and Savannah.....	253.93	187.68	19,710.00
14005	Florence.....	Savannah.....	Savannah, Florida and Western.....	235.12	182.56	31,309.70
14004	Charleston.....	Jacksonville.....	Jacksonville, Tampa and Key West.....	246.24	181.23	22,867.25
15009	Savannah.....	Sanford.....	South Florida.....	185.53	181.24	21,095.17
16018	Jacksonville.....	Tampa.....		146.20		
16007	Sanford.....					
Total.....						237,061.47

Mileage, coast route, 1,228.85; average subsidy per mile, \$192.25.

Number of route.	Termini.	Railroad company.	Miles.	Pay per annum.
10013.....	Bay View (n. o.), Md., to Washington, D. C.	Baltimore and Potomac	79.80	\$21,900.00
11001 (part).....	Washington, D. C., to Quantico (n. o.), Va.	Richmond, Fredericksburgh and Potomac.	81.50	17,419.26
11001 (part).....	Quantico (n. o.) to Richmond.	Richmond and Petersburg.	23.07	4,210.27
11008.....	Richmond to Petersburg.	Petersburgh.....	63.54	11,596.05
11009.....	Petersburgh to Weldon.	Wilmington and Weldon.	162.07	29,541.27
13002.....	Weldon to Wilmington.	Wilmington, Columbia and Augusta.	110.00	20,075.00
14002 (part).....	Wilmington to Florence.	Northeastern.....	95.00	17,337.50
14005 (part).....	Florence to Charleston Junction (n. o.).	Charleston and Savannah.	108.00	19,710.00
14004 (part).....	Charleston Junction (n. o.) to Savannah.	Savannah, Florida and Western.	171.50	31,309.70
15009.....	Savannah to Jacksonville.	Jacksonville, Tampa and Key West.	126.18	22,867.25
16018.....	Jacksonville to Sanford.	South Florida.....	116.39	21,095.17
16007.....	Sanford to Tampa.....			
Total.....				237,421.78

The appropriation for the last fiscal year was \$295,655.38. The sum estimated as necessary for the current fiscal year is \$295,421.78.

The amount estimated as necessary for the fiscal year ending June 30, 1892, is \$197,103.59, being \$98,318.20, or 33.28 per cent. less than the appropriation for the current year.

The extent and character of the ordinary mail service throughout the entire country within the past few years has been greatly advanced, and the growth of the mails has added largely to the compensation of the railroads, more especially the trunk-line systems, justifying the commencement of curtailment of the appropriation, which for a number of years has been made to certain railroads for special facilities, and with a view to the gradual accomplishment of this end, the amount estimated as necessary for the fiscal year ending June 30, 1892, has been fixed at \$197,103.59, which is \$98,318.20 less than the amount appropriated for the current year.

In my judgment the ordinary compensation now allowed by law should secure from railroads hearty co-operation with the Department in the establishment of such schedules as will accomplish a maximum amount of good mail service, and whenever this is done the compensation is sure to be advanced, occasioned by the natural increase in the quantity of mails transported.

The railroads associated with all large cities and trade centers of the country have an interest, independent of the compensation allowed directly by the Government, in co-operating with the Post-Office Department in its efforts to expedite the distribution of newspapers to the outlying districts early in the morning, and in the quickening of commercial mails after the close of each day's business, and it ought to be possible, within a very few years, to dispense altogether with preferential allowances for special facilities, and still be within the power of the Department to maintain and further advance the high standard that has been reached by the railway mail service train schedules that now prevail.

In dwelling so fully upon the subject of allowances for special facilities I do not wish to be understood as criticising the occasion which first led to the granting of them.

I believe at the outstart such payments were a necessity, especially in connection with the establishment, via the Atlantic coast line and Tampa, of a reliable and quick mail service between New York (as the base) and Havana, but I do not see the justification for continuing indefinitely to this line, any more than to others, an allowance for a special train schedule, and at the same time, owing to the constant increase of the quantity of the mails, keep adding to the compensation at each quadrennial weighing of the route.

According to Poor's Manual, in the United States there are now 160,544 miles of railway. In the above there are all told 1,594.95 miles that get special or extra pay. The first three items referred to amount to \$58,360.31; the remainder of the items constitute what the line known as the "Atlantic coast line," consolidated, gets, \$237,061.47, or an average of \$192.75 per annum per mile from Philadelphia to Tampa, the distance being 1,228.85 miles.

I ask your attention to the following table:

By reference to the report of the honorable Second Assistant Postmaster-General it will be found that the average annual pay per mile for transportation of mails by railway in Iowa, Minnesota, and Wisconsin is \$110; Michigan, Tennessee, and Alabama, \$100; Texas, Louisiana, and Kansas, \$90; and Dakota, \$65, in round figures; the route from San Francisco to Sacramento, Cal., \$123.98; that important line, Chicago to Milwaukee, \$212.90; Nashville to Chattanooga, Tenn., \$188.10; Chattanooga to Bristol, Tenn., \$179.55; Bristol, Tenn., to Lynchburg, Va., \$206.91; Roanoke, Va., to Hagerstown, Md., \$123.98. These are all important lines, and none are encouraged from the "special-facilities" appropriations.

Schedule of rates for railway mail transportation.

Average weight of mails whole distance per day.	Pay per mile per annum of route's length.			
	Rates allowable under act of March 3, 1873.	Rates allowable under acts of July 12, 1876, and June 17, 1878.	Rates allowable to land-grant railroads, being 80 per cent. of allowance to other railroads, under act of July 12, 1876.	Weight warranting allowance of \$1 per mile under act of March 3, 1873, and subject to acts of July 12, 1876, and June 17, 1878.
200 pounds..	\$50.00	\$42.75	\$34.20	Pounds.
200+ 300= 500 pounds..	75.00	64.12	51.30	12
500+ 500=1,000 pounds..	100.00	85.50	68.40	20
1,000+ 500=1,500 pounds..	125.00	106.87	85.50	20
1,500+ 500=2,000 pounds..	150.00	128.25	102.60	20
2,000+1,500=3,500 pounds..	175.00	149.62	119.70	60
3,500+1,500=5,000 pounds..	200.00	171.00	136.80	60
For every additional 2,000 pounds.....	25.00	21.37	17.10	80

Rates allowable per mile, per annum, for railway post-office cars when authorized.

Railway post-office cars 40 feet.....	\$35 per daily line.
Railway post-office cars 45 feet.....	30 per daily line.
Railway post-office cars 50 feet.....	40 per daily line.
Railway post-office cars 55-60 feet.....	50 per daily line.

Mr. DOCKERY. I desire to ask the gentleman a question. Has not the Postmaster-General under the existing statute the right to withdraw this special-service fund?

Mr. EVANS. That is a condition made in this appropriation.

Mr. BINGHAM. Oh, no; it was in the last.

Mr. EVANS. It was in the last; but every member in this House knows how difficult it is for a Department officer to reduce any appropriation; that it is almost an impossibility. Let us take the responsibility, and not unload it on the Department.

Now, as to what is known as the Atlantic Coast Line, I myself was not familiar with it until I put it on the map, and I found that the different lines running from Philadelphia to Baltimore, or Bay View, as it is called, from Bay View to Washington, from Washington to Quantico, Va., from Quantico to Richmond, from Richmond to Petersburg, from Petersburg to Weldon, N. C., and on down what is known as the coast line, there are \$237,061.47 recommended in this bill. Now, out of the 160,544 miles of railway in the United States these are the only subsidies that exist and the only subsidies that ever did exist.

Mr. BINGHAM. Will the gentleman allow me to make an inquiry? Does not the gentleman know that during the past four years the Department has expended over a million of dollars in the reweighing of mails on the trunk lines in order that special facilities may be given to the Department in the expedition of the mails?

Mr. EVANS. I am aware that under the present Administration the time has been lowered between Boston and San Francisco going west to the extent of twenty-three hours, and it was shortened up to the extent of thirty hours coming east without costing a dollar to the mail service.

Mr. BINGHAM. That is not my question. I said during the past year.

Mr. EVANS. There has been a reweighage; but I propose to submit in connection with my remarks a table showing exactly what has gone to these railroads as subsidies for special mail facilities; and I propose to show also in connection therewith exactly what they are paid under the schedule passed in 1876 and 1878, that applies to all the railroads in the United States, and that these appropriations are over and above the regular amount that is paid to other railroads. I say in connection with the pay that has been given to these railroads, that to none of the roads that run out of Chicago has any extra pay been given, nor to any that run out of St. Louis.

I call your attention here to the fact that, while there has been no

reduction, there has been no readjustment, no new laws passed since 1878 in relation to weighing the mails; and according to the figures of a distinguished and noted statistician of Great Britain it has been lately shown that during the past ten years, or from 1880 to 1890, there has been a general reduction throughout the United States amounting to 68 per cent. in the freight charges on the different railroads, while there has been no reduction to the mail service.

Mr. DOCKERY. On that point I would suggest to the gentleman that this item to which he objects is subject to a point of order, and it is therefore entirely within his power to have it stricken from the bill.

Mr. BINGHAM. It has been made a part of the bill by unanimous consent for thirteen years.

Mr. EVANS. I was not aware of that until since the bill was passed by the committee. I will submit to the House some figures in connection with this:

1879.....	\$150,000.00	1886.....	\$266,764.00
1880.....	450,000.00	1887.....	291,000.00
1881.....	425,000.00	1888.....	295,987.53
1882.....	425,000.00	1889.....	295,987.53
1883.....	600,000.00	1890.....	295,635.38
1884.....	185,000.00	1891.....	295,421.79
1885.....	250,000.00		

* Asked for.

† Expended \$185,121.32.

Railroad transportation for the year 1878, in which year there was a special facility appropriation of \$150,000, amounted to \$9,692,590. Railroad transportation for the year 1890 amounted to \$19,105,557.90. As an illustration of the large amounts paid to various railroad lines for carrying the mails, I will give the following:

New York Central and Lake Shore and Michigan Southern, between New York and Chicago, \$1,954,754.09 per annum.

Pennsylvania Road, between New York and St. Louis, \$1,653,603.92.

Union Pacific, between Omaha and Ogden, and Green River and Portland, \$1,127,501.87.

In November, 1889, the overland fast mail was established, and the schedule between Boston and San Francisco, west bound, was reduced twenty-three hours, and east bound thirty hours. This was done without a dollar of additional compensation. There was no special weighing, but only the regular April weighing, and the pay was based upon the weight of mails carried on the 1st of the following July.

Mr. LA FOLLETTE. Will the gentleman from Tennessee yield a moment? I want to have the matter clear in my mind. Do you mean to say that these railroads that you denominated subsidized railroads are paid as much for carrying like quantities of mail as are other railroads, and in addition are also paid this sum which you give in each instance and denominate a subsidy?

Mr. EVANS. That is exactly what I did undertake to show.

Mr. LA FOLLETTE. And did I also understand you to say that they render no additional service for this extra compensation?

Mr. EVANS. I say that.

Mr. BINGHAM. I think the gentleman does not mean to say that.

Mr. EVANS. I say so and will prove it.

By official documents I have here it is claimed that there are two mail trains a day.

Mr. BINGHAM. Will the gentleman allow one question? Is not this mail train from Springfield and Boston on the Coast Line down to Tampa, Fla., making connection with the Havana mail, under the direct and absolute control of the Department as to the schedule of time, as exclusive in everything as that which pertains to ownership of the train?

Mr. EVANS. I am advised that it is no more so than it is in any other line.

Mr. BINGHAM. I will say to the gentleman that I believe he has not been correctly informed.

Mr. EVANS. I have it from the Department. I do not think I am mistaken. I will say to the chairman of the committee that there is one mail train a day only upon that part of the Atlantic Coast Line from Florence, S. C., to Tampa, Fla., and while the practice heretofore has been to send mail to the home of the honorable gentleman who has spoken upon the question of ship subsidies, by the Coast Line, with the time lessened, it now goes to Macon quicker by way of other roads.

I say it is unfair to the leading lines of railroad throughout the United States, and every dollar of this should be cut off by this Congress, and the responsibility should not be thrown upon the head of any Department, leaving it so that Representatives or Senators or others can go to the Department and demand of him to put this subsidy back, as has been done year after year. This House should have the courage to take hold of this question and stamp out the whole system of subsidies to railways. There is certainly no necessity for granting any such subsidy to the New York Central Railroad, and the Department officers will tell you that they have no trouble in arranging fast schedules. There is hardly a trunk line in the United States on which, during the present Administration, the mails have not been expedited and the time shortened without the cost of a dollar to the Government.

Mr. DOCKERY. In justice to the last Administration, the gentle-

man ought to say also that "expedition" was quite as noticeable under that Administration as under this.

Mr. EVANS. I was not in the last Administration, but I will take the gentleman's word for it. [Laughter.]

Mr. HOPKINS. I wish to ask the gentleman if it is not true that this bill, while it makes some provision for the carrying of the mails over the routes that he speaks of, leaves the matter optional with the Postmaster-General as to the amount of money that shall be used.

Mr. ANDERSON, of Kansas. But who appropriates the money? Do not we?

Mr. EVANS. I agree with the suggestion of the gentleman from Illinois, but this committee does not leave it optional with the Postmaster-General to expend \$8,349,000 for clerk hire. They have taken occasion to limit him to the dollar upon that. Now, on the question of clerk hire I propose to submit some figures. There is not a member in this House who does not know what difficulty he has met with at the Department in endeavoring to increase clerical service.

Mr. HOPKINS. But the gentleman does not meet my question. If it is left optional with the Department and the Department finds that it is not advisable to invest this amount of money in this way, there is nothing in the bill requiring the Postmaster-General to use it in this way. The bill simply gives a gross sum of money to be used for this purpose, so that if the Department finds it can be used to facilitate the mails in this way it may be so used; otherwise not.

Mr. EVANS. The Postmaster-General asks this committee to reduce the amount by \$98,318.20, and he makes the further suggestion that the whole thing should be cut out at an early day, and I say that the time to draw the line is the 1st of July next. And, I repeat, this House ought to do it and not throw the responsibility upon the Postmaster-General. Can any gentleman tell me why this committee put back the \$98,318.20 that the Postmaster-General recommended should be cut out?

The Postmaster-General at the beginning of this Congress laid before the Committee on the Post Office and Post Roads a plan for the reorganization of the railway mail service. Nothing has been done in that line since 1882. The demands of the service have grown to great proportions, and upon his recommendation a bill was prepared, and the committee adopted that bill and reported it to the House. This session is now drawing to a close. I believe that the efficiency of the service demands that this House should pass that bill.

It will increase the expenditures under the Post-Office Department in this line about \$300,000, but I say to you gentlemen that you can reduce this item of railway subsidy \$295,000, and do it without destroying or impairing the efficiency of the service, and that money can be applied to paying the men in the railway mail service, a service which has been built up by the young men who handle the mails so promptly and efficiently throughout the country. The money that is being paid to these main lines of railroad had better go in the direction of expediting the mails by facilitating the handling of them on the trains and paying the men who do the work.

Mr. Chairman, much might be said in commendation of the present administration of the Post-Office Department in expediting the mails and reducing expenses. The growth of the railway mail service has been marvelous during the past eight years, and much has been done to expedite the delivery of the mails through this splendidly organized and disciplined army of intelligent and earnest workers, but the demands of the service are beyond the present organization, and it is to be hoped that this House will yet have the opportunity to consider the bill reported by your Committee on Post Offices and Post Roads for the betterment of this great service; and without the aid of legislation the Department is unable to further increase its efficiency.

Mr. PICKLER. Before the gentleman from Tennessee [Mr. EVANS] takes his seat I wish to ask him whether he will cover the subject of the postal telegraph in the remarks which he intends to submit.

Mr. EVANS. Only to a limited extent.

The estimate submitted by the Postmaster-General for clerk hire for the fiscal year 1891-'92 was \$8,349,000 (see page 219 of his annual report), being an increase, as compared with the appropriation for clerk hire for the current fiscal year, of \$959,000, or 13 per cent. Although this increase is only 13 per cent., which is about the increase and growth of the service, it was intended to include the shortage occasioned by the classification act as approved by the Congress March 2, 1889, to take effect July 1, 1889, the appropriation for clerk hire for the fiscal year 1889-'90, as fixed by the Congress, being \$350,000 less than the amount which the classification act required for a proper administration. The appropriation for clerk hire as fixed by the Congress for the present fiscal year was also less than the amount required, being \$200,000 less than the estimate submitted to Congress by the Postmaster-General.

As shown in the text relative to estimates for clerks in post offices for the ensuing fiscal year (embodied in First Assistant Postmaster-General's report to the Postmaster-General, dated November 22, 1890) there are at present 116 first-class offices and 550 second-class offices, making a total of 666 first and second class offices, being a net increase of 47 offices, or 13.2 per cent. as compared with the number of first and

second class offices for the previous year. The adjustment made to take effect July 1, 1890, showed the total gross receipts which accrued at first and second class offices for the four quarters ended March 31, 1890, to be \$37,795,038, or an increase of \$3,513,701, or 10.3 per cent., as compared with the receipts which accrued at the said offices for the previous year. It is also shown in the said text that the average increase of receipts at 10 of the larger first-class offices for the fiscal year ended June 30, 1890, as compared with the previous year, was 10.1 per cent., and also that the average increase of receipts for the fiscal year ended June 30, 1890, at 20 of the second-class offices amounted to 17.4 per cent.

A comparative increase of receipts for all of the first-class offices, or offices whereat receipts amounted to \$40,000 and upwards, for each of the years 1888, 1889, and 1890 showed an increase, respectively, of 10.3, 10.7, 11.9 per cent., or an average of 10.97 per cent. for the three years.

Attention is also called to the wonderful fact that the increase of revenue of the Post-Office Department for the ten years ended June 30, 1880, amounted to \$13,543,258, or 68.5 per cent., while the increase of revenue for the ten years ended June 30, 1890, amounted to \$27,566,619, or 82.7 per cent., the increase for the ten years ended June 30, 1890, exceeding by 14.2 per cent., notwithstanding the fact that letter postage was reduced from 3 cents to 2 cents from October 1, 1883, and the single-rate letter weight increased from one-half to one ounce, and other radical reductions in postage and increase of weight for second and third class mail matter.

As an item of the rapid and accelerated growth of the postal service, attention is invited to the fact that eighty-two additional offices were added to the Presidential list October 1, 1890, and eighty-five additional offices assigned to the Presidential list January 1, 1891.

I have gone into a very careful examination of this question. I beg leave to call the attention of the House to this item under consideration. I presume there is not a member on this floor that has not been disappointed in his efforts to get an allowance from this fund for clerk hire. Each and every member knows with what rigid economy, economy to a parsimonious degree, this fund must necessarily be handled and dealt out. At very many offices throughout the country postmasters are compelled to pay a portion of their salaries which the law allows them to hire additional clerks in order to maintain the efficiency of the service. This is the case throughout the length and breadth of this land. I know such has been the case at my home post office. I am advised that the postmaster at the city of Pittsburgh, Pa., contributes \$1,800 of his salary for clerk hire, his allowance being too small to meet the demands of the service.

When it is borne in mind that there has been for many years a constantly reduced scale of postage and a large gain in the gross revenues accruing from the post offices throughout the country, it must be apparent at a glance that this increased revenue can only come from handling an enormously increased number of pieces. That the per cent. of increase of expenses and per cent. of increased revenue should bear the same proportion is, of course, illogical and utterly absurd, as precisely opposite conditions obtain. It would be almost as logical to say that if the Government were to commence to-morrow to carry all the mails for the whole country for nothing the Post-Office Department could reduce expenses. On the contrary, it would have to increase enormously the appropriation. We are constantly cutting down sources of revenue and constantly increasing the amount of mail handled and general scope of the service.

There is, under the present cramped allowances, practically a bar to increased efficiency and the additional facilities and improvements demanded by the people of the country in order to keep the post office in line with other civil institutions of our Government.

The classification act fixing salaries in first and second class offices throughout the country falls short of the purpose for which it was passed by Congress, for the reason that the appropriation permits the Department in most cases to pay only the minimum of the salaries provided for in that act. In fact the classification act falls far short of accomplishing its legitimate purpose by reason of the fact that appropriations are insufficient to carry it into effect.

The large number of offices that are constantly passing from lower to higher grades also adds greatly to the financial burden that must be borne by the Department. More offices are coming from the fourth into the third class than has ever before been known in the history of the country, and of course there is a constant ascent in the scale from third to second and from second to first.

