Also, thirty petitions from Pennsylvania, for the same purpose—to the Committee on Agriculture.

By Mr. HAUGEN: Petition of James Murphrey and others, of St. Croix County, Wis., in favor of free bimetallic coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. HITT: Petition of National Woman's Christian Temperance Union, asking that no exposition for which appropriations are made by Congress shall be opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HOAR: Petition to accompany House bill 4808, for relief of James H. Willey—to the Committee on Invalid Pensions.

By Mr. HOOKER of Mississippi: Papers to accompany House bill 4709, for relief of D.K. Eggleston—to the Committee on Claims.

By Mr. HOPKINS of Pennsylvania: Eleven petitions of citizens of the State of Pennsylvania, praying for the enactment of a law by Congress subjecting olemargarine to the provisions of the laws of the several States—to the Committee on Agriculture.

By Mr. HULL: Petition of John McCudden and 11 others, of Warren County, Iowa, for the passage of the Conger lard bill—to the Committee on Agriculture.

By Mr. JOHNSON of North Dakota: Petitions of the National Woman's Christian Temperance Union, asking that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. KENDALL: Petition of Mrs. Mary Stoner, of Montgomery County, Ky., to accompany House bill 4814—to the Committee on Claims.

By Mr. McCLELLAN: Petition of Samuel Bacon and 26 others, of Jefferson Township, Allen County, Ind., that free delivery of all mail matter be extended to every post-office in the settled portion of the country, with free collection of letters—to the Committee on the Post-Office and Post-Roads.

By Mr. MANSUR: Petition to accompany House bill 4725, asking for pension by special act for Mrs. Benjamin F. Meyer—to the Committee on Invalid Pensions.

By Mr. MARTIN: Affidavit of claimant to accompany House bill 3793, for relief of Philip H. Carr—to the Committee on Invalid Pensions.

By Mr. MEREDITH: Petition of Jesse Owings, for himself and the estate of Ann E. Harper, late of Alexandria County, Va., praying that their war claim may be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

Mr. O'NEILL of Pennsylvania: Protest of the Pennsylvania Synod of the Presbyterian Church against opening the World's Columbian Exposition on the Sabbath—to the Select Committee on the Columbian Exposition.

By Mr. PATTON: Papers and documents to accompany House bill 4734, for the relief of Samuel Horner, late a private of Company E, Ninth Indiana Volunteers—to the Committee on Military Affairs.

By Mr. PARRETT: Petition of Humphrey Bullock, president, and C. Herin, secretary, of Assembly No. 31, Farmers' Mutual Benefit Association, of Warrick County, Ind., in favor of the passage of House bill 5353 of the Fifty-first Congress, known as the bill defining options and futures—to the Committee on Agriculture.

Also, petition in favor of a revenue tax on compound lard as provided in the bill known as the Conger lard bill—to the Committee on Agriculture.

Also, petition of sundry churches of Princeton, Ind., comprising 975 members, against opening the World's Columbian Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. PEEL: Petition of John F. Jackson to accompany House bill 4740, for a pension—to the Committee on Invalid Pensions.

By Mr. POWERS: Petition of President Brainard, Middlebury College, Vermont, and others, praying that the metric system of weights and measures be exclusively used in the customs service of the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. REED: Papers to accompany House bill 4569 giving list of vessels wrecked at Cape Porpoise, Maine, from 1868 to 1888—to the Committee on Interstate and Foreign Commerce.

Also, papers in the claim of Geo. A. Emery, of Portland, Me., to accompany House bill 4824—to the Committee on Military Affairs.

By Mr. REILLY: Petition of E. D. Chaffer, of Orwell, Pa., and of 62 other citizens, praying for the enactment of a law by Congress subjecting oleomargarine to the provisions of the laws of the several States—to the Committee on Agriculture.

By Mr. REYBURN: Eleven petitions of citizens of Pennsylvania, praying for the enactment of a law by Congress subjecting oleomargarine to the provisions of the laws of the several States—to the Committee on Agriculture.

By Mr. STEVENS: Paper in the matter of the military record of Henry H. Baily, former member of Company H, First Massachusetts Heavy Artillery—to the Committee on Military Affairs.

By Mr. SHONK: Four petitions of citizens of the State of Pennsylvania, praying for the enactment of a law by Congress subjecting oleomargarine to the provisions of the laws of the several States—to the Committee on Agriculture.

By Mr. STEWART of Pennsylvania: Fourteen petitions of citizens of the State of Pennsylvania, praying for the enactment of a law by Congress subjecting oleomargarine to the provisions of the laws of the several States—to the Committee on Agriculture.

By Mr. SPERRY: Papers in the matter of application for pension for Jane E. Anderson, of Windsor Locks, Conn., daughter of William C. Anderson—to the Committee on Pensions.

By Mr. WILLIAMS of Illinois: Claim of Elias Cleveland, Company K, Eighty-seventh Illinois Infantry, for special act of Congress—to the Committee on Invalid Pensions.

Also, petition and affidavit of S. S. Brills, Ridgway, Gallatin County, Ill.—to the Committee on Invalid Pensions.

Also, claim of Patrick Smith, with affidavit and account—to the Committee on War Claims.

Also, paper to accompany House bill 4770—to the Committee on Pensions.

By Mr. WARWICK: Petition of citizens of Canton, Ohio, that the pay of letter-carriers may be equalized—to the Committee on Post-Offices and Post-Roads.

SENATE.

THURSDAY, *January 28, 1892.*

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

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

HOUSE BILLS REFERRED.

The bill (H. R. 217) to amend an act entitled "An act for the construction of a railroad and wagon bridge across the Mississippi River at South St. Paul, Minn.," approved April 26, 1890, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 2785) to amend an act entitled "An act to amend the general incorporation law of the District of Columbia," approved May 17, 1882, was read twice by its title, and referred to the Committee on the District of Columbia.

BRIGHTWOOD RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 18th instant, certain information in regard to the Brightwood Railway Company; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

PETITION AND MEMORIALS.

The VICE-PRESIDENT presented a resolution of the Chamber of Commerce of the State of New York, reaffirming its opinion favoring the transfer of the Revenue Marine Service to the Navy Department; which was referred to the Committee on Naval Affairs.

He also presented a memorial of the New Orleans (La.) Cotton Exchange, remonstrating against the passage of the Washburn bill defining options and futures and imposing special taxes on dealers therein; which was referred to the Committee on the Judiciary.

He also presented a petition signed by Samuel W. Smallwood, president of the Cotton and Grain Exchange of New Berne, N. C., and sundry merchants, shipowners, and others, praying for the passage of the bill to transfer the Revenue Cutter Service from the Treasury to the Navy Department; which was referred to the Committee on Naval Affairs.

Mr. PASCO presented a petition of the Chamber of Commerce of Pensacola, Fla., praying for the transfer of the Revenue Marine Service from the Treasury to the Navy Department; which was referred to the Committee on Naval Affairs.

He also presented a petition of Wright Carlton and 20 other citizens of Nocatee, De Soto County, Fla.; the petition of D. T. Carlton and other citizens of Arcadia, De Soto County, Fla.; the petition of M. F. Mizell and 6 other citizens of Pine Level, De Soto County, Fla.; the petition of I. A. Silcox and 25 other citizens of De Soto County, Fla., and the petition of W. A. Semmes and 11 other citizens of Lee County, Fla., praying that the town of Trabue (Punta Gorda), Fla., be made a port of entry; which were referred to the Committee on Commerce.

Mr. SHERMAN presented a petition of 72 citizens, 2 churches, and 1 society, and a petition containing 163 individual signatures and 900 represented indorsements of citizens of Ohio, praying that no exposition or exhibition for which an appropriation is made by Congress be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of citizens of College Township, Knox County, Ohio, remonstrating against the passage of the bill for the removal of Ute Indians from their present reservation in Colorado; which was referred to the Committee on Indian Affairs.

Mr. MCMILLAN presented a petition of the National Woman's Christian Temperance Union of Adrian, Mich., signed by 420 members, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. HARRIS presented a petition of Subordinate Grange No. 121, Patrons of Husbandry, of Hayward County, Tenn., praying for the passage of a bill defining options and futures and imposing special taxes on dealers therein; which was referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of John McCarty, late of Company A and Company B, One hundred and seventy-ninth Ohio Volunteer Infantry, praying that he be granted a pension; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Randolph County, Ill., praying for the passage of the Conger lard bill; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of citizens of Randolph County, Ill., praying for the passage of the Butterworth antioption bill; which was referred to the Committee on the Judiciary.

Mr. PADDOCK presented a memorial of the New Orleans (La.) Cotton Exchange, remonstrating against the passage of the bill known as the Washburn bill, defining options and futures; which was referred to the Committee on the Judiciary.

Mr. KYLE presented a petition of the National Woman's Christian Temperance Union, signed by Mrs. J. C. Bateham, superintendent, Mrs. M. E. Catlin, and 26 others, of Redfield, S. Dak., praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. PETTIGREW presented the petition of R. A. Rounseville and 17 other citizens of Kingsbury County, S. Dak., and the petition of Henry H. Bronelle and 31 other citizens of Spencer, McCook County, S. Dak., praying for legislation against dealing in options; which were referred to the Committee on the Judiciary.

He also presented a petition of R. A. Rounseville and other citizens of Kingsbury County, S. Dak., praying for the passage of the Conger lard bill; which was referred to the Committee on Agriculture and Forestry.

Mr. CHILTON presented the petition of Goshen Grange, No. 800, Patrons of Husbandry, of Henderson County, Tex., praying for the passage of a declaratory act concerning the forfeiture of certain lands of the Northern Pacific Railroad Company, on the company's general route from Wallula, Wash., to Portland, Oregon; which was referred to the Committee on Public Lands.

Mr. HAWLEY presented the petition of the Centennial Board of Finance of the United States Centennial Commission, together with the draft of a bill to provide for its remaining funds and to end its corporate existence; which was referred to the Committee on the Judiciary.

Mr. PEFFER presented a petition of the National Woman's Christian Temperance Union, signed by Mrs. J. C. Bateham, superintendent, and 24 others, of Pomona, Kans., praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. TURPIE presented a petition of citizens of Boone County, Ind., praying for the passage of a bill prohibiting the dealing in options and futures; which was referred to the Committee on the Judiciary.

Mr. ALLISON presented the petition of John Christopher and other citizens of Story County, Iowa, praying for the passage of what is known as the option bill; which was referred to the Committee on the Judiciary.

He also presented a petition of members of the National Woman's Christian Temperance Snion of Iowa, praying that no exposition or exhibition for which appropriations are made by Congress shall be opened on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of George Brown and other citizens of Howard County, Iowa, praying for the passage of what is commonly known as the Conger lard bill; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of 30 members of the Baptist Young People's Society of Christian Endeavor of Boone, Iowa, praying that the World's Columbian Fair be closed on Sunday; also, that the sale of liquors therein be prohibited, and that the art department be managed according to the American standard of purity in art; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of C. Flora and other citizens of Guthrie County, Iowa, and the petition of A. Van Pelt and other citizens of Iowa, praying for the passage of what is commonly known as the option bill; which were referred to the Committee on the Judiciary.

Mr. CAMERON presented a petition of the Young People's Christian Endeavor Society of Orwell, Pa., praying that the World's Columbian Fair be closed on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of the Young People's Christian Endeavor Society of Smithfield, Pa.; a memorial of the Young People's Christian Endeavor Society of Troy, Pa.; and a memorial of the Young People's Christian Endeavor Society of Ulster, Pa., remonstrating against the exportation of liquor to Africa; which were ordered to lie on the table.

Mr. PERKINS presented additional papers to accompany the bill (S. 1114) granting a pension to Clark Barton; which were referred to the Committee on Pensions.

Mr. WASHBURN presented a petition of the Farmers' Alliance of Polk County, Minn., and a petition of the Farmers' Alliance of Bear Park, Minn., praying for the passage of what is commonly known as the option bill; which were referred to the Committee on the Judiciary.

Mr. MCPHERSON presented a petition of Daniel Z. Morrison and 69 other members of the Belleville (N. J.) Congregational Church, remonstrating against the opening of the Columbian Exposition on the Sabbath; which was referred to the Committee on the Quadro-Centennial (Select).

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 26th instant, approved and signed the joint resolution (S. R. 18) to fill vacancies in the Board of Regents of the Smithsonian Institution.

RELATIONS WITH CHILE.

Mr. O. L. PRUDEN, one of the secretaries of the President of the United States, communicated to the Senate sundry messages in writing.

The VICE-PRESIDENT. The Chair lays before the Senate a message from the President of the United States, which will be read.

The Chief Clerk read the message.

Mr. SHERMAN. I move that the message, with the accompanying papers, be referred to the Committee on Foreign Relations, and be printed. I desire to say that I suppose every member of the Senate heartily joins in congratulation over a hopeful honorable settlement to both parties of an unpleasant difference that has arisen between two sister Republics.

Mr. CHANDLER. I ask the unanimous consent of the Senate that the communication from Mr. Egan to the Secretary of State be read. It is not long.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the communication from the minister of the United States at Chile will be read.

The Chief Clerk read Mr. Egan's dispatch, which appears in the House proceedings.

The VICE-PRESIDENT. The message, with the accompanying papers, will be printed and referred to the Committee on Foreign Relations, if there be no objection. The Chair hears none.

REPORTS OF COMMITTEES.

Mr. CULLOM, from the Committee on Commerce, to whom was referred the bill (S. 1681) making an appropriation for the construction of two United States revenue cutters for service on the Great Lakes, reported it without amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 692) authorizing the Secretary of War to procure and present suitable medals to the survivors of the "forlorn-hope storming party" of Port Hudson, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 422) granting an honorable discharge to Harlow Brewer, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. COKE, from the Committee on Commerce, to whom was referred the bill (S. 1295) to authorize the construction of jetties, piers, and breakwaters at private expense in the Gulf of Mexico, at the mouth of Rope's Pass in the State of Texas, reported it with an amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 552) to amend the act approved March 1, 1887, relating to the Hospital Corps of the Army, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY. The bill (S. 1417) to amend the military record of Joseph H. Moore shows in the text thereof that he was in the naval force. The Committee on Military Affairs ask to be excused from the further consideration of the bill and that it be referred to the Committee on Naval Affairs.

The report was agreed to.

Mr. WHITE, from the Committee on Claims, to whom was referred the bill (S. 43) for the relief of the personal representatives of Adelia Cheatham, deceased, reported it without amendment, and submitted a report thereon.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the bill (S. 256) for the relief of Augustus Boyd, reported it with amendments, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 1668) to authorize and regulate the construction of a bridge across the Kootenai River, at the town of Fry, county of Kootenai, State of Idaho, reported it with amendments.

Mr. BLODGETT, from the Committee on Pensions, to whom was referred the bill (S. 1220) granting a pension to Eliza K. Starr, reported it with amendments, and submitted a report thereon.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 113) to establish a military post near Little Rock, Ark., reported it with an amendment, and submitted a report thereon.

Mr. PALMER, from the Committee on Military Affairs, to whom were referred the following bills, reported adversely thereon, and the bills were postponed indefinitely:

A bill (S. 1002) for relief of William C. Gilpatrick;

A bill (S. 1510) for relief of Jacob Barr;

A bill (S. 1065) for the relief of James R. Mullikin, late captain Company K, Thirty-fifth Regiment Indiana Volunteers; and

A bill (S. 1145) for the relief of John W. Sturtevant.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 1608) to make Punta Gorda, Fla., a port of entry, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 1956) to amend an act entitled "An act establishing a customs collection district in Florida, to be known as the collection district of Tampa, and for other purposes," approved March 1, 1889, and to make Punta Gorda a subport of entry; which was read twice by its title.

BILLS INTRODUCED.

Mr. VEST introduced a bill (S. 1934) to amend an act entitled "An act to establish a court of private land claims, and to provide for the settlement of private land claims in certain States and Territorries," approved March 3, 1891; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. CULLOM introduced a bill (S. 1935) to establish a railway bridge across the Illinois River, between a point at or near the city of Havana in Mason County, and a point on the opposite side of said river in Fulton County, in the State of Illinois; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 1936) to recognize Elias J. Beymer as an enrolling officer and for relief of his widow and minor children; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1937) for the relief of James L. Williams; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1938) authorizing the restoration of the name of Wilbur F. Melbourne, late first lieutenant Fifteenth United States Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. VANCE introduced a bill (S. 1939) for the relief of Joseph C. Hogan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PUGH introduced a bill (S. 1940) for the relief of R. B. Woodson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. TURPIE (by request) introduced a bill (S. 1941) for the relief of Nimrod D. Kineaster; which was read twice by its title, and referred to the Committee on Claims.

Mr. McMILLAN introduced a bill (S. 1942) for the relief of the heirs of William A. Burt, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. POWER introduced a bill (S. 1943) for the relief of William Flannery; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1944) for the construction and completion of suitable school buildings for Indian industrial school in Montana; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 1945) granting to the State of Montana 5 per centum of the net proceeds of the sales of public lands in that State; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 1946) to amend the act of October 2, 1888, concerning the selection of reservoir sites, etc.; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 1947) for the relief of John G. Evans; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. PERKINS introduced a bill (S. 1948) to authorize the Southern Kansas Railway Company to construct and maintain a pipe line from the North Fork of the Canadian River, Indian Territory, to said railroad; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. SAWYER introduced a bill (S. 1949) to amend section 3117 of the Revised Statutes of the United States in relation to the coasting trade on the Great Lakes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. MANDERSON introduced a bill (S. 1950) donating 20 acres of land from the Fort Sidney military reservation, on the northeast corner thereof, to the city of Sidney, Nebr., for cemetery purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 1951) to relieve John Friedlin from the charge of desertion; which was read twice by its title, and, with the accompanying papers, and referred to the Committe on Military Affairs.

Mr. PASCO introduced a bill (S. 1952) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, A. D. 1880, by extending the privileges of the first and seventh sections thereof to the port of St. Augustine, Fla.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. COCKRELL (by request) introduced a bill (S. 1953) for the relief of Capt. Ceran St. Vrain's company of New Mexico Mounted Volunteers; which was read twice by its title, and referred to the Committee on Military affairs.

Mr. HAWLEY introduced a bill (S. 1954) for the relief of Lewis D. Allen; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL introduced a bill (S. 1955) granting an increase of pension to Robert Steward; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WOLCOTT introduced a bill (S. 1957) for the relief of Meyer B. Haas; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. TELLER introduced a bill (S. 1958) to submit to the Court of Claims the title of William McGarrahan to the Rancho "Panoche Grande," in the State of California, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. TURPIE, it was

Ordered, That the petition and accompanying papers of Mrs. Ellen A. King, of La Fayette, Ind., now on the files of the Senate of the last Congress, in relation to the correction of the military record of her late husband, Alexander King, be taken from the files and referred to the Committee on Military Affairs for consideration.

PRINTING OF SENATE BILLS, ETC.

Mr. PEFFER. I submit the following resolution, and ask for its immediate consideration:

Resolved by the Senate, That there be printed, in document form, one hundred copies each of the following: Senate bills Nos. 357, 358, 359, 1268, and 1269; also miscellaneous document No. 18 and Senate joint resolution No. 32, to be placed in the document room.

Mr. MANDERSON. The resolution should be referred to the Committee on Printing. It is necessary that it should be referred under the law.

Mr. PEFFER. Let the resolution be referred.

The VICE-PRESIDENT. The resolution will be referred to the Committee on Printing.

SUBPŒNAS FOR SENATE COMMITTEES.

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

Resolved, That the Committee on Privileges and Elections be directed to prepare a proper form of subpœna for requiring the attendance of witnesses to be used by the Senate and the committees thereof, and to report the same for the information of the Senate.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 28) to amend an act entitled "An act granting the right of way to the Hutchison and Southern Railroad Company through the Indian Territory;" and

A bill (H. R. 517) providing for the completion of the allotment of lands to the Cheyenne and Arapahoe Indians.

LEAVE OF ABSENCE.

Mr. CARLISLE. Mr. President, I ask leave of absence from the sittings of the Senate for one week.

The VICE-PRESIDENT. Leave of absence will be granted to the Senator from Kentucky, if there be no objection. The Chair hears none.

RECIPROCAL TRADE AGREEMENTS.

Mr. HALE. I desire to call up the resolution submitted by me a few days ago for the purpose of making some remarks. I ask the Secretary to read the resolution.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution submitted by Mr. HALE on the 18th instant, as follows:

Resolved, That the Secretary of State be, and is hereby, directed to send to the Senate, as early as is practicable, copies of all agreements made with other countries relating to an interchange of trade and commerce under the provisions of section 3 of an act entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," approved October 1, 1890; and also to furnish the Senate with all information received as to the practical effect of such agreements.

Mr. HALE. Mr. President, in the present happy subsidence of the war note, I hope Senators will feel that it is fitting to turn our attention to some of the victories of peace.

The answer to the resolution offered by me in the Senate a few days since, and which has just been read, will furnish the information called for more in detail than can be known at present; but I have already possessed myself of information and facts sufficient, I believe, to justify me in setting forth something of the history of the reciprocity movement, the helping hand it has received, and the delays and hinderances which have been put in its pathway in certain quarters, and the tangible results up to the present time.

Touching this last, it must be borne in mind that the oldest treaty or agreement for reciprocity, under section 3 of the McKinley act, has been in force but nine months, and that the treaties or agreements following have some of them but just passed into actual operation.

The desire for extended trade, through the agency of reciprocity treaties, between the United States and her sister nations and dependencies of the American hemisphere, has moved in the minds of practical statesmen for many years. Different Administrations had made essays in this direction. Gen. Garfield, President Arthur, and others had looked with impatience upon the spectacle of a rapidly increasing trade and commerce among the nations of Central and South America, in which we had little part; but no way had been devised through which our trade with them could be augmented till near the closing days of the first session of the Fifty-first Congress.

On the 2d of September, 1890, I called up the original reciprocity amendment to the tariff bill, which was then under discussion, which I had introduced on the 19th of June previous, and which had been referred to the Committee on Finance. The amendment had been prepared at the State Department, and reads as follows:

And the President of the United States is hereby authorized, without further legislation, to declare the ports of the United States free and open to all products of any nation of the American hemisphere upon which no export duties are imposed, whenever and so long as such nation shall admit to its ports, free of all national, provincial (State), municipal, and other taxes, flour, corn meal, and other breadstuffs, preserved meats, fish, vegetables and fruits, cotton-seed oil, rice, and other provisions, including all articles of food, lumber, furniture, and all other articles of wood, agricultural implements and machinery, mining and mechanical machinery, structural steel and iron, steel rails, locomotives, railway cars and supplies, street cars, refined petroleum, or such other products of the United States as may be agreed upon.

It undoubtedly covered the plan which the State Department had in view to attain practical reciprocity.

The amendment gave rise to extended discussion, was carefully considered in the Committee on Finance, which later in the session reported the reciprocity feature in what is known as the Aldrich amendment, which on the 9th day of September was adopted by the Senate and made a part of the tariff act, being the third section of that act.

The vote of the Senate showed that already one of the great national parties was found in substantial unanimity in favor of the scheme, while the other was arrayed in solid phalanx against it. That it may be seen how marked this line of difference was drawn I give the list of yeas and nays in the Senate upon the adoption of the amendment:

YEAS—38.

Aldrich,	Dolph,	Mitchell,	Sherman,
Allen,	Frye,	Moody,	Spooner,
Allison,	Hale,	Paddock,	Squire,
Cameron,	Hawley.	Pierce,	Stewart,
Casey,	Hiscock,	Platt,	Stockbridge,
Chandler,	Hoar,	Plumb,	Teller,
Cullom,	Ingalls,	Power,	Washburn,
Davis,	Jones, Nev.	Quay,	Wilson, Iowa.
Dawes,	McMillan,	Sanders,	
Dixon,	Manderson,	Sawyer,	

NAYS—29.

Bate,	Colquitt,	Harris,	Vance,
Berry,	Daniel,	Jones, Ark.	Vest,
Blackburn,	Edmunds,	Morgan,	Voorhees,
Blodgett,	Evarts,	Pasco,	Walthall,
Butler,	Faulkner,	Pugh,	Wilson, Md.
Carlisle,	Gibson,	Ransom,	
Cockrell,	Gorman,	Reagan,	
Coke,	Gray,	Turpie,	

It is an illustration of what the world has seen for thirty years, that, even upon plain business propositions touching the common good of all the country, and the every-day life and prosperity of the people, upon which, if anywhere, there should be no party division, the Democratic party selects the darkness rather than the light for its standing ground.

As some attempt has been made to show that the original reciprocity amendment received rude treatment at the hands of the Senate and that its original authors were not considered in the legislation of Congress, I may state here that, after the changed condition resulting from the repeal of nearly all of the sugar duty, the Aldrich amendment was heartily accepted by the friends of the original amendment in the Senate, by the Secretary of State, and by the President.

The basis of the original amendment was the retention of the sugar duty till reciprocal treaties could be negotiated. When that basis was changed and the repeal became a fixed fact it is difficult to see what other plan than the Aldrich amendment could be devised. For one I voted most heartily for its incorporation into the McKinley bill and never had a doubt as to its beneficent operation.

The people of the United States, Mr. President, broad and large, gave a generous welcome to the reciprocity scheme from the moment that it appeared in Congress, and no measure of the present Administration has received more hearty public support than this. In fact, repeated expressions of public favor were needed before the project found favor in certain quarters. Influences ephemerally potential in the Republican party were arrayed against it, but all this disappeared when expressions in its favor came pouring in during the summer and early fall of 1890 from boards of trade and commerce, from district and State conventions, and indeed from all the places where the people gathered together to discuss and commend the reciprocity plan.

Attempts were made in certain quarters to show that the reciprocity plan was opposed to and interfered with the great doctrine of protection to American labor to which the Republican party is fully committed; but all this disappeared when it was seen by the people that what was comprehended in the scheme was an increased trade with countries that produce articles which we can not produce, which articles we can purchase with the products of our farms and mines and manufactories, which our southern sister nations need and which they can not produce. Reciprocity of this kind is in fact an aid to protection and broadens the field of the American laborer by opening new markets for his products to be paid for in articles which can never compete with his labor. The people all understand this, and they made their voice heard and their wishes known here and in the Chamber at the other end of the Capitol, and, except in the Democratic party, open opposition was drowned and no further hostile note was heard.

I do not hesitate, Mr. President, in stating here and now, as the result of my observation, that I firmly believe that section 3 of the McKinley bill, which contains the reciprocity feature, is the part of the measure which has floated the whole act, and which kept it from being swamped by the storm which, without reason, broke upon it from the day of its passage. The great merits of other parts of the McKinley bill might have sunk under a sea of obloquy and would never have been seen and appreciated if the reciprocity clause had not kept the whole structure from going down.

I come now to take up the situation which the Administration

and the State Department found themselves confronted with after the passage of the bill.

The power given to the President by section 3 of the tariff act to reimpose duties upon certain articles, the products of other countries, whenever he shall believe that duties and exactions upon the products of the United States in these countries are reciprocally unreasonable, was the leverage under which treaties or agreements were to be negotiated. Without this power no inducements could be urged with the representatives of the Central and South American nations as a reason for lowering their tariff upon our products and giving up a valuable portion of their revenues.

In the first attempts at negotiation the President and the Secretary of State found themselves hampered and hindered by the position of the opposition press throughout the country. It was alleged by these newspapers that this power would never be carried into effect; that no President would venture to reimpose duties on coffee, sugar, and other articles after they had once been admitted free. The Democratic newspapers claimed that no foreign nation would negotiate a treaty or give the subject attention because the measure was a partisan one and part of an offensive tariff act, which, on the first change of parties, would be repealed. It was also contended that the measure was unconstitutional in conferring legislative power upon the President for the imposition of taxes in his own discretion.

Evidences appeared showing clearly that the leaders of the Democratic party had become alarmed at the growing popularity with the people of the reciprocity plan, born of distinguished Republican parentage, and adopted, at last, by the Republican party in general, and were determined to belittle it and deride it and to drive it from its lodgment in the good will of the people. Democratic newspapers denounced it everywhere as an impracticable sham, and wherever Democratic authority was heard from it carried with it a sneer against the measure.

The Senator from New York, who has lately entered this Chamber as a member of this body, and who has brought to his party as his credential of leadership upon the other side the trophy of a great State, chained and gagged and despoiled of her political rights, paused for a moment in his work of spoliation to declare in the Democratic State convention of New York, which assembled in Saratoga on the 16th of September last to do his will and to register his decree, that the Democratic party of the State of New York in convention assembled renews the pledges of its fidelity to Democratic faith, and to denounce in terms (I give the words of the platform) "the Blaine reciprocity humbug."

These vicious attacks upon the measure at the hands of Democratic newspapers and leaders had their inevitable result; they weakened the effect of the measure abroad, made hard the task of our negotiators; they strengthened the hands of foreign governments; they were mischievous, unpatriotic, and were meant to be deadly in their effect, both at home and abroad.

Importers who brought the products affected by the measure into our markets were influenced by these attacks, and communicated their doubts and fears to their correspondents abroad. Articles from Democratic newspapers were translated and reproduced in the sugar and coffee producing countries; all carrying the impression that the reciprocity provision in the tariff act was an idle menace which would never be enforced, and, without danger to the foreign producer that it would be enforced, we had nothing to trade on.

We had repealed, at different times, the duties upon great foreign products, which, at the time of their repeal, might have been used to induce foreign governments to reduce their duties on our products. We had given up coffee, tea, and hides, and, last and greatest of all, had given up sugar; and never before in giving up any of these had we sought to acquire any advantages with the countries producing these articles in return. Their impositions upon our products had continued as great as ever, and in some cases had been increased. The time had now come when we were to try to retrace our steps and get back some of the advantages which we had so blindly thrown away.

That proper credit may be given where credit is due, I wish to say, Mr. President, that the whole force of the Administration was brought to bear in the work of negotiating these treaties. The President gave it his careful and constant attention and entered heart and soul into the conduct of the negotiation. The Secretary of State gave to the work his days and nights and risked health and life in his great labors. Their efforts were supplemented by the invaluable assistance of that veteran American diplomatist, Hon. John W. Foster, whose handiwork is seen in all the details of the treaties.

The first country approached was Brazil. For the ten years preceding the year 1890 we had received of Brazil's goods and products $502,547,258, and had sent back only $83,432,557. The balance of more than $400,000,000 against us had been paid to Brazil in money which had gone to purchase English, French, and German products which the Brazilians needed, and which we ought to have sent to them instead of the gold which they made us pay.

The chief products of Brazil sent to us are coffee, rubber, hides, and sugar. The first three have for years been admitted free, and the tariff act which had just been passed had practically placed sugar on the free list, thus letting in the entire product of Brazil free of duty.

The reverse side of this was not a pleasing thing for our negotiators to contemplate. Brazil imposed a heavy duty upon almost every one of our products, and ever since the duty on coffee was removed, in 1872, the United States, through its ministers to Brazil, has tried to obtain some concession to American products from the Government of Brazil as a compensation for the free admission of coffee from that country. Nothing came of this till the passage of the tariff act of October, 1890. The power conferred upon the President to reimpose duties on coffee, sugar, and hides brought the Brazilian Government at once to a sense of the marked difference in the tariff conditions of the two countries, and speedy progress was made to a reciprocity arrangement by which Brazil gave feee admission to a valuable list of American products and to a reduction of duties on another valuable list; thus approximating an equality of treatment in tariffs.

For the last ten or twelve years we have taken annually from Brazil about $60,000,000 and have sent there about $10,000,000 per year, leaving a difference against us of nearly $50,000,000 per annum. Brazil has been in a condition of uneasiness and ferment ever since the treaty went into effect in April and the conditions are not favorable for judging as to the effect of the new arrangement; but, under the impetus of this arrangement, our export trade with that country has increased in the last eight months nearly $2,000,000 compared with the corresponding trade in the previous year, which year, up to that time, was the largest in the history of our trade with Brazil.

The table which I submit shows that of the articles to be admitted free into Brazil under the arrangement, the total annual average importations amounted to $20,399,000, of which the United States only furnished $3,394,633. Of the articles to be admitted at the preferential reduction of 25 per cent, the total annual importations into Brazil have been $38,631,243, of which the United States furnished only $2,035,839. The two schedules together show a total annual importation into Brazil of $58,635,182, of which only $5,430,532 came from the United States, against $53,204,650 from other countries.

Considering all the conditions of Brazil, the increased trade of nearly $2,000,000 in the last seven or eight months, over the largest trade which we have had with Brazil for the corresponding time, indicates unerringly that the United States under this arrangement will maintain a trade with Brazil which in time must bring our exportations there nearly or quite equal to the importations from that country.

The next country with which negotiations were opened under section 3 of the tariff act was Spain, with a view to increasing our trade with the colonial islands of Cuba and Porto Rico. At once the powerful effect of the reciprocity provision of the tariff was made apparent. For the past twenty years our trade relations with Cuba have been more unsatisfactory than with any foreign country. Our commerce has been subjected to annoyance and embarrassment in entering the ports of the island, causing delay and expense to our vessels and to our exported articles. Not a month has passed that complaints have not arisen where American vessels and American cargoes have suffered annoyance and expense by excessive tariff duties and exacting customs regulations; and so great have been these difficulties that the United States producer, conditions favoring, has preferred other markets to the Cuban.

Here we have taken of Cuban products, each year, about $52,000,000 and have only returned $11,000,000 per year of our own goods. But the market of the United States had become a necessity to the Cuban sugar-planters. Since the great development of the beet-sugar industry in Europe, Cuba has been driven almost out of that market for its sugar. The bounty system adopted by France, Germany, and Austria gives beet sugar a large advantage in England and other European markets, and this, added to the heavier freights and long time consumed in the voyage, makes it impossible for Cuban sugar to compete successfully in the European markets with beet sugar. This has shut Cuba up to the market of the United States.

The passage of the reciprocity provision in the tariff bill brought the Cuban sugar-planter face to face with the question whether new advantages should be given to the trade of the United States by him or he should see his own industry ruined and his plantation abandoned. When this negotiation was opened the representatives of the State Department found the Spanish Government fully impressed with the belief that the power given to the President by section 3 of the tariff act would never be enforced.

All of the arguments originally advanced against the amendment, and the articles in Democratic newspapers predicting that nothing would come of it, had been carefully gathered by the Spanish authorities, and our negotiators were told that Spain and Cuba expected the benefit of free sugar without being obliged to give anything in return; but when they were assured that the President would carry the law into execution in good faith, the Spanish Government at once entered upon the negotiation of an arrangement which culminated in a treaty having two sets of provisions.