The appropriation for clerk hire and allowances asked this year by the Department is, in my judgment, altogether too small. If we continue existing allowances to provide for the legal necessities imposed by the advance in class of the various offices and do other things required by the law and regulations, there will be absolutely nothing left with which to meet the legitimate growth of the service by reason of the increasing magnitude of the business.

In view of these facts I earnestly recommend that the appropriation for clerk hire for the ensuing fiscal year be fixed at not less than the estimate submitted for that purpose, being the sum of \$8,249,000, or

an increase, as compared with the appropriation as fixed by the Congress for the current fiscal year, of 12 per cent.

POSTAL TELEGRAPHY.

For the past twenty-five years each Congress has had under consideration the question of a system of postal telegraphy in connection with the postal service. Each Congress has gone over much ground that has been worked by former committees, in the way of taking evidence and having hearings. Your present committee began early during the last session to listen to arguments that were offered for and against the plan proposed by the honorable Postmaster-General, which was simply that Congress should authorize the Postmaster-General to contract with existing telegraph companies, or with companies to be established, to transmit telegrams at rates not to exceed those authorized or specified in the bill. There was no responsibility proposed or assumed by the Government under the terms of the bill, and not a new officer or employé of the Government, but all these were to be assumed and provided for by the contracting parties.

The Postmaster-General had given this matter the most careful and considerate attention, and much of the evidence taken by the committee, I believe, justifies the conclusion that such a service could be successfully established, thereby giving the people cheaper and quicker communication, and at the same time not interfere with vested rights. The question was one of such vital importance that the President in his last message saw fit to bring it to the attention of this House. So far the committee has not reported a bill looking to the solution of this question, and it now seems that the next Congress will be called upon to do that which this Congress has been unable to do, namely, provide a system of postal telegraphy.

POSTAL SAVINGS BANKS.

For a number of years the question of establishing a system of postal savings banks has had the attention of Congress. The honorable Postmaster General has presented the question in strong and earnest terms; but so far your committee have been unable to report a bill for your consideration. Without going into this question further I only desire in this connection to submit an extract from the very able report of Hon. Edward S. Lacey (No. 473, first session Forty-seventh Congress) upon a similar bill then pending before Congress.

Mr. Lacey is now Comptroller of the Currency, and few men in the United States have attained the well-earned reputation that this honorable gentleman bears as an able, conservative, clear-headed financier.

First. It would encourage economy and habits of thrift among the laboring classes by the certain protection that would be afforded thereby to their surplus earnings, which, for the want of a reliable cache, are now intrusted to insecure private banks or investments, or are secreted beneath floors, in chimney crevices, under stumps in the fields and forests, or in other equally unsafe hiding places, or, worse still, are wasted in extravagance and dissipation.

Second. It would accommodate all classes in the many sections where no banks exist, and in all sections its system of cross deposits and withdrawals, which enable the depositor to make use of any post-office depository in the country, would commend it to public favor.

Third. It would tend to force from weird hiding places and to add to the circulation of the country many millions of dollars now worse than idle, especially in the South and Southwest, where few banks exist.

Fourth. It would promote loyalty and patriotism. Each depositor would have a direct and substantial interest in the stability and prosperity of the Government intrusted with the safe-keeping and safe return of its treasure.

Fifth. It would protect a class unable to protect itself—the toiling millions—against swindlers and robbers, fire and flood, unsafe investments, and unsound banks; against improvidence, recklessness, and dissipation.

Sixth. It would strengthen the finances of the nation by giving it a first lien upon the accumulated proceeds of the industries of its own citizens.

Seventh. It would go far toward securing the best possible service in post offices, in the persons of postmasters and clerks, whose ability to give bonds for the correct and faithful discharge of their duties would, with few exceptions, depend upon their integrity, intelligence, and standing in community.

Eighth. It would, by absorbing a large portion of the national debt, keep at home and in circulation a great amount of money now sent abroad to pay interest on securities held by the foreign creditors of the Government.

Ninth. It would be a bulwark of defense against panics and financial crises. Runs would not be made upon post-office banks, nor would their doors or their coffers ever be closed against a depositor's draft so long as a dollar remained to his credit on his passbook. Their funds would constitute a reserve upon which the masses could implicitly rely in times of financial disaster and business depression.

No better illustration of the correctness of these predictions can be given than the history of the rise, progress, and success of the postal-savings system in other countries.

FOURTH ASSISTANT POSTMASTER GENERAL.

The wonderful growth and expansion of our country and the consequent enormous increase in our mail service have very largely increased the duties, burdens, and responsibilities incident to the management of this Department, and to meet these necessities and to perfect a more complete and efficient management and supervision of the details the present Postmaster General has been earnest in his efforts to carry out recommendations of former heads of his Department by inducing this Congress to add to his staff a Fourth Assistant Postmaster General. I earnestly believe the service demands this and I hope this Congress will yet be able to meet this demand.

I desire to especially commend the efforts of your honorable Post-

master General for the many practical reforms introduced in this service, which have very largely increased the efficiency of the service, expedited the mails, and at the same time disciplined the force with that kindly spirit to the extent that to-day you will find every man of all that army of employes speaking in that tone of commendation that implies confidence, earnest effort, and a knowing sympathy and touch of fellow-feeling, shoulder to shoulder, as I might say, for success, from the head of this great service to the humblest worker in it.

I desire to say in conclusion that whatever responsibility may attach to the Committee on Indian Affairs for the late Indian war, or the Committee on Ways and Means for the reform of the tariff, or the Committee on Coinage, Weights, and Measures for swelling the circulating medium of this country \$60,000,000 per annum, no charge can or will stand against the Committee on the Post Office and Post Roads of the Fifty-first Congress for instituting any radical reform in the postal service of the United States.

Mr. BINGHAM. Mr. Chairman, I ask consent that gentlemen may have general leave to file remarks in the RECORD in connection with this bill.

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MOFFITT having taken the chair as Speaker *pro tempore*, a message from the Senate announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 3770) to incorporate the Washington and Arlington Railway Company of the District of Columbia.

The message also announced that the Senate insisted upon its amendments to the bill (H. R. 12312) to grant a pension to Mary C. Hoffman, widow of General William Hoffman, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAWYER, Mr. PADDOCK, and Mr. TURPIE as the said conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the bill (H. R. 12242) for the relief of Mrs. Elizabeth C. Custer.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

- A bill (S. 403) granting a pension to Benjamin B. Houghkirk;
- A bill (S. 2822) increasing the pension of John Winchell;
- A bill (S. 4498) granting a pension to Marion McKibbin;
- A bill (S. 4499) granting a pension to Mary Vance;
- A bill (S. 4500) granting a pension to Martha Allen;
- A bill (S. 4502) granting a pension to Laura A. Burns;
- A bill (S. 4574) granting an increase of pension to James McLaughlin;
- A bill (S. 4626) granting an increase of pension to George H. Blodgett;
- A bill (S. 4682) granting an increase of pension to Mrs. Emily Williams;
- A bill (S. 4690) granting a pension to Mary Wilkes;
- A bill (S. 4714) granting a pension to Edward L. Sharpe;
- A bill (S. 4756) granting an increase of pension to Andrew Franklin, alias McKee;
- A bill (S. 4766) to restore the name of Mrs. Laura C. Humber to the pension roll;
- A bill (S. 4809) granting an increase of pension to John S. Furling;
- A bill (S. 4919) granting an increase of pension to Samuel Walker;
- A bill (S. 4944) granting a pension to Maria S. Whitney;
- A bill (S. 5022) granting a pension to Susan G. Farnald;
- A bill (S. 5055) granting a pension to Emily H. Worthen; and
- A bill (S. 5077) granting a pension to Daniel Ullman.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. BINGHAM. I now yield twenty-five minutes to the gentleman from Connecticut [Mr. SIMONDS].

Mr. SIMONDS. Mr. Chairman, I beg to submit a few remarks in regard to the shipping bill, which has been discussed by two other gentlemen since the present bill has been pending before this committee. Many people in Connecticut have a great interest in this question, although it is not an interest of a direct financial kind, and for that reason I have given some study to the question. Figures massed into solid columns are said not to be interesting. Nevertheless there is a table of them to be found in the last annual report of the Chief of the Bureau of Statistics on our foreign commerce, certain essential points in which ought to be burned into the memory and intelligence of every American until he persistently and effectually asks the reason why, and I submit this table at this point.

Values of the imports and exports of the United States carried, respectively, in cars and other land vehicles, in American vessels and in foreign vessels, during each fiscal year from 1857 to 1889, inclusive, with the percentage carried in American vessels (coin and bullion included from 1857 to 1879, inclusive, as method of transportation can not be stated).

[From page 99 of the report of the Chief of the Bureau of Statistics on the foreign commerce of the United States for the year ending June 30, 1889.]

Year ending June 30—	Imports.		Exports.		Total imports and exports.			Percentage carried in American vessels.
	In cars and other land vehicles.	In American vessels.	In cars and other land vehicles.	In American vessels.	In cars and other land vehicles.	In American vessels.	In foreign vessels.	Total.
1857		\$259,116,170		\$101,773,971		\$251,214,857	\$111,745,825	\$723,850,823
1858		203,700,016		78,913,134		243,491,288	81,153,133	607,257,571
1859		216,123,428		122,644,702		249,617,953	107,171,509	695,557,592
1860		228,164,855		134,001,399		279,082,902	121,039,394	762,288,550
1861		201,544,055		134,106,098		179,972,733	69,372,180	584,995,066
1862		92,274,100		113,497,629		125,421,318	104,517,667	435,710,714
1863		109,744,580		143,175,340		132,127,891	109,880,691	581,928,502
1864		81,212,077		248,350,818		102,849,409	237,442,730	669,855,034
1865		74,385,116		174,170,836		93,017,756	262,839,588	604,412,996
1866		112,040,395		333,471,763		213,671,466	351,754,928	1,010,938,552
1867		117,209,536		300,622,035		180,625,368	280,708,368	879,165,307
1868		122,965,225		248,659,583		175,016,348	301,886,491	1,010,938,552
1869		136,802,024		300,512,231		153,154,748	285,979,781	876,448,784
1870		153,237,077		309,140,510		199,732,324	329,786,978	991,896,889
1871	\$15,187,354	163,285,710	363,020,644	\$7,798,159	190,378,462	392,801,932	\$22,985,510	1,132,472,258
1872	17,635,681	177,286,302	445,416,783	10,015,089	168,044,799	393,929,579	27,650,770	1,222,328,233
1873	17,070,548	174,739,834	471,806,765	10,799,430	171,566,758	494,915,886	27,869,978	1,340,899,221
1874	14,513,335	176,027,778	405,320,135	8,509,205	174,424,216	533,885,971	350,451,994	1,312,680,640
1875	13,083,859	157,872,726	382,949,568	7,304,376	156,385,066	510,838,949	300,388,235	1,219,434,544
1876	12,148,667	143,389,704	321,139,500	6,324,487	167,686,467	492,215,487	18,473,154	1,142,904,312
1877	10,697,640	151,834,067	329,565,833	6,767,170	164,826,214	530,354,703	17,464,810	1,194,045,627
1878	12,965,999	146,499,282	307,407,565	7,511,365	166,551,624	569,583,564	20,477,364	1,210,519,399
1879	11,983,823	143,590,353	310,499,599	7,439,862	128,423,339	609,769,633	19,423,685	1,202,708,609
1880	15,142,465	149,317,368	503,494,913	5,858,928	109,029,209	720,770,521	20,981,393	1,503,593,404
1881	17,193,213	133,631,146	491,840,269	8,259,308	116,955,324	777,162,714	25,452,521	1,545,041,974
1882	22,854,946	130,266,826	571,517,802	12,118,371	96,962,919	641,460,967	34,973,317	1,475,181,831
1883	23,003,048	136,002,290	564,175,576	25,089,844	101,418,210	694,331,348	48,092,892	1,547,020,316
1884	20,140,294	135,046,207	512,511,192	26,573,774	98,632,828	615,287,007	46,714,068	1,408,211,302
1885	21,149,476	112,864,052	443,513,801	24,183,299	82,001,691	636,004,765	45,332,775	1,319,717,084
1886	24,555,683	118,942,817	491,937,636	19,144,667	78,406,686	581,973,477	43,700,350	1,314,960,966
1887	32,562,059	121,365,493	543,392,216	21,389,666	72,991,253	621,802,292	48,951,725	1,408,502,979
1888	27,209,459	123,525,298	568,222,357	22,147,368	67,332,175	606,474,964	51,356,827	1,419,911,621
1889	38,227,861	120,782,910	586,120,881	28,436,517	83,022,198	630,942,660	66,664,378	1,487,533,027

NOTE.—The amounts carried in cars and other land vehicles were not separately stated prior to July 1, 1870. Exports are stated in mixed gold and currency values from 1862 to 1879, inclusive.

Mr. Chairman, in 1856 more than 75 per cent. of the foreign commerce of the United States was carried in American ships (Statesman's Year Book, 1890, page 1070), and this table discloses the fact that, while that foreign commerce rose from \$723,000,000 in 1857 to \$1,487,000,000 in 1889, the percentage transported in American ships steadily decreased from the 75 per cent. of 1856 until it was less than 14 per cent. in 1889.

This \$1,487,000,000 of commerce represents many important things. It represents annual earnings to its carriers of \$150,000,000. It represents the profitable investment of fifteen hundred millions of dollars of capital, the employment of a great army of artisans in building vessels, the employment of a vast body of seamen in navigating them, and a thousand ships sailing every ocean and plowing every sea. All of this industrial activity ought to be American, but only a beggarly fraction of it is. Nineteen hundred and ninety-six ships carried grain and breadstuffs away from the port of New York in 1889 and just four of them and no more floated the Stars and Stripes. (W. E. Ferguson's Shipping Tables.)

If these facts are not salient enough in the bare statement, let me accentuate them a little by a comparison with the doings of Great Britain's merchant marine. Her population is 35,000,000, ours is 65,000,000; her area is 121,000 square miles, ours is 2,900,000; but her tonnage engaged in foreign commerce is more than six millions, while ours is less than one (Statesman's Year Book, 1890, pages 81, 1070); and, instead of carrying only a petty fraction of her own ocean freight, she carries 51 per cent., or, with her colonial shipping, 58 per cent. (Mulhall's History of Prices, page 42), of the entire ocean commerce of the world. England is the common carrier of the nations and it is of vital importance to her that she should be; it makes all the difference with her between success on the one hand and decay on the other hand. I have here a table collated from a British publication, the Statesman's Year Book for 1889, which I submit for printing.

British imports and exports, 1879-1888.

Years.	Total imports.	Total exports.	Excess of imports.
1879	£362,991,875	£248,783,364	£114,208,511
1880	411,229,565	286,405,445	124,824,099
1881	397,022,489	297,082,775	99,939,714
1882	413,019,608	306,660,714	106,358,894
1883	426,891,579	305,437,070	121,454,509
1884	390,018,569	295,967,583	94,050,986
1885	370,967,955	270,403,694	100,564,261
1886	349,863,472	268,667,017	81,196,455
1887	362,227,564	280,763,161	81,464,403
1888	386,582,026	298,347,384	88,234,642

Excess of imports £1,012,296,474 = \$4,919,760,863.

This table shows that for the ten years ending with 1888 British imports exceeded British exports by almost \$5,000,000,000, or \$500,000,000 a year. The greater part if not the whole of this frightful yearly deficiency is made up by British earnings as a common carrier on the high seas. The precarious nature of England's financial future is apparent upon a single glance at this table, and it fully explains the determination, the earnestness, and the secrecy with which she pursues the policy of being mistress of the seas in every sense.

From the enormous disparity which I have pointed out between England and America as common carriers of ocean commerce, one might be disposed to draw the conclusion that Americans are inferior to Englishmen as shipbuilders or navigators. Nothing of the sort; exactly the reverse is true. Everybody knows that when, in 1856, we were carrying 75 per cent. of our foreign commerce in American vessels, we excelled the world in the speed, the durability, and the beauty of our ships. The carrying power of our shipping, including the coastwise with the foreign, is to-day second only to that of England, and surpasses four times over that of France, who stands next to us in the race.

Great Britain's total tonnage is about 7,000,000 and ours about 4,000,000; but more than 3,000,000 of ours is coastwise, leaving less than 1,000,000 in foreign commerce. Our efficiency in handling our shipping is shown by the fact that we transport 308 tons annually for every seaman we employ, while Great Britain carries only 280 tons per man, and other nations much less.

I am well aware that these statements only make our present beggarly participation in the carriage of our foreign commerce all the more surprising, and the question may well be asked how it comes about.

To begin with, we have always treated our foreign commerce with the most reckless unwisdom, as is set forth in detail by our Commissioner of Navigation, W. W. Bates, in the committee's report on the pending bill, while England for hundreds of years prior to 1850 fostered her merchant marine precisely as she fostered her manufactures, by a system of prohibition, repression, and exclusion unexampled in the history of the world and incredible in itself. If any man doubts the truth of this strong language, which needs to be very strong in order to tally with the facts, he can find its full confirmation in the articles on the navigation act of the Political Encyclopedia and the Encyclopedia Britannica, neither of which is written by a protectionist or by an American.

When, about 1850, Great Britain adopted her so-called "free trade" and her so-called "free ships" she relied on certain things. She knew, in view of the changed conditions of civilization, and especially in view of the marvelous development of this Western Hemisphere, with its immense natural resources, while she had none except coal and iron, that prohibition, repression, and exclusion had done their utmost for her commerce and for her manufactures. She knew that the ship of

the future was to be of iron instead of wood and that under the then existing conditions she could build it and possibly sail it cheaper than we. She had good reason to believe that our traditional foolishness in withholding assistance from our merchant marine would perpetuate itself, although she should continue to practice subsidy-granting under our very eyes, and she was not disappointed in that belief.

Mr. DOCKERY. The gentleman will remember that we granted subsidies from 1850 to 1858 and 1866 to 1867.

Mr. SIMONDS. I thank the gentleman for the interruption. There never was anything in the line of real subsidy-granting by the United States in our whole history. Three times in our history we granted what were called subsidies to three separate lines, nothing more. Nothing like a policy of subsidy-granting has ever been followed by the United States. These things I am telling you about were concurrent with some other things. They were concurrent with the practical development of the railway, which drew to itself the investment of large sums of capital. They were concurrent with the full utilization of the cheap and fertile lands of the West, which had the effect of raising the wages of all American workmen except American seamen. And so, within ten years or thereabouts after this change of policy, England had the satisfaction of seeing the ship of iron begin to supplant the ship of wood, of realizing the effectiveness of her subsidies while we were paying none, and of looking upon the beginning of the decadence of American shipping.

I can not doubt that this sequence of events would have brought us to our senses at that time had it not been that the civil war came on, bringing its Alabamas to scourge our commerce from the seas and proving, with the evil years it brought behind it, the rarest of commercial blessings to Great Britain, by accelerating our maritime decay and so engrossing our attention with war and reconstruction as to leave us no time to examine our condition and apply a remedy.

This is the past, sketched with a few broad but truthful strokes; the present is almost contemptible; and now, what of the future? Shall we wait only a little longer and see the Stars and Stripes disappear from the last ship engaged in ocean commerce, or shall we, with true American enterprise, determine here and now that our flag of trade shall again fly in all the ports of the world? Fortunately, the committee are agreed that something must and shall be done, although not agreed as to what that something shall be.

The gentleman from Illinois [Mr. FITHIAN], speaking for the larger portion of the minority, and with a frankness which commands my respect, prescribes free ships to cure our maritime depression. In my deliberate and thoughtful judgment they can not alone possibly work a cure. Mr. William P. Clyde, of New York, stated the reason why, before the committee, in a single sentence which I will read:

Mr. CUMMINGS. Suppose we were to buy ships to run under the American flag, would that help your line?

Mr. CLYDE. No, sir. So long as the English merchant has the pocketbook of John Bull open to him in the way of subsidy, so long will he have the advantage over us, and letting us buy ships of this English merchant or builder will not place us on an equal footing.

You may give our merchants their ships free of cost, and under existing conditions they can not and will not undertake to permanently maintain them on the high seas. First cost is relatively unimportant in comparison with annual earnings. But give our merchant marine ten or twenty years of generous aid and fostering care, till ship yards again dot our coast from Maine to Texas, till great mills for rolling ship plates are in full blast, till we have trained an army of artisans to build our vessels and another army of seamen to sail them, till our flag of trade is common in every port, then serve permanent notice on England and on all the world besides that we shall meet them in this struggle point by point for another century, if need be, and the battle will be won. American inventiveness, American enterprise, and American seamanship will prove themselves, under the then conditions, more than a match for all the world; if any nation cares to continue the contest, the unequal conditions will then be in our favor, and not in theirs.

England's present maritime supremacy is undisputed. The burning question seems to be, "Has she or has she not fostered it by generous subsidy?" I say she has. It is a question of evidence. And though she has apparently sought to conceal her action by dividing her gifts, and by stating them in reports widely disconnected from one another, and sometimes, apparently, by entire suppression of reports, the evidence is upon the whole conclusive. If a man could prove his eternal salvation as satisfactorily he would be quite content. I will refer to some of this evidence.

Professor Arthur T. Hadley will hardly be suspected of sympathy with such a bill as that now under discussion; yet two or three years ago, writing of subsidies in the Political Encyclopedia, after speaking of some of the English contracts, he said:

Under contracts like these England expended in forty years nearly £45,000,000. The expense is now gradually decreasing, but still amounts annually to some £700,000 sterling.

I submit the letter and table presented to the committee by Charles S. Hill, to be found in the committee's report, the fruits of more than six months of careful research:

WASHINGTON, D. C., March 7, 1890.

MY DEAR SIR: During the present investigation by your committee into shipping affairs, Hon. Mr. BINGHAM inquired of me as to the proportion of subsidy

granted by the British exchequer to British shipping during each decade of the present century.

I informed him that a very careful preparation showed a total amount of \$280,000,000 since 1800.

I promised to submit, before the close of your investigation, a tabulation showing what had been paid each year, and therefore beg to hand you herewith a paper exhibiting these amounts. The information and data have been collected from official British reports, which I am prepared to produce in substantiation of the same from the Library of Congress, and which occupied me over six months in making the research through the large number of volumes covering so long a period. I desire particularly to add that I found many evidences of additional benefits, perquisites, moieties, etc., given in aid to British shipping from other sources than grants made through the general post office.

I am, my dear sir, very respectfully, yours,

CHAS. S. HILL.

Hon. JOHN M. FARQUHAR,
Chairman Committee on Merchant Marine and Fisheries.

Subsidies paid by Great Britain to shipping.

Years.	Amount.	Remarks.
To 1800.....	\$5,200,000	From report British commission of revenue inquiry.
To 1810.....	8,628,200	Averaging \$392,200 yearly.
To 1816.....	4,725,000	Secretary's report examination British financial commission.
1817 to 1820.....	1,655,000	
1821 to 1830.....	5,855,000	Making to this date, \$25,063,000.
1831 to 1837.....	6,000,000	From the general post office alone.
1838 to 1850.....	25,000,000	Additional from mercantile marine fund.
1851 to 1859.....	37,000,000	From general post office alone, subsidies not included.
1860 to 1869.....	60,000,000	
1870 to 1879.....	25,000,000	From general post office fund alone in five years.
1880 to 1889.....	4,227,018	From general post office fund alone in one year.
1890.....	4,079,966	Do.
1891.....	4,047,586	Do.
1892.....	5,481,690	Do.
1893.....	6,107,761	Do.
1894.....	6,070,741	Do.
1895.....	5,693,500	Do.
1896.....	5,665,296	Do.
1897.....	5,697,346	Do.
1898.....	4,860,000	Do.
1899.....	4,420,000	Do.
1900.....	4,255,130	Do.
1901.....	3,813,800	Do.
1902.....	3,891,205	Do.
1903.....	3,865,280	Do.
1904.....	3,592,230	Do.
1905.....	3,524,330	Do.
1906.....	3,608,800	Do.
1907.....	3,608,355	Do.
1908.....	3,642,065	Do.
1909.....	3,662,505	Do.
1910.....	3,625,915	Do.
1911.....	3,490,864	Do.
1912.....	3,184,425	Do.
Total.....	283,178,988	

Additional funds have also been granted from board of admiralty and from the special mercantile fund, and other extras which are disguised sources of aiding British shipping.

The above is prepared from official British reports of the period named, all of which can be proven by the said documents.

CHAS. S. HILL.

This table shows \$283,000,000 paid or given by England in the past to her merchant marine, with other gifts and bounties the nature and extent of which can not be ascertained.

I also submit the table of annual subsidies paid by the different nations, to be found in William Eleroy Curtis's book on Trade and Transportation between the United States and Spanish America:

SUBSIDIES PAID BY ALL NATIONS.

The following table shows the amount of money paid for the encouragement of foreign commerce in the form of subsidies, bounties, and for the transportation of mails by the governments named:

France.....	\$6,792,778	Portugal.....	\$108,000
England.....	4,069,874	Trinidad.....	98,000
Italy.....	3,503,035	Barbadoes.....	90,000
Germany.....	3,131,610	Jamaica.....	72,000
Argentine Republic (estimated).....	3,000,000	Various West India Islands.....	72,000
Brazil.....	1,700,000	New Zealand.....	56,000
Spain.....	1,571,035	United States (to its own ships).....	48,966
Netherlands.....	775,191	Norway and Sweden.....	41,655
Mexico.....	758,000	Guatemala.....	34,000
Canada.....	730,000	The Island of Tobago.....	25,000
Japan.....	500,000	San Salvador.....	24,000
Russia.....	454,306	Bahama Islands.....	18,500
Belgium.....	430,127	Nicaragua.....	16,000
Austria-Hungary.....	363,000	Honduras.....	12,500
Australian Colonies.....	280,000	Costa Rica.....	12,000
Chili.....	225,000	British Honduras.....	7,500

The several Governments of Latin America are now paying \$219,500 annually as subsidies to American ships, or more than five times as much as these ships receive from their own Government.

This gives England's present annual payments as \$4,269,874.

I submit the British parliamentary document to be found on page 372 of the committee's report:

Return showing the names, owners, amount of hire paid, and total expended over vessels of the merchant steamers chartered by the admiralty for employment as naval cruisers.

[Return to an order of the honorable the House of Commons, dated March 1, 1886. Ordered by the House of Commons to be printed, May 25, 1886.]

ARMED CRUISERS.

Name of vessel.	Owners.	Total paid for hire.	Total expended over vessel.
		£ s. d.	£ s. d.
America	National Steamship Company..	26,375 7 6	36,844 7 3
Oregon*	Cunard Steamship Company...	39,590 2 2	55,006 4 1
Umbria	do	36,824 7 6	48,454 13 11
Arizona	W. Pearce	19,305 0 0	28,708 14 8
Alaska	do	32,694 0 0	42,188 14 3
Rosetta	Peninsular and Oriental Steam Navigation Company.	23,638 10 0	32,394 4 11
Massilla	do	42,000 0 0	52,706 2 11
India	British India Steamship Company.	26,438 15 0	30,491 6 10
Glenogle	do	25,305 15 0	30,116 16 1
Pembroke Castle†	Castle Packet Company	25,622 5 0	35,505 2 10
Lusitania	Orient Steamship Company	18,827 14 11	29,463 7 3
Moor*	Union Steamship Company	37,804 8 1	46,126 2 3
Mexican	do	27,524 0 0	34,040 10 3
Coptic	Oceanic Steamship Company	25,283 1 1	33,430 0 7
Britannia	Pacific Steamship Company		
Stirling Castle†	Adamson & Ronaldson		
		407,293 6 3	535,476 8 1

* The expenses (other than hire) of the Oregon and Moor during the period they were in commission are not included in this return; they were charged to Votes 1, 2, 10, etc., as for a man-of-war.—G. Fitz Gerald, accountant general of the navy, etc.

† See list of transports.

This shows two millions and a half of dollars paid by England to her merchant marine in a single instance for so-called "restoration" purposes.

The unbeliever can read with profit Consular Report No. 112, which is wholly devoted to steamship subsidies, and he can read with like profit the testimony of Hughes, Lachlan, Cramp, Felton, and Clyde given before the committee.

It will instruct the House and possibly amuse it to have the Clerk read a part of the testimony which Capt. John Codman gave before the committee. This gentleman came down here evidently in the rôle of the great American subsidy-killer, fully intending to disperse the "subsidy beggars" with a single blast upon his bugle horn, but he fell afoul of the gentleman from Maine [Mr. DINGLEY] with a result which the reading will disclose.

[From committee's report, page 192.]

Mr. DINGLEY. I understand you to cite Great Britain as an example in this regard, and to say that she had simply given fair mail pay; and that any proposition to give more than that is a subsidy and objectionable, and never adopted by Great Britain.

Captain CODMAN. I think that is a fair statement of my position.

Mr. DINGLEY. I want to call your attention to a few salient facts in the history of England. Are you aware that in 1840 Great Britain entered into a contract with Samuel Cunard to establish a steamship line composed of wooden side-wheel steamers of 1,200 tons, for which the Government engaged to pay \$413,000 per annum from New York to Liverpool?

Captain CODMAN. Yes, sir.

Mr. DINGLEY. Do you call \$413,000 per annum for such service fair mail pay?

Captain CODMAN. Under those circumstances it was fair mail pay.

Mr. DINGLEY. You think that was not subsidy?

Captain CODMAN. Yes, sir; it was. We understand subsidy and mail contracts to be the same thing.

The CHAIRMAN. Is it not a fact well authenticated that with that subsidy Samuel Cunard built two new boats?

Captain CODMAN. Out of the profits made?

The CHAIRMAN. Out of the profits made.

Captain CODMAN. I do not know, nor does it matter.

Mr. DINGLEY. Is it a fact that Great Britain, having this Cunard Line with postal and commercial facilities, when the Collins Line appeared subsequently, increased the compensation to the Cunard Line to \$700,000 a year?

Captain CODMAN. On account of the Collins Line appearing?

Mr. DINGLEY. Didn't she do that?

Captain CODMAN. Very likely, but they put on more boats.

Mr. DINGLEY. Not at that time. The ships were not increased at that time.

Captain CODMAN. The line had increased the ships and therefore got an increased subsidy.

Mr. DINGLEY. What, in your judgment, was the object of the British Government in increasing her subsidy from \$800,000 to \$1,000,000 when the Collins Line began to be a formidable rival?

Captain CODMAN. I think it was for increased vessels.

Mr. DINGLEY. If all she wanted was a mail service, why did not Great Britain save that \$1,000,000 by contracting with the Collins Line to carry her mail and letting the Americans carry the British mails for \$100,000 less, as they offered to do?

Captain CODMAN. The English did one-half of the business and the Americans the other. It was mutually satisfactory.

Mr. DINGLEY. In 1853 the British began running a line of ships to China and Japan, and the British Government paid \$2,500,000 subsidy per annum in this line. After the company met with some reverses in consequence of foreign competition, the British Government engaged to guarantee a dividend of 8 per cent. to the company. Was that simply fair mail pay?

Captain CODMAN. It was for mail and admiralty purposes combined.

Mr. DINGLEY. Was it not also for commercial purposes?

Captain CODMAN. Yes, sir. At that time there was a French line that was running in competition, and the French line offered to carry the mail for less than that. There was some talk about giving this contract to them. There was a great discussion about it in Parliament. Some members maintained it should be given to the French, but the majority very properly took the other side.

Mr. DINGLEY. Notwithstanding the French line proposed to carry the British mail for a million dollars less, Great Britain would not save that million dollars and have the British line withdrawn?

Captain CODMAN. That was so.

Mr. DINGLEY. Are you aware that in 1852 the British Government entered into a contract with the Royal Mail Steamship Company to establish a line of steamers to Mexico and Central America, Rio de Janeiro, and Buenos Ayres, and engaged to pay a subsidy of \$1,350,000 per annum, and that in 1863 and 1868, when the company met with some reverses, the government guaranteed a dividend of 8 per cent.?

Captain CODMAN. Very likely.

Mr. DINGLEY. This was to maintain a line to South America, where she had no colonies.

Captain CODMAN. But the vessels were to be available in case they wanted them in war.

Mr. DINGLEY. Are you aware that Mr. Scudemore, who was British under-secretary for postal affairs, in his report in favor of this guaranty dividend, remarked that it was necessary to maintain the contract as a means of extending British trade?

Captain CODMAN. I think he is very correct.

Mr. DINGLEY. Are you aware that in 1850 the British Government entered into a contract with the Pacific Navigation Company for seven years to establish a line from Panama to Valparaiso, where Great Britain had no colonies, and paid this line \$125,000 per annum?

Captain CODMAN. Great Britain had no colonies there, but she had trade there. Panama was a mere entrepôt.

Mr. DINGLEY. Sometimes the point is made that these subsidized vessels only run to her colonies.

Captain CODMAN. She subsidized for the benefit of her colonies and trade everywhere.

Mr. DINGLEY. Outside of her colonies?

Captain CODMAN. Certainly; New York is not one of her colonies.

Mr. DINGLEY. I am glad to have that point admitted, because it has been denied.

Captain CODMAN. A man would be a fool to deny that.

Mr. DINGLEY. In 1858 Great Britain paid a steamship line from Southampton \$400,000 subsidy, ostensibly for carrying the mail.

Captain CODMAN. It may be so. The present contract is for so much a pound. They do all sorts of things in the way of contracts.

Mr. DINGLEY. They do all sorts of things to establish British lines and drive off foreign competition.

The how and why of England's performances with steamship subsidies is made clear in this interesting colloquy between Captain Codman and the gentleman from Maine, and if any gentleman still pleases to persist that England has not generously subsidized in the past and does not subsidize to-day whenever she thinks it necessary, he must be permitted to indulge in his amusement, but, in my opinion, it will not rise to the dignity of evidence or of argument.

Let me stop right here to say that I honor England for this thing. England is a marvel among the nations. With only 25,000,000 of people, living on an island not so large as many of our single States, she literally girdles the globe with her possessions, and from century to century remains as stable as the everlasting hills. Imperial Rome does not overweight her in the balance. Her generals are great in every land and her naval commanders great on every sea; but greatest of all is she in that long line of illustrious statesmen which culminates in the Gladstone of to-day.

In nothing has the wisdom of these statesmen been made more manifest than in the care and nurture of that navy and that merchant marine which have made the cross of St. George the symbol of power and of commercial supremacy to the uttermost parts of the earth. We can afford to do justice to this people, for the cross of St. George has ere this gone down before the Stars and Stripes, and when all is said and done there is no name so grand or great in all the world as that of an American citizen.

After all, is one thing worth our while? Why give away a million of dollars a year now and hereafter if the policy of the bill proves successful? If other nations are willing to subsidize, why should not we take advantage of it and let our ocean freights be carried partly at their cost? Simply because, to use a homely but expressive phrase, "It's saving at the spigot and wasting at the bung."

For every dollar that we save we lose a hundred. The possession of our ocean freightage means annual earnings to its carriers of \$150,000,000; it means the investment of \$1,500,000,000 in rolling mills, machine shops, shipyards, and ships; it means the training and employment of a great army of American artisans and another great army of American seamen. Better than all these, it means direct and regular communication between our ports and all those countries which have anything to buy or sell, with a consequent growth in our foreign commerce beyond anything the past has ever seen.

Mr. HOPKINS. Will the gentleman yield for a question?

Mr. SIMONDS. Yes, sir.

Mr. HOPKINS. You say it would give us additional American seamen. How do you account for the fact that with a coastwise trade that is not only protected, but absolutely prohibitive, the majority of the sailors engaged in that business are foreigners.

Mr. BUCHANAN, of New Jersey. That is not the fact.

Mr. HOPKINS. It is the fact. That is the evidence taken before the Committee on Merchant Marine and Fisheries.

Mr. SIMONDS. The gentleman will clearly understand the un-

fairness of stating a premise like that and asking me to draw a conclusion from it.

Mr. DOCKERY. But it is a fact.

Mr. HOPKINS. The gentleman has said we would have more American seamen. The evidence taken before the Committee on Merchant Marine and Fisheries was that in a prohibitive business, namely, the coastwise trade, the majority of the common sailors were foreigners.

Mr. SIMONDS. The gentleman is mistaken in saying that was my statement. I will repeat exactly what I said if it is necessary. I did say that the adoption of this measure would mean the training and employment of a great army of seamen, and the natural inference is that the majority of those men would be Americans.

Mr. HOPKINS. Ninety per cent. of the sailors on foreign-going vessels are foreigners, and in the coastwise trade the majority are foreigners also.

Mr. FARQUHAR. Under that bill they would get no benefit.

Mr. SIMONDS. I will proceed, Mr. Chairman, and I do not want this to come out of my time.

Our exports embrace the products of every American industry, and this measure means new life to all; especially does it mean new life to American agriculture, new markets, larger demand, and better prices. Right here we have to deal again with John Codman, who says:

Trade is not a hot-house plant. It has a natural growth and can not be forced. There is not a shipping port for merchandise upon the globe where sailing ships and steamers are not found ready to carry freight to other ports if profit can be gained by sending it. Trade furnishes employment for ships. Ships do not maketrade.

The pith of this is, "You get the goods ready and the selling will take care of itself." A more thoughtless proposition was never uttered. If it be true, then the great wholesale houses, those of Chicago, for instance, may now be expected to withdraw their advertisements, dismiss their traveling salesmen, and move out on the prairie to save money by reducing expenses. Let me give a case in point. In 1880 we sold less than a half million dollars' worth of machinery to Mexico; then we opened railroad communication with that country, and in 1887 we sold there more than \$4,000,000 worth. In 1880 we had the goods, Mexico had the market, and we had a roundabout communication with that country, but Mexico kept her market and we kept our goods. We opened direct and regular communication, and multiplied our sales by the figure 8. That sort of thing will take place the world over, wherever we establish direct and regular communication; and its value will exceed the cost more than a hundredfold.

Does any gentleman need to be told that there is something else in this measure which ought to touch every American to the quick? Have gentlemen read the diplomatic correspondence concerning the Behring Sea? Have they realized with humiliation and shame that Great Britain can, if she but choose, sweep us from that sea with no great exertion of her naval power? Well, I know that in the end we should prevail and that the final outcome would doubtless be the dissolution of that great empire which has withstood the shocks of centuries, but it would be at a cost in blood and treasure and previous humiliation the mere contemplation of which is too painful to dwell upon.

This situation exists not only because we have no adequate navy, but also because we have not the seamen to man that navy if it were already built and floating at our docks. A great merchant marine, such as this bill contemplates, means, among other things, a training school and a reserve force of seamen adequate to the demands of any possible American navy. If there be an American to whom the Behring Sea incident does not speak with swift and cutting wisdom there is nothing else that can.

Mr. Chairman and gentlemen, God has been very good to the American people. In comparison with other nations, our lines have indeed fallen in pleasant places. Our lands, our forests, and our mines are rich beyond the dreams of avarice. In our veins flows the composite blood of all the great nations of the earth, creating a people whose intelligence, whose versatility, and whose enterprise are matchless on the globe. Our fathers were inspired to enact laws so wisely stimulating inventive genius that the splendor of its achievements is marvelous even to ourselves.

A higher power than that of man seems to be teaching the world the blessings of free government in our example. But even that higher power can not lead us smoothly along to the greatness which seems to be our destiny if we perversely reject the means of advancement which lie so freely at our hand. This measure is conceived in wisdom; it has in it a powerful stimulus to the prosperity of the whole people, and it deserves an approval in this House in which party lines are not discernible.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BUCHANAN, of New Jersey, having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had insisted on its amendments to the bill (H. R. 12729) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1892, and for other pur-

poses, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PLUMB, Mr. DAWES, and Mr. COCKRELL as said conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the bill (H. R. 6586) amending the act of July 20, A. D. 1882, dividing the State of Iowa into two judicial districts.

The message also announced that the Senate insisted upon its amendments to the bill (H. R. 12922) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1892, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. FARWELL, and Mr. CALL as the said conferees on the part of the Senate.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. CRAIN. Mr. Chairman, ordinarily I would not pretend, in the discussion of an appropriation bill, to take up the time of the committee in considering a proposition entirely foreign to the bill, but at the beginning of this Congress I introduced a resolution having for its object a remedy of evils in the transaction of legislative business which must be apparent to every member of this House and to every citizen of the country who pays any attention to Congressional legislation. The resolution was referred to the Committee on Election of President, Vice President, and Representatives in Congress, and having waited until this late day I find that that committee has failed to act upon the resolution, and therefore I feel at liberty to call the attention of the committee to its provisions.