Spain has certain commercial treaties with European governments by which those governments are entitled to the same favors in Cuba as may be granted to any other nation; but fortunately these treaties expire on June 30, 1892. The Spanish Government therefore proposed to make a transitory schedule of articles for free or favored admission into Cuba and Porto Rico, to be put into force at once, composed of such products as could be most successfully exported from the United States, and beyond this to agree to a comprehensive schedule of articles to be put into operation on the 1st of July, 1892, when the European reciprocity treaties would cease to have effect. On account of this arrangement the United States has not yet felt the full effects of the commercial treaty, and will not till after the 1st of July next.

If Senators, however, will examine the transitory schedule, which I will incorporate with my remarks, they will see that we have obtained large favors, especially for American agricultural products. Among these all kinds of meats, heretofore paying heavy duties, are now admitted to Cuba entirely free. Lard also, which we have sent to Cuba to the extent of nearly two and one-half millions of dollars annually, and which has heretofore paid a duty of 4½ cents a pound, is now admitted free. If any Senator doubts the efficacy of this treaty let him ask if, with a duty of 4½ cents per pound, 33,000,000 pounds of lard have been annually exported from the United States, how large is this exportation likely to be when it will hereafter be admitted entirely free of duty. So also fish, fresh and salt, of all kinds, are admitted free. All agricultural products, oats, barley, and rye, cotton-seed oil, hay, fruits, fresh and preserved, vegetables, all kinds of wood and lumber, wagons, sewing-machines, raw petroleum, and coal are admitted free.

Mr. GIBSON of Louisiana. Has the Senator referred to the increase of the exportations of flour to Cuba?

Mr. HALE. I am coming to that. I am glad the Senator has asked me with reference to flour.

For years there has been a constant struggle going on between the American and the Spanish peninsula exporters of flour for the possession of the Cuban market, the tariff schedules of Cuba admitting flour from the home country at a much lower rate than that from the United States. Notwithstanding this discrimination in favor of Spanish flour, our own flour has been able to compete with the Spanish so as to about equally divide the trade up to the 1st day of July, 1890, when the Spanish Government decreed the free admission of Spanish flour into Cuba and added 20 per cent to the duty previously paid on American flour, making the duty, under this decree, $5.64 per barrel.

Mr. FRYE. That was about 100 per cent, was it not?

Mr. HALE. This was equivalent to prohibition, and practically drove American flour from the Cuban market.

If Senators will examine the new reciprocity treaty negotiated with Spain they will see that, under the menace of a reimposition of the sugar duties, Spain agreed to admit American flour at a duty of $1 per 100 kilograms, which is about 90 cents a barrel. With this small duty, the cheapness of American flour, and the advantage in freights, by nearness of the market, give to this country a complete monopoly of the Cuban flour market, and the industry of the Spanish wheat-grower and miller has been in effect destroyed. The added trade that we have gained with Cuba alone in this would prove the wisdom of the reciprocity feature of the tariff act of 1890.

The same results apply to corn and corn meal, the duties of which have been reduced from 66 cents per 100 kilograms to 11 cents, making it a mere nominal tax, and giving to the United States complete control of the market in these articles. The table which I present here will show the value of this transitory schedule for American goods.

The more extended treaty, which goes into effect on the 1st day of July next, gives to the United States almost a monopoly of the Cuban trade, as in it not only are agricultural products admitted free of duty but a great list of our manufactured products are included, and other large lists at a reduction of 25 and 50 per cent of the existing tariffs. Cuba and Porto Rico give our exporters such an advantage over European competitors as to amount to a control of the markets.

Mr. VEST. May I ask the Senator a question?

Mr. HALE. Certainly.

Mr. VEST. Going back in the Senator's remarks, I was not able to understand him in regard to the exports of flour from the United States to Cuba. I wish to ask him what is the tariff now upon American flour to Cuba?

Mr. HALE. Five dollars and sixty-four cents.

Mr. VEST. And the new treaty does not take effect, as I understand, until July, 1892.

Mr. HALE. It will not go into practical effect until July 1, 1892.

Mr. COCKRELL. Is that per barrel?

Mr. HALE. Per barrel. The duty under the new treaty is about 90 cents per barrel.

Mr. VEST. The present duty is how much?

Mr. HALE. Ninety cents, under the new treaty.

Mr. VEST. Ninety-three cents.

Mr. HALE. One dollar per 100 kilograms, which, if the Senator will make his figuring, he will see will amount to about 90 cents a barrel.

Mr. VEST. Ninety cents; but that does not matter, as I understood the Senator to say the present duty upon flour was $5.95.

Mr. HALE. No; $5.64.

Mr. VEST. That will last until July 1, 1892?

Mr. HALE. The transitory schedule that has lately taken effect covers the article of flour.

Mr. VEST. That is the question I asked, and I understood the Senator to say the duty was $5.64.

Mr. HALE. I thought when the Senator spoke of the present duty he meant under the present tariff without regard to this arrangement.

Mr. VEST. When does the transitory treaty take effect?

Mr. HALE. That has taken effect.

Mr. VEST. When did it take effect?

Mr. HALE. I do not know the exact date. It is now in effect, and the comprehensive schedule, which practically takes in all the products and either makes them free or makes a reduction of 25 or 50 per cent, takes effect on the 1st of July.

Mr. VEST. That is the general treaty, but I want to know about the transitory treaty.

Mr. HALE. I do not know the day that it went into effect.

Mr. VEST. I will ask the Senator if it is not the fact that since the imposition of the duty of 93 cents upon the exportations of flour to Cuba, which is really a discrimination of 93 cents in favor of the Spanish flour, there has been an increase of importations from Spain to Cuba largely in excess of the importations from the United States to Cuba?

Mr. HALE. Not at all, Mr. President. We shall not get that market entire for perhaps a year or two. At the time when this treaty went into effect Spain was sending all of the flour to Cuba, and our trade began to advance at once and is increasing every month, and within a year or two years I look with the greatest confidence to our having the entire monopoly. We shall drive the Spanish exporter from the market in a comparatively short time, but we can not do it all in three months.

Mr. VEST. That is the very point, and if the facts show, as I think they will show, the cold figures that under this treaty of 93 cents, which is a discrimination, as I said, of that much in favor of Spanish flour, the market for Spanish flour has largely increased in Cuba over the American flour, how is it possible that under the same duty, which is continued under the general treaty to July 1, 1892, we can ever take that market away from them?

Mr. HALE. Why, Mr. President, the distance, the shortness of freight, and our cheap flour—I mean by that the small cost of manufacturing—much more than overcome the discrimination of 90 cents.

Mr. VEST. Then it ought to have done it in the last six months, and why has it not done it with that duty? The same distance exists, the same cheapness of flour exists, and we have had an enormous wheat crop in Minnesota and Dakota, larger than has ever been known in this country. Notwithstanding that fact, the Spanish flour merchants are able, with a discrimination of 93 cents in their favor, to hold that market practically against the United States.

Mr. HALE. They do not hold the market. They are struggling and making an effort to keep up their trade, but it is diminishing all the time and ours is increasing. The whole treaty does not take effect until July 1, but I am willing to predict to the Senator, and I am willing to wait and see the result, that within one year from this time the American shipper of wheat will have the monopoly. The Spanish peninsula producer can not compete with him, and the 93 cents duty is more than made up by the short distance and our cheaper made flour.

The PRESIDING OFFICER (Mr. PASCO in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business.

Mr. ALLISON. I hope the unfinished business may be informally laid aside in order that the Senator from Maine may complete his observations.

The PRESIDING OFFICER. The Senator from Iowa asks

unanimous consent that the unfinished business may be informally laid aside to enable the Senator from Maine to conclude his remarks. If there be no objection, that will be the order. The Chair hears none, and the Senator from Maine will proceed.

Mr. HALE. I shall soon be through, Mr. President.

The good effects of this treaty touch the political future of these islands of the Spanish Main as well as the commercial future. The control which, under this treaty, the United States will have of the commerce of Cuba will lead more largely to the investment of our American capital in this island. It will attach Cuba more and more to the United States. It will make it less dependent upon Spain and less valuable to her as a colony, because heretofore it has been kept largely as a market for Spanish goods. When Cuba ceases to have commercial or financial value for Spain the interest of that country in its possession will diminish and Cuba will naturally attain independence or become a part of our own great system. Reciprocity with American Republics and American colonies brings them all nearer to the United States in every way.

The next reciprocity arrangement was made with the Dominican Republic. Its trade is small; but in a commercial and political aspect it was important that it should be included in the scope of these new treaties. The schedules which I present show that valuable favors are conferred upon American agricultural and manufactured products, and the operation of this arrangement will bring this Republic into closer harmony and nearer relations with the United States, both commercially and politically.

The fourth reciprocity arrangement concluded was that with Germany, which is important, both in a commercial and political view. By means of reciprocity treaties already negotiated with Austria, Italy, Switzerland, and Belgium, the products of those countries have been given great advantage in the German markets, and the competition between these, especially Austria and Hungary, with our own products is close. By this treaty we have obtained a reduction of duty on a very important list of our agricultural products, as is shown by a schedule which I here submit.

One immediate effect of the reciprocity provision of the tariff act, so far as Germany is concerned, in the power given to the President to levy duty on German sugar, was to bring about an agreement removing the prohibition on American pork into German ports in September last; and this has been followed by Sweden and Norway, Denmark, France, Italy, and Austria. It was here, as in Cuba and in Brazil, that the tremendous leverage of the power of the President to reimpose the duty on sugar worked and brought about these concessions to American trade.

Another point of view of the German arrangement is that it commits that Government to the principle of reciprocity, always contended for by the United States, that the general "favored-nation" clause in treaties does not give to other nations the right to enjoy the privileges of a reciprocity arrangement without granting proper concessions therefor. Although the United States has a favored nation stipulation in many of its treaties with other countries, it has never understood that stipulation to secure to foreign countries the privileges which it concedes by virtue of a reciprocity treaty.

The United States has a reciprocity treaty with the Hawaiian Islands by which an important list of products in that country is admitted free into the United States in consideration of the free admission of a long list of American products and American manufactures into the Hawaiian Kingdom. This Government has never admitted the right of Germany to claim the admission into the United States of similar German products free of duty, because of the reciprocity treaty with the Hawaiian Islands; nor has the Hawaiian Government admitted German or British manufactures into that country free because by the treaty American goods were admitted free into those islands. Germany, by the reciprocity treaty, recognized the American construction of the favored-nation clause in treaties.

One of the last reciprocity arrangements concluded has been with the British Government, and embraces its sugar and coffee-producing colonies of Jamaica, Barbados, the Windward Islands, the Leeward Islands, Trinidad, and British Guiana. With these we have at present a considerable trade in American products, and they also produce a large amount of sugar.

The history of these negotiations is interesting to any one who has the time to follow it in detail; for, at first the British Government showed no inclination whatever to enter into any negotiations under the reciprocity provision of the tariff act touching their colonies, and this indifference continued till after the Brazilian, Spanish, Dominican, and German reciprocity arrangements had shown that the provision of Congress on the subject was to be a complete success.

When the sugar planters of the British colonial islands found that their competing neighbors were getting the benefit of the reciprocity arrangement and thereby, in giving concessions to American trade, were to avoid the danger of a reimposition of the sugar duty, they saw at once that unless a like arrangement was made for them their market for their product was gone, and they followed in the same line with the planters of Cuba, and compelled their reluctant home government to negotiate a treaty, giving the United States the same advantage of reduced duties that had been conceded by the other countries.

After the fashion of British diplomacy every point was taken and every argument offered against negotiating this treaty; but the demand of the planters became so strong, enforced by representatives which they sent from the different islands to Washington, that the home government yielded, and in two treaties, one covering Jamaica and the second the other colonies, all the advantages which had been gained with other countries were conceded by the British Government in her colonies.

The tables which I here submit show the operations of this treaty. It is worth noting that an examination of these tables shows that, under the tariffs which Great Britain had arranged for her colonies, Jamaica for instance, while the products of the United States imported into that island only amounted to 34 per cent of the total imports of the island, these products from the United States yielded 46 per cent of the customs revenues of the colony; and further, that the average rate of duty on United States imports was 26½ per cent, while the average rate of duties on imports from other countries was only 16 per cent. Up to the passage of the reciprocity feature of the tariff of 1890 Great Britain had so manipulated the tariff of Jamaica that, while we were furnishing the smaller share of the trade, we contributed the larger share of the revenue.

The table which shows the trade and tariff with Trinidad discloses the same condition. Under the old rates of duty, where the imports from the United States amounted to only 26½ per cent of the entire importation, the duties from those products amounted to 45 per cent of the total customs revenues. The average rate of duties imposed on our products was 26½ per cent, while upon other countries the corresponding rates were only 11½ per cent.

These facts, brought out by investigation, enabled our negotiators to convince the British Government that the tariffs of their West India colonies could not be considered by the President as "reasonable and equal," and that it would be necessary, in order to secure for the products of those colonies exemption from the duties congress had conferred power to reimpose, for negotiations to be entered upon for such a readjustment of the tariffs of those colonies as would remove, in some degree, the unfavorable discrimination pointed out.

When this declaration was made by the Secretary of State, it brought, very promptly, from the colonies to Washington, delegations of their most prominent officials and best informed men in commerce to assist the British minister in the negotiation of reciprocity arrangements, and resulted in the treaty, which was signed the latter part of December between the British minister and Secretary Blaine, which has been published and the schedules of which I here present. Almost all the discriminations which these tables show have heretofore existed against American products will cease under the new arrangement.

The good work, Mr. President, is by no means completed. Negotiations are pending with other Central and South American republics which can only be hindered from producing the same results as in other countries by the hostility of the opposition to the entire measure. This hostility has already shown itself as the other end of the Capitol, and, if the policy started there it followed here, we shall soon listen to Senators upon the other side of the Chamber fulminating against reciprocity, and threatening that, if any added power is given to them, the repeal of the entire McKinley bill, including the reciprocity provision, will follow.

The movement already made in the other House to repeal the existing reciprocity provision in the McKinley act, and to substitute for it the original amendment, gives indication of laggard recognition of the popularity and merit of reciprocity, but it ignores the actual conditions which can not now be changed. The reciprocity amendment, adopted by a Republican Congress and signed by a Republican President, was based upon the determination of the Republican party to put upon the tables of the American people untaxed sugar and to reduce the surplus revenues of the country to the extent of $60,000,000 per year.

Starting with that proposition, as I have said before, no other scheme than that of the Aldrich amendment could be devised by which the countries producing the articles named in the amendment could be induced to give up a portion of their revenues and lower their duties upon our own exportations to those countries. What I have said, if it has shown anything, has shown the great success which has thus far attended the negotiation of treaties under this amendment.

To attempt to revive the original amendment now is worse than absurd, for it was only intended to apply and only could apply before the duty upon sugar had been repealed. It is only the device of the opposition and an attempt to mislead the American people. Whether these attacks will so far influence the

South American people, who have not already negotiated these treaties, as to hinder further agreements no man can tell; but the good results that have thus far been attained are now being appreciated and will, for long years, be appreciated by the American people.

When I had the honor of originally bringing the attention of the Senate to this subject, in the amendment which I offered in June, 1890, I took occasion to say that no matter what fault was found with the plan, no matter what opposition was raised to it, no matter that Senators on the other side of the Chamber voted solidly against it, yet, the people would accept it and embrace it, and that reciprocity, as a part of our tariff legislation, had come to stay with the American people. It is the handmaiden and ally of protection. It is diametrically opposed to free trade. It means more products and more manufactures here and more sales abroad, while free trade means less manufactures and less products here and more purchases abroad. One way lie thrift, content, happy households, and general prosperity. The other way lie underpaid labor, discontent, suffering, and poverty.

I notify gentlemen on the other side that they have not heard the last of this. This achievement of Republican statesmanship will be carried before the people in the next Presidential canvass throughout the entire extent of this broad land. There is no farmer, no manufacturer, no miner, no laborer who is not interested in its success and its maintenance as a part of our system of foreign trade, and, when at last, it has become incorporated and accepted as a part of our national policy we may look to see our Democratic brethren flocking to its support, and trusting to that short memory, which is said to be common to all peoples, claiming to be the author and finisher of this great achievement.

TABLE NO. 1.

A.

Imports into Brazil, in dollars, free of duty when exported from the United States.

Articles.	From the United States.	From all other countries.	Total imports.	Rate of duty.
				Per cent.
Wheat	$150.00	$547,845.84	$547,995.84	*5
Wheat flour	2,778,353 00	914,329.24	3,692,682.24	15
Corn or maize and the manufactures thereof, including corn meal and starch	21,369.00	695,285.57	716,654.57	15
Rye and rye flour		555,737.60	555,737.60	15
Barley and buckwheat and buckwheat flour		193,286.08	193,286.08	15
Hay and oats	531.00	541,693.80	542,224.80	20
Beans and peas	478.00	1,039,522.00	1,040,000.00	20
Potatoes	36.00	905,053.12	905,089.12	15
Pork, salted and pickled, and bacon, except hams	44,809.00	751.00	45,560.00	20
Cotton-seed oil	4,376.00	331.20	4,707.20	48
Fish, salted, dried, or pickled	23,278.00	1,629,724.00	1,653,002.00	20 to 48
Coal, anthracite and bituminous		6,067,380.80	6,067,380.80	*5
Rosin, tar, pitch and turpentine	98,310.00	69,653.33	167,963.33	15
Agricultural implements, tools, and machinery				*5
Mining and mechanical machinery, tools, and implements, including stationary and portable engines, and all machinery for manufacturing and industrial purposes, except sewing machines	184,652.00	2,320,627.92	2,505,279.92	15 to 48
Instruments and books for arts and sciences	82,752.00	492,904.50	575,656.50	15
Railroad material and equipment	155,539.00	635,180.76	790,719.76	5 to 15
Total	3,394,633.00	16,609,306.76	20,003,939.76	

*Port and provincial charges equivalent to 5 per cent duty.

B.

Imports into Brazil, in dollars, the duties on which will be reduced 25 per cent when exported from the United States.

Articles.	From the United States.	From all other countries.	Total imports.	Rate of duty.
				Per cent.
Lard and substitutes of lard	$371,399.00	$348,166.60	$719,565.60	15 to 30
Bacon hams	556.00	103,610.66	104,166.66	48
Butter and cheese	12,941.00	2,000,507.91	2,013,448.91	48
Canned and preserved meats, fish, fruits, and vegetables	13,894.00	606,197.89	620,091.89	20 and 48

TABLE B—Continued.

Articles.	From the United States.	From all other countries.	Total imports.	Rate of duty.
Manufactures of cotton, including cotton clothing	$665,986.00	$26,571,138.50	$27,337,124.50	15 to 48
Manufactures of iron and steel, single or mixed, not included in the foregoing schedule	522,096.00	2,361,211.00	2,883,307.00	15, 30, and 48
Leather and the manufactures of leather, except boots and shoes	20,196.09	3,195,185.62	3,215,381.62	30 to 50
Lumber, timber, and the manufactures of wood, including cooperage, furniture of all kinds, wagons, carts, and carriages	417,761.00	1,098,927.02	1,516,688.02	30 to 60
Manufactures of rubber	11,070.00	310,398.50	321,268.50	48
Total	2,035,899.00	36,595,343.70	38,631,342.70	

TABLE NO. 2.

TRANSITORY SCHEDULE OF SPANISH RECIPROCITY AGREEMENT

Amount of exports from the United States to Cuba for year ending June 30, 1890, for articles named, and duty on each article.

ARTICLES FREE OF DUTY.

Articles.	Duty per cwt.	Value of exports.
1.		
Beef, fresh	$0.814	$3,294
Beef, salted	3.938	2,663
Beef, pickled	1.134	
Bacon	3.938	290,209
Hams	9.513	260,592
Pork, pickled	1.89	34,300
Other meat products	3.938	21,234
2.		
Lard	4.485	2,233,821
3.		
Tallow	2.604	1,394
4.		
Codfish (including hake, naddock, and pollock)	1.134	24,007
All others	1.134	19,651
Shellfish and others	5.04	11,787
5.		
Oats	.661	17,198
Rye flour	.661	5,030
6.		
Alimentary products of corn	2.646	No data.
7.		
Cotton-seed oil, cake, etc	3.276	No data.
8.		
Hay	.535	15,749
9.		
Fruits, fresh (apples)	1.57	10,009
Fruits, preserved	5.04	13,916
All others, dried, green, or ripe	2.394	9,278
10.		
Beans and peas	1.134	200,595
Potatoes	.661	108,153
Canned vegetables	7.938	2,131
Other vegetables and pickles	3.938	11,476
11.		
Resin	.589	
Tar	.378	8,036
Turpentine	1.95	3,554
Pitch	.589	709
12.		
Lumber, per M feet	7.98 to 19.944	460,546
Timber (logs, etc.), per M feet	11.99	16,483
13.		
Hoops, per M	3.00 to 7.167	34,652
Shooks, per M	2.834	132,775
Staves and headings, per M	10.819	25,403
14.		
Wooden boxes, mounted or unmounted, each	.208	No data.
15.		
Door, sash, and blinds, not classified in tariff		670
16.		
Carts and wagons	24 per cent ad. val.	No data.
17.		
Sewing machines	24 per cent ad. val.	60,741
18.		
Petroleum, crude	.403	446,618

TABLE No. 2—Continued.

Articles.	Duty per cwt.	Value of exports.
19.		
Coal, anthracite	$0.303	$91,673
Coal, bituminous	.303	631,183
20.		
Ice	.106	No data.

ARTICLES PAYING SPECIFIC DUTIES.

Articles.	Treaty duty, per cwt.	Tariff duty, per cwt.	Exports.
Corn	$0.1136	$0.661	$258,775
Corn meal	.1136	.529	11,116
Wheat flour*	.454	2.364	1,164,538
Wheat	.136	1.984	No data.

*After January 1, 1890.

ARTICLES WITH REDUCTION OF 25 PER CENT.

Articles.	Tariff duty.	Exports.
Butter per cwt.	$7.151	$21,219
Cheese do	3.938	9,686
Petroleum, refined do	2.40	64,174
Boots and shoes:		
Men's and women's per dozen pairs	$2.488 to 20.00 less 50 per ct.	114,676
Children's do		
Total exports to Cuba		5,209,530

TABLE No. 3.

Statement showing the value of the trade between the United States, Brazil, and Cuba, since the reciprocity treaties therewith went into effect, compared with the corresponding period of the preceding year.

BRAZIL.

Months.	Imports.		Domestic exports.	
	1890.	1891.	1890.	1891.
April	$6,775,485	$14,221,029	$1,193,753	$1,157,493
May	7,209,691	7,072,309	1,071,889	1,389,855
June	3,732,672	6,035,365	1,022,314	1,257,095
July	3,236,876	4,068,872	956,124	906,326
August	3,892,713	8,311,177	889,510	1,592,413
September	7,298,008	8,696,145	1,075,214	1,212,676
October	6,358,874	10,636,961	1,352,424	1,781,928
November	8,396,990	7,499,514	1,126,329	1,037,701
Total eight months	46,901,309	66,541,372	8,687,557	10,335,487

CUBA.

September	5,691,457	4,083,648	1,274,093	1,668,566
October	3,393,885	5,031,697	1,230,825	1,715,838
November	1,244,859	3,056,854	1,156,191	1,675,337
Total three months	10,330,201	12,172,199	3,661,109	5,059,741

TABLE No. 4.

GERMANY.

Articles the product of the United States to be admitted into Germany after February 1, 1892, at the reduction of duties stated.

Articles.	General rate of duty heretofore, per 100 kilograms.	New rate of duty as per treaty, per 100 kilograms.
	Marks.	*Marks.*
Bran, malt germs	Free	Free.
Flax, raw, dried, broken, or hatcheled, also refuse portions	Free	Free.
Wheat	5	3.50.
Rye	5	3.50.
Oats	4	2.50.
Buckwheat	2	2.
Pulse	2	1.50.
Other kinds of grain not specially mentioned	1	1.
Barley	2.25	2.
Rape-seed, turnip-seed, poppy, sesame, peanuts, and other oleaginous products not specially mentioned	2	2.
Corn or maize	2	1.60.
Malt (malted barley.)	4	3.60
Anise, coriander, fennel, and caraway seed	3	3
Agricultural productions not otherwise designated	Free	Free.
Horsehair, raw, hetcheled, boiled, dyed; also laid in the form of tresses and spun; bristles, raw bed feathers.	Free	Free.
Bed feathers, cleaned and prepared	6	Free.
Hides and skins, raw (green, salted, limed, dried) and stripped of the hair for the manufacture of leather	Free	Free.
Charcoal	Free	Free.
Bark of wood and tan-bark	0.50	Free.

TABLE No. 4—Continued.

Articles.	General rate of duty heretofore, per 100 kilograms.	New rate of duty as per treaty, per 100 kilograms.
	Marks.	*Marks.*
Lumber and timber:		
Raw, or merely rough hewn withaxe or saw, with or without bark; oaken barrel staves	0.20	0.20.
Marked in the direction of the longitudinal axis or prepared or cut otherwise than by rough-hewing; barrel staves not included under No. 1; unpeeled osiers and hoops; hubs, felloes, and spokes	0.40	0.30.
Sawed in the direction of the longitudal axis; unplaned boards; sawed cantle-woods and other articles, sawn or hewn	1	0.80.
Wood in cut veneering; unglued, unstained parts of floors	6	5.
Hops; also hop meal	20 gross	14 gross.
Butter; also artificial butter	20	17.
Meat, slaughtered, fresh, with the exception of pork	20	15.
Pork, slaughtered, fresh, and dressed meat, with the exception of bacon, fresh or prepared	20	17.
Game of all kinds, not alive	30	20.
Cheese, except Strecchino, Gorgonzola, and Parmesan	20	20.
Fruit, seeds, berries, leaves, flowers, mushrooms, vegetables, dried, baked, powdered, only boiled down or salted, all these products so far as they are not included under other numbers of the tariff; juices of fruits, berries, and turnips, preserved without sugar, to be eaten; dry nuts	4	4.
Mill products of grain and pulse, to wit: ground or shelled grains, peeled barley, groats, grits, flour, common cakes (baker's products)	10.50	7.30.
Residue, solid, from the manufacture of fat, oils, also ground	Free	Free.
Goose grease, and other greasy fats, such as oleomargarine, sperrfett (a mixture of salty fats with oil), beef marrow	10	10.
Live animals and animal products, not mentioned elsewhere; also, beehives with live bees	Free	Free.
Horses	20 each	20 each.
Remarks:		
1. Horses up to 2 years old	20	10.
2. Colts following their dam	Free	Free.
Bulls and cows	9	9.
Oxen	30	25.50.
Calves less than 6 weeks old	3	3.
Hogs	0.50	0.50.
Pigs weighing less than 10 kilograms	1	1.
Sheep	1	1.
Lambs	0.50	0.50.
Wool, including animal hair not mentioned elsewhere, as well as stuffs made thereof: Wool, raw, dyed, ground; also, hair, raw, hatcheled, dyed; also curled	Free	Free.

TABLE No. 5.

JAMAICA.

Statement showing the percentage duty levied in Jamaica on the leading British and American imports thereinto.

British goods.	Per cent.	American goods.	Per cent.
Apparel and haberdashery	12½	Bread and biscuits	26.80
Arms and ammunition	12½	Indian corn	15.90
Bags and sacks	12½	Oats	20.30
Beer and ale	21	Wheat	20.00
Coal	Free.	Corn meal	18.00
Cotton goods	12½	Wheat flour	45.00
Earthenware	12½	Oil, cotton seed	44.25
Hardware and cutlery	12½	Oil, kerosene	170.40
Hats and caps	12½	Beef, salted	35.52
Implements and tools	Free.	Bacon and hams	40.16
Jewelry	12½	Pork, pickled	28.94
Leather goods	12½	Lard	19.80
Linen	12½	Butter	26.40
Machinery	Free.	Cheese	32.00
Manure	Free.	Sugar, refined	50.38
Iron and manufactures of	12½	Tobacco, leaf	142.15
Paper and stationery	12½	Boards, deals	18.54
Silk goods	12½	Codfish, dried	18.47
Woolen goods	12½	Herring	25.15

Imports into Jamaica for 1891.

From United Kingdom	£1,201,485
From British colonies	184,082
Total from Great Britain and colonies	1,385,567
From United States	730,324
From all other countries	37,288
	2,153,179

Exports from Jamaica for 1891.

To United Kingdom	611,495
To British colonies	54,324
Total to Great Britain and colonies	665,819
To United States	976,357
To all other countries	164,908
	1,807,084
Dutiable imports:	
From United States	634,673
From all other countries	1,233,112

Duties collected:	
From the United States	£173,307
From all other countries	198,058
	Per cent.
Dutiable goods imported from United States	34
Duty paid by goods imported from United States	46
Average rate of duty on United States imports	26½
Average rate of duty on other imports	16

TABLE No. 6.

TRINIDAD.

Principal British and American imports thereinto for 1890, and percentage duty levied on same.

United Kingdom.	Value.	Duty.	United States.	Value.	Duty.
		Per ct.			*Per ct.*
Textile goods	$254,892	4	Flour	$117,900	16
Rice	124,400	17	Timber	41,615	8
Manufactured goods not enumerated	67,759	4	Lard	16,048	9
Hardware	44,935	4	Corn	14,089	13½
Leather	41,296	4	Kerosene	11,250	150
Malt liquors	26,621	19	Tobacco, leaf	10,194	260
Soap	17,955	12½	Sugar, refined	7,290	40

Imports into Trinidad for 1890.

From United Kingdom	$764,405
From British colonies	231,152
Total from Great Britain	995,557
From foreign countries	739,906
From United States	417,409
	2,152,872

Exports from Trinidad for 1890.

To United Kingdom	$513,401
To British colonies	24,007
Total to Great Britain	542,408
To foreign countries	248,426
To United States	641,685
	1,432,519

Dutiable imports:	
From all countries	1,177,992
From United States	313,908
Duties collected:	
From all countries	183,571
From United States	83,393
	Per cent.
Imports from the United States	26½
Duties collected from the United States	45
Average rate of duty on United States products	26½
Average rate of duty on other products	11½

TABLE No. 7.

British West Indian colonies.

No. 1.

Applicable to British Guiana, Trinidad and Tobago, Barbados, the Leeward Islands, and the Windward Islands, excepting the Island of Granada.

SCHEDULE A.

Articles to be admitted free of all customs duty and any other national, colonial, or municipal charges:

1. Animals, alive; to include only asses, sheep, goats, hogs and poultry, and horses for breeding.
2. Beef, including tongues, smoked and dried.
3. Beef and pork preserved in cans.
4. Belting for machinery, of leather, canvas, or India rubber.
5. Boats and lighters.
6. Books, bound or unbound, pamphlets, newspapers, and printed matter in all languages.
7. Bones and horns.
8. Bottles of glass or stone ware.
9. Bran, middlings, and shorts.
10. Bridges of iron or wood, or of both combined.
11. Brooms, brushes, and whisks of broom straw.
12. Candles, tallow.
13. Carts, wagons, cars, and barrows, with or without springs, for ordinary roads and agricultural use; not including vehicles of pleasure.
14. Clocks, mantel or wall.
15. Copper, bronze, zinc, and lead articles, plain and nickel plated, for industrial and domestic uses, and for building.
16. Cotton seed and its products.
17. Crucibles and melting pots of all kinds.
18. Eggs.
19. Fertilizers of all kinds, natural and artificial.
20. Fish, fresh or on ice, and salmon and oysters in cans.
21. Fishing apparatus of all kinds.
22. Fruits and vegetables, fresh and dried, when not canned, tinned, or bottled.
23. Gas fixtures and pipes.
24. Gold and silver coin of the United States and bullion.
25. Hay and straw for forage.
26. Houses of wood, complete.
27. Ice.
28. India-rubber and gutta-percha goods, including waterproof clothing made wholly or in part thereof.
29. Implements, utensils, and tools for agriculture, exclusive of cutlasses and forks.
30. Lamps and lanterns.
31. Lime of all kinds.
32. Locomotives, railway rolling stock, rails, railway ties, and all materials and appliances for railways and tramways.
33. Marble or alabaster, in the rough or squared, worked or carved, for building purposes or monuments.
34. Medicinal extracts and preparations of all kinds, including proprietary or patent medicines, but exclusive of quinine or preparations of quinine, opium, gange, and bhang.
35. Paper of all kinds for printing.
36. Paper of wood or straw for wrapping and packing, including surface coated or glazed.
37. Photographic apparatus and chemicals.
38. Printers' ink, all colors.
39. Printing presses, types, rules, spaces, and all accessories for printing.
40. Quicksilver.
41. Resin, tar, pitch and turpentine.
42. Salt.
43. Sewing machines, and all parts and accessories thereof.
44. Shipbuilding materials and accessories of all kinds, when used in the construction, equipment, or repair of vessels or boats of any kind, except rope and cordage of all kinds, including wire rope.
45. Starch of Indian corn or maize.
46. Steam and power engines, and machines, machinery, and apparatus, whether stationary or portable, worked by power or by hand, for agriculture, irrigation, mining, the arts and industries of all kinds, and all necessary parts and appliances for the erection or repair thereof or the communication of motive power thereto.
47. Steam boilers and steam pipes.
48. Sulphur.
49. Tan bark of all kinds, whole or ground.
50. Telegraph wire, telegraphic, telephonic, and electrical apparatus and appliances of all kinds for communication or illumination.
51. Trees, plants, vines, and seeds and grains of all kinds, for propagation or cultivation.
52. Varnish, not containing spirits.
53. Wall papers.
54. Watches when not cased in gold or silver; and watch movements uncased.
55. Water pipes of all classes, materials, and dimensions.
56. Wire for fences, with the hooks, staples, nails, and the like appliances for fastening the same.
57. Yeast cake and baking powders.
58. Zinc, tin, and lead, in sheets; asbestus; and tar paper, for roofing.

It is understood that the packages or coverings in which the articles named in the foregoing schedule are imported shall be free of duty if they are usual and proper for the purpose.

SCHEDULE B.

Articles to be admitted at 50 per cent reduction of the duty designated in the respective customs tariff now in force in each of said colonies:

1. Bacon and bacon hams.
2. Boots and shoes made wholly or in part of leather.
3. Bread and biscuit.
4. Cheese.
5. Lard and its compounds.
6. Mules.
7. Oleomargarine.
8. Shooks and staves.

SCHEDULE C.

Articles to be admitted at 25 per cent reduction of the duty designated in the respective customs tariff now in force in each of said colonies:

1. Beef, salted or pickled.
2. Corn or maize.
3. Corn meal.
4. Flour of wheat.
5. Lumber of pitch pine, in rough or prepared for buildings.
6. Petroleum and its products, crude or refined.
7. Pork, salted or pickled.
8. Wheat.

It is understood that No. 4 of this schedule shall not apply to the colony of Trinidad, but it is stipulated that the duty on flour in said colony shall not exceed 75 cents per barrel.