I do not know what the reasons were for the nonaction of the committee, but I presume that its time was mainly taken up in the consideration of a very important subject of legislation which, fortunately for our country, a coalition between Republican and Democratic patriots in the other House defeated. I need not name the bill to which I refer, because it is on the lips of every man on the floor of this House who has heard my description of it.

The resolution to which I refer is a resolution (H. Res. 58) proposing an amendment to the Constitution substituting the 31st day of December for the 4th day of March as the termination of the official term of members of the House of Representatives and of United States Senators; and providing that Congress shall hold its annual meeting on the first Monday in January, and substituting the 30th day of April for the 4th of March as the date for the commencement and the limitation of the term of the President and Vice President.

Whenever a member of this House submits a bill or an ordinary resolution for consideration and ultimate enactment into statutory law the question naturally arises, *Cui bono?* For what good? What is the reason why the bill or the resolution is presented to the House? What object is to be accomplished? What evils are to be remedied? *A fortiori* the question arises when a constitutional amendment is proposed, and it comes with more pertinence, it comes with more force, it comes with more strength and vigor, because such a proposition contemplates an amendment of the organic law of the land.

It proposes to alter an instrument which for more than a hundred years has been the foundation of the greatest country with which God has blessed human civilization. We are called as republicans a non-conservative people; and yet our organic law during the hundred years of its existence has undergone fewer changes than the constitution of any country in Europe during the same period of time. What, then, is the benefit to be conferred by the adoption of this joint resolution? What are the evils which exist and call it forth? Mr. Chairman, it has a twofold object. It first contemplates a change in the date of the commencement and limitation of the term of the President and Vice President of the United States. To-day, as we all know, that term begins and terminates on the 4th of March.

Strange as it may appear, there is but one law upon the subject of the limitation of the term of the President and Vice President and of members of Congress, and in the term "members of Congress" I include, of course, Senators as well as Representatives. There is nothing in the Constitution which says in exact language that the Congress of the United States shall begin and terminate on the 4th day of March. Why do I propose the extension of the term of the President of the United States until the 30th of April, and that date at noon as the beginning and as the limitation of the executive term?

I propose it first, because, as is well known, particularly by the physicians of the entire country, the 4th of March is usually a very harsh and inclement day. Many thousands of cases of pneumonia throughout the country had their origin on the 4th day of March two years ago and on the 4th day of March four years before in the city of Washington, during the inaugural ceremonies of Mr. Harrison in the one case and of Mr. Cleveland in the other.

Another reason, rather in the nature of a sentimental one, I confess, but nevertheless worthy of consideration, lies in the fact that George Washington, the first President of the United States, was inaugurated on the 30th day of April instead of the 4th day of March, the Vice President having been inaugurated nine days before. The reasons for

this are found in the fact that the first Senate of the United States and the first House of Representatives found themselves in the condition in which our unfortunate friends on the other side were too often placed in the first session of this Congress, namely, without a quorum.

What are the evils of the present system as they affect Representatives? A man elected in November, 1890, to the House of Representatives does not enter upon the discharge of his duties for thirteen months thereafter. His term of office does not begin until the 4th day of March, although he was elected in November. Thirteen months after his election he comes to the Capital and enters upon the discharge of his duties, although for nine months preceding he has been receiving his salary at the hands of the Government. He has been receiving a salary for doing nothing. He has remained at home attending to his private affairs, his own business concerns, but the Government has paid him \$416 a month from the 4th day of March up to the time when he entered upon the active performance of his duties as a Representative.

Mr. ADAMS. It need not be so. That is the law, not the Constitution; and it was not always the law, as the gentleman knows.

Mr. CRAIN. He has been receiving his salary, I say, for months before the time when he is sworn in as a Representative; that is, provided he lives, because it not infrequently happens, unfortunately, that members elected in November die between the 4th of the next succeeding March and the first Monday in the following December, the day of the commencement of the first session of the Congress to which they have been elected.

Again, Representatives are elected in November upon issues which, when they come to the Capital thirteen months later, they find have been determined and settled. As occurred two years ago last fall, and also last fall, men occupying seats in the House of Representatives fail of re-election and yet come back here to legislate for the country.

I think it is an outrage upon public sentiment and a disgrace to our system that the representatives of a party which has been repudiated at the polls should afterwards defy the will of the people by legislating in accordance with the policy that had been adopted before their repudiation. And, gentlemen on the other side, I do not make this remark with reference to your party alone, because the same thing could have been said about the Democratic party, which after the defeat of 1888 continued to legislate upon questions of public concern in line with the policy which that party had followed prior to the election.

This observation, therefore, applies with equal force to both parties and to both sides of this Chamber. Is it right, Mr. Chairman, that this should go on? What do we find to-day? We find the Republican party, defeated in the last election upon an economic issue called the McKinley law, legislating to-day, and, as the author of that law said the other day in the discussion of some question, controlling the destinies of this country, and intending to control them until the 4th day of March.

Two years ago the same spectacle was witnessed on this side. Mr. MILLS had formulated a tariff bill; that bill had passed this House; it became a national issue; it made his name a household word throughout the civilized world. The Republican party joined issue with the Democrats upon that question. They accepted the gauge of battle that we threw down. They beat our party at the polls. And yet at the short session following the defeat of November Mr. MILLS and his associates still continued to regulate and control the destinies of the country so far as they could be controlled by the House of Representatives.

A MEMBER. After having been repudiated by the people.

Mr. CRAIN. I have just said so.

More than this, Mr. Chairman; the theory of our Government is, first, that the States shall be represented by Senators; and, second, that the people shall be represented by Representatives chosen by them every two years. The theory is that the Representatives of the people shall be in touch with the people. The theory is that, coming fresh from the people, they will better voice the sentiments that actuate and animate the people. What is the fact? The fact is that the Representatives do not come fresh from the people. They come here thirteen months after the people have chosen them. There is no Speaker of the House between the 4th of March and the first Monday in December, admitting that there would be no contest over the Speakership at the first session of the Congress.

Men who have been repudiated by their people are not efficient legislators. Human nature is the same in this body as it is anywhere else in the world. I find in my associations with my colleagues on this floor as much of human nature as I discover anywhere in my ramblings through the world. And when a man who has served his people, as he believes, with earnestness, with fidelity, with zeal, and ability for a long period of years finds himself repudiated by that people at the polls he comes back here filled with chagrin, filled with mortification, humiliated; and he is not so efficient a Representative as he would be if he had not experienced defeat at the fall election.

And the more prominent the man, the more faithful as a Representative he has been, the more poignantly does he feel his degradation. How often do we hear in the cloakrooms on both sides of this Chamber, in the cars, in public places—how often do we hear this exclamation, "I wish the 4th of March would come; I am tired; I want to get back

to my business." "What is going on at the House?" "Oh, I don't care; I have no further interest in it; my people elected another fellow to take my place; let him come and represent the people."

Under the constitutional amendment which I propose there would be no election between the two sessions of a Congressional term; there would be no short term; and there would be no necessity for extra sessions. Men elected as Representatives in November would have their term of office begin early in January succeeding, instead of on the 4th of March. Instead of coming here to attend to their duties thirteen months after their election they would begin to perform them early in January, so that they would really come here fresh from the people and in touch with the people. And a man knowing that he will have to answer to his constituents after the second session of his term would be just as faithful, just as zealous in the discharge of his duties, just as efficient, as in the first session.

Again, after the expiration of the first session he would have an opportunity to go among his constituents and discuss with them pending measures. He would have an opportunity to ascertain their sentiments; he would have a chance to explain those measures, to convert them to his way of thinking if he were right, or to be converted to their mode of thought if he were wrong.

Besides, Mr. Chairman, he would not be subjected to the ordeal of either abandoning his post of duty to return home and attempt to carry the primaries against some man who was endeavoring to defeat him, or remaining here and being defeated. Mr. Madison foresaw this, and when in the constitutional convention a question as to the tenure of Representatives was under discussion, some advocating one year, some two years, and some three years as the term of office for Representatives, he stated that his opposition to one year was, amongst other reasons that he gave, because members would be compelled to travel backward and forward from and to the seat of government, to and from their constituents, in order to regain their election.

Why, Mr. Chairman, the defeat of the Republican party, so overwhelming in the last election, was in a large measure attributable to the fact that their members were kept here in order to maintain a quorum, and had no opportunity to go home, either to fight their opponents in their own party or their antagonists in the Democratic party, for their own succession in the next Congress. We Democrats knew that. We could get away just as often as we pleased; but the Republicans were compelled to be here in order to maintain a quorum to turn out Democratic members. And, God help them! in turning us out they turned themselves out at the following election. [Laughter.]

I do not exult over this. I mean I do not exult over it outside of the fact of our success, because they may have it in their power to make us stay here and maintain a quorum in some future Congress, and our defeat, if we are defeated, which God forbid, might be in a large measure attributable to the necessity of our presence here attending to our duties.

I am not preaching your funeral sermon now, gentlemen. I have some regret to see so many good fellows on that side of the Chamber depart from political life. But it is entirely personal with me, because I rejoice in the Democratic success. I would not, therefore, undertake to shed any tears, to deliver any panegyric or any eulogy over your political corpses.

But, Mr. Chairman, coming back to the subject again, the necessary termination of the second session of every Congress on the 4th day of March at meridian not infrequently results in the defeat of legislation of a very important character. To-day we hear, on the other side of the Chamber particularly, and largely on this side, complaints that business goes along too slowly; that we must hurry up the appropriation bills to obviate an extra session. How many measures of great public importance, of national concern, are awaiting defeat by being smothered under appropriation bills, because of the physical fact and certainty that in fourteen days this House will *ex necessitate rei* adjourn *sine die*.

This ought not to be so, and if the proposed amendment were adopted Congress could remain in session until the 31st of next December if necessary. At the second session of the Forty-ninth Congress two of the most important bills passed by both Houses of that Congress were defeated; one was the general deficiency bill, which was lost for want of time to complete it.

The river and harbor bill, passed at that session, failed also to become a law because the President of the United States had not sufficient time to examine it, and so stated. If the amendment had been adopted providing no limitation at all to either session of Congress these failures could not have happened, because Congress could have remained in session two years without cessation if necessary.

Now, the question suggests itself, these evils being admitted—I do not think there is a man within the sound of my voice who will not admit their existence—the question suggests itself, I repeat, what is the remedy? I say the remedy is to curtail the term of some one Congress by the difference of time between the 1st of January and the 4th of March. Can this be done by law? If it can be so done it ought to be, because it is much easier to put a law on the statute books of the country than to amend the Constitution. The latter requires a vote of two-thirds of the members of both Houses and the ratifica-

tion of three-fourths of the States of the Union, whereas a bill can pass by a majority of both Houses and the signature of the President.

The remedy can not be accomplished by law. Several efforts have been made to do it. In the first place, a bill has been introduced providing that in election years Congress shall meet on the second Monday in November and in nonelection years it shall meet in October. This was tried many years ago. Congress passed a law to that effect and afterwards repealed it, because it accomplished no good. What would be its effect? Simply to extend the short term, that is all. We would still have the election between terms; we would still have the House without a Speaker, and have the members coming together eleven months after their election instead of thirteen.

Another bill was introduced, providing that the new Congress should meet on the 4th of March. I think my friend from Mississippi [Mr. HOOKER] introduced that bill. At any rate such a bill was presented in Congress, and has been pending here since I have had the honor of being a member of this body. That, however, was subject to this objection: it would bring the Representatives to the Capital from all parts of the country at a season of the year which is inclement, which is inauspicious, which would expose them to sickness, and would compel them to remain here in the heat of summer. Besides, that would not remedy the trouble, because it would be necessary to have an extra session in Presidential years to count the electoral vote.

Mr. HOOKER. If it would not disturb my friend from Texas I should like to ask a question in this connection.

Mr. CRAIN. Certainly.

Mr. HOOKER. I am heartily in sympathy with the object my friend has in view; and as he has referred to a bill introduced some time ago by myself, I wish to ask him whether there is anything in the Constitution which would prevent the passage of a law requiring that the members of Congress who shall be elected in the next even year, on the 4th day of November, should not have their terms begin on the 1st of January following, the first term being limited to twelve months, and the second to twelve months?

Mr. CRAIN. I will come to that in discussing another matter in connection with my remarks. It is necessary to my argument. The question, as I understand it, is whether this could be accomplished by law—

Mr. HOOKER. Not exactly. Because members elected at the next regular election are elected in November. My question was, in substance, why not pass a law, and why could you not pass a law—is there anything in the Constitution to prevent it—by which the terms of members then elected, instead of beginning in the following March, shall begin on the first Monday in January after their election in November?

Mr. CRAIN. That is exactly it; you would have to curtail the term of some other Congress two months. But I will come to it in the line of my argument.

Another bill was introduced by the gentleman from Illinois [Mr. ADAMS], which provided that in addition to the extra session in December, Congress shall meet on the 4th of March of the year after their election.

This is subject to exactly the same objections that I have raised against the proposition of the gentleman from Mississippi, with this difference, that there would be no necessity for an extra session every fourth year to count the Presidential vote; but there would be an extra session on the 4th of March next succeeding the election, which is tantamount to the proposition of the gentleman from Mississippi except as to the time of the meeting of the extra session.

Mr. ADAMS. Will the gentleman allow me?

Mr. CRAIN. Certainly.

Mr. ADAMS. The idea was that there would be two sessions of Congress, as there are now; that the first would begin on the 4th of March and last until hot weather. That would be the first session, of course.

Mr. CRAIN. And that is the regular session.

Mr. ADAMS. And it would have an indefinite termination. It would not be subject to the objection of the present session, being cut off at a definite time. Then there would come the second session, which is now the first session, and then the other evil would be cut off which the gentleman referred to; there would not necessarily be a third session, or what we now know as the second session, to wit, that which is composed of gentlemen who have been defeated at the polls.

Mr. CRAIN. Yes; but how would you count the Presidential vote if you did not have that? The House and Senate have to meet and count the Presidential vote. How are you going to do it?

Mr. ADAMS. Then there would have to be an extra session once in four years.

Mr. CRAIN. That is what I say. That is the objection. You have too many sessions. My object is to cut out sessions, not to increase them. There is no necessity for them. Now, I come to the last proposition, which is involved in the question proposed by the gentleman from Mississippi [Mr. HOOKER]. He asks why Congress can not pass a law providing that the terms of members of Congress shall begin on the 1st of January instead of on the 4th of March.

The answer to that proposition is, and I do not think any lawyer on

the floor of this House will controvert it, that an office created by the Constitution can not be limited in its tenure by an act of the Legislature. If the Constitution creates an office, and if there is a term of that office, if it be a Federal position, Congress can not limit it, can not change it, but it has to be changed by the creator. That has been decided by Supreme Courts and I believe is recognized to be the law.

If the Legislature creates an office, a man has not a vested right either in the office or in its salary or perquisites. The Legislature may abolish it. But if the Constitution creates an office, for instance, creates the office of district judge, or any judicial office, the legislative body has no power to abolish that office or curtail it, and that is the reason why in my opinion, and in the opinion of the committee of which I was a member, which had this matter under consideration, a constitutional amendment was deemed necessary.

On the question whether this is a constitutional office or not, as I said in the outset of my remarks, there is not to be found in the Constitution one single word about the time when the terms of members of Congress shall begin and terminate. There is nothing in any law in the Federal statutes which determines when the office of a member of Congress shall begin and terminate.

Mr. ADAMS. Is there not in the twelfth amendment to the Constitution a reference to the 4th of March?

Mr. CRAIN. Not with reference to the tenure of office of Representatives. The 4th of March is mentioned in the twelfth amendment. That amendment provides that in case the electors fail to choose a President or a Vice President by the 4th of March, then, in the first instance, the House of Representatives, each State having one vote, shall proceed to elect a President, and the Senate shall proceed to elect a Vice President; but there is nothing on the statute books, there is nothing in the Constitution, that prescribes the day of the beginning and the termination of the term of members of Congress. I think the provision to which the gentleman refers is that to the effect that the House of Representatives shall be composed of members chosen every second year.

Mr. ADAMS. No, it was the provision to which the gentleman alluded; but the gentleman is slightly inaccurate. He says when the House of Representatives does not make a choice before the 4th of March, then—

Mr. CRAIN. I say when the House of Representatives does not make a choice before the 4th of March, the Vice President shall act, and if there be no Vice President chosen by the electoral college the Senate shall proceed to elect a Vice President. However, that is only pertinent to this question in connection with this fact, that I thought of having the President come in with the new Congress; but I found that was impracticable without changing the whole of our electoral amendment providing for the election of President and Vice President.

The history of the tenure of office of Representatives is somewhat curious. The constitutional convention provided by a resolution that just as soon as nine States, by their conventions, should have ratified the Constitution, the Continental Congress should have the power to prescribe the day when the electors should be appointed, the day when the electors should proceed to elect a President and Vice President, and the day when the proceedings under the new instrument were to begin.

As soon as the Continental Congress learned that nine of the States had ratified the Constitution it adopted a resolution providing that the first Wednesday in January should be the day for the appointment of electors, the first Wednesday in February the day for the choice of the President and Vice President, and the first Wednesday in March as the day when proceedings under the new instrument should begin.

That day happened to be the 4th of March, and as the Constitution provided that the Representatives of this House should be chosen every second year, the resolution and the provision of the Constitution were construed together, and interpreted to mean that the term of a Representative should begin on the 4th of March and end on the 4th of March two years thereafter.

Now, Mr. Chairman, the question is this: Does the amendment reach the exigency to which I have referred? It provides that the term of the present incumbent of the executive chair shall extend to the 30th day of April at noon, and that for four years thereafter his successor shall perform the duties of President. Article XII of the amendments to the Constitution is also amended by striking out the words "fourth of March" and substituting the "thirtieth of April at noon;" so that the President in office when this amendment is adopted will serve until the 30th of April, and the Vice President will also hold his office until that time.

I want to say now what I think I ought to have said earlier in the discussion, that if this amendment is adopted the President will find a Congress in session to which he can deliver his message. Under the present system, with the election in November, it is thirteen months afterwards before a message from the President of the United States is delivered to the organized representatives in both Houses. He would find, I repeat, a Congress in session before which he could lay the views which, in his judgment, ought to govern the policy of the dominant party in the legislation of the country.

Mr. DUNNELL. Mr. Chairman, I would like to ask the gentleman a question.

Mr. CRAIN. Yes, sir.

Mr. DUNNELL. Does the gentleman from Texas think that too many months in the year are now devoted to legislation?

Mr. CRAIN. I think our first session is too long, and that our second session is too short.

Mr. DUNNELL. Did I not understand the gentleman a little while ago to say that we do not need the time in legislation here?

Mr. CRAIN. No, I did not say that. I do not know how the gentleman understood me, but what I did say was simply this, that instead of being here three hundred and thirty days, as we have been, and then coming here for ninety days, we ought to come on the 1st of January, stay in session about four or six months, and do all the work. That is the object of the amendment.

Mr. ADAMS. And we ought not to adjourn for two or three weeks, as we do, during the Christmas holidays?

Mr. CRAIN. I accept the suggestion. That is one of the objects of the amendment. The month of December is taken up in adjournments. We do nothing in December practically. This is one of the objections to the present system. We come here, elect a Speaker, and adjourn for the holidays, and when the holidays are over the Speaker appoints the committees. Under the proposed system the Speaker would be elected right away, the committees appointed, and in a few days would be at work.

The month of December is actually lost to the country, and is of no benefit to the Representatives. It was impossible, Mr. Chairman, to designate the particular Congress whose term would expire on the 30th day of December, because no man could tell which Congress it would be until after the amendment had been submitted to the States for their ratification and had been ratified; therefore, I employ this language:

The Congress in existence when the members of the first House of Representatives are elected after the ratification of this amendment shall hold no annual session after such election, and its term of office shall expire on the 31st day of the following December.

Therefore, in other words, it cuts off or curtails by two months the Congress in existence at the time when the necessary three-fourths of the States shall have ratified the amendment. This amendment was voted upon once, but owing to the fact, I regret to say, that it did not provide for the payment of the salaries of Representatives whose terms would be curtailed it was defeated; and in saying this I corroborate by proof the assertion which I made in the beginning of my remarks, that human nature is the same here as it is elsewhere.