No. 2.

Applicable to the colony of Jamaica and its dependencies.

SCHEDULE A.

Articles to be admitted free of all customs duty and any other national, colonial, or municipal charges:

1. Animals, alive, and poultry.
2. Beef, including tongues, smoked and dried.
3. Beef and pork preserved in cans.
4. Belting for machinery, of leather, canvas, or India rubber.
5. Boats and lighters.
6. Books, bound or unbound; pamphlets, newspapers, and printed matter in all languages
7. Bones and horns.
8. Bottles of glass or stone ware.
9. Bran, middlings, and shorts.
10. Bridges of iron or wood, or of both combined.
11. Brooms, brushes, and whisks of broom straw.
12. Candles, tallow.
13. Carts, wagons, cars, and barrows, with or without springs, for ordinary roads and agricultural use, not including vehicles of pleasure.
14. Coal and coke.
15. Clocks, mantel or wall.
16. Cotton seed and its products, to include meal, meal cake, oil, and cottolene.
17. Crucibles and melting pots of all kinds.
18. Drawings, paintings, engravings, lithographs, and photographs.
19. Eggs.
20. Fertilizers of all kinds, natural and artificial.
21. Fish, fresh or on ice, and oysters in cans.
22. Fishing apparatus of all kinds.
23. Fruits and vegetables, fresh and dried, when not canned, tinned, or bottled.
24. Gas fixtures and pipes.
25. Gold and silver coin of the United States and bullion.
26. Hay and straw for forage.
27. Houses of wood, complete.
28. Ice.
29. India-rubber and gutta-percha goods, including water-proof clothing made wholly or in part thereof.
30. Implements, utensils, and tools for agriculture, exclusive of cutlasses and forks.
31. Iron, galvanized.
32. Iron for roofing.
33. Lamps and lanterns, not exceeding 10 shillings each in value.
34. Lime of all kinds.
35. Locomotives, railway rolling stock, rails, railway ties, and all materials and appliances for railways and tramways.
36. Marble or alabaster, in the rough or squared, worked or carved, for building purposes or monuments.

37. Paper of all kinds for printing.
38. Paper of wood or straw for wrapping and packing, including surface-coated or glazed.
39. Photographic apparatus and chemicals.
40. Printers' ink, all colors.
41. Printing presses, types, rules, spaces, and all accessories for printing.
42. Proprietary or patent medicines, recommended by their proprietors as calculated to cure disease or alleviate pain in the human subject.
43. Quicksilver.
44. Resin, tar, pitch, and turpentine.
45. Sewing machines and all parts and accessories thereof.
46. Shipbuilding materials and accessories of all kinds, when used in the construction, equipment, or repair of vessels or boats of any kind, except rope and cordage of all kinds, including wire rope, and subject to specific regulations to avoid abuse in the importation.
47. Shooks and staves.
48. Starch of Indian corn or maize.
49. Steam and power engines, and machines, machinery, and apparatus, whether stationary or portable, worked by power or by hand, for agriculture, irrigation, mining, the arts and industries of all kinds, and all necessary parts and appliances for the erection or repair thereof or the communication of motive power thereto.
50. Steam boilers and steam pipes.
51. Sugar, refined.
52. Sulphur.
53. Tallow and animal greases.
54. Tan bark of all kinds, whole or ground.
55. Telegraph wire; telegraphic, telephonic, and electrical apparatus and appliances of all kinds, for communication or illumination.
56. Trees, plants, vines, and seeds and grains of all kinds, for propagation or cultivation.
57. Varnish, not containing spirits.
58. Wall papers.
59. Watches when not cased in gold or silver; and watch movements, uncased.
60. Water pipes of all classes, materials, and dimensions.
61. Wire for fences, with the hooks, staples, nails, and the like appliances for fastening the same.
62. Yeast cake and baking powders.
63. Zinc, tin, and lead, in sheets; asbestus and tar paper, for roofing.

It is understood that the packages or coverings in which the articles named in the foregoing schedule are imported shall be free of duty if they are usual and proper for the purpose.

SCHEDULE B.

Articles to be admitted at 50 per cent reduction of the duty designated in the customs tariff now in force:

1. Bacon and bacon hams.
2. Bread and biscuit.
3. Butter.
4. Cheese.
5. Lard and its compounds.

Lumber of pitch pine, in rough or prepared for buildings, to be reduced to 9 shillings per 1,000 feet.

SCHEDULE C.

Articles to be admitted at 25 per cent reduction of the duty designated in the customs tariff now in force:

1. Beef, salted or pickled.
2. Corn and maize.
3. Corn meal.
4. Oats.
5. Petroleum and its products, crude or refined.
6. Pork, salted or pickled.
7. Wheat.

Mr. VEST. Mr. President, I wish to take the floor in order to reply to the remarks of the Senator from Maine, but I will give way, of course, now to the regular order. I suppose the resolution of the Senator will lie upon the table.

The PRESIDING OFFICER. That will be the action of the Senate in the absence of objection.

Mr. McPHERSON. Before departing from this subject I wish to ask the Senator from Maine a single question. If I understand the Senator correctly, he states that the increase in exports from this country to Brazil during the period of eight months, since the reciprocal relations have been in operation, has been about $2,000,000. Can the Senator inform the Senate as to the amount of remitted duties to Brazil during that time upon sugar alone, which was the fourth article admitted free of duty? In other words, I wish to get at the fact, if I can, how much the advantage has been to Brazil at the same time that the Senator is showing the advantage to us in exports to Brazil.

Mr. HALE. I have no figures on that point. The Senator can reckon for himself the comparative part of our importations of sugar entire from Brazil in relation to the whole. It is not a very large portion, but the sugar product of Brazil is likely to be increased; large ventures are made in that direction, and it is believed by the Brazilian authorities that Brazil will furnish a much larger proportion of the sugar we shall import in the years to come than it does now. We get the larger supply of our sugar from Cuba.

Mr. ALLISON obtained the floor.

Mr. FRYE. If the Senator will allow me, 87½ per cent of all the importations from all the South American Republics before the McKinley act became a law were brought entirely free of duty into this country, leaving only 12½ per cent that paid any duties whatever. That was before the McKinley act or reciprocity.

Mr. ALLISON. With the leave of the Senator from Alabama [Mr. MORGAN], I should like to ask the Senator from New Jersey [Mr. McPHERSON] a question in connection with this debate; and that is, if he understands that the remission of the sugar duties has benefited Brazil? I understood from the tenor of the Senator's question in asking how much free sugar had come in from Brazil under the so-called McKinley act, that he inferred that the effect of free sugar had been to put the amount of the duty into the Brazilian treasury.

Mr. McPHERSON. I did not say that.

Mr. ALLISON. That was the implication from the Senator's question. I merely wish to know if that is his view.

Mr. McPHERSON. Not at all; but I assume, as a matter of course, if the duty is remitted upon sugar and sugar is put upon the free list in this country, the benefits pass to somebody outside of our country to a certain extent, because we increase the consumption of sugar by that act. But at the same time, if these relations are to be reciprocal, we ought to know exactly to what extent reciprocity is felt by both countries. That was my idea.

Mr. ALLISON. I desire to know if the Senator from New Jersey is of opinion that the sugar duty remitted has in any way benefited the Brazilian people as respects their securing a higher price for sugar than they secured before?

Mr. McPHERSON. I do not know that that is a question which naturally belongs to this debate. The only question that I have taken into consideration is this: We were receiving, according to the statement of the Senator from Maine [Mr. HALE], certain benefits by reason of an increased market to the extent of $2,000,000, being enabled to sell $2,000,000 more of products to Brazil. Now, we have remitted duties upon sugar, which to that extent, as a matter of course, reduces the revenue in our Treasury. If our market is increased and we are benefited by a remission of duties, certainly the Brazilians, to a certain extent, are benefited by reason of the remission of duties here. It was only to that extent that my question applied.

Mr. ALLISON. I did not understand the import of the Senator's question. I supposed he meant to draw an inference that the importation of sugar from Brazil free had the effect to benefit *pro tanto* Brazil or its people. Now I understand him to say that the remission of duties on the part of Brazil, as they have remitted them in pursuance of this reciprocity policy, has had the effect to improve the condition of Brazil.

Mr. VANCE. Mr. President, I simply want to express my happiness at the turn this discussion has taken. I have listened with great interest to the Senator from Maine [Mr. HALE], and to the side remarks of the Senator from Iowa [Mr. ALLISON]. The drift of the whole of them is to show the benefits flowing from the remission of tariff duties, and the whole tendency of the argument is in the direction of the blessings of free and unrestricted trade. Let us think, sir, that there is hope for the country when the truth begins to creep out through crevices of that kind on that side. If it proven, as I understood the Senator from Maine, that the only thing which redeemed the McKinley bill from a flat and absolute failure was the single, solitary free-trade element there was in it, these things are hopeful, and I can say now, in the language of old Simeon, "Lord, let Thy servant depart in peace to his dinner, since his ears have heard the justification of his opinion." [Laughter.]

Mr. ALLISON. Mr. President, just one word in response to the Senator from North Carolina [Mr. VANCE]. The Senator from North Carolina, inferentially at least, is unable to draw the distinction between an article like sugar, which we import to the extent of almost our entire consumption, and other articles which we produce almost entirely. The purport of my question was not specially to reënforce the free-trade theories of the Senator from North Carolina, but only to show as respects this exceptional article of sugar, nine-tenths of which we import, that the duties were paid by our own people.

Mr. VANCE. And went into the Treasury.

Mr. ALLISON. And that by the effect of the McKinley bill those duties have been removed, and sugar has been reduced in price to that extent, and it has no relation to that vast number of articles which we produce in the United States and which are also produced abroad, having both the home competition and the foreign competition affecting the price.

Mr. VANCE. I was not unaware of the distinction which the Senator thinks I was not able to draw. I know very well the distinction between a duty on sugar, which goes into the Treasury of the country, and a duty on manufactured articles which are not included in any treaty of reciprocity, the proceeds of which go into the pockets of his protected friends, the manufacturers. I can see that distinction. I am glad that he acknowledges that he sees it.

ADJOURNMENT TO MONDAY.

Mr. CAMERON. I move that when the Senate adjourn today it be until Monday next, at 12 o'clock m.

The motion was agreed to.

MEXICAN COMMISSION AWARDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 539) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distri-

bution of the awards made under the convention between the United States of America and the Republic of Mexico," concluded on the 4th day of July, 1868, the pending question being on the motion of Mr. HOAR to strike out the third section of the bill.

Mr. MORGAN. Mr. President, I think I can congratulate the Senate this morning that we shall get through with this case before an adjournment, as I do not know that any Senator wishes to speak upon the bill, unless the Senator from New York [Mr. HISCOCK] may desire to do so, of which I have had no notice.

Yesterday I had passed through my statement in regard to the facts of the case of the La Abra Silver Mining Company, and had discussed to some extent the legal questions which had been raised by the suggestions, and objections, perhaps of the Senator from Massachusetts [Mr. HOAR] and the Senator from Mississippi [Mr. GEORGE]. I thought that the decision in Sampeyreac *vs.* The United States that I read from 7th Peters' Reports fully and in every particular answered every objection which either of the Senators had presented; and now, looking through what they said yesterday, the meaning and force of which I did not catch precisely in the course of current debate, I am still more fully satisfied that that decision does cover every point that the Senators suggested.

I am not at all wedded to having an appeal taken to the Supreme Court in this case either by the United States or by any defendant in the cause to have it determined, but I can very well understand how if Congress should in this case make an exception in favor of the United States complaint would be made of it and objection would be made to a bill of that character; perhaps it might meet with obstruction in the other branch of Congress. I therefore hope that the Senate will leave that feature in the bill. If it should turn out that we have not the constitutional power (for that is what the question comes to at last, I believe, as presented by the honorable Senators) to bring this case within the appellate jurisdiction of the United States Supreme Court by our legislation, it is very easy for that court so to decide. It can not, however, so decide if it follows the precedent in many cases, some of which I have already cited and to others of which I shall call attention very briefly this morning. So, in any view of the question, I think it is better to leave that section in the bill and not have the case to turn in any sense upon what is an unnecessary controversy as to that feature of the measure.

The Senator from Mississippi yesterday suggested that he had no difficulty at all about the proposition that the Congress of the United States could confer jurisdiction in this case and under this bill upon the Court of Claims, and that we could get a decision from the Court of Claims under the act which would be conclusive in the cause. I think it is a very logical deduction from that statement that the Supreme Court of the United States may have appellate jurisdiction of that same case if we accord it, or rather, if we do not except it from the jurisdiction.

Senators seem to have mistaken the precise attitude that Congress holds to the question of controlling and regulating the appellate jurisdiction of the Supreme Court of the United States. They state, and correctly, that that appellate jurisdiction is derived from the Constitution. There are some portions of it which in the absence of legislation will be regulated by the rules of the common law, because the common law is referred to in the constitutional grant. At the same time the investiture of jurisdiction, or the apportionment, I will call it, of jurisdiction in judicial matters, is conferred broadly and without any sort of limitation upon the Supreme Court and such inferior courts as Congress may from time to time ordain and establish; but it requires legislative consent and legislative action to put that jurisdiction into effect. In the great leading case of Durousseau *vs.* The United States, in 6 Cranch, that subject was treated of and settled long years ago. I wish to read some extracts from that cause, not because the Senate is at all interested in it, but I want the record to show the foundation upon which the Committee on Foreign Relations have rested the section of the bill relating to an appeal to the Supreme Court. Chief Justice Marshall delivered the opinion in this case in 1810. The court say:

> The attorney-general having moved to dismiss them—
>
> The causes—
>
> because no writ of error lies from this court to that in any case or, if any case, not in such a case as this; the jurisdiction of this court becomes the first subject for consideration.
>
> The act erecting Louisiana into two territories establishes a district court in the territory of Orleans, consisting of one judge who "shall, in all things, have and exercise the same jurisdiction and powers which are, by law, given to, or may be exercised by, the judge of Kentucky district."
>
> On the part of the United States it is contended that this description of the jurisdiction of the court of New Orleans does not imply a power of revision in this court similar to that which have been exercised over the judgments of the district court of Kentucky; or, if it does, that a writ of error could not have been sustained to a judgment rendered by the district court of Kentucky in such a case as this.
>
> On the part of the plaintiffs it is contended that this court possesses a constitutional power to revise and correct the judgment of inferior courts; or, if not so, that such a power is implied in the act by which the court of Orleans is created, taken in connection with the judicial act; and that a writ of error would lie to a judgment rendered by the court for the district of Kentucky in such a case as this.
>
> Every question originating in the Constitution of the United States claims, and will receive, the most serious consideration of this court.
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> The third article of that instrument commences with organizing the judicial department. It consists of one supreme court, and of such inferior courts as Congress shall, from time to time, ordain and establish. In these courts is vested the judicial power of the United States.
>
> The first clause of the second section enumerates the cases to which that power shall extend.
>
> The second clause of the same section distributes the power previously described. In some few cases the Supreme Court possesses original jurisdiction. The Constitution then proceeds thus: "In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make."
>
> It is contended that the words of the Constitution vest an appellate jurisdiction in this court, which extends to every case not excepted by Congress; and that if the court had been created without any express definition or limitation of its powers, a full and complete appellate jurisdiction would have vested in it, which must have been exercised in all cases whatever.
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> The force of this argument is perceived and admitted. Had the judicial act created the Supreme Court, without defining or limiting its jurisdiction, it must have been considered as possessing all the jurisdiction which the Constitution assigns to it. The Legislature would have exercised the power it possessed of creating a Supreme Court as ordained by the Constitution; and in omitting to exercise the right of excepting from its constitutional powers, would have necessarily left those powers undiminished. The appellate powers of this court are not given by the judicial act. They are given by the Constitution. But they are limited and regulated by the judicial act, and by such other acts as have been passed on the subject.
>
> When the First Legislature of the Union proceeded to carry the third article of the Constitution into effect, they must be understood as intending to execute the power they possessed of making exceptions to the appellate jurisdiction of the Supreme Court. They have not, indeed, made these exceptions in express terms. They have not declared that the appellate power of the court shall not extend to certain cases; but they have described affirmatively in jurisdiction, and this affirmative description has been understood to imply a negative on the exercise of such appellate power as is not comprehended within it.
>
> The spirit as well as the letter of a statute must be respected, and where the whole context of the law demonstrates a particular intent in the Legislature to effect a certain object, some degree of implication may be called in to aid that intent.
>
> It is upon this principle that the court implies a legislative exception from its constitutional appellate power in the legislative affirmative description of those powers. (6 Cranch, 612–614.)

Mr. President, taking that leading case for a guide, there is almost no difficulty in coming to correct conclusions as to the power of Congress in still further affirming the jurisdiction of the Supreme Court by including other cases within it, provided they are cases of a judicial nature.

The Senator from Massachusetts [Mr. HOAR] seems to have gotten the impression that the bill deals with questions that are merely sentimental, with moral questions, and he put the case in about this form: Suppose the Government of the United States in some of its departments desired to waive the statute of limitations to a suit that some one had the right to bring against the Government, or to claim a demand which some one had the right to bring, and should refer it to a court to take the opinion of that court whether it ought to do it, would I contend, he asked me the question, that that court could take jurisdiction in such a case? I did not answer it then; I listened to what he had to say about it; but the Senator forgot entirely that his question included a matter which is not the subject of judicial action at any time, and particularly under our Government and Constitution, for it is a subject that is altogether within the reach and disposal of the legislative branch of the Government.

In very many cases here, in very many cotton cases, in claims against the United States for a great variety and number of demands, we have waived the statutes of limitation; and it would be impossible to conceive that any one would go to the judicial establishment of the United States for the purpose of getting an opinion upon the duty of Congress to do anything that could be mentioned in the way of legislation. The case that the Senator puts is one which never could get in reach of judicial power because you can not make a judicial inquiry about it.

But that is a very different matter from where some person has a claim against the United States which he asserts as being a claim in equity and justice, or as being a claim well-founded in law, and which he says, "I can prove if you will admit me upon the records as a party and give me the right to prove it. I do not mean to say that I have an actual legal title to this money that I claim from the Government of the United States, but I have a moral right to it, an equitable right to it, and if you will open the doors of your courts and allow the Government to be sued by me, recognizing my right to sue, to present the claim in that forum, then I should be able to establish my case. As the matter stands between the Government of the United States and myself now it is a controversy—a controversy, it is true, in which I admit that I have no legal right, but I have a strong equitable and moral right; and if you will throw your doors open and admit me to a jurisdiction I shall be able to prove that I have such a right, and I shall be able to prove that it is your duty to pay this money." The Government of the United States says: "Very well, if you can prove that, you shall have the money."

Now, that same thing, that conversion of an equitable demand into what we call a legal demand or an absolute and fixed right,

occurs in every case almost where a bill in equity is filed, appealing to the equitable powers and jurisdiction of the court for the recognition of an equity which is binding, upon what? Upon the conscience of the Government or the conscience of the defendant. He can not enforce it in law, and the very reason why he comes into equity is that the law affords him no remedy, for if the law does afford him an adequate, complete, and plain remedy he can not get into a court of equity; that bars the jurisdiction. Every case that goes into a court of chancery must have a moral foundation. A person can not invoke the jurisdiction of the chancery court unless the case has a moral foundation, and the man must not only have a case with such a foundation as that, but the laws of the courts of equity require that he in the acquisition of his demand, of whatever nature it may be, has acted with honesty and uprightness, and that he comes into court with clean hands and offers to do full equity to all persons who may participate with him in the right which he is demanding in any form whatsoever.

In the case of Sampeyreac, which I read yesterday, the propositions submitted by both the Senator from Massachusetts and the Senator from Mississippi are answered, and they are answered distinctly and directly. In that case Sampeyreac had no right at all, but he was supposed to have a right. If there had been an actual occupancy by him of a grant under the Spanish Government he would have had a right; but what kind of a right was it? Just the same right that a man has who occupies a Mexican land grant out in Arizona. He has a right to that property which the Government of the United States is not bound to recognize until it has been adjudicated. He has the semblance of a legal right to it; he has a certain assemblage of facts and principles of justice and equity which he can bring together to the attention of a proper tribunal, and there he can have his rights condensed and crystallized until they become actual legal rights. That is the reason why we put a court in operation out there to consider all such equitable demands upon our Government, growing out of the treaty of Guadalupe Hidalgo, and have them put in form, as was done in the decree in Sampeyreac's case, so as that the man can get proper muniments and evidences of title for his land.

Not only can the Congress of the United States confer jurisdiction upon the Supreme Court, or rather bring cases within the reach of its jurisdiction, which is the more correct expression, but Congress by its act can take away the jurisdiction in a cause that is pending. Here is the celebrated case of McCardle. That was a case in which a writ of habeas corpus was sued out under an act of Congress which entitled McCardle to go into the courts of the United States and have an inquiry made as to a certain offense that was alleged to have been committed by him, and to be relieved on a writ of habeas corpus. Chief Justice Chase said:

> The first question necessarily is that of jurisdiction; for, if the act of March, 1868, takes away the jurisdiction defined by the act of February, 1867, it is useless, if not improper, to enter into any discussion of other questions.

Are we talking about taking away jurisdiction from the Supreme Court of the United States when Senators and judges all say it is conferred by the Constitution, but that it is under the restriction of Congress, who shall regulate the exercise of it, decide what cases the Supreme Court may take jurisdiction of and determine? It is a power that is vested in Congress to measure the jurisdiction and the method of exercise, which the Constitution confers broadcast upon the Supreme Court of the United States.

> It is quite true, as was argued by the counsel for the petitioner, that the appellate jurisdiction of this court is not derived from acts of Congress. It is, strictly speaking, conferred by the Constitution. But it is conferred "with such exceptions and under such regulations as Congress shall make."

Whenever Congress makes a regulation and makes the exception and brings the case within the jurisdiction of the Supreme Court of the United States, and it is a question for judicial determination in its nature, then the case is brought rightfully within the jurisdiction of the United States Supreme Court.

> It is unnecessary to consider whether, if Congress had made no exceptions and no regulations, this court might not have exercised general appellate jurisdiction under rules prescribed by itself. For among the earliest acts of the First Congress at its first session was the act of September 24, 1789, to establish the judicial courts of the United States. That act provided for the organization of this court, and prescribed regulations for the exercise of its jurisdiction.
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> The source of that jurisdiction and the limitations of it by the Constitution and by statute have been on several occasions subjects of consideration here. In the case of Durousseau *vs.* The United States, particularly, the whole matter was carefully examined, and the court held that while "the appellate powers of this court are not given by the judiciary act, but are given by the Constitution," they are, nevertheless, "limited and regulated by that act and by such other acts as have been passed on the subject." The court said, further, that the judiciary act was an exercise of the power given by the Constitution to Congress "of making exceptions to the appellate jurisdiction of the Supreme Court." "They have described affirmatively," said the court, "its jurisdiction, and this affirmative description has been understood to imply a negation of the exercise of such appellate power as is not comprehended within it.
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> "The principle that the affirmation of appellate jurisdiction implies the negation of all such jurisdiction not affirmed having been thus established, it was an almost necessary consequence that acts of Congress providing for the exercise of jurisdiction should come to be spoken of as acts granting jurisdiction and not as acts making exceptions to the constitutional grant of it.
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> "The exception to appellate jurisdiction in the case before us, however, is not an inference from the affirmation of other appellate jurisdiction. It is made in terms. The provision of the act of 1867 affirming the appellate jurisdiction of this court in cases of habeas corpus is expressly repealed. It is hardly possible to imagine a plainer instance of positive exception.
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> "We are not at liberty to inquire into the motives of the Legislature. We can only examine into its power under the Constitution; and the power to make exceptions to the appellate jurisdiction of this court is given by express words.
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> "What, then, is the effect of the repealing act upon the case before us? We can not doubt as to this. Without jurisdiction the court can not proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause. And this is not less clear upon authority than upon principle." (Ex parte McCardle, 7 Wallace, 512-514.)

I need not go on to read the appeal of the petitioner. The petition was dismissed. Mr. McCardle had sued out his writ of habeas corpus under an act of Congress that was in force. It was sued out, but Congress repealed it in time to take the case out of the reach of the Supreme Court; and he just had to submit, because there was a case of jurisdiction given by statute, or defined to be provided for by statute, and then that same jurisdiction was taken away pending his cause, and down his case went, and down he went with it.

I have so much respect for the opinions of the two Senators with whom I am conducting the debate upon this question that I have paid very much more attention to this matter than I supposed I would ever be required to do. The Committee on Foreign Relations in framing this bill had the whole matter before them, and it was very fully and very freely discussed. The chairman of the Committee on the Judiciary of the Senate in the preceding Congress was a member of the Committee on Foreign Relations. The bill came in with his approval and the approval of every other member of the committee, and it has done so time and again.

It is very true that there may be some criticism properly indulged in as to some expressions in the bill, but I think the criticism is more apparent than real. That has resulted, though, from the fact that the bill itself was not the production of a single mind. The bill was prepared and then amendments were incorporated in it, and in that process, as a matter of course, there may have been some little discrepancy between certain lines or parts of the bill which when viewed with a very critical eye might leave some doubt upon the mind as to what was meant in every instance. I am cheerfully willing to have the bill amended in any respect that the Senate may see proper to have it done. The Senator from Wisconsin [Mr. VILAS] has handed me a memorandum of some suggestions which he has made in regard to it which, it seems to me, are very pertinent. I believe he has improved in his suggestion the expression we ought to give to the law when it is enacted through this measure. I shall call attention to that point a little later.

I conclude what I have to say about the law of this case with the remark that the Supreme Court of the United States have settled every question that has heretofore been agitated in these causes through these many long years that they have been pending in this body in one form or another. These parties, with a view to avoid ultimate justice, with a view to escape from the effects of their flagrant outrages upon justice, upon decency, have from time to time resorted to summary proceedings in the nature of writs of mandamus to have what they allege to be their vested, ascertained rights fixed by treaty confirmed by the Supreme Court of the United States, so that the power of the United States Congress would be wanting to break down the confirmation and to get at the true merits of the case.

In every instance they have failed. I suppose that very few cases have been argued with more elaboration and more ability and more zeal than have been presented in the various briefs which have been submitted to the Senate and the Senate committees, to the committees of the other House, and to the courts in this matter. So the whole fields of judicial inquiry and vexation about the right and power of Congress to deal with this subject is entirely cleared up, and no Senator can now suggest a question relating to the rights that are claimed by these people which has not been adjudicated and finally determined by the Supreme Court of the United States. The question that we are now debating, however, is one as to the form of procedure.

I recur to the admission made by the Senator from Mississippi, who is a very able and a very learned lawyer, that we have unquestioned power to confer the jurisdiction upon the Court of Claims which is expressed in this bill. Then I say, if we have the power to confer this jurisdiction upon the Court of Claims it is because it is a question judicial in its nature, or we make it such by our enactment; for it very often happens that questions are made to have a judicial character which according to the ideas and rules prevailing at common law would not be so classified.

It is one of the adjunct powers of the Government of the United States to call into its aid, through the legislation of Congress, the

judicial power of the Government to pronounce upon the equity and justice of cases that were not themselves of original judicial cognizance in the courts, treating the courts as deriving their powers from the common law alone, but which are brought within the reach of the power of the courts simply by statutory enactment. Questions are made judicial in that way which otherwise would not be. But this question is not of that character. The essential question here is, who is entitled to this money? Who has the right to it? One answer to that is prominent and unquestionable; that is, the Government of the United States has the right to it. It has the right as against Mexico, because the award was made and Mexico has paid it. That establishes that right, and establishes it conclusively and finally, until we, in our effort to do justice, also to shield our own escutcheon from an imputation of dishonor, see proper to take this money and return it to the government out of which it was filched and robbed by our citizens, with the assistance, of course unconsciously, of our governmental authorities.

There is no doubt about whom the money belongs to. There is still no doubt, as I argued yesterday, that no man can get a claim upon this money of a judicial or legal character until he is aided to it by an act of Congress. The money as much belongs to the Government of the United States as if it had been covered into its Treasury; and there is no reason why it should not have been covered into the Treasury of the United States heretofore as money belonging by this joint conference to the United States, and paid in pursuance thereof by the Government of Mexico.

Therefore, when a demand is set up for it here, not by Mexico, but by those persons who assert that their rights and injuries done to their property were the basis of the claim, the first inquiry that we present to them is this: "Have you any legal right to it? None whatever. The Supreme Court have said twice you have not any right to it. You can not get a right to it except by the act of Congress." We can vote it to them to-day, and no one in the world can appeal from our decision; neither Mexico nor any subsequent Congress can appeal from our decision and take it back.

We can vote it to them without any sort of difficulty, and we can also say to them, "We will appoint officers here to ascertain the question whether in the obtaining of this award, in putting it in that shape where the Government of the United States became entitled to the money, you, using the name of this Government, have by fraud and perjury imposed upon the Government of Mexico;" and when it has been ascertained that those particular awards, which stand there unimpeached in all of their integrity and in the full breadth of their meaning, have been obtained in this way, we say what shall take place? Not that you shall be deprived of some right that you claim, for you have no right at all to be recognized at law or in equity, but that these awards shall not stand for the guidance of the revenue and Treasury officers of the United States to collect this money and cover it into the Treasury; these awards shall be expunged; they shall be held to be null and void.

These difficulties and incumbrances shall be removed. This estate upon which you are trying to fasten a trust, this fund in which you say you have a moral and an equitable right, shall be turned back into the Treasury of the United States or into the treasury of Mexico as Congress determines. In what event now? In the event that one of our judicial tribunals in passing upon this matter gives you the right to sue, and in suing, gives you the right to defend, gives you the right, if you please, to file a crossbill and assert your rights. It gives you the right, by way of answer, to defend against the suit of the United States, and to say that there was no fraud and no perjury in the obtaining of this decree, and thereupon the political power of the country determines, that thing being ascertained in a judicial inquiry, that the money shall be paid to you or it shall go to Mexico.

If the tables were turned here and the question before the Senate was whether we would admit these claimants to sue the United States, no one would ever doubt at all, no one could have a doubt that if the United States was sued under an act of permission of that kind granted by Congress and judgment should go against the Government for the money, an appeal might be taken from that judgment. That result has not any reference to the particular character of the demand except that we recognize by our act of Congress that they have a judicial demand, a demand subject to judicial investigation. We say to these claimants, "Sue us." We can not force them to sue us, but we say, "Sue us; here are the doors of the courts thrown open to your complaint," and make no further provision about it. Get a judgment which Congress, if you please, must make an appropriation for after the judgment is obtained. You get the decree of a court here.

We permit you to sue. Who would deny, after the judgment of a court was pronounced upon one of these claimants in a suit against the United States that the Government of the United States could appeal it to the Supreme Court. It is just the same thing where the claimants refusing to sue, not being willing to bring their cases within the reach of justice, we say to them, "The Government of the United States will sue you in the nature of a bill of interpleader, for instance, in the nature of a bill *quia timet*, in the nature of a bill to remove clouds from the title, to exercise the repressive powers which courts of equity find at their beck and call whenever they see proper to exercise them in the interest of justice and equity;" and of cases of that kind the books are full.

There is no difficulty about the appeal. Although the defendant may not at the time be setting up and trying to enforce the demand which the complainant wants to smother and put under the ban of a prohibitory injunction or mandatory injunction, the complainant seeing that something would necessarily arise, perhaps after he is in his grave, and come against his children, goes into courts of equity which, without the assistance of a statute even entertain jurisdiction in such causes, for the purpose of getting a mandatory and repressive injunction against a claimant who is in the attitude to set up a claim, and who can do it if he wishes upon a given state of facts, which would, when carried into execution, work injustice to the complainant.

I do not think, Mr. President, that there can be any doubt about this matter. I confess that if there is a doubt about it in the world I have been entirely unable to see it.

Mr. CHANDLER. Will the Senator from Alabama allow me a suggestion?

Mr. MORGAN. Certainly.

Mr. CHANDLER. The Senator has supposed the case of a suit brought by the United States against these claimants who have acquired the title and of controversy to this fund, which I take it would be a case entirely within the jurisdiction of the Supreme Court, and he makes no doubt that on such a case being brought the Supreme Court would take jurisdiction of an appeal from the judgment which might be rendered by the lower court. I take it there can be no doubt about that. The Senator argues therefrom conversely that jurisdiction may be given to the Supreme Court to decide the controversy in case the claimants should sue the United States. The Senator supposes that jurisdiction to be given by an express act of Congress such as this.

Now, let me put this case: Suppose, without any legislation whatever being enacted, the La Abra Company should to-day bring suit in the Court of Claims asking for this fund. They aver that the fund is in the Treasury of the United States. They say they have a right to it, and they sue for it in the Court of Claims, and a judgment is rendered in behalf of the claimants. I take it there can be doubt that on appeal the Supreme Court would decide that question. Whether they dismiss the case for want of jurisdiction, or for whatever reason, they deal with the fact that here is a fund, and the claimants sue for it, and the Court of Claims decide that they can have it; and the Supreme Court must, under existing law, have jurisdiction of the appeal.

Mr. MORGAN. There is no question about it.

Mr. CHANDLER. Suppose, on the other hand, that the decision of the Court of Claims is against the claimants, the court deciding that they can not have the fund, are they not to-day, I ask the Senator, entitled to an appeal to the Supreme Court of the United States, which the Supreme Court must decide for them or against them, and not be thrown out on the ground that it is a question which grows out of a treaty?

Mr. MORGAN. The Senator from New Hampshire is entirely right about it.

Mr. CHANDLER. Could the Supreme Court get rid of deciding the case to-day if these complainants sued?

Mr. MORGAN. If we were to pass a law authorizing these two companies, or either of them, to sue the Government of the United States—of course they can not sue without such a statute or permission—say that unless this suit were brought within one year, whatever claims they might have or set up to this fund should be forever barred, that bar would be good. We do exactly that same thing in our private land-court jurisdiction. We give the claimants to Mexican land grants out there the right to go into that court and prove their claims. We give to that court jurisdiction of boundary questions and jurisdiction of the question of title, and a number of questions which in themselves do not naturally belong to the power of an ordinary court in the country. We give jurisdiction under that act.

Mr. CHANDLER. But we do not give an appeal to the Supreme Court?

Mr. MORGAN. Yes, we do.

Mr. CHANDLER. In the land-claim cases?

Mr. MORGAN. Yes.

Mr. CHANDLER. Then of course the argument is very strong which the Senator puts.

Mr. MORGAN. Yes——

Mr. CHANDLER. I wish the Senator would allow me to say one word more, as I have interrupted him.

Mr. MORGAN. Certainly.

Mr. CHANDLER. It is sufficient for me in this case to vote

to give a right of appeal in that I find this fund actually in the possession of the United States, and I find a claimant, and I think the right of that claimant to the fund may be made justiciable in the Court of Claims and in the Supreme Court of the United States. I am resting satisfied with those facts, and going no further I do not wish to be understood as saying that I do not think there might be a case such as is supposed by the Senator from Massachusetts [Mr. HOAR], where an attempt should be made to make the Supreme Court decide a political question or a question of foreign relations which the Supreme Court would decline to decide; but I simply say that, looking at the authorities which the Senator from Massachusetts has cited and those which the Senator from Alabama has cited, this case is not one of that sort.

Mr. MORGAN. Oh, no; this is different.

Mr. CHANDLER. It is clearly within the right and privilege of Congress to confer upon any claimants to this fund the right to go into the Court of Claims and recover it if they can on any principles which Congress may choose to lay down; and if the Court of Claims decide against the claimants Congress has the right to ask the Supreme Court in the exercise of a judicial function to review the case on appeal. I have no doubt about it at all.

Mr. MORGAN. That this is a judicial inquiry in the form in which it stands now before the Senate, is established in a great many different ways. Both these judgments of the Supreme Court are based on that idea. The district court in this District granted a judgment against Mr. Blaine for this money in favor of the La Abra Company and ordered him to pay it over. He took an appeal from that to the Supreme Court, and it reversed the decision of the court below and dismissed the motion for a mandamus. There was an ascertainment of a judicial question, and a judgment followed the action brought by these parties against Mr. Blaine.

Mr. CHANDLER. I do not understand that the court refused to do it entirely on the ground that it was a political question.

Mr. MORGAN. The merits of the case were not considered; they were not up. The court took the ground that this was the money of the United States first of all; that nobody had a claim upon it until Congress recognized the claim; and it was therefore subject to the political power—that means the legislative power of Congress—to bestow it or to dispose of it as they saw proper, it being money of the United States.

As I remarked awhile ago, we may ignore every right or claim of anybody in the world and take this fund or appropriate it to any purpose we please, or give it to Mexico if we want to do so, and nobody can object, for it has been ascertained that no person has a fixed, vested legal right in the money. When the circuit court of the United States for the District of Columbia——

Mr. WHITE. Will the Senator allow me to interrupt him for one second?

Mr. MORGAN. Certainly.

Mr. WHITE. Does the bill provide that in case the judgment of the Supreme Court should be that the award was not obtained through fraud and perjury then there should be a payment of the award to Weil?

Mr. MORGAN. Yes.

Mr. WHITE. I ask the Senator's pardon; I should like to see the clause of the bill which makes that provision.

Mr. MORGAN. It so provides.

Mr. WHITE. The bill provides in section 4—

That in case it shall be finally adjudged in said cause that the award made by said Mixed Commission, so far as it relates to the claim of Benjamin Weil, was based upon or obtained through fraud or false swearing, or other false and fraudulent practices of said Benjamin Weil, or his assigns, or by their procurement, the President of the United States is hereby authorized to release the Government of Mexico from further payment thereof, to the extent that the same is so declared fraudulent——

Mr. MORGAN. The Senator is not reading from the bill now before the Senate.

Mr. WHITE. I beg the Senator's pardon; the provision is in the last section of that bill.

Mr. MORGAN. The provision is there. I had great doubt about putting it in, but at the same time we did it because, as I have several times observed here, the Congress of the United States does not wish to pass a conclusive judgment upon this whole case. If it did, upon the evidence presented in these two causes we should immediately vote the money to Mexico. There is no question but that we should be obliged to vote it there, out of self respect. But allowing it to go in the form of a judicial inquiry we have attempted to give to the court powers enough to dispose of the property whichever way it may decide the question as to the validity or invalidity of this award, or rather as to its being an award that ought to be set aside.

I shall not detain the Senate any longer upon that view. The case of Weil comes next on the docket. It is not now up for consideration by the Senate, but I am extremely anxious to get this subject before the attention of the Senate and to have it disposed of, and would like to have it done to-day unless some Senator desires to have that case further considered—of course it must be considered separately; but unless some Senator should desire to have it considered by itself, without reference to the case of the La Abra company, having argued the law and a number of the facts, particularly the historical facts which bear upon both these cases, I should like to call the attention of the Senate very briefly to the case of Weil.

I think it is my duty to lay before the Senate a report that was made here within a few days past from the Secretary of State showing the collections that had been made from Mexico on these awards and the disposition that had been made of some parts of those collections. I will submit the entire report as an appendix to my remarks without undertaking to stop to read it, but will call attention to a few of the important features of the report in respect both of the La Abra Silver Mining Company and the Weil case. As we have virtually disposed, in argument, at least on our side, of the La Abra case, I shall not undertake to comment any further upon the payments that have been made out of the different funds to the different individuals who are here mentioned, except merely to call attention to a few of them. These two cases have always hunted in couples; they have always been kept here together, and the array of counsel and lobby in the advocacy of both of them has been a double array. In consequence of that fact there has been a perfect agreement amongst them as to all the proceedings, and it has continued to this day.

Mr. FRYE. I should like to ask the Senator a question there.

Mr. MORGAN. Certainly.

Mr. FRYE. I have forgotten about it, but has any Senator ever defended the award in the Weil case?

Mr. MORGAN. No, I can not say that any Senator has ever defended that award.

Mr. FRYE. I do not recollect myself of ever hearing anyone defend that award.

Mr. MORGAN. I can state very briefly the conclusions of the committee, and they are the conclusions of everybody else who ever studied the subject at all. I shall go on here and give a little résumé of the testimony to show that all these conclusions are correct, adding something to what has been heretofore in the record about it, that the claim of Weil has not any foundation on earth except perjury.

That is a pretty broad remark to make about a claim; but it was conceived in perjury, and fashioned by perjury, and promoted by perjury, and adjudged by perjury, and it has been aided during that time and since that time by bribery and other forms of corruption of a most startling character. It is a claim for 1,900 bales of cotton or thereabouts, alleged to have been bought by Weil in the State of Texas at the close of our war, that had been loaded upon enough wagons of four bales to the wagon to carry it in a caravan, four mules or four oxen to a team, and every bale was said to have been weighed and it weighed over 500 pounds. They make splendid cotton in Texas. If that be true, their presses must be better than they are anywhere else that I know of. They crossed the Rio Grande between Piedras Negras and Laredo at some place where there was no road. They got over on the other side and Cortina, in charge of the Mexican troops at that time, who were then just escaping almost from Maximilian's grasp, captured the cotton and carried it into Matamoros and there confiscated it for the Government of Mexico.

Every word of that statement might have been true, and Weil would have had no right under the laws of the United States, because he was taking the cotton out of the United States in violation of the intercourse law. Every pound of that cotton was subject to confiscation in his hands upon his own statement, at the instance of the Government of the United States. It would have been a perfectly good plea in any court in the United States to-day, if he had a right to sue for it, and could show that there had been such cotton and he had lost it under the circumstances, that his possession of it was in contravention of the laws of the United States and public policy, and that the money, which is the fruit of the cotton, now in the Treasury of the United States belongs only to the Government. That would be a perfect answer to the whole case. But then there was not one lint of cotton, there was not a bale of it, there was not a wagon or a mule or a driver or anything else except Weil and a few perjurers whom he hired and paid from this award very large sums of money to swear his case in court. If this evidence is correct, Weil's own writings and all, there is no foundation on earth for this case except Weil's perjury set forth in an affidavit, or two affidavits, and some supporting affidavits, which are equally false and are shown to be.

I do not intend, however, to allow the case to stand just upon my statement as a member of the committee or upon the judgment of the committee, for every committee that has acted upon it has had the same opinion about it. I shall put into the RECORD some of the evidence upon which I make these assertions. First, in regard to the La Abra case and the Weil case I want to show to whom the money has been paid that has already been realized and expended out of these five installments.

Mr. GEORGE. Five out of how many?
Mr. MORGAN. Thirteen, I think.
Mr. GEORGE. Equal installments?
Mr. MORGAN. Equal installments, or about equal; they vary very little. I do not think the first five varied at all. Two were paid in combination. On the first payment $67,208.60 were paid on the two awards I am speaking of now. Of course the payments by Mexico are very much larger. In the case of Weil the award in Mexican gold was $487,810.68. The first and second payments were $67,208.60.

Check 598. Lambert B. Cain, attorney for Alice Weil, administrator and tutrix, etc., (delivered to Mr. Cain in person), $43,888.16.
Check 599. August 16, 1880. John J. Key, assignee (delivered to him in person), $14,629.38.

Mr. Key is dead, and I have great respect for him and his memory. At the same time he was the attorney in this case, employed to conduct it before the Joint Commission, and he made the affidavit upon which the claim is founded, according to the best of his information, knowledge, and belief. He did not know any more about it than I would know what is going on in Kamchatka to-day. He knew nothing about it; he could not have known anything about it.

Check No. 600, August 16, 1880, Sylvanus C. Boynton, assignee (delivered to him in person), $8,691.0€.

Mr. FRYE. Is that the one known as "Poker" Boynton?
Mr. MORGAN. That is "Poker" Boynton. I shall presently read the contract between Boynton and this man Weil in relation to his services. He professed to be an attorney or a lawyer. I do not know whether he is or not. That is the capacity in which he professes to be employed upon this very large share in the award. Those are the first and second payments. The third payment—

Check 279, Lambert B. Cain, attorney for Alice Weil, etc., $22,786.19.
Check 280, John J. Key, assignee, etc., $7,595.39.
Check 281, Sylvanus C. Boynton, assignee, etc., $4,512.10.

Making $34,893.68.

Fourth—

Check 561, August 16, 1880, Lambert B. Cain, attorney for Alice Weil, administratrix and tutrix, etc. (delivered to Mr. Cain in person), $22,786.19.
Check 562, John J. Key, assignee, etc., $7,595.39.
Check 563, Sylvanus C. Boynton, assignee, etc., $4,512.10.

Then follows a list of assignments, giving the date of the respective assignments:

Assignment by Lambert B. Cain, etc., to William W. Boyce of 5 per cent of this award after deducting amount previously assigned to Sylvanus C. Boynton.
Assignment by Lambert B. Cain, attorney, etc., dated, etc., to Robert B. Warden of 6¼ per cent of this award after deducting amounts previously assigned to Sylvanus C. Boynton, John J. Key, and W. W. Boyce.
Assignment by Lambert B. Cain, attorney, etc., to Sanders W. Johnston of 6¼ per cent of this award, after deducting amounts previously assigned to Sylvanus C. Boynton, John J. Key, and W. W. Boyce.
Assignment by Lambert B. Cain, attorney, etc., to Henry E. Davis, administrator of estate of Philip W. Foulke, deceased, 8½ per cent of this award, after deducting amount previously assigned to Sylvanus C. Boynton.
Assignment by Lambert B. Cain, attorney, etc., to Jacob O. De Castro of 8½ per cent of this award, after deducting amount previously assigned to Sylvanus C. Boynton.

Now comes the fifth installment:

Check to Sylvanus C. Boynton (delivered to him in person), $4,512.10.
Check to William W. Boyce, $1,519.08.
Check to John J. Key, $7,595.39.
Check to Robert B. Wharton, $1,329.19.
Check to Sanders W. Johnson, $1,329.19.
Check to Jacob O. De Castro, assignee (delivered to him in person), $2,531.80.
Check to Henry E. Davis, administrator of the estate of Philip Foulke, $2,531.80.
Check to Lambert B. Cain, attorney for Alice Weil, administratrix, etc., and tutrix (delivered to Mr Cain in person), $13,545.13.

Then follows a statement of the assignments under which these payments were made.

I will stop here in regard to the Weil case for the purpose of showing how these moneys were paid out. This man Weil, very soon after he committed this perjury, became insane and returned to France, from which country he had come. While he was in Louisiana, however, and before his return to France, his wife was appointed tutrix of his person and property, and she gave a power of attorney to Lambert B. Cain to represent the interests of her husband in this property. Weil died and Cain died, and the general administrator of one of the parishes there in New Orleans took the administration upon the estate of Benjamin Weil, and he called the estate of Lambert B. Cain, who died long since this proceeding has been here before us, to an account in the civil district court of the parish of Orleans.

Mr. Lambert B. Cain, administrator, came in and filed an account of the money that he had received under this award and of the disposal that had been made of it. That is made of record and certified here, together with certain contracts which form a part of the record. However, before the death of Lambert B. Cain, Mr. Weil and Mr. Cain were in a controversy in the courts there, on the equity side, I suppose, of the docket, for an accounting, and various pleadings had been put in and evidence taken to show the state of accounts between Lambert B. Cain and Mrs. Weil as the tutrix of her husband, and after his death as one of his successors. That suit was not determined in the lifetime of Cain, and it became necessary after the common administrator had taken out letters upon his estate that he should proceed in this court for the purpose of calling Lambert B. Cain's administrator to a settlement in regard to these moneys, and here is the account:

Amount cash remitted to Benjamin Weil in Washington, $100.

Then goes on a statement of different items which appear to relate entirely to the current expenses of the administration, amounting to $686.14.

Amounts paid incidental expenses of traveling to Washington and back (memorandum book) $9,743.21.

Without any dates at all, these items go on and are expressed as follows, there being no evidence to whom these moneys were paid: $1,496.25, $1,913.25, $1,675.71, $1,335, $1,285, $538, $1,500, amounting to $9,743.21. "Amounts paid hotel bills in Washington" amounting to $716.75.

Amount paid to Mrs. Alice Weil, $7.

No date given.

Ditto. francs, 2,000, $416.66.

Making $423.66 that this woman got out of of all these awards. That is all she ever got

Mr. FRYE. Weil got $100?
Mr. MORGAN. Yes, Weil got $100, but I am talking about his wife, who is tutrix. She got $423.66.

Now, we go further. Amount paid by L. B. Cane, incidental expenses in matter of awarded claim of Benjamin Weil, as per his memorandum book, to wit, $425; ditto, $365; ditto, $295; ditto, $595; ditto, $485; ditto, $425; ditto, $200, making $2,790 in all paid out by him, and he never got anything from Weil's estate except these awards. Incidental-expense account as per memorandum book, $335; ditto, $223; ditto, $406; ditto, $821.27; ditto, $958.72; ditto, $857.27; ditto, $1,214.12; ditto, $453.33; ditto, $2,431.38; ditto, $1,855.13, and he goes on with these dittoes without giving dates or items or anything else. It is "ditto" to the amount of $30,003.68.

Mr. FRYE. That sounds like an old college bill, where all the items are in sundries.

Mr. MORGAN. This is the incidental-expense account in Washington; that is, the lobby money scattered around here.

Mr. CHANDLER. If he paid it out.

Mr. MORGAN. He is claiming credit for it against that estate.

Mr. CHANDLER. It does not follow that he paid it because he claimed it.

Mr. MORGAN. I know. But here is an interesting item. George D. Hite was the chief perjurer in this case. He was the man without whose perjury the case could not have stood on its legs even with Weil's affidavit supporting Mr. Key's affidavit. It was necessary for George D. Hite to come in, not as counsel; he does not pretend here that he is a lawyer; he is a mere good swearer and first-class perjurer. Amount paid George D. Hite, $1,250; ditto, $580; ditto, $341.78; ditto, $603.63; ditto, $340; ditto, $262.89; ditto, $50; ditto, $50; ditto, $20; ditto, $20; ditto, $145.50; ditto, $102.38; ditto, $150; ditto, $100; making in all $4,016.18 paid to George D. Hite. They would not let George's name appear among these assignees, because that would impeach the whole affair, for everybody would know that George D. Hite could not possibly render any assistance to a case of this kind except by hard swearing, and so they kept his name off the record. They come then to the following:

Amount paid Jacob O. De Castro, as per open account, $5,556.70; ditto, extra in Washington, $2,000. That is all that it says about it. Then amounts paid on drafts of Jacob O. De Castro follow right along here till they amount to $2,824.32, "amount paid per following draft," etc.

Amount paid to Emile Landner, his written agreement with Benjamin Weil, $750.

I shall call attention presently to Mr. Landner's contract.

Amount paid P. W. Solomon, demand note of Benjamin Weil held by him—

He is another one of the swearers—$7,500 was paid to that fellow.

Amount paid to Middleton & Co., bankers, of Washington. Demand note for loan made, $824.

Then for telegrams, amount of interest as computed on itemized account, $10,598.68, footing up $84,814.50.

Amount of credit allowed for collections made of various amounts in itemized account, $11,091.51.

He whipsaws them; it cuts both ways. He charges for collection and for paying out.

Amount of interest on same allowed as computed, $2,428.42.

Footing up $13,519.93.

Actual total amount disbursed by Cain before he received a single dollar of the installment as per Tableau in which same is shown how distributed, $71,294.61.

Amount of Cain's one-half share of the $49,011.49 received for the first, second, third, fourth and fifth installments, $24,505.75.

There Cain comes in and claims to be a joint and equal owner with Weil of these various installments. So he credits himself on his account with $24,505.75, the amount that he says he was entitled to out of these five awards, being one-half of Weil's share of them; and that brings the footing of his credit side up to $95,800.36.

Less amount of credit in full for amount received for the first, second, third, fourth, and fifth installments, $49,011.49.
Balance owing Cain, as established on account itemized, $46,788.87.
Balance of account owing estate of L. B. Cain, $46,788.89.
Balance of award not yet paid, half share of same owing to estate of L. B. Cain, as per Tableau, $57,561.43.
Total amount to which the estate of L. B. Cain is entitled, $104,350.30.

Now, we shall presently find out how Cain got to be so deeply interested in the matter. Cain having as he alleged a half ownership in Weil's demand, Weil being crazy, his wife being appointed tutrix, she gives to Cain a power of attorney to make these collections and these settlements, and when she comes to wind up her interest in the estate she get out of it for herself the paltry sum of $423.66.

Then comes a résumé. It is not necessary to go over that, although I will ask that it may be put in the RECORD as it completes the account. The Senate will remember that there is a payment to Philip B. Fouke here of July 15, 1874. That was while this commission was going on or it was just before starting.

Know all men by these presents that I, Benjamin Weil, of the city of New Orleans and State of Louisiana, have nominated, appointed, and substituted, and by these presents do nominate, appoint, and substitute Philip B. Fouke, of Washington City, D. C., my true and lawful attorney for the following purposes, to wit:

Whereas Messrs. Fouke & Key are my attorneys for the prosecution of a certain claim before the joint commission of the United States of America and the United States of Mexico, which said claim is now before said joint commission. Now, in order to defray expenses, fees, and other moneys expended, laid out, or appropriated in and about the prosecution of said claim, I do hereby fully authorize and empower him, the said Philip B. Fouke for me and in my name to pay, pledge, hypothecate any portion of said claim for said purpose, provided, however, the amount thus paid, pledged, or hypothecated shall not exceed the amount and sum of $100,000.

In witness whereof, etc.

Signed by B. Weil. Then there is an affidavit in proof of that exhibit to this proceeding in the court there, certified before a notary public. Then comes the agreement between Fouke as the attorney in fact of Weil and Sylvanus C. Boynton:

This agreement entered into this 5th day of January, A. D. 1875, by and between Benjamin Weil, of the city of New Orleans, State of Louisiana, by Philip B. Fouke, his attorney in fact, for the purposes hereinafter mentioned, and Philip B. Fouke and John J. Key, attorneys at law, of Washington City, D. C., and attorneys of record in the case of said Weil, hereinafter referred to and mentioned, who, with said Weil, are parties of the first part, and Sylvanus C. Boynton, of Washington City, D. C., the party of the second part,

Witnesseth, that the said parties of the first part in consideration of moneys advanced by and of expenses paid by and personal and professional services rendered by the party of the second part to the parties of the first part for the preparation and prosecution of a certain case hereinafter stated, and for the further consideration of the covenants hereinafter mentioned of the party of the second part, do covenant and agree with the said party of the second part to pay him the said party of the second part the sum of $70,000 of the award in a certain case now before and to be adjudged by the Joint Commission of the United States of America and the United States of Mexico, and which ultimately may be before and adjudged by the umpire of said Commission now in session under a treaty between the said Governments made on the 4th day of July, A. D. 1868, to wit: The case of Benjamin Weil (*vide* docket No. 447), of the city of New Orleans, and State of Louisiana, said claim is for the sum of $335,950, with interest thereon from the 20th of September, A. D. 1864.

And the said party of the second part in consideration of the covenants of the said parties of the first part doth covenant and agree with the said parties of the first part that he will devote his time and attention to said case and to the procuring of an award, giving his personal and professional services in aid and furtherance of said case up to the time such award shall be finally made, or the decision finally be rendered. And the said party of the second part further agrees that should the final award be made for a less sum than said sum of $335,950, with interest from said 20th of September, A. D. 1864, then the party of the second part shall only receive pro rata as to the amount awarded, as $70,000 bears to the whole amount.

And the party of the second part agrees that he will not take any other case or have any interest in any other case pending or which may come before said Commission or umpire thereof, but is to give his entire personal and legal services to prosecutrix to a successful award in the case herein mentioned.

It is agreed by the parties hereto that the party of the second part shall be secured in the amount agreed upon to be paid, and for that purpose the party of the second part shall have a lien on said award for the payment of the same, and the amount herein secured to the party of the second part is to be paid from the proceeds of said award whenever the same shall be paid.

This agreement is to be in full force and effect from the date hereof, but to be null and void if no final award is obtained.

Signed by all these parties.

Mr. CHANDLER. Who was the party of the second part?

Mr. MORGAN. Boynton.

Mr. CHANDLER. Sylvanus C. Boynton?

Mr. MORGAN. Sylvanus C. Boynton. The testimony rested here, but I will read further; perhaps some Senator may know or have heard something about it:

WASHINGTON, D. C., *August 20, 1880.*

Received of Lambert B. Cain $3,265.08, his proportion of fee charged by me and which is due me now on the first four installments paid by the Secretary of State of the United States in the case of Benjamin Weil against the United States.

THOMAS L. YOUNG.

Now, I come to Mr. Landner, one of the chief swearers in this case—Emile Landner—who has been paid, as I have shown you here, a very large sum of money:

The agreement made, and entered into in the city of New Orleans, and State of Louisiana, between Benjamin Weil of the first part and Emile Landner of the second part, both residents of the city and State before mentioned.

Witnesseth, Benjamin Weil of the first part does hereby agree, pledge, and bind himself, his heirs or assigns, to pay to Emile Landner of the second part (for and in consideration of services rendered by said Emile Landner in the hereinafter-described claim) the sum of $7,500 in United States currency out of the proceeds of the Mexican Claims Commission at Washington, D. C.

This, done in New Orleans, this 16th day of March, 1872, in the presence of the two undersigned competent witnesses—if the amount collected by B. Weil, on the above claim does not exceed the sum of $50,000, the said Emile Landner agrees to accept the sum of $5,000, United States currency.

Attested by Solomon, the witness. Then the balance of this matter is some letters which I shall not detain the Senate to read, but I will ask that they be put in the RECORD, because they explain the account that I have just been going over in the presence of the Senate.

I wish next to call the attention of the Senate for a moment to the evidence upon which this case was tried before the Joint Commission called the Mixed Commission. The first paper in the case was the memorial of Benjamin Weil, residing in the city of New Orleans, etc., setting forth his claim to this property, and the incidents of the robbery which was perpetrated upon him, signed Benjamin Weil, by John J. Key, his attorney in fact, Fouke & Key, solicitors and attorneys for Benjamin Weil:

DISTRICT OF COLUMBIA, *County of Washington, ss:*

John J. Key, being first by me duly sworn, says on his oath that he is the attorney in fact of the memorialist described in the foregoing memorial; that the said memorialist is absent from the District of Columbia, and that the facts stated in said memorial are true to the best of his knowledge, information, and belief.

JOHN J. KEY,
Attorney in fact for Benjamin Weil.

Sworn to and subscribed before me, a notary public in and for said county and District, this 25th day of April, A. D. 1870.

[SEAL.] N. CALLAN, *Notary Public.*

Then there is produced here an affidavit of Weil, sworn to in September, 1869. You will observe that Mr. Key would not have made this claim of the 25th of April, 1870, but in September preceeding that Mr. Weil, it appears, had sworn before a United States commissioner at New Orleans to his claim. It is a very brief statement, nothing like so broad or comprehensive or circumstantial by any means as that which was put forward by Mr. Key, who knew nothing about it.

The next affidavit that is submitted in support of this claim is that of Emile Landner, sworn to on the 15th of December, 1869. That was before Weil had filed his complaint in court. Weil went around and got these affidavits and had them all waiting for his attorneys. His attorney came here in April, 1870, and filed his case and swore to it before this Joint Commission, these affidavits having been sworn to in the preceding fall and winter, September and December. Emile Landner is one of the parties here who received a very large amount of this money according to that account.

The next man who swears is A. J. McCulloch, and then George D. Hite testifies to McCulloch's credibility and veracity, but nobody could ever find McCulloch. Hite, however, swore to his credibility and veracity.

The next man is the chief perjurer, George D. Hite, who was paid a large sum of money by installments along, as I have shown from the accounts I have just read before the Senate.

The next man who swore was John J. Justice. He swore to this account on the 7th of February, 1870, two months before Key filed his memorial. He made a statement before George W. Christy, a notary public.

Then Marcus and Pierre Solomon—they are men who have received money under the distribution of the award here—testified to the credibility of Justice and Christy to that of Solomon.

The next paper in the case is that of John M. Martin. Martin does not appear to have received any money out of this case according to the statement of the account I have just read, but it will appear presently in another form how he did receive money. His deposition was given on the 26th of July, 1870. That was after the case had been commenced in the court.

Then the next is Samuel B. Shackelford. Then George D. Hite comes in with a final and concluding affidavit, in which he fills up all the gaps and provides for all of the difficulties and troubles that had occurred in the discrepancies of the previous witnesses. He swore twice about it, and then he concluded the argument in behalf of the claimants in his affidavit.

Now I wish to turn back to something our Government did with which Mexico had not any connection at all. Our own Government, in ferreting around for frauds and the like of that against the Treasury Department, had a secret service division, and they sent out their examiners, their secret service men. One of them came across this Weil matter in New Orleans. It was ripening up and they were getting the evidence about it, and he

struck the trail of it. It interested him very much, and he went on to examine all about it. He made his reports from time to time to the Treasury Department. There they remained a good many years, and finally, on the 9th of December, 1881, Mr. Blaine sent these papers, certified to by Mr. Folger, who was then Secretary of the Treasury, to Mr. Zamacona, the Mexican minister, and said this:

DEPARTMENT OF STATE,
Washington, December 9, 1881.

SIR: I regret to find that I have overlooked until quite recently your note of the 12th of May last, in reference to the case of Benjamin Weil. The events of the past summer and autumn may, however, explain, if not excuse, this continued oversight.

In the note you refer to and ask for copies of certain papers ascertained by you to be of record in the Treasury Department among the settlements of the awards of the Southern Claims Commission, and among the files of the secret service division, these papers being:

First. An affidavit of John M. Martin—

He is one of the chief swearers in this case—

in favor of a claim before the Southern Claims Commission, in which the affiant details his movements and residence from April 1, 1861, until April 13, 1865.

Secondly. Certain reports made to the Treasury Department during the last three years by Mr. A. F. Wild, a secret agent, to the effect that John M. Martin confessed to him the fraudulency of the Weil claim, and had proposed to him (Wild) to negotiate with the minister of Mexico to expose the fraud.

In response to your request, I now have pleasure in sending to you herewith copies of the papers you describe. And in transmitting them, permit me to say that this Government can have no less moral interest than that of Mexico in probing any allegation of fraud whereby the good faith of both in a common transaction may have been imposed upon.

I beg, etc.

JAMES G. BLAINE.

I hope, Mr. President, that the Senate will indulge me to put this report into the RECORD. It is not very voluminous, but it is a very important part of the testimony.

Mr. DOLPH. Is it the report of the secret agent?

Mr. MORGAN. Yes, down to page 638, where it ends.

The VICE-PRESIDENT. The matter referred to by the Senator from Alabama will be inserted, in the absence of objection.

The matter referred to is as follows:

[Inclosure in No. 44.]

UNITED STATES OF AMERICA:

TREASURY DEPARTMENT, *November 30, 1881.*

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed are true extract copies from the original papers on file in this Department.

In witness whereof, I have hereunto set my hand, and caused the seal of the Treasury Department to be affixed on the day and year first above written.

[SEAL.] CHAS. J. FOLGER,
Secretary of the Treasury.

JOHN MILLER MARTIN
vs.
UNITED STATES. } No. —.

Before Claims Commission.

Be it remembered that on the 28th day of December, A. D. 1871, and the adjourned day, before me, William Grant, United States commissioner for the district of Louisiana, and special commissioner, personally appeared the claimant and his witness, Daniel W. Shaw, who, being duly sworn according to law to tell the truth, the whole truth, and nothing but the truth relative to this claim, did depose as follows, each being examined out of the presence of the other; present, Dr. H. Porter for claimant:

1.

Deposition of Daniel W. Shaw, a witness called and sworn for the claimant.

I, Daniel W. Shaw, do hereby testify that the claimant is, and always has been, a loyal citizen.

I was living within a few miles of claimant when the property described in his petition was taken: 1,000 barrels of corn, worth $2.50 per barrel; a large flock of sheep, worth $2.50 per head; also, a large lot of hogs, worth $5 per head. I do not know the exact number of either sheep or hogs that was taken, but think there were at least as many as is charged for in claimant's petition. These were all taken by the United States soldiers and carried to Alexandria, where the United States Army was encamped, and, I presume, used by said Army.

D. W. SHAW.

Sworn to before me December 28, 1871.

WM. GRANT,
Special Commissioner.

2.

Deposition of D. W. Shaw, a witness called and sworn for claimant.

To the interrogatories he answers as follows:

To the 1st he saith: I was.

To the 2d: I saw them all taken.

To the 4th: They were taken by United States soldiers in March, 1864, from the plantation of G. W. Compton, where the claimant was then residing.

To the 5th: Capt. Martin and myself are the only ones whose names I remember.

To the 6th: There was a lieutenant present who, I think, ordered the taking, but I do not know his name or rank; he belonged to Gen. Banks's command.

To the 7th: The soldiers took the corn off in wagons, and drove the sheep and hogs.

To the 9th: It was taken off in the direction of Alexandria; I did not follow it, but was told it went there.

To the 10th: I suppose all the property taken was used by the United States Army.

To the 11th: Not that I know of.

To the 12th: I do not know of any voucher or receipt having been asked for, nor was any given that I know of.

To the 13th: None of the property was taken secretly; it was all taken in the afternoon.

To the 14th: Gen. Banks's army was encamped in and around Alexandria, the nearest camp being about two miles and an half from the place where the property was taken from. It had been encamped there about fifteen or twenty days. They remained there in all about six or eight weeks. There had been no battle or skirmish before the taking of the property. I knew none of the officers of the army.

To the 15th: The corn had been harvested, was well ripened, and was in the crib, and hogs were in very good condition. The sheep were worth about two and an half dollars per head, and the hogs worth $5 a head. I have not talked to the claimant about their value until to-day. The corn was worth at least two and an half dollars per barrel. It, the property, was all taken by the United States Army about March, 1864.

To the 16th: It was all taken in my presence, and I suppose there was at least one thousand barrels of corn, about fifty hogs, and about one hundred sheep. I have handled corn myself, and am a good judge of quantity.

To the 19th: I suppose it was taken for the use of the Army.

To the 20th and the 21st: He answers, he does not know.

To the 22d: I think so.

To the 23d: I think it was taken by order issuing from some officer properly empowered.

D. W. SHAW.

Sworn before me December 8, 1871.

WM. GRANT,
Special Commissioner.

Adjourned to Saturday, the 30th of December, 1871.

Deposition of John Miller Martin, claimant, called and sworn for himself.

I, the claimant, am 47 years old, and reside in New Orleans, La. In March, 1864, I was residing on G. W. Compton's plantation, which is situated in Bayou Rapides, about 5 miles from Alexandria. During a short absence from home in the latter part of said month, and about a week subsequent to the taking by the United States authorities of my eleven mules and nine horses, some of the soldiers who were encamped in the neighborhood entered the said place and took from it about one thousand barrels of corn, one hundred head of sheep, and between fifty or sixty head of hogs. I never received either receipt or money for the property thus taken.

JOHN M. MARTIN.

Sworn to December 30, 1871.

WM. GRANT, *Special Commissioner.*

Deposition of John Miller Martin, claimant, called and sworn for himself.

The interrogatories propounded him he answered as follows:

To the first he says: My residence was on the plantation of G. W. Compton from the 1st of April, 1861, to the 28th of April, 1864, where I was personally engaged farming until about the 16th of March, 1864, when I offered my services to Admiral Porter; he employed me as a pilot, and I was thus engaged until about the 28th of April, 1864. I then went to New Orleans, remained there about one month, then went to Belmont County, Ohio, where I remained until the 13th of April, 1865, when I returned to New Orleans. On or about the 25th of April, 1864, my entire place was burned.

A.

WASHINGTON, D. C., *March 15, 1866.*

In constructing the defense of Alexandria, La., while held by the Army, for the purpose of building a dam, buildings within rifle-shot of the line of intrenchments which might under any circumstances serve as a cover for the enemy were leveled by general orders. This was indispensable to the safety of the Army and the fleet. Whether the property of Capt. Martin was within this line, or whether his buildings were destroyed under this order, or were within range of the fleet lying above the rapids, I can not say; this can easily be ascertained by measurement or by evidence.

Capt. Martin is a loyal citizen, a man of integrity and character, and deserves well of the Government on account of service as well as character.

N. P. BANKS, *M. G. V.*

(Indorsed:) Exhibit A. William Grant, special commissioner.

3. By order of Gen. N. P. Banks, from military necessity, as will be more fully seen by reference to a copy of a certificate given to me by Gen. Banks, which I also offer as proof of my loyalty. Said copy is hereto annexed, and marked A.

To the interrogatories from the 3d to the 14th, inclusive, he answers: No.

To the 15th: On the 28th of April, 1864, I left Alexandria and came to New Orleans on the steamboat Meteor, a transport of Admiral Porter's fleet, and I did not return to my plantation, or, rather, the plantation upon which I resided, until after the surrender. During said absence I was not engaged in business of any kind.

To the 16th: From 1861 to the date of the fall of the city of New Orleans I was employed as a pilot on the steamboat Homer, said boat being engaged in civil trade between New Orleans and Shreveport, La.

To the 17th and 18th he answers: No.

To the 19th: None, except that the Confederates tried to force me into their service.

To the 20th he says: No.

To the 21st: Nothing, except my services, which I offered to Admiral Porter upon his arrival at Alexandria, in May, 1863, and in March, 1864. I also gave Capt. W. R. Hoel, commander of the United States gunboat Benton, information in regard to the whereabouts of the so-called Confederate fleet.