I repeat, that I did not provide that the Representatives whose term of office was diminished should receive compensation for the time they were to lose; and as a result the amendment was defeated. To provide against a repetition of that contingency I inserted the provision—

That there shall be no diminution of the salaries of the members of the Congress the term of which is curtailed by this amendment.

And it is also provided that—

The Senators whose existing term would otherwise expire on the 4th day of March next succeeding the day on which the term of the first Congress shall commence after the ratification of this amendment shall continue in office until their successors are appointed or elected.

I trust a constitutional amendment will be adopted providing for their election before long.

The last provision of this amendment is not strictly necessary in a constitutional amendment, and is only inserted to obviate the necessity for legislation upon the question. It provides:

Congress shall assemble at least once in each year, and such meeting shall be on the first Monday in January, unless Congress shall by law appoint a different day.

Of course Congress can change the day for its meeting, but to obviate the necessity for legislation on the subject I include this as a part of the amendment.

I have stated, Mr. Chairman, as briefly as I could the evils which are complained of. I have suggested a remedy. It may or may not meet all the contingencies.

It may or may not meet the object which is sought to be accomplished, but it is the best result which I could attain in the long period of study I have devoted to the consideration of this question; and I trust it may evolve some better measure, if a better one be necessary, to bring about what every man on the floor of this House must acknowledge to be a necessary remedy for existing evils.

Mr. HOOKER. Will my friend allow me to ask him one question before he yields the floor? and I do it for the purpose of getting information on the subject.

Mr. CRAIN. Yes, sir.

Mr. HOOKER. Before the gentleman from Texas sits down I wish to ask him a question. Would it not obviate the objection as to the curtailing the term of service of any Congress if provision were made by law that the Fifty-third Congress, the Congress after next, should meet on the 4th day of March? Then the President would find a Congress in session to deliver his message to and carry out the policy of his Administration; and as the term of members of that Congress could not begin before the 4th of March at any rate, would not your object be effected by legislation in conformity with the Constitution, and at the

same time the objection be obviated that there would be a curtailing of the term of any Congress?

Mr. CRAIN. Unquestionably under the Constitution Congress has the right to fix the time for the meeting of Congress; but in order to do away with elections between sessions, in order to have two terms before a Representative is called upon to answer for his stewardship, in order to obviate the evil which results from men being in the districts undermining Representatives and calling them away from their posts to defend themselves, in order to do away with all the evils of which I have complained in nearly an hour's speech, you would have to curtail the term of some Congress, and you can not curtail the term of any Congress except by constitutional amendment.

Mr. HOOKER. But would any Congressman's term of office be curtailed by providing that the Congress should meet on the 4th of March? because his term does not begin until the 4th of March, although he is elected in November.

Mr. CRAIN. Certainly the Congress could come here on the 4th of March, but an extra session would be necessary every fourth year to count the electoral votes, and all the evils of which I have complained would still exist. You can not count the electoral vote unless you have the Senate and House of Representatives here to do it, and for that you must have an extra session, and that is one of the things that I wish to avoid, and under my plan the House elected with the President would assist in counting the electoral vote.

Mr. MONTGOMERY. Mr. Chairman, I yield to the gentleman from Virginia [Mr. O'FERRALL] whatever time he wants.

Mr. O'FERRALL rose.

Mr. CRAIN. Mr. Chairman, I yield twenty minutes to the gentleman from New York [Mr. CUMMINGS].

Mr. CUMMINGS. Mr. Chairman, I asked to be permitted to follow the gentleman from Texas, because I am compelled to go to General Sherman's funeral—

Mr. O'FERRALL. I have every disposition to accommodate the gentleman from New York. The House has been in the habit of adjourning at 5 o'clock, but if there can be an understanding that I may make my remarks in the morning, I will now give way to the gentleman.

Mr. BINGHAM. I will state that the disposition on our side is to finish the general debate to-night.

The CHAIRMAN. By unanimous consent the gentleman from Texas [Mr. CRAIN] was recognized to control the time on that side, and the Chair will recognize any gentleman to whom he yields the floor.

Mr. MONTGOMERY. That is a mistake, I think, Mr. Chairman.

The CHAIRMAN. No. That was the question submitted to the committee, and it was so ordered. The Chair asked for objection, and no objection was made.

Mr. CRAIN. Now I yield forty-five minutes to the gentleman from Virginia [Mr. O'FERRALL].

Mr. MONTGOMERY. Mr. Chairman, I would like to know how the gentleman [Mr. CRAIN] got control of the forty-five minutes that I took such pains to secure.

Mr. CRAIN. In this way. Being the senior member of the committee on the Democratic side I had control of the time, and I told the gentleman from Kentucky [Mr. MONTGOMERY] that he could have his forty-five minutes.

The CHAIRMAN. To whom does the gentleman from Texas yield?

Mr. CRAIN. I yield forty-five minutes to the gentleman from Kentucky [Mr. MONTGOMERY].

The CHAIRMAN. The gentleman from Kentucky [Mr. MONTGOMERY] is recognized for forty-five minutes.

Mr. MONTGOMERY. I yield twenty minutes to the gentleman from Virginia [Mr. O'FERRALL].

Mr. O'FERRALL. Mr. Chairman, I am disposed to accommodate the gentleman from New York, and I am perfectly willing that he shall occupy twenty minutes now.

The CHAIRMAN. The gentleman from Virginia yields twenty minutes of his time to the gentleman from New York [Mr. CUMMINGS].

Mr. O'FERRALL. No, Mr. Chairman; not of my time. I understand that the gentleman from Texas [Mr. CRAIN] has ten minutes left which he yields to the gentleman from New York [Mr. CUMMINGS], and I give the gentleman from New York ten minutes more, making twenty minutes in all.

The CHAIRMAN. The gentleman from New York [Mr. CUMMINGS] will be recognized for twenty minutes, the time to be taken in equal parts from that of the gentleman from Texas and that of the gentleman from Virginia.

Mr. CUMMINGS. Mr. Chairman, it is nearly a year since this House formally paid its tribute of respect to the memory of Hon. Samuel Sullivan Cox. He was my predecessor. I feel that I inadequately fill his place. On that occasion I reminded the House that the dead continue to speak to us and contribute to the solution of those problems which every generation has in its turn to meet. I also said that Mr. Cox would return and speak to us again and again and again, whenever humanity wanted a friend or liberty needed a defender. That remarkable man set his face sternly and spoke eloquently against the persecution of the Jews. Stimulated, but not wholly moved by Mr. Cox, on December

19, last year, I introduced here resolutions which I deemed would express to the world its sense of the wrong which it appears is now being done to the Jews in Russia. These resolutions were as follows:

Resolved, That the members of the House of Representatives of the United States have heard with profound sorrow, and with feelings akin to horror, the reports of the persecution of the Jews in Russia, reflecting the barbarism of past ages, disgracing humanity, and impeding the progress of civilization.

Resolved, That our sorrow is intensified by the fact that such occurrences should happen in a country which has been and now is the firm friend of the United States, and in a nation that clothed itself with glory, not long since, by the emancipation of its serfs and by its defense of helpless Christians from the oppressions of the Turks.

Resolved, That a copy of this resolution be forwarded to the Secretary of State, with a request that he send it to the American minister at St. Petersburg, and that said minister be directed to present the same to His Imperial Majesty Alexander III, Czar of all the Russias.

These resolutions were referred to the Committee on Foreign Affairs. Its distinguished chairman [Mr. HITT] has lately reported back the following substitute:

Resolved, That the members of the House of Representatives of the United States have heard with profound sorrow the reports of the sufferings of the Jews in Russia, and this sorrow is intensified by the fact that such occurrences should happen in a country which is and long has been the friend of the United States, which emancipated millions of its people from serfdom, and which defended helpless Christians in the East from persecution for their religion, and we earnestly hope that the humane and enlightened spirit then so strikingly shown by His Imperial Majesty will now be manifested in checking and mitigating the severe measures directed against men of the Jewish religion.

This substitute, Mr. Chairman, is now sleeping on the Calendar of this House. Fearing that it may sleep the sleep of death in the crush of business attending the close of the session, and determined to express my own views on the subject, I avail myself of the latitude allowed in Committee of the Whole for that purpose.

The resolutions which I had the honor to introduce were intended to express the public sentiment of the people of the United States in respect to the reports concerning the treatment of the Jews in Russia, and not to censure a friendly power. There is no hostility in this country towards Russia. On the contrary, the nation is grateful to her for the part she acted during our civil war. She set an example of friendship and forbearance which was not imitated by the most powerful nations of Western Europe.

In no breast is this feeling of gratitude more strongly rooted than in mine. France did as kindly an act when we, as colonies, were struggling for separate existence. Her action during our civil strife, though in marked contrast with that of Russia, did not wipe out the feeling of gratitude which her previous conduct had inspired. But there is no sting in the friendship of Russia. She has always been friendly to this nation. And this we desire to recognize to its full extent.

These resolutions therefore are inspired by the kindest feelings toward that great nation. It is because we feel kindly that we can not shut our eyes to any great violation of the public sentiment of the world that may take place within her borders. Like this country, she has felt the force of public sentiment. Like this country, also, she has obeyed it. There is a close analogy in two great events in the history of mankind, the emancipation of the slaves in the United States and the emancipation of the serfs in Russia.

Abraham Lincoln was the great emancipator of the western continent. Alexander II was the great emancipator of the eastern continent. Lincoln wiped out the last vestiges of slavery in North America, and Alexander wiped out serfdom in his mighty empire. Both were sovereign acts by simple proclamation. Their authors met the same fate. Both fell by the hand of the assassin; and their assassination was incited by their efforts in behalf of liberty. Mankind execrates the assassins.

If the reports in respect to the treatment of the Jews in Russia are true it concerns us deeply. As a friendly power, it is our duty to inform her of the outraged sentiment of mankind resulting from them. There is strong suspicion that these reported acts of cruelty are not designed by the Russian Government, but result from venal administration of its laws by petty officers. It is said that they take advantage of obsolete laws for cruel exactions, by which they profit.

This suspicion is deepened when we consider the generous action of the Russian Government toward persecuted Christians in Turkey. She has not only given them the benefit of her sympathy, but she has raised her strong right arm to protect the helpless and vindicate freedom of conscience. On many occasions she has shown herself the champion of humanity. Therefore these reports concerning her treatment of the Jews seem almost incredible. The reports of oppression on the part of Russian officials, nevertheless, are so numerous and the details so minute that it is impossible to disregard them.

These resolutions were not offered because the oppressed are Jews, but because they are men. When the attention of Russia has been called to it by our Government, she has answered that her laws are general, and that in respect to them, Jews who are American citizens are not treated anywhere near as harshly as Jews of other nationalities. Yet it is true that American citizens of Jewish faith have been seized and deprived of their property. The archives of the State Department here in Washington show this. They do more. They strengthen the presumption that the actual state of the Jews in Russia is far worse than these archives show.

Russia says that Jews clothed with American citizenship are not subject to as bitter persecution as those of other nationalities. This representation itself almost invites the world's censure. It is getting to be the universal feeling that not only laws, but the administration of laws, should be impartial. Besides, it ought by this time to be distinctly understood throughout the world that American citizens, be they Jews or Gentiles, are not to be treated as Jews or Gentiles, but as American citizens. The shield of the Republic is over them all, wherever they are. It will permit no distinction of race or creed. It shelters every belief and protects every opinion.

Daniel Webster, in his great speech in behalf of the Greeks struggling for independence, delivered in this House in 1824, said: "The question is asked, 'What have we to do about it?' The question, I believe, is asked now, but with greatly diminished force, 'What have we to do with the internal administration of Russia in respect to the Jews?'"

It is said that international comity forbids our interference. We are told that national etiquette will not permit even an expression of opinion on the part of this House to be officially brought to the attention of the Czar. His action toward the lord mayor of London gives good ground for the statement.

This is the excuse offered for the modification of my resolutions. It is for this reason that one of the resolutions has been entirely lopped off by the Committee on Foreign Affairs.

Sir, there is a tribunal that presides over all diplomacy. To it all nations and all men may appeal. It is the tribunal of public opinion. The greatest minds of former generations have taken notice of its unlimited jurisdiction and of its overmastering power. The world's court of conscience never adjourns. It is always in session. To it all may appeal, and before it all must plead. Before it sovereign and subject are equal; to it all are alike amenable.

This proposition is sustained by the greatest minds of the age. Webster said in Faneuil Hall, on September 30, 1832:

We live in an age when there has been established among the nations a more elevated tribunal than ever before existed upon earth—I mean the tribunal of the enlightened public opinion of the world.

In his speech at the laying of the cornerstone of Bunker Hill monument, on June 17, 1825, he said:

Public opinion has attained an influence over governments which do not admit the popular principle into their organization. A necessary respect for the judgment of the world operates in some measure as a control over the most unlimited form of authority.

"Thank God," Webster exclaimed, "we live in an age when something has influence besides the bayonet, and when the sternest authority does not venture to encounter the scorching power of public reproach."

In his speech delivered in this House on January 19, 1824, Webster said:

Moral causes come into consideration as the progress of knowledge is advanced, and the public opinion of the civilized world is rapidly gaining the ascendancy over mere brutal force. It is already able to oppose the most formidable obstruction to the progress of injustice and oppression, and as it grows more intelligent and more intense, it will be more and more formidable.

Sir, Webster's prediction was an inspiration. Public opinion has never been so formidable as it is to-day.

Speaking of the triumphs of the Turkish despot, he said:

Public opinion calls upon him to take notice that the world, though silent, is yet indignant. It denounces against him the indignation of an enlightened and civilized age. It turns to bitterness the cup of his rejoicing, and wounds him with the stinging which belongs to the consciousness of having outraged the opinion of mankind.

A quarter of a century later, Kossuth, in a speech in London, said:

I will concentrate all the force of my sentiment, all the blood of my heart, all the energy of my mind, till the almighty echo of public opinion becomes like the thundering trumpet before which the Jericho of human oppression falls. Should this feeble arm succumb sooner, should it succumb to the longing of my heart to see my fatherland independent and free, even the grass which will grow out of my grave will cry out to Heaven and to man. England and America, do not forget, in your proud security, those who are oppressed. Do not grant a charter to the Czar to dispose of humanity.

So much for the power of public opinion.

Right here, sir, let me emphasize to this House that public opinion is evolved by public debate; that without free and open discussion there can be no such thing as intelligent public sentiment; that but for this freedom of expression the great orators whom I have quoted could not have come before us to-day with their persuasive and powerful appeals, more moving than living oracles; that free speech is the first, last, and greatest defender of liberty; that when despotism passes this barrier its struggle with liberty is hand to hand. It may then "cry 'Havoc' and let slip the dogs of war" without rebuke.

Lord John Russell boasted that his reform measures enlarged the field of debate in the House of Commons and induced a greater number of members to enter it when important measures were under consideration. Lord John was a wise man.

Mr. Chairman, standing here in the House of Representatives in the effulgence of the great lights of the nineteenth century, recognizing the constantly increasing power of public sentiment, I should feel that I was recreant to my duty if I did not invoke from this House, as the

proper organ for voicing the public sentiment of the American people, a protest against this great wrong. The resolutions which I had the honor to introduce were intended to be open and manly—to have the true American ring. They were proposed in the purest friendship toward Russia. If they had been reported to and passed by this House and then properly brought to the attention of the Russian minister of foreign affairs, they should have been received in the same spirit in which they were offered.

I hear that fears are expressed in some quarters that a suggestion to the Czar from this House in respect to the treatment of the Jews in his empire might stimulate to greater activity repressive measures which are said to impoverish and to drive them into prison and to exile. I trust these fears are unfounded. I do not believe that the Emperor of Russia has decided to close his ears and his heart to human requirements. But if it be true that, when we are receiving four thousand of his subjects per month, driven here by inhuman treatment for no alleged cause but that of worshipping Jehovah and believing in Moses, he will treat as impertinent our friendly suggestion, then, despite all former ties, I would have the great Republic turn its back upon him and treat him to an isolation compared with which the cold and cheerless isolation of Siberia would appear like genial intercourse. [Applause.] It may be of little account to him, but it is of vast consequence to us that we discountenance inhumanity in every quarter of the earth.

The Committee on Foreign Affairs have seen fit to melt my resolutions in the crucible of extreme cautiousness. I do not complain. There was no dross in the resolutions. Much of the gold has been lost in the effort to smelt them, but enough remains to entitle the substitute to the favorable consideration of the House. I trust it will receive it and without opposition. To this end I shall patiently seek recognition from the Speaker to ask the unanimous consent of the House to consider it until the fall of the gavel announces that the Fifty-first Congress is no more.

Mr. O'FERRALL. Mr. Chairman, it is not my purpose to discuss the bill now before the committee, though it is full of extravagance, like every other appropriation bill which has been presented in this Congress. I want to address myself to another bill involving the expenditure of millions which has been discussed for some days during this session, and which may be called up again at any hour. I avail myself of the rules of the House to present my views at this time, because under the peculiar circumstances which surround us we can never know what latitude will be given to debate upon any proposition, and it may be that there will be no disposition to further discuss the bill on the other side of this Chamber when it shall come up, and consequently debate will be closed regardless of the wishes of this side of the Chamber.

The bill to which I refer is the bill which is known as the ship-subsidy bill, or, as its friends prefer to call it, the "tonnage" bill. It is entitled "An act to place the American Merchant marine engaged in the foreign trade upon an equality with that of other nations."

What a high-sounding title!

The American people have pride, national pride. It is born in them. The object of this title is to arouse that pride and make it respond favorably to the passage of this bill. The American citizen is told that the vessels which carry our trade to foreign countries and bring the trade of foreign countries to us are not upon an equal footing with those of other nations; and the principle of equality so dear to his heart is invoked.

Sir, I trust I am not lacking in national pride and that I have a due regard for our flag wherever it may float and over whatsoever it may float. But I can see nothing in this bill to commend it to my support except its attractive title. It is, in my opinion, un-American and un-republican, contrary to the teachings of our institutions and the spirit and letter of our organic law. It proposes to subsidize every American vessel, if of 500 tons or more, that is now under sail or which may hereafter be put under sail. It proposes to call upon the people of this country to contribute for the support and maintenance of every vessel which may now ply between this and foreign countries or which may now be rotting in our harbors. This is the burning, vital proposition of the bill.

Mr. Chairman, in the first session of this Congress the Republican party passed a bill which carried, as it was thought at the time, protection to its utmost limit. It protected every industry, great and small, old and young, strong and weak, in existence and in expectancy, from ocean to ocean, and from the lakes to the Gulf. It was protection run mad. It levied increased tribute upon everything from the cradle to the coffin; from the swaddling clothes of the infant to the shroud of the old man in the embrace of death; from the calico gown of the kitchen maid to the alpaca dress of the housewife; from the saw of the carpenter and the anvil of the blacksmith to the wagon and plow of the farmer and the shoes on his horse's feet; from the sugar in the poor man's coffee to the salt in his bread; from the primer of the schoolroom to the Book of Inspiration on the altar of the living God; from the cod-liver oil of the hectic consumptive to the quieting drug of the dying. It robbed labor of its hard earnings and deprived the needy of food and raiment—all, all for the benefit of certain classes,

that those classes might become richer. [Applause on the Democratic side.]

We were told, sir, that this was for equality's sake; that the manufacturers of this country could not compete with the manufacturers of other countries without this protection. That was the cry upon this floor. We heard it; the people at large heard it; and it aroused them like a fire bell in the night arouses all within the sound of its peal. Standing here, sir, as I do in the presence of so many pale faces of political death, it is hardly necessary for me to remind this House of the manner in which this cry was met by the millions of freemen in this land. The people rising in their might repudiated the doctrines of the Republican party, and elected a Democratic Congress by the largest majority that has ever been recorded in the history of this country for any party since it has been a separate and distinct nationality—a majority so overwhelming that instead of that side of the House presenting as it did in the last session the appearance of a room of revelry of a powerful party drunk with power, it now presents the appearance of a sepulcher filled with dead men's bones. [Laughter and applause on the Democratic side.]

Our friends, however, seem not to be disposed to learn anything by their inglorious defeat. They not only refuse to modify the most severe provisions of the tariff law so as to make them more bearable, but they come now with a proposition which goes a bowshot farther than even the McKinley tariff bill in the way of protection. Having levied a land tribute, they propose now to levy a water tribute. Having protected every industry—everything from a needle to a thrashing machine, from a spool of thread to a bolt of cotton cloth—they now propose to protect, to aid, support, and maintain every American vessel that is engaged now or may hereafter be engaged in carrying our trade, if of 500 tonnage or more.