To the 22d: Nothing, except what I have stated in my previous answers. As soon as the United States authorities arrived in my region of the country I offered them my services, which was all that I could do.

To the 23d: I had three brothers in the Union army, but no relations in the Confederate army. In 1865—the spring thereof—I took one of my brothers, who was sick in the hospital at the time, to Ohio with my family where he remained until he recovered. That was all the assistance I ever rendered any of them.

To the interrogatories from the 24th to the 31st, inclusive, he answers: No.

To the 32d: I took the ironclad oath at New Orleans about June, 1864, in order to procure permission to go to Ohio. I have not held any office under the United States Government since the war.

To the 33d: My sympathies, feelings, language, and influence have always been with the Union cause. I did not vote at all, either at the beginning of hostilities or during the war. I adhered to the Union cause even after the adoption of the ordinance of secession by my State.

To the 34th: I do solemnly swear that from the beginning of hostilities against the United States to the end thereof my sympathies were constantly with the cause of the United States; that I never, with my own free will and accord, did anything, or offered or sought, or attempted to do anything by word or deed to injure said cause or retard its success, and that I was at all times ready and willing, when called upon, to aid and assist the cause of the Union, or its supporters, so far as my means and power and the circumstances of the case permitted.

JOHN M. MARTIN.

Sworn to before me, December 30, 1871.

WM. GRANT, *Special Com.*

To the second series of interrogatories the claimant answers as follows:

To the 1st he saith: I was not. I was with Porter's fleet.

To the 2d: No.

To the 6th: Not being present, I do not know.

To the 8th: My wife and daughter, who were both present upon the occasion of the taking, told me that the soldiers drove the sheep and hogs off, and hauled the corn off in wagons.

To the 9th: I have heard that all the property taken was carried to Alexandria.

To the 10th: I have heard and believe that the property taken was used by the army which was encamped in and around Alexandria.

To the 11th and 12th: No complaint was made, nor was any receipt or voucher asked for.

To the 13th: None of the property was taken secretly. I was told that it was all taken about midday.

To the 14th: General Banks's entire army was encamped in and around Alexandria, the nearest camp being about two miles and a half from the plantation from which the property was taken. It had been encamped there about five or eight days, and remained until about the 1st of April, 1864. There had been no battle nor skirmish near there before the property was taken. I did not know any of the officers of the army.

To the 15th: There was corn in good condition, well ripened, dry, and unhusked, but stored in a crib. It could not have been purchased at the time when taken for less than two dollars and a half per barrel. The sheep and hogs were all in good condition, and worth at least—hogs $5, sheep two and a half dollars per head. Indeed, none of the articles specified could have been purchased anywhere in the neighborhood for the price I have charged in my petition.

To the 16th: I judge of quantity taken from what my wife and daughter told me, and from the fact that I knew what I had left on the place just before I started up Red River with Porter's fleet.

To the 19th: I do believe that the property specified was taken for the actual use of the army, and not for the mere gratification of individual officers or soldiers.

To the 20th: I believe the army at that time required fresh food.

To the 21st: I believe the want for the articles taken was so urgent as to justify the soldiers in such taking.

To the 22d: I think so.

To the 23d: I do believe that the property specified was taken by order of some officer who was properly empowered to issue such order.

I hereunto annex as proof of my loyalty document marked B.

JOHN M. MARTIN.

Sworn to before me, December 30, 1871.

WM. GRANT,
Special Commissioner.

I hereby certify that the foregoing fifteen pages of depositions were taken in my presence and reduced to writing by my clerk, and carefully read over to the claimant and witness and by them signed at the time, place, and in the manner stated in the caption sheet hereof.

Given under my hand and official seal, at New Orleans, La., this 30th day of December, 1871.

WILLIAM GRANT,
United States Commissioner and Special Commissioner.

UNITED STATES OF AMERICA:

TREASURY DEPARTMENT, *December 3, 1881.*

Pursuant to section 882 of the Revised Statutes, I hereby certify that the annexed is a true copy of an original paper on file in this Department.

In witness whereof I have hereunto set my hand and caused the seal of the Treasury Department to be affixed, on the day and year first above written.

CHAS. J. FOLGER,
Secretary of the Treasury.

Extracts from the reports of Ofr. Azariah F. Wild, New Orleans, La., in matter of Benjamin Weil.

SEPTEMBER 17, 1877.

Being detained here waiting the return of the United States attorney, I improved the opportunity to commence writing my report in the case of Benjamin Weil *vs.* Mexico for 500 bales of cotton which Weil claims was taken from him by the Mexican authorities in the year 1864, while en route to Matamoras, Mexico, and for which an award has been allowed of about $500,000, and as I am informed not yet paid, but has been brought to the notice of Congress, and is now pending before a committee of the Senate.

My connections with this case were those of a clerk, and commenced about the month of May, 1876, and so continued until about the time Judge M. A. Dooley left Louisiana to reside, and I became employed by the United States Treasury Department, when I refused to have anything further to do with the case, although have been pressed to do so by both sides, on one side to continue in the case and take it up where Judge Dooley left it, and by the other side to give my affidavit of what I knew about the case, to be used before a Congressional committee, both of which I refused.

First. I could not work in any case except for the Government.

Second. I did not feel at liberty to make an affidavit of what information I gained by being a confidential clerk of Judge Dooley's, a sworn attorney.

My reasons thus expressed to Gen. Slaughter caused him to say that, unless he could have my affidavit, he would have me brought to Washington to testify.

I now will state the case, and the way in which I became engaged in it, and will forward copies of some twenty letters now under my control at an early day.

John M. Martin, an old steamboat captain, residing in New Orleans, met me at the corner of Canal and St. Charles streets in the month of May, 1876, and asked me to introduce him to Col. Brooks (now chief of secret service division); I replied I could not unless he had business. He (Martin) said he had business; that he had the cotton rolls of ex-Confederate Agent McKee, of the transmississippi department, which would be of value to the Government, and that he (Martin) wanted to see Col. Brooks and try and sell them to the Government through him (Brooks), and if agreeable to him would have a time set when we could meet and examine the rolls, etc.

I saw Col. Brooks; an appointment was made to be held at his (Brooks') room, No. 146 Carondelet street. I notified Capt. Martin, and we met at place designated, and the rolls were examined by Col. Brooks. Soon after Col. Brooks left for Washington, and Martin says left him to understand he would submit the matter to the Treasury Department and let him (Martin) know if the Department wanted them. Col. Brooks had been gone but a few days when Capt. Martin made daily calls at the office of Judge Dooley, in whose office I occupied a desk, and asked if anything had been heard from Col. Brooks.

After waiting several weeks he persuaded Judge Dooley to dictate a letter to the Attorney-General, and I wrote it, to which Mr. Taft replied that the Government had the rolls of which his letter spoke, etc. Capt. Martin, after hearing his rolls were not wanted, said:

"I have a big case, in which there is some money in. Will you take it judge?"

Judge Dooley replied that he would not take a case until he knew what it was. Capt. Martin then replied that he would tell some time, but would tell Wild first, and Wild might explain the case to him (Dooley). When Capt. Martin started out he called me and asked me to put on my hat. We went to Hugo Ralwitz's saloon, on Common street, when he made me pledge myself to keep the matter private, and he would show me the whole case, and that he would give Judge Dooley and myself a chance to make "a file," as he called it. He commenced by asking if I had ever heard of the Benjamin Weil cotton claim for a large lot of cotton captured by the Mexicans in the year 1864, and that the claim was brought before the Mixed Commission, and that they had made an award amounting to over $500,000. I said no, I had never heard a word of it.

Martin said: "I tell you the truth; the claim is all a fraud, and Weil never lost a single pound of cotton, and I can furnish the evidence to defeat the claim, and this is what I want you and Judge Dooley to do; that is, I want you to talk to the judge and see if he will take hold of the case, and if he will, I will bring in some letters that have been written by John T. Michel, of this city, when I come, and the answers to them written by the Mexican minister, Ignacio Mariscal."

I consulted with Judge Dooley, and he said, "If the case is as he (Martin) has represented it to you, to be a fraud, and it can be shown as such, and the Mexican Government will pay, I will take hold of it." I told Martin what Judge Dooley said, and in one or two days Martin came in and brought along two letters written, or purporting to have been written, by John T. Michel, of New Orleans, to the Mexican minister (Ignacio Mariscal) at Washington, with two letters from the Mexican minister to John T. Michel, of New Orleans, La., in answer to those written by him (Michel).

The judge then took from Capt. Martin the four letters, and called upon Mr. Avendano, the Mexican consul at New Orleans, and showed them to him, who, after reading them, said he knew the claim to be a fraud, and had so reported it to his Government, which was all that he could do in the case; but would give Judge Dooley a letter recommending him to his minister, Mr. Mariscal, if he desired, to which Judge Dooley consented, and left. One or two days after, Mr. Avendano sent a note to Judge Dooley that he had written and mailed a letter recommending him, and that he could then correspond direct with his minister at Washington.

On this information Judge Dooley commenced his correspondence in this case by first writing to the minister, who, in response, among other things, said a confidential agent would soon call on him, in New Orleans, who would show him (Dooley) copies of his (Dooley's) letters, which would be evidence that he was in good standing with his Goverernment, and was to be trusted, etc.

In a few days, Gen. Slaughter, of Mobile, Ala., called and presented not only Judge Dooley's letters, but copies of the evidence in the case. It seems that Gen. Slaughter had made an agreement for a large percentage of the claim to get such evidence as would reverse the decision already made by Sir Edward Thornton, and that said Slaughter wanted Judge Dooley to give up all the information he had, or might obtain, to him (Slaughter) without consideration, to which Judge Dooley would not consent after consultation with Capt. Martin.

It now became clear that Capt. John M. Martin and George D. Hite, of New Orleans, were the principal witnesses in the case on which the award is based, and when I came down on Martin with the direct question, "Did you not testify in the Weil case in support of the claim?" he replied, "I did." I then said: "You have placed yourself in a very bad light in the case;" that Judge Dooley had got mad; that he did not fully explain the case at the start. He then said he would give me the whole case, just as it was, from the beginning to the end, and started out by saying that he knew Benjamin Weil; that Weil wanted him to testify in the case, and also get one or two other witnesses, if he could; that he also knew George D. Hite well, and that he and Hite made a verbal agreement with Benjamin Weil to testify in the case and what to swear to, and that if the claim went through, as it must, they were each to have the sum of $10,000 out of the award; that they all trusted to each other's word in the matter and never had a written agreement; that about the time the claim was allowed Benjamin Weil was taken crazy and sent to an insane asylum in France. This frightened Martin and Hite, and they turned tail to the claimant and commenced to feel of the other side by writing the letters heretofore spoken of as those of John T. Michel.

George D. Hite has not been to see me, and I have refused to call on him since the case has turned out as it has, but Martin tells me that he and Hite are one in the transaction, and neither he or Hite could move without the consent of the other. Since I have refused to act in the case for Martin and Hite, I am reliably informed that Martin has got up or caused to be written two letters and their answers, purporting to be from him to the Mexican minister at Washington, and his reply to them, offering a large percentage of the claim in case of defeat for such evidence as will bring it about. These letters are gotten up in New Orleans, sent to a friend of Martin's at Washington, and then remailed at New Orleans with the Mexican minister's name forged to those which purport to be in answer to Martin, and he (Martin) is to take these to one Kain (a Jew), who is now the principal owner in the claim, and say to him, "Come down, or I will expose the claim."

I asked Martin which story the Commission were to believe, the one he had already sworn to, or the one which he wanted to swear to for a consideration. He replied: "Neither George D. Hite nor myself were anywhere near the place we swore to in that testimony at the time we swore we were, and in case the parties will come down handsomely will produce documents to show it."

SEPTEMBER 26, 1877.

Please find inclosed herewith copies of correspondence in the case of Benjamin Weil *vs.* Mexico, which I mentioned in my report of September 17, 1877.

1. Letter from John T. Michel to Ignacius Mariscal, Mexican minister, dated New Orleans, January 26, 1876.
2. Letter from Mexican minister to John T. Michel, dated at Washington, February 3, 1876.
3. Letter from John T. Michel to Mexican minister, dated New Orleans, February 9, 1876.
4. Letter from Mexican minister to John T. Michel, dated Washington, February 21, 1876.
5. Letter from L. W. Avonduno, Mexican consul at New Orleans, dated June 3, 1876, to M. A. Dooley.
6. Letter from M. A. Dooley to Sgn. Mariscal, dated New Orleans, June 4, 1876.
7. Letter from Sgn. Mariscal to M. A. Dooley, dated New York. June 8. 1876.
8. Letter from M. A. Dooley to Sgn. Mariscal, dated New Orleans, June 13, 1876.
9. Letter from M. A. Dooley to Sgn. Mariscal, dated New Orleans, June 19, 1876.
10. Letter from Sgn. Mariscal to M. A. Dooley, dated New York, June 22, 1876.
11. Letter from M. A. Dooley to Sgn. Mariscal, dated New Orleans, June 26, 1876.
12. Letter from M. A. Dooley to Sgn. Mariscal, dated New Orleans, June 28, 1876.
13. Letter from M. A. Dooley to Zamacona, dated New Orleans, August 5, 1876.
14. Letter from M. A. Dooley to E. Aveta, dated New Orleans, August 24, 1876.
15. Letter from M. A. Dooley to E. Aveta, dated New Orleans, September 4, 1876.
16. Letter from James E. Slaughter to M. A. Dooley, dated Mobile, August 11, 1877.
17. Copy of affidavit made by John M. Martin, alias Michel, in support of Benjamin Weil's claim against Mexico, dated New Orleans, July 26, 1870.

I would respectfully state that these copies are all in my handwriting and were prepared under the direction of Judge M. A. Dooley, late of New Orleans (now San Saba County, Tex.), to forward to the President of Mexico, but owing to the disturbed condition of the Mexican Government they were not sent, and when Judge Dooley left Louisiana he left them here. Those written by Judge Dooley, or purporting to have come from him, to the Mexican officials are in their possession, but those received here by Judge Dooley from them are still here in Louisiana, and can be got, if they are wanted, by little trouble.

OCTOBER 19, 1877.

I met Capt. John M. Martin to-day. and learn from him he is quite uneasy in the matter of the claim of Benjamin Weil *vs.* Mexico. He has written more letters and having them copied by some party here in New Orleans, and then sends them to the third party in Washington, where they are mailed back here to Martin. These letters purport to come from the Mexican minister at Washington, D. C. Ernest F. Herwig, ex-senator, then takes these letters to Kain, a rich Jew, who owns most of the claim, and who is president of the Germania Bank of New Orleans, and, to the best of my belief, receives money for Martin, as they pretend, to keep Martin and George D. Hite from exposing the fraud and perjury which they have committed. There is no point in the case but what I can make here. I know not just what more is wanted, but would respectfully request that should anything more be wanted to complete evidence to show the case a complete fraud, that I be instructed on what points, and it will be forwarded at once.

Martin has offered to make an affidavit setting forth that he and George D. Hite committed perjury, and were not in Texas at the time they alleged in their testimony in the case, for a consideration contingent on defeating the claim. I would respectfully state that Lambert B. Cain (or sometimes spelled Kain) and Decrastro, the attorney, are now away from New Orleans, and are said to be in Washington City.

I would state that since returning to headquarters from Arkansas I have found the original letter written by Judge Dooley to the Mexican minister, Mariscal, in pencil, and from which I wrote the first original letter, which I will forward should it be wanted.

FEBRUARY 23, 1878.

I will respectfully state that Capt. John M. Martin, whom I reported as being connected with the claim of Benjamin Weil *vs.* Mexico, met me to-day and expressed a wish to see Gen. Slaughter and see if he could not make some money by going before the proper officer and swear to the contrary to what he swore to in support of the claim. He states whatever he does George D. Hite will also do in the matter.

APRIL 25, 1878.

I met Capt. John M. Martin, whom I have mentioned in a previous report as being one of the parties who gave evidence in the claim of Benjamin Weil *vs.* Mexico, and helped to pass the claim through. He (Martin) states that Weil issued to parties who assisted him in the claim certificates of indebtedness on condition that if the claim was allowed that he would pay them. He (Martin) further stated to me that at the time of giving said deposition or soon after, Weil gave him $50 and promised him five thousand more in case he was successful in the prosecution of said claim.

He further states that one L. B. Cain, of New Orleans, La., has bought up all, or nearly all, the certificates of indebtedness issued by Weil, and now is the monied man who is working the claim and who owns nearly all of it.

MAY 18, 1878.

From 8 o'clock a. m. to 10 a. m. I was engaged at Levy's stable, on Baronne street, making some inquiries into the case of Benjamin Weil *vs.* Mexico. Mr. Levy was a partner for twenty years with Benjamin Weil, and says he (Weil) had no money or cotton at the time for which he is claiming from the Mexican Government. He further states that the claim is a fraud got up by Weil and a few others to swindle the Government of Mexico. He informs me also while the claim is brought in the name of Weil he believes there are a large number whose names do not appear that would receive a pro rata had the claim been allowed. Mr. Levy gave me a copy of writing, which I inclose herein; the original is now in the hands of Jules Aroni, attorney at law, who has an office at 140 Gravier street, New Orleans. I am informed by Mr. Levy that this is a sample of a large amount now out and issued by Benjamin Weil to those who assisted him in getting up the claim and those who are partners to the transaction.

I am informed that a man named E. Lardner had in his possession $15,000 of this paper, but as Mr. Lardner resides in Mississippi, and is engaged in running a schooner, it is quite inconvenient for me to see him.

JUNE 22, 1878.

Capt. John M. Martin met me on the street to-day and opened conversation about the claim of Benjamin Weil *vs.* Mexico. While I know Capt. Martin to be a perjured scoundrel, and a very dangerous man, I will give for what it is worth what he said to me in this conversation. He (Martin) said, "I have been to see Geo. D. Hite about this Weil claim, and we have made up our minds to come out and show up the whole claim to be a fraud and put-up job and the testimony given by each of us to have been false (in support of the claim), on the condition that you will negotiate with the Mexican Government or agent on the following terms: For Geo. D. Hite, $15,000; for John M. Martin, $5,000.

Martin said it was proposed to pay me for my trouble as follows:

Hite to pay me	$3,000
Martin to pay me	1,000
Total	4,000

They are very anxious I should make the negotiations, and I have put them off, saying I would see what can be done.

SEPTEMBER 4, 1878.

Capt. John M. Martin, who swore in the cotton case of Benjamin Weil *vs.* Mexico, again approached me and offered to place his deposition in my possession. Also that he would procure a similar one from George D. Hite, another witness in the case, setting forth that the testimony given by them was false, provided I would take the matter in hand and get a certain sum of money from the Mexican Government, and would pay me one-third of the amount so received. I left Capt. Martin with the impression that I would consider the matter and give him an early answer. The Mexican Government can get the evidence in this city to show this case up provided they exert themselves. I do not understand it to be my duty to specially work on this case further than to report what comes under my notice while working other cases in which the United States Government is interested. Capt. Martin is now so poor and destitute that now is a good time to work him.

Mr. MORGAN. The secret agent of the Government, as I say, got trail of this matter and found this man Martin, besides others, and Martin, not knowing of his agency for the Government, failing to get out of Weil and Mrs. Weil's assignee, Cain, all that he had expected to get, concluded he would turn around and turn State's evidence through this detective and see what the Mexican minister would pay him for his information. He then went on to detail what a lot of lies he had sworn to himself and what others had done in getting up this claim of Mr. Weil. I have not time to read that testimony. I am merely reading a record so that the world will see that the committee have not gone through this matter without the strictest and severest attention to all the facts in this cause.

A Mexican minister, I think it was Mr. Marescal while he was here, happened to be acquainted with Gen. Slaughter, who was a Confederate officer down on the Mexican border during the war, and was there at the time of the surrender. Slaughter was a gallant man and had a very important command on the Rio Grande River under Gen. Kirby Smith, and was there at the close of the operations of the war. He had a good deal to do, I think, with assisting the Mexicans in their difficulties with Maximilian. He spoke Spanish very well, had been in the Mexican country a great deal, and immediately after the surrender he went to Mexico and remained there for two or three years. He wanted to go there and make it his home.

Finally he returned to the United States and became employed as an engineer—he was a civil engineer and graduated at West Point—on the public works down in the Gulf of Mexico. Being acquainted with the Spanish language and, of course, with Mexicans and Spaniards, when he would find them they would naturally have a conversation. Mr. Marescal, or else the consul at New Orlerns, came in contact with Gen. Slaughter. The fact that this enormous amount of money had been awarded to this little man Weil by Sir Edward Thornton had gone out to the world. It aroused the immediate attention of every Jew in all the Southern States. It turned out that Weil, according to the articles of agreement which are here, was a member during the Confederate war of five or six firms of Jews who lived in Louisiana and Texas, and who were engaged in shipping cotton out of the country and in bringing in supplies. Some went through Mexico and some through Texas ports, and supplies were brought in. He was in the employment of the governor of Louisiana.

In order to conduct the business satisfactorily all around these different firms formed a united arrangement amongst themselves that they would share in all the gains and all the losses of their business, that they would pool everthing they had. They were all engaged in this kind of operation. So they kept up with each other and each of these four or five firms was entitled to a part of all that was earned. Weil was a member of the firm, one of the active agents going about buying up cotton and shipping it out of the country, getting up wool and everything of that kind. So when this enormous award was published through the newspapers in favor of Weil all of these parties wanted to know how he got so much money out of this transacsion and they were not included. He takes particular pains in his affidavit and so does Mr. Cain, who swore that Weil was alone interested in this matter, that nobody was concerned with him at all, so as to shut everybody else off.

Of course these men resented that, and began at once to talk about it and to go back and look up Weil's correspondence and compare his whereabouts and other things with his allegations in his affidavit, and they unhesitatingly come out and state, and here are the affidavits, and swear that there is not a particle of justice in his claim, that he never had a pound of cotton; that he had no caravan; that he had nothing, and they exposed him.

Slaughter being there, of course heard of it, as everybody else did, and in conversation with Spaniards and Mexicans about the city of New Orleans naturally he talked about it and said, "I was down on that frontier all during the war, remained there afterwards, and went over to Mexico, and am perfectly familiar with the Mexican officers of any rank, and I know this thing can not be so. I know that this man could not have carried that caravan of 1,900 bales of cotton on his wagons through that part of the country without my knowing it; he could not have assembled the cotton; it would have been a matter of impossibility, and I know it is not so."

Gen. Slaughter's statements were sent to Washington to the Mexican minister, and he at once authorized an engagement to be made for Gen. Slaughter's services to look this matter up. He went around and he looked it up, and here is what he got: He got 234 letters of Weil and other original papers, every one bearing upon the point and every one contradicting Weil. He got hold of the original papers and correspondence of Weil with his different firms, which utterly disproved the whole business, and those original letters are here now in the custody of our State Department. Here are copies of each one of them, and here is a list of these 234 letters which I will incorporate in my remarks, from page 124 to page 127, inclusive.

The list referred to is as follows:

List of papers transmitted to the Secretary of State in proof of the fraudulent character of the claim of Benjamin Weil against the Government of Mexico.

No.	Date.	Contents.
1	Mar. 11, 1863	Certified copy of articles of copartnership of Levy, Bloch & Co.
2	Dec. 19, 1865	Certified agreement for the dissolution of the firm of Levy, Bloch & Co.
3	July 30, 1877	Affidavit of Marx Levy.
4	Aug. 4, 1876	Affidavit of Firnberg.
5	Aug. 7, 1876	Affidavit of S. E. Loeb.
6	Aug. 5, 1876	Affidavit of E. W. Halsey.
7	....do	Affidavit of Louis Sherch.

List of papers transmitted to the Secretary of State, etc.—Continued.

No.	Date.	Contents.
8	Aug. 14, 1876	Affidavit of J. C. Ransom.
9	....do	Affidavit of J. C. Evins.
10	Aug. 7, 1876	Affidavit of B. C. Brent.
11	....do	Affidavit of R. F. Britton.
12	Sept. 27, 1877	Affidavit of John I. Hope.
13	Aug. 17, 1876	Affidavit of W. R. Boggs.
14	Sept. 28, 1877	Letter of T. C. Wise.
15	Aug. 7, 1876	Affidavit of Jacque Levy.
16	Aug. 3, 1876	Affidavit of L. G. Aldrich.
17	Oct. 13, 1877	Affidavit of T. W. Patton.
18	Oct. 22, 1877	Affidavit of Jas. E. Slaughter.
19	Dec. 7, 1875	Affidavit of Miguel de la Puña.
20	Nov. 5, 1875	Certified copy of agreement between the parties interested in the claim of Benjamin Weil.
21	Mar. 17, 1863	Letter of Weil to Bloch.
22	Mar. 19, 1863	Do.
23	Mar. 27, 1863	Do.
24	Mar. 30, 1863	Do.
25	May 5, 1863	Letter of Weil to Levy.
26	May 6, 1863	W. G. Thompson to Levy, Bloch & Co., receipt for cotton.
27	May 7, 1863	Do.
28	May 29, 1863	Weil and T. Levy to Bloch.
29	July 4, 1863	W. G. Thompson to T. Levy & Co., receipt for freight charges.
30	Aug. 8, 1863	Weil to Loeb.
31	Aug. 13, 1863	Do.
32	Aug. 17, 1863	Do.
33	Aug. 30, 1863	Do.
34	Sept. 1, 1863	Gen. Boggs to Gen. Magruder, copy certified to by notary September 28, 1863.
35	Sept. 4, 1863	Governor Moore to Weil & Levy.
36	Sept. 4, 1863	Weil to Loeb and M. Levy.
37	Sept. 8, 1863	Do.
38	....do	Certificate of C. Russell, Q. M., of impressment of cotton.
39	Sept. 10, 1863	Weil to Loeb.
40	Sept. 16, 1863	M. Levy to Loeb, power of attorney.
41	Sept. 29, 1863	Weil to Loeb.
42	Sept. 30, 1863	Weil to Bloch.
43	Oct. 1, 1863	Weil to Loeb.
44	Oct. 7, 1863	Do.
45	Oct. 13, 1863	Do.
46	....do	Weil to F. Levy.
47	Oct. 19, 1863	Weil to Loeb.
48	Oct. 23, 1863	Loeb to Weil.
49	Oct. 29, 1863	Weil to Loeb.
50	Nov. 2, 1863	Do.
51	Nov. 13, 1864 Feb. 23, 1864 Mar. 4, 1864	Alex. Valderas, receipts for cotton and freight charges.
52	Nov. 17, 1863	Weil and Halff to Loeb.
53	Dec. 2, 1863	Weil to Loeb.
54	Dec. 4, 1863	Do.
55	Dec. 17, 1863	Do.
56	Dec. 26, 1863	Do.
57	Dec. 27, 1863	Do.
58	Jan. 5, 1863	Barrett to Loeb.
59	Jan. 7, 1863	Lieut. Col. Hutchins, permit to Leob to ship cotton.
60	Jan. 11, 1863	Y. Rosenfield & Son to Loeb.
61	Jan. 19, 1864	Bloch to Loeb.
62	Jan. 22, 1864	T. C. Turchell, agent cotton bureau, permit to Loeb to ship cotton.
63	Feb. 3, 1864	Weil to Loeb.
64	Feb. 13, 1864	T. C. Baldwin & Co. to Loeb, bill for handling cotton.
65	Feb. 18, 1864	Bloch to Loeb or W. Levy, also Bloch to St. A. Tellure, A. A. Q. M.
66	Mar. 2, 1864	M. Levy to Loeb.
67	Mar. 17, 1864	Scherch to Loeb.
68	Mar. 29, 1864	Baldwin & Co. to Loeb.
69	Apr. 9, 1864	Alex. Valderas to Loeb, receipt for freight charges.
70	Apr. 11, 1864	Weil to Loeb.
71	Apr. 14, 1864	E. Meineres to Loeb, receipt for export duties.
72	Apr. 18, 1864	Baldwin & Co. to Loeb.
73	May 2, 1864	Loeb to Weil & M. Levy.
74	----------	List of hospital stores to be bought for the State of Louisiana.
75	May 18, 1864	Weil to Loeb.
76	May 21, 1864	Bloch to Loeb.
77	----------	G. Jenny to Loeb.
78	May 30, 1864	Weil to Loeb.
79	May 31, 1864	Tenny to Loeb.
80	June 2, 1864	Do.
81	....do	Weil to Loeb.
82	June 3, 1864	Do.
83	June 17, 1864	Weil, Bloch & Levy to Loeb.
84	July 9, 1864	Block to Levy.
85	July 14, 1864	Weil & T. Levy to Bloch.
86	July 21, 1864	Do.
87	....do	Do.
88	July 23, 1864	M. Levy to Weil.
89	July 26, 1864	G. Tenny to Loeb.
90	Aug. 9, 1864	T. Levy to Weil.
91	Aug. 19, 1864	Do.
92	Aug. 29, 1864	Weil to Loeb.
93	Aug. 29, 1864	Weil to Bloch.
94	----------	Regulations of cotton bureau.
95	Sept. 5, 1864	B. Weil & T. Levy to M. Borme (translation from the French).
96	Sept. 7, 1864	T. Levy to Loeb.
97	Sept. 10, 1864	Do.
98	....do	Weil to Loeb.
99	Sept. 12, 1864	Weil to Tenny.
100	....do	Governor Allen to Loeb (telegram).
101	Sept. 13, 1864	Do.
102	Sept. 15, 1864	Do.
103	....do	B. Weil to General E. Kirby Smith.
104	Sept. 17, 1864	Governor Allen to Loeb (telegram).
105	Sept. 20, 1864	Weil to Loeb.
106	Sept. 22, 1864	Weil to Tenny.
107	Sept. 23, 1864	Weil to Firnberg and T. Levy.
108	Sept. 24, 1864	Governor Allen to Loeb (telegram).

List of papers transmitted to the Secretary of State, etc.—Continued.

No.	Date.	Contents.
109	Sept. 26, 1864	Weil to Tenny (telegram).
110	....do	T. Levy to Firnberg.
111	Sept. 29, 1864	Levy to Firnberg.
112	Oct. 1, 1864	Barrett to Loeb.
113	Oct. 6, 1864	M. Levy to Loeb.
114	....do	Governor Allen to Loeb (telegram).
115	Oct. 7, 1864	Do.
116	Oct. 11, 1864	T. Levy to Bloch, F. & Co.
117	Oct. 12, 1864	Tenny to Loeb (telegram).
118	Oct. 10, 1864	Marx Levy to Loeb.
119	Oct. 14, 1864	Clapp to Loeb.
120	....do	Governor Allen to Loeb.
121	Oct. 15, 1864	Do.
122	----------	Do.
123	Oct. 15, 1864	Barrett to Loeb.
124	Aug. 5, 1876	Statement of Weil with Halsey's affidavit.
125	Oct. 23, 1864	Clapp to Loeb.
126	Oct. 24, 1864	Weil to Loeb.
127	Oct. 25, 1864	Weil & Tenny to Loeb.
128	Oct. 26, 1864	Clapp to Loeb.
129	Oct. 27, 1864	Levy to Bloch & Firnberg.
130	....do	Weil & Tenny to Governor H. A. Allen.
131	Nov. 3, 1864	T. Levy to Loeb.
133	Nov. 11, 1864	Clapp to Loeb.
132	....do	Schr's Lehman & Delfina in account with B. Weil.
----	----------	Levy, Bloch & Co.
134	Nov. 13, 1864	T. Levy to Bloch, Fernberg & Co.
135	Nov. 16, 1864	T. Levy to Weil & Loeb.
136	Nov. 20, 1864	G. Tenny to Loeb.
137	....do	Daniel Gors to Loeb.
138	Nov. 21, 1864	M. Levy to Tos. Weil, B. Weil & Loeb.
139	Nov. 23, 1864	T. Levy to Weil & Loeb.
140	Nov. 18, 1864 Dec. 31, 1864	E. W. Halsey, private secretary to Loeb, with affidavit of Halsey attached.
140½	Nov. 28, 1864	Halsey to Loeb.
141	Nov. 29, 1864	Tenny to Levy, Bloch & Co., receipt of $12,000.
142	Dec. 5, 1864	Weil to Loeb.
143	....do	Do.
144	Dec. 6, 1864	Barrett to Loeb.
145	Dec. 8, 1864	Weil to Loeb.
146	Dec. 9, 1864	Barrett to Loeb.
147	Dec. 12, 1864	Weil to Loeb.
148	Dec. 15, 1864	Maj. Leeds to Maj. Willie, with affidavit of Halsey
149	Dec. 17, 1864	Barrett to Loeb.
150	Dec. 19, 1864	Weil to Loeb.
151	Dec. 19, 1864	Baldwin & Co. to Loeb.
152	Dec. 24, 1864	G. Tenny to Loeb.
153	Dec. 26, 1864	Weil to Loeb.
154	....do	T. C. Baldwin & Co. to Loeb.
155	Dec. 27, 1864	Barrett to Loeb.
156	Dec. 28, 1864	Baldwin & Co. to Loeb.
157	Dec. 1, 1864	Account schooner Delfina.
158	----------	Bill against schooner Delfina.
158½	Jan. 6, 1865	Governor Allen to Loeb (telegram).
159	Jan. 9, 1865	B. Weil to Loeb.
160	Jan. 11, 1865	George D. Hite to Loeb.
161	Jan. 12, 1865	B. Weil to Loeb.
162	Jan. 13, 1865	Barrett to Loeb.
163	....do	Baldwin & Co. to Loeb.
164	Jan. 17, 1865	Willie to Loeb.
165	Jan. 18, 1865	Tenny to Loeb.
166	Jan. 20, 1865	Baldwin & Co. to Loeb.
167	Jan. 29, 1865	Maj. Willie to Loeb.
168	Jan. 30, 1865	Baldwin & Co. to Loeb.
169	Feb. 3, 1865	George D. Hite to Loeb.
170	Feb. 5, 1865	T. Levy to Loeb.
171	Feb. 6, 1865	Baldwin & Co. to Loeb.
172	Feb. 3, 1865	Baldwin & Co. to Loeb.
173	Feb. 20, 1865	Tenny to Loeb.
174	....do	T. Tenny to Loeb.
175	....do	Tenny to Loeb.
176	Feb. 23, 1865	T. Levy to Loeb.
177	Feb. 24, 1865	Tenny to Loeb (telegram).
178	Feb. 27, 1865	Vance & Bros. to Loeb.
179	Mar. 5, 1865	Tenny to Loeb.
180	Mar. 8, 1865	Baldwin & Co. to Loeb.
181	Mar. 11, 1865	Hite to Loeb.
182	....do	Bloch to Loeb.
183	Mar. 12, 1865	Weil to Loeb.
184	Mar. 13, 1865	Baldwin & Co to Loeb.
185	....do	Oswald & Co. to Loeb.
186	Mar. 15, 1865	Tenny to Loeb.
187	....do	Bloch to Loeb.
188	Mar. 18, 1865	Tenny to Bloch (telegram).
189	Mar. 15, 1865	Hite to Loeb.
190	Mar. 2, 1865	Weil to Loeb.
191	Mar. 22, 1865	Tenny to Loeb.
192	Mar. 24, 1865	Baldwin & Co. to Loeb.
193	Mar. 27, 1865	G. Tenny to T. Bloch, receipt for $7.60.
194	....do	Bloch to Loeb.
195	Mar. 28, 1865	Bloch to Loeb (telegram).
196	....do	Barrett to Loeb.
197	Jan. 30, 1864	Weil & Tenny in account with T. C. Baldwin & Co.
198	Apr. 2, 1865	Weil to Loeb.
199	....do	T. Levy to Loeb.
200	Apr. 9, 1865	Weil to Loeb.
201	....do	T. Levy to Loeb.
202	Apr. 31, 1865	Alb. Urbalm to Hite.
203	Apr. 27, 1865	Weil to Loeb.
204	May 4, 1865	Governor Allen to Tenny.
205	May 10, 1865	Hite to Tenny.
206	May 13, 1865	T. Levy to Loeb.
207	May 15, 1865	Weil & Tenny to Loeb.
208	May 18, 1865	Governor Allen to Clapp (telegram), certified by Beard.
209	May 22, 1865	Weil to Loeb.
210	May 25, 1865	Do.
211	May 27, 1865	Account current of Loeb with Weil & Terry.
212	June 2, 1865	T. Levy to Loeb.
213	June 3, 1865	Loeb to Weil & Tenny.
214	June 7, 1865	Levy to Bloch.