When, Mr. Chairman, will these levies of tribute upon the people stop? Considering the legislation of the last session and confronted as we are with this bill, no man can even conjecture the extent to which the Republican party will go in its levies of tribute upon the people.

I find upon examination of the report made on this bill by the distinguished gentleman from New York [Mr. FARQUHAR], for whom I have a high personal regard, that he refers to these tributes as "navigation bounties." This is a new name for a very old thing. It has always been termed "subsidies" heretofore. By that name it was christened years ago; under that name it is known everywhere. Does the gentleman imagine that by giving this thing a new name he can relieve it from its objectionable features, or that the people will not recognize it as the same abominable thing that has been popping up in these Halls for years?

Why, sir, the word "subsidy" stinks in the nostrils of the people of this country; it stinks "as the dead carcasses of unburied men;" and though it may be called by some other name, the stench will hang around it still, and its hideous features and unsavory character will adhere to it; and its miserable paws will still be present to gather into its capacious maw the hard earnings of honest sweat and toil.

It is stated, sir, that our merchant marine is in a languishing condition. Of this I have no doubt. But why is it in a languishing condition? By reference to a letter which was written by the Commissioner of Navigation to Congress in 1886, when a bill similar to this was under discussion, it will be found that in 1858 American vessels carried 83 per cent. of the foreign trade of this country, and foreign vessels only 17 per cent. That letter is as follows:

TREASURY DEPARTMENT, BUREAU OF NAVIGATION,
Washington D. C., July 26, 1886.

SIR: In compliance with your verbal request while at the Department on Saturday, I have to state that this office estimates that the sum of \$6,318,790.40 would be required to pay the bounty or subsidy for one year to the sail and steam vessels of the United States contemplated by the provisions of bill H. R. 2076, introduced by Mr. Negley.

The proportion of foreign trade with the United States carried on by American vessels is found to have been in 1885 17 per cent., and that carried on by foreign vessels to have been 83 per cent. of the whole.

In 1858 these proportions were very nearly reversed, American vessels having done over 83 per cent. of the whole business.

Respectfully, yours,

JARVIS PATTIN, Commissioner.

It is herein stated that in 1885 our vessels carried only 17 per cent. of the trade between the United States and foreign countries, foreign vessels carrying the balance, 83 per cent., while in 1858 our vessels carried over 83 per cent. of the whole trade, or, as the letter puts it, the proportions were very nearly reversed.

The Democratic party was in power, and had been almost uninterruptedly for years, in 1858, and our merchant marine was prosperous, and that, too, without a dollar of subsidy. In 1885 the Republican party was in power—I mean at the commencement of that year—and had held the reins and unrestricted sway for about twenty-five years, and our merchant marine had become almost a thing of the past.

Draw the contrast. Under Democratic administrations and policy it was strong and vigorous; under Republican administrations and policy it was weak and puny, and is so to-day.

This simple contrast would seem to tell its own tale and teach its own lesson and sound its own decree of condemnation of the ruinous

effects of the policy of the party which for the last thirty years has shaped legislation and administered the affairs of this country.

Let us take the percentage of foreign trade carried by American vessels in 1858, under Democratic rule, and the percentage each year under Republican rule. Let us compare them.

UNDER DEMOCRATIC RULE.		Percentage.
1858.....	50	83
UNDER REPUBLICAN RULE.		Percentage.
1862.....	50	27
1863.....	42	27
1864.....	27	24
1865.....	28	18
1866.....	31	16
1867.....	34	16
1868.....	35	17
1869.....	33	18
1870.....	36	18
1871.....	32	17
1872.....	28	15
1873.....	26	15
1874.....	27	15
1875.....	26	15
1876.....	28	13
1877.....	27	
1878.....	27	
1879.....	24	
1880.....	18	
1881.....	16	
1882.....	16	
1883.....	17	
1884.....	18	
1885.....	18	
1886.....	17	
1887.....	15	
1888.....	15	
1889.....	15	
1890.....	13	

At the end of the first year of Republican rule the percentage dropped down from 83 per cent. to 50 per cent.; in the first ten years from 83 to 28; in the next ten years it fell off to 16, and in 1890 it had shrunk to 13 per cent.

I take this table from the speech of the gentleman from New York [Mr. FARQUHAR], who has charge of the subsidy bill.

It is not incumbent on me to assign reasons for this decline. I simply call attention to the decline and to the fact that during all these years of decline the Republican party has either directed legislation or it has held this or the other branch of Congress, so that the Democratic party was powerless to legislate.

I will say, however, that in my opinion it has been caused by the substitution of iron for wooden vessels, and that the foreign vessels could be built for less than the American vessels; and, as under our navigation laws foreign-built ships could not be bought and put into our merchant marine and under our flag, our merchant marine has naturally gone down because of our more expensive ships.

According to a statement which I have seen, and which I believe to be correct, in 1870 it cost \$125 per ton to build a thousand-ton iron ship in the United States, while it only cost \$94.90 in England. The whole cost of the American-built iron ship of a thousand tons was \$125,000, while that of an English-built iron ship of the same tonnage was only \$94,900, or \$30,100 less.

Now, I know that in the McKinley bill, ship materials have been put on the free list, and according to Democratic theory that will reduce the expense of shipbuilding in the United States, but according to the theory of the Republican party, tariff does not increase the prices of commodities in this country, and therefore the cost of shipbuilding here will not be reduced.

I maintain, however, the Democratic doctrine, and believe that the placing of ship materials on the free list will materially lessen the cost, and enable vessels to be built here for much less than formerly.

In 1870 it was stated by the chief of the tonnage division of the Treasury Department that the duties on the materials of a thousand-ton iron ship, if they were imported, would be as follows:

Material.	Quality.	Duty.	
		Cents per pound.	Amount.
53 per cent. plate.....pounds..	530,000	1½	\$7,950.00
18 per cent. refined iron and rivets.....do.....	180,000	1	1,800.00
26 per cent. T and angle or beam.....do.....	260,000	1½	3,250.00
3 per cent. forgings.....do.....	30,000	2	600.00
Total.....do.....	1,000,000		13,600.00
Add 33½ per cent. for exchange and premium on gold.....			4,533.33
Total.....			18,133.33
RIGGING.			
Chain cable.....pounds..	35,000	2½	1,075.00
Small rigging chain.....do.....	8,000		
Anchors.....do.....	8,000	2½	180.00
Russian hemp, 8½ tons, at \$40 per ton gold duty; or if cordage be imported, 10 tons (2,000 pounds each = 20,000 pounds, at 3 cents per pound).....			600.00
Manilla hemp, 5 tons (2,240 pounds, 25 cents, gold); or if cordage be imported, 1,200 pounds, at 2½ cents gold.....			300.00
Total.....			2,155.00
Add 33½ per cent. for exchange and premium on gold.....			718.33
Total.....			2,873.33

Which, added to the \$18,133.33 already given, makes the whole duties the sum of \$21,006.66.

Now, these duties have been taken off, and I insist this will inure to the benefit of the shipbuilder in this country; and as the Republican leaders seem to be so anxious to try the McKinley bill, and they predict such wonderful results from it, let us wait and see what will be the effect of this particular provision upon our merchant marine.

But, Mr. Chairman, I do not understand why the Republican party is so anxious to have a merchant marine or any American vessels at all.

This party has proclaimed boldly that the object and mission of protection is to keep our American products at home, and bar our ports against the products of other lands.

What does this change of front mean? Have you, my Republican friends, already lost faith in your "home market" theory?

Are the beautiful pictures which you have been drawing of national independence, home consumption, prosperity and plenty within our own borders and within ourselves, turning out to be myths? Do you want so soon to batter down the walls which you declared you were building last year to keep our agricultural products here to feed the mouths of our own people who are engaged in manufacturing pursuits, and keep our manufactured products here to clothe and make happy our farm toilers and laborers and supply their wants? What is the matter with you? What has come over your zeal of a few months ago? Is overproduction staring you in the face? Is a surplus looming up before you?

Why, we were assured during the discussion of the McKinley tariff bill that there was no necessity whatever for our farmers to seek a foreign market; that with a protective tariff, such as the McKinley bill gave, industries would spring up in every hamlet and at every crossroads in the land; that the song of the saw, the spindle, and the loom would be heard everywhere, while the cinders of the rolling mill, furnace, and forge would obscure the sun by day, and their lurid glare light the heavens by night everywhere; that villages would become towns and towns would grow into cities like magic everywhere, thus furnishing to the farmer everywhere a market at his door for all the products of his toil and the fruits of his labor.

Now, we are told we must tax the people to build vessels to carry the commerce of this country to foreign countries and bring the commerce of foreign countries to us.

Sir, the Republican leaders did not believe what they proclaimed in 1890, or they have since lost faith in their theory of protection. They did not believe that a protective tariff would give a home market for all the products of the farm and factory as they pretended when the McKinley bill was passed, or they have been brought to realize the utter fallacy of their doctrine.

To insist now upon the expenditure of millions of dollars to build up and maintain a merchant marine is equivalent to an abandonment of their cherished doctrine of protection; for I repeat, if protection is to bring to us all that has been claimed for it, then we will need no seagoing vessels, no crafts, no merchant marine, for a home market will be found for all our wheat and corn, rye and oats and cotton, and all else that the kind soil of our country yields.

Our Republican friends must take one horn or the other of the dilemma. If they adhere to their doctrine that a protective tariff will bring independence and enable us to prosper and grow without commercial intercourse with foreign nations, and that we will have nothing to sell to the outside world and will need nothing of foreign production, then they can not in reason demand that the people shall be taxed to build vessels which will rest in our harbors as mere ornaments or cruise upon the seas for mere pleasure or pastime.

If they adhere to their roseate theory of protection they can no longer insist upon the necessity of more ships.

If they adhere to their advocacy of strengthening and enlarging our merchant marine, they must abandon what they have with apparent pride denominated the great American idea—a protective tariff.

They can not blow hot and cold at the same time; they can not ride two horses going in opposite directions at the same time; they can not maintain a doctrine that they claim will make us entirely self-reliant and self-supporting, free and independent of every portion of the habitable globe, and insist upon laying a tribute upon the people for the building of ships for commercial intercourse with the nations of the world.

I say they can not do these things, yet I know they are determined to try it, relying, as they seem always to do, upon what they suppose to be the unsuspecting credulity of the masses.

With one breath they will say, we must tax you under the McKinley bill to make this country so great in productive power and consumptive capacity that we will produce all that we will need and consume all that we will produce, and then we will tax you to build ships to carry our surplus to foreign countries and bring back to us the products of distant lands for our use and comfort.

This is their position. However inconsistent and ridiculous, as it may appear, it is nevertheless the position of the Republican who advocates this subsidy bill. From one standpoint a Democrat could support this measure with much more consistency than a Republican.

Why? Because he has looked with contempt upon the high protective tariff idea, the home market, and internal consumption doctrine. He knows that it is a false theory, and that the productions of this country will far exceed the home demand and that they must seek buyers elsewhere, and that there must be vessels to transport them to foreign markets.

But, sir, from the true standpoint of a Democrat, he can not, in my opinion, give this bill his support without violating the cardinal doctrines of the Democratic party. He can not vote to subsidize any enterprise or any industry under the sun without breaking faith with his party.

But, sir, I must hurry on, as my time is rapidly passing. I want to say something about former subsidies.

I know, sir, that the gentleman from New York [Mr. FARQUHAR], who presented his side of this question with much ability, has precedents to which he can point to some extent in support of his bill.

As far back as 1846 and 1847 there were two small subsidies voted to steamship companies for carrying the mails.

In 1850 the Collins Line received a large subsidy—over \$800,000—and this was continued for several years. In 1864 another line was subsidized to the amount of \$240,000. Then came in 1865, I think, a mail subsidy of \$500,000 to the Pacific Mail Steamship Company. This was followed in 1868 by the passage of the subsidy bill in favor of the Commercial Navigation Company of New York, but a controversy arose between it and the Government, and the bill became inoperative.

In 1872 came the scandal in connection with the enlargement of the subsidy to the Pacific Mail Steamship Company, and this it seems checked the onward march of the subsidy idea, and it did not again come to the front until 1879, when John Roach made an effort to secure a subsidy for his line of steamers between the United States and Brazil, but failed.

Now, I think I can say that for the last nineteen years subsidies have been frowned down by the Representatives of the people in Congress, at least by a large majority of them.

Prior to 1872, as I have said, certain lines had been subsidized, but not one of these subsidies and no proposition ever before submitted, except, perhaps, one submitted in 1886 has reached anywhere near to the extent of this bill, which proposes to subsidize every vessel, sail or steam, carrying now or which may hereafter carry trade from or to the United States, if it is a registered American vessel, and has a carrying capacity of 500 tons or more.

What amount of money this proposition carries no man, however wise or skilled, can form any definite idea, for it will depend upon the number of vessels afloat and their tonnage.

A statement, conjectural of course, was made as to the cost under the bill introduced in 1886 to which I have referred, and it amounted to \$6,318,790.40 annually.

Will this cost more? Will it cost less?

Who will undertake to answer with any degree of certainty? Who can answer? We have had other estimates made upon other bills by gentlemen in official positions and they have been millions under the mark. They were held up on this floor as experts in their peculiar line and as paragons of correctness.

I will here give for what it is worth, and in saying this I do not intend to cast any reflections, for I have no doubt the officer to whom I refer has done his best—I will give the estimate of the Commissioner of Navigation of the probable cost of this bill for the next ten years. Here is his table:

Table showing the possible extent and cost of bounty payments to American shipping under the substitute bill.

Year.	Eligible tonnage of first-class A1 and A1½.		Total eligible tonnage gains by building and repairing.		Annual amounts of bounty payments.	
	Sail.	Steam.	Sail.	Steam.	Sail.	Steam.
1891.....	356,000	153,000	30,380	36,340	\$925,600	\$1,178,100
1892.....	349,000	175,000	37,330	64,513	907,000	1,347,500
1893.....	350,000	225,000	32,250	95,550	910,000	1,753,000
1894.....	346,000	305,000	25,984	95,510	899,600	2,379,000
1895.....	335,000	383,000	28,608	126,732	873,600	3,025,900
1896.....	330,000	490,000	28,360	142,225	858,000	3,920,000
1897.....	325,000	610,000	23,825	143,468	845,000	4,941,000
1898.....	316,000	725,000	26,020	126,650	821,000	5,896,000
1899.....	312,000	826,000	27,323	118,250	811,200	6,690,000
1900.....	310,000	913,000	24,830	110,437	806,000	7,395,300
Footings for the period.....			284,915	1,059,675	8,687,600	38,528,400

Total for sail and steam for ten years..... \$47,186,000
Average for sail and steam for ten years..... 4,718,600

According to this estimate it will cost an average of \$4,718,600 annually and \$47,186,000 in ten years to carry out the provisions of this bill; and, judging this estimate by former estimates submitted to this

House on pension bills and other measures, the country will be fortunate indeed if it is not taxed one hundred millions in ten years.

Well, Mr. Chairman, for whose benefit will this tax be levied? For the benefit of the people at large? Oh, no; for they have no more interest in the shipping business of this country than they have in the seal fisheries of Alaska. There are vessels enough now on the seas to carry the trade of this country. What matters it whether a farmer's wheat is carried to an English market in an American bottom and under the American flag or in an English bottom and under the English flag?

What matters it, I say, to him in a business or practical point of view? He must pay one as much as he pays the other. There may be some sentiment in preferring an American vessel; but in these hard times when he is environed by taxes already, and he is delving day in and day out to meet the interest upon his mortgaged home or to accumulate something ere he shall pass into the season of the sere and yellow leaf, with low prices for all he sells and high prices for all he buys, he can not afford to pay so dearly for the gratification of mere sentiment.

Sentiment! It is well for him who knows not want, who has no care for the morrow, who has his heavy bank account upon which he can draw *ad libitum*, and whose pockets are filled with dividend notices, to indulge in sentiment and declare that millions must be levied to place the merchant marine of the United States upon an equal footing with that of other nations; but the great mass of the tillers and toilers of this land, who know well that every dollar they get is at the expense of many a sweat drop, do not feel like indulging in sentiment at so heavy a cost.

Sir, this bill, if it should pass, will not reduce the cost of transporting our products in the smallest degree; this is admitted by the friends of the bill. It will not add one cent to the price of any commodity. It will not give to the farmer one penny more for his wheat or his cotton or increase the wages of the laborer one farthing. Shipbuilders and shipowners will be the sole beneficiaries and the people at large will be the contributors; the shipbuilders and shipowners will draw millions and the farmers and the mechanics, the laborers, the masses will pay these millions.

Mr. Chairman, having put ship materials on the free list, let us now repeal our restrictive navigation laws; let us strike from our statute books the provisions which prohibit any foreign-built ship entering our merchant marine or sailing under the American flag; let us remove the fetters; let us take off the shackles; let us unbind the cords that now cramp, confine, and restrain the enterprise of our seaboard population, and permit our people to buy vessels wherever they can buy the cheapest and place at their mastheads the American flag, and the problem of building up our merchant marine will, in my opinion, be solved, and the American colors will float in the trade winds as proudly as float to-day the colors of any nation, and our vessels will ride every billow and glide like swans over every sea.

I enter my protest against this bill as a whole, against every section, paragraph, and line of it.

I protest against the proposition to take the money of the people and present it as a gift to the owners of vessels now under sail that they may continue to sail, or to the owners of bottoms now rotting in our harbors that they may be relaunched, or to stimulate shipbuilding in this country.

I deny that Congress has the right to draw money from the people to present as a gift, a bounty, or a subsidy, I care not by what name you may call it, to any private enterprise, whether it be on the land or on the sea. I deny that Congress has the right to take the money of the people and donate it to the owner of a mine, factory, or ship, in order that that mine or factory may be operated at a profit or that that ship may sail at a profit.

If the Government has the right to subsidize a mine, a factory, or a ship, why has it not the right to run the mine, operate the factory, or man and sail the ship, all for the benefit of the owner?

If the Government has the right to draw from its Treasury the money of the taxpayers and turn it over as a gratuity to some languishing industry or enterprise, why has it not the right to donate money to the depressed farmers of this country, that they may lift the mortgages on their farms and keep the sheriff from their doors and the sound of the auctioneer's hammer from their ears?

If the Government has the right to give the shipowner a bounty for carrying the farmer's wheat or cotton to a foreign market, why has it not the right to give the farmer a bounty for raising here and sending abroad his wheat and cotton? The man who runs a ship is engaged in a business no more laudable than the man who runs a plow.

Oh, Mr. Chairman, I might continue to show by drawing such parallels that the moment you break through the moorings of the Constitution you are adrift upon a wild and tempestuous sea, without rudder or compass.

One violation of fundamental principles will lead to another; one excess of authority will only whet the desire to go further; one wrong will beget its counterpart, and the granting of one subsidy or the bestowal of one bounty will incline you onward until you find yourself rushing headlong over the Constitution, without the power to stop.

Sir, it is just such legislation as is proposed by this bill that has

stirred this country, throughout its entire borders, as it was never before stirred.

For years the farmer has borne patiently the wrongs which have been heaped upon him. A prisoner, incarcerated within the dingy walls of a prison, though conscious of his innocence, after long confinement, may settle himself down to bear with patience his unfortunate lot, but when he sees that the bars are being strengthened and the shackles made firmer and the little light excluded and his situation made more forlorn, he will strike for his liberty with the power which desperation brings.

So with the farmer. He has been bound in base servility to a monopolistic aristocracy. For weary days, months, and years he has submitted to his bonds and yoke, until now, when the cords are being tightened and the burden is being increased, his deadened manhood springs into vigorous life and he strikes for the freedom which was guaranteed to him by the Constitution of his land and the constitution of his God.

Mr. Chairman, the farmers of this country are aroused as they have never before been aroused, and they are making themselves felt as they have never before been felt.

Like sheep they have heretofore allowed themselves to be sheared and fleeced, but they have now assumed their true character of lions, and woe be to the man or party that attempts to beard them.

They have seen subsidies granted by the millions to railroad corporations; they have seen bounties granted to the manufacturing monopolies, in the shape of protective-tariff taxes; they have seen the Shylocks and money sharks favored by restricting the volume of currency, so as to make money scarce and dear; they have seen pensions by the tens of thousands granted to camp-followers and bummers of the Federal Army; they have seen the Treasury emptied by reckless and extravagant appropriations, and now they see a proposition to take from their pockets more of their hard earnings and bestow it as a bounty upon men whose business is surely entitled to no more consideration than the high and ennobling business of tilling the soil, in which they are engaged.

When we pause for a moment to consider the great political event of the 4th day of November last we must stand amazed at the favor which this bill is receiving on the other side of this Chamber.

Beaten at almost every poll; routed, horse, foot, and dragon, in eighteen Northern and Western States and every Southern State, is it not strange that the Republican party should persist in the course which has wrought its inglorious downfall?

What does it mean? Does it mean that the leaders of this once powerful party believe that the uprising of the agriculturists of this country is but temporary and that, as the overflowing waters of a mighty river return to their channel, the agriculturists will soon return to their usual channel? Or does it mean that they are so irritated and chagrined at what seems now to be inevitable, the death and burial of their party in 1892, that they are determined to take their revenge on the farmers who are to so great an extent the cause of their late disastrous defeat? Whatever it may mean, bear in mind that the principles of Republicanism and the interests of agriculture are recognized now and will be henceforth and forever recognized by the agriculturists as diverse as the doctrines of Judaism and the teachings of Christianity.

Mr. KERR, of Iowa. Will the gentleman yield for a question?

Mr. O'FERRALL. Certainly.

Mr. KERR, of Iowa. Did you turn around and change your policy or convictions on account of the defeat the Democratic party suffered in 1888?

Mr. O'FERRALL. Why, no; of course not.

Mr. KERR, of Iowa. Either as an individual or as a party?

Mr. O'FERRALL. There was no necessity for the Democrats changing their policy, because the people of this country responded in favor of Grover Cleveland in 1888 by the popular vote.

Mr. KERR, of Iowa. But not by the electoral vote.

Mr. O'FERRALL. And they responded again last fall by a majority against the Republican party, I think, of between 600,000 and 800,000. [Applause on the Democratic side.]

Mr. CALDWELL. Will they respond to Grover Cleveland in 1892?

Mr. O'FERRALL. I do not know who will be the Democratic candidate then; but I will say now that to-day Grover Cleveland is deeper down in the hearts of the Democracy than any other living man. It may be that his views on silver do not suit all of the Democrats; but they are but the views of an individual member of the Democratic party. In every convention, whether Republican or Democratic, that has ever been held in this country there have been differences of opinion, and the questions have been discussed; but there never has been any true Democrat who failed to place himself squarely on the Democratic platform when the Democratic convention spoke. I care not what Mr. Cleveland's opinion may be to-day on the question of silver coinage, when the national convention speaks in 1892 he will, I venture to say, indorse the principles and the platform of his party. [Applause.]

Mr. HOPKINS. Let me ask the gentleman a question. Do I understand him to say that Grover Cleveland's sentiments concerning the silver question are not matters of conviction, but policy?

Mr. O'FERRALL. No, sir; he has the courage of his convictions. And let me say to the gentleman—

Mr. HOPKINS. Well, if he has the convictions in the manner expressed by his recent letter, does the gentleman believe that he can give them up to be on his party's platform?

Mr. O'FERRALL. Mr. Chairman, if the gentleman will ask me a question, I will answer him. I believe he asked me whether Mr. Cleveland will give up his convictions upon the question of the free coinage of silver. I say no, that he will not give up his convictions upon that question, but there are other questions which are paramount to it. While I am in favor of the free coinage of silver and have been ever since I have occupied a seat on this floor, there are questions underlying the Democratic party which are greater by far than the question as to the free coinage of silver.

Mr. HOPKINS. What are they?

Mr. O'FERRALL. The questions which spring from the principles of Democracy.

Mr. HOPKINS. What are they?

Mr. WASHINGTON. Honest government and free institutions.

Mr. KELLEY. Perhaps the gentleman means a free ballot and a fair count.

Mr. O'FERRALL. Mr. Chairman, if I understand the position of the gentleman from Illinois [Mr. HOPKINS], he is opposed to this subsidy bill the same as I am, and therefore he is out of line with his party on that issue; and yet I would not for one moment question his Republicanism.

Mr. HOPKINS. Is that the only answer you can give as to what principles underlie the Democratic party?

Mr. O'FERRALL. Mr. Chairman, when a gentleman undertakes to charge another with inconsistency, he ought himself to show some consistency.

Mr. HOPKINS. I beg the gentleman's pardon. I was not saying there was any inconsistency on the part of the gentleman, but simply asked him to state what other principles the Democratic party had.

Mr. O'FERRALL. The great principles of Jefferson and the founders of this Republic.

Mr. MILLIKEN. How about George Washington?

Mr. O'FERRALL (continuing). Those are the principles of the Democratic party.

Mr. KERR, of Iowa. Do you include also the Declaration of Independence?

Mr. O'FERRALL. My time is too limited to submit further to these interruptions, however much I might desire to do so. In conclusion let me say that ever since I have been honored with a seat on this floor I have voted against class legislation in every form, and I shall continue to do in the future as I have done in the past. I am no half-way Democrat. I shall not serve the Lord to-day and the devil to-morrow. My people know my record and they have just indorsed it by re-electing me for my fifth term with hardly the semblance of opposition; and, as tillers of the soil and wage-workers principally, they authorize me to resist with my voice and vote the passage of this bill and all other bills which may have for their purpose the fostering of monopolies, the subsidizing of classes, the encouragement of trusts, the promotion of money power, or the subversion in any form of the principles of our Republican government which were born amid the throes of a people suffering under wrongs no more grievous than the wrongs under which this land is now groaning.

Sir, if our merchant marine can not compete with that of other nations without being subsidized, without laying a tribute upon the people, without violating the fundamental principles of our Government, let our flag disappear from the seas, let every ship rot in our harbors, and let every ton of our trade be carried in foreign bottoms, and let the world know that American seamen, American merchantmen, and American vessels have been driven since 1862 from the great water highways of nations by the prohibitory tariff laws of the Republican party and the restrictive and proscriptive navigation laws which this party has retained upon the statute books.

Let the world know what republican freedom and national glory mean when left to the interpretation of the Republican party.

But let the world know, too, that soon will come the day when our flag will float in triumph over our merchant marine, restored, rehabilitated, enlarged, and strengthened; commanding the respect and admiration of all nations by the policy of this Government under the administration of the Democratic party, and that, too, without the granting of a subsidy or a bounty or the imposition of one dollar of tribute upon the people. [Applause.]

If I have any time left, I reserve it.

The CHAIRMAN. The gentleman has five minutes remaining.

Mr. O'FERRALL. I reserve it.

Mr. BINGHAM. Mr. Chairman, I desire to inquire as to what time remains on each side.

The CHAIRMAN. There remain yet fifteen minutes on the Democratic side and ten minutes upon the Republican side.

Mr. BINGHAM. Will the gentleman from Virginia [Mr. O'FERRALL] dispose of his five minutes now?

Mr. McMILLIN. He stated that he reserved it.

Mr. ROGERS. I hope that the gentleman from Pennsylvania will move that the committee do now rise. It is after 5 o'clock.

Mr. BINGHAM. The gentleman from Indiana [Mr. HOLMAN] desires ten minutes and I have said to him that it would be perfectly agreeable to me that he should have it in the morning. Therefore I move that the committee do now rise.

Mr. BOUTELLE. Let us finish the general debate to-night.

The motion of Mr. BINGHAM was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. ALLEN, of Michigan, reported that the Committee of the Whole House on the state of the Union had had under consideration the Post-Office appropriation bill (H. R. 13511) and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. KENNEDY, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

A bill (S. 3270) for the relief of the administratrix of the estate of George W. Lawrence;

A bill (H. R. 12499) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; and

A bill (H. R. 12573) making appropriations for the support of the Army for the fiscal year ending June 30, 1892, and for other purposes.

RETURN OF A BILL TO THE SENATE.

The SPEAKER *pro tempore* laid before the House the following:

IN THE SENATE OF THE UNITED STATES, February 17, 1891.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4655) to increase the pension of Mrs. Elizabeth R. Gordon, widow of Maj. George A. Gordon, Fifth Cavalry.

The SPEAKER *pro tempore*. Without objection, this request of the Senate will be complied with.

There was no objection.

JOHN JOSEPH BRADSHAW.

The SPEAKER *pro tempore* also laid before the House the following personal request:

Mr. STOCKBRIDGE asks leave to withdraw from the files of the House, without leaving copies, the papers in the case of John Joseph Bradshaw, there being no adverse report.

The SPEAKER *pro tempore*. Without objection, the request will be considered as agreed to.

There was no objection.

ELIZABETH JONES.

The SPEAKER *pro tempore* also laid before the House the following request:

Mr. BROWER asks that the bill (S. 4126) for the relief of Elizabeth Jones, widow of John Jones, deceased, identical with H. R. 3493 on the Private Calendar, which Senate bill makes no appropriation, be returned to the Speaker's table.

The SPEAKER *pro tempore*. Without objection, the request will be considered as agreed to.

There was no objection.

ROBERT CARTER.

The SPEAKER *pro tempore* also laid before the House the following personal request:

Mr. CULBERTSON, of Pennsylvania, asks unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill of the House (H. R. 4735) for the relief of Robert Carter, and recommit the said bill, with the accompanying papers, to the Committee on War Claims.

The SPEAKER *pro tempore*. Without objection, the request will be considered as complied with.

There was no objection.

CHANGE OF REFERENCE.

The SPEAKER *pro tempore*. Without objection, the Committee on Military Affairs, to which was erroneously referred the bill (S. 4348) to provide for the disposal of the abandoned Fort Maginnis military reservation, in Montana, under the homestead and mining laws, for educational and other purposes, will be discharged from the further consideration of the bill, and it will be referred to the Committee on Public Lands.

There was no objection.

RETURN OF A BILL TO THE SPEAKER'S TABLE.

The SPEAKER *pro tempore*. The gentleman from Wisconsin [Mr. McCORD] asks that the bill (S. 712) for the relief of the Stockbridge tribe of Indians, in the State of Wisconsin, being identical with the bill H. R. 4227, which has been referred to the Committee on Indian Affairs, be returned to the Speaker's table.

There was no objection, and it was so ordered.

FREE COINAGE OF SILVER.

By unanimous consent, Mr. SWEET obtained leave to have the following memorial printed in the RECORD:

To the Senate and House of Representatives:

We, the undersigned, being engaged in the lawful pursuit of silver-mining, find ourselves laboring under a great disadvantage, compared with the producers of gold, copper, iron, wheat, and other necessities, on account of the

unjust discrimination against the product of our industry caused by the present silver law; and

Whereas this law operates by indirectly levying a tax upon the production of silver, which at present amounts to 20 per cent. of our gross product, or 1 ounce out of every 5 produced. This is proven by the fact that the Government is buying silver at \$1.03 per ounce and issuing it at the rate of \$1.29 per ounce, the difference accruing to the Treasury as profit. This loss falls upon the producer alone, as the coined silver or silver certificates circulate at par with gold; and

Whereas we do not believe that it is the deliberate intention of the people of these United States to levy a tax upon the production of silver any more than they would levy a tax upon the production of gold, iron, or wheat: Therefore, We earnestly protest against and ask the repeal of the present silver law, which permits the Government to reap the benefit of one-fifth of the gross product of our industry.

Also, that as our product even now circulates at par with gold, we ask that you appropriate a portion of the \$50,000,000 profit already extorted from the silver-producers, sufficient to pay the expense of coining any and all silver bullion that may presented free of charge.

We ask that the Government buy no more silver, but simply coin what we produce, and return it to us as money, that we have the same benefit under the law as the producers of gold.

Believing that the free and unlimited coinage of silver is our constitutional right, and will work beneficially, not only to us, but to all people, your petitioners will ever pray.

Triumph Mining Company, W. H. Watt, superintendent; Red Cloud Mining Company, E. B. True, superintendent; Idaho Democrat Mine, J. O. Swift, superintendent; Buttecup Mining Company, J. S. Childs, superintendent; Carrie Leonard Mining Company, J. O. Swift, superintendent; Quaker City Mining Company, W. P. Jenney, superintendent; War Dance Mining Company, B. M. Mallory, superintendent; Granite-Silver Mining Company, Lytleston Price, superintendent; Western Reserve Mining Company, Samuel Allen, superintendent; Idahoan Mining Company, T. J. Edgington, superintendent; Parker Mining Company, W. H. Watt, superintendent; Durango Group of Mines; Red Elephant, J. S. Childs, superintendent; Arctic and Antarctic, W. H. Atkinson, superintendent.

MINT BUILDING AT PHILADELPHIA, PA.

By unanimous consent, Mr. BINGHAM obtained leave to have printed in the RECORD the following memorial of members of the Assay Commission for 1891:

PHILADELPHIA, February 13, 1891.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists respectfully represent that while serving as members of the annual Assay Commission for 1891, they have visited the various divisions and subdivisions of the mint at Philadelphia, and therein found the following conditions existing:

First. The building is old and now poorly adapted for the purposes for which it was intended; frequent changes having been made from time to time for the purpose of enlarging the capacity of the building, it has become a labyrinth of additions, extensions, hallways, and underground passages.

Second. The floor space is wholly inadequate to the proper accommodation of the number of persons employed. The metal in process of change from bullion to coin must of necessity be transferred from one portion of the building to another, with constant expense and danger of loss. The vault room and all available space within the limits of the mint, where vaults can properly be constructed, is fast becoming exhausted, and it is evident that the silver being purchased can not be stored at the Philadelphia mint for more than a few months longer, unless additional vault space is provided. The operatives in every department of the mint are so crowded together that they can not perform their duties with the efficiency and precision required in mint work. And furthermore the lack of proper ventilation, together with this crowded condition of the rooms, must of necessity be prejudicial to the health of all employed in the building.

Your memorialists therefore represent that the necessity of a mint with ample ground space for continuous operation of each department, and constructed with special reference to the works of precision absolutely demanded, is pressing; and we respectfully and earnestly ask, in the interest of the Government and of the health and well-being of the operatives, that the bill of the House, No. 9557, for the purchase of a site and the erection of a new mint building at Philadelphia, be advanced to its final passage without delay.

Nelson F. Evans, J. W. Bailey, Jr., Frank A. Leach, H. W. Cannon, F. H. Carten, H. G. Torrey, E. S. Lacey, D. M. Houser, C. W. Pavay, E. S. Willcox, B. A. Gould, Irwin Shepard, Cabell Whitehead, C. W. Moore, G. R. Metten, John Howard Appleton.

LEAVE OF ABSENCE.

On motion of Mr. McMILLIN, indefinite leave of absence was granted to Mr. ENLOE, who was called home by the death of his father.

DANIEL B. WASHBURN.

Mr. CANDLER, of Massachusetts. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 671) for the relief of Daniel B. Washburn.

The bill was read, as follows:

Whereas Daniel B. Washburn, of Milford, in the Commonwealth of Massachusetts, received, in his capacity of administrator of the estate of William McFarland, late of said Milford, deceased, from the assistant treasurer of the United States, the sum of \$1,193.94, being the amount, on the 4th day of June, 1885, due to said McFarland from the United States on pension certificate No. 304382; and

Whereas said Washburn, in good faith, paid out of said amount of money the sum of \$1,065.50 in payment of the debts due from the said estate, and expenses of administration of said estate, and for a headstone placed at the grave of said McFarland; and

Whereas said Washburn has since said payment been compelled to refund said sum of \$1,193.94 to said assistant treasurer of the United States; and

Whereas said Washburn was obliged to mortgage his home to raise the money to refund to the United States and has been obliged to pay interest on said mortgage note ever since until the present: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to said Daniel B. Washburn the said sum of \$1,193.94.

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

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

Mr. CANDLER, of Massachusetts, 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.

H. J. CHENEY.

Mr. WASHINGTON. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (S. 557) for the relief of H. J. Cheney, and that it be put on its passage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to H. J. Cheney, of Nashville, Tenn., superintendent of the registry department in the post office at Nashville, Tenn., \$621.68, that being the amount stolen in registered letters from his office in said post office building, without neglect or fault of his, on the 4th day of May, 1887, and by him promptly and fully accounted for to the Government.

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

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

Mr. WASHINGTON 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.

ORDER OF BUSINESS.

Mr. HOLMAN. Mr. Speaker, I call for the regular order. It is now late.

The SPEAKER *pro tempore*. The gentleman from Indiana demands the regular order. [Cries of "Oh, no!"]

Mr. HOLMAN. I move that the House do now adjourn.

The question was taken; and the Speaker *pro tempore* announced that the "noes" seemed to have it.

Mr. HOLMAN. Division.

The House divided; and there were—ayes 7, noes 31.

Mr. HOLMAN. I raise the question of order that there is no quorum present.

The SPEAKER *pro tempore*. It does not require a quorum on this motion.

Mr. HOLMAN. I raise that question anyhow.

The SPEAKER *pro tempore*. It can not be raised on this motion. On this question the ayes are 7 and the noes 31; so the House refuses to adjourn.

Mr. ADAMS. I ask for the present consideration of a bill which does not involve any appropriation.

Mr. HOLMAN. I hope my friend will not do that, because I will raise the question of no quorum.

Mr. ADAMS. It is now on the House Calendar and I do not think anyone will object to it.

Mr. HOLMAN. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the request of the gentleman from Illinois. The Clerk will read the bill, after which the Chair will ask for objection.

The Clerk read as follows:

A bill (H. R. 13326) to authorize the city of Chicago to erect a crib in Lake Michigan for water-works purposes.

Be it enacted, etc., That the consent of Congress is hereby given to the city of Chicago, county of Cook, State of Illinois, to extend a tunnel or inlet pipes into Lake Michigan on or near the line of Sulzer street extended, so far as may be deemed necessary to insure a supply of pure water, and to erect a pier or piers and crib in the navigable waters of said lake for the making, preserving, and working of said aqueducts or pipe or tunnel, the plan and location thereof to be subject to the approval of the Secretary of War: *Provided*, That said city shall furnish and maintain, at its own expense, such beacon lights or other signals on such piers or crib as the Lighthouse Board shall prescribe.

Mr. HOLMAN. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is, Is there objection to the consideration of this bill?

Mr. HOLMAN. I call for the regular order, Mr. Speaker.

The SPEAKER *pro tempore*. Objection is made by the gentleman from Indiana.

Mr. KERR, of Iowa. Then I move a call of the House.

The SPEAKER *pro tempore*. The regular order is the following bill, which the Chair will lay before the House.

The Clerk read as follows:

A bill (H. R. 11736) to regulate the granting of leases at Hot Springs, Ark., and for other purposes.

Mr. BUCHANAN, of New Jersey. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned.

MEMORIALS AND RESOLUTIONS OF STATE LEGISLATURES.

Under clause 3 of Rule XXII, the following memorials and resolutions were presented and referred as follows:

By Mr. HANSBROUGH (by request of Mr. REED, of Maine): Joint

resolution and memorial to the President of the United States, the Secretary of War, and both branches of the National Congress, by the Legislature of the State of North Dakota, asking for the enlargement of Fort Abraham Lincoln and an increase of the number of troops at said post—to the Committee on Military Affairs.

By Mr. PINDAR: Joint resolution of the Legislature of the State of New York, in favor of the bill now pending in Congress to enable the several States to enforce the State laws in relation to the manufacture and sale of oleomargarine—to the Committee on Agriculture.

By Mr. TOWNSEND, of Colorado: Memorial and resolutions of the General Assembly of the State of Colorado, protesting against the passage of the Conger lard bill and in favor of the passage of the Pad-dock pure-food bill—to the Committee on Agriculture.

Also, memorial from the General Assembly of the State of Colorado, that 320 acres of the Fort Crawford military reservation, situate in Montrose County, State of Colorado, including the Government buildings thereon, be granted to the State of Colorado for a house for disabled miners—to the Committee on the Public Lands.

Also, memorial and resolutions of the General Assembly of the State of Colorado, in favor of the bill ratifying the agreement with the Southern Ute Indians and the reservation of a part of the reservation now occupied by them as a national park—to the Committee on Indian Affairs.

Also (by request), memorial of the General Assembly of the State of Colorado, praying for the ratification of the treaty with the Indians—to the Committee on Indian Affairs.