List of papers transmitted to the Secretary of State, etc.—Continued.

No.	Date.	Contents.
215	----------	Weil to Loeb.
216	July 8, 1865	T. Levy to Bloch and Firnberg to Loeb.
217	July 10, 1865	B. Weil to Loeb.
218	July 24, 1865	Tenny to Loeb.
219	Aug. 16, 1865	J. Levy to Bloch.
220	Aug. 26, 1865	Weil to Loeb.
221	Aug.	Tenny to Loeb.
222	Aug. 31, 1865	Do.
223	----do----------	Weil to Loeb.
224	Sept. 12, 1865	Tenny to Loeb.
225	Sept. 17, 1865	Do.
226	Oct. 7, 1865	Rosenfield & Son to Loeb.
227	Sept. 27, 1865	Tenny to Theo. Mohr.
228	Nov. 2, 1865	Weil to Loeb.
229	Nov. 18, 1865	Do.
230	Nov. 20, 1865	G. Tenny to Loeb.
231	Nov. 29, 1865	Bloch to Loeb.
232	Mar. 9, 1866	G. and C. T. Tenny to Loeb.
233	Mar. 19, 1866	G. Tenny to Loeb.
234	----------	Extracts from Weil & Tenny's cash account kept by S. E. Loeb, Houston, Tex.

WASHINGTON, *February* 29, 1884.

There is in another part of the report a summarized statement of what is proven by each of these letters, but I think it would only swell the RECORD, perhaps without its ever being examined or read, if I should put that in. The reports which are on file here, however, show a copy of each one of these letters, and they are all proven, all authenticated.

Then there is a number of affidavits of different people utterly overturning and controverting in every possible way the statements of those four or five fellows who put in affidavits to prove this claim.

Now the Senate will see that this claim was retarded, it was kept back, it was not presented through any government, but it was run in here after Mr. Weil had gone around and got his pockets stuffed with four or five affidavits. The claim was run in to that commission with the affidavit of his attorney, Judge Key, who perhaps had never seen one of these papers, and then afterwards these papers were brought in for the purpose of acting as depositions, *ex parte* statements, without any opportunity of cross examination, and some of them made apparently by men whom nobody has ever been able to hear of.

Mr. GEORGE. Made by what?

Mr. MORGAN. Made by men whom nobody has ever been able to trace or hear of.

Mr. GEORGE. Sham men.

Mr. MORGAN. Certainly, Sampeyreac and such men, whose existence was assumed when there was nothing of it.

Now, I will turn to the La Abra case. After having put this very brief and unsatisfactory summary of the evidence before the Senate on the subject of the Weil claim, let us see who got the money for this.

Sumner Stow Ely, out of the first and second installments, got $94,106.75, that he distributed according to his own judgment of what was the right disposition to make of it. Then comes the third installment. That was paid to Sumner Stow Ely.

Installments.	How distributed.	Amount.	Total.
Third	----------	----------	$48,858.77
	Check 263, September 17, 1879, Sumner Stow Ely, attorney for La Abra Silver Mining Company (delivered to George H. Williams, attorney, in person)	$38,858.77	
	Agreement between Sumner Stow Ely, A. W. Adams, and George H. Williams (dated October 9, 1879), whereby Mr. Williams is to receive $16,000; $3,326.50 out of first and second installments and balance pro rata. (See letter from George H. Williams, October 18, 1879.)		
	Power of attorney from Henry C. Hepburn (dated November 29, 1879) to Sumner Stow Ely, to collect his entire interest in this award. (See letter from Sumner Stow Ely, December 2, 1879.)		
	Check 267, December 6, 1879, Henry C. Hepburn, assignee (delivered to Sumner Stow Ely, attorney, in person)	2,909.94	
	No further payment to be made to Mr. Hepburn, he having been settled with in full. (See letter from Sumner Stow Ely, December 2, 1879.)		
	Check 268, January 20, 1880, Sumner Stow Ely, attorney for La Abra Silver Mining Company (sent to Mr. Ely, 39 West Tenth street, New York, January 22, 1880)	2,690.06	
	Assignment by La Abra Silver Mining Company (dated February 4, 1881) to Charles T. Parry and Joseph Hopkinson of $4,400; $1,257.20 to be paid out of the third installment, and $314.28 out of each of the succeeding ten installments, commencing with the fifth. (Filed by James Baird, February 5, 1881.)		
	Check 286, February 14, 1881, Charles T. Parry and Joseph Hopkinson, assignees (sent to them, 727 Walnut street, Philadelphia, February 17, 1881)	$1,257.30	
	Check 285, February 14, 1881, Sumner Stow Ely, attorney for La Abra Silver Mining Company (delivered to Mr. Ely in person)	3,142.80	
	Power of attorney from La Abra Silver Mining Company (dated March 25, 1880) to Sumner Stow Ely to collect fourth installment, with full power of substitution. (Filed by Sumner Stow Ely, April 3, 1890.		$48,858.77
	George H. Williams admits having received $3,326.50 from Sumner Stow Ely, the amount due him out of the first and second installments. (See his letter of August 4, 1880.)		
	Power of attorney from Sumner Stow Ely (dated August 17, 1879), to Samuel Shellabarger, to collect fourth installment. (Filed by Samuel Shellabarger, August 18, 1880.)		

The fourth installment commences to be divided out on a broader basis.

Fourth	----------	----------	48,858.77
	Check 559, August 16, 1880, Sumner Stow Ely, attorney for La Abra Silver Mine Company (delivered to Samuel Shellabarger, attorney, in person)	32,706.64	
	Check 560, August 16, 1880, George H. Williams (delivered to him in person)	1,152.13	
	Decree of supreme court of the District of Columbia (dated January 21, 1881) that there shall be paid out of this installment the sum of $15,000, as follows:		
	To Frederick P. Stanton $3,333.33		
	To Miller & Lewis for Thomas W. Bartley 3,333.33		
	To W. W. Boyce 3,333.33		
	To Shellabarger & Wilson, for Alonzo W. Adams 5,000.00		
	(Filed by Shellabarger & Wilson, January 25, 1881.)		
	Check 569, January 26, 1881, Frederick P. Stanton (delivered to him in person)	3,333.34	
	Check 570, January 26, 1881, Miller & Lewis, for Thomas W. Bartley (delivered to them in person)	3,333.33	

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

Mr. MORGAN. Certainly.

Mr. DOLPH. Can he tell me who George H. Williams is?

Mr. MORGAN. No, I can not inform the Senator. I do not remember whether he was one of the attorneys or not. I think he was, though I am not sure of that.

	Check 571, January 26, 1881, W. W. Boyce (delivered to him in person)	3,333.33	
	Check 572, January 26, 1881, Shellabarger & Wilson, for Alonzo W. Adams (delivered to Mr. Shellabarger in person)	5,000.00	48,858.77

Alonzo W. Adams was the man employed to get the La Abra case up before it went before the Commission, and he has been paid very large sums of money.

	Shellabarger & Wilson, for Alonzo W. Adams, etc	5,000.00	
	Assignment by La Abra Silver Mining Company (dated May 6, 1880) to Cyrus C. Camp, as executor of estate of Herman Camp, deceased, the sum of $10,000, to be taken in eleven payments of $909.10 each. (See letter from Sumner Stow Ely, September 14, 1880.)		
	Receipt of Cyrus C. Camp to the company for the sum due on the fourth installment. (See letter from Sumner Stow Ely, October 30, 1880.)		
	Assignment by La Abra Silver Mining Company (dated February 4, 1881) to Shellabarger & Wilson of $5,266 of this award, $2,633 to be paid out of the fifth and $2,633 to be paid out of the sixth installments.		
	Agreement between A. W. Adams and Sumner Stow Ely on the one part, and Shellabarger & Wilson on the other (dated October 4, 1879) in regard to the fees of the latter. (Filed by Shellabarger & Wilson, February 8, 1881.)		
	Assignment by La Abra Silver Mining Company (dated February 5, 1881) to William W. Boyce of $8,666.66 to be paid pro rata. (See letter from Thomas W. Bartley, February 8, 1881.)		
	Assignment by La Abra Silver Mining Company (dated February 8, 1881) to Thomas W. Bartley of $6,166.66 to be paid pro rata. (See letter from Thomas W. Bartley, February 8, 1881.)		
	Assignment by La Abra Silver Mining Company (dated February 8, 1881) to Frederick P. Stanton of $6,166.66 to be paid pro rata. (Filed by Frederick P. Stanton, February 8, 1881.)		

Installments.	How distributed.	Amount.	Total.
	Power of attorney from La Abra Silver Mining Company (dated February 4, 1881) to Sumner Stow Ely to collect fifth installment, with full power of substitution. Power of substitution from Sumner Stow Ely (dated February 4, 1881) to Samuel Shellabarger to collect fifth installment. (Filed by Samuel Shellabarger, February 8, 1881.)		

That was the fourth installment. The fifth installment was divided as follows:

Fifth			$48,858.77
	Check 836, March 5, 1881, Sumner Stow Ely, attorney for La Abra Silver Mining Company	$34,545.85	
	Check 837, March 5, 1881, Thomas W. Bartley, assignee	666.66	
	Check 838, March 5, 1881, Frederick P. Stanton, assignee	666.66	
	Check 839, March 5, 1881, W. W. Boyce, assignee	936.94	
	Check 840, March 5, 1881, Shellabarger & Wilson	2,633.00	
	All foregoing checks delivered to Samuel Shellabarger, attorney, in person.		
	Check 841, March 5, 1881, Chas. T. Parry and Joseph Hopkinson, assignees (sent to them 727 Walnut street, Philadelphia, March 11, 1881)	314.23	
	Check 842, March 5, 1881, George H. Williams, assignee (delivered to him in person)	1,152.13	
	Check 843, March 5, 1881, Cyrus C. Camp, assignee (sent to him, Rouseville, Pa., March 11, 1881)	909.10	
	Assignment by La Abra Silver Mining Company (dated November 23, 1881) to Thomas W. Bartley of $2,500 out of the fifth installment, and $833.33 out of each of the succeeding eight installments, that is to say the sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, and thirteenth, and $208.33 out of the fourteenth. (Filed by Thomas W. Bartley, November 25, 1881.)		
	Assignment by La Abra Silver Mining Company to Frederick P. Stanton, of the same date as above, for like amount and payment to be made in like manner. (Filed by Frederick P. Stanton, November 25, 1881.)		
	Memorandum of settlement by Bartley & Stanton (dated November 25, 1881) of all outstanding questions as regards their fees in this case. The above assignments are in full satisfaction of their claim. (Filed by Bartley & Stanton, November 25, 1881.)		
	Check 897, November 25, 1881, Sumner Stow Ely, attorney for La Abra Silver Mining Company (delivered to Samuel Shellabarger, attorney, in person)	2,034.15	
	Check 898, November 25, 1881, Thomas W. Bartley, assignee (delivered to him in person)	2,500.00	
	Check 899, November 25, 1881, Frederick P. Stanton, assignee (delivered to him in person)	2,500.00	48,858.77

The assignments that are made as set forth here in brief show the different installments of this fund running down to the very last one, out of which the various agents and attorneys are to receive the money as it is realized, so that their claim in respect of this fund now in the hands of the Secretary of State of the United States is a continuing demand and includes every installment to be hereafter made.

Mr. President, I will now close my remarks upon both cases, feeling that I have done very inadequate justice to myself in my attempt to lay before the Senate in a succinct form, and in an intelligible narrative form, the pith and kernel of the great mass of matter included in the reports upon both the cases.

I have merely to address this consideration to the attention of the Senate. The Committee on Foreign Relations have sought diligently, earnestly, sincerely to get at every fact in this case and every principle of law which could affect it, because it is a case that not merely involves the rights of private citizens, but, according to all accounts and according to all admissions of four Presidents and four Secretaries of State and various committees of Congress, this matter involves the honor of our country.

We can not afford to be inattentive to considerations of this kind, and the committee have not been inattentive to them. They have labored—I have and other gentlemen of the committee who have passed out of the Senate, many of them heretofore, have labored with me—until I happen to have the good fortune of having my friend from Oregon [Mr. DOLPH] associated with me in these hard labors For years and years and years we have been at it and resorted to every possible agency that could be obtained to get at the truth, heard arguments freely on all sides and on all occasions, and have permitted a great many things to be said and to be done and to be proven that did not appear to be relative in the technical legal sense of the word, and we have presented this report.

I am very grateful, Mr. President, that I am about to be relieved from a labor which has caused me so much anxiety and so much distress, for a large number of persons, as we see here, are directly interested in this fund. The old La Abra Company is broken all into shreds and nobody will get anything out of it. Although there are judgment creditors standing there to the amount of thousands of dollars in New York, they will never get a cent. Everything has passed out of its reach by assignment of these decrees. Weil, the poor, wicked man became insane, I suppose through the burdens of his own wickedness, and left his widow, and she got not over four or five hundred dollars, while over $100,000 have been paid into the hands of these thieves and marauders, and she will never get another cent. She is not entitled to it of course, but she would never get it if she were.

This fund has all been planted in the hands of men who have earned it, if men can so earn money simply by violating an oath to Almighty God in respect to the truth they profess to tell in the creation of this fund. I regret, Mr. President, that I have had to say so much about it, that I have been thrown in contact so intimately with a subject that is in itself unpleasant. I leave this subject now in the hope that I shall never again have to recur to it.

Mr. HAWLEY. Is a vote desired this afternoon on this question?

Mr. DOLPH. If a vote can be had without a call of the yeas and nays I should not object, but I desire to suggest to the Senator from Alabama [Mr. MORGAN], who has just concluded his remarks, whether, if everybody has spoken now who desires to do so, it would not be practicable to have an agreement to take up and vote on the bill under consideration and the one in regard to the Weil claim immediately after the morning business is concluded on Monday next, when the Senate again convenes.

I should like, if possible, to arrive at an agreement by which we can get to the end of the discussion and come to a vote, and I should like to have it in a full Senate. I therefore ask unanimous consent that that course be pursued on the bill under consideration and the other bill before the Senate, as the legal questions are the same in both cases, and as I think nobody in the Senate will have the temerity to dispute the facts in the case, it seems to me the Senate ought to be able to dispose of them by voting.

Mr. MORGAN. I will ask unanimous consent of the Senate that the Weil case shall be taken up and voted on without further discussion, unless some Senator desires to discuss it, in which event I shall be perfectly willing to yield, immediately succeeding the vote on the present bill, so that we can get rid of this whole question. Then I am willing to say that we shall take a vote on this at 3 o'clock on Monday by unanimous consent.

Mr. DOLPH. Or earlier, if no one wishes to discuss it.

Mr. MORGAN. Yes.

Mr. DOLPH. It will come up at 2 o'clock on Monday as the unfinished business.

Mr. MORGAN. It would come up then, but Senators generally have some demands on them about 2 o'clock that would not make it very convenient for all to be then present.

Mr. DOLPH. I will submit to the suggestion of the Senator.

Mr. MORGAN. I will say 3 o'clock.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Alabama?

Mr. VILAS. Mr. President, I desire to give notice that I shall offer some amendments to the bill when the proper time arrives for the introduction of amendments.

I have no purpose to make any discussion upon the bill in addition to that which has been presented, but from having had occasion some time since in another place to become acquainted in a general way with the circumstances which have been so abundantly exhibited to the Senate, I have felt reawakened to a very earnest desire to see this bill passed, and in such a form as to avoid every objection which might reasonably be urged to it, technically or otherwise.

Indeed, I think no Senator who has listened to the account given by the distinguished Senator from Alabama [Mr. MORGAN] of the struggles which the public conscience has undergone during sixteen years but must sympathize with the effort for its relief; somewhat like the famous pilgrim up in Mr. Bunyan's veritable history, heavy laden with the burdens upon him, the moral sense of the country, the public conscience, has been seeking some avenue for relief, and we have heard an interesting account of how, groping, as it were, to climb over a mountain range of objection and difficulty and opposition, here it has been met by one insurmountable obstacle and there by another, until at last it would seem that a defile has been discovered through which this remorse-struck conscience can at last penetrate the light and cast off the burden which has oppressed it.

Objection is made now—and it is to that to which I wish to address a mere observation with reference to these amendments—that this submission of the question for determination is not judicial or is not the proper invocation of the judicial power of the United States. That the question which this bill proposes to submit to the courts of the United States is in its nature judicial seems to find no objection, but it is said that this question is not judicial or does not invoke judicial power because it does not leave it to the courts to pronounce a final judgment which will be binding by virtue of the decree of the court upon the parties to the suit to be instituted.

I conceive that that objection has considerable weight as the bill stands, but it seems to me that it is easy to remove it, and that it is desirable to remove it, because it can not but be thought desirable to invoke the superintending judgment of the Supreme Court upon such a question as this by the appeal provided for in this bill. In the case to which reference has been made we have an easy example and illustration of what is necessary to complete, as it seems to me, the bill which has been prepared. It lies merely in this, that the submission to the Court of Claims with the right of appeal to the Supreme Court shall be a submission to result in a final judgment, which shall be obligatory upon the parties.

That judgment will spring or follow naturally, as it seems to me, from the consideration to be given by the court under this bill to the case to be submitted. It is a simple case in equity. An officer of the United States holds in his hands a fund. The United States has the custody and care of that fund. Mexico has no claim to it. The treaty made its payment a finality, but by virtue of the statute of the United States previously enacted and by virtue of the nature of the award itself and the fact that certain claimants invoked the judgment of the Mixed Commission for the United States there is an equity of claim in Weil and his representatives or assigns in the one case and in the La Abra Mining Company, its legal representatives and assigns, in the other. The Attorney-General is therefore directed to bring a suit in the name of the United States for what? Practically to bar and foreclose as by a strict foreclosure the rights, whether legal or equitable, of these claimants to that fund.

Now, that is a perfectly recognizable subject of equitable jurisdiction, entirely competent for the court to proceed with, and it remains only, as it would seem to me, to add to this bill that the suit which shall be so instituted in the Court of Claims, and subject to appeal, shall result in a final and conclusive judgment. If so, we are then within the exact precedents which the Supreme Court of the United States has established with reference to the Court of Claims.

All there was which caused the decision in the case of Gordon *vs.* The United States was simply that the fourteenth section of the act of 1863 provided that after the judgment of the Court of Claims should be rendered, the money should not be paid until the Secretary of the Treasury submitted an estimate to Congress and that estimate was approved.

That was held by the late Chief Justice Taney, with the assent of his associates upon the bench, to be such an interference with the finality of the decision of the court as to shear the court of its judicial power. That difficulty in the case of the Court of Claims was removed simply by an act which repealed the fourteenth section of the act of 1863, and thus left no right in the Secretary of the Treasury to pass any further judgment on the question. Does not that point the way to amend this bill so as to bring it unquestionably within that decision?

I purpose, therefore, to submit to the consideration of the Senate an amendment which shall alter the first section of the bill, so that it shall read: That the case shall be brought—

To determine whether the award made by the United States and Mexican Mixed Commission in respect to the claim of the said La Abra Silver Mining Company was obtained, as to the whole sum included therein or as to any part thereof, by fraud, effectuated by means of false swearing or other false and fraudulent practices on the part of the said La Abra Silver Mining Company, or its agents, attorneys, or assigns, and, in case it be so determined, to bar and foreclose all claim in law or equity on the part of said La Abra Silver Mining Company, its legal representatives or assigns, to the money, or any such part thereof, received from the Republic of Mexico for or on account of such award as was made by said Mexican Mixed Commission upon the said claim.

In case the United States prevails in that suit that will then be a final judgment against the claimants. On the other hand, I suggest to amend section 4 of the bill so as to provide:

That in case it shall be finally adjudged in said cause that the award made by said Mixed Commission, so far as it relates to the claim of the La Abra Silver Mining Company, was obtained through fraud effectuated by means of false swearing or other false and fraudulent practices of said company or its assigns, or by their procurement, the said La Abra Silver Mining Company, its legal representatives or assigns, be barred and foreclosed of all claim to the money or any part thereof so paid by the Republic of Mexico for or on account of such award as was made upon the claim of said company.

Then the President of the United States is authorized to release the Government of Mexico from the further payment thereof, etc.

Correspondingly with that theory of the suit I suggest also to amend section 5 of the bill by striking out the last words:

And in case said court shall decide in said suit that said La Abra Silver Mining Company, or its successors and assigns, are, in justice and equity entitled to any part of said award that shall remain to be paid or distributed, the Secretary of State shall proceed to distribute the same to the persons entitled thereto.

And make the language conform there to the language in the first section of the bill that in case it shall be determined that the award was not obtained by fraud as aforesaid, then that the money shall be paid to the parties entitled thereto under the order of distribution.

That makes the judgment of the court a final and conclusive judgment upon the two parties to the suit, the United States on the one hand, and the claimants on the other.

Let me observe also that that removes from the bill the objection which was suggested by the learned Senator from Mississippi [Mr. GEORGE] that another than a legal rule of disposition was provided for; that the court was asked to consider moral considerations, obviously an objection if we leave it simply that the court is invested with full jurisdiction to consider a simple action or suit in equity, based upon a familiar ground of equitable jurisdiction, to foreclose and cut off all the rights of claimant to a particular fund to which there are two or more claimants. Thereupon the judicial power invoked is complete, and, having been exercised, a result follows, a determined and final result, such a result as is necessary to the full investiture of a court with judicial power, properly speaking.

Then comes in the residue of this bill, and, as it seems to me, a very proper bill in that respect. If the judicial tribunals shall so exercise judicial power as to leave no claimant to the fund in the hands of the United States, then the legislative power, so far as that is necessary to be exercised in order to the exertion of the political power of the Government, legislates to commit the disposition of the fund as between the United States and Mexico to the President of the United States. Thus here is in that case in this bill the simple, ordinary illustration of legislation to be operative upon a contingency, a contingency which is not a delegation of legislative power, a proper contingency, the contingency of a result in the exercise of a proper judicial power.

I make these suggestions, as I said, without any purpose to debate this bill, but merely to present the view I entertain in respect to it, and in the hope that it may thus be so perfected as to obviate objections before it is determined that the honor of the United States, so far engaged, at least, as to have challenged the judgment of a majority of the committee, ought to be made the subject of such an inquiry as shall enable it to be at rest.

I ask that the proposed amendments may be printed.

Mr. DOLPH. I will ask the Senator if his amendments are so prepared that they show what parts are to be stricken out and what parts to be inserted in the original bill.

Mr. VILAS. Yes, sir. I ask that the amendments may be printed.

The VICE-PRESIDENT. The order to print will be made, in the absence of objection.

Mr. PALMER. Mr. President, the second section of this bill provides:

That full jurisdiction is hereby conferred on the Court of Claims to hear and determine such suit and to make all interlocutory and final decrees therein, as the evidence may warrant, according to the principles of equity and justice.

I suppose the term "equity" as used here has reference to that legal equity which is recognized by the courts. So the court is clothed with authority to render final decree, final upon the rights of the parties, final surely with respect to the parties who are to be made defendants in this proceeding, the claimants of this fund.

That full jurisdiction is hereby conferred on the Court of Claims to hear and determine such suit and to make all interlocutory and final decrees therein, as the evidence may warrant, according to the principles of equity and justice, and to enforce the same by injunction or any proper final process, and in all respects to proceed in said cause according to law and the rules of said court, so far as the same are applicable.

Assuming that the Court of Claims will acquire complete jurisdiction over these parties by the methods prescribed by the proposed act, I am at a loss to determine what language can be more forcible than that employed in this section of the bill. Its authority is to adjudge the rights of these parties finally, and its authority is to issue injunction or other process so as to compel obedience to its final orders. If, then, the rights of parties are adjudged finally, and if their obedience is compelled by process adapted to that end, what more can be done?

It has been suggested, however, that there are two parties to this controversy, and the United States must be regarded here under this bill as a mere litigant. It offers to submit its rights to this court. This adjudication would be final against the United States as well as against the claimants, and thus, I understand,

a final judicial determination or disposing of the rights of parties absolutely is to be reached by the Court of Claims. That being so, I am utterly unable to understand the objection that the Supreme Court would not have final jurisdiction on appeal.

After the Court of Claims has finally adjudicated upon all the questions made by the bill and submitted to its jurisdiction, it is provided further that the United States, not in aid of the jurisdiction of the court at all, but to furnish a mode for the satisfaction of the orders of the court, in the event of the decision of the court in favor of these claimants, directs that then the decree of the court shall be satisfied by the payment of money.

This proceeding, being a suit at law in respect to a question made judicial by this bill, and this court being empowered to render a final decree, or, in other words, to bring parties into court involuntarily, and to adjudge their rights finally, and to enforce obedience by legitimate process, I am at a loss to know what more can be done in respect to disposing of the rights of private parties. That decision the United States consents shall be final as to its rights, and then the bill makes provision for the satisfaction of whatever orders may be made against the United States.

I conclude, therefore, that while it may be true (although I confess I do not yet quite perceive how)—while the bill might in some respects be made more formal, I am at a loss to know how it can be made in substance more expressive than it is.

Mr. DOLPH. Now let the question be put on the request of the Senator from Alabama [Mr. MORGAN] in regard to voting on the bill.

Mr. TELLER. Let us vote on the bill now.

The VICE-PRESIDENT. Will the Senator from Oregon restate the request?

Mr. DOLPH. The Senator from Alabama [Mr. MORGAN] requested unanimous consent that unless some Senator desired to speak at that time, at 3 o'clock on Monday the Senate should vote on the bill under consideration, and immediately following that that the vote should be taken on the Weil bill.

Mr. PADDOCK. I thought the Senator from Alabama modified his proposition so as to make the hour 2 o'clock instead of 3.

Mr. DOLPH. I understood 3 o'clock to be the time named.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Alabama? The Chair hears none.

Mr. HOAR. I do not rise to discuss at this time the question which has been raised, whether this bill undertakes to impose upon the Supreme Court a duty which it is not possible for Congress to impose on it under the Constitution. I should like an opportunity to look over the remarks of the Senator from Alabama [Mr. MORGAN], which I have not had an opportunity to do and which I did not hear in full, before renewing that discussion as far as I am concerned.

I wish to say, however, that I understand the principle of law to be this: That, in the first place, we can not impose, under the Constitution, upon the Supreme Court of the United States the duty of ascertaining facts or of declaring rules of law or equity merely for the sake of giving advice to other departments of the Government or of furnishing them rules upon which they, in their legal discretion, are to act. The Supreme Court must render, if anything, what is recognized as a final judgment between parties, determining finally their rights according to principles of law furnished by the lawmaking power.

In the next place, what is involved in what I have just said, the Supreme Court can not be authorized to render such a final decree which shall be binding and conclusive on the rights of parties if that decree is to be founded not upon previously existing rules of law or upon a rule of law prescribed by the lawmaking power, by the statute-making power if it is to be a statute, but in accordance with a rule adopted by the Supreme Court for the purposes of the case in accordance with its view of what may be just and equitable.

Neither of those two things can we require the Supreme Court to do, to find fact or law which is not to be the subject of its own conclusive and final decree, in the first place, or to make a final decree in the second place, which is to be founded not on a law prescribed to it by another power, but on its own sense of what is just or equitable, being formulated according to a rule which it creates itself for the case.

The objection to the appeal provided in this bill to the Supreme Court of the United States is that it does not undertake to do what, as I understand, the honorable Senator from Illinois [Mr. PALMER] thinks it does—authorize the Supreme Court to settle legal or equitable rights now existing; but it authorizes the Court of Claims and the Supreme Court on appeal to do in regard to this fund what they think equitable and just. The word equity being known by its associate, *noscitur a sociis*, the term "justice," when they say that in dealing with this fund, considering all our relations with a foreign power and our relations to this corporation and to citizens who have succeeded to its claims, it undertakes to refer to the Supreme Court what it is reasonable and just for us to do.

I rose, however, at the present time to call the attention of the Senate and the Senator from Alabama to the statute of 1887, which the Senator cited as a precedent for this bill. I am reported as saying, when the Senator appealed to me and asked me whether I was in the Senate at that time, "I have not had the opportunity of refreshing my recollection in regard to that act, and I do not remember that I had any connection with it myself." What I said was that I had a connection with it myself, and in fact drew one of the sections to amend that act.

The Senator from Alabama seems to me entirely to misunderstand that act. He reads some of the sections providing for suits against the United States either in the district courts or in the Court of Claims, or in some cases of concurrent jurisdiction in the district courts of the United States and the Court of Claims, and then for an appeal to the Supreme Court and a final decree. That, of course, is all right. Nobody ever questioned that where a citizen had a claim against the United States founded upon a tort of one of the agents of the Government, founded upon a collision at sea with a Government vessel, where the managers of the vessel were at fault, founded upon a Government bond or other contract, founded on an implied obligation of the Government, where the circumstances of the case would create a legal obligation if the case had arisen between citizens which could be enforced in the courts, where the claim against the United States was only invalid because there was no provision for suing the Government, nobody ever doubted, so far as I know, that we might lawfully and constitutionally give to any court of the United States original jurisdiction of such claim and allow a citizen to sue in that court, and give appellate jurisdiction to the Supreme Court of the United States to make a final judgment, although that final judgment would be enforced not by an execution or other like process in the ordinary way, a writ of injunction, mandatory, or otherwise, but could only be enforced by an appropriation by Congress. That is one thing. We did that in the Bowman act.

In the first eight or nine sections we provided the mechanism and gave the remedy. Then we provided for an appeal to the Supreme Court of the United States. Then we went on and enacted the twelfth section, which the Senator from Alabama read and said in reading it, that that is one of the sections which he included in the bill, and the remedy by that section might be further prosecuted by an appeal to the Supreme Court. There is where I take issue with the honorable Senator in regard to the twelfth section. That was a provision that where any Department of the Government or either House of Congress had before it a matter requiring an investigation into facts or involving difficult or doubtful questions of law, that matter might be referred to the Court of Claims for its advice for two reasons: In the first place, that the United States might be represented and there might be a hearing upon the facts, and, secondly, that counsel, who could not so conveniently appear before committees of Congress, might make such suggestions as they had to make in regard to the law.

But in both those cases there was no thought on the part of the committee framing the statute or on the part of Congress when it was enacted, that an appeal to the Supreme Court of the United States should lie, but, on the contrary, the only provision is that in that case the Court of Claims shall report its conclusions to the Department of the Government or to the House of Congress which had sent the case for its consideration. So that statute is not only not an authority for the proceeding now proposed, but is, so far as the legislative precedents are concerned, a direct authority the other way.

I have the profoundest deference for the judgment of the Senator from Alabama. I think the Committee on Foreign Relations have shown great wisdom and are entitled to our gratitude for having wrought out this method of getting rid of this complicated and troublesome affair; but it does seem to me that it is safer and better, that everybody will be satisfied and every right will be preserved by leaving this to the decision of the Court of Claims, on whom we may impose any duty of any kind and not embarrass it by an appeal to the Supreme Court of the United States, which, in the first place, must occasion great delay, and, in the next place, is of very doubtful constitutionality.

Mr. MORGAN. I should like to add just a word in reply to the Senator from Massachusetts on the last branch of the proposition.

I see that section 12 of the act referred to does include those determinations of law or fact by any court upon whom we confer jurisdiction to which section 9 of this act applies.

Mr. HOAR. That was put after section 9.

Mr. MORGAN. Yes; that was put after section 9.

SEC. 9. That the plaintiff or the United States, in any suit brought under the provisions of this act, shall have the same rights of appeal or writ of error as are now reserved in the statutes of the United States, etc.

Then the question, of course, is whether or not the provision of section 12 includes the words "any suit."

That when any claim or matter may be pending in any of the Executive Departments—

Not before Congress, but a claim pending in an Executive Department—

which involves controverted questions of fact or law, the head of such Department, with the consent of the claimant, may transmit the same, with the vouchers, papers, proofs, and documents pertaining thereto, to said Court of Claims, and the same shall be there proceeded in under such rules as the court may adopt.

May take further testimony and reject testimony.

Mr. HOAR. Read on.

Mr. MORGAN. It continues:

When the facts and conclusions of law shall have been found, the court shall report its findings to the Department by which it was transmitted.

Mr. HOAR. Yes.

Mr. MORGAN. Very good. That is a judicial proceeding through and through. It can not be denied that it is judicial, because the court can take proof, they can hear and determine questions of law and questions of fact, and that is all any court can do, except that some courts can render final judgments in certain cases and others can not in other cases.

Now we come to section 13, and that is the section which applies to claims that are pending in Congress.

SEC. 13. That in every case which shall come before the Court of Claims or is now pending therein, under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883, if it shall appear to the satisfaction of the court, upon the facts established, that it has jurisdiction to render judgment or decree thereon under existing laws or under the provisions of this act, it shall proceed to do so, giving to either party such further opportunity for hearing as in its judgment justice shall require, and report its proceedings therein to either House of Congress or to the Department by which the same was referred to said court.

That is a final judgment, but it depends upon Congress to make the appropriation. In the other case it does not depend upon Congress to make the appropriation, because it is a claim that the law authorized to be considered by and referred to the executive department, and there it stops, and that is a fact, that the money to pay the claim is supplied perhaps by a standing appropriation. Now we come to the next section:

SEC. 14. That whenever any bill, except for a pension, shall be pending in either House of Congress providing for the payment of a claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person, the House in which such bill is pending may refer the same to the Court of Claims—

That is not a suit by a party or by the consent of the party. It is a proceeding on the part of the House on its own motion—

who shall proceed with the same in accordance with the provisions of the act approved March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," and report to such House the facts in the case and the amount, where the same can be liquidated, including any facts bearing upon the question whether there has been delay or laches in presenting such claim or applying for such grant, gift, or bounty, and any facts bearing upon the question whether the bar of any statute of limitation should be removed or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy.

In that case no judgment is rendered. That is mere advice given to the Houses of Congress in which they can recommend, if the court please to do so, that it is equitable in its character, about which the circumstances are so peculiar that it would be proper in the opinion of the court for Congress to remove the bar, implying, of course, that it would require new legislation to accomplish what the court itself had recommended should be done, and in these other cases it does not require new legislation. In one of them it requires an appropriation to be made, and in the other it is a direction to an executive officer that he shall pay the money. It has been overlooked. I have not tried to argue this part of the bill with any degree of accuracy, because I am entirely satisfied that the Senate should take any course on it that it pleases. It is only a question of difference amongst lawyers as to which is the best course. The Senate will observe that this bill provides for a jurisdiction in behalf of the Court of Claims, and of course the Supreme Court, to issue a final injunction or any other form of injunction, interlocutory, for instance, and that of itself implies the power to render a final decree, for it very often happens that you can not render a money decree or a property decree, but you can enjoin a man perpetually from setting up a claim or demand in equity, or pretending to do it, and cut him off from his remedy, and that is a final judgment in the most complete sense of the word.

Mr. HOAR. Could you enjoin him against presenting a petition to a Department or to Congress, which is all that can be done now?

Mr. MORGAN. I do not know about that. That may be accomplished under the Constitution, and you can certainly enjoin him from bringing suit. There is no question about that. You have got a receiver in your court. There is a man disposed to harass him. The court can enjoin that party from suing that receiver. "You shall not present your claim to him. You shall not do anything to him. If you do, we will put you in jail." It is an inequitable demand and you must not press it. That is the nature of the judgment.

I believe we are debating a matter here which is of no substantial value. I think so, but I am satisfied with any form of words, and I am pleased with the words which are indicated by the Senator from Wisconsin in the change of phraseology of the bill. I think, perhaps, it makes the bill clearer, but we will look at those amendments when they are printed and come to some agreement about them which will, I hope, satisfy everybody. I have no pride of opinion in what I have had to say about this matter.

Mr. CHILTON. Will the Senator from Alabama allow me to interrupt him to ask a question which seems pertinent to this discussion?

Mr. MORGAN. Certainly.

Mr. CHILTON. As I understand the proposition made by the Senator from Massachusetts, it is that while the Court of Claims can undoubtedly be invested with the authority to determine this matter, it is rather as a board of arbitration or agency of Congress than as a part of the judicial machinery of the country, recognized by the Constitution. It has seemed to me that the "controversy" or "case" of which the courts are given jurisdiction by this bill was simply an issue as to the fraudulent character of the Weil and La Abra awards. While perhaps technically no court could entertain a direct suit to set aside the award of an international commission, yet the question as to whether it was fraudulent or not might be constituted a subject for judicial determination, and if so, the appellate jurisdiction of the Supreme Court could be provided for in the bill.

But the very fact that a lawyer of such distinction as the Senator from Massachusetts finds room for doubt in regard to the jurisdiction of the Supreme Court is enough to cause some further consideration of the form of the measure, and it occurred to me to propound this inquiry to the Senator from Alabama. Suppose that the pending bill is passed, the litigation is instituted in the Court of Claims, and upon its judgment being rendered an appeal is taken to the Supreme Court of the United States. If that Court should then decide that an appeal did not lie, could it be held under the phraseology of the bill that the appeal was such an essential part of the remedy provided for that when the appeal fell to the ground the whole proposition or project fell with it?

It seems to me, if such a result is possible, it would be very desirable that such language should be used in the law that its whole vigor will not depend upon that section which authorizes an appeal, and that even if that jurisdiction should not be sustained we would still have an end, by the judgment of the Court of Claims, of this long-labored inquiry which has been so ably presented by the Senator from Alabama and other Senators during this debate.

Mr. MORGAN. The appeal could not fall to the ground under the judgment of the Supreme Court otherwise than by that court declaring that it could not take jurisdiction. That is all the reason there is for it. If we put a provision in the bill that that court shall have jurisdiction and it decides that we can not confer it, of course that ends the appeal, but it does not at all affect the antecedent provisions which make the judgment of the Court of Claims final because the Supreme Court can not entertain the appeal.

But that difficulty is removed by the case of Sampeyreac, which the Senator must have had in his mind when he made such a clear statement of the precise purpose of the bill, which was not to open up an inquiry into the merits of these claims but a naked inquiry into the question whether the awards had been obtained by fraud or perjury or fraudulent practice; that is all. That was done exactly in that form in the case of Sampeyreac, which I have read here from my desk. In that case there was not a bill of review.

The Supreme Court expressly said that it was not in the nature of a bill of review, but it was the exercise of a jurisdiction by the circuit court of Arkansas upon a special statute enacted for a special case, after a decree had been passed in favor of Sampeyreac, and after the time for appeal from that decree had expired, and it was to all intents and purposes a final and irrevocable decree so far as the power of the judiciary was concerned. Congress came in and gave to the court jurisdiction to hear and determine the question whether that decree had been obtained by fraud, and the court entertained the jurisdiction, and the Supreme Court entertained an appeal under that very statute and decided the case, affirming the decision of the court below, which it could not have done, of course, unless it had jurisdiction.

Mr. CHILTON. Before the Senator takes his seat I wish to state that I had in my mind a case or cases that I remember to have read in some of the reports where certain inferior courts had been invested with jurisdiction to determine election contests and a right of appeal had been given to the supreme

court. When a case in point went to the supreme court of the State in which it arose, it was decided that the election contest was a political question, and that jurisdiction to determine it by appeal could not be conferred upon the supreme court.

Mr. MORGAN. That was because there was another tribunal under the constitution of that State, I suppose, which had the right to determine upon the elections, return, and qualifications of its members.

Mr. CHILTON. No, sir; it was a political question—it was a question of officers—and after it was decided that the right of appeal could not be exercised, it was held that the whole statute fell to the ground, because the section giving the appeal was such an essential part of the remedy provided or created that it could not be supposed that the law-making power would pass the statute with that part of it omitted. That is the point I wish to make.

Mr. MORGAN. A similar decision was made twice in the State of Alabama in our supreme court, in which they held that the law was unconstitutional—these were criminal laws—which undertook to make final disposition of an offense, a misdemeanor I think it was, without giving an appeal, in fact cutting off an appeal to the supreme court. They held it was unconstitutional, and why? Because our supreme court there had revisory power over the inferior courts in every matter. It being a constitutional right, the legislature could not take away from that court or from the party that privilege. But the Supreme Court of the United States have that sort of a revisory power.

When the Congress of the United States gave the Supreme Court of the United States the power to issue mandates, injunctions, mandamuses, and writs of habeas corpus, it was decided that because they did not expressly include writs of prohibition that court could not issue a writ of prohibition except to a court of admiralty.

Why? Because the jurisdiction in admiralty as it existed under the English law was expressly taken up in the Constitution and by terms conferred upon the Supreme Court, but the jurisdiction to issue writs of prohibition was not included in express terms or by necessary reference in the terms of the Constitution, and the Congress of the United States having provided that they might issue writs of mandamus, writs of injunction, of *quo warranto*, and habeas corpus—I believe those were the writs included—having included those it must be construed that that was as far as Congress intended to go; and therefore, writs of prohibition not being included they could not be granted. I have been trying ever since I have been here to get Congress to confer the power upon the Supreme Court of the United States to grant writs of prohibition.

Now, there is the difference in the two cases. The Constitution of the United States investing the judicial power in the Supreme Court and the inferior courts, attended that investiture of power in the next section with the provision that Congress should regulate and provide what appeals should be heard in the Supreme Court. The jurisdiction, as I read to-day from the authorities, is conferred by the Constitution of the United States and is plenary; there is nothing to interfere with it except the will of Congress; and we admeasure to the Supreme Court from time to time in our enactments the procedure and also the right to exercise the jurisdiction in various classes of cases; I do not mean the original but the appellate jurisdiction. There is the difference.

I was a little afraid of the proposition suggested by the Senator from Texas, that perhaps if we did not include the right of appeal here the point might be made that we had violated the Constitution of the United States by cutting it off, especially after the debate which has gone on here. It is a very much safer procedure, in my judgment, that we should put the right of appeal in the bill, and then if the Supreme Court of the United States should decide that after all we did not have authority to put it there, they can merely discard the case from their jurisdiction, and that leaves the judgment of the Court of Claims absolutely final, particularly as this proposed act confers upon the Court of Claims, as I have said before, the right to make injunctions final, and an injunction is really the final process contemplated in this measure, that a final injunction shall be imposed upon these people from setting up this pretense any further, upon the ground that they have an equity upon this fund, and when that is done by a court, then the President of the United States is instructed by the bill to pay the money to Mexico. That is an appropriation; that is a different thing.

APPENDIX A.

[Fifty-second Congress, first session. Senate Ex. Doc. No. 20.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES, TRANSMITTING A REPORT OF THE SECRETARY OF STATE, IN RESPONSE TO SENATE RESOLUTION OF JANUARY 12, REGARDING CERTAIN CLAIMS PROVIDED FOR BY A CONVENTION BETWEEN THE UNITED STATES AND MEXICO.

January 19, 1892.—Read, laid upon the table, and ordered to be printed.

To the Senate of the United States:

I transmit herewith to the Senate a report of the Secretary of State, in answer to the resolution of the Senate of the 12th instant, making inquiries regarding payments of the awards of the Claims Commission under the convention of July 4, 1868, between the United States and Mexico.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 18, 1892.*

DEPARTMENT OF STATE, *Washington January 14, 1892.*

The Secretary of State has the honor to submit herewith a report in answer to the resolution of the Senate of the United States of the 12th instant, respecting the awards of the Mixed Claims Commission which sat at Washington under the convention of July 4, 1868, between the United States and Mexico.

The awards of the Commission were rendered in Mexican gold, American gold, and American currency. By the terms of the protocol between the Secretary of State and the Mexican minister, under date of January 31, 1878, the various currencies were reduced to the basis of American gold. Upon this basis the net indebtedness of Mexico to the United States by reason of the awards was ascertained to be $3,865,498.42.

This amount was paid in full to the United States by Mexico in fourteen annual installments, in perfect accordance with the terms of the convention, the final payment having been made January 21, 1890.

The ascertainment of the proportionate share of each of the awards, numbering in all 187, in the total sum of the indemnity, is set forth in detail in the annexed table, marked "A."

Nearly all of these awards have been paid in full to the awardees or their assigns, the principal exceptions being the awards in favor of Benjamin Weil and La Abra Mining Company.

There is at present on deposit to the credit of the Secretary of State with the assistant treasurer of the United States at New York, on account of all awards of the Commission, the sum of $700,968.57.

Of this amount the sums of $287,833.77 and $403,030.08 are withheld, respectively, on account of the awards rendered in favor of Benjamin Weil and the La Abra Silver Mining Company. These sums aggregate $690,863.85, thus leaving of the sum above stated as being in the hands of the Secretary of State only $10,104.72 yet to be distributed on account of outstanding interests among the other 185 awards. Deaths of the principals and failure of their administrators or executors to present their claims for the balances due them are the only causes why this sum of $10,104.72 remains undistributed. It is reasonable, however, to expect that the persons entitled to this remainder will present themselves in the near future.

In specific answer to that portion of the resolution which inquires "the amount of any award made under said convention that has been refused payment by the State Department, and what person or persons are now the claimants of interests in said awards, the payment of which has been refused," I have the honor to state that payments have been refused only in the two cases above referred to, namely, those of Benjamin Weil and the La Abra Mining Company, and that the annexed transcripts, marked B and C from the Department's docket, show in detail the dates and amounts of payment made on these awards, respectively, and the persons to whom paid, as well as briefs of the instruments on file in the Department showing what persons are the claimants of interests in these awards.

In answer to the concluding inquiry of the resolution, I have the honor to state that at no time has any part of the moneys received from Mexico been invested.

Respectfully submitted.

JAMES G. BLAINE.

To the PRESIDENT.

A.

Awards of the Joint Claims Commission in favor of United States citizens, under the convention of July 4, 1868, between the United States and Mexico.

[In this table the equivalents of the awards in "Mexican gold" are carried into the column of "United States gold or currency," the value of the Mexican gold dollar being calculated at 0.98\frac{929}{1000}$ United States gold.]

Docket No.	Claimants.	Mexican gold.	United States gold or currency.	Over-appropriation by Congress.	Total gross award.	Expenses of Commission, calculated at 0.04233627 per cent.	Net award.
7	Francis W. Rice		$4,000.00	$0.59	$4,000.59	$169.38	$3,831.21
8	Cornelius K. Garrison, survivor		44,710.96	6.61	44,717.57	1,893.20	42,824.37
11	William W. Snelling's administrator		5,100.00	.75	5,100.75	215.94	4,884.81
18	Abel H. Halstead		1,600.00	.23	1,600.23	67.75	1,532.48
24	J. P. Putegnat's heirs		5,089.48	.75	5,090.23	214.51	4,874.72
26	Joseph M. Bryant		7,600.00	1.12	7,601.12	321.80	7,279.32
29	William P. Barnes		5,100.00	.75	5,100.75	215.95	4,884.80
33	Lucian Mathieu		3,100.00	.46	3,100.46	131.26	2,969.20
34	Elizabeth A. Evans	$24,316.82	23,926.27	4.54	23,929.81	1,013.12	22,916.69
42	Michael B. Evans		1,000.00	.15	1,000.15	42.34	957.81
43	Frederick V. W. Rathbone		1,000.00	.15	1,000.15	42.34	957.81
47	Edgar Warren		2,000.00	.30	2,000.30	84.67	1,915.63

Awards of the Joint Claims Commission in favor of United States citizens, etc.—Continued.

Docket No.	Claimants.	Mexican gold.	United States gold or currency.	Over-appropriation by Congress.	Total gross awards.	Expenses of Commission, calculated at 0.04233627 per cent.	Net award.
51	José J. Fernandez		$28,386.27	$4.20	$28,390.47	$1,201.95	$27,188.52
52	Andrew Trenis		500.00	.07	500.07	21.17	478.90
58	Joseph W. Hale	$39,397.26	38,764.50	5.73	38,770.23	1,641.38	37,128.85
61	George H. Giddings		33,188.00	4.90	33,192.90	1,405.26	31,787.64
62	Margaret Glenn	20,000.00	19,678.78	2.91	19,681.69	833.45	18,848.24
70	Augustus Jouan	78,213.97	76,957.78	11.38	76,969.16	3,258.58	73,710.58
76	Thomas Dwyer		7,030.63	1.04	7,031.67	297.69	7,733.98
79	Thomas J. Dolan		1,000.00	.15	1,000.15	42.33	957.82
80	Watson Hodge		1,000.00	.15	1,000.15	42.34	957.81
82	C. C. Johnson		2,604.68	.39	2,605.07	110.29	2,494.78
83	Caroline Sprotto, assignee		29,850.88	4.41	29,855.29	1,263.98	28,591.31
89	Stillman D. Willis	535.67	625.46	.09	625.55	26.48	599.07
90	Bernard Turpin		100.00	.01	100.01	4.23	95.78
90	....do	703.76	692.46	.10	692.56	29.32	663.24
95	Edgar Keller	18,226.10	17,933.37	2.65	17,936.02	759.35	17,176.67
100	Marcos Shaben		8,000.00	1.33	8,001.33	338.69	7,662.64
108	Joseph Sbisa, assignee		6,387.34	.94	6,388.28	270.46	6,117.82
113	John Belden	73,959.78	72,771.91	10.76	72,782.67	3,081.34	69,701.33
115	Frederick Bronner	16,433.88	16,169.94	2.39	16,172.33	684.66	15,487.67
124	Lorenzo Castro		30,115.83	4.45	30,120.28	1,275.21	28,845.07
125	John Arnold		5,000.00	.74	5,000.74	211.68	4,789.06
131	Samuel A. Belden & Co		53,199.25	7.86	53,207.11	2,252.60	50,954.51
136	Nautilus Submarine Pearl Fishing Company	3,600.00	3,542.18	.53	3,542.71	149.98	3,392.73
137	Martha E. Thacher, administratrix	1,500.00	1,475.91	.22	1,476.13	62.49	1,413.64
143	Turner & Renshaw	18,723.18	18,422.47	2.72	18,425.19	780.06	17,645.13
145	J. D. Pradel	128.00	125.94	.02	125.96	5.33	120.63
154	Frederick A. Newton	4,068.66	4,003.31	.59	4,003.90	169.52	3,834.38
158	George L. Hammeken	170,379.82	167,643.35	24.78	167,668.13	7,098.44	160,569.69
162	Abel G. Alexander		2,100.00	.31	2,100.31	88.91	2,011.40
165	Mary Brewer	12,698.90	12,494.94	1.85	12,496.79	529.07	11,967.72
178*a*	Mather & Glover		26,163.83	3.87	26,167.70	1,107.85	25,059.85
178*b*	William Winn's heirs		10,137.76	1.50	10,139.26	429.25	9,710.01
183	Felix Maxân's heirs	23,193.44	22,820.93	3.37	22,824.30	966.29	21,858.01
185	Dunbar & Belknap	43,161.64	42,468.42	6.28	42,474.70	1,798.23	40,676.47
187	Charles H. Wheeler *et al*		23,382.20	3.46	23,385.66	990.06	22,395.60
195	Nicholas R. Schneider	907.34	892.77	.13	892.90	37.80	855.10
197	Isaac Moses, assignee	7,644.27	7,521.50	1.11	7,522.61	318.47	7,204.14
213	Samuel L. Dennison		1,000.00	.15	1,000.15	42.34	957.81
214	John McCurdy		500.00	.07	500.07	21.17	478.90
215	Patrick H. Cootey		120,046.68	17.75	120,064.43	5,083.08	114,981.35
216	Thomas S. Andrews		12,021.31	1.78	12,023.09	509.01	11,514.08
217	Benjamin Ripley		5,151.15	.76	5,151.91	218.12	4,933.79
218	Francis McCready		2,093.53	.31	2,093.84	88.64	2,005.20
219	Frederick Rhay		2,116.91	.31	2,117.22	89.64	2,027.58
220	Luther Center		2,187.06	.32	2,187.38	92.61	2,094.77
221	Peter Pauls		2,116.91	.31	2,117.22	89.64	2,027.58
223	Samuel Morey		2,116.91	.31	2,117.22	89.64	2,027.58
224	W. F. Dunkinson		2,087.68	.31	2,087.99	88.40	1,999.59
226	John Sampson		2,087.68	.31	2,087.99	88.40	1,999.59
228	Joseph V. Bogy's administrator		500.00	.07	500.07	21.18	498.89
230	Marcus L. King		5,453.92	.80	5,454.72	230.93	5,223.79
232	Herman F. Wolff's administrator		2,601.88	.38	2,602.26	110.17	2,492.09
233	George Brown		2,116.91	.31	2,117.32	89.64	2,027.58
234	Robert M. Couch		2,087.68	.31	2,087.99	88.41	1,999.58
235	Peter Wilson		2,087.58	.31	2,087.99	88.41	1,999.58
237	D. H. Whitfield		2,379.18	.35	2,479.53	100.75	2,278.78
238	A. J. Turpin		2,116.91	.31	2,117.22	89.64	2,027.58
239	John Adams		2,087.68	.31	2,087.99	88.40	1,999.59
240	Charles Leaven		2,093.53	.31	2,093.84	88.65	2,005.19
241	Samuel Weldon		2,087.68	.31	2,087.99	88.40	1,999.59
243	A. Brown Chapman		500.00	.07	500.07	21.17	478.90
249	Frederick Satterly		1,000.00	.14	1,000.14	42.34	957.80
257	John Craig's administrator		2,000.00	.29	2,000.29	84.67	1,915.62
258	Robert G. Baldwin		500.00	.07	500.07	21.17	478.90
259	William Wallace		1,000.00	.15	1,000.15	42.34	957.81
264	John Dockendorff		1,000.00	.15	1,000.15	42.34	957.81
269	A. J. Fletcher		1,000.00	.15	1,000.15	42.34	957.81
278	J. M. Leonard		1,000.00	.15	1,000.15	42.34	957.81
279	J. W. Hawkins, administratrix		1,000.00	.15	1,000.15	42.34	957.81
282	Augustus Manning		1,000.00	.15	1,000.15	42.34	957.81
284	W. C. Pettijohn		1,000.00	.15	1,000.15	42.34	957.81
285	James Ballentine		5,008.52	.74	5,009.26	212.07	4,797.10
286	Joseph B. Smith		1,000.00	.15	1,000.15	42.34	957.81
298	A. W. Browning		1,000.00	.15	1,000.15	42.34	957.81
300	William H. Hughes		1,000.00	.15	1,000.15	42.34	957.81
304	John A. Cullen		1,000.00	.15	1,000.15	42.34	957.81
307	Frank Cleaves		1,000.00	.15	1,000.15	42.34	957.81
309	A. A. Harper		1,000.00	.14	1,000.14	42.34	957.80
320	Christopher H. Gosch		15,297.26	2.26	15,299.52	647.72	14,651.80
325	Isaac G. Israel		3,100.00	.46	3,100.46	131.26	2,969.20
333	Fayette Anderson and W. Thompson	6,038.99	5,942.00	.88	5,942.88	251.59	5,691.29
337	Francis Nolan	1,694.69	1,667.47	.25	1,667.72	70.60	1,597.12
342	Moses Moke		2,525.00	.37	2,525.37	106.91	2,418.46
344	Francis Rose	500.00	491.97	.07	492.04	20.83	471.21
345	Robert Wulfing		2,282.08	.34	2,282.42	96.62	2,185.80
351	Vincente Costanza	378.99	372.90	.05	372.95	15.79	357.16
352	Gabriel Abrams		11,683.18	1.73	11,684.91	494.67	11,190.24
356	J. J. Wencker	6,538.74	6,433.71	.95	6,434.66	272.42	6,162.24
357	Geo. Pen Johnson *et al*	32,101.92	31,586.33	4.67	31,591.00	1,337.47	30,253.53
359	James L. Springer		2,100.00	.31	2,100.31	88.92	2,011.39
365	Alexander R. Barrington	19,616.22	19,301.16	2.85	19,304.01	817.27	18,486.74
368	Asa E. Wilde		1,000.00	.15	1,000.15	42.33	957.82
369	William Perry		1,000.00	.15	1,000.15	42.33	957.82
381	Bartlett & Borge	16,650.96	16,383.53	2.42	16,385.95	693.73	15,692.22
385	Mildred Standish	42,486.30	41,803.93	6.18	41,810.11	1,770.10	40,040.01
388	Louis Dusenberg		2,533.06	.37	2,533.43	107.26	2,426.17
392	Mary Ann Conrow	50,497.26	49,686.22	7.35	49,693.57	2,103.86	47,589.71
397	S. Kearney Parsons	50,828.76	50,012.40	7.39	50,019.79	2,117.67	47,902.12
409	John McMerty	3,161.72	3,110.94	.46	3,111.40	131.73	2,979.67
418	Samuel Adams		1,671.83	.25	1,672.08	70.68	1,601.40
432	J. S. Manassee & Co		4,675.82	.69	4,676.51	198.00	4,478.51
442	Smith Bowen	3,237.34	3,185.35	.47	3,185.82	134.88	3,050.94
446	George W. Morton		3,321.75	.49	3,322.24	140.66	3,181.58
447	Benjamin Weil	487,810.68	479,975.95	70.96	480,046.91	20,323.50	459,723.41

Awards of Joint Claims Commission in favor of United States citizens, etc.—Continued.

Docket No.	Claimants.	Mexican gold.	United States gold or currency.	Over-appropriation by Congress.	Total gross awards.	Expenses of Commission, calculated at 0.04233627 per cent.	Net award.
450	Rodolfo Dresel		$7,980.17	$1.18	$7,981.35	$337.91	$7,643.44
454	Jacob Campbell	$15,656.46	15,405.00	2.28	15,407.28	652.28	14,755.00
456	Samuel L. Smith		2,191.85	.32	2,192.17	92.80	2,099.37
457	David C. Bardin		936.74	.14	936.88	39.66	897.22
458	James E. Harwell	1,673.48	1,646.60	.24	1,646.84	69.72	1,577.12
460	Benjamin Elliott		7,100.00	1.05	7,101.05	300.63	6,800.42
462	Rudolph Brach	4,346.74	4,276.93	.63	4,277.56	181.09	4,096.47
463	Peter Blohm		2,600.00	.38	2,600.38	110.10	2,490.28
464	George Lauer		2,600.00	.38	2,600.38	110.10	2,490.28
478	Eugene Pigeon		9,364.79	1.38	9,366.17	396.54	8,969.63
479	John S. Cripps		2,761.92	.41	2,762.33	116.96	2,645.37
487	Bartolo C. Hicks	1,097.71	1,080.08	.16	1,080.24	45.74	1,034.50
488	G. L. Macmanus	500.00	491.97	.07	492.04	20.83	471.21
489	La Abra Silver Mining Company	683,041.32	672,070.99	99.35	672,170.34	28,457.20	643,713.14
490	Raphael M. Miller		14,749.00	2.18	14,751.18	624.51	14,126.67
493	Thadeus Amat *et al*	904,070.79	889,550.51	131.50	889,682.01	37,665.53	852,016.48
494	J. E. Smith *et al*		9,856.64	1.46	9,858.10	417.35	9,440.75
516	Starr & Merritt		2,230.77	.33	2,231.10	94.45	2,136.65
538	Daniel Green	16,649.31	16,481.91	2.42	16,384.33	693.65	15,690.68
543	Isaac Moses, assignee		66,723.68	9.86	66,733.54	2,825.24	63,908.30
551	John P. Kelsey	500.00	491.97	.07	492.04	20.83	471.21
553	Francisco Yturria		11,787.30	1.74	11,789.04	499.10	11,289.94
560	Joseph A. Costa	2,000.00	1,967.88	.29	1,968.17	83.32	1,884.85
581	Carl Hugo, guardian, etc		5,581.85	.83	5,582.68	236.34	5,346.34
594	Emilio Robert		2,499.75	.37	2,500.12	105.84	2,394.28
603	C. W. & M. B. Lander	4,250.30	4,182.04	.62	4,182.66	177.07	4,005.59
607	Harvey Lake		4,829.59	.71	4,830.30	204.49	4,625.81
610	James M. Taylor	40.20	39.55	.00	39.55	1.67	37.88
611	Charles Nordhausen	1,321.57	1,300.34	.19	1,300.53	55.06	1,245.47
613	Jean N. Zerman	1,000.00	983.94	.15	984.09	41.66	942.43
639	Jonas Marks & Co	52,581.37	51,736.86	7.65	51,744.51	2,190.71	49,553.80
644	Louis P. Levy	2,000.00	1,967.88	.29	1,968.17	83.32	1,884.85
645	Alexander H. Levy	2,000.00	1,967.88	.29	1,968.17	83.32	1,884.85
650	A. F. Marshall	2,000.00	1,967.88	.29	1,968.17	83.32	1,884.85
669	A. O. Strickland	3,588.20	3,530.57	.52	3,531.09	149.49	3,381.60
672	D. D. Brainard & Co		6,537.85	.97	6,538.82	276.83	6,261.99
696	Thomas C. Baker	33,795.07	33,252.29	4.91	33,257.20	1,408.01	31,849.19
799	Eugenio Roque de Garrate	1,635.18	1,608.92	.24	1,609.16	68.13	1,541.03
700	James W. Stephens	14,868.99	14,630.18	2.16	14,632.34	619.49	14,012.85
701	George Moore		892.97	.13	893.10	37.82	855.28
703	Heirs of C. W. Donaghho	20,667.62	20,335.68	3.00	20,338.68	861.07	19,477.61
730	Alexander H. Dixson	10,000.00	9,839.39	1.45	9,840.84	416.62	9,424.22
731	George H. Buxton	8,000.00	7,871.51	1.16	7,872.67	333.30	7,539.37
768	Henry Stevens Schreck's heirs	24,625.45	24,229.94	3.58	24,233.52	1,025.98	23,207.54
781	A. F. Lanfranco	9,947.94	9,788.17	1.45	9,789.62	414.44	9,375.18
792 } 793 }	Louis Weil	889.39	875.11	.13	875.24	37.05	838.19
804	Alfred Jeannotat	40,614.90	39,962.58	5.91	39,968.49	1,692.14	38,276.35
807	Hannah S. Johnson	10,455.89	10,287.96	1.52	10,289.48	435.61	9,853.87
810	Theodore Webster's administrator	13,600.00	13,381.57	1.98	13,383.55	566.61	12,816.94
812	J. D. Pradel	37,947.40	37,337.93	5.52	37,343.45	1,581.00	35,762.45
814	do	2,685.04	2,641.92	.39	2,642.31	111.87	2,530.44
815	do	1,509.47	1,485.23	.22	1,485.45	62.89	1,422.56
823	S. F. Llavarria	1,985.46	1,953.57	.29	1,953.86	82.72	1,871.14
827	Joshua Baker	3,149.70	3,099.11	.46	3,099.57	131.22	2,968.35
844	G. M. Prevost		1,070.50	.16	1,070.66	45.33	1,025.33
891	A. Morrill		2,667.66	.39	2,668.05	112.96	2,555.09
892	Mariano T. Garza		11,100.00	1.64	11,101.64	469.98	10,631.66
898	Aaron Brooks		4,000.00	.59	4,000.59	169.37	3,831.22
899	Andrew Crosas	1,069.02	1,051.85	.16	1,052.01	44.54	1,007.47
915	Julius Alvarez	256.66	252.54	.04	252.58	10.69	241.89
916a	F. Dastugue	522.46	514.07	.08	514.15	21.76	492.39
919	Joseph A. Howard		500.00	.07	500.07	21.18	478.89
923	James Wright		550.00	.08	550.08	23.28	526.80
927	Frederick A. Newton		47,669.51	.04	47,676.55	2,018.46	45,658.09
935	M. L. Knapp	146.19	143.84	.02	143.86	6.09	137.77
937	Arco Mining Company	3,259.51	3,207.16	.48	3,207.64	135.80	3,071.84
939	Dionisio Reache	924.39	909.54	.13	909.67	38.51	871.16
948	John Cole	71,109.38	69,967.29	10.34	69,977.63	2,962.60	67,015.03
970	Alfred Howell	1,137.56	1,119.29	.16	1,119.45	47.40	1,072.05
975	T. Gourrier	2,000.00	1,967.88	.29	1,968.17	83.32	1,884.85
991	James B. Kindred	1,500.00	1,475.91	.22	1,476.13	62.49	1,413.64
	Total	3,296,055.18	4,072,684.28	602.11	4,073,286.39	172,447.75	3,900,838.64

B.

No. 447.

BENJAMIN WEIL.

Certified copy of proceedings had in the second district court of New Orleans (dated August 9, 1877), establishing succession of Alice Weil to estate of Benjamin Weil, and as tutrix of George Weil, and granting full authority to Lambert B. Cain to manage all her business affairs, with full power of substitution. (See letter from Johnston & Warden, July 1, 1880.)

Assignment by Lambert B. Cain, attorney, etc. (dated June 23, 1880), to Sylvanus C. Boynton of $59,561 of this award.

Assignment by Lambert B. Cain, attorney, etc. (dated June 23, 1890, to John J. Key of one-fourth of this award after deducting $59,561, amount assigned to Sylvanus C. Boynton. (See letter from John J. Key, June 23, 1880.)

Installments.	How distributed.	Amount.	Total.
	Award (Mexican gold)		$487,810.68
	Net award (United States gold)		459,723.41
First and second			67,208.60
	Check 598, Lambert B. Cain, attorney for Alice Weil, administrator and tutrix, etc. (delivered to Mr. Cain in person)	$43,888.16	
	Check 599, August 16, 1880, John J. Key, assignee (delivered to him in person)	14,629.38	
	Check 600, August 16, 1880, Sylvanus C. Boynton, assignee (delivered to him in person)	8,691.06	
			67,208.60
Third			34,893.68
	Check 279, August 16, 1880, Lambert B. Cain, attorney for Alice Weil, administratrix and tutrix, etc. (delivered to Mr. Cain in person)	22,786.19	
	Check 280, August 16, 1880, John J. Key, assignee (delivered to him in person)	7,595.39	
	Check 281, August 16, 1880, Sylvanus C. Boynton, assignee (delivered to him in person)	4,512.10	
			34,893.68

Installments.	How distributed.	Amount.	Total.
Fourth			$34,893.68
	Check 561, August 16, 1880, Lambert B. Cain, attorney for Alice Weil, administratrix and tutrix, etc. (delivered to Mr. Cain in person)	$22,786.19	
	Check 562, August 16, 1880, John J. Key, assignee (delivered to him in person)	7,595.39	
	Check 563, August 16, 1880, Sylvanus C. Boynton, assignee (delivered to him in person)	4,512.10	
			34,893.68
	Assignment by Lambert B. Cain, attorney, etc. (dated August 19, 1880), to William W. Boyce, of 5 per cent of this award, after deducting amount previously assigned to Sylvanus C. Boynton. (See letter from W. W. Boyce, January 29, 1881.)		
	Assignment by Lambert B. Cain, attorney, etc. (dated August 19, 1880), to Robert B. Warden, of 6¼ per cent of this award, after deducting amounts previously assigned to Sylvanus C. Boynton, John J. Key, and W. W. Boyce. (See letter from R. B. Warden, August 24, 1880.)		
	Assignment by Lambert B. Cain, attorney, etc. (dated August 19, 1880), to Sanders W. Johnston, of 6¼ per cent of this award, after deducting amounts previously assigned to Sylvanus C. Boynton, John J. Key, and W. W. Boyce. (See letter from S. W. Johnston, August 21, 1880.)		
	Assignment by Lambert B. Cain, attorney, etc. (dated February 23, 1881), to Henry E. Davis, administrator of estate of Philip B. Foulke, deceased, 8⅓ per cent of this award, after deducting amount previously assigned to Sylvanus C. Boynton. (See letter from Henry E. Davis, February 23, 1881.)		
	Assignment by Lambert B. Cain, attorney, etc. (dated March 10, 1881), to Jacob O. De Castro, of 8⅓ per cent of this award, after deducting amount previously assigned to Sylvanus C. Boynton. (See letter from R. B. Warden, March 10, 1881.)		
Fifth			34,893.68
	Check 844, March 8, 1881, Sylvanus C. Boynton, assignee (delivered to him in person)	4,512.10	
	Check 847, March 8, 1881, William W. Boyce, assignee (delivered to him in person)	1,519.08	
	Check 848, March 8, 1891, John J. Key, assignee (delivered to him in person)	7,595.39	
	Check 851, March 8, 1881, Robert B. Warden, assignee (delivered to him in person)	1,329.19	
	Check 852, March 8, 1881, Sanders W. Johnston, assignee (delivered to him in person)	1,329.19	
	Check 854, March 8, 1881, Jacob O. De Castro, assignee (delivered to him in person)	2,531.80	
	Check 855, March 8, 1881, Henry E. Davis, administrator of estate of Philip Foulke, deceased, assignee (delivered to Mr. Davis in person)	2,531.80	
	Check 856, March 8, 1881, Lambert H. Cain, attorney for Alice Weil, administratrix, etc., tutrix, etc. (delivered to Mr. Cain in person)	13,545.13	
			34,893.68

Certified copy of letters of tutorship (dated July 26, 1877) of George Weil, granted to Alice Weil.