By Mr. GIFFORD: Joint resolution of the Legislative Assembly of South Dakota, for the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, joint resolution of the Legislative Assembly of South Dakota, for an enlargement of Fort Meade, South Dakota—to the Committee on Military Affairs.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred as follows:

A bill (S. 403) granting a pension to Benjamin B. Houghkirk—to the Committee on Invalid Pensions.

A bill (S. 2832) increasing the pension of John Winchell—to the Committee on Pensions.

A bill (S. 3609) for the relief of Emile M. Blum, late commissioner general, and James M. Seymour, jr., late assistant commissioner, to the Barcelona Exposition—to the Committee on Claims.

A bill (S. 4981) for the relief of Sylvester Truesdell—to the Committee on Private Land Claims.

A bill (S. 4992) granting to the State of North Dakota the use of certain lands heretofore set apart as a wood reservation for Fort Totten military reservation, for the use of the militia of North Dakota, and for other purposes—to the Committee on Military Affairs.

A bill (S. 4498) granting a pension to Marion McKibbin—to the Committee on Invalid Pensions.

A bill (S. 4499) granting a pension to Mary Vance—to the Committee on Invalid Pensions.

A bill (S. 4500) granting a pension to Martha Allen—to the Committee on Invalid Pensions.

A bill (S. 4502) granting a pension to Laura A. Burns—to the Committee on Invalid Pensions.

A bill (S. 4574) granting an increase of pension to James McLaughlin—to the Committee on Invalid Pensions.

A bill (S. 4626) granting an increase of pension to George H. Blodgett—to the Committee on Invalid Pensions.

A bill (S. 4682) granting an increase of pension to Mrs. Emily Williams—to the Committee on Invalid Pensions.

A bill (S. 4690) granting a pension to Mary Wilkes—to the Committee on Invalid Pensions.

A bill (S. 4714) granting a pension to Edward L. Sharpe—to the Committee on Invalid Pensions.

A bill (S. 4756) granting an increase of pension to Andrew Franklin, alias McKee—to the Committee on Invalid Pensions.

A bill (S. 4766) to restore the name of Mrs. Laura C. Humber to the pension roll—to the Committee on Pensions.

A bill (S. 4809) granting an increase of pension to John S. Furling—to the Committee on Invalid Pensions.

A bill (S. 4919) granting an increase of pension to Samuel Walker—to the Committee on Invalid Pensions.

A bill (S. 4944) granting a pension to Maria S. Whitney—to the Committee on Invalid Pensions.

A bill (S. 5022) granting a pension to Susan G. Fernald—to the Committee on Invalid Pensions.

A bill (S. 5055) granting a pension to Emily H. Worthen—to the Committee on Invalid Pensions.

A bill (S. 5077) granting a pension to Daniel Ullman—to the Committee on Invalid Pensions.

RESOLUTIONS.

Under clause 3 of Rule XXII, the following resolutions were introduced and referred as follows:

By Mr. BLANCHARD:

Resolved, That a committee, consisting of six members elect to the House of Representatives of the Fifty-second Congress, to be appointed by the Speaker of this House, and one person to be designated by the Secretary of the Interior, shall, prior to the first Monday of December next, inquire into and investigate the condition of the Indian tribes of the United States, with the view of recommending such changes in the Indian policy of this Government and in legislation pertaining thereto as may be necessary to the amelioration of the condition of those people and to promoting their protection by the law and advancement towards citizenship.

That said committee shall have power to appoint subcommittees and visit the places where the Indians live, and in so doing they are authorized to use Government conveyances and means of transportation.

Said committee or any subcommittee thereof shall have power to send for persons and papers and to appoint a clerk, and the committee may report by bill or otherwise to the Fifty-second Congress.

A sum sufficient to pay expenses of said committee and of witnesses that may be summoned before it, not exceeding \$5,000, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, which shall be immediately available on the draft of the chairman of said committee in sums not exceeding \$1,000 at a time;

to the Committee on Rules.

By Mr. SWEET:

Whereas certain national banks in various parts of the United States are now refusing to loan money except upon contracts payable in gold; and that many city banks are refusing to accept credits from country banks except such as are payable in gold; and

Whereas such a course is unpatriotic and tends to discredit the currency of the country, whether based upon gold or silver: Therefore,

Be it resolved, That it is the sense of this House that any national bank attempting to disparage and degrade the currency of the United States by demanding other than lawful money of the nation in payment of debts due said bank should forthwith forfeit its charter;

to the Committee on Rules.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, reports of committees were delivered to the Clerk and disposed of as follows:

Mr. OSBORNE, from the Committee on Military Affairs, reported favorably the bill of the House (H. R. 1323) to clear the military record of George S. Coyle, accompanied by a report (No. 3858)—to the Committee of the Whole House.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported favorably the bill of the House (H. R. 13255) for the relief of loyal citizens therein named, of Loudoun County, Virginia, accompanied by a report (No. 3859)—to the Committee of the Whole House.

Mr. THOMAS, in behalf of the minority of said committee, submitted his views in writing thereon; which were ordered to be printed.

Mr. BURTON, from the Committee on Claims, reported favorably the joint resolution of the Senate (S. R. 147) authorizing the Postmaster General to credit O. M. Laraway, late postmaster at Minneapolis, Minn., with certain losses sustained by him by the theft of postage stamps instead of postal funds; accompanied by a report (No. 3860)—to the Committee of the Whole House.

Mr. GIFFORD, from the Committee on Indian Affairs, reported favorably the bill of the House (H. R. 13616) to prevent the sale of firearms and ammunition to Indians, accompanied by a report (No. 3861)—to the House Calendar.

Mr. BANKHEAD, from the Committee on Public Buildings and Grounds, reported favorably the bill of the Senate (S. 4980) to enlarge the United States courthouse and post-office building at Birmingham, Ala., and to appropriate money therefor, accompanied by a report (No. 3862)—to the Committee of the Whole House on the state of the Union.

Mr. O'NEILL, of Pennsylvania, from the Committee on the Library, reported favorably the joint resolution of the Senate (S. R. 153) to fill a vacancy existing in the Board of Regents of the Smithsonian Institution, accompanied by a report (No. 3863)—to the House Calendar.

Mr. CLUNIE, from the Committee on Public Buildings and Grounds, reported with amendment the bill of the Senate (S. 4770) to increase the appropriation for the purchase of a site for a building for a post office, courthouse, and other offices in San Francisco, Cal., and to commence the construction thereof, accompanied by a report (No. 3864)—to the Committee of the Whole House on the state of the Union.

Mr. HILL, from the Committee on Pensions, reported with amendment the bill of the House (H. R. 13040) granting an increase of pension to John S. Furling, accompanied by a report (No. 3865)—to the Committee of the Whole House.

Mr. HILL also, from the Committee on Pensions, reported favorably the bill of the House (H. R. 4047) granting an increase of pension to Rebecca P. Nields, accompanied by a report (No. 3866)—to the Committee of the Whole House.

Mr. HENDERSON, of North Carolina, from the Committee on Pensions, reported with amendment the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 13480) granting an increase of pension to William C. Howell. (Report No. 3867.)

A bill (H. R. 13223) granting a pension to Susan A. Malone. (Report No. 3868.)

A bill (H. R. 10771) granting a pension to Robert A. Ware. (Report No. 3869.)

Mr. PARRETT, from the Committee on Pensions, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 12666) to pension Alexander Shields. (Report No. 3870.)

A bill (H. R. 13394) granting an increase of pension to Nancy O'Neal. (Report No. 3871.)

A bill (S. 4953) granting an increase of pension to Wiley R. Reeves. (Report No. 3872.)

Mr. RANDALL, from the Committee on Pensions, reported favorably the bill of the House (H. R. 11097) granting a pension to William Hale, accompanied by a report (No. 3873)—to the Committee of the Whole House.

Mr. RANDALL also, from the Committee on Pensions, reported with amendment the bill of the House (H. R. 12700) to pension Samuel O. Fisher, of Lynn, Mass., accompanied by a report (No. 3874)—to the Committee of the Whole House.

Mr. NORTON, from the Committee on Pensions, reported with amendment the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 13270) granting a pension to Peter William Frederick. (Report No. 3875.)

A bill (H. R. 13545) for the relief of Thomas E. Breckenridge, late Company A, California Battalion, Mexican war. (Report No. 3876.)

A bill (H. R. 13629) to restore the name of Mrs. Laura C. Humber to the pension roll. (Report No. 3877.)

Mr. RAY, from the Committee on Claims, reported favorably the bill of the House (H. R. 10631) for the relief of James Garret Sadler, accompanied by a report (No. 3878)—to the Committee of the Whole House.

Mr. BELKNAP, from the Committee on Invalid Pensions, reported with amendment the bill of the House (H. R. 13575) granting a pension to Mary A. Ripley, accompanied by a report (No. 3879)—to the Committee of the Whole House.

Mr. O'NEILL, of Pennsylvania, from the Committee on the Library, reported favorably the bill of the Senate (S. 3397) for the purchase of George B. Matthews's portrait of John Paul Jones, accompanied by a report (No. 3880)—to the Committee of the Whole House on the state of the Union.

Mr. DE LANO, from the Committee on Pensions, reported favorably the following bills; which were severally referred to the Committee of the Whole House:

A bill (H. R. 1290) to pension Mary A. Bailey. (Report No. 3881.)

A bill (H. R. 13443) to pension Nathaniel Moon. (Report No. 3882.)

A bill (H. R. 13318) granting a pension to Agnes C. Junot. (Report No. 3883.)

A bill (S. 4706) granting a pension to Lucy Wood. (Report No. 3884.)

Mr. DE LANO also, from the Committee on Pensions, reported with amendment the following bills of the House; which were severally referred to the Committee of the Whole House:

A bill (H. R. 12564) granting a pension to Mrs. Martha A. Brooks. (Report No. 3885.)

A bill (H. R. 13340) to pension David Sanders. (Report No. 3886.)

A bill (H. R. 13445) granting a pension to Evaline Laverty. (Report No. 3887.)

A bill (H. R. 13005) for the relief of Maurice O'Conner, late of the Mexican war. (Report No. 3888.)

A bill (H. R. 13526) to increase the pension of Leah Allen. (Report No. 3889.)

A bill (H. R. 12798) granting an increase of pension to William Martin. (Report No. 3890.)

A bill (H. R. 12607) granting an increase of pension to John Hain. (Report No. 3891.)

A bill (H. R. 12100) granting a pension to Samuel T. Caston. (Report No. 3892.)

A bill (H. R. 12855) granting an increase of pension to Adam Deitz. (Report No. 3893.)

BILLS AND JOINT RESOLUTIONS.

Under clause 3 of Rule XXII, a bill and joint resolutions of the following titles were introduced, severally read twice, and referred as follows:

By Mr. WHEELER, of Alabama: A bill (H. R. 13671) for the relief of farmers—to the Committee on Ways and Means.

By Mr. STONE, of Pennsylvania: A joint resolution (H. Res. 285) to print eulogies upon Lewis F. Watson—to the Committee on Printing.

By Mr. REYBURN: A joint resolution (H. Res. 286) to purchase Heyl's work upon United States Duties and Imports—to the Committee on Ways and Means.

PRIVATE BILLS, ETC.

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

By Mr. BURTON: A bill (H. R. 13672) granting a pension to Sue R. Stevenson—to the Committee on Invalid Pensions.

By Mr. GEARY: A bill (H. R. 13673) for the relief of H. S. Soule—to the Committee on Military Affairs.

By Mr. GOODNIGHT: A bill (H. R. 13674) for relief of Asa Hayes, of Warren County, Kentucky—to the Committee on War Claims.

Also, a bill (H. R. 13675) for the relief of Samuel W. Thompson—to the Committee on War Claims.

By Mr. MILES: A bill (H. R. 13676) granting a pension to Samuel T. Hart—to the Committee on Invalid Pensions.

By Mr. McMILLIN (by request): A bill (H. R. 13677) for the relief of estate of Andrew B. Conley—to the Committee on War Claims.

Also (by request), a bill (H. R. 13678) for the relief of James Warr estate—to the Committee on War Claims.

By Mr. PICKLER: A bill (H. R. 13679) for the relief of Nicholas Hotaling—to the Committee on Claims.

By Mr. ROBERTSON: A bill (H. R. 13680) for the relief of Florimand Izard—to the Committee on War Claims.

Also, a bill (H. R. 13681) for the relief of Jean Marie Tatin—to the Committee on War Claims.

By Mr. STONE: A bill (H. R. 13682) to correct the military record of Thomas M. Dyson—to the Committee on Military Affairs.

PETITIONS, ETC.

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

By Mr. ANDREW: Petition of William H. Moulton and 93 others, citizens of the State of Maine, favoring the adoption of the resolution reported by the Committee on Foreign Affairs regarding trade relations with Canada—to the Committee on Foreign Affairs.

By Mr. BURTON: Affidavit in support of pension bill of Sue B. Stevenson—to the Committee on Invalid Pensions.

By Mr. CARUTH: Petition of ex-soldiers of Louisville, Ky., in favor of a bill giving preference to ex-soldiers in the employment of clerks in the Departments of the Government—to the Select Committee on Reform in the Civil Service.

By Mr. CRAIG: Memorial of Wideawake Grange, No. 633, Indiana County, Pennsylvania, for financial legislation—to the Committee on Coinage, Weights, and Measures.

By Mr. DINGLEY: Petition (circulated by the Woman's Christian Temperance Union) signed by Ellen Scott and 81 others, citizens of Jefferson, Me.; also, by the same organization, signed by Emma Trowbridge and 27 others, citizens of Waldoboro, Me., praying for the passage of the bill providing for the appointment of a commission on the subject of the social vice—to the Committee on Education.

By Mr. DOLLIVER: Petition of August Post, favoring the passage of the Butterworth option bill—to the Committee on Agriculture.

By Mr. ENLOE: Petition of estate of Andrew B. Conley, late of Fayette County, Tennessee; also, of Benjamin R. Ellis, of Shelby County, Tennessee; also, of William H. Ferrell, of Hardeman County, Tennessee; also, of Obediah Fletcher, of Fayette County, Tennessee; also, of Robert L. Forbes, of Hardeman County, Tennessee; also, of T. C. Barnham, of Hardin County, Tennessee; also, of P. H. McBride, of Hardin County, Tennessee; also, of Mathew Neville, of Shelby County, Tennessee; also, of John B. Stafford, administrator of John Stafford, of Fayette County, Tennessee, for reference of their respective claims to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. GOODNIGHT: Petition for the relief of James H. Zackery, of Spring Lick, Ky.—to the Committee on Invalid Pensions.

By Mr. GREENHALGE: Resolution of the Board of Trade of Lowell, Mass., in regard to reciprocal trade relations with Canada—to the Committee on Foreign Affairs.

By Mr. HITT: Petition of 450 merchants, manufacturers, bankers, and business men of New York and New Jersey for the adoption of a resolution favoring unrestricted reciprocity with Canada—to the Committee on Foreign Affairs.

By Mr. LESTER, of Georgia (by request): Petition of Malvern Farmers' Alliance, 25 members, No. 2173, of Emanuel County; also, of E. D. Nash, R. W. Sellers, and 19 others, citizens of Appling County; also, another petition, 21 others, citizens of the same county; also, of Elias M. Pofford, J. M. Corbett, and 25 others, citizens of Clinch County; also, of W. G. Corbitt, Isham Roberts, and 13 others, citizens of Hog Creek, Georgia, asking Congress for an appropriation of money for a complete system of levees from Cairo to the Gulf, to prevent disastrous floods and to improve navigation—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. LEWIS: Petition of estate of Dennis Springman, of Kemper County, Mississippi, for reference of claim to Court of Claims under provisions of the Bowman act—to the Committee on War Claims.

By Mr. MCADOO: Petition of citizens of New Jersey and New York, favoring reciprocity with Canada, and urging passage of resolution reported from Committee on Foreign Affairs—to the Committee on Rules.

By Mr. MORSE: Petition of citizens of New York and New Jersey, favoring commercial union with Canada—to the Committee on Foreign Affairs.

By Mr. O'NEILL, of Pennsylvania: Resolution of the Anti-Cobden Club of Philadelphia, protesting against the passage of the bill for the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. OWENS, of Ohio: Petition of citizens of Coshocton County, Ohio, asking passage of the Conger lard bill—to the Committee on Agriculture.

By Mr. PARRETT: Petition of Marcellus Johnson, of Newburgh, Ind., and affidavit and other papers to accompany House bill 13650, granting him a pension—to the Committee on Invalid Pensions.

By Mr. PIERCE: Petition of John Threlkeld, of Obion County; also, of Isom Polk, of the same county; also, of William Wallace, of the same county; also, of John Micham, of the same county; also of Hugh Taylor, of the same county, Tennessee, for reference of their respective claims to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. RICHARDSON: Petition of William H. Kellough, administrator of the estate of Eleazar Woods, late of Giles County, Tennessee, for reference of claim to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. SHIVELY: Memorial of J. W. Smith and 192 others, enlisted men of the United States Signal Corps, in favor of House bill to compensate certain enlisted men of the Signal Corps, United States Army, for discharge from the military service, and consequent loss of the benefits of long service provided by law—to the Committee on Military Affairs.

By Mr. STAHLNECKER: Petition of the Farmers' Alliance and Industrial Union of Illinois; also, petition of National Farmers' Alliance and Industrial Union, adopted at a convention held in Ocala, Fla., in reference to the pure-food bill—to the Committee on Agriculture.

Also, petition of District Assembly, No. 66, Knights of Labor, favoring free text books for pupils of the public schools in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Board of Trade and Transportation of New York City, favoring the establishment of a naval militia—to the Committee on Naval Affairs.

Also, petition of the residents of Massachusetts; also, of Maine; also, of New England, favoring the appointment of a commission to consider the best method of extending trade relations between Canada and the United States—to the Committee on Foreign Affairs.

By Mr. STONE, of Pennsylvania: Resolution of Council No. 532, Junior Order United American Mechanics, in favor of bill to restrict immigration—to the Select Committee on Immigration and Naturalization.

Also, memorial of Grange No. 407, of Warren County, in favor of certain financial legislation—to the Committee on Coinage, Weights, and Measures.

By Mr. SWEET: Petition and resolution of 62 citizens of Idaho, in favor of the passage of the option bill—to the Committee on Agriculture.

By Mr. TOWNSEND, of Colorado: Petition of John F. Spalding, bishop of Colorado, in favor of reform in the Indian service—to the Committee on Indian Affairs.

By Mr. WHEELER, of Alabama: Petition of Robert Ivey, administrator of the estate of William Ivey, Russell County; also, of Spencer Townsend, of Madison County, Alabama, for property taken during the late war—to the Committee on War Claims.

By Mr. WILSON, of Missouri: Petition of 112 citizens of Atchison County, Missouri, in favor of the foreclosure of the mortgages due the Government from the Union Pacific Railroad Company and other railroads—to the Committee on the Pacific Railroads.

By Mr. WRIGHT: Memorial of Grange No. 873, Patrons of Husbandry, Susquehanna County; also, of Grange No. 927, of same organization, in the same county; also, of Grange No. 417, of the same organization, in the same county; also, of Grange No. 58, of the same organization, Bradford County, Pennsylvania, for an increase of currency; also, of Grange No. 165, same organization, Wyoming County, in the same State, for the same purpose—to the Committee on Coinage, Weights, and Measures.

By Mr. YARDLEY: Petition of Farmers' Grange No. 566, Butler County; also, of Farmers' Grange No. 25, Montgomery County; also, of Farmers' Grange No. 509, Butler County; also, of Farmers' Grange No. 688, Butler County, Pennsylvania, for the restoration of silver as a money metal—to the Committee on Coinage, Weights, and Measures.

Also, petition of Uhlertown Council, American Defiance Association, Butler County, Pennsylvania; also, petition of Benevolent Council, American Defiance Association, Lower Providence, Montgomery County; also, of Ardmore Council, American Defiance Association, Ardmore, Montgomery County; also, petition of Conshohocken Council, American Defiance Association, Conshohocken, Montgomery County; also, petition of Fidelity Council, American Defiance Association, Bristol, Butler County; also, petition of Jenkintown Council, American Defiance Association, of Jenkintown, Montgomery County, Pennsylvania, for restricted immigration—to the Select Committee on Immigration and Naturalization.