Certified copy of letters of administration (dated May 14, 1881) on estate of Benjamin Weil, granted to P. S. Wiltz.

Notarial copy of power of attorney from P. S. Wiltz, administrator, etc. (dated June 25, 1881), to Cotton & Levy and Breaux & Hall to collect entire award, with power of substitution.

Notarial copy of power of substitution from Cotton & Levy and Breaux & Hall (dated June 25, 1881) to Phillips, Maury & Phillips to collect entire award. (See letter from Phillips, Maury & Phillips, December 7, 1881.)

Agreement between Benjamin Weil, John J. Key, and H. T. Hays (dated September 10, 1879), whereby Weil gives to Key and Hays one-half of award for prosecuting claim. (See letter from John J. Key, February 3, 1882.)

Power of attorney from Elizabeth C. Hays (dated February 4, 1882) to John J. Key to collect her interest in this award. (See letter from John J. Key, February 7, 1882.)

Certified copy of letters testamentary (dated November 18, 1881) on estate of Lambert B. Cain, granted to Caroline Cain and Adolf Marks.

Power of attorney from Caroline Cain and Adolf Marks (dated November 18, 1881) to Abraham & Mayer to collect entire interest of Lambert B. Cain in this award, with power of substitution. (Filed by Abraham & Mayer, March 20, 1882.)

Assignment by Alice Weil (dated May 26, 1888) to Braugher, Buck, Dinkelspiel & Hart of 15 per cent of her interest in this award, together with a further sum of $1,200. (See their letter of May 26, 1888.)

Assignment by George Weil to Buck, Dinkelspiel & Hart (dated September 30, 1891) of 7½ per cent of his interest, as heir at law, in the claim of Benjamin Weil. (See letter from Buck, Dinkelspiel & Hart, January 8, 1892).

C.

No. 489.

LA ABRA SILVER MINING COMPANY.

Power of attorney from La Abra Silver Mining Company (dated May 28 1870) to Robert Rose to prosecute claim and collect award, with full power of substitution. (Filed in bureau of rolls, No. 3.)

Conditional assignment by Alonzo W. Adams (dated December 13, 1871) to Wadsworth Wadsworth of two twenty-fifths of his interest (one-third) in this award, to secure his note of $2,000 and interest. Indorsed on this assignment is a transfer of interest by Wadsworth to Henry C. Hepburn. (Filed by D. W. C. Wheeler, January 25, 1879.)

Power of attorney from La Abra Silver Mining Company (dated July 28, 1879) to Sumner Stow Ely to collect entire award, with full power of substitution. (Filed by Sumner Stow Ely, July 28, 1879.)

Power of substitution from Sumner Ely (dated September 12, 1879) to George H. Williams to collect award. (Filed by George H. Williams, September 17, 1879.)

Installments.	How distributed.	Amount.	Total.
	Award (Mexican gold)		$683,041.32
	Net award (United States gold)		643,713.14
First and second			94,106.75
	Check 587, September 17, 1879, Sumner Stow Ely, attorney for La Abra Silver Mining Company (delivered to George H. Williams, attorney, in person)		94,106.75
Third			48,858.77
	Check 263, September 17, 1879, Sumner Stow Ely, attorney for La Abra Silver Mining Company (delivered to George H. Williams, attorney, in person)	$38,858.77	
	Agreement between Sumner Stow Ely, A. W. Adams, and George H. Williams (dated October 9, 1879), whereby Mr. Williams is to receive $16,000; $3,326.50 out of first and second installments and balance pro rata. (See letter from George H. Williams, October 18, 1879.)		
	Power of attorney from Henry C. Hepburn (dated November 29, 1879) to Sumner Stow Ely, to collect his entire interest in this award. (See letter from Sumner Stow Ely, December 2, 1879.)		
	Check 267, December 6, 1879, Henry C. Hepburn, assignee (delivered to Sumner Stow Ely, attorney, in person)	2,909.94	
	No further payment to be made to Mr. Hepburn, he having been settled with in full. (See letter from Sumner Stow Ely, December 2, 1879.)		
	Check 268, January 20, 1880, Sumner Stow Ely, attorney for La Abra Silver Mining Company (sent to Mr. Ely, 39 West Tenth street, New York, January 22, 1880)	2,690.06	
	Assignment by La Abra Silver Mining Company (dated February 4, 1881) to Charles T. Parry and Joseph Hopkinson of $4,400; $1,257.20 to be paid out of the third installment, and $314.28 out of each of the succeeding ten installments, commencing with the fifth. (Filed by James Baird, February 5, 1881.)		
	Check 286, February 14, 1881, Charles T. Parry and Joseph Hopkinson, assignees (sent to them, 727 Walnut street, Philadelphia, February 17, 1881)	1,257.30	
	Check 285, February 14, 1881, Sumner Stow Ely, attorney for La Abra Silver Mining Company (delivered to Mr. Ely in person)	3,142.80	
			48,858.77
	Power of attorney from La Abra Silver Mining Company (dated March 25, 1880) to Sumner Stow Ely to collect fourth installment, with full power of substitution. (Filed by Sumner Stow Ely, April 3, 1880.)		
	George H. Williams admits having received $3,326.50 from Sumner Stow Ely, the amount due him out of the first and second installments. (See his letter of August 4, 1880.)		
	Power of attorney from Sumner Stow Ely (dated August 17, 1879), to Samuel Shellabarger to collect fourth installment. (Filed by Samuel Shellabarger, August 18, 1880.)		
Fourth			48,858.77
	Check 559, August 16, 1880, Sumner Stow Ely, attorney for La Abra Silver Mining Company (delivered to Samuel Shellabarger, attorney in person)	32,706.64	
	Check 560, August 16, 1880, George H. Williams (delivered to him in person)	1,152.13	
	Decree of supreme court of the District of Columbia (dated January 21, 1881) that there shall be paid out of this installment the sum of $15,000, as follows:		
	To Frederick P. Stanton	$3,333.33	
	To Miller & Lewis for Thomas W. Bartley	3,333.33	
	To W. W. Boyce	3,333.33	
	To Shellabarger & Wilson, for Alonzo W. Adams	5,000.00	
	(Filed by Shellabarger & Wilson January 25, 1881.)		

LA ABRA SILVER MINING COMPANY—Continued.

Installments.	How distributed.	Amount.	Total.
	Check 569, January 26, 1881, Frederick P. Stanton (delivered to him in person)	$3,333.34	
	Check 570, January 26, 1881, Miller & Lewis, for Thomas W. Bartley (delivered to them in person)	3,333.33	
	Check 571, January 26, 1881 W. W. Boyce (delivered to him in person)	3,333.33	
	Check 572, January 26, 1881, Shellabarger & Wilson, for Alonzo W. Adams (delivered to Mr. Shellabarger in person)	5,000.00	
			$48,858.77
	Assignment by La Abra Silver Mining Company (dated May 6, 1880) to Cyrus C. Camp, as executor of estate of Herman Camp, deceased, the sum of $10,000, to be taken in eleven payments of $909.10 each. (See letter from Sumner Stow Ely, September 14, 1880.) Receipt of Cyrus C. Camp to the company for the sum due on the fourth installment. (See letter from Sumner Stow Ely, October 30, 1880.) Assignment by La Abra Silver Mining Company (dated February 4, 1881) to Shellabarger & Wilson, of $5,266 of this award. $2,633 to be paid out of the fifth and $2,633 to be paid out of the sixth installments. Agreement between A. W. Adams and Sumner Stow Ely on the one part, and Shellabarger & Wilson on the other (dated October 4, 1879) in regard to the fees of the latter. (Filed by Shellabarger & Wilson, February 8, 1881.) Assignment by La Abra Silver Mining Company (dated February 5, 1881) to William W. Boyce, of $8,666.66, to be paid pro rata. (See letter from Thomas W. Bartley, February 8, 1881.) Assignment by La Abra Silver Mining Company (dated February 8, 1881) to Thomas W. Bartley of $6,166.66, to be paid pro rata. (See letter from Thomas W. Bartley, Febeuary 8, 1881.) Assignment by La Abra Silver Mining Co. (dated February 8, 1881) to Frederick P. Stanton of $6,166.66 to be paid pro rata. (Filed by Frederick P. Stanton, February 8, 1881.) Power of attorney from La Abra Silver Mining Co. (dated February 4, 1881) to Sumner Stow Ely to collect fifth installment, with full power of substitution. Power of substitution from Sumner Stow Ely (dated February 4, 1881) to Samuel Shellabarger to collect fifth installment. (Filed by Samuel Shellabarger, February 8, 1881.)		
Fifth			48,858.77
	Check 836, March 5, 1881, Sumner Stow Ely, attorney for La Abra Silver Mining Company	34,545.85	
	Check 837, March 5, 1881, Thomas W. Bartley, assignee	666.66	
	Check 838, March 5, 1881, Frederick P. Stanton, assignee	666.66	
	Check 839, March 5, 1881, W. W. Boyce, assignee	936.94	
	Check 840, March 5, 1881, Shellabarger & Wilson	2,633.00	
	All foregoing checks delivered to Samuel Shellabarger, attorney in person.		
	Check 841, March 5, 1881, Charles T. Parry and Joseph Hopkinson, assignees (sent to them, 727 Walnut street, Philadelphia, March 11, 1881)	314.28	
	Check 842, March 5, 1881, George H. Williams, assignee (delivered to him in person)	1,152.13	
	Check 843, March 5, 1881, Cyrus C. Camp, assignee (sent to him, Rouseville, Pa., March 11, 1881)	909.10	
	Assignment by La Abra Silver Mining Company (dated November 23, 1881) to Thomas W. Bartley, of $2,500 out of the fifth installment, and $833.33 out of each of the succeeding eight installments, that is to say, the sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, and thirteenth, and $208.33 out of the fourteenth. (Filed by Thomas W. Bartley, November 25, 1881.) Assignment by La Abra Silver Mining Company to Frederick P. Stanton, of same date as above, for like amount and payment to be made in like manner. (Filed by Frederick P. Stanton, November 25, 1881.) Memorandum of settlement by Bartley & Stanton (dated November 25, 1881) of all outstanding questions as regards their fees in this case. The above assignments are in full satisfaction of their claim. (Filed by Bartley & Stanton, November 25, 1881.)		
	Check 897, November 25, 1881, Sumner Stow Ely, attorney for La Abra Silver Mining Company (delivered to Samuel Shellabarger, attorney in person)	2,034.15	
	Check 898, November 25, 1881, Thomas W. Bartley, assignee (delivered to him in person)	2,500.00	
	Check 899, November 25, 1881, Frederick P. Stanton, assignee (delivered to him in person)	2,500.00	48,858.77

Assignment by La Abra Silver Mining Company (dated April 24, 1884) to George Ticknor Curtis of $850, to be paid out of first money distributed. This assignment is conditioned on the defeat of the new convention in the Senate. (Filed by T. W. Bartley, June 30, 1884.)

Contract between T. W. Bartley and H. S. Foote (dated May 10, 1876) that Foote is to have one-half of Bartley's fees. (See letter from Mrs. Arrabella F. Wood, July 25, 1884.)

Assignment by La Abra Silver Mining Company (dated January 10, 1883) to John H. Rice of $3,857.15, payable in equal proportions out of the sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, and fourteenth installments; that is to say, $428.57 out of each installment. (Filed by John H. Rice, February 26, 1886.)

Assignment by La Abra Silver Mining Company (dated May 29, 1885) to George Ticknor Curtis of $1,650, on same terms as assignment to him, dated April 24, 1884, for $850. (Filed by George Ticknor Curtis, April 29, 1886.)

Conditional assignment by Alonzo W. Adams (dated May 12, 1884) to Shellabarger & Wilson of $5,000, to be paid out of the next installment distributed. (See letter from Shellabarger & Wilson, September 23, 1886.)

Assignment by La Abra Silver Mining Company (dated June 29, 1880) to Eugene Jones of $34,000, to be paid in eleven annual installments of equal amount; indorsed upon this assignment are two receipts from Mr. Jones for $3,090.90 each, leaving nine installments of like amount unpaid. (See letter from Eugene Jones, March 28, 1887.)

Assignment by La Abra Silver Mining Company (dated March 5, 1887) to Shallabarger & Wilson of $3,333.34, to be paid out of the next installment distributed. (See letter from Shellabarger & Wilson, April 1, 1887.)

Conditional assignment by Alonzo W. Adams (dated May 20, 1886) to Crammond Kennedy of $2,500 of his interest in this award. (See letter from Crammond Kennedy, April 2, 1887.)

Assignment by Cyrus C. Camp, executor, etc. (dated February 21, 1888), to Sterling B. Torrey of $3,000 of his interest in this award. (See letter from William C. Oates, March 12, 1888.)

NOTE.—In the assignment of Camp to Torrey, Camp states how his interest is to be distributed, viz: $3,000 to Torrey; $2,127 to Daniel W. Adams, executor of estate of Alonzo W. Adams, deceased, and $3,055 to himself.

Notification from J. G. Baldwin, president, not to pay any one any money out of this award claiming authority from him. (See letter from J. G. Baldwin, February 7, 1891.)

APPENDIX B.

STATE OF LOUISIANA, *Parish of Orleans:*

City of New Orleans, civil district court for the Parish of Orleans.

Joseph C. Morris *vs.* Mrs. Caroline Cain and Adolph Marks, testamentary executor of L. B. Cain. No. 3127, Division B.

P. S. Wiltz, public administrator of succession Benjamin Weil *vs.* Caroline Cain and Adolph Marks, testamentary executor of L. B. Cain. No. 3394, Division B.

Statement explanatory of itemized account condensed, being document marked "F," filed December 12, 1881.

Statement explanatory of itemized account condensed.

Amount cash remitted to Benjamin Weil in Washington		$100.00
Amounts paid during the time he became insane and after his death to the following:		
John F. Coffey, notary public	$44.00	
Prados & Gast, appraisers	20.00	
Frank Pace, jr., clerk second district court, fees	27.46	
Paul Pace, appraisement	20.00	
John Hubert, clerk second district court, fees	$36.75	
H. P. Dart, appraisement	20.00	
Joseph Cohn, notary public	64.50	
John Hubert, clerk second district court record	16.00	
Premium on his life policy of insurance	355.84	
James L. Andem, stenographer	81.60	
		$686.14
Amounts paid incidental expenses of traveling to Washington and back (memorandum book)	1,496.25	
Do	1,913.25	
Do	1,675.71	
Do	1,335.00	
Do	1,285.00	
Do	538.00	
Do	1,500.00	
		9,743.21
Amount paid hotel bills in Washington	158.70	
Do	185.00	
Do	28.90	
Do	30.00	
Do	30.40	
Do	58.40	
Do	70.85	
Do	154.50	
		716.75
Amount paid Mrs. Alice Weil	7.00	
Amount paid Mrs. Alice Weil (francs, 2,000)	416.66	
		423 66
Amount paid by L. B. Cain, incidental expenses, in matter of awarded claim of Benjamin Weil, as per his memorandum book, to wit	425.00	
Do	365.00	
Do	295.00	
Do	595.00	
Do	485.00	
Do	425.00	
Do	200.00	
Do	335.00	
Do	223.00	
Do	406.00	
Do	821.27	
Do	958.72	
Do	857.27	
Do	1,214.12	
Do	453.33	
Do	2,431.38	
Do	1,855.13	
Do	5,305.99	
Do	318.90	
Do	27.33	
Do	369.55	
Do	1,018.32	
Do	286.84	
Do	966.33	
Do	287.88	
Do	71.75	
Do	1,698.23	
Do	1,407.79	
Do	179.56	

Incidental expenses, as per memorandum book, continued	$421.32	
Do	742.50	
Do	1,068.37	
Do	980.26	
Do	556.90	
Do	71.67	
Do	1,878.97	
		$30,003.68
Amount paid George D. Hite	1,250.00	
Do	580.00	
Do	341.78	
Do	603.63	
Do	340.00	
Do	262.89	
Do	50.00	
Do	50.00	
Do	20.00	
Do	20.00	
Do	145.50	
Do	102.38	
Do	150.00	
Do	110.00	
		4,016.18
		45,689.62
Amount paid Jacob O. De Castro, as per open account	5,556.70	
Amount paid Jacob O. De Castro extra in Washington	2,000.00	
		7,556.70
Amount paid drafts of Jacob O. De Castro	500.00	
Do	225.00	
Do	300.00	
Do	500.00	
Amount paid drafts of Jacob O. De Castro, printing	48.00	
Amount paid drafts of Jacob O. De Castro	250.00	
Do	220.00	
Do	350.00	
Do	250.00	
Do	181.32	
		2,824.32
Amount paid for the following drafts, etc., matter of Weil *vs.* Calhoun, etc.:		
Draft of L. P. Walker	250.00	
Do	250.00	
Draft of L. Schiffman & Co	146.22	
Draft of S. W. Johnston	400.00	
Amount to B. F. Jonas	750.00	
Compromise suit through Caspery	275.00	
		2,071.22
Amount paid Emile Landner, his written agreement with Benjamin Weil	7,500.00	
Amount paid P. W. Solomon, demand note of Benjamin Weil, held by him	7,500.00	
		15,000.00
Amount paid Middleton & Co., bankers, of Washington, demand note for loan made		824.00
Amount paid for telegrams sent, received, and answered		250.00
Amount of interest as computed on itemized account		10,598.68
		84,814.54
Amount of credit allowed for collections made of various amounts in itemized account	11,091.51	
Amount of interest on same allowed as computed	2,428.42	
		13,519.93
Actual total amount disbursed by Cain before he received a single dollar of the installments as per Tableau, in which same is shown how distributed		71,294.61
Amount of Cain's one-half share of the $49,011.49 received for the first, second, third, fourth, and fifth installments		24,505.75
		95,800.36
Less amount of credit in full for amount received for the first, second, third, fourth, and fifth installments		49,011.49
Balance owing Cain, as established on account itemized		46,788.87
Again:		
Balance of account owing estate of L. B. Cain	46,788.87	
Balance of award not yet paid, one-half share of same owing to estate of L. B. Cain, as per tableau	57,561.43	
Total amount which the estate of L. B. Cane is entitled		104,350.30

Résumé (document marked G), filed December 12, 1881.

1. Showing amount remitted to B. Weil	$100.00	
2. Showing amount of court expenses, etc., for succession	686.14	
3. Showing amount traveling expenses for several	9,743.21	
4. Showing amount hotel bills	716.75	
5. Showing amount received by Mrs. Weil	423.66	
6. Showing amount incidental expenses	30,003.68	
7. Showing amount received by George D. Hite	4,016.18	
8. Showing amount received by Jacob O. De Castro	7,556.70	
9 Showing amount drafts drawn by De Castro	2,824.32	
10 Showing amount drafts, etc., drawn by various	2,071.22	
11. Showing amount Emile Landner and P. W. Solomon	15,000.00	
12. Showing amount Middleton & Co., bankers	824.00	
13. Showing amount telegrams	250.00	
14. Showing amount interests	10,598.68	
		84,814.54
Less credit and interest allowed		13,519.93
Showing disbursement of Cain long before the payment of installments		71,294.61
Adding to credit of Cain one-half share for net amount of installments received, say $49,011.49		24,505.75
		95,800.36
Less amount received by installments which is credited on itemized account		49,011.49
Showing balance due estate of Cain on itemized account		46,788.87
And by adding one-half share for future installment to be received as per tableau of award of the total claim of $487,810.68		57,561.43
The estate of Benjamin Weil stands owing the estate of L. B. Cane, this balance		104,350.30

Power of attorney (copy of) from B. Weil to Philip B. Fouke, document marked I, filed December 12, 1881.

CITY OF NEW ORLEANS, *State of Louisiana, July 15, 1874.*

Know all men by these presents, that I, Benjamin Weil, of the city of New Orleans and State of Louisiana, have nominated, appointed, and substituted, and by these presents do nominate, appoint, and substitute Philip B. Fouke, of Washington City, District of Columbia, my true and lawful attorney for the following purposes, to wit:

Whereas Messrs. Fouke & Key are my attorneys for the prosecution of a certain claim before the Joint Commission of the United States of America and the United States of Mexico, which said claim is now before said Joint Commission; now in order to defray expenses, fees, and other moneys expended, laid out, or appropriated in and about the prosecution of said claim, I do hereby fully authorize and empower him, the said Philip B. Fouke, for me and in my name, to pay, pledge, hypothecate, any portion of said claim for said purpose; provided, however, the amount thus paid, pledged, or hypothecated, shall not exceed the amount and sum of $100,000.

In witness whereof I have hereunto affixed my hand and seal at the city of New Orleans, State of Louisiana, this 15th day of July, A. D. 1874.

Interlineation of the word "claim," on the eleventh line, approved.

B. WEIL. [SEAL.]

Affidavit.

STATE OF LOUISIANA, PARISH OF ORLEANS,
City of Orleans, ss:

Be it known that on this 15th day of July, 1874, before me, George William Christy, a notary public in and for the city and parish of Orleans, State of Louisiana, duly commissioned and qualified, personally appeared Benjamin Weil, to me personally known to be the party who signed and executed the foregoing power of attorney in favor of Philip B. Fouke, who acknowledged that he signed, sealed, and executed the same for the purposes therein stated.

In witness whereof I hereunto sign my name and affix my seal of office on the day and date aforesaid.

GEO. W. CHRISTY, *Notary Public.*

WASHINGTON, D. C., *November 8, 1875.*

I certify that the foregoing is a true copy of the original in my possession.

[SEAL.] JOHN J. KEY.

Agreement between Fouke and Boynton, filed December 12, 1881.

This agreement, entered into this 5th day of January, A. D. 1875, by and between Benjamin Weil, of the city of New Orleans, State of Louisiana, by Philip B. Fouke, his attorney in fact, for the purposes hereinafter mentioned, and Philip B. Fouke and John J. Key, attorneys at law, of Washington City, D. C., and attorneys of record in the case of said Weil, hereinafter referred to and mentioned, who with said Weil, are parties of the first part, and Sylvanus C. Boynton, of Washington City, D. C., the party of the second part,

Witnesseth, that the said parties of the first part, in consideration of moneys advanced by, and of expenses paid by, and personal and professional services rendered by, the party of the second part to the parties of the first part, for the preparation and prosecution of a certain case hereinafter stated, and for the further consideration of the covenant hereinafter mentioned of the party of the second part, do covenant and agree with the said party of the second part, to pay him, the said party of the second part, the sum of $70,000 of the award in a certain case now before and to be adjudged by the Joint Commission of the United States of America and the United States of Mexico, and which, ultimately, may be before and adjudged by the umpire of said Commission, now in session under a treaty between the said Governments, made on the 4th day of July, A. D. 1868, to wit, the case of Benjamin Weil (*vide* dockets, No. 447) of the city of New Orleans and State of Louisiana, said claim is for the sum of $335,950, with interest thereon from the 20th of September, A. D. 1864.

And the said party of the second part, in consideration of the covenants of the said parties of the first part, doth covenant and agree with the said parties of the first part that he will devote his time and attention to said case and to the procuring of an award, giving his personal and professional services in aid and furtherance of said case up to the time such award shall be finally made or the decision finally be rendered. And the said party of the second part further agrees that, should the final award be made for a less sum than said sum of $335,950, with interest from said 20th September, A. D. 1864, then the party of the second part shall only receive pro rata as to the amount awarded as $70,000 bears to the whole amount claimed.

And the party of the second part agrees that he will not take any other case or have any interest in any other case pending, or which may come before said Commission or umpire thereof, but is to give his entire personal and legal services to prosecuting to a successful award in the case herein mentioned.

It is agreed by the parties hereto that the party of the second part shall be secured in the amount agreed upon to be paid, and for that purpose the party of the second part shall have a lien on said award for the payment of the same, and the amount herein secured to the party of the second part is to be paid from the proceeds of said award whenever the same shall be paid.

This agreement is to be in full force and effect from the date hereof, but to be null and void if no final award is obtained.

BENJ. WEIL,
By P. B. FONKE,
Attorney in Fact.

FONKE & KEY,
Attorneys at Law and Attorneys of Record.
SYLVESTER C. BOYNTON.

Receipt of Thos. L. Young to Lambert B. Cain, document marked M, filed December 12, 1881.

WASHINGTON, D. C., *August 20, 1880.*

Received of Lambert B. Cain $3,265.68, his proportion of fee charged by me, and which is due me now on the first four installments paid by the Secretary of State of the United States in the case of Benjamin Weil against the United States.

THOS. L. YOUNG.

Agreement between Benjamin Weil and Emile Landner, filed March 21, 1884.

The agreement made and entered into in the city of New Orleans, State of Louisiana, between Benjamin Weil, of the first part, and Emile Landner, of the second part, both residents of the city and State before mentioned:

Witnesseth, Benjamin Weil, of the first part, does hereby agree, pledge, and bind himself, his heirs or assigns, to pay to Emile Landner, of the second part (for and in consideration of services rendered by said Emile Landner in the hereinafter-described claim), the sum of $7,500 in United States currency out of the proceeds of the Mexican Claims Commission at Washington, D. C.

This done in New Orleans this 16th day of March, 1872, in the presence of the two undersigned competent witnesses. If the amount collected by B. Weil on the above claim does not exceed the sum of $50,000 the said Emile Landner agrees to accept the sum of $5,000, United States currency.

B. WEIL.
E. LANDNER.

Witness:
P. W. SOLOMON.

[Indorsement.]

I hereby transfer the within claim in consideration of value received, to the order of D. Roos.

NEW ORLEANS, *May 26, 1876.*

EMILE LANDNER.

Letter from John J. Key to L. B. Cain, filed March 21, 1884.

No. 459 PENNSYLVANIA AVENUE,
Washington, D. C., September 28, 1875.

DEAR SIR: Immediately on receipt of letter August 30 ultimo I acknowledge receipt of draft for $25; also wrote in full on the Weil matter. The proceedings in New Orleans having legally constituted Mrs. Weil the guardian of the lunatic, she is now empowered to make you her attorney to transact any business connected with the estate of B. Weil. That power of appointment exists unless the letters of guardianship are revoked by the court or Weil recovers his mind. Should an award be made I will inform you what steps are necessary for you to take.

It can not be more than a few weeks before the umpire will return his opinion in both yours and Weil's case. God grant he may do right and pay what is so justly due. He has decided almost every case against the American claimants. All force loan and contract cases he has dismissed; so we can not recover on the money taken from us. Great indignation is felt here against him, and some hard things will be said this winter about him in Congress, but that won't help the unfortunate claimants who have been denied justice. I shall telegraph good news and let the mail carry bad. We are all absolutely starving; business is prostrated and the Government pays nothing she can possible help from doing. I hope this letter will reach you.

Yours truly,

JOHN J. KEY.

L. B. CAIN, Esq.

Letter from Messrs. John J. Key and P. B. Fonke, to Messrs. L. B. Cain and Gen. H. T. Hays, filed March 21, 1884.

No. 459 PENNSYLVANIA AVENUE,
Washington, D. C., October 8, 1875.

GENTLEMEN: Mr. Cain was informed by letter from Mr. Key that an award has been given in the Benj. Weil case of Mexico for $285,000 in gold Mexican dollars, with interest from the 20th day of September, 1864, to the close of the labors of the Commission. It is important that Mr. Cain should come on as early as possible, so as the attorney of Mrs. Weil, who is the conservator or guardian of Weil, to arrange the various interests in the case as set forth in writing. Mr. Key wishes this done as soon as possible, as attorney and agreement are given to him individually. Gen. Hay's presence is wished, so he and Fonke can arrange the interests of themselves; also as a party in interest. All matters may be done to the satisfaction of all. Mr. Key personally wishes to have him here. The interests of all are large, and should at once be attended to. As early a day as possible the presence of both of you is wished for.

Gen. Hays will be able to inform all parties the extent of the powers invested in Mr. Cain by the written authority of Mr. Weil.

Very respectfully,

JOHN J. KEY.
P. B. FONKE.

L. B. CAIN, Esq., and Gen. H. P. HAYS.

Please answer promptly. By the time Mr. Cain can get here his case will be more than probably be decided.

Letter from John J. Key to L. B. Cain, filed March 21, 1884.

No. 459 PENNSYLVANIA AVENUE,
Washington, D. C., October 16, 1875.

DEAR SIR: Your letter of October 11, 1875, was received this morning, and it is so important I hasten to answer it.

I will first call your attention to the claim of certain parties in New Orleans, who claim to have an interest in the claim of B. Weil. You can not be too circumspect and cautious in your intercourse with them. Permit me to say, if I was holding your relations with Weil that I would say that everything should be done by me that Weil would have done if he had continued in sound mind to the present time, and that you know he (Weil) conversed with and confided in Col. Fonke, and that Fonke will be able to instruct you and give you information.

Make no issue with any one and deal with them by general promises, not binding, that each and all will be satisfied with your action. This is necessary, as Weil was compelled to promise certain parties that he would help them if they would tell the truth. The award is returned to the office of the Commissioners, but can not be entered until next month, when the Commission meets. Although every witness swore only to the truth, some of them might make trouble if Weil promises, as they claim, were at this time refused. Weil is a good man and told me he intended to do right. When I see you both Fonke and myself will tell you all we know; until then deal with anyone who comes to you as suggested. Col. Fonke bids me say as to De Castro he and Hays recognize their agreement, but both have advanced money to De Castro, and you had better wait for consultation with them; and he does not wish you to advance to De Castro. Of this I know nothing and have no personal interest. I shall govern myself with all parties by the agreement in writing signed by me.

As to the interest of all parties except those you refer to in your letter, written agreements are signed, and so clearly sets forth the rights of all, you will have no difficulty in settling with each party.

There is a matter set forth in writing of party in interest that can only be explained by a personal interview. It will meet with your sanction and, although perfectly proper, the knowledge of the same, at any rate for the present, should be confined to you, Fonke, Hays, and myself. I would answer your inquiry distinctly as to the interest of all parties but it is at this time unnecessary.

You ask if the award can be sold. I answer yes; but terms vary; there is no fixed market value for such, but depend on many causes, such as ability of parties to negotiate, etc. There is but little doubt that the award can be sold. If all matters connected with transfer can be made satisfactory it will bring 60 cents at least in money of the United States.

Now the important matter on the subject of transfer are your powers under your power of attorney from Mrs. Weil. Have authenticated copies of the orders of court, making her conservator or guardian of B. Weil, as an insane person; also have your power of attorney recorded, and bring also a certified copy of the same; have the clerk's certified copy, also certified by the judge of the court.

Now, come on at once. Fonke has written to Hays in Virginia, and I shall telegraph you if he comes here. Your case will soon be decided, and, as far as I can see, must be favorable.

Yours, truly,

JOHN J. KEY.

S. B. CAIN, Esq.

STATE OF LOUISIANA, PARISH OF ORLEANS,
City of New Orleans:

I, Edgar A. Luminais, clerk of the civil district court for the parish of Orleans, do hereby certify that the foregoing eighteen pages do contain true and correct copies of certain documents filed in the cases of Joseph C. Morris *vs.* Mrs. Caroline Cain and Adolph Marks, testamentary executor of L. B. Cain and P. S. Weltz, public administrator of the succession of Benjamin Weil *vs.* Caroline Cain and Adolph Marks, testamentary executor of L. B. Cain, instituted in this court and in the records thereof, under the numbers 3127 and 3394.

In testimony whereof, I have hereunto set my hand and affixed the impress of the seal of said court at the city of New Orleans on this 11th day of April, in the year of our Lord 1890, and in the one hundred and fourteenth year of the Independence of the United States of America.

[SEAL.] E. A. LUMINAIS, *Clerk.*

EXECUTIVE SESSION.

Mr. HAWLEY. I am sorry to trouble the Senate at this hour, but I should like a brief executive session. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, February 1, 1892, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 28, 1892.

MEMBER BOARD OF ORDNANCE AND FORTIFICATIONS.

Byron M. Cutcheon, of Michigan, for appointment as a civilian member of the Board of Ordnance and Fortifications, to date from July 1, 1891, the date of his temporary appointment as such.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 28, 1892.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read, and, after correction, approved.

CHIPPEWA INDIANS.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior, submitting amended estimates to those submitted heretofore for the relief and civilization of the Chippewa Indians for the fiscal year ending June 30, 1893; which was referred to the Committee on Indian Affairs.

PUBLIC BUILDING, EASTPORT, ME.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, requesting that an appropriation be made for the United States custom-house and post-office building at Eastport, Me.; that the same may be completed, and said item included in the urgent deficiency estimates; which was referred to the Committee on Appropriations.

PROPAGATION OF FOOD FISHES.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State, submitting an estimate for an appropriation to reimburse the appropriation for the propagation of food fishes for the fiscal year 1892; which was referred to the Committee on Appropriations.

BUILDINGS AT MILITARY POSTS.

The SPEAKER also laid before the House a letter from the Acting Secretary of War, transmitting a copy of a letter from the Second Comptroller, recommending the insertion in the sundry civil bill for the fiscal year ending June 30, 1893, of a proviso in connection with the appropriation for the construction of buildings at and the enlargement of such military posts as in the judgment of the Secretary of War may be necessary; which was referred to the Committee on Appropriations.

A. B. CRENSHAW ET AL. VS. THE UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting copies of the findings of the court in the cases of the following-named persons against the United States: A. B. Crenshaw, J. H. Humphreys, and John Kannell; which was referred to the Committee on War Claims.

Also, a copy of the findings of the court in the case of David Lynch, deceased, against the United States; which was referred to the Committee on War Claims.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. GORMAN to withdraw from the files of the House of the Forty-sixth Congress papers in the case of Jacob H. Starke without leaving copies